

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission meeting held on January 21, 2020.

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

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

Members excused: None.

Others present: Village Administrator Jeremy Smith, Village Attorney John Macy, Assistant Development Director Kasey Fluet, 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 December 17, 2019.

A motion by Schauer, seconded by Kremer to approve the minutes of the Plan Commission meeting of December 17, 2019 as presented. Motion carried 7-0.

Consideration and possible action on a Plan of Operation and site plan for Ideal Human Chiropractic and Naturopathic (N64W24801 Main St. Ste. 119).

Stephen and Lyndsay Moreau, 1035 Pioneer Trail, Waukesha, WI spoke on behalf of Ideal Human Chiropractic & Naturopathic. Dr. Stephen Moreau plans to open a clinic to treat conditions of the spine, specifically neck and low back pain. Dr. Lyndsay Moreau will be providing consulting services for natural health and dietary issues along with recommendations and sales for natural supplements.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-3. The general medical services is a permitted use in accordance with Section 17.0418 (A)(3)(d) in the B-3 Highway Business District. Ideal Human Chiropractic & Naturopathic will be owned and operated by Dr. Stephen Moreau and Dr. Lindsay Moreau, they will specialize in chiropractic and natural health. They will occupy 1,400 square feet of space in the multi-tenant building. Hours of operations will be Monday through Friday 9:00 a.m. to 7:00 p.m.

A motion by Kremer, seconded by Johnson to approve the Plan of Operation and site plan for Ideal Human Chiropractic and Naturopathic (N64W24801 Main St. Ste. 119); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A. Motion carried 7-0.

Introduction of an amendment of a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.

Stephen Hoehnen, W238N7019 Michele Ln, Sussex spoke on behalf of Sussex Bowl. Sussex Bowl plans to tear down and rebuild its outdoor shed which will house an outdoor bar to serve the volleyball courts. Sussex Bowl would also like to add an area for bags league which would also be served by the outdoor bar. Bags area will be roped off to clearly designate the playing area and be open during the summer months.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-1. The bowling recreational center with outdoor volley ball courts is requesting to amend their conditional use and site plan to include an outdoor bar and bags tournament area. This site has 150 parking stalls with the required 4 stalls designated for handicap parking.

The area for the bags tournament will be located on the grass adjacent to the fenced volley ball courts, this area will be designated by a rope fence around the perimeter. Within this area the owner is intending to have alcohol usage within this area.

The outdoor bar will be located adjacent to the volley ball and bags area. The owner will build a replacement shed, which they may serve alcohol out of.

Amendments to the existing outdoor establishment permit and liquor license will require approval by the Finance Committee and Village Board.

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

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

A motion by Goetz, seconded by Anderson to direct staff to schedule a public hearing for 6:30 pm on February 18, 2020. Motion carried 7-0.

Introduction of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

Applicant not in attendance.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-2 with a Planned Development Overlay. The convenience store, car wash and gasoline service station is a conditional use in accordance with Section 17.0506 (A) 9 (a) and (b). and outside storage Section 17.0506 (A)(11)(a). Kwik Trip is proposing to construct a 9,050 square foot convenience store with attached car wash, gas pumps with canopy and diesel gas with canopy. Kwik Trip will operate 24/7. In addition to the above services, the store will sell alcohol, the interior layout shows the "Beer Cave" and labeled #16 is the liquor cabinet behind the cash registers. The store will employ 30 to 35 employees. The liquor license and outdoor establishment permit will need to be reviewed by the Village Board.

As for all new construction of buildings and uses under a Conditional Use, the Plan Commission has requested that the building have a sprinkler system for the safety and welfare of the public and recognizing the importance of sprinklers in saving lives.

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

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

A motion by Goetz, seconded by Kremer to direct staff to schedule a public hearing for 6:30 pm on February 18, 2020. Motion carried 7-0.

Consideration and possible action on Final Plat Addition No. 2 Sussex Preserve Subdivision located west of Maple Avenue and south of Clover.

Applicant not in attendance.

Mr. Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned RS-3 with a Planned Development Overlay. The approval of this Plat is for the 30 single family lots remaining that have road and utility improvements. Sidewalks will be completed in the spring. Building permits may be issued once

staff is satisfied all the conditions of the Developers Agreement and Chapter 18 are met and once the Plat is recorded with the Registry of Deeds.
The subdivision still has 72 single family lots remaining to be platted.

A motion by Kremer, seconded by Anderson to recommend to the Village Board approval of Final Plat Addition No. 2 for Sussex Preserve conditioned upon the obligations of the Developers Agreement being met, that prior to acceptance of the pond improvements on Outlot 5 the Developer must complete at their sole cost the necessary improvements/repairs to the pond to bring it into compliance with the stormwater maintenance agreement standards, final review by the Village Engineer, standard conditions of Plat approvals and Exhibit A. Motion carried 7-0.

Topics for Future Agendas: Re-evaluation of Zoning Ordinance.

Adjournment

A motion by Goetz, seconded by Kremer to adjourn the meeting at 6:47 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 January 21, 2020
DATE: January 9, 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 December 17, 2019.**
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 Ideal Human Chiropractic and Naturopathic (N64W24801 Main St. Ste. 119).

This site is zoned B-3. The general medical services is a permitted use in accordance with Section 17.0418 (A)(3)(d) in the B-3 Highway Business District. Ideal Human Chiropractic & Naturopathic will be owned and operated by Dr. Stephen Moreau and Dr. Lindsay Moreau, they will specialize in chiropractic and natural health. They will occupy 1,400 square feet of space in the multi-tenant building. Hours of operations will be Monday through Friday 9:00 a.m. to 7:00 p.m.

This site has 102 parking stalls, 51 stalls are allocated to other users this user requires five per code.

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 Ideal Human Chiropractic and Naturopathic (N64W24801 Main St. Ste. 119); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

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

A. Introduction of an amendment of a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.

This site is zoned B-1. The bowling recreational center with outdoor volley ball courts is requesting to amend their conditional use and site plan to include an outdoor bar and bags tournament area. This site has 150 parking stalls with the required 4 stalls designated for handicap parking.

The area for the bags tournament will be located on the grass adjacent to the fenced volley ball courts, this area will be designated by a rope fence around the perimeter. Within this area the owner is intending to have alcohol usage within this area.

The outdoor bar will be located adjacent to the volley ball and bags area. The owner will build a replacement shed, which they may serve alcohol out of.

Amendments to the existing outdoor establishment permit and liquor license will require approval by the Finance Committee and Village Board.

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 17.0416 B-1 Neighborhood Business District

17.0416 B-1 NEIGHBORHOOD BUSINESS DISTRICT

The B-1 Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area.

A. Permitted Uses

1. Accommodations and Food Service
 - (a) Bed and breakfast establishments
 - (b) 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.
 - (c) Food service contractors and caterers
2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio
3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Automobile driving school
 - (c) General medical services
 - (d) 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
 - (c) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (d) 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) General business offices
6. Information Services
 - (a) Motion picture and video production

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 excluding industrial types
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services

8. 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, 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

9. 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.

10. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.

11. Transportation and Warehousing
 - (a) U.S. postal service
 - (b) Courier, delivery, postal service businesses

- B. Permitted Accessory Uses
 1. Garages for storage of vehicles used in conjunction with the operation of business.
 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
 3. Residential quarters for the owner or proprietor, located in the same building as the business.

4. Efficiency and one-bedroom residential apartments on a non ground level provided there shall be a minimum floor area of 350 square feet for an efficiency apartment and 420 square feet for a one-bedroom apartment.
 5. 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.
 6. 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.
 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- D. Lot Area and Width
1. Lots shall be a minimum of 5,000 square feet in area and shall not be less than 60 feet in width.
 2. Individual business sites in the B-1 Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no required minimum site width.
 3. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
- E. Building Height and Area
1. No principal building or parts of a principal building shall exceed 30 feet in height.
 2. The maximum square footage of the principal building shall not exceed 30,000 square feet in size.
- F. Setback and Yards
1. There shall be a minimum building setback of 25 feet from the right-of-way of all streets.
 2. No separation shall be required between business, service or commercial uses. No structure shall be closer than 15 feet to a side lot line.
 3. There shall be a rear yard of not less than 15 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. Development Design Guidelines
1. The Village has established clear land use and design principals, as documented in the Village Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 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 Business Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

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 February meeting.

B. Introduction of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

This site is zoned B-2 with a Planned Development Overlay. The convenience store, car wash and gasoline service station is a conditional use in accordance with Section 17.0506 (A) 9 (a) and (b). and outside storage Section 17.0506 (A)(11)(a). Kwik Trip is proposing to construct a 9,050 square foot convenience store with attached car wash, gas pumps with canopy and diesel gas with canopy. Kwik Trip will operate 24/7. In addition to the above services, the store will sell alcohol, the interior layout shows the “Beer Cave” and labeled #16 is the liquor cabinet behind the cash registers. The store will employ 30 to 35 employees. The liquor license and outdoor establishment permit will need to be reviewed by the Village Board.

Site

- Driveway onto Business Drive is too close to the intersection with CTH K
- 26 parking stalls, 2 ADA (must be stripped blue), 1 truck unload stall

- Propose a concrete walk from sidewalk to the south side of the building near the picnic tables, this would require a walk way at the brick wall.

Architectural

- Roof top units are to be screened from view
- Sufficient screening of pumps
- Metal roofs are allowed subject to approval by the ARB.
- Ice machine and propane tanks will be screened by the dumpster enclosure on the west side of the building

Lighting

- Pole height shows 19 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

- Plan meets the requirements, 31 trees, 142 evergreen/deciduous trees and 202 perennials and ornamental grasses
- Colored rendering of the screening wall

Sign

- Electronic message sign does not meet the Design Standards, the sign must have a side pillar(s) address should be displayed at the base of the sign.
- The building has signage on the building at the front entrance, rear entrance and side entrance and several directional signage.

The request for outside storage is to be limited to the ice machine and propane tanks.

As for all new construction of buildings and uses under a Conditional Use, the Plan Commission has requested that the building have a sprinkler system for the safety and welfare of the public and recognizing the importance of sprinklers in saving lives.

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 Auxiliary 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 17.0417 B-2 Regional Business District

17.0417 B-2 REGIONAL BUSINESS DISTRICT

The B-2 Regional Business District is intended to provide for the orderly and appropriate development along the STH 164 Corridor, to provide services and retail for the community and surrounding region.

A. Permitted Uses

1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Restaurants, snack stands. For a drive-through the Plan Commission must find that the vehicle stacking will not impact surrounding properties or any public roadway.
 - (c) Bars
 - (d) Food service contractors and caterers
2. Arts, Entertainment and Recreation Services
 - (a) Artists offices/studios
3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) General medical services
 - (c) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (d) 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
 - (c) Real estate, appraisers, and developer offices

- (d) Office equipment rental and leasing
- (e) Rental Centers
- 5. General Services
 - (a) Barber, beauty, nail salons, spa treatment services
 - (b) Personal care and weight loss services
 - (c) Funeral home and funeral services
 - (d) Dry cleaning and laundry services (non-industrial)
 - (e) Travel and visitor services
- 6. Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes.
 - (b) Motion picture theaters excluding drive-in.
- 7. 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) Department stores, supercenters, warehouse clubs
 - (m) Vehicle parts sales, and vehicle maintenance if the use is less than 25% of the facility and is part of a larger retail operation.
- 8. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 9. Transportation and Warehousing
 - (a) Courier, delivery, postal service businesses
- 10. Parking Lots
 - (a) Off street parking lots, excluding multi-level parking garages, are allowed without a primary structure if the Plan Commission finds that the parking lot is part of a larger commercial development where the master plan calls for a building to be placed on the site in the future, but the parking lot is necessary for the overall development and cross access and parking agreements are required by the Plan Commission.

B. Permitted Accessory Uses

- 1. Storage sheds for storage of ground maintenance equipment.
- 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
- 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.

C. 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

D. Lot Area and Width

1. Lots shall be a minimum of 12,500 square feet in area and shall not be less than 80 feet in width.
2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
3. The requirements of Section (D)(2) above may be met in the district by including area from outlots that serve stormwater or other directly related purposes for the subject parcel, are owned in part by the parcel, and are reasonably expected to remain in open space for perpetuity as determined by the Administrator. If multiple lots are served by one or more outlot(s) in no case shall the greenspace area of the outlot(s) be counted more than once. Each lot which by this subsection is entitled to satisfy the requirements of Section D(2), in part, by land located on an outlot is entitled to use no more than the percentage of the qualifying outlot land that is equal to the percentage of the subject lot compared to the total area of the lands served by the outlot.

E. Building Height and Area

1. No principal building or parts of a principal building shall exceed 45 feet in height.
2. Buildings larger than 100,000 square feet in area shall have a deed restriction placed against the lot in a form approved by the Village to ensure the building, if it becomes vacant for more than 5 years to be removed from the site and the site returned to a buildable state.

F. Setback and Yards

1. There shall be a minimum setback of 40 ft. from the road right-of-way.
2. There shall be a rear yard of not less than 25 ft.
3. There shall be a sideyard on each side of the buildings of not less than 25 ft., except as follows.
4. The Plan Commission may reduce setbacks with-in this district outside of a Planned Development Overlay District if it finds that in granting the reduced setbacks:
 - (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 of the Village.
5. No building or structure shall be located closer than 15 ft. to an F-1 Floodway District, F-2 Floodplain Conservancy District, or a 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. Development Design Guidelines

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 2020 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
To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscapes plans.
 1. Pedestrian and Vehicle Access.
 - (a) Property owners will provide cross access easements off-street where feasible.
 - (b) Where feasible and desirable, pedestrian cross access from adjacent building will be encouraged.

And in the Planned Development Overlay Ordinance #833.

17.0506 Conditional Uses

9. Retail Trade
 - a) Vehicle sales, vehicle service, service of vehicle parts, vehicle parts sales including vehicle washing, vehicle repair stations, service of vehicle parts and vehicle parts sales in the B-2, B-3 and B-4 Districts No outside storage shall be permitted for vehicle parts sales even by issuance of a conditional use permit as set forth in 17.0506(A)(15)(e) of this Ordinance. All other outside storage that may be granted by CU shall be on a hard paved surface and shall be screened from view, or in the case of vehicle sales the landscaping shall be aesthetically pleasing to minimize the visual impact of a parking lot of vehicles.
 - b) Gasoline service stations in the B-2 and B-3 districts provided that the use shall include traffic control measures to ameliorate--traffic congestion; that lighting and glare shall not extend into adjacent residential neighborhoods; and that service islands shall comply with the minimum setback requirements of the district. Canopies over a gasoline service island may extend into front, side or rear yard areas, but shall not encroach more than six (6) feet into any required yard. In no case, may a canopy extend into a street right-of-way.

11. Miscellaneous Items (Towers/Antenna and Outside Storage)
 - a) Commercial Use Outside Storage. Outside storage maybe permitted for commercial uses in the B-1, B-2, B-3, B-4, BP-1, and OP-1, districts. All outside storage areas shall be at least 100 feet from residential, park, and institutional districts located in the Village or adjacent community. In all cases, outside storage shall be screened from all sides. All screening plans are subject to Plan Commission review and approval. Screening shall be a permanent opaque wall matching the materials of the building and may include fencing as deemed appropriate by the Plan Commission. The Plan Commission may allow vegetative screening in part or in whole, where it determines the vegetative screening shall provide sufficient and aesthetically pleasing screening and said screening is appropriate for the type of items being screened from view. The height of the wall necessary shall be sufficient to screen the product(s) in the outside storage area. The Plan Commission shall set the appropriate height of any fencing based upon the site conditions and the types of outdoor storage to be screened. Outside Storage shall not be construed to include the temporary or seasonal outdoor sales or services allowed as part of a Village approved outdoor sales and services permit.

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 February meeting.

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

A. Consideration and possible action on Final Plat Addition No. 2 Sussex Preserve Subdivision located west of Maple Avenue and south of Clover.

This site is zoned RS-3 with a Planned Development Overlay. The approval of this Plat is for the 30 single family lots remaining that have road and utility improvements. Building permits may be issued once staff is satisfied all the conditions of the Developers Agreement and Chapter 18 are met and once the Plat is recorded with the Registry of Deeds.

The subdivision still has 72 single family lots remaining to be platted.

Policy Question:

1. Are there any concerns with the Plat?

Action Items:

1. Act on the Plat.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board approval of Final Plat Addition No. 2 for Sussex Preserve conditioned upon the obligations of the Developers Agreement being met, that prior to acceptance of the pond improvements on Outlot 5 the Developer must complete at their sole cost the necessary improvements/repairs to the pond to bring it into compliance with the stormwater maintenance agreement standards, final review by the Village Engineer, standard conditions of Plat approvals and Exhibit A.

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.