



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

**AGENDA
VILLAGE OF SUSSEX
VIRTUAL PLAN COMMISSION MEETING
6:30 PM TUESDAY, MAY 19, 2020**

THIS MEETING CAN BE ACCESSED IN ONE OF THE FOLLOWING WAYS:

- 1. BY CALLING 1 312-626-6799 AND ENTERING MEETING ID: 881 6054 5636 THE MEETING MATERIALS WILL BE AVAILABLE AT WWW.VILLAGESUSSEX.ORG AND DURING THE MEETING BY WATCHING CHANNEL 25 THE VILLAGE'S CABLE CHANNEL ON SPECTRUM CABLE.**
- 2. CLICKING THE FOLLOWING LINK: <https://us02web.zoom.us/j/88160545636>**

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

1. Roll call.
2. Consideration and possible action on the minutes of the Plan Commission meeting of April 16, 2020 and April 21, 2020.
3. Consideration and possible action on Permitted Uses and Plans:
 - A. Consideration and possible action on a Plan of Operation and site plan for MJ Excavating a division of MJ Electric LLC (N64W22998 Hwy 74).
4. Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:
 - A. Consideration and possible action on a CSM and the Introduction of a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).
5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
 - A. Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline.
 - B. Consideration and possible action on a CSM for Maurice and Diane Koch to create a single family lot for W238N6640 Orchard Drive.
 - C. Consideration and possible action on a Final Plat for Woodland Preserve Subdivision continuation of Woodland Creek Drive.
6. Other items for future discussion.

7. Adjournment.

Anthony LeDonne
Chairperson



Jeremy J. Smith
Village Administrator

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

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission Virtual Public Hearing held on April 16, 2020.

President Goetz called the public hearing to order at 5:30 p.m.

Members present: Commissioners Annette Kremer, Roger Johnson, Deb Anderson, Amanda Schauer, David Ray, Trustee Scott Adkins and Village President Greg Goetz.

Members excused: None.

Others present: Administrator Jeremy Smith, Asst. Administrator Kelsey McElroy-Anderson, Attorney John Macy, Assistant Development Director Kasey Fluet, Village engineer Judy Neu, Deputy Clerk Linda Steinmetz and applicants.

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

Convene the public hearing of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive).

Michael Samuels, agent for Andev Group, LLC spoke on behalf of The Courtyard at Sussex, Assisted Living Facility (letter attached). Andev Group has developed multiple senior living sites in Wisconsin and Illinois. This facility is restricted to residents over the age of 55. Site will have a CBRF section with 27 assisted living units and 25 memory care units and a RCAC section with 58 independent living apartments. Parking is limited to staff and visitors as residents do not drive. There will be a transportation bus available for residents. Site will have 16 employees. Shifts are 7am-3pm, 3pm – 11pm and 11pm – 7am. Seventy four parking stalls are on site. Memory care section is a secure area and fire exits are controlled. Site is designed to meet the needs of an aging resident and provides a safe environment for those no longer able to live independently.

Ben Ganther presented power point presentation of center with samples of similar developments.

Ken Koziczkowski presented the site plan. Entrance is off Hickory Drive and there is a continuous loop around the property for fire/ emergency vehicles. RCAC section is two story, remainder of building is one story. Staff parking is on the south side of the building, visitor parking is on the north and east side of the building. At the cul-de-sac, there is a path that connects to the Bug Line Trail.

Josh Pudelko presented the stormwater plan. There will be three stormwater basins/ prairie garden areas (dry ponds) with native plants. Collected storm water will drain into Sussex Creek. There will be a fence with landscaping from Hickory Drive to the dumpster to screen the stormwater ponds from residential housing to the south. Landscaping in enclosed courtyards and around building. Fixtures are designed to prevent light from shining off site. Dumpster will blend into building.

Tom Ostrom – Manager of several senior living sites in Wisconsin and Minnesota explained the difference between RCAC/ CBRF care. Those living in RCAC section typically require a reduced level of assistance and services compared to CBRF residents. They reside in an apartment type setting with access to common areas. As needs become greater, those in RCAC can move into the CBRF area. CBRF residents receive personalized care and assistance with activities of daily living. 50% of CBRF will be for memory care. Staff to include Administration personnel, Full Time Nurses, Care personnel, Activity personnel and Maintenance personnel. Meals are provided daily. Residents are older and do have care needs that can lead to an emergency call. Staff is trained to handle emergency situations and will not call for an ambulance unless needed. They generally have 2-4 emergency calls per month.

Commissioner Johnson had concerns of impact on neighborhood to the south. Asked for more information on landscaping buffer. Fence from Hickory Drive to dumpster is cedar – six feet high and has plantings on both sides of fence plus pine trees to help hide the parking stalls and separate the stormwater pond from the homes to the south.

Michael Samuels presented their code compliance items (letter attached):

- Project is consistent with intent and purposes of Chapter 17 to provide a safe and secure senior housing project at this location.
- Project is consistent with land-use policies – building codes and zoning restrictions are being incorporated.
- Project is designed to be harmonious with the area.
- Project will not adversely affect or be hazardous to the existing neighborhood.
- Project will not be detrimental to the economic welfare of surrounding properties.
- Project is adequately served by public facilities and all utilities will be extended to site.
- Project is adequately served by public sanitation and water.
- Project will not involve uses, activities, materials, and equipment detrimental to persons or property.
- Project will not have an adverse impact on natural resources of the Village.

Mr. Samuels stated they had received and reviewed the conditional use document and agreed with the document as presented.

Comments from the public: Diane Weinfurter, N62W23684 Sunset Drive inquired if other locations were considered and will properties to the south along fence line get tax relief. Petitioner stated that they hired local real-estate professionals to find sites. This site stood out because of its size and the location is excellent. Developer prefers to locate this type of facility in a neighborhood setting.

Mr. Smith stated taxes are based on assessed values. Staff does not believe this development will have any negative impacts on assessed values.

Comments from the Plan Commission: Commissioner Adkins asked why entrance was off Hickory instead of Silver Spring and if staff parking could be moved to east or north side of the building to reduce impact on homes to the south.

Mr. Smith stated staff did not want entrance on Silver Spring Drive due to curve in road and closeness to traffic light at Main Street.

Mr. Koziczkowski stated main entrance is on north side of building to buffer traffic from homes located to the south. There will be transportation pickups throughout the day at the main entrance. Parking could not be placed on northeast side of site due to wetlands. Mr. Anbar questioned if it was possible to have staff park on east side of building and have overflow parking in back near homes. Mr. Samuels stated they could adopt rules of operation to have staff park in certain areas on site. Commissioner Adkins stated he prefers to keep any constant flow of traffic away from the homes to the south.

Commissioner Adkins also had concerns about lights shining into the homes south of the site. Petitioner stated they would look into alternatives concerning lighting. Commissioner Johnson stated he also wished to keep parking lot lights from spilling over onto properties to the south.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stated the site is zoned B-4. The community based residential facility (CBRF) is a conditional use in the B-4 Central Mixed Use District in accordance with Section 17.0506 (B)(3). The Matthews Senior Living group is proposing to construct a 103,999 square foot senior living facility. The facility will have a total of 110 units 58 units for residential care

apartments (10-studio, 42-one bedroom and 6-two bedroom) 27 assisted living units and 25 memory care units.

The ARB reviewed the plans at the March 11 meeting and made the following motion:

A motion by Goetz, seconded by Schauer to approve the site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive) subject to the following conditions:

- *Add street trees in the right of way along Silver Spring and Hickory Drive.*
- *Add a screening fence at the north east corner near the rain garden #3 storm water basin*
- *to screen the two backyard properties on Sunset Drive.*
- *Approval of the new updated logo for the monument sign face.*

A motion by Goetz, seconded by Kremer to close the public hearing.

Motion carried 7-0.

Consideration and possible action on a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive) and recommendation to the Village Board on the Developer's Agreement for the same.

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive).

The Plan Commission concluded that the Petitioner had provided substantial evidence with regards to the following Standards/Regulations:

- The Application is complete and consistent with 17.0502
- The use(s) and plans are compliant with 17.0503 (Review of CU's)
- The use(s) and plans are compliant with 17.0200 (General Conditions)
- The uses(s) and plans are compliant with 17.1000 (Site Plan Review)
- Petitioner has provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.

The Plan Commissioners concluded that the Petitioner had provided substantial evidence with regards to the Conditional Use Permit as follows:

- A.3.A. Site Plan Standards compliance
- A.3.B. Plan of Operation compliance
- A.3.C.-J. Various Plan(s) compliance
- A.4.-18. CU condition compliance
- B-L. Administrative CU Condition compliance

A motion by Johnson, seconded by Kremer to approve the Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan subject to Village Engineer looking at reducing the effect of the lights on the properties to the south, landscape plan and signage plan based upon the evidence presented at the Public Hearings for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive), to recommend to the Village Board approval of the Developers Agreement; subject to any conditions of the ARB, the Village Engineer, a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

Motion carried 7-0.

Adjournment

A motion by Kremer, seconded by Anderson to adjourn the public hearing at 6:44 pm.

Motion carried 7-0.

Respectfully Submitted,

Linda Steinmetz
Deputy Clerk

DRAFT



MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of April 16, 2020
DATE: April 8, 2020

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

01. Roll call.

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

A. Convene the public hearing of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive).

This site is zoned B-4. The community based residential facility (CBRF) is a conditional use in the B-4 Central Mixed Use District in accordance with Section 17.0506 (B)(3). The Matthews Senior Living group is proposing to construct a 103,999 square foot senior living facility. The facility will have a total of 110 units 58 units for residential care apartments (10-studio, 42-one bedroom and 6-two bedroom) 27 assisted living units and 25 memory care units.

The ARB reviewed the plans at the March 11 meeting and made the following motion:

A motion by Goetz, seconded by Schauer to approve the site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive) subject to the following conditions:

- *Add street trees in the right of way along Silver Spring and Hickory Drive.*
- *Add a screening fence at the north east corner near the rain garden #3 storm water basin to screen the two backyard properties on Sunset Drive.*
- *Approval of the new updated logo for the monument sign face.*

Please see the impact report for more information. Of particular import is a staffing plan from the operator detailing the staffing levels and round the clock standards to provide sufficient care to the residents such that Paramedic needs are limited to critical medical emergency responses.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner

to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

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

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

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

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

D. Additional information as may be required by the Plan Commission or Administrator. **{This may come out during the Public Hearing.}**

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. 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, and the proposed operation.

A. Upon receipt of the application, foregoing data and fees, the Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

B. The procedure for public hearing before the Plan Commission shall be as follows: 1. Any person may appear in person, by agent, or attorney. 2. The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence. 3. 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.

C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.

D. 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, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

E. 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 authorized to be modified by a conditional use. Variances shall only be granted as provided in Section 17.1200 of this ordinance.

F. 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 Zoning District Standards Section 17.0419 Central Mixed Use District

B-4 CENTRAL MIXED USE DISTRICT

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

- A. It is the specific intent of the B-4 District to:
1. Encourage development of retail, residential, and office uses that are compatible with the historic Village setting in size, scale, and architectural character.
 2. Encourage the retention and restoration of existing buildings, along with the landscaping and design elements that are characteristic of the Village setting.
 3. Provide opportunities for a diversity of commercial uses and a mix of compatible residential uses.
 4. Encourage mixed-use development on larger tracts in order to fully utilize the area of these tracts for the economic benefit of both the Village and the property owner.

5. Encourage those types of commercial and office uses that do not generate a traffic volume that may lead to congestion.
6. Encourage consolidation of driveways, parking, and curb cuts to enhance safety and provide more efficient and economical access and parking.
7. Encourage the creation of connection driveways parallel to Main Street, to the rear of existing and new development, where appropriate, in order to reduce conflicts between downtown commercial traffic and through traffic.
8. Minimize visual and functional conflicts between residential and non-residential uses within and abutting the district.

B. Lot Area and Width

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

C. Permitted Uses in the B-4 District

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

1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Bed and breakfast establishments
 - (c) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (d) Bars
 - (e) Food service contractors and caterers
2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, and artists offices/studio
 - (b) Theater companies and dinner theaters, dance, musical groups, and performing arts companies.
 - (c) Sports teams, clubs and commercial recreational facilities.
 - (d) Museums, historical sites, zoos, botanical gardens, and marinas
3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services
 - (e) Vocational rehabilitation services
 - (f) Community food services
 - (g) Religious facilities
 - (h) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (i) Youth, elderly and disability social services and emergency relief services (non-housing) in the B-4 district.
 - (j) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive-through
 - (b) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (e) Office equipment rental and leasing
5. General Services
 - (a) Repair and Maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) Coin operated laundries and drycleaners
 - (f) Dry cleaning and laundry services (non-industrial)
 - (g) Photo finishing laboratories
 - (h) General business offices
 - (i) Travel and visitor services
 - (j) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
6. Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes
 - (b) Telecommunications services
 - (c) Motion picture and video production
 - (d) Motion picture theaters excluding drive-ins
 - (e) Libraries and archives
 - (f) Newspaper, printers, paper and software publishers, recording studio record production, telecommunications services and data processing.
7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT
 - (f) Research and development facilities (non industrial)
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
 - (g) Pest control services
 - (h) Veterinary services
 - (i) Offices of holding companies and regional managing offices
8. Public Administration and Government Services
 - (a) Public utility, offices of Federal, State, and Local Governments
 - (b) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
9. Retail Trade

- (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Internet sales shopping/mail order business and vending machine sales
10. Manufacturing/Assembly
- (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
11. Transportation and Warehousing
- (a) Courier, delivery, postal service businesses and U.S. postal Service
12. Housing and Mixed Uses
- (a) Business or professional home offices such as residences of clergymen, architects, landscape architects, professional engineers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
 - (b) Single-family residential detached home and two-family residential dwelling, but only if the use is constructed prior to January 1, 2010. In the event of a disaster these dwellings may be reconstructed.
 - (c) Conversions. A conversion of an existing single family residential detached building into a combination of non-residential and residential uses or all non-residential uses in a single existing building meeting the following requirements:
 - (1) The front facade and front porch of the existing building, if any, shall be preserved and any building addition shall be located to the rear, and shall be compatible with the existing building in size, scale, and building materials unless the Plan Commission with review and recommendation by the architectural review board determines that the particular façade or front porch is not architecturally significant or if the new proposed façade, front porch, or building addition more appropriately meets the design standards of the Village than the existing structures. Stairways, fire escapes, and other structural alterations shall be located to the rear or side of the building.
 - (2) A single-family detached dwelling may be converted to:
 - (a) A maximum of three non-residential uses with no residential uses, or

- (b) One apartment with up to two non-residential uses.
- (3) Residential units must meet the minimum size and facility requirements found in Section 17.0506(A)(15)(g).
- (4) To encourage a business environment that is compatible with the residential character of the Village, conversions to permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission and Architectural Review Board. Said review and approval shall be concerned with general layout, building plans, architectural and façade treatment, ingress and egress, design, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the “Downtown Design and Development Plan.”
- (d) A permitted or conditional non-residential use is allowed in accessory buildings located to the rear or side of principal buildings, provided that adequate parking is provided and the non-residential use is owned or operated by a person or entity legally occupying a portion of the principal building.
- (e) Mixed Use Development. Mixed-use development if it meets the following conditions:
 - (1) The project shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture, signs, lighting standards, parking, driveways and pedestrian circulation, in conformance with the following requirements:
 - (a) Residential and non-residential uses may be combined on a single parcel in new buildings or a combination of new and existing non-residential building(s).
 - (b) Residential uses on the ground floor of buildings in a mixed use development are allowed if the Plan Commission finds that the overall mixed-use development has sufficient retail/office presence to meet the intent of the Downtown Development and Design Plan.
 - (c) When the mixed use involves a conversion of an existing non-residential building the development must establish and or maintain non-residential uses on the ground level of the building(s) such that the Plan Commission finds that the overall mixed-use development will maintain sufficient non-residential presence to meet the intent of the Downtown Development and Design Plan.
 - (d) On large buildings, variations in facades, canopies, and roof lines to provide contrasts of height, color, texture, and materials are encouraged.
 - (e) Any building facade which is visible from a street or other public place shall be constructed of traditional building materials such as local stone, brick, and wood. The use of these materials on other facades is also encouraged.

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

D. Permitted Accessory Uses

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

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

- F. Dimensional Standards.

The following standards shall apply to all uses:

 - 1. Build-to Line: For all construction a build-to line rather than a minimum street yard shall be used. New buildings shall be constructed to a line formed by the average building setback of the buildings on the adjacent lots on both sides. If no existing buildings are present on the adjacent lots, the average setback of the next nearest buildings on each side shall be used. The build-to line may be adjusted by the Plan Commission if it finds that a change in the build-to line would be consistent with the Downtown Design and Development Plan, and the Design Standards. The build-to line shall not be less than five (5) feet.
 - 2. Side yard: 10 feet on each side, except one or both sideyards may be reduced if the Plan Commission finds that:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction,
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards and the Downtown Design and Development Plan of the Village.
 - 3. Rear yard: 15 feet.
 - 4. Loading docks may be required to be set back a greater distance from the side or rear lot line, as determined by the Plan Commission.
 - 5. Setback from the Bugline Recreation Trail right-of-way: 15 feet.
 - 6. Accessory buildings shall be set back from all property lines at least five (5) feet, except that accessory buildings used for principal uses shall meet all the setback requirements for principal buildings.
 - 7. Maximum height: 45 feet.
 - 8. Minimum shoreyard: No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
 - 9. Parking lot setbacks:
 - (a) From street right-of-way: The setback of the principal or 25 feet, whichever is less. No parking shall be permitted between the front of the principal building and the street line with the following exception: The Plan Commission may allow up to ten (10) percent of the parking to be in the street yard if it finds that the no street yard parking requirement is unfeasible for the site.
 - (b) From rear property lines: ten (10) feet; except that the Plan Commission may allow a reduction of this requirement to five (5) feet, upon the Architectural Review Board's recommendation of a landscape plan that meets the design standards and intent of the Downtown Design and Development Plan.
 - (c) From side property lines: five (5) feet, however no setback is required if shared parking is used and cross-easements are established.
 - (d) From buildings: five (5) feet.
 - (e) Any parking structure that was constructed prior to the date of the original adoption of the parking lot setback requirements for the B-4 Central Mixed Use District in 1990, that does not meet the

current requirements of subsection 17.0419 (F)(9)(a-d), is considered legal non-conforming and does not have to be removed upon performing parking lot restoration work. Extension, expansion, enlargement, reconstruction, substitution, or moving of the parking lot, however, may be subject to said requirements of subsection 17.0419(F)(9)(a-d), as described in Section 17.0900 of this Zoning Ordinance.

10. Property line buffer: A buffer area landscaped with trees and shrubs meeting the intent of the "Downtown Design and Development Plan" and the Village Design Standards, shall be required along all side and rear property lines. Driveways may not encroach into the buffer area unless the lot is too narrow to permit any other alternative, in the opinion of the Plan Commission, or for the purpose of shared parking or connected parking areas between lots.

G. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

H. Development Design Standards

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2040 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

I. Plans and Specifications to be Submitted to Plan Commission

1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, architectural and facade treatment, ingress and egress, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the "Downtown Design and Development Plan."

Section 17.0506 Conditional Uses

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:

B. RESIDENTIAL CONDITIONAL USES

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified in this section. Petitioners for conditional uses in the residential section must produce an "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:

3. Housing for the Elderly, including community-based residential facilities, rest homes and nursing homes in the Rm-1 and B-4 districts. Elderly housing shall not exceed a density of more than 17.4 dwelling units per acre in the Rm-1 district or more than 22 units per acre in the B-4 district. Upon recommendation of the Architectural Review Board the Plan Commission may reduce the number of required parking spaces for elderly housing in the B-4 district when parking shared with adjacent businesses is provided, however, parking dedicated to the elderly housing use shall not be less than 0.5 parking spaces per dwelling unit.

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.

The Conditional Use Permit Standards to be met:

A. This conditional use is granted for the Petitioner for the above for the above enumerated uses, incorporating the findings as set forth above and subject to the following conditions:

(1) Presentation Compliance. The community based residential facility development is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearing before the Plan Commission held on April 16, 2020.

(2) Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property described in **Exhibit "A"** attached hereto and incorporated herein and to the site plan presented at public hearing.

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

A Site Plan. The Petitioner shall submit and receive approval from the Village Plan Commission, pursuant to Section 17.1000, a specific site plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan shall be attached hereto and incorporated herein as **Exhibit A-1**. The site plan must include a ten foot wide path extending from the northwest property boundary to connect to the Bugline Trail and extend the path to connect to the property to the north and as shown on site plan Exhibit A-1 along with a connection from the cul-de-sac to this pathway, and the Petitioner shall complete all work depicted on the site plan, at Petitioner's expense.

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

1. Of particular concern is the balance of the operator of this facility providing adequate staffing 24/365 with appropriate protocols such that the use does not overburden the Emergency medical resources of the Village. A key aspect of this approval is for the petitioner to provide and follow a staffing and operations plan that must be approved by the Fire Chief such that Village emergency medical resources are only utilized for actual emergency medical purposes at the facility. If the Fire Chief finds that the petitioner fails to implement said plan or said plan still results in impacts to the Village's emergency medical services beyond the agreed upon service call volume from the adopted plan, then the petitioner shall within 90 days of notice from the Village attempt to set a revised plan for the operations of the same. If no agreement is reached on a revised plan within 90 days of notice this CU shall be brought forward to the Plan Commission for review based upon the impact of the operations to the general welfare and safety of the public.

C Traffic, Access, Loading, and Parking Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific traffic, access,

loading, parking and egress plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan shall be attached hereto and incorporated herein as **Exhibit C**.

- D. Lighting Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific lighting plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan shall be attached hereto and incorporated herein as **Exhibit D**.
- E. Signage Plan. The Petitioner shall submit to and receive approval from the Architectural Review Board a specific signage plan for the Subject Property. When approved said signage plan shall be attached hereto and incorporated herein as **Exhibit E**.
- F. Public Improvements. In conjunction with the development of the site there are requirements to install certain public improvements (public street, water, sewer, stormwater, and sidewalk) and those improvements shall be installed and reviewed by the Village Engineer with accepted by the Village Board. When approved said public improvement plans shall be attached hereto and incorporated herein as **Exhibit F**.
- G. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall submit to and receive approval from the Village Engineer a specific sewer, water, stormwater, and erosion control plan(s) for the Subject Property. When approved said plans shall be attached hereto and incorporated herein as **Exhibit G**.
- H. Fence, Landscaping, Berm, and Open Space Utilization Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific fence, landscaping, berm and open space utilization plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan shall be attached hereto and incorporated herein as **Exhibit H**.
- I. Architectural and Building Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific architectural and building plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the meetings. The plans shall be attached hereto and incorporated herein as **Exhibit I**.
- J. Outdoor Storage and Uses Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission an Outdoor Storage and Uses Plan, the same to show that no outdoor storage or use shall be permitted on the Subject Property with the following specific exceptions and any such plan must meet the following minimum requirements or conditions:

1. 1. Trash dumpsters limited to the minimum number needed to meet the recycling law requirements. The trash dumpsters shall be screened from view and shall be maintained in a safe and sanitary condition at all times
2. 2. Equipment shed shall be kept in good maintenance condition at all times.
4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.
5. Licenses. The Petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and Federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.
6. Laws. The Petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
7. Building and Fire Inspection. The Petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
8. Aesthetics. The Petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Section 9.07 of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Plan Commission of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained except for as allowed by Outdoor Establishment Permit under Chapter 4.09 or Auxiliary Use under section 17.0710.
11. Fees and Expenses. The Petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this conditional use permit. The Village Clerk shall provide the Petitioner with copies of all itemized invoices.
12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this conditional use permit must be paid by the Petitioner.
13. Complaints. In the event the Petitioner receives any complaints with regard to the operation authorized by this conditional use, the Petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.
14. No Nuisance. The Village reserves the right to rescind its approval of this conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided

the Petitioner is given an opportunity to be heard on the matter and, if so rescinded the Petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances , as applicable, regarding the use of the Subject Property as though no conditional use permit was granted.

15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and Petitioner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.
 16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the conditional use permit as the Plan Commission for the Village of Sussex deems appropriate.
 17. Assessed Value. This project is located within a TIF District and it is essential component of approval of this use on the subject property to produce sufficient increment for the financial viability of the TIF District and the general welfare of the community. The Petitioner agrees to maintain a taxable residential class assessment and an assessed value on the subject property of at least \$14,000,000 starting with the assessment on January 1, 2018 through the life of the TIF District #6, which is anticipated to close in 2040. In the event the assessed value in any year is less than \$14,000,000, the Petitioner shall pay to the Village by January 31 of the year following such assessment the difference between the tax amount paid based upon the actual assessed value and the amount that would have been paid if the assessed value had been \$14,000,000. No additional payment is necessary for any year if the assessed value for that year is above \$14,000,000 and the subject property is classified as residential and not tax-exempt. If the subject property, or any portion of the subject property becomes tax-exempt for any reason, the obligation to pay an amount equal to the taxes that would be paid for property with an assessed value of \$14,000,000 that is classified as residential continues in effect. The clerk will provide notice to the Petitioner with each annual tax bill to the amount owed. This payment is essential and failure to pay the amount by January 31 of each year shall automatically result in the Conditional Use being brought before the Plan Commission for revocation, and is grounds for revocation. Nothing herein shall be interpreted as modifying any agreement the Village may have with the Owner, ECT International, Inc., Mammoth Springs, LLC or any other person or entity, nor shall this be interpreted as relieving any obligation such persons and entities may have to the Village. In the event the obligations herein match obligations agreed upon by others, the obligations to the Village are joint and several.
 18. Financial Guarantee and Agreement. Subject to the Developer submitting to the Village Clerk and receiving approval as to form from the Village Attorney and as to amount from the Village Engineer, a letter of credit or cash and subject to the Developer submitting to and receiving from the Village Attorney and the Village Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the final Land Division, whichever is earlier.
- B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.
- C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Sussex, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it

authorizes the use of the Subject Property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

- D. This conditional use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.
- E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission for the Village of Sussex.
- F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.
- G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Village Plan Commission if the Village Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Village Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- H. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- I. This conditional use permit shall be effective for an initial term that ends five years from the date of January 1 of the year the conditional use is approved. During the final year of the 5 year term of the CU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the CU. If based upon that review the use of the property is compatible with the surrounding areas and the Petitioner is in substantial compliance with all terms of this conditional use agreement, then, in that event, the Conditional Use can be automatically renewed for another 5 year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the Conditional Use, the Petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility

to apply for the renewal by January 30th of the final year of the term of the CU. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.

1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.
 2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.
 3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.
- J. Upon acceptance by Petitioner of this conditional use permit, all prior conditional use permits granted to the Subject Property are hereby revoked and terminated.
- K. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.
- L. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of this order. The remainder of the order shall remain in full force and effect.

The Plan Commission and Public will now be able to ask questions or give evidence with the Petitioner responding in turn to the same about the plans, code, and CU document. After completion of the comments from the Public, the Plan Commission shall:

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 CU Permit; or
2. Close the public hearing for action.

B. Consideration and possible action on a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive) and recommendation to the Village Board on the Developer's Agreement for the same.

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for

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

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

The Application is complete and consistent with 17.0502 Yes or No

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

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

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

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

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

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

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

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

A.4.-18. CU condition compliance Yes or No

B-L. Administrative CU Condition compliance Yes or No

Action Items:

1. Act on the CU and various plans.

Staff Recommendation: Staff recommends approval of the Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and signage plan based upon the evidence presented at the Public Hearings for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive) a recommendation to the Village Board to approve the Developers Agreement; subject to any conditions of the Village

Engineer, a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

03. Adjournment.

Exhibit “A”

Village of Sussex Plan Commission

Standard Conditions of Approval Plan of Operation and Site Plan

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

1. Presentation compliance. Subject to Petitioner operating the premises at all times in substantial conformity with the presentation made to the Village Plan Commission, as modified or further restricted by the comments or concerns of the Village Plan Commission.

2. Inspection compliance. Subject to the Petitioner submitting to and receiving the approval from the Village Administrator, written proof that the Village Building Inspector and Fire Chief have inspected the subject property and have found that the subject property is in substantial compliance with applicable federal, State, and local laws, statutes, codes, ordinances, policies, guidelines and best management practices, prior to this approval being effective.

3. Regulatory compliance. Subject to the Petitioner and Owner fully complying with all Village, County of Waukesha, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises, including but not limited to compliance with Section 17.1000 of the Village of Sussex Zoning Code entitled “Site Plan Review and Architectural Control,” as determined by Village Staff.

4. Satisfaction of Engineer. Subject to the Developer satisfying all comments, conditions, and concerns of the Village Engineer regarding the Petitioner’s application prior to this approval being effective.

5. Required plans. Subject to the Developer submitting to and receiving written approval from the Village Administrator of all of the following plans as deemed necessary by the Village Administrator:

- A. Landscaping plan
- B. Parking plan
- C. Lighting plan
- D. Signage plan
- E. Traffic plan
- F. Grading plan

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

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

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

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

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

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



March 17, 2020

Mr. Gregory Goetz, Village President

Members of the Village of Sussex Plan Commission:

Ms. Annette Kremer

Ms. Amanda Schauer

Mr. Roger Johnson

Ms. Debbie Anderson

Mr. David Ray

Mr. Scott Adams

Re: Application for Conditional Use

Ladies and Gentlemen,

Andev Group, LLC is the contract purchaser of the approximately 7.7-acre parcel located at Hickory Street and Silver Springs Road. The attached proposal is for development of a Senior Living Community. The property at this location is currently undeveloped land. The proposed purchaser of the property is ANDEV Group, LLC, or its nominee, who would be purchasing in order to provide the Senior Living Community facility to be operated by Encore Management and Development, a major senior living operator. ANDEV Group, LLC is a Midwest developer of senior housing having developed multiple sites located in Wisconsin and Illinois.

The existing site is zoned B-4 which requires a conditional use approval for a Senior Living Community facility. The proposed building will house three separate types of housing, specifically designed for and restricted to residents over the age of 55. The building will house a CBRF composed of an assisted living section with 27 apartments and a memory care section with 25 units. The building also includes an RCAC-Licensed section consisting of 58 independent living apartments with full kitchens and amenities.

The site is surrounded by zoning types: B-4 to the north, B-2 to the east, Rs-4 to the south and Rs-4 to the west. Based on the use of the facility, the road, and driveway design and landscaping features, the impact on neighboring parcels will be minimal.

Parking for the assisted living and memory care portions of the facility is limited to staff and visitors, as residents do not drive, and transportation is provided by the operator by van or bus. Visitation is typically light, with an increase on certain holidays or special events. The day shift is the maximum staffed shift and includes approximately 16 employees. Shifts will most likely operate on a 7-3, 3-11 and 11-7, 24-hour rotation.

Parking ratios are not specifically set out in the ordinance for this unique use. The fact is that very few of the residents in this type of community own or drive cars. We have provided 74 total parking spaces which the operator has determined will adequately provide space for all employees in the largest shift,



visitors and the few residents who may have a vehicle. Transportation for residents is always available through the community's handicapped-accessible bus/van.

As residents of the memory care units are impaired and pose a wandering risk, that section of the building is a "secure" facility. Exterior courtyards are fenced and building exiting is controlled. Residents needing to go off-site are supervised. Fire exits are controlled through the use of code-approved delayed egress devices.

Like the country as a whole, Sussex's population is becoming significantly older, and the demographic and social changes that are beginning to affect the city will forever alter how the community looks and feels. With an aging population, this community will face both new opportunities and challenges in responding to older people's needs and wishes.

One out of eight people age 65 and older (13 percent) has Alzheimer's disease. As older people move toward retirement, local governments, community and health organizations and families are becoming more aware of the challenges of our aging population:

- Local governments are realizing the demand for accessible, age-friendly infrastructure and transportation options.
- Families are navigating the social and economic challenges of parents and grandparents that require extra care and who may have to move from their homes and communities to access services and specialized accommodations.

All of ANDEV Group's senior housing establishments are conceived and designed specifically to meet the needs of the growing segment of the senior population, many of whom are no longer capable of independently performing activities of daily living such as cooking, cleaning, laundry, dressing, bathing, etc. but are not so ill or incapacitated that they need full-time nursing care. Additionally, many of these older persons suffer from dementia and memory loss. These people are at risk to themselves as they become easily confused, disoriented and lost. They are not, however, necessarily in need of being placed in a nursing home. Assisted living housing provides a safe and protective environment for them in which their needs can be met while maintaining a residential setting for their comfort.

Older adults are a vibrant cohort of all communities and contribute to the economy, support extended families, participate in volunteerism, and generally enhance the social health of our neighborhoods. By encouraging creative housing solutions such as assisted living communities, transportation alternatives, and social and recreational programs we have the opportunity to play an important role in facilitating the ability of older adults to age in place in Sussex.

With respect to the factors applicable to the Special Use contained within the Village of Sussex ordinance section 17.0503 for ANDEV's proposed Senior Living Community we submit the following:



(1) We believe that the project is consistent with the intent and purposes of the chapter and, specifically according to the provisions of Sussex's ordinances to provide a variety of safe and secure senior housing alternatives for an aging population within a single integrated community.

(2) The project is consistent with applicable land-use policies contained in the Village's Master Plan of current adoption in that all building codes and zoning restrictions are being incorporated and respected without variance.

(3) The project, as can be seen from the elevations and renderings has been designed, and will be constructed, landscaped, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area. This area is currently vacant land covered with vegetation that is of no particular character and will improve that character with engineered stormwater control management, an aesthetically pleasing building, and professionally designed landscapes.

(4) The project will not adversely affect or be hazardous to existing neighboring uses. ANDEV has met with the neighbors and their representatives prior to presenting its application to the Plan Commission to ensure that their questions, opinions, and preferences are heard and satisfactorily addressed. The developer has been informed that the primary concern of the residents of the single-family homeowners that will be nearest to the project is that there be fencing to protect their young children from approaching the stormwater detention area nearest their homes. The project design will be altered to respect this preference.

(5) The project will not be detrimental to the economic welfare of surrounding properties or the community. To the contrary, the project anticipates the direct creation of approximately 75 new jobs and will support local businesses and suppliers – generating increased sales and real estate taxes that will benefit the residents of the entire village.

(6) The project is adequately served by public facilities, such as existing roads, schools, stormwater drainage, public safety, public transportation, and public recreation, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such service. All of the utilities necessary for the project's construction and maintenance will be extended to the site and are sized of sufficient capacity to accommodate the needs of the proposed new community.

(7) The project is adequately served by public sanitation facilities. The same factors listed above regarding roads, stormwater, etc. are applicable to the availability and capacity of the water main and sanitary sewer connections.

(8) The project will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The project has been specifically designed and engineered to provide all necessary traffic improvements to accommodate further development consistent with existing zoning to the north of the project without connecting to the single-family neighborhood to the east, but still providing a second route for fire and emergency services from the north if necessary.



(9) The project will not directly or indirectly have a substantial adverse impact on the natural resources of the village, including, but not limited to, prime agricultural soils, water recharge areas, lakes, rivers, streams, major forests, wetlands, and wildlife areas, all of which are being respected in the design of stormwater detention and avoidance of natural wetlands.

I am available to answer questions or provide further clarification if necessary,

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael D. Samuels", written over a horizontal line.

Michael D. Samuels, authorized agent for
Andev Group, LLC

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 Virtual Plan Commission meeting held on April 21, 2020.

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

Members present: Commissioners Deb Anderson, Amanda Schauer, David Ray, Annette Kremer, Roger Johnson, Trustee Scott Adkins and Village President Anthony LeDonne.

Members excused: None

Others present: Village Administrator Jeremy Smith, Asst. Village Administrator Kelsey McElroy-Anderson, Village Attorney John Macy, Assistant Development Director Kasey Fluet, Village Engineer Judy Neu, Deputy Clerk Linda Steinmetz 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 February 18, 2020 and April 15, 2020.

A motion by Schauer, seconded by Kremer to approve the minutes of the Plan Commission meeting of February 18, 2020 and April 15, 2020 as presented. Motion carried 7-0.

Consideration and possible action on a Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD).

Jennifer Wingelnik spoke on behalf of Athletico Physical Therapy, N63W23675 Main Street: business will provide physical therapy, occupational therapy, sports rehabilitation and work rehabilitation at new location. Company is excited to expand their patient base to Sussex.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The general medical services is a permitted use in accordance with Section 17.0419 (C)(3)(d) in the B-4 Central Mixed Use District. Athletico is proposing to open a 3,000 square foot location to service clients for physical, occupational, sports, and work related therapy services. They will have 5 employees, hours of operation will be Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday 7:00 a.m. to 12:00 p.m. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, this user will require 10 stalls. The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

Plan Commission Comments: none

A motion by Johnson, seconded by Kremer to approve the Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), subject the standard conditions of Exhibit A. Motion carried 7-0.

Consideration and possible action on a Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD).

Chaz Hastings spoke on behalf of Apothic Restaurant, Beer Garden and Mama Mia's, N63W23675 Main Street: Restaurant names have been changed to Tequila (Apothic) and El Vino (Mama Mia's). Restaurants will be in located in the west end of the building and have glass garage doors that will open on warmer days. Tequila will offer high end Mexican cuisine with full bar service and feature an outdoor beer garden which includes leased park land to the west. El Vino will offer carry-out pizza and LaCopa gelato.

Plan Commission comments: Commissioner Johnson stated the site plan makes it appear as if the restaurant owns the park land. There should be a definite distinction between the two properties. Tables are ok, but he is not in favor of having no distinction between the park land and the restaurant property.

Mr. Smith stated Mr. Hastings has leased that area of the park for the Beer Garden with Village Board approval. The Beer Garden area will be landscaped to separate it from the rest of the park so patrons know where alcohol is permitted.

Mrs. Fluet reviewed the plan staff memo (copy attached); stating the site is zoned B-4. The restaurants and outdoor beer garden are a permitted use in accordance with Section 17.0419 (C)(1)(c) in the B-4 Central Mixed Use District. Tequila will occupy 3,000 square feet and will offer higher-end Mexican cuisine with a full service bar and next door will be El Vino occupying 1,500 square feet for carry out pizza and gelato. Tequila will be on the west side of the building in the end tenant and will be able to utilize the outdoor patio some of which extends into the Old Brooke Square Park for outdoor seating and the beer garden customers. The owner will need to apply for and receive approval by the Finance Committee and Village Board of a liquor license, approval by the Waukesha County Health Department, each year the owner must receive approval for an Outdoor Establishment Permit. Hours of operation will vary for each business, Tequila will offer breakfast and both places will close at the required time according to their liquor license. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, with 50 stalls already allocated (40 residential, 10 commercial tenants). This user will require 20 stalls, leaving 69 spaces for the remaining approximately 12,000 square feet of commercial space, which should be sufficient following traditional parking ratios.

The owner has submitted an outdoor patio plan, the plan should be reviewed by the Architectural Review Board and the Village Engineer to address sufficient screening and grading issues between the site and the park.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

When asked if there were any concerns with the site plan, Commissioner Johnson stated he objected to the current site plan.

A motion by Kremer, seconded by Schauer to approve the Plan of Operation and site plan for Tequila Restaurant, Beer Garden and El Vino (N63W23675 Main Street Suite # TBD) with a condition to add screening and address grading issues between the site and the park, a finding that the use and structures meet the principals of 17.1002(A-H), and the standard conditions of Exhibit A.

Motion carried 6-1. Commissioner Johnson voted "Present".

Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group-Stirling Building (W248N5565 Executive Drive).

John Kutz and Stu LaRose of MSI General, W215 E Wisconsin Ave, Nashotah, WI spoke on behalf of Prestwick Group, W248N5565 Executive Drive: Company plans to build a 41,000 sq. ft. building north of their current location to house the Stirling Furnishings operations which manufacture furniture. Business is moving from Hartland to Sussex. Site will have two access points from Executive Drive. Building is precast concrete similar to current building – 32 feet high. New building will share a parking lot with current building. Parking will be to the south with loading docks facing south. Parking lot and building will have LED lighting to match lighting on existing building. There will be screening along Executive Drive to block the docks, trees along STH 164 will remain and landscaping added around building with trees in parking lot islands.

Mrs. Fluet reviewed the plan staff memo (copy attached) stating the site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is moving a division of their company from Hartland to the vacant lot just north of their headquarters. Prestwick will build a 41,200 square foot building for the Stirling Furnishings operations to locate to. With Prestwick's expansion and the new Stirling building a

shared parking lot will be added creating 199 stalls and a cross access agreement is recorded on CSM #11978. Stirling has 35 employees and hours of operation will be Monday through Thursday 5:00 a.m. to 9:00 p.m.

In accordance with Section 17.0603 F. 6. a waiver must be made for a shared parking lot. The Plan Commission will need to make a determination if a waiver should be granted to allow a less than 5 foot setback along the side lot for the shared business uses. The plans will be reviewed at the April Architectural Review Board.

Mr. Smith stated the waiver is to allow the shared parking lot for the two buildings. If you grant this waiver it does allow that if one of these properties is sold in the future, the lot will still be a shared parking lot between the two owners. The parking lot will not need to be redesigned.

Commissioner Johnson stated he was in favor of granting the waiver, Anderson seconded. Commissioner Adkins asked if granting the waiver set a precedence for other businesses in the future. Mr. Smith stated that this waiver has been granted in the past to other businesses, but is site specific.

A motion by Kremer, seconded by Johnson to waive the five foot setback based on the CSM with the recorded cross access agreement, recommend approval of the Plan of Operation and site plan, architectural plan, lighting plan and landscape plan for the Prestwick Group-Stirling Building (W248N5565 Executive Drive); a finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer and the standard conditions of Exhibit A.

Motion carried 7-0.

Consideration and possible action on a site plan for Peace Lutheran Church (W240N6145 Maple Avenue).

John Bender and Troy Kaiser spoke on behalf of Peace Lutheran Church, W240N6145 Maple Ave. The parking lot at the church is 40 years old and needs to be reconstructed. The new design will correct several issues:

- Safer surface
- Bring lot into ADA compliance
- Improve drainage
- Increase the number of parking stalls by utilizing a more efficient layout
- Realign drive entrance at Sumac and add a third lane to create a safer entrance. 1 lane in and 2 lanes out.
- New dumpster enclosure will be added
- Garage will be relocated to south side of parking lot

Property is a church with a school and parking lot is multi-use. The lot is used by children as a gym area. Lot has basketball hoops on one end and is used for other sport activities. The current lot does not have curbing and is located behind church away from the street. For safety of the children, church prefers to not have curbing added to new parking lot. Lights will be added to the islands in the new parking lot to improve lighting.

Mrs. Fluet reviewed the plan staff memo (copy attached) stating the site is zoned I-1. Peace Lutheran Church would like to make some much needed repairs to their parking lot, move the current garage to a new location, add a new dumpster enclosure and change the driveway entrance off Maple Avenue to align with Sumac Lane.

The garage will be relocated from the back of the parking lot to the south side of the parking lot 45 feet from the nearest property line.

The new dumpster enclosure will shift to the north and will be angled to allow for better access for the truck to empty the dumpsters.

The new paved parking lot will be redesigned to square it off at the south end. The new parking lot layout will add more parking stalls, correct drainage issues and islands will be added to allow for additional light poles.

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

To help with the flow of traffic at peak times the new driveway entrance will be striped to show right in, left out and right out, this will require the driveway width to be approximately 43 feet wide. In order to have a wider driveway entrance in accordance with Section 17.0604 D. the Plan Commission may make a finding to allow a wider driveway width.

Plan Commission comments: Commissioner Adkins inquired if allowing the wider drive sets a precedence and when was curbing added as a requirement. Mr. Smith stated the Plan Commission has allowed wider drives for businesses in certain situations; reason being an improvement to safety. Curbing requirement was added in early 2000's.

Commissioner Johnson asked how far the curbing will go on drive. Staff stated curb would be added in new realigned area - approximately 30 feet from road. At this time there is no curb along drive. Commissioner Johnson stated he would like to see curb at the entrance and through the curve in the drive to control water drainage.

Commissioner Adkins asked if the curb exception in the parking lot would be permitted if this was not a church. Staff stated that to their knowledge, no waivers have been given to the curb requirement. However, the existing parking lot may not be required to add curbing as this area already exists and the parking lot work can be considered maintenance, not new construction. This is a factor the Plan Commission may take into consideration.

Mr. Bender stated that the new design is the same square footage as the current lot. It looks a little bigger because they are squaring up the lot, but by adding islands for lights, it's the same size. New lot is 105 stalls. Current lot is not marked, but they have had more than 100 cars park in the current lot during a large event.

Attorney Macy mentioned the Commission could find that the additional land is de minimis and is not adding more than 10% of the current parking spaces when considering the waiver. Commissioner Johnson stated he agreed with the finding that the change to the parking lot is not in excess of 10% of the current lot.

Commissioner Anderson stated she felt the safety of the children should be taken into consideration and leaving the lot as is without curbing was the best option.

President LeDonne asked each commissioner to state their opinion regarding the curb waiver.

- Adkins: Conflicted because if this was anything other than a church, we would require the curbing. Want to do what is right for the Village moving forward and not set a precedence.
- Kremer: Asked for clarification on curbing near the church. Existing overhang and drop off areas were pointed out on site plan. Curbing is around islands but due to elevation change, not in front of church going down to the street. Mrs. Kremer stated she does not have a problem with this being atypical to what we would usually do.
- Schauer: After hearing all information is in agreement with having no curbing in the parking lot other than around the islands but does believe curbing is definitely needed at the new approach.
- Johnson: Was in agreement with Mrs. Schauer's comment.
- Anderson: Was also in agreement with Mrs. Schauer's comment about the lot and approach and felt the children's safety needed to be taken into consideration.
- Ray: Asked what was being done in the parking lot to improve drainage if no curbing was being added. Mr. Bender stated currently there is no drainage built into the lot, new design has drainage

ditches with catch basins around the church. Mr. Ray stated he was in agreement with the Commissioners, no curbs in parking lot but there must be curbing at entrance.

- President LeDonne agreed with the Commissioners finding.

Mr. Smith stated perhaps the petitioner should work with Village Engineer Judith Neu to determine where curbing should be placed at entrance and along curve in drive.

A motion by Johnson, seconded by Kremer to approve the site plan while finding the width of the driveway meets the standards of the code for Peace Lutheran Church (W240N6145 Maple Avenue) and a waiver of the curb in the parking lot because the dimensions of the parking lot is not in excess of 10% of the current lot and for the safety of the playground area and a finding that the use and structures meet the principals of 17.1002(A-H), and subject to review by the Village Engineer; the Village Engineer will work with the petitioner to determine the curbing area for the new entrance and drive and the standard conditions of Exhibit A. Motion carried 7-0.

Consideration and possible action on a request for a second monument sign for Froedtert Health (N64W25307 Prospect Circle).

Andrea Swanson spoke on behalf of Froedtert Health, N64W25307 Prospect Circle stating Froedtert is requesting a second monument sign to be located at the entrance of their new health center. The primary monument is at the intersection of Hwy 164 and Prospect Circle, however there is no signage at their entrance located on Prospect Circle and traffic coming from Silver Spring will not have any signage leading them to the entrance. Second sign is 3' 9" x 4' and will match the primary monument sign in design.

Mrs. Fluet reviewed the plan staff memo (copy attached) stating the site zoned B-2. Froedtert Health building is currently under construction and requesting to add a secondary small monument sign at the Prospect Circle Drive entrance. The primary monument sign will be located at the corner of Hwy 164 and Prospect Circle and approximately 200 feet to the drive entrance to the parking lot they would like to place this secondary sign. Based on the sign code a site can have more than one monument sign if the Plan Commission determines the following:

In accordance with Section 17.0807 A. the Plan Commission may allow a second sign:

The number of Monument Signs per property shall be determined by the Plan Commission for appropriateness with traffic flow, pedestrian safety, and design of the site, and there shall be no more than two monument signs per property or more than one monument sign per street fronted by the property if the property has two or more street yards unless a conditional use is granted for the property to exceed said limit.

Mr. Smith clarified that the health center only has one access point which is off of Prospect Circle, not Hwy 164.

Plan Commission comments: Commissioner Johnson inquired if the second sign is more of a wayfinding sign to which petitioner replied yes. Stated the health center wanted a more substantial sign, thus the monument design. Commissioner Adkins asked if signage could be on the NW side building instead. Commissioner Schauer stated having a sign at the drive entrance will be beneficial to visitors.

Staff stated they had no concerns with the second sign as it is only 8 sq. feet. Because the center wishes to have a nicer design – it falls under the definition of a monument sign. Question to be considered is are pillars required with this sign since our design standards require monument signs to have pillars.

Ms. Swanson stated the health center did consider adding pillars, but with the small size of the sign the pillars looked out of proportion and the client did not care for it.

Commissioner Kremer stated she felt the pillars were not needed and Commissioner Johnson agreed as he felt this was a wayfinding sign.

A motion by Johnson, seconded by LeDonne to approve the second monument sign for Froedtert Health (N64W25307 Prospect Circle) at the drive entrance of Prospect Circle subject to approval of a the necessary permits and the standard conditions of Exhibit A.

Motion carried 7-0.

Consideration and possible action on a CSM for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road.

Dan Bednar spoke on behalf of Quad Graphics, W227N6315 Sussex Road stating Quad wishes to move the lot line to the north so truck scales are on property located at W227N6315 Sussex Road. The two buildings share an entrance, parking lot and truck scales.

Mr. Smith reviewed the plan staff memo (copy attached). Quad owns both properties and is requesting to change the property line connecting the two properties and will add a shared access easement to allow the building at N63W22777 Main Street, the reason for the request is to possibly sell the Main Street property in the future.

A motion by Kremer, seconded by Johnson to recommend approval of the CSM to the Village Board for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

Motion carried 7-0.

Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline Road.

Mr. Smith stated that the Town of Lisbon provided a written request to withdraw the CSM from the agenda.

Consideration and possible action on a CSM for Villas of Brandon Oaks designating the lot lines of the stormwater pond.

Mr. Smith stated the Village was the petitioner and reviewed the plan staff memo (copy attached). The stormwater pond was originally designed by Belinski to accommodate the Villas of Brandon Oaks and the property to the south. The pond was constructed over lot lines for the two projects. The property to the south was sold and the new subdivision Sussex Preserve is now being developed. The pond has been modified to accommodate the stormwater for the Brandon Oaks and portions of the Sussex Preserve subdivision. The CSM will designate the pond and wetland areas as one outlot in the ownership of the Village consistent with modern Village practices.

President LeDonne asked if the pond was being brought up to its useful function. Village Engineer Judith Neu stated work is being done to repair the pond so it will retain stormwater as intended.

A motion by Kremer, seconded by Anderson to recommend approval of the CSM to the Village Board for Villas of Brandon Oaks designating the lot lines of the stormwater pond subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

Motion carried 6-0, Johnson abstained.

Consideration and possible action on a CSM for Nels Anderson W232N6464 Waukesha Avenue.

Nels Anderson, W232N6464 Waukesha Ave addressed the Commission. Mr. Anderson stated he owns both lots. After buying the property to the south he demolished the uninhabitable house on the lot, but decided to keep the garage as it was only 10 years old. Since he can't have a garage alone on a lot he wishes to combine both lots into one property.

Mrs. Fluet reviewed the plan staff memo (copy attached) stating the site is zoned B-4. Mr. Anderson owns lot W232N6464 and W232N6456 Waukesha Avenue. In August 2019 Mr. Anderson applied for a permit to demolish the house and detached garage on lot W232N6456 Waukesha Avenue, at some point during the demolition he decided to keep the detached garage. Our code does not allow a lot with just a detached garage. Mr. Anderson is requesting to combine the lot. On lot W232N6464 Waukesha Avenue

is his principal residence and detached garage, combining the lots would create one lot with a principle structure and two detached garages.

A motion by Kremer, seconded by Anderson to recommend approval of the CSM to the Village Board for Nels Anderson W232N6464 Waukesha Avenue subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A. Motion carried 7-0.

Consideration and possible action on an Ordinance to repeal and recreate the Business Districts pertaining to financial institutions with a drive through.

Mr. Smith stated when the Village code was updated, language was missed regarding banks. Staff has prepared a correction for the zoning districts which allow financial institutions as a permitted use and clarifying language for approval of the use with a drive through.

A motion by Johnson, seconded by Ray to recommend to the Village Board to approve the Ordinance to repeal and recreate the language in the Business District pertaining to financial institutions with a drive through. Motion carried 7-0.

Topics for Future Agendas: None.

Adjournment

A motion by LeDonne, seconded by Anderson to adjourn the meeting at 8:16 pm.

Motion carried 7-0.

Respectfully Submitted,

Linda Steinmetz
Deputy Clerk



MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of April 21, 2020
DATE: April 14, 2020

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

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of February 18, 2020, April 15, 2020 and ~~April 16, 2020.~~**
03. **Consideration and possible action on Permitted Uses and Site Plans:**
 - A. **Consideration and possible action on a Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD).**

This site is zoned B-4. The general medical services is a permitted use in accordance with Section 17.0419 (C)(3)(d) in the B-4 Central Mixed Use District. Athletico is proposing to open a 3,000 square foot location to service clients for physical, occupational, sports, and work related therapy services. They will have 5 employees, hours of operation will be Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday 7:00 a.m. to 12:00 p.m. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, this user will require 10 stalls.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

Policy Question:

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

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), subject the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD).

This site is zoned B-4. The restaurants and outdoor beer garden are a permitted use in accordance with Section 17.0419 (C)(1)(c) in the B-4 Central Mixed Use District. Apothic will occupy 3,000 square feet and will offer higher-end Mexican cuisine with a full service bar and next door will be Mama Mia's occupying 1,500 square feet for carry out pizza and gelato. Apothic will be on the west side of the building in the end tenant and will be able to utilize the outdoor patio some of which extends into the Old Brooke Square Park for outdoor seating and the beer garden customers. The owner will need to apply for and receive approval by the Finance Committee and Village Board of a liquor license, approval by the Waukesha County Health Department, each year the owner must receive approval for an Outdoor Establishment Permit. Hours of operation will vary for each business, Apothic will offer breakfast and both places will close at the required time according to their liquor license. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, with 50 stalls already allocated (40 residential, 10 commercial tenants). This user will require 20 stalls, leaving 69 spaces for the remaining approximately 12,000 square feet of commercial space, which should be sufficient following traditional parking ratios.

The owner has submitted an outdoor patio plan, the plan should be reviewed by the Architectural Review Board and the Village Engineer to address sufficient screening and grading issues between the site and the park.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

Policy Question:

1. Are there any concerns with the Plan of Operations and site plans?
2. Are there any concerns with the property?

Action Items:

1. Act on the plan of operations and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), and the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group-Stirling Building (W248N5565 Executive Drive).

This site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is moving a division of their company from Hartland to the vacant lot just north of their headquarters. Prestwick will build a 41,200 square foot building for the Stirling Furnishings operations to locate to. With Prestwick's expansion and the new Stirling

building a shared parking lot will be added creating 199 stalls and a cross access agreement is recorded on CSM #11978. Stirling has 35 employees and hours of operation will be Monday through Thursday 5:00 a.m. to 9:00 p.m.

In accordance with Section 17.0603 F. 6. a waiver must be made for a shared parking lot:

6. Waivers. The Plan Commission may:
 - a. Waive the five (5) foot setback along the side lot line of adjacent businesses and industries when cross-easements are provided to share parking.

The Plan Commission will need to make a determination if a waiver should be granted to allow a less than 5 foot setback along the side lot for the shared business uses.

In addition the following are comments for the plans:

Site

- Shows good pedestrian orientation
- Shared parking access agreement recorded on CSM #11978

Architecture

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

Lighting

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

Landscape

- Stirling site to have 44 trees/evergreens and 113 shrubs/flowers. Should add two more evergreen trees at the dock door location.

The plans will be reviewed at the April Architectural Review Board.

Policy Question:

1. Are there any concerns with the less than 5 foot setback along the side lot line? Should a waiver be granted?
2. Are there any concerns with the Plan of Operation and various plans?
3. Are there any comments directed to the ARB?

Action Items:

1. Act on the Plan of Operation and various plans
2. Recommend the plans to be reviewed by the ARB.

Staff Recommendation: Staff recommends the Plan Commission waive the five foot setback based on the CSM with the recorded cross access agreement, recommend approval of the Plan of Operation and site plan, architectural plan, lighting plan and

landscape plan for the Prestwick Group-Stirling Building (W248N5565 Executive Drive); a finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer and the standard conditions of Exhibit A.

D. Consideration and possible action on a site plan for Peace Lutheran Church (W240N6145 Maple Avenue).

This site is zoned I-1. Peace Lutheran Church would like to make some much needed repairs to their parking lot, move the current garage to a new location, add a new dumpster enclosure and change the driveway entrance off Maple Avenue to align with Sumac Lane.

The garage will be relocated from the back of the parking lot to the south side of the parking lot 45 feet from the nearest property line.

The new dumpster enclosure will shift to the north and will be angled to allow for better access for the truck to empty the dumpsters.

The new paved parking lot will be redesigned to square it off at the south end. The new parking lot layout will add more parking stalls, correct drainage issues and islands will be added to allow for additional light poles.

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

To help with the flow of traffic at peak times the new driveway entrance will be striped to show right in, left out and right out, this will require the driveway width to be approximately 43 feet wide. In order to have a wider driveway entrance in accordance with Section 17.0604 D. the Plan Commission may make a finding to allow a wider driveway width:

Openings for driveways shall provide adequate access to a public street and shall be at a minimum of 50 feet from a public right of way intersection unless otherwise approved by the Administrator.

No driveway for a one- or two-family dwelling shall be less than 10 feet in width at the street right-of-way line, and no driveway for any other use shall be less than 24 feet in width at the street right-of-way line.

No driveway in the CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4, and SF-RD-3 districts shall exceed 26 feet in width anywhere in the street yard. Driveways may be widened in the side yard or rear yard, but in no case shall a driveway be constructed closer than three (3) feet to a side or rear lot line.

The Administrator may permit driveways to be wider than 26 feet, but no wider than 32 feet, provided that the driveway does not occupy more than 33 percent of the street yard area.

Driveways in all districts except the CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4 and SF-RD-3 districts shall not exceed 32 feet at the street right-of-way line.

Driveways in excess of 32 feet in width or occupying more than 33 percent of the street yard area may be permitted provided that the Plan Commission finds that the wider driveway is necessary to

the sound development of the parcel; and will not create or exacerbate an existing traffic problem. The Plan Commission may require additional landscape buffers when wider driveways are permitted.

Staff has found that aligning the driveway with the road will increase safety and allowing turn lanes will minimize safety hazards as folks leave the site.

Because of all the modifications to the parking lot and site, all improvements will need to follow the code requirements, the parking lot changes will require the installation of curb or barriers unless waived per the following:

17.0603 I.

Curbs or Barriers are required for all parking lots unless specifically waived by the Plan Commission in order to accomplish a goal of a Village Ordinance or duly adopted plan and they shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines; and a minimum of four (4) feet from a fence line, or a line of trees or other landscape material so as to prevent damage to the fence or landscaping.

The Church has concerns that the cost of curb and gutter will make the project unfeasible. Staff has not been able to identify a Village Ordinance or plan that would be supported by waiving the curb and gutter section and the Plan Commission has consistently enforced this requirement with developments. The purpose of the standard is for stormwater management, better pavement conditions, and general standards of the community.

Perhaps for modifications the Plan Commission would use a percentage standard so that the main driveway would be curbed and guttered because this is a modification of the existing site, but the existing parking lot would not as this area already exists with the work being maintenance. There may be other factors the Plan Commission looks to, but consistency and applicability to all users should be the guiding factor on any request for waiving a standard. The Plan Commission does not have to grant the waiver.

Policy Question:

1. Are there any concerns with the driveway width? Should the wider driveway be allowed?
2. Are there any concerns with the parking lot and driveway not having curb and gutter? Should a waiver be granted?

Action Items:

1. Act on the site plan.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the site plan while finding the width of the driveway meets the standards of the code for Peace Lutheran Church (W240N6145 Maple Avenue) and a finding that the use and structures meet the principals of 17.1002(A-H), and subject to review by the Village Engineer and the standard conditions of Exhibit A.

Staff does not have a recommendation on the curb and gutter request at this time.

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

05. **Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:**
A. Consideration and possible action on a request for a second monument sign for Froedtert Health (N64W25307 Prospect Circle).

This site is zoned B-2. Froedtert Health building is currently under construction and requesting to add a secondary small monument sign at the Prospect Circle Drive entrance. The primary monument sign will be located at the corner of Hwy 164 and Prospect Circle and approximately 200 feet to the drive entrance to the parking lot they would like to place this secondary sign. Based on the sign code a site can have more than one monument sign if the Plan Commission determines the following:

In accordance with Section 17.0807 A. the Plan Commission may allow a second sign:

The number of Monument Signs per property shall be determined by the Plan Commission for appropriateness with traffic flow, pedestrian safety, and design of the site, and there shall be no more than two monument signs per property or more than one monument sign per street fronted by the property if the property has two or more street yards unless a conditional use is granted for the property to exceed said limit.

The second sign will have a base of stone to match the building and primary monument sign, it will be internally lit and the size will be 3' 9" x 4', our Design Standards require monument signs to have a pillar(s), because this is a second sign should the pillar(s) be required?

Policy Question:

1. Does a second monument sign help with the traffic flow, pedestrian safety and design of the site?
2. Are there any concerns with the site having more than one monument sign?
3. Are there any concerns with the design of the sign?

Action Items:

1. Act on the sign plan.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the second monument sign for Froedtert Health (N64W25307 Prospect Circle) at the drive entrance of Prospect Circle subject to approval of a the necessary permits and the standard conditions of Exhibit A.

B. Consideration and possible action on a CSM for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road.

This site is zoned M-1. Quad owns both properties and is requesting to change the property line connecting the two properties and will add a shared access easement to allow the building at N63W22777 Main Street, the reason for the request is to possibly sell the Main Street property in the future.

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM to the Village Board for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

C. Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline Road.

This property is in the Town of Lisbon and will stay in the Town of Lisbon. The proposed zoning on the property does not match the Boundary Stipulation so the Village can not approve the CSM.

Policy Question:

1. Are their concerns with the CSM?

Action Items:

1. Act on CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board acknowledgement of the CSM because the zoning of the land doesn't match the requirements of the boundary stipulations; subject to review by the Village Engineer and Exhibit A.

D. Consideration and possible action on a CSM for Villas of Brandon Oaks designating the lot lines of the stormwater pond.

The stormwater pond was originally designed by Belinski to accommodate the Villas of Brandon Oaks and the property to the south. The pond was constructed over lot lines for the two projects. The property to the south was sold and the new subdivision Sussex Preserve is now being developed. The pond has been modified to accommodate the stormwater for the Brandon Oaks and portions of the Sussex Preserve subdivision. The CSM will designate the pond and wetland areas as one outlot in the ownership of the Village consistent with modern Village practices.

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM to the Village Board for Villas of Brandon Oaks designating the lot lines of the stormwater pond subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

E. Consideration and possible action on a CSM for Nels Anderson W232N6464 Waukesha Avenue.

This site is zoned B-4. Mr. Anderson owns lot W232N6464 and W232N6456 Waukesha Avenue. In August 2019 Mr. Anderson applied for a permit to demolish the house and detached garage on lot W232N6456 Waukesha Avenue, at some point during the demolition he decided to keep the detached garage. Our code does not allow a lot with just a detached garage. Mr. Anderson is requesting to combine the lot. On lot W232N6464 Waukesha Avenue is his principal residence and detached garage, combining the lots would create one lot with a principle structure and two detached garages. The Plan Commission may permit this in accordance with Section 17.0212 B:

B. All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

Policy Question:

1. Are there any concerns with the combined property to have a principle structure and two additional structures?
2. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM to the Village Board for Nels Anderson W232N6464 Waukesha Avenue subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

F. Consideration and possible action on an Ordinance to repeal and recreate the Business Districts pertaining to financial institutions with a drive through.

Staff has prepared a correction for the zoning districts which allow financial institutions as a permitted use and clarifying language for approval of the use with a drive through. Within the B-1, B-2, B-3, B-4, BP-1 and OP-1 the following is proposed in the Ordinance:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

Policy Question:

1. Are there any concerns with the Ordinance?

Action Items:

1. Act on the Ordinance.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the Ordinance to repeal and recreate the language in the Business District pertaining to financial institutions with a drive through.

06. **Other Items for future discussion.**

07. **Adjournment.**

Exhibit “A”

Village of Sussex Plan Commission

Standard Conditions of Approval Plan of Operation and Site Plan

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

1. Presentation compliance. Subject to Petitioner operating the premises at all times in substantial conformity with the presentation made to the Village Plan Commission, as modified or further restricted by the comments or concerns of the Village Plan Commission.

2. Inspection compliance. Subject to the Petitioner submitting to and receiving the approval from the Village Administrator, written proof that the Village Building Inspector and Fire Chief have inspected the subject property and have found that the subject property is in substantial compliance with applicable federal, State, and local laws, statutes, codes, ordinances, policies, guidelines and best management practices, prior to this approval being effective.

3. Regulatory compliance. Subject to the Petitioner and Owner fully complying with all Village, County of Waukesha, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises, including but not limited to compliance with Section 17.1000 of the Village of Sussex Zoning Code entitled “Site Plan Review and Architectural Control,” as determined by Village Staff.

4. Satisfaction of Engineer. Subject to the Developer satisfying all comments, conditions, and concerns of the Village Engineer regarding the Petitioner’s application prior to this approval being effective.

5. Required plans. Subject to the Developer submitting to and receiving written approval from the Village Administrator of all of the following plans as deemed necessary by the Village Administrator:

- A. Landscaping plan
- B. Parking plan
- C. Lighting plan
- D. Signage plan
- E. Traffic plan
- F. Grading plan

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

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

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

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

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

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



MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of May 19, 2020
DATE: May 13, 2020

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

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of April 16, 2020 and April 21, 2020.**
03. **Consideration and possible action on Permitted Uses and Site Plans:**
A. Consideration and possible action on a Plan of Operation and site plan for MJ Excavating a division of MJ Electric LLC (N64W22998 Hwy 74).

This site is zoned M-1. The construction service business is a permitted use in the M-1 Industrial District in accordance with Section 17.0422(A)(3)(a). The company builds electric utility infrastructure and will use this site for general office operations. They will lease the 6,700 square foot building and will have no outside storage of product. Hours of operation will be Monday through Friday 7:00 a.m. to 9:00 p.m. they have 6 employees. This site has sufficient parking for this use with 24 parking stalls.

Per normal practice we review the property to make sure it meets the code requirements and at a recent inspection we found abandoned vehicles. After a discussion with the owner of the property he stated he would remove the vehicles.

Any signage for this building must be reviewed by the Building Inspector.

Policy Question:

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

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for MJ Excavating a division of MJ Electric LLC(N64W22998 Hwy 74); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the removal of the abandoned vehicles and 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. Consideration and possible action on a CSM and the Introduction of a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).

This site is zoned CR-1. A CSM is proposed to create a lot to include the buildings, house and silos to continue the use of an operating farm. On page six of the CSM shows the new lot lines and building setbacks to be created for Lot three for the Harvest View Farms.

The zoning of the farm as CR-1 residential was placed on the property to meet the requirement of the Wisconsin Statutes, the zoning must match the Land Use designation. The owners of the property want to sell 176 acres of the land to a developer and keep 2.4 acres for farming operations. Farming includes processing various agricultural crops and buildings associated with the management of the operations. Some of the buildings and silos on the property do not meet the setback requirements making the use legal non-conforming. In accordance with Section 17.0507 a legal non-conforming use may be granted a conditional use.

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. Additional information as may be required by the Plan Commission or Administrator. **{This may come out during the Public Hearing.}**

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. 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, and the proposed operation.

A. Upon receipt of the application, foregoing data and fees, the Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

B. The procedure for public hearing before the Plan Commission shall be as follows: 1. Any person may appear in person, by agent, or attorney. 2. The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence. 3. 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.

C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.

D. 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, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

E. 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 authorized to be modified by a conditional use. Variances shall only be granted as provided in Section 17.1200 of this ordinance.

F. 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 Zoning District Standards Section 17.0404 CR-1 Conservancy Residential District

17.0404

CR-1 CONSERVANCY-RESIDENTIAL DISTRICT

The CR-1 Conservancy-Residential District is intended to preserve, protect, enhance, and restore significant woodlands, areas of rough topography, and related scenic areas while providing for low-density residential development that will not disturb important ecosystems. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the wooded areas of the Village.

A. Permitted Uses

1. Agricultural uses when conducted in accordance with County Conservation Standards.
2. General farm buildings: barns, silos, sheds, and storage bins.
3. Preservation of scenic, historic, and scientific areas.
4. Forest management.
5. Park and recreation areas.
6. Single-family dwellings.

B. Permitted Accessory Uses

1. Home occupations and professional home offices.
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

1. Lots shall have a minimum area of 40,000 square feet and shall be not less than 150 feet in width, except the minimum lot width for any lot having frontage on a cul-de-sac bulb may be reduced down to 100 feet should the Plan Commission make a finding that such a lesser width will provide for an adequate building envelope.
2. Each CR-1 district lot shall maintain 80 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

E. Building Height and Area

1. No building or parts of a building shall exceed 50 feet in height.
2. The total minimum finished living area of a one-story dwelling shall be 2,200 square feet; and the total minimum finished living area of a two-story or bi-level dwelling shall be 2,600 square feet.
3. The minimum finished first floor area of a bi-level or two-story dwelling shall be 1,600 square feet.
4. A tri-level dwelling shall have a minimum finished living area of 2,600 square feet.
5. The upper two levels of a tri-level dwelling shall be fully finished.

6. The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
 8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.
- F. **Setback and Yards**
1. There shall be a minimum building setback of 50 feet from the street right-of-way.
 2. There shall be a side yard on each side of the principal structure of not less than 30 feet in width.
 3. There shall be a rear yard of not less than 50 feet.
 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
- G. **Erosion Control**
1. See Chapter 14 of the Municipal Code of the Village.
- H. **Modified Subdivision Improvements**
1. In an effort to maintain the rural/conservancy appearance within the CR-1 district, subdivision standards may be modified in such a manner that streets with 26 feet of paved surface and mountable curbs may be constructed; no sidewalks shall be required; no fences shall be permitted within the minimum required street setback area; drainage shall be accommodated in roadside ditches, and where necessary, retention/detention basins shall be employed to manage stormwater runoff. Heavy vegetation shall be encouraged in front yard areas so as to minimize the view of homes by passing traffic.

Section 17.0506 Conditional Uses

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:

17.0507 LEGAL NONCONFORMING USES

- A. Legal nonconforming uses may be granted conditional use status upon petition of the owner where such use is determined to not be any of the following:
1. Adverse to any of the following:

- a) public health,
 - b) safety, or
 - c) welfare;
2. In conflict of the spirit or intent of this chapter; or
 3. Otherwise detrimental to the community and particularly the surrounding neighborhood.

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.

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

Policy Question:

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

Action Items:

1. Direct staff to schedule the public hearing.

Staff Recommendation: Staff recommends scheduling the public hearing for the June meeting, a recommendation to the Village Board approval of the CSM subject to the approval of a legal non conforming conditional use, the standard conditions of CSM approval, review by the Village Engineer and Exhibit A.

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

A. Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline.

This property is in the Town of Lisbon and will stay in the Town of Lisbon. The proposed zoning on the property does not match the Boundary Stipulation so the Village cannot approve the CSM.

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board acknowledgement of the CSM because the zoning of the land doesn't match the requirements of the boundary stipulations; subject to review by the Village Engineer and Exhibit A.

B. Consideration and possible action on a CSM for Maurice and Diane Koch to create a single family lot for W238N6640 Orchard Drive.

This site is zoned RS-3. Mr. and Mrs. Koch which to divide their 12 acres and create a lot for the single family resident of less than one acre. The reason for this request will allow the owners to sell 11 acres to be developed in the future and also allow them to sell their house with a reasonable size lot.

In order to create the single family lot in a lot can have minimum frontage of 40 feet and shall abut a public street such as Orchard Drive. The Plan Commission can allow this in accordance with Section

18.0701 (D) Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the development or for the advantageous development of the adjacent tracts.

The property owner will need to construct a temporary termination and follow the requirements of Section 18.0703 B. The CSM has language with this requirement.

18.0703 (B) Temporary Termination of streets intended to be extended at a later date shall be accomplished with a temporary cul de sac in accordance with the standards set forth above, or upon approval of the Village Engineer may be by construction of a temporary 'T' intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right of way lines of the access street on each side.

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM to the Village Board for Maurice and Diane Koch W238N6640 Orchard Drive subject to temporary termination is constructed at the end of Orchard Drive for the single family resident on lot two, review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

C. Consideration and possible action on a Final Plat for Woodland Preserve Subdivision a continuation of Woodland Creek Drive.

This site is zoned RS-2 with a Planned Development Overlay. The approval of this Plat is for the 17 single-family lots. Building permits may be issued once staff is satisfied all the conditions of the Developers Agreement have been met, the Plat meets the conditions of the rezone ordinance granted March 12, 2019, the requirements of Chapter 18 are met

and once the Plat is recorded with the Registry of Deeds. Outlot two should be part of the plat.

Policy Question:

1. Are there any concerns with the Plat?

Action Items:

1. Act on the Plat.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board approval of the Final Plat for Woodland Preserve subject the approval of the Restrictive Covenant, the standard conditions of Plat approval, obligations of the Developers Agreement have been met and any conditions by the Village Engineer.

06. Adjournment.



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV0239989

Zoning: Commercial / Mercantile

Address of Tenant Space: N64W22998 State Hwy 74, Sussex, WI 53089

1. Name of Business: MJ Excavating a division of MJ Electric LLC
200 West Frank Pipp Dr, Iron Mountain, MI 49801

Business
 N64W22998 Hwy 74 Sussex, WI, 53089 920-636-8412
 Address City, State, Zip Phone #
 smiller@mjelectric.com
 Fax # Email address

2. Business owner contact information:
200 West Frank Pipp Dr, Iron Mountain, MI 49801

Contact
 Address City, State, Zip Phone #
 Fax # Email address

3. Building/Land owner contact information:
James Walter II

Contact
 N64 W22998 State Hwy 74 Sussex, WI, 53089 414-581-9557
 Address City, State, Zip Phone #
 jim.walters@gordysconcretepumping.com
 Fax # Email address

4. Number of Employees/Shifts: 6 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		
7-4	7-4	7-4	7-4	7-4		

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 6760 Total square footage 6760

If applicable list square footage according to 1st floor 6760 2nd floor _____

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

12. Parking:
 Total Number of Parking Spaces ²⁴ _____ Number of spaces needed per code _____
 Number of spaces allocated for employee parking ¹⁰ _____
 Dimensions of parking lot 90' x 186' 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.

Shane Miller 3/16/20
 Name Date
Operations Manager
 Title or Position

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

verified via phone
 Name Date

 Title or Position



3/23/2020

To Whom it may concern:

MJ Excavating plans to use the former Gordy's Pumping building located at N64W22998 Hwy 74 in Sussex for general office operations with no outdoor storage of product. We have project managers, Superintendent, General Foreman, and a Safety Manager that travel throughout the week to support our crews that build electric utility infrastructure. Our busy office days are Monday and Friday. Our normal office hours are 7:00 a.m. to 4:00 p.m.

Thank you,

Shane Miller

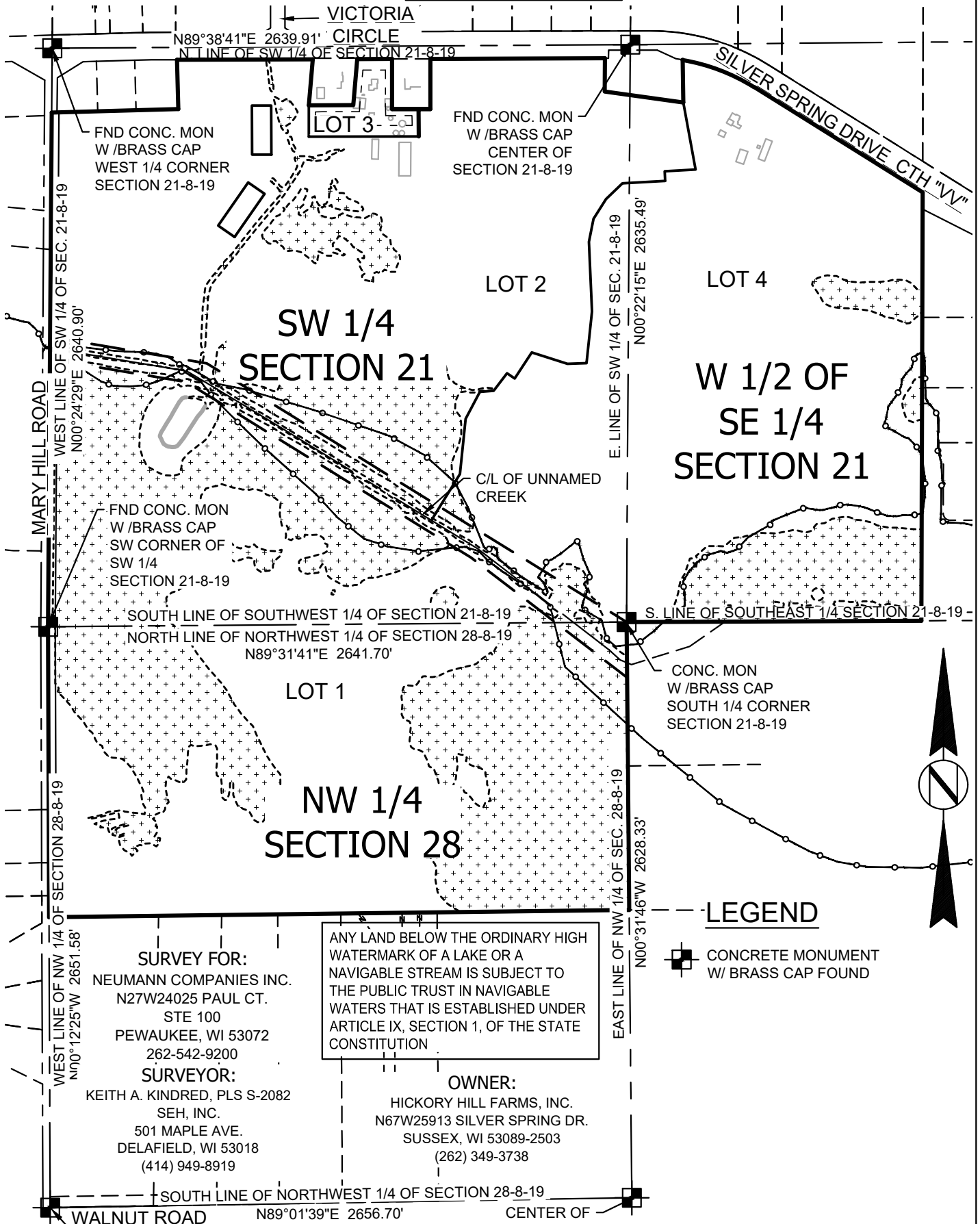
Shane Miller
920-636-8412
smiller@mjelectric.com




CERTIFIED SURVEY MAP NO.

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4, AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

LOCATION MAP



LEGEND

 CONCRETE MONUMENT
 W/ BRASS CAP FOUND

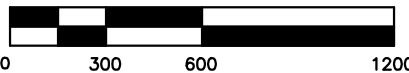
SURVEY FOR:
 NEUMANN COMPANIES INC.
 N27W24025 PAUL CT.
 STE 100
 PEWAUKEE, WI 53072
 262-542-9200
SURVEYOR:
 KEITH A. KINDRED, PLS S-2082
 SEH, INC.
 501 MAPLE AVE.
 DELAFIELD, WI 53018
 (414) 949-8919

ANY LAND BELOW THE ORDINARY HIGH WATERMARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION

OWNER:
 HICKORY HILL FARMS, INC.
 N67W25913 SILVER SPRING DR.
 SUSSEX, WI 53089-2503
 (262) 349-3738

SOUTH LINE OF NORTHWEST 1/4 OF SECTION 28-8-19
 WALNUT ROAD N89°01'39"E 2656.70'
 WEST 1/4 CORNER OF SECTION 28-8-19
 CENTER OF SECTION 28-8-19
 SCALE: 1" = 600'

DATED THIS 17TH DAY OF MARCH, 2020



PHONE: 414.949.8962
 501 MAPLE AVENUE
 DELAFIELD, WI 53018-9351
 www.sehinc.com

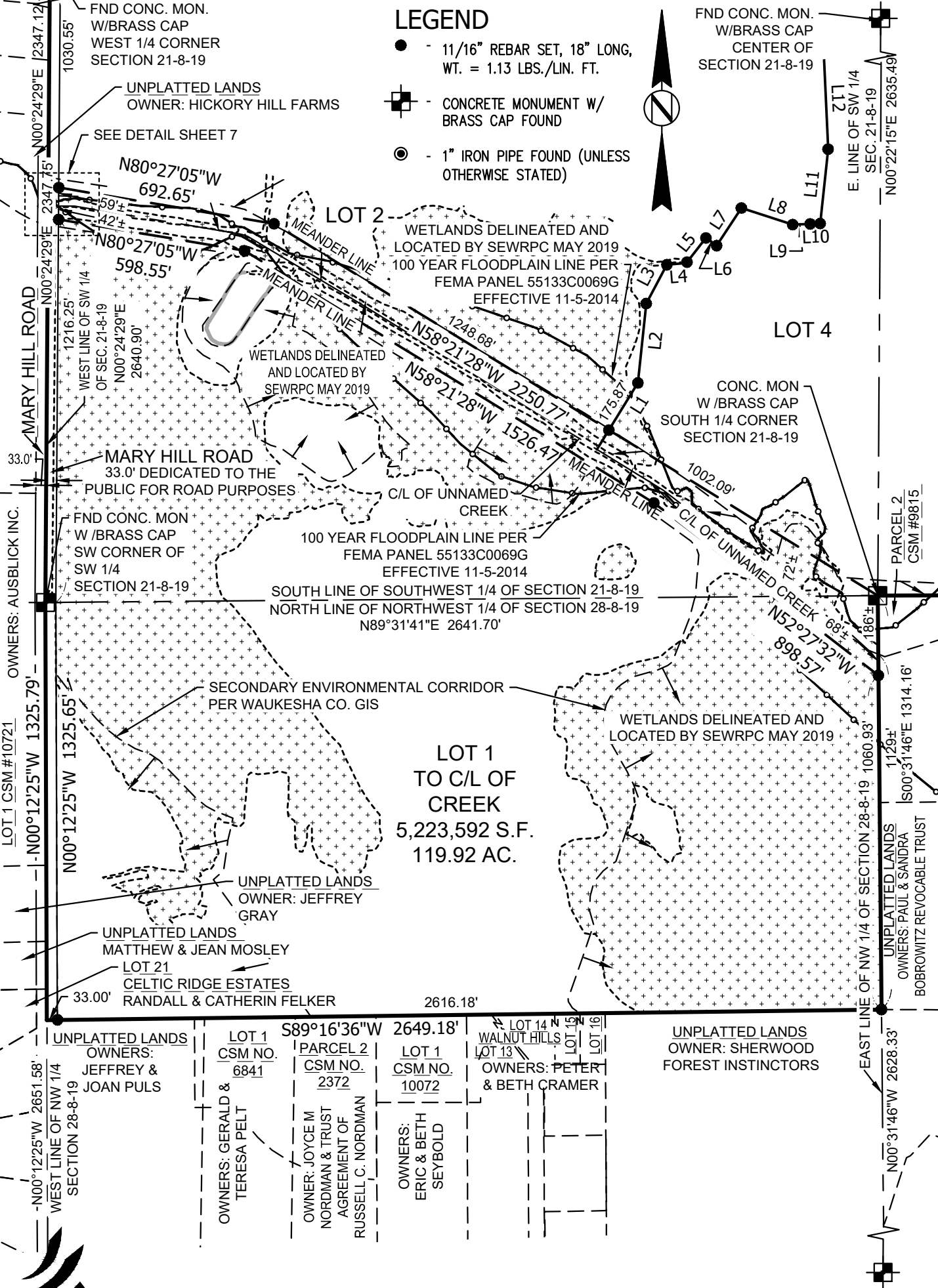
BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 1927) GRID NORTH ON THE WEST LINE OF THE SW 1/4 OF SECTION 21-8-19 AS N00°24'29"E.

CERTIFIED SURVEY MAP NO.

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4, AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

LEGEND

- - 11/16" REBAR SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.
- - CONCRETE MONUMENT W/ BRASS CAP FOUND
- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)



**LOT 1
TO C/L OF
CREEK
5,223,592 S.F.
119.92 AC.**

UNPLATTED LANDS OWNERS: JEFFREY & JOAN PULS	LOT 1 CSM NO. 6841 OWNERS: GERALD & TERESA PELT	PARCEL 2 CSM NO. 2372 OWNER: JOYCE M NORDMAN & TRUST AGREEMENT OF RUSSELL C. NORDMAN	LOT 1 CSM NO. 10072 OWNERS: ERIC & BETH SEYBOLD	LOT 14 LOT 15 LOT 16 WALNUT HILLS LOT 13 OWNERS: PETER & BETH CRAMER	UNPLATTED LANDS OWNER: SHERWOOD FOREST INSTINCTORS
--	---	--	--	--	--



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

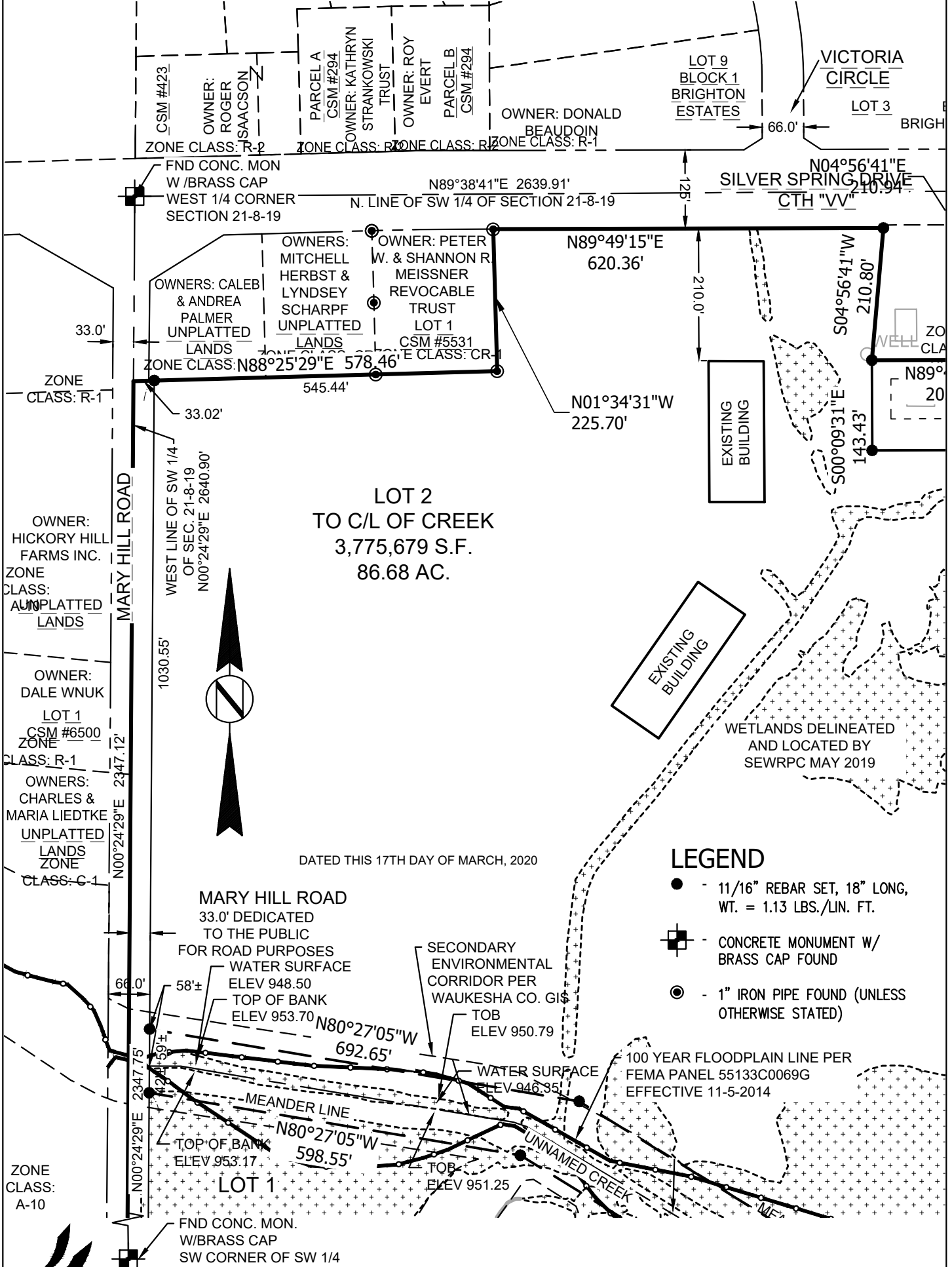
SCALE: 1" = 400'



DATED THIS 17TH DAY OF MARCH, 2020

CERTIFIED SURVEY MAP NO.

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4, AND NW. 1/4 OF THE SE. 1/4 OF SECTION 21, AND THE NE. 1/4 AND NW. 1/4 OF THE NW. 1/4 OF SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN



DATED THIS 17TH DAY OF MARCH, 2020

LEGEND

- - 11/16" REBAR SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.
- ⊠ - CONCRETE MONUMENT W/ BRASS CAP FOUND
- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)



PHONE: 414.949.8962
 501 MAPLE AVENUE
 DELAFIELD, WI 53018-9351
 www.sehinc.com

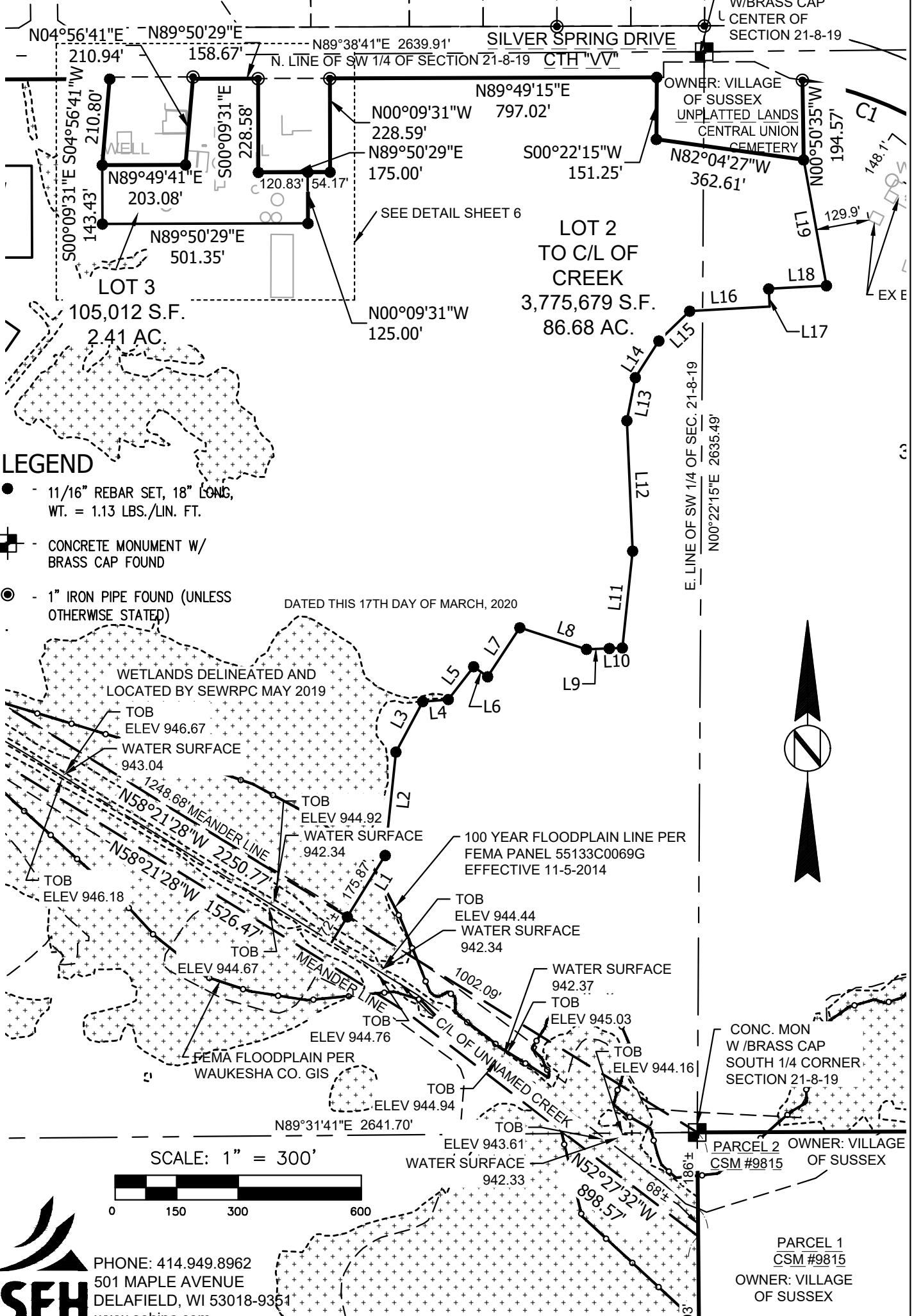
SCALE: 1" = 200'



CERTIFIED SURVEY MAP NO.

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4, AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

FND CONC. MON.
W/BRASS CAP
CENTER OF
SECTION 21-8-19



LEGEND

- - 11/16" REBAR SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.
- - CONCRETE MONUMENT W/ BRASS CAP FOUND
- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)

DATED THIS 17TH DAY OF MARCH, 2020

WETLANDS DELINEATED AND LOCATED BY SEWRPC MAY 2019

100 YEAR FLOODPLAIN LINE PER FEMA PANEL 55133C0069G EFFECTIVE 11-5-2014

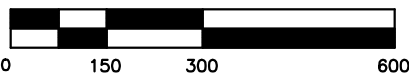
FEMA FLOODPLAIN PER WAUKESHA CO. GIS

CONC. MON W/BRASS CAP SOUTH 1/4 CORNER SECTION 21-8-19

PARCEL 2 OWNER: VILLAGE OF SUSSEX CSM #9815

PARCEL 1 CSM #9815 OWNER: VILLAGE OF SUSSEX

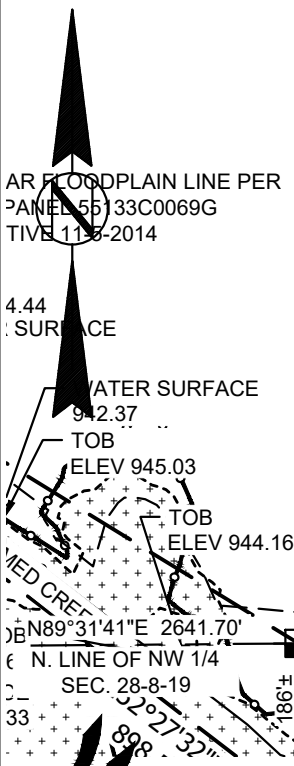
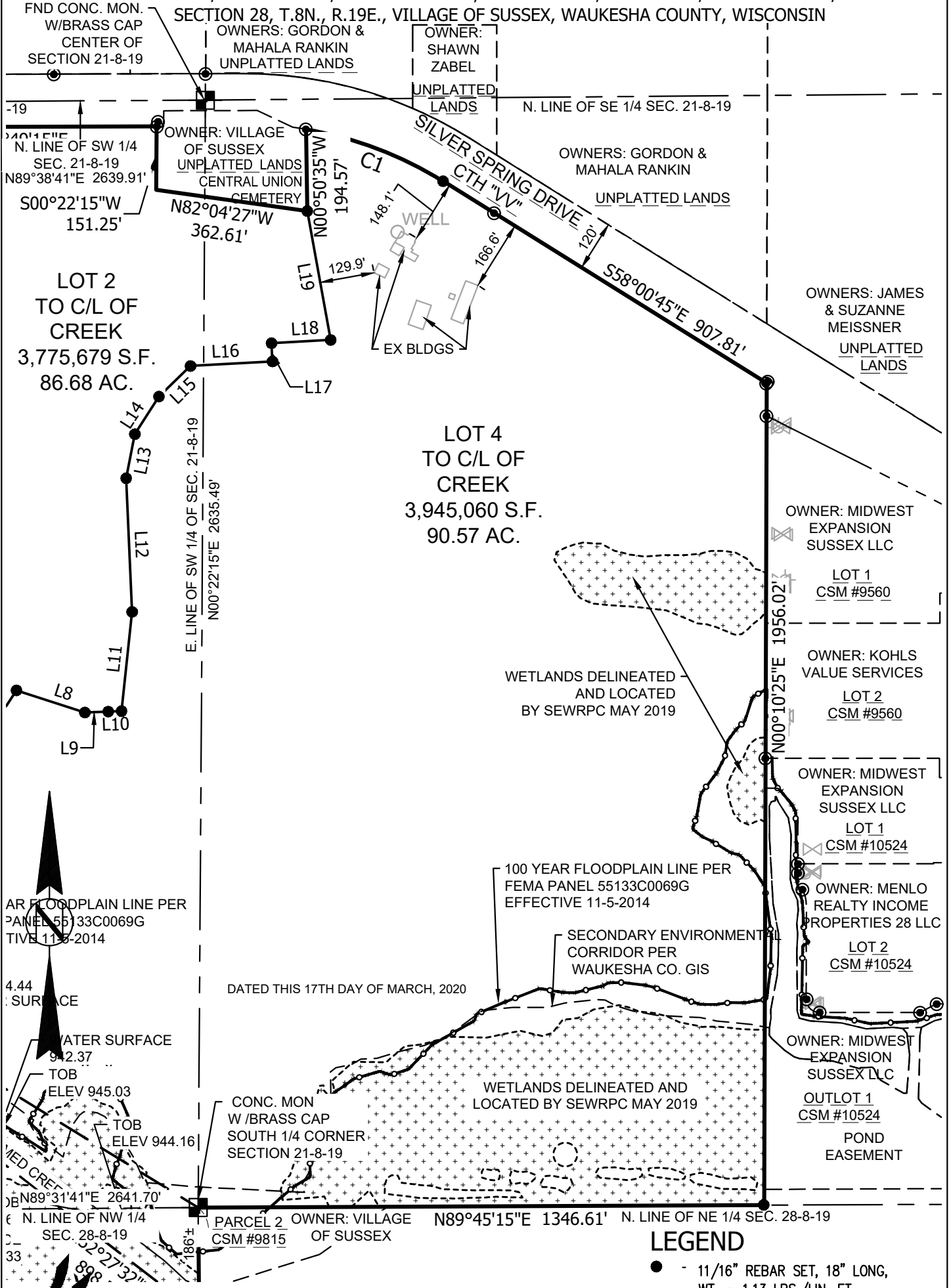
SCALE: 1" = 300'



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

CERTIFIED SURVEY MAP NO.

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4, AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

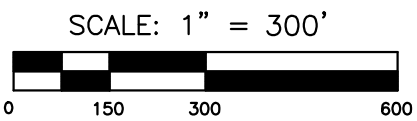


DATED THIS 17TH DAY OF MARCH, 2020

LEGEND

- - 11/16" REBAR SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.
- - CONCRETE MONUMENT W/ BRASS CAP FOUND
- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)

SEH
 PHONE: 414.949.8962
 501 MAPLE AVENUE
 DELAFIELD, WI 53018-9351
 www.sehinc.com
 PROJECT NO. NEUMA #149103



THIS INSTRUMENT DRAFTED BY DAPHNE WILLIAMS

CERTIFIED SURVEY MAP NO. _____

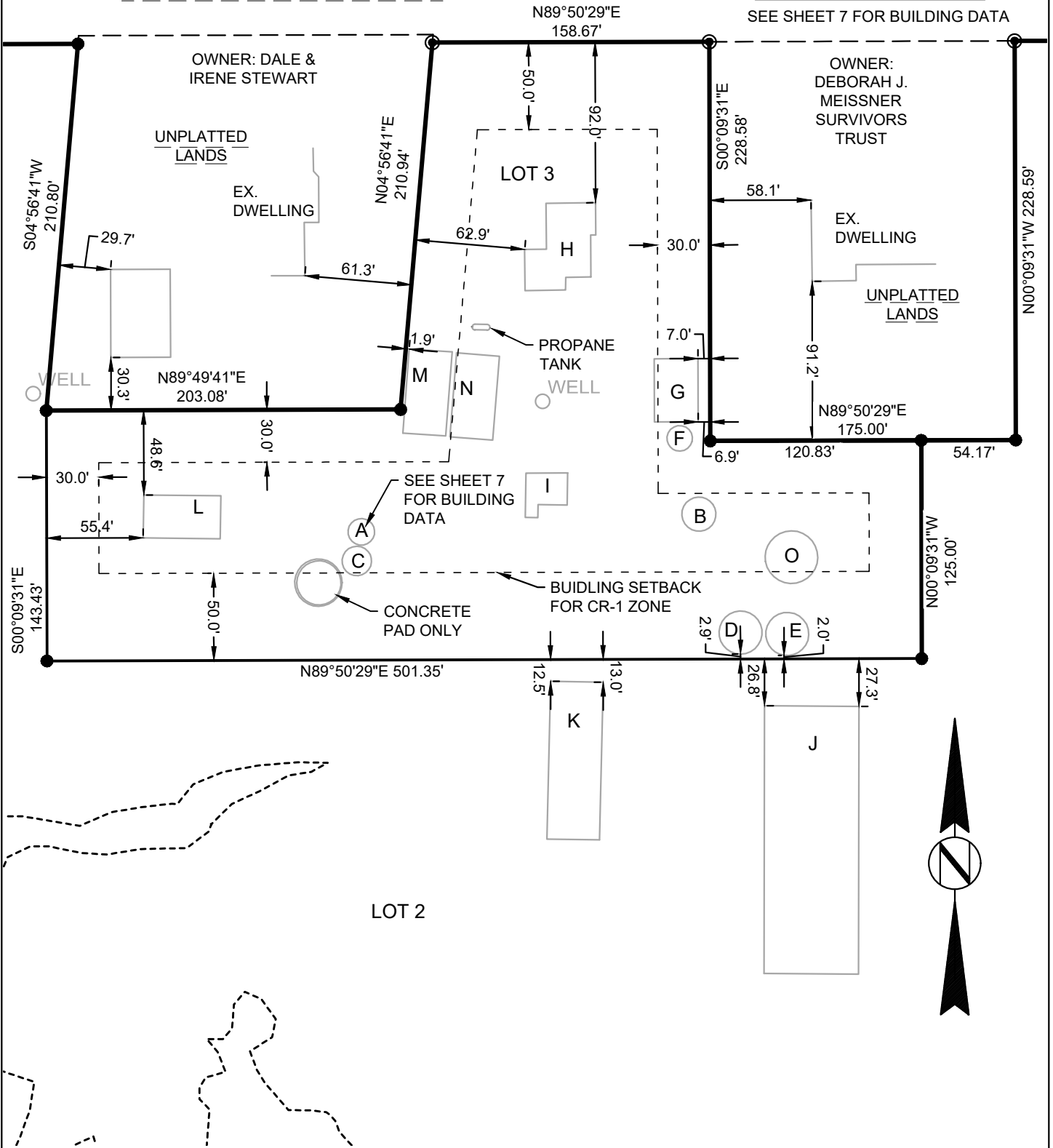
BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4, AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

N. LINE OF SW 1/4 OF SECTION 21-8-19

SILVER SPRING DRIVE CTH "VV"

LOT 3 DETAIL

SEE SHEET 7 FOR BUILDING DATA



PHONE: 414.949.8962
 501 MAPLE AVENUE
 DELAFIELD, WI 53018-9351
 www.sehinc.com

SCALE: 1" = 80'



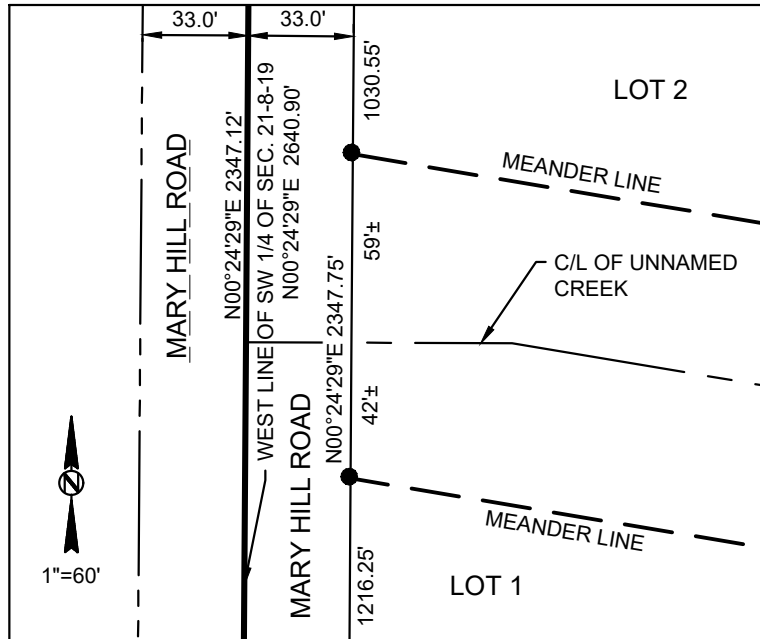
DATED THIS 17TH DAY OF MARCH, 2020

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4, AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

CURVE TABLE							
CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TAN BEARING 1	TAN BEARING 2
C1	894.93'	22°27'36"	350.81'	348.57'	S69°14'33"E	S58°00'45"E	S80°28'21"E

LINE TABLE		
LINE	LENGTH	DIRECTION
L1	248.10'	N31°38'32"E
L2	253.47'	S05°54'56"W
L3	139.37'	N28°00'48"E
L4	62.60'	N85°18'45"E
L5	101.06'	N37°38'47"E
L6	41.99'	S54°27'52"E
L7	142.96'	N33°15'22"E
L8	171.09'	S72°02'48"E
L9	55.72'	N87°44'49"E
L10	31.71'	N87°44'49"E
L11	237.51'	N06°04'19"E
L12	318.29'	N02°33'43"W
L13	107.09'	N11°11'37"E
L14	106.19'	N32°35'36"E
L15	104.55'	S45°59'47"W
L16	195.40'	N86°49'16"E
L17	43.49'	N03°10'44"W
L18	140.99'	N86°49'16"E
L19	311.74'	N10°16'37"W



DETAIL

BUILDING DATA			
STRUCTURE	DESCRIPTION	FIRST FLR	HEIGHT
A	SILO	971.30	49'
B	SILO	972.17	27'
C	SILO	967.54	53'
D	SILO	970.82	30'
E	SILO	970.72	31'
F	SHED	973.61	11'
G	GARAGE	972.80	12'
H	2 STORY HOUSE	974.63	20'
I	GARAGE	973.53	8'
J	BARN	971.49	24'
K	BARN	968.17	20'
L	OFFICE	966.76	13'
M	SHED	974.31	22'
N	GAR	974.75	16'
O	SILO	971.70	38'

DATED THIS 17TH DAY OF MARCH, 2020



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4,
AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF
SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

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

That I have surveyed, divided and mapped a part of the Northeast 1/4, Southeast 1/4, Southwest 1/4, and Northwest 1/4 of the Southwest 1/4 and the Southwest 1/4, and Northwest 1/4 of the Southeast 1/4 of Section 21, and the Northeast 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 28, T.8N., R.19E., Village of Sussex, Waukesha County, Wisconsin bounded and described as follows:

Beginning at the Southwest corner of the Southwest 1/4 of Section 21; thence North 0°24'29" East, along the west line of said Southwest 1/4 Section a distance of 2,347.12 feet; Thence North 88°25'29" East, 578.46 feet to the East line of Lot 1 of Certified Survey Map No. 5531; Thence North 1°34'31" West, along said East line 225.70 feet to the South line of Silver Spring Drive, CTH "VV"; Thence North 89°49'15" East, along said South line 620.36 feet; Thence South 4°56'41" West, 210.80 feet; Thence North 89°49'41" East, 203.08 feet; Thence North 4°56'41" East 210.94 feet to the South line of Silver Spring Drive, CTH "VV"; Thence North 89°50'29" East along said South line 158.67 feet; Thence South 0°09'31" East 228.58 feet; Thence North 89°50'29" East, 175.00 feet; Thence North 0°09'31" West, 228.59 feet to the South line of Silver Spring Drive, CTH "VV"; Thence North 89°49'15" East along said South line, 797.02 feet; Thence South 0°22'15" West, 151.25 feet; Thence South 82°04'27" East, 362.61 feet; Thence North 0°50'35" West, 194.57 feet to the South line of Silver Spring Drive, CTH "VV"; Thence Southeasterly along the arc of a curve right; whose radius is 894.93 feet, and whose chord bears South 69°14'33" West 348.57; Thence South 58°00'45" East, 907.81 feet to the West line of Certified Survey Map No. 9560; Thence South 0°10'25" West along said West line and the extension thereof, 1,956.02 feet to the South line of the Southeast 1/4 of Section 21; Thence South 89°45'15" West along the said South line, 1,346.59 feet to the East line of the Northwest 1/4 Section 28; Thence South 0°31'46" East along said East line 1,314.16 feet; Thence South 89°16'36" West, 2,649.18 feet to the West line of the Northwest 1/4 of Section 28; Thence North 0°12'25" West along said West line, 1,325.79 feet to the point of beginning.

Containing 13,170,550 square feet, 302.35 acres

That I have made such survey, land division and plat by the direction of the owner(s) of said lands.

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

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

Dated this 17th day of March, 2020.

Keith A Kindred, PLS 2082



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4, AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

OWNER'S CERTIFICATE:

Hickory Hills Farms, Inc., as owner, we hereby certify that we caused that land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the Certified Survey Map. We also certify that this Certified Survey Map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

- 1) Village of Sussex

Date: _____ Signed: _____

STATE OF _____)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20_____, the above named _____ to me known to be the same person who executed the foregoing instrument and acknowledged the same.

Notary Public

County, Wisconsin
My Commission Expires _____



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

DATED THIS 17TH DAY OF MARCH, 2020

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4, AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

CONSENT OF CORPORATE MORTGAGEE:

_____, a corporation duly organized and existing under and by virtue of the laws of the State of _____ mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the above certificate of Hickory Hill Farms, Inc., Owner.

IN WITNESS WHEREOF, said _____ has caused these presents to be signed by _____, its _____, and countersigned by _____, its _____ at _____, _____, and its corporate seal to be hereunto affixed this _____ day of _____, 20 _____.

STATE OF _____)
_____ COUNTY) SS)

Personally came before me this _____ day of _____, 20 _____, the above named _____, _____, and _____ of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such _____ and _____ of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) _____

Notary Public, _____,

My commission expires _____.



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

DATED THIS 17TH DAY OF MARCH, 2020

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NE. 1/4, SE. 1/4, SW. 1/4, AND NW. 1/4 OF THE SW. 1/4 AND THE SW. 1/4,
AND NW. 1/4 OF THE SE.1/4 OF SECTION 21, AND THE NE.1/4 AND NW.1/4 OF THE NW. 1/4 OF
SECTION 28, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

VILLAGE BOARD APPROVAL CERTIFICATE:

Resolved that the Certified Survey Map, in the Village of Sussex, is hereby approved by the Village Board.

All conditions have been met as of the _____ day of _____, 2020.

Date: _____ Signed _____

Gregory Goetz, Village President

PLAN COMMISSION APPROVAL CERTIFICATE:

APPROVED, that the Certified Survey Map, in the Village of Sussex, is hereby approved by the Plan Commission.

Approved as of the _____ day of _____, 2020.

Date: _____ Signed _____

Gregory Goetz, Chairmain

Date: _____ Signed _____

Sam Liebert, Administrative Services Director



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

DATED THIS 17TH DAY OF MARCH, 2020



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? Yes

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # 0227999003

Zoning: _____

Address of Tenant Space: N67 W25727 Silver Spring Rd.

1. Name of Business:

Harvest View Farms Inc.

Business _____

N67 W25913 Silver Spring Dr. Sussex, WI 53089

Address _____ City, State, Zip _____ Phone # _____

PMeissner85@gmail.com _____ 414-349-3738

Fax # _____ Email address _____

2. Business owner contact information:

Peter W Meissner

Contact _____

same as above

Address _____ City, State, Zip _____ Phone # _____

Fax # _____ Email address _____

3. Building/Land owner contact information:

same as above

Contact _____

Address _____ City, State, Zip _____ Phone # _____

Fax # _____ Email address _____

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

Mon-Sat 7:00am - 5:00pm
Shifts Sun 7:00am - 8:00am

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
7am-5pm	—————→					7am-8am

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

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

12. Parking:
 Total Number of Parking Spaces _____ Number of spaces needed per code _____
 Number of spaces allocated for employee parking _____
 Dimensions of parking lot _____ Is parking lot paved? No

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.

Peter W. Meissner 4-17-20
 Name Date
President - Harvest View Farms Inc.
 Title or Position

I am aware and approve of the business to be operating in the building owned by Peter W Meissner.

Peter W Meissner 4-17-20
 Name Date
President
 Title or Position



April 21, 2020

Village of Sussex
Attn: Kasey Fluet
N64 W23760 Main Street
Sussex, WI 53089

Dear Ms. Fluet,

As a supplement to the Plan of Operation application for Harvest View Farms, we are attaching this letter describing the nature of the ongoing business on the property. Harvest View Farms Inc. is an existing farming operation that plants, harvests, and stores various agricultural crops on the property, primarily wheat, corn, and soybeans. No processing of livestock or crops occurs on the property. The various buildings on the property are associated with the management of operations, storage of farm implements and materials, and storage of materials generated and associated with the ongoing farming operations.

Sincerely,

Bryan Lindgren
Neumann Developments Inc.

SILVER SPRING DR

VV

TOWN OF LISBON
VILLAGE OF SUSSEX

WV





WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

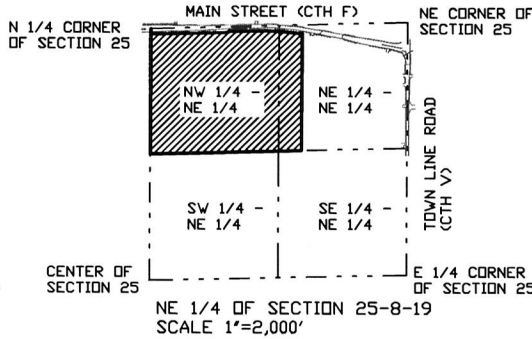
CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

OWNER

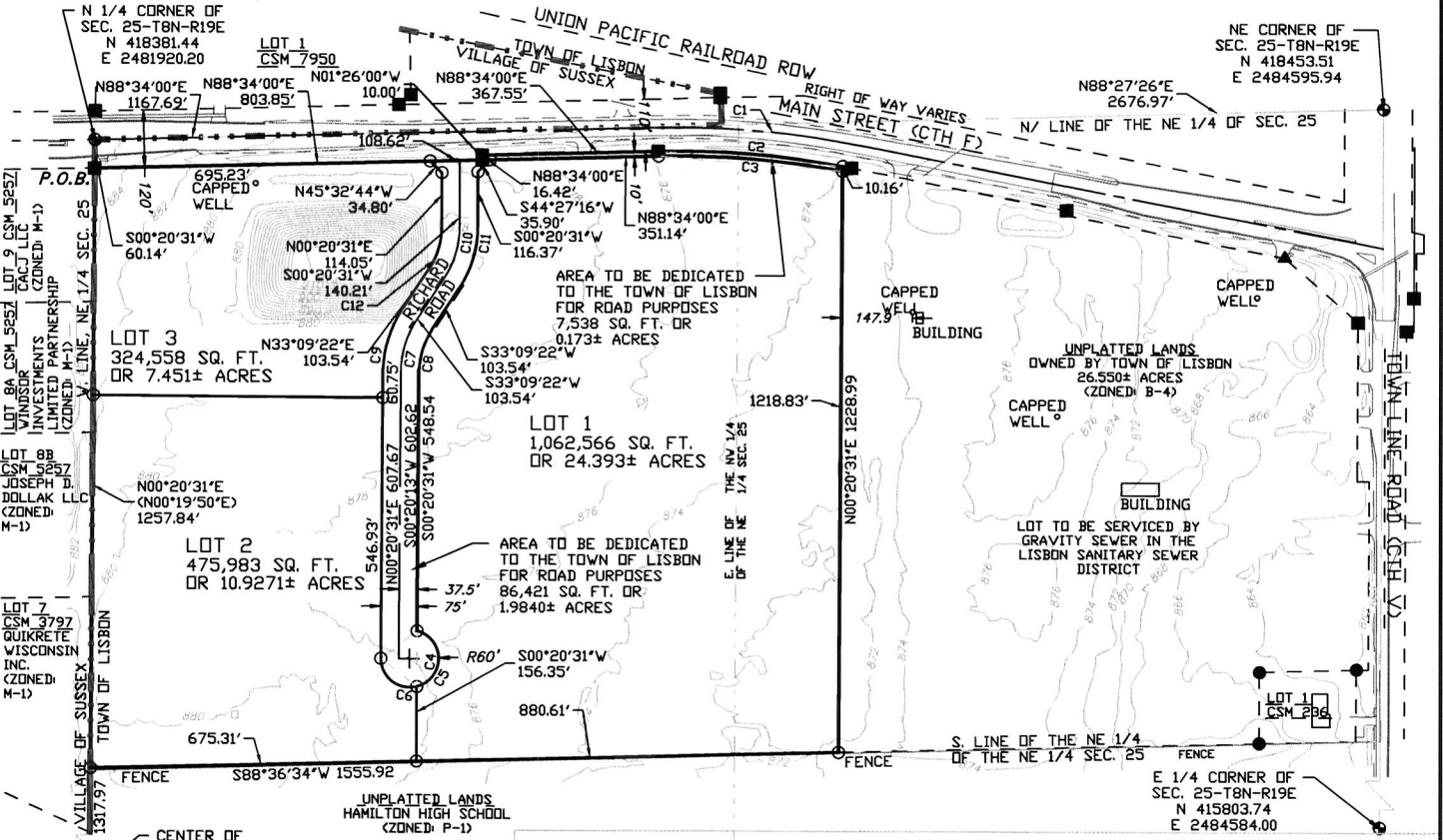
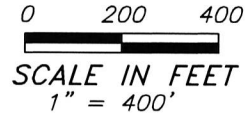
TOWN OF LISBON
W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545

LEGEND

- BRASS CAP IN CONC.
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- ▲ MAG NAIL FOUND
- (R.A.) DENOTE "RECORDED AS"
- DENOTE SOIL BORING
B & SW = SOIL TEST BORING
P = PROBE TO BEDROCK
TS = TOPSOIL THICKNESS PROBE
- EXISTING CONTOUR GRADE



REFERENCE BEARING; THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 25, T.8N., R.19E., IS USED AS THE REFERENCE BEARING AND HAS A BEARING OF N88°27'26"E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)



TOTAL AREA
1,959,509 SQ. FT. OR
44.984± ACRES

Curve #	Radius	Chord Bearing	Chord Length	Arc Length	Delta	Tangent Bearing IN	Tangent Bearing OUT
C1	1909.86	S85° 10' 47"E	416.09	416.91	012°30'27"	N88° 34' 00"E	S78° 55' 33"E
C2	1859.86	N85° 28' 53"W	385.70	386.40	011°54'13"	N79° 31' 47"W	S88° 34' 00"W
C3	1849.86	N85° 27' 14"W	385.41	386.11	011°57'32"	N79° 28' 28"W	S88° 34' 00"W
C4	60.00	N52° 30' 12"E	94.97	267.42	255°22'04"	S00° 11' 14"W	N75° 10' 49"W
C5	60.00	N00° 20' 31"E	116.19	158.17	151°02'41"	N75° 51' 52"E	N75° 10' 50"W
C6	60.00	N51° 58' 27"W	94.77	109.25	104°19'21"	S75° 51' 52"W	N00° 11' 13"E
C7	200.00	S16° 44' 56"W	112.98	114.54	032°48'51"	S33° 09' 22"W	S00° 20' 31"W
C8	162.50	S17° 29' 12"W	87.78	88.88	031°20'20"	S33° 09' 22"W	S01° 49' 02"W
C9	237.50	N17° 21' 33"E	129.31	130.96	031°35'38"	N01° 33' 44"E	N33° 09' 22"E
C10	200.00	N16° 44' 56"E	112.98	114.54	032°48'51"	N33° 09' 22"E	N00° 20' 31"E
C11	237.50	S16° 44' 56"W	134.17	136.02	032°48'51"	S00° 20' 31"W	S33° 09' 22"W
C12	162.50	N16° 44' 56"E	91.80	93.07	032°48'51"	N33° 09' 22"E	N00° 20' 31"E

- NOTE;
- 1) SEE PAGE 3 FOR EASEMENT AND BUILDING SETBACK INFORMATION
 - 2) SEE PAGE 6 FOR VISION CORRIDOR EASEMENT DETAILS
 - 3) EXISTING CONTOURS SHOWN ARE PER WAUKESHA COUNTY GIS
 - 4) "RICHARD ROAD" IS A PROPOSED STREET NAME AND IT MAY BE SUBJECT TO CHANGE.

Christopher J. Kunkel

CHRISTOPHER J. KUNKEL - WIS. REG. NO. S-1755

DATED 30 DAY OF April, 2020

KUNKEL
engineering
group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454

WISCONSIN
★ CHRISTOPHER J. KUNKEL ★
S-1755
WAUKESHA, WI
LAND SURVEYOR

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

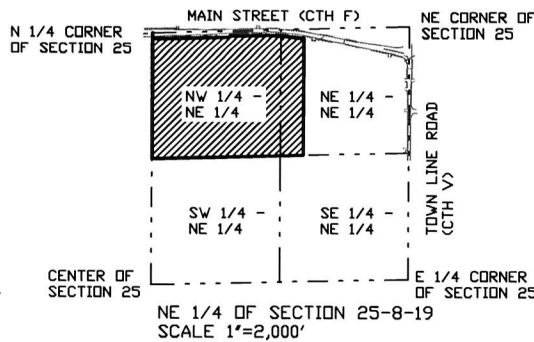
CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

OWNER

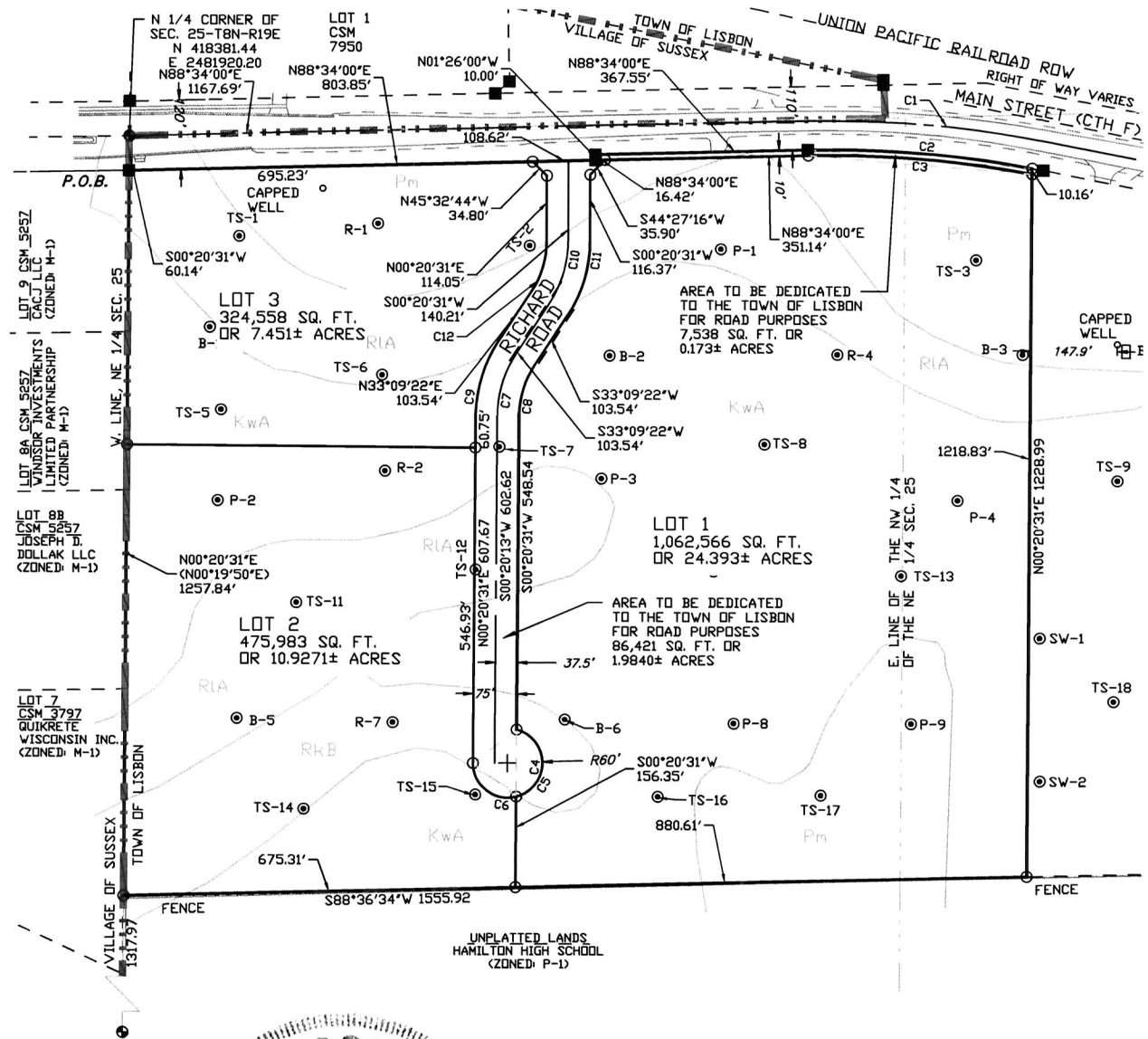
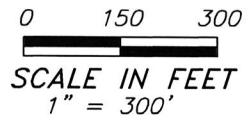
TOWN OF LISBON
W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545

LEGEND

- BRASS CAP IN CONC.
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- ▲ MAG NAIL FOUND
- MUNICIPAL BOUNDARY
- (R.A.) DENOTE "RECORDED AS"
- DENOTE SOIL BORING
- B & SW = SOIL TEST BORING
- P = PROBE TO BEDROCK
- TS = TOPSOIL THICKNESS PROBE



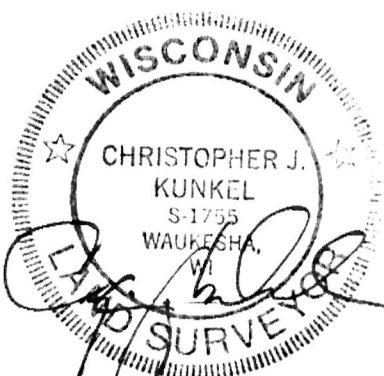
REFERENCE BEARING; THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 25, T.8N., R.19E., IS USED AS THE REFERENCE BEARING AND HAS A BEARING OF N88°27'26"E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)



SOILS DATA

- MAP UNIT SYMBOL**
- KwA - KNOWLES SILT LOAM
 - Pm PELLA SILT LOAM
 - RkB RITCHEY SILT LOAM
 - RIA RITCHY SILT LOAM

- NOTE;**
- 1) EXISTING SOILS INFORMATION SHOWN PER WAUKESHA COUNTY GIS
 - 2) SOIL BORINGS DONE REVEALED SHALLOW BEDROCK THROUGHOUT THE SITE



KUNKEL
engineering
group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454

SEALED 4/30/2020

PAGE 2 OF 6

DRAFTED BY N.A.C. 2/3/2020

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

OWNER

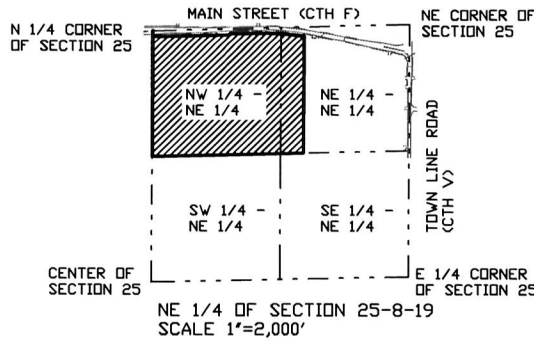
TOWN OF LISBON
W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545

LEGEND

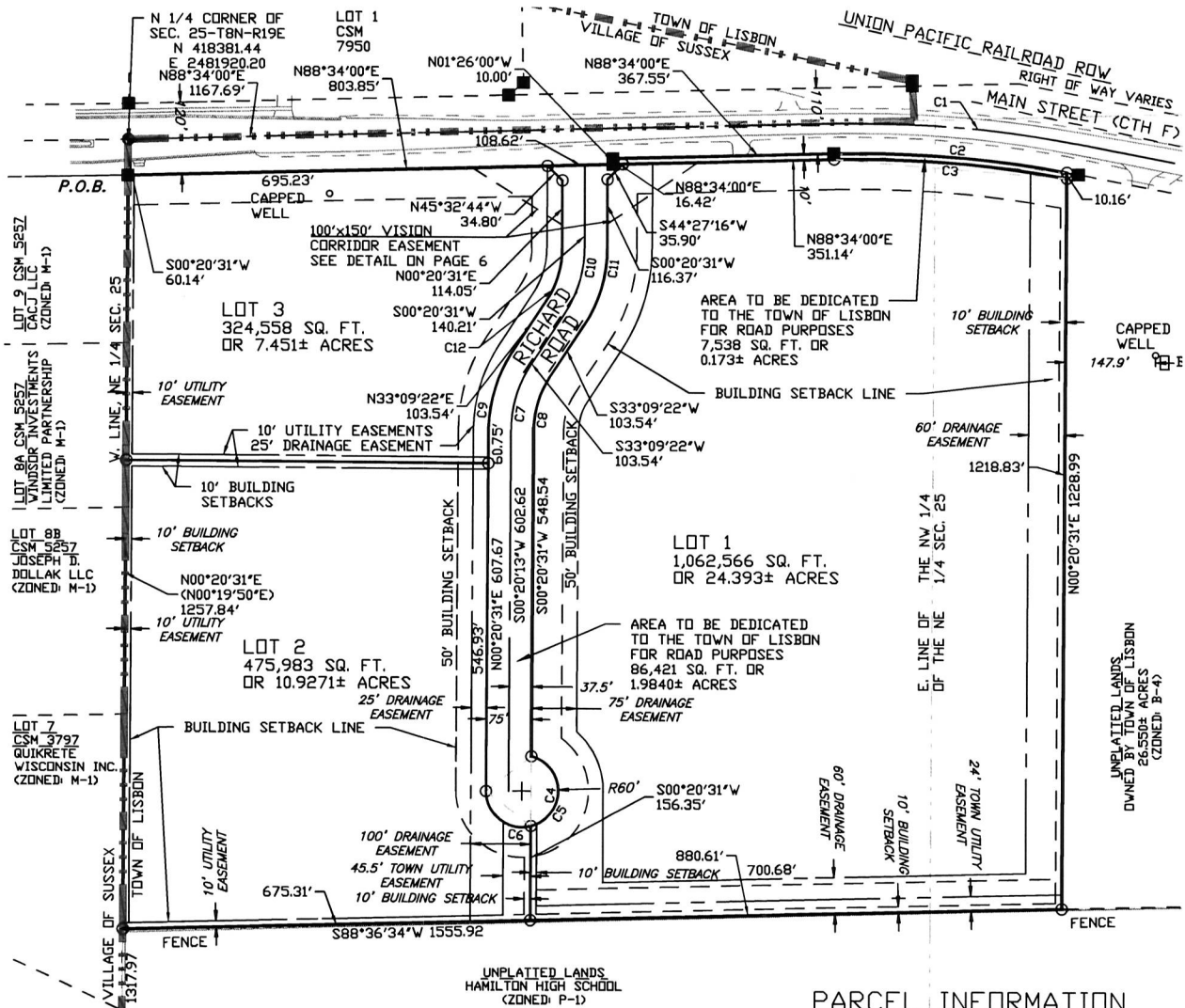
- BRASS CAP IN CONC.
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- ▲ MAG NAIL FOUND
- MUNICIPAL BOUNDARY (R.A.) DENOTE "RECORDED AS"

0 150 300

SCALE IN FEET
1" = 300'



REFERENCE BEARING; THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 25, T.8N., R.19E., IS USED AS THE REFERENCE BEARING AND HAS A BEARING OF N88°27'26"E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)



PARCEL INFORMATION

ZONING: M-2 GENERAL INDUSTRIAL

BUILDING SETBACKS
PUBLIC ROAD = 50 FEET
SIDE YARD = 10 FEET
REAR YARD = 10 FEET

NOTE:

1) ALL EASEMENT FOR TOWN UTILITIES ARE DEDICATED TO THE TOWN OF LISBON UNLESS OTHERWISE PROVIDED

KUNKEL
engineering
group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454



SEALED 4/30/2020

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Christopher J. Kunkel, Professional Land Surveyor of the State of Wisconsin, do hereby certify that by order of Town of Lisbon I have made a survey of land located in the NW 1/4 and NE 1/4 of the NE 1/4 of Section 25, Town 8 North, Range 19 East, of the Town of Lisbon, Waukesha County, Wisconsin.

Commencing at the NW corner of the NE 1/4 of Section 25, T8N, R19E, Waukesha County, Wisconsin; thence S0°20'31"W along the West line of said 1/4 section a distance of 60.14 feet to a point in the southerly right of way line of Main Street (CTH F) and point of beginning;

thence N88°34'00"E, along said southerly right of way line, a distance of 803.85 feet to a point;

thence N1°26'00"W, along an offset in said southerly right of way line, a distance of 10.00 feet to a point;

thence N88°34'00"E, along said southerly right of way line, a distance of 367.55 feet to a point;

thence easterly along a curve to the right having a radius of 1859.86 feet, a central angle of 11°54'13", an arc length of 386.40', and chord of 385.70' bearing S85°28'54"E, to a point;

thence S0°20'31"W, a distance of 1228.99 feet to a point;

thence S88°36'34"W a distance of 1555.92 feet to a point in the west line of said 1/4 section;

thence N0°20'31"E along the West line of said 1/4 section a distance of 1257.84 feet to the point of beginning.

Said parcel contains 1,959,509 square feet or 44.984± acres, more or less

I further certify that this map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land; that I have complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the subdivisions regulations of the Town of Lisbon and Village of Sussex, in surveying, dividing and mapping the same, to the best of my knowledge and belief.

Dated this 30 day of April, 2020


Christopher J. Kunkel, PLS S-1755



OWNER'S CERTIFICATE

The Town of Lisbon, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. We also certify that this map is required by S.236.10 or S236.12 to be submitted to the following for approval or objection: Town of Lisbon Plan Commission, Town of Lisbon Town Board, Village of Sussex Plan Commission, Village of Sussex Village Board.

IN WITNESS WHEREOF, the said Town of Lisbon has caused these presents to be signed by Joseph Osterman, Town Chairman, and by Rick Goeckner, Town Clerk at Lisbon, Waukesha County, Wisconsin, and its corporate seal to be hereon affixed on this _____, day of _____, 2020

Joseph Osterman – Town Chairman

Rick Goeckner – Town Clerk

STATE OF WISCONSIN)

WAUKESHA COUNTY)SS

Personally came before me this _____ day of _____, 2020

Joseph Osterman, Town Chairman, and by Rick Goeckner, Town Clerk of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such Town Chairman and Town Clerk of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public, _____ County, WI

My Commission Expires: _____

Total land to be dedicated for road purposes
96,401 SQ. FT. or
2.213± ACRES



KUNKEL
engineering
group
107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

TOWN BOARD APPROVAL CERTIFICATE

Resolved that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Town Board.

All conditions have been met as of the _____ day of _____, 2020

Dated: _____ Signed _____

Joseph Osterman, Town Chairman

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Town Board of the Town of Lisbon

Dated: _____ Signed _____

Rick Goeckner, Town Clerk

PLAN COMMISSION APPROVAL CERTIFICATE

APPROVED, that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Plan Commission.

Approved as of the _____ day of _____, 2020

Dated: _____ Signed _____

Joseph Osterman, Town Chairman

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Plan Commission of the Town of Lisbon

Dated: _____ Signed _____

Rick Goeckner, Town Clerk

EXTRATERRITORIAL VILLAGE PLAN COMMISSION APPROVAL CERTIFICATE

Resolved that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Village Board of the Village of Sussex.

All Conditions have been met as of the _____ day of _____, 2020


Dated: _____ Signed _____

Anthony LeDonne, Village President

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

Dated: _____ Signed _____

Sam Liebert, Administrative Services Director



KUNKEL
engineering
group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454



WAUKESHA COUNTY CERTIFIED SURVEY MAP #

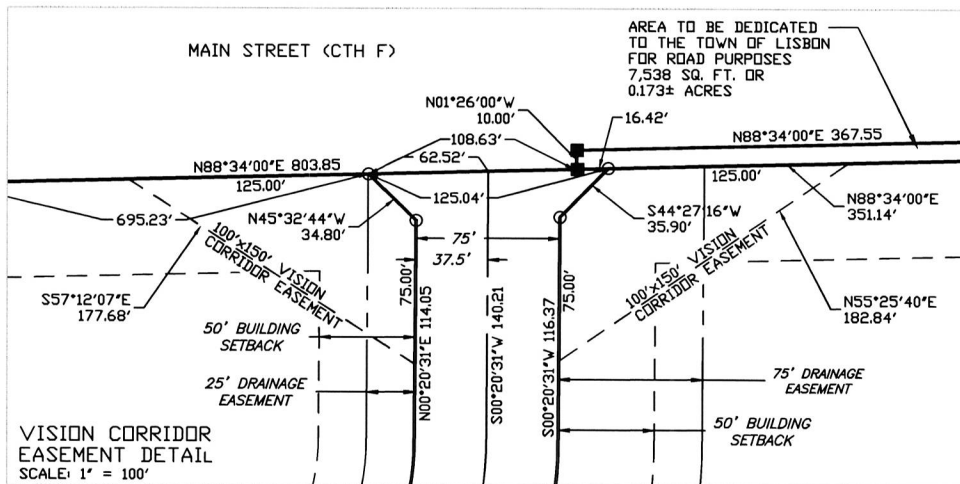
A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

EXTRATERRITORIAL VILLAGE BOARD APPROVAL CERTIFICATE

APPROVED, that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Village of Sussex Village Board.
Approved as of the _____ day of _____, 2020

Dated: _____ Signed _____
Anthony LeDonne, Village President

Dated: _____ Signed _____
Sam Liebert, Administrative Services Director



KUNKEL
engineering
group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454

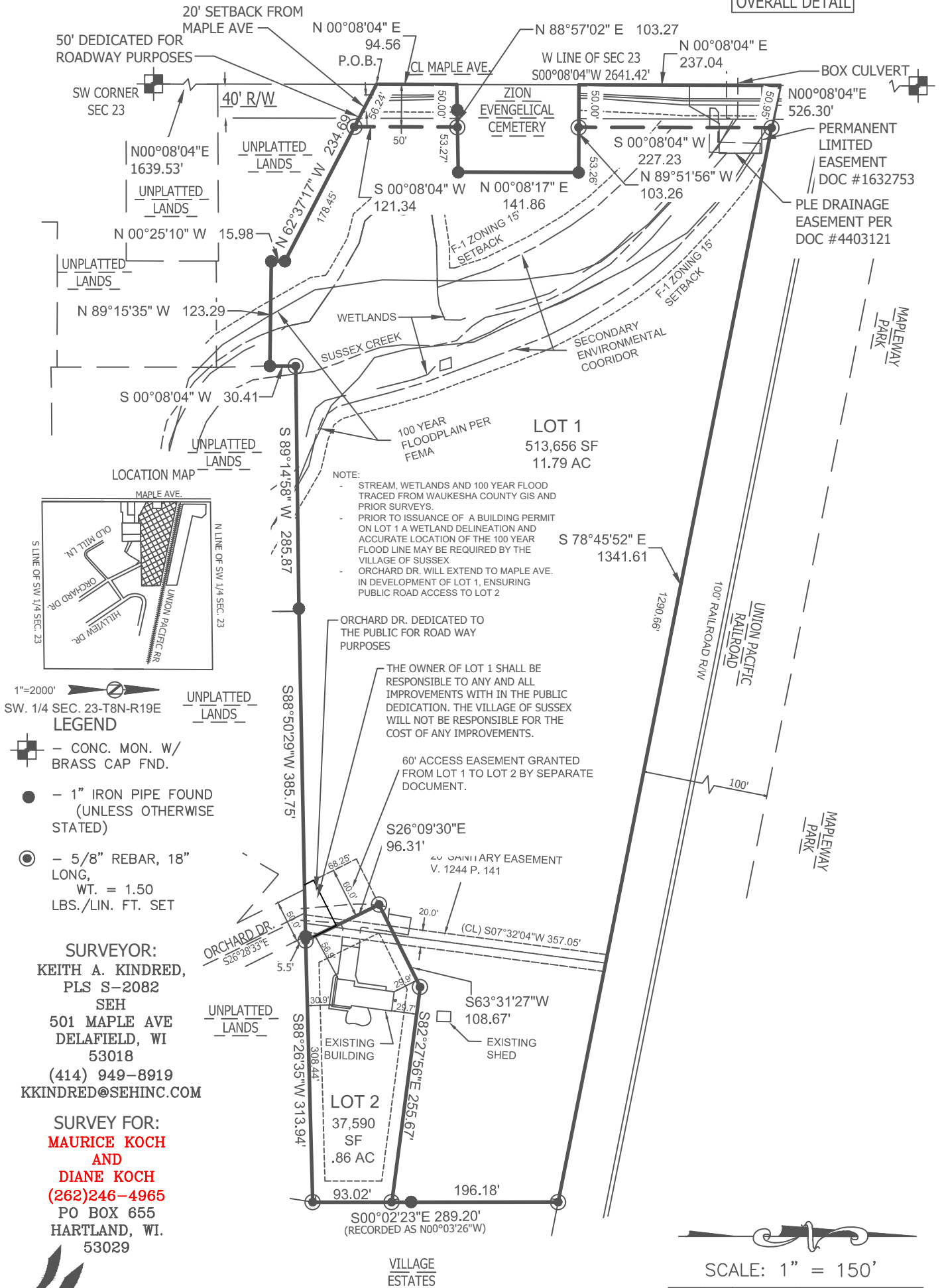




CERTIFIED SURVEY MAP NO.

ALL OF LOT 1 AND LOT 2 LOCATED IN A PART OF THE NW 1/4 OF THE SW 1/4 OF SEC. 23, T.8N., R.19E.,
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WI

OVERALL DETAIL



NOTE:
 - STREAM, WETLANDS AND 100 YEAR FLOOD TRACED FROM WAUKESHA COUNTY GIS AND PRIOR SURVEYS.
 - PRIOR TO ISSUANCE OF A BUILDING PERMIT ON LOT 1 A WETLAND DELINEATION AND ACCURATE LOCATION OF THE 100 YEAR FLOOD LINE MAY BE REQUIRED BY THE VILLAGE OF SUSSEX
 - ORCHARD DR. WILL EXTEND TO MAPLE AVE. IN DEVELOPMENT OF LOT 1, ENSURING PUBLIC ROAD ACCESS TO LOT 2

ORCHARD DR. DEDICATED TO THE PUBLIC FOR ROAD WAY PURPOSES
 THE OWNER OF LOT 1 SHALL BE RESPONSIBLE TO ANY AND ALL IMPROVEMENTS WITH IN THE PUBLIC DEDICATION. THE VILLAGE OF SUSSEX WILL NOT BE RESPONSIBLE FOR THE COST OF ANY IMPROVEMENTS.

60' ACCESS EASEMENT GRANTED FROM LOT 1 TO LOT 2 BY SEPARATE DOCUMENT.

60' SECONDARY EASEMENT V. 1244 P. 141

(CL) S07°32'04"W 357.05'

S63°31'27"W 108.67'

S82°27'56"E 255.67'

S00°02'23"E 289.20' (RECORDED AS N00°03'26"W)

196.18'

93.02'

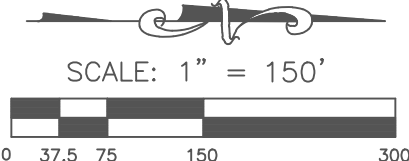
VILLAGE ESTATES

- 1"=2000'
- SW. 1/4 SEC. 23-T8N-R19E
- LEGEND**
- CONC. MON. W/ BRASS CAP FND.
 - — 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
 - ⊙ — 5/8" REBAR, 18" LONG, WT. = 1.50 LBS./LIN. FT. SET

SURVEYOR:
 KEITH A. KINDRED,
 PLS S-2082
 SEH
 501 MAPLE AVE
 DELAFIELD, WI
 53018
 (414) 949-8919
 K KINDRED@SEHINC.COM

SURVEY FOR:
MAURICE KOCH
 AND
DIANE KOCH
 (262)246-4965
 PO BOX 655
 HARTLAND, WI.
 53029

SEH
 PHONE: 414.949.8962
 501 MAPLE AVENUE
 DELAFIELD, WI 53018-9351
 www.sehinc.com






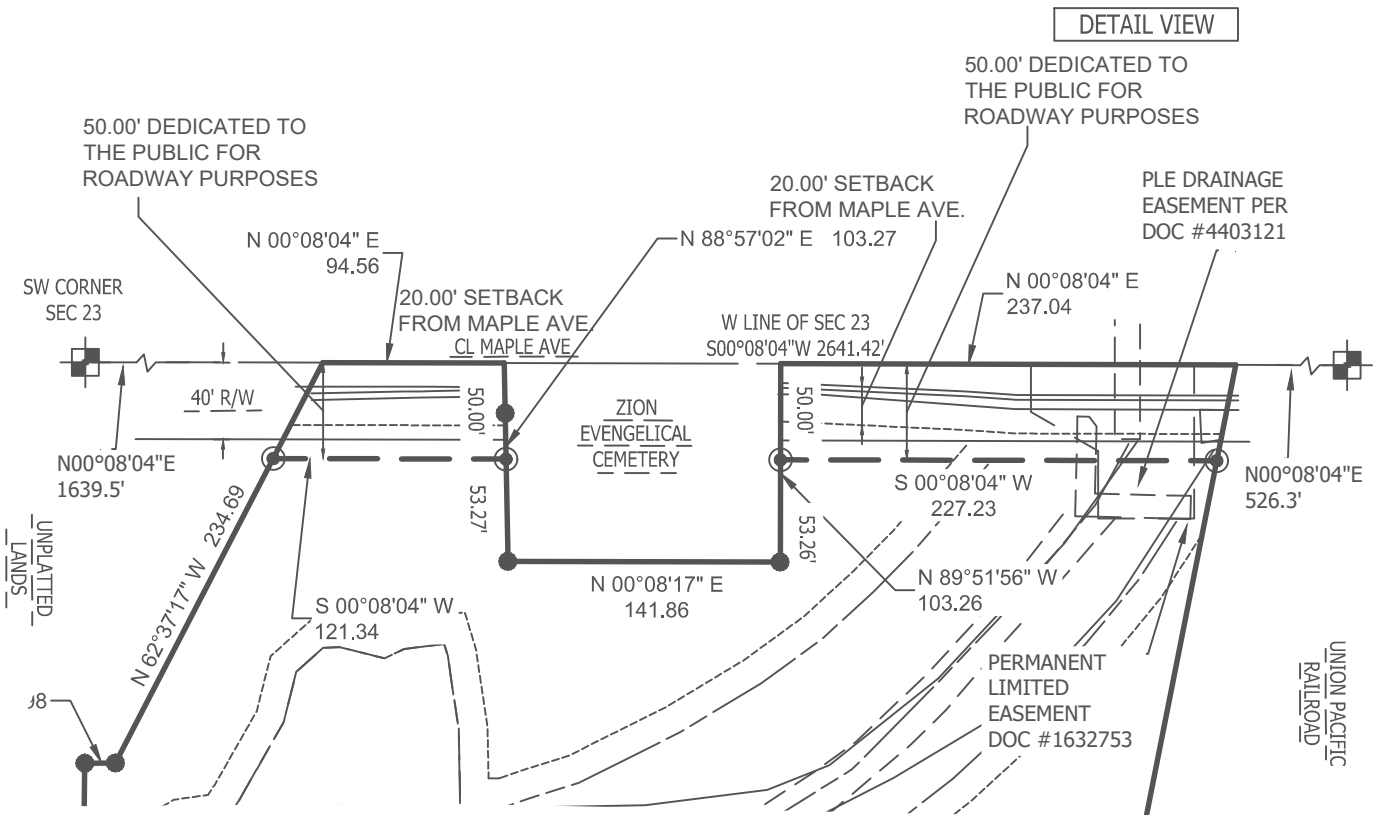
BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 1927) GRID NORTH ON THE WEST LINE OF THE SW 1/4 OF SECTION 23-8-19 AS S00°08'04"W.

CERTIFIED SURVEY MAP NO. _____

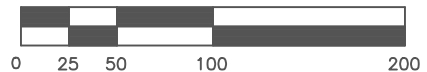
ALL OF LOT 1 AND LOT 2 LOCATED IN A PART OF THE NW 1/4 OF THE SW 1/4 OF SEC. 23, T.8N., R.19E.,
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WI

LEGEND

-  - CONC. MON. W/
BRASS CAP FND.
-  - 1" IRON PIPE FOUND
(UNLESS OTHERWISE
STATED)
-  - 5/8" REBAR, 18"
LONG,
WT. = 1.50
LBS./LIN. FT. SET



SCALE: 1" = 100'



BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 1927) GRID NORTH ON THE WEST LINE OF THE SW 1/4 OF SECTION 23-8-19 AS S00°08'04"W.



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

PROJECT NO. KOCMA_152115

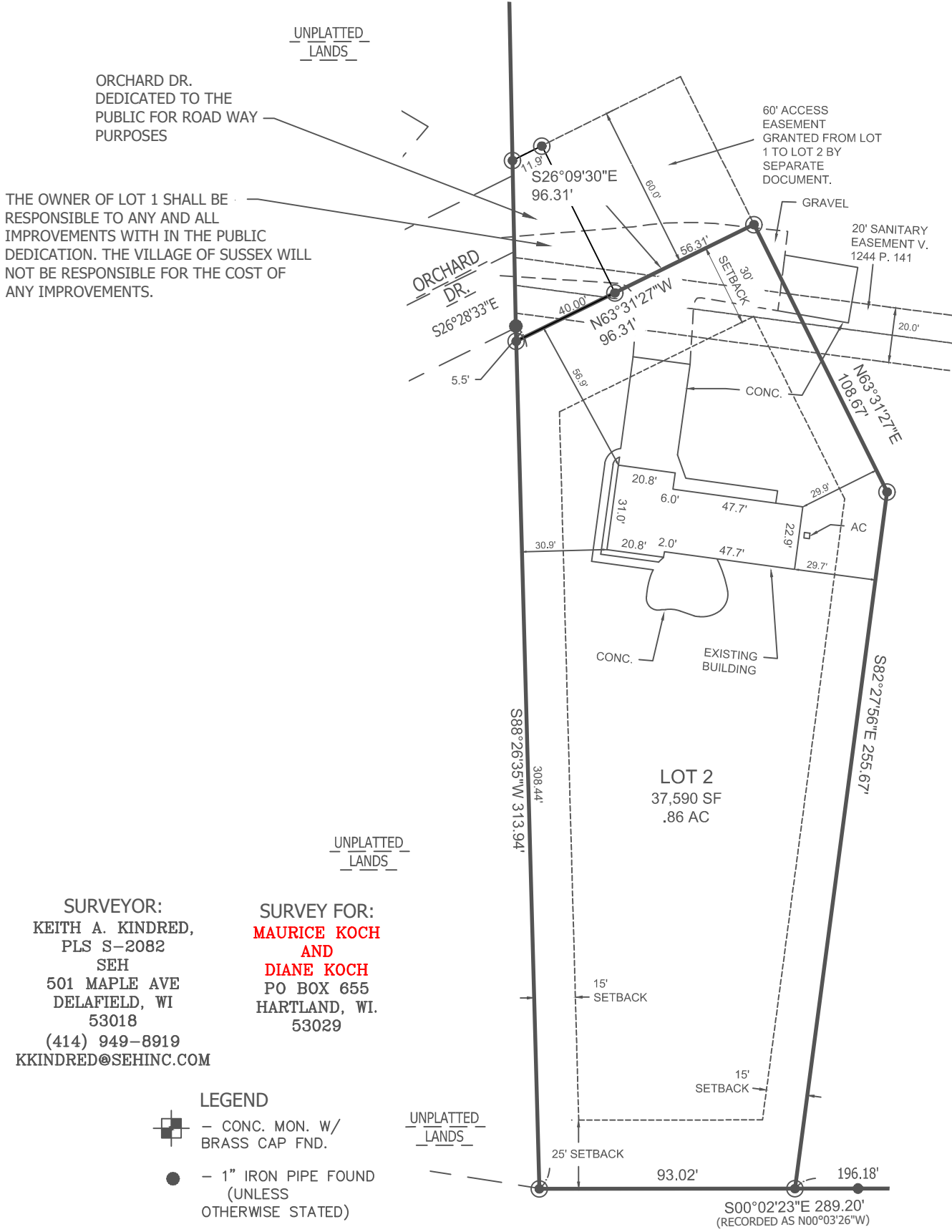
THIS INSTRUMENT DRAFTED BY ELLIS R. O'CONNELL

SHEET 2 OF 6

CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 1 AND LOT 2 LOCATED IN A PART OF THE NW 1/4 OF THE SW 1/4 OF SEC. 23, T.8N., R.19E.,
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WI

DETAIL VIEW



ORCHARD DR.
DEDICATED TO THE
PUBLIC FOR ROAD WAY
PURPOSES

THE OWNER OF LOT 1 SHALL BE
RESPONSIBLE TO ANY AND ALL
IMPROVEMENTS WITH IN THE PUBLIC
DEDICATION. THE VILLAGE OF SUSSEX
WILL NOT BE RESPONSIBLE FOR THE COST OF
ANY IMPROVEMENTS.

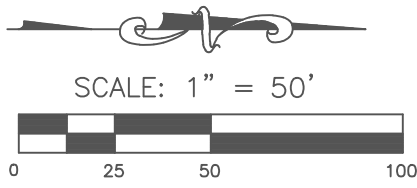
SURVEYOR:
KEITH A. KINDRED,
PLS S-2082
SEH
501 MAPLE AVE
DELAFIELD, WI
53018
(414) 949-8919
KKINDRED@SEHINC.COM

SURVEY FOR:
**MAURICE KOCH
AND
DIANE KOCH**
PO BOX 655
HARTLAND, WI.
53029

- LEGEND**
- - CONC. MON. W/
BRASS CAP FND.
 - - 1" IRON PIPE FOUND
(UNLESS
OTHERWISE STATED)
 - ⊙ - 5/8" REBAR, 18"
LONG,
WT. = 1.50
LBS./LIN. FT. SET



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



BEARINGS ARE REFERENCED TO THE
WISCONSIN STATE PLANE COORDINATE
SYSTEM, SOUTH ZONE (NAD 1927) GRID
NORTH ON THE WEST LINE OF THE SW 1/4 OF
SECTION 23-8-19 AS S00°08'04"W.

CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 1 AND LOT 2 LOCATED IN A PART OF THE NW 1/4 OF THE SW 1/4 OF SEC. 23, T.8N., R.19E.,
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WI

SURVEYOR'S CERTIFICATE:

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

That I have surveyed, divided and mapped all of Lot 1 and Lot 2 located in that part of the NW 1/4 of the SW 1/4 of Section 23, all located in the T.8N., R19E., Village of Sussex, Waukesha County, Wisconsin, more fully described as follows:

Commencing at the SW corner of said Section 23; thence N00°08'04"E along the West line of the SW 1/4 of said sec. 23 a distance of 1639.53' to the point of beginning of the herein after described lands; thence N00°08'04"E continuing along said West line 94.56'; thence N88°57'02"E, 103.27'; thence N00°08'17"E, 141.86'; thence N89°51'56"W, 103.26'; thence N00°08'04"E along the West line of said section 23, a distance of 237.04' to the South R/W lined the Union Pacific Railroad; thence S78°45'52"E along said R/W for a distance of 1341.61'; thence S00°02'23"E along the West line of Village Estates 289.20'; thence S88°26'35"W, 313.94'; thence S88°50'29"W, 385.75'; thence S89°14'58"W, 285.87'; thence S00°08'04"W, 30.41'; thence N89°15'35"W, 123.29'; thence N00°25'10"W, 15.98'; thence N62°37'17"W, 234.69' to the point of beginning.

Said lands contain 551,239 square feet, 12.65 acres

That I have made such survey, land division and Certified Survey Map by the direction of **Maurice Koch and Diane Koch**, owners of said lands.

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

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

Dated this **2nd day of March, 2020**.

Keith A. Kindred, PLS S-2082



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

CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 1 AND LOT 2 LOCATED IN A PART OF THE NW 1/4 OF THE SW 1/4 OF SEC. 23, T.8N., R.19E.,
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WI

OWNER'S CERTIFICATE:

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

In witness whereof, Maurice Koch and Diane Koch, has caused these presents to be signed by an authorized representative,

This _____ day of _____, 20__

By: _____

Printed Name: Maurice Koch

By: _____

Printed Name: Diane Koch

State of Wisconsin)

Waukesha County) ss

Personally came before me this _____ day of _____, 20__, Maurice Koch and Diane Koch, to me known to be the persons who executed the foregoing instrument, and to me known to be the authorized representative, and acknowledged that they executed foregoing instrument as officer.

_____ Notary Public, State of _____

My Commission expires _____



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

CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 1 AND LOT 2 LOCATED IN A PART OF THE NW 1/4 OF THE SW 1/4 OF SEC. 23, T.8N., R.19E.,
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WI

PLAN COMMISSION APPROVAL:

Approved by the plan commission of the Village of Sussex on this _____ day of _____, 20____

Gregory Goetz – Chariman

Sam Liebert – Director, Clerk/Treasurer

VILLAGE BOARD APPROVAL:

Approved by the Village Board of the Village of Sussex on this _____ day of _____, 20____

Gregory Goetz – Village President

Sam Liebert – Director, Clerk/Treasurer

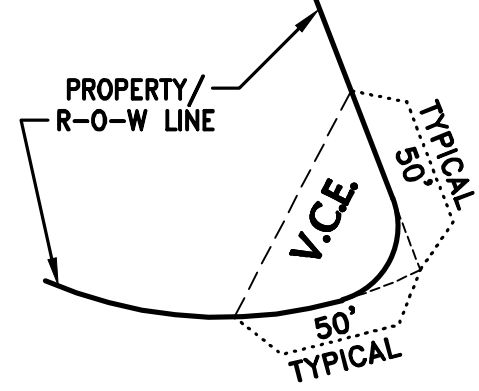


PHONE: 414.949.8919
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

WOODLAND PRESERVE

BEING A SUBDIVISION OF A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

VISION CORNER EASEMENT DETAIL (V.C.E.)



V.C.E. APPLIES TO:

Lots 1 is herein subject to a Vision Corner Easement in that the height of planting berms, fences, signs & any other structure within the Easement is restricted to 24" above the intersection elevation. There shall be no direct vehicular access from the Lots and Outlots in this Subdivision to the public Roads across the Vision Corner Easement.

GENERAL NOTES:

- Indicates Set 1.270" outside diameter x 18" long Reinforcing Bar weighing 4.303 lbs. per lineal foot. All other Lot and Outlot corners are staked with 0.750" outside diameter x 18" long Reinforcing Bar weighing 1.502 lbs. per lineal foot.
- Indicates Found 0.75" outside diameter Reinforcing Bar unless otherwise noted.
- All linear measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to nearest second and computed to the nearest half-second.
- All bearings are referenced to the grid north of the Wisconsin State Plane Coordinate System (NAD 1927 datum) - South Zone, in which the East line of the N.W. 1/4 of Section 13, T. 8 N., R. 19 E., is taken to bear North 00°27'40" East.
- The Landscape Island Easement to be granted to each individual Lot Owner within this Subdivision. The Owners of the residential Lots within this Subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore the landscaping within said Landscape Island Easement. Said repairs, maintenance and restoration shall be performed by the Owners of all Lots within this Subdivision.
- Private Drainage Easements granted to Owners of the Lots within this Subdivision are established to provide for the unobstructed flow of Stormwater runoff from adjacent and upstream properties. Owners of Lots on which these Private Drainage Easements exist shall be responsible for keeping these areas free of any obstructions or grade alterations that may restrict or divert this flow.

PUBLIC EASEMENT PROVISIONS:

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

- (A)** - "20' Wide Public Storm Sewer Easement"
- (B)** - "11' Wide Public Sidewalk Easement"
- (C)** - "30' Wide Public Sanitary Sewer and Watermain Easement"

1. Purpose: The purpose of these Easements is to:

Public Storm Sewer Easement:

- Install, operate, maintain, and replace underground storm sewer utility facilities, together with all necessary and appurtenant equipment under and above the ground as deemed necessary by the Village, all to transmit storm water.
- Surface storm water conveyance.

11' Wide Public Sidewalk Easement:

- Construct, maintain, repair, and replace pedestrian sidewalks depicted in the final plat.
- Trees, bushes, branches, and roots may be trimmed or removed so as not to interfere with the Village's use of the easement areas.

- The general public shall have the right to traverse the "11' Wide Public Sidewalk Easement" area for use as a public sidewalk.
- Buildings and Other Structures.** The land owner agrees that no structures will be erected in the easement area, or in such close proximity to the facilities, such as to prevent the Village from exercising its rights under this easement.

- Elevation.** The land owner agrees that the elevation of the existing ground surface within the easement area will not be altered by more than four (4) inches without the written consent of the Village.

- Restoration.** The Village agrees to restore or cause to have restored the land owner's land to grade and replace sod or grass disturbed. This restoration, however, does not apply to the initial installation or to any trees, bushes, branches, or roots which may interfere with the Village's use of the easement area.

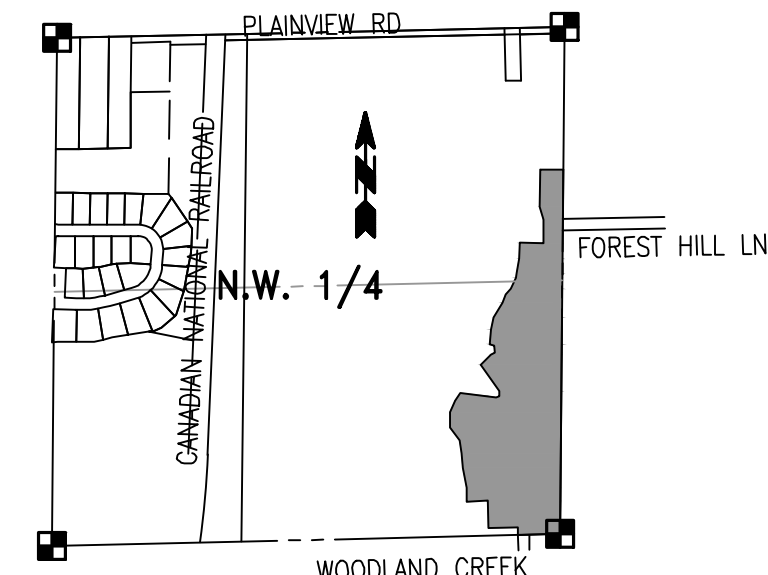
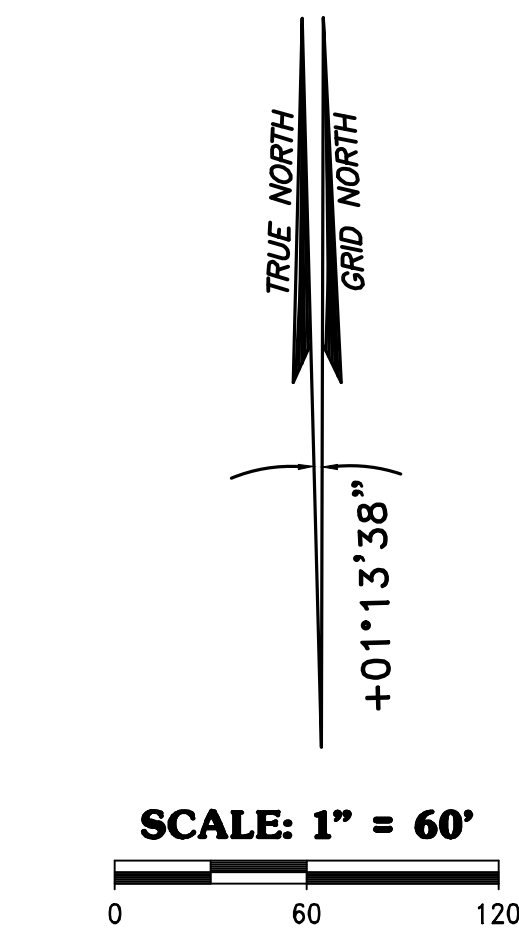
- Exercise of Rights:** It is agreed that the complete exercise of rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.

- These Easement shall run with the land and shall be binding upon and inure to the benefit of and be enforceable by the land owner and the Village and their respective heirs, personal representatives, successors and assigns.

SECONDARY ENVIRONMENTAL CORRIDOR - WETLAND PRESERVATION RESTRICTIONS:

Those areas identified as Secondary Environmental Corridor and Wetland on this Plat shall be subject to the following restrictions:

- Grading, filling and removal of topsoil or other earthen materials are prohibited except in connection with the construction of a proposed gravel path, unless specifically authorized by the municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that dead, diseased, or dying vegetation may be removed, at the discretion of the landowner and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division. Silvicultural thinning upon the recommendation of a forester or naturalist and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division shall also be permitted. The removal of any vegetative cover that is necessitated to provide access or service to an approved residence or accessory building, shall be permitted only when the access or service cannot be located outside of the Secondary Environmental Corridor, Floodplain and Wetland and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division.
- Grazing by domesticated animals, i.e., horses, cows, etc, is prohibited within the Floodplain and Wetland areas and shall be discouraged to the greatest extent possible within the Secondary Environmental Corridor area.
- The introduction of plant material not indigenous to the existing environment is prohibited.
- Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- The construction of buildings is prohibited.



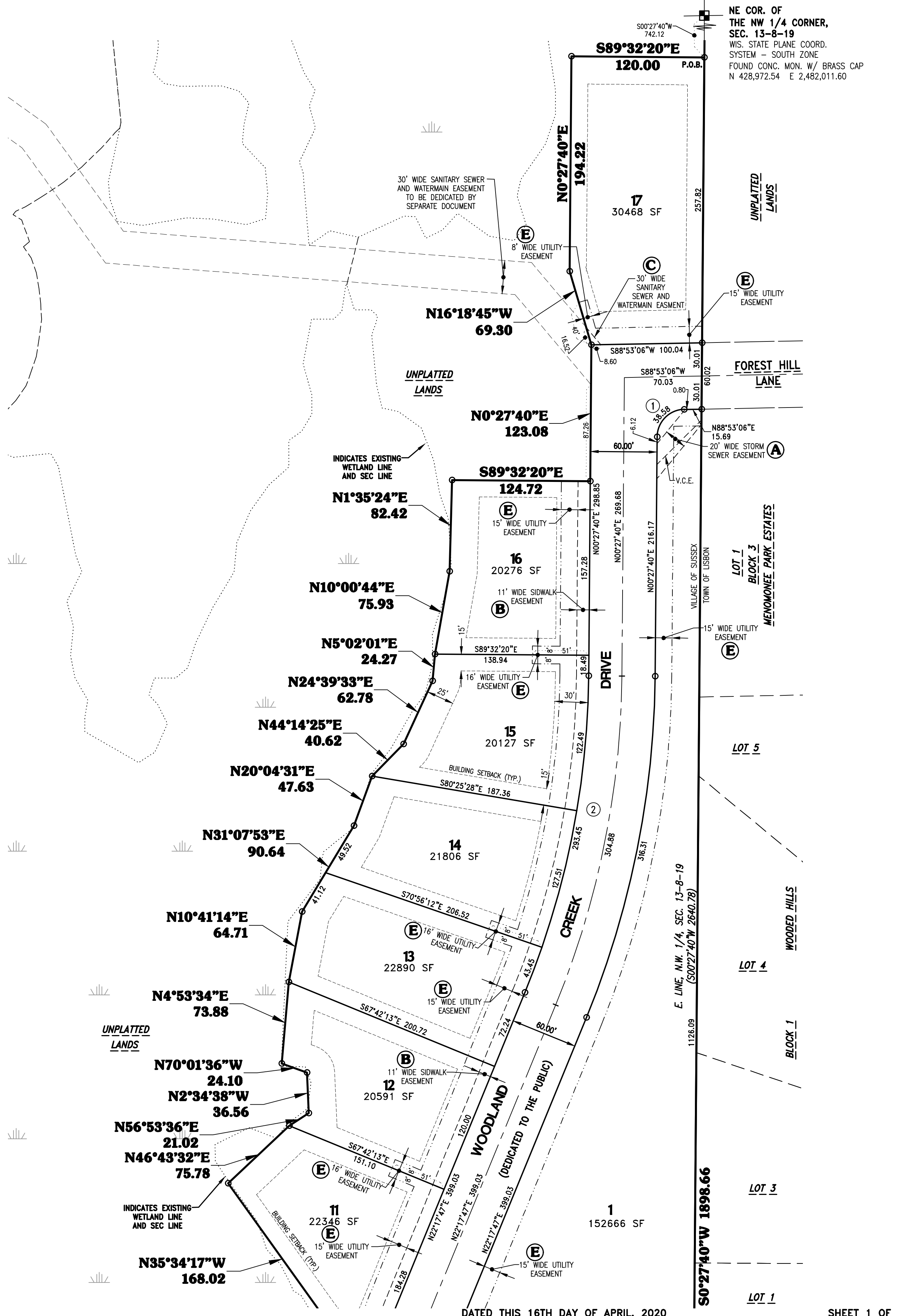
LOCALITY MAP:
NW 1/4, SEC. 13, T. 8 N., R. 19 E.
SCALE: 1"=1000'

RS-2 PDD (cont.)	Lo 8 1-17
From Set	30 PDD
Re: Set	25 PDD
Side Set	15 PDD
Minimum Lot Width	100
Average Lot Size	31,941 s.f. (0.71 ac.)

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

Certified _____, 20____

Department of Administration



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

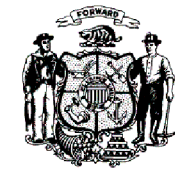
H:\CG00\983\18022-01\SURVEY\PLATS\166PLOT_WOODLAND_PRESERVE.DWG

WOODLAND PRESERVE

BEING A SUBDIVISION OF A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

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

Certified _____, 20____



Department of Administration

UTILITY EASEMENT PROVISIONS: (E)

An easement for electric, natural gas, and communications service is hereby granted by _____, Grantor, to _____, Grantee, and _____, Grantee

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

_____ Grantee, and _____ Grantee

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

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

CORPORATE OWNERS CERTIFICATE OF DEDICATION:

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

APPROVING AGENCIES:

1. Village of Sussex

AGENCIES WHO MAY OBJECT:

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

Witness the hand and seal of said Owner this _____ day of _____, 20____.

WOODLAND TRAILS, LLC.

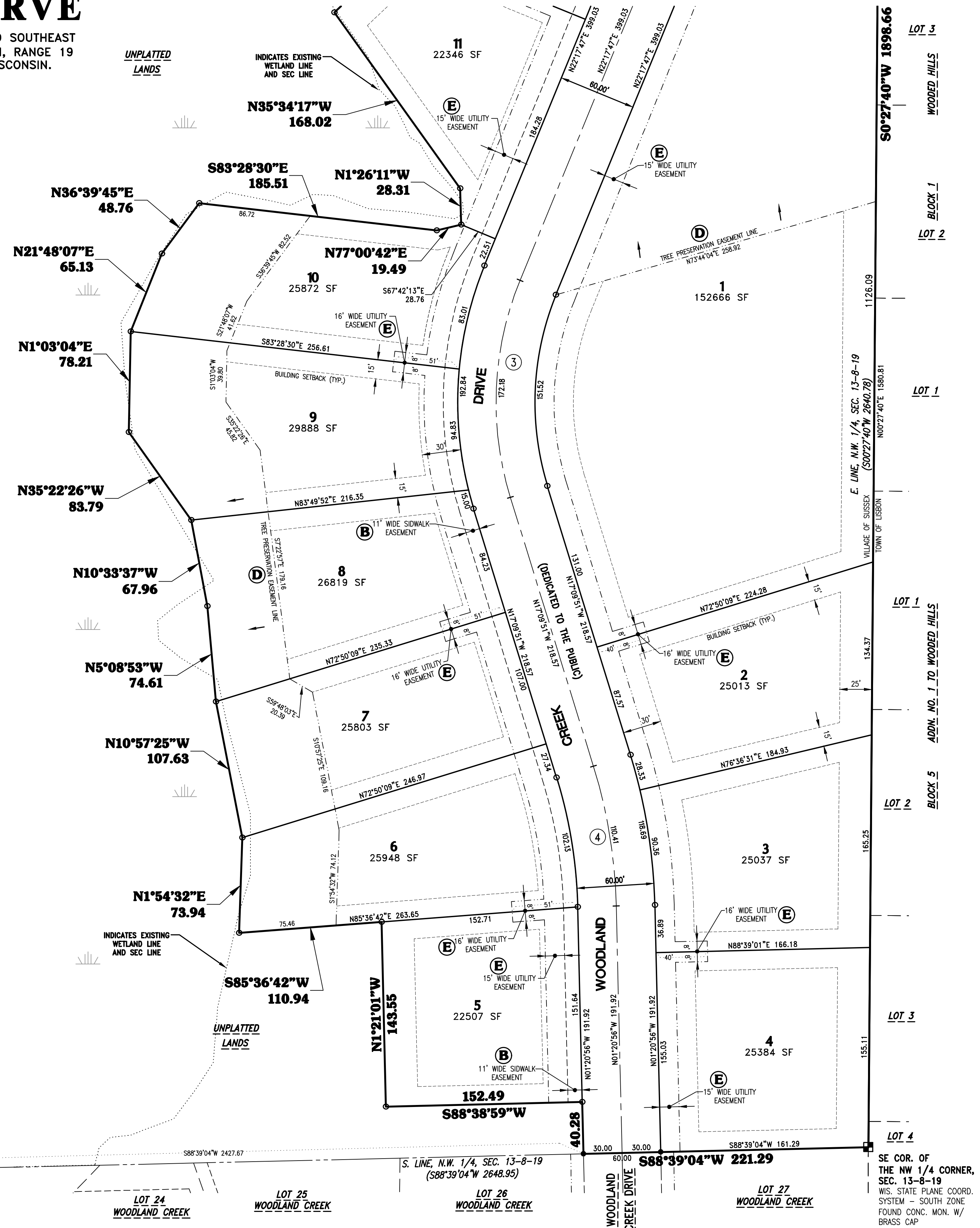
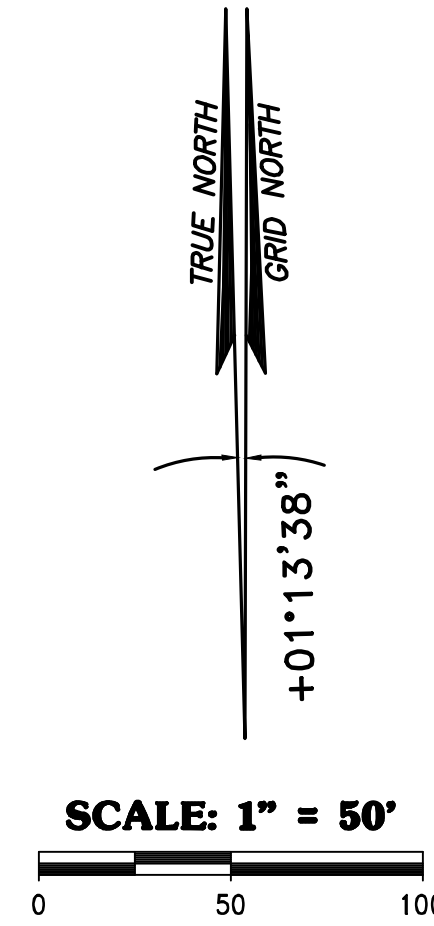
Steve Declene, President of

Neumann Developments it's sole Member

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____, the above named William W. Carity, Manager of the above named Company, to me known to be the person who executed the foregoing instrument, and to me known to be such President of said Company, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Company, by its authority.

Print Name: _____
Public, _____ County, WI
My Commission Expires: _____

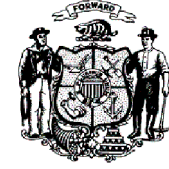


SW COR. OF THE NW 1/4 CORNER, SEC. 13-8-19 WIS. STATE PLANE COORD. SYSTEM - SOUTH ZONE FOUND CONC. MON. W/ BRASS CAP N 426,269.78 E 2,479,342.41

SE COR. OF THE NW 1/4 CORNER, SEC. 13-8-19 WIS. STATE PLANE COORD. SYSTEM - SOUTH ZONE FOUND CONC. MON. W/ BRASS CAP N 426,332.13 E 2,481,990.35

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

Certified _____, 20____



Department of Administration



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

WOODLAND PRESERVE

BEING A SUBDIVISION OF A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE:

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

MIDLAND STATES BANK

STATE OF ILLINOIS)) SS COUNTY OF WAUKESHA)

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

Print Name: _____

Public _____ County, IL My Commission Expires: _____

CERTIFICATE OF VILLAGE TREASURER:

STATE OF WISCONSIN)) SS COUNTY OF WAUKESHA)

I, Casen J. Griffiths, being duly appointed, qualified and acting Treasurer of the Village of Sussex, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments as of this _____ Day of _____, 20____ on any of the land included in the Plat of "WOODLAND TRAILS".

Dated this _____ Day of _____, 20____.

Linda Steinmetz, Deputy Clerk

VILLAGE BOARD APPROVAL CERTIFICATE:

Resolved that the Plat of "WOODLAND TRAILS", in the Village of Sussex, WOODLAND TRAILS PRESERVE LLC, owner, is hereby approved by the Village Board.

All conditions have been met as of this _____ Day of _____, 20____.

Anthony J. LeDonne, Village President

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

Linda Steinmetz, Deputy Clerk

CERTIFICATE OF COUNTY TREASURER:

STATE OF WISCONSIN)) SS COUNTY OF WAUKESHA)

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

Dated this _____ Day of _____, 20____.

Pamela F. Reeves, County Treasurer

CURVE TABLE:

NO.	LOT(S)	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
1	1	25.00	88°25'26"	38.58	34.87	S44°40'23"W	S88°53'06"W	S00°27'40"W
2	C/L	800.00	21°50'07"	304.88	303.04	N11°22'43.5"E	N22°17'47"E	N00°27'40"E
	EAST	830.00	21°50'07"	316.31	314.40	N11°22'43.5"E	N22°17'47"E	N00°27'40"E
	WEST	770.00	21°50'07"	293.45	291.68	N11°22'43.5"E	N22°17'47"E	N00°27'40"E
	13	770.00	3°13'59"	43.45	43.45	N20°40'47.5"E	N22°17'47"E	N19°03'48"E
	14	770.00	9°29'16"	127.51	127.36	N14°19'10"E	N19°03'48"E	N09°34'32"E
	15	770.00	9°06'52"	122.49	122.36	N05°01'06"E	N09°34'32"E	N00°27'40"E
3	C/L	250.00	39°27'38"	172.18	168.80	S02°33'58"W	S22°17'47"W	S17°09'51"E
	EAST	220.00	39°27'38"	151.52	148.54	S02°33'58"W	S22°17'47"W	S17°09'51"E
	WEST	280.00	39°27'38"	192.84	189.05	S02°33'58"W	S22°17'47"W	S17°09'51"E
	8	280.00	3°04'13"	15.00	15.00	S15°37'44.5"E	S14°05'38"E	S17°09'51"E
	9	280.00	19°24'19"	94.83	94.38	S04°23'28.5"E	S05°18'41"W	S14°05'38"E
	10	280.00	16°59'06"	83.01	82.70	S13°48'14"W	S22°17'47"W	S05°18'41"W
4	C/L	400.00	15°48'55"	110.41	110.06	N09°15'23.5"W	N01°20'56"W	N17°09'51"W
	EAST	430.00	15°48'55"	118.69	118.32	N09°15'23.5"W	N01°20'56"W	N17°09'51"W
	3	430.00	12°02'24"	90.36	90.19	N07°22'08"W	N01°20'56"W	N13°23'20"W
	2	430.00	3°46'31"	28.33	28.33	N15°16'35.5"W	N13°23'20"W	N17°09'51"W
	WEST	370.00	15°48'55"	102.13	101.81	N09°15'23.5"W	N01°20'56"W	N17°09'51"W

TREE PRESERVATION EASEMENT RESTRICTIONS: (D)

The Tree Preservation Easement areas shall be subject to the following restrictions:

- The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc. is prohibited, with the exception that dead, diseased or dying vegetation may be removed, at the discretion of the landowner and with approval from the municipality in which this land is located. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the municipality in which this land is located, shall also be permitted. The removal of any vegetative cover that is necessitated to provide access or service to an approved residence or accessory building, shall be permitted only when the access or service cannot be located outside of the Tree Preservation Easement and with the approval of the municipality in which this land is located.
- Grading, filling and removal of topsoil or other earthen material are prohibited unless specifically authorized by the municipality in which this is located.
- The introduction of plant material not indigenous to the existing environment is prohibited unless specifically authorized by the municipality.

BASEMENT RESTRICTION FOR GROUNDWATER:

Although all Lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some Lots contain soil conditions that, due to the possible presence of groundwater near the surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that a licensed professional engineer design a basement and foundation that will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that other special measures be taken. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.

BASEMENT RESTRICTION - BEDROCK NOTE:

Although all Lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some Lots contain soil conditions which, due to the possible presence of bedrock near the ground surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that either a licensed professional engineer or other soils expert be consulted regarding the construction of basements in these areas where bedrock may be present near the ground surface. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.