

**VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN**

**Minutes of the Plan Commission meeting held on February 18, 2020.**

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

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

Members excused: Roger Johnson.

Others present: Village Administrator Jeremy Smith, 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 January 21, 2020.**

A motion by Kremer, seconded by Anderson to approve the minutes of the Plan Commission meeting of January 21, 2020 as presented. Motion carried 6-0.

**Consideration and possible action on a Plan of Operation and site plan for Fade & Fancy (N64W24050 Main Street unit #206).**

Pam Anagnostopolous spoke on behalf of Fade & Fancy, N64W24050 Main Street, #206. Business to be a full service barber shop offering cuts, beard shaping, nose & ear waxing and scalp treatment; and a full service hair styling salon offering cuts, perms, color, highlight, eyebrow waxing and styling. Ms. Anagnostopolous has worked as a cosmetologist in Sussex for almost 30 years.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Fade & Fancy will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 37 stalls are allocated to other users and this user requires three spaces.

Plan Commission had no comments.

A motion by Goetz, seconded by Kremer to approve the Plan of Operation and site plan for Fade & Fancy (N64W24050 Main Street unit #206); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A. Motion carried 6-0.

**Consideration and possible action on a Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205).**

Teresa Mueller spoke on behalf of Bella Mia Salon, N64W24050 Main Street #205. Business to be a hair salon offering cuts, color, perms, formal styles and facial waxing. Has been doing hair for 18 years, last 4 in Sussex.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Bella Mia Salon LLC will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 40 stalls are allocated to other users and this user requires three spaces.

Plan Commission had no comments.

A motion by Kremer, seconded by Anderson to approve the Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A. Motion carried 6-0.

**Consideration and possible action on a Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201).**

Shannon Baker spoke on behalf of Skin 360 Spa & Beauty, N64W24050 Main Street #201. Ms. Baker is a licensed aesthetician. Business to offer cosmetic skin treatments such as facials, superficial chemical peels, body treatments, makeup, lashes and waxing.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The spa treatment services is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Skin 360 Spa & Beauty will occupy 479 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 43 stalls are allocated to other users and this user requires three spaces.

No comments from Plan Commission.

A motion by Schauer, seconded by Adkins to approve the Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A. Motion carried 6-0.

**Consideration and possible action on an amendment to a Plan of Operation and site plan for Belfast Station (N64W23246 Main Street).**

Bruce Russell spoke on behalf of Belfast Station, N64W23246 Main Street. Business plans to build a bar on the outside deck. Design to look like a caboose to tie in with business theme and tracks located nearby. TV to be mounted inside of the bar. Bar will be enclosed by the 6' fence already surrounding the deck.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The restaurant and bar is a permitted use in accordance with section 17.0419 (C)(1)(c) and (d) in the B-4 Central Mixed Use District. New ownership took over the bar and restaurant in August. The new owner is proposing to add a structure to the deck to serve according to his submittal they will only serve beer. It should be noted that their liquor license allows them to serve more than beer on the patio.

The structure will be about 84 square feet and the exterior will be constructed with siding painted to match the existing building and the roof will have three dimensional asphalt shingles.

The Fire Department will be providing a maximum number of patrons that will be allowed on/in the deck area.

The only site plan amendment being considered at this meeting is the addition to add a structure on the deck to serve from.

Comments from Plan Commission: Plan Commission verified that the bar will be enclosed by fence on deck. Staff stated the maximum patron number will be provided to department by end of week.

A motion by Goetz, seconded by Kremer to approve the amendment to the Plan of Operation and site plan to allow the bar structure on the deck for Belfast Station (N64W23246 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the building inspector approving a permit, subject to the standard conditions of Exhibit A, but that no modification to the fencing of the deck be allowed at this time. Motion carried 6-0.

**Consideration and possible action on a CSM, Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group addition (W248N5499 Executive Drive).**

Due to applicant being delayed by traffic, Plan Commission agreed to hear presentation at a later point in the meeting.

**Introduction 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).**

David Glazer, 4607 N 109th St., Wauwatosa WI was in attendance. No comments made as this is an introduction of CU.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zone 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.

Site

- The site will have 74 parking stalls, the code requires 55 spaces for this type of use.
- Access off Hickory Drive aligns with access to property to the east. Proposing a 6 foot sidewalk along Hickory Drive to connect to Silver Spring sidewalk. Path provided to connect with the bugline trail.
- Pembroke street cul de sac will have a 14 foot wide emergency access road with gate.
- Proposed 24x24 dumpster enclosure and a 20x14 shed, both structures to be constructed with material matching the building.
- All plans are subject to final review by the Village Engineer and obtaining the necessary permits from the DNR.

Architectural

- 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

- The plan meets the Design Standards; 63 trees, 92 evergreens 300 shrubs/flowers.
- 15 foot landscape buffer with some fencing along south side as a buffer for the Hickory Heights residential homes

Sign

- The monument sign does not meet the Design Standards, the sign should have side pillar(s) of material that matches the base.

All plans need to be reviewed by the Architectural Review 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.

Mr. Smith explained the approval process to applicants.

A motion by Goetz, seconded by Adkins to direct staff to schedule a public hearing for 6:30 pm on March 17, 2020. Motion carried 6-0.

**Convene the public hearing of an amendment of a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.**

Stephen Hoehnen spoke on behalf of Sussex Bowl, N64W24576 Main Street. Business plans to tear down and rebuild its outdoor storage shed. New shed will be used as an outdoor bar to service the volleyball courts and new fenced area for bag league. Volleyball, bag area and shed will be fenced with same style of fences currently around the volleyball courts. Bar will have electricity. Interior cabinets containing liquor will be lockable as well as all exterior doors on the shed. There are plans to have a bartender stationed at the shed during all volleyball/ bag games so the public no longer has to carry drinks from building to volleyball court area. Picnic tables located in volleyball area. There will be no tables in the bags area.

Comments from the public: None.

Comments from the Plan Commission: Plan Commission verified that the area will be fenced and the shed locked. Will security cameras be located on shed, building or parking lot? Will lighting be added to bag area – additional lighting added to parking lot? Is there a striped crosswalk for pedestrians walking from building to fenced area outside? Commissioner Adkins stated he had concerns regarding pedestrian safety and lack of clear access for the public transporting drinks from the building to the volleyball area or employees transporting alcohol to the outdoor bar. Hours of volleyball area?

Mr. Hoehnen stated there are cameras on building covering the parking lot. He is working with a company to install a better cameras. There are no cameras on the shed at this time but he is willing to add one if the Commission feels there is a need. Additional lighting will not be added to the bags area since they will be finished playing at sunset. Owner does plan to add lighting on the shed. Current lighting in parking lot lights the exit leading to the volleyball courts. There are arrows on pavement which direct traffic flow and a large area marked for pedestrians at doors exiting the building. Volleyball court area/ fence is locked at 10 p.m. Current liquor license allows for consumption of alcohol in the volleyball area, but no outside sales. At this time persons playing volleyball have to go inside the building to purchase drinks. This process has been in place since the early 1990's with no issues.

Staff verified there have been very few issues regarding alcohol consumption at the courts.

Mr. Hoehnen stated he met the Conditional Use Standards as follows:

17.0502 Application

- He has submitted for an amendment to the conditional use for Sussex Bowl.
- Address of the location is N64W24576 Main Street, the building meets the Design Standards in the B-1 district; our use for the building is indoor recreational bowling and outdoor recreational volleyball and outdoor bags tournament area.
- He has 30-35 employees.
- He has paid the required fee and have a receipt.

Mr. Hoehnen stated he has reviewed the impact report and concurred with the following:

- There will be more traffic at our location but not significant enough to change the operation of the roadway or nearby intersections.
- He agrees with the Director of Police Services to keep the building and fenced area locked after hours and all outdoor activity is to end prior to 10:00 p.m.
- Business will take care of all trash and respect the Village Ordinance in regards to property maintenance and zoning issues.

Standards regarding 17.0503 Review and approval:

- Our hours of operations are Monday through Sunday 9 a.m. to bar closure time.
- We understand the parking loading, traffic and highway access of the site.

Standards regarding 17.1002

- A – H have been met since this is an existing approved site.
- Our business is not an impact to the public health, safety or welfare of the Village of Sussex our use is in the spirit of the code and is not detrimental to the surrounding area.
- We will comply with all the provisions of the B-1 District standard and setbacks.

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 fence around the perimeter. The owner is already allowed to have alcohol at the volleyball court and their request is to extend alcohol to the bags area as well. That issue will require an amendment to their liquor license, which goes before the Finance Committee and Village Board.

The owner will replace their current outdated shed and serve out of the new structure. Please see the impact report for more information.

Plan Commission stated the Petitioner had met the standards and directed staff to prepare a Conditional Use Order (with additional conditions) for review at the March 17, 2020 meeting at 6:30 p.m. Conditions to be added to the Conditional Use include: pedestrian orientation to include a lighted crossing with striping and outside activities to end at 10 p.m.

A motion by Goetz, seconded by Kremer to adjourn the public hearing until March 17, 2020 at 6:30 pm.  
Motion carried 6-0.

**Convene the public hearing for 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.**

Troy Mleziva, Real Estate Development Manager for Kwik Trip stated they are proposing to construct a new retail convenience store with attached carwash and fueling canopy on the corner of CTH K and Business Drive. Kwik Trip plans to have business open by end of year. Store to be 9050 sq. ft. with one attached carwash bay. Stacking of carwash is on north side of building. Hours of operation will be 24 hours for all uses. Ice machines have been moved inside an enclosure where propane tanks are located. Products sold will be similar to that of existing stores. They plan to have 30-35 full and part time employees. This building is larger than previous buildings and will have additional services such as prepared meals. Architectural plan will consist of a brick façade with metal roof. No asphalt materials are used on building – ecofriendly. Canopy on building is aluminum. Colors will tie in with franchise colors. Mr. Mleziva showed the Plan Commission samples of materials to be used in construction of building. All outside lights are recessed and only shine down, lighting area below. Lights on canopies are also recessed. Ten light poles in parking lot at a height of 18 feet, only shining down. Landscape is around exterior of site and along screening wall. One monument sign to be on screening wall, sign over front door and on three sides of building. There are a series of directional signage around pumps. Kwik Trip concurs with the impact report.

ARB has reviewed and approved the site, architectural, lighting, landscape and sign plans and the following recommendations have been made: add sidewalk access from Business Drive to entrance of the store and the address located on screening wall to the right of the monument sign. Mr. Mleziva presented plan for sidewalk. Staff stated sidewalk plan met design standards. Mr. Mleziva stated they were agreeable with adding address on wall.

Comments from Plan Commission: Discussion was held on location of sidewalk from Business Drive to entrance of store. Due to slope of property, options were limited and the placement shown on plans is the safest/ closest route to entrance of store and meets design standards. Plan Commission agreed with placement of sidewalk. Inquiry by President Goetz of business practices regarding support of the community. President Goetz stated that the Village encourages sprinkler systems be installed for the safety of the public and employees. Inquired if new store will have sprinklers?

Mr. Mleziva stated Kwik Trip encourages its employees to support/ volunteer at community events. The store leader will be the point of contact for such needs. Regarding sprinkler system, this building is less than 12,000 sq. ft., and state code does not require a sprinkler system. The store minus car wash is only 7,200 sq. ft. There are no plans for a sprinkler system at this location as the building has required exits to accommodate ease of access to exit building in the unlikely event of a fire.

Comments from Public: None

Due to some confusion about location of lot, staff reviewed CSM with Plan Commission.

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 hours 7 days a week. 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.

The ARB reviewed the plans at the February 5, 2020 meeting and made the following motion:  
*A motion by Goetz, seconded by Schauer to approve the site, architectural, lighting, landscape and sign plan for Kwik Trip corner of CTH K and Business Drive with the following conditions:*

- *Show a site plan with a pedestrian walkway from Business Drive to the entrance of the store.*
- *Add the address to the screening wall to the right of the monument sign.*

*Motion carried.*

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. Kwik Trip has stated that per code a sprinkler system is not required (letter attached).

Plan Commission stated the Petitioner had met the standards and directed staff to prepare a Conditional Use Order for review at the March 17, 2020 meeting.

A motion by Goetz, seconded by Kremer to adjourn the public hearing until March 17, 2020 at 6:30 pm.  
Motion carried 6-0.

**Consideration and possible action on a CSM, Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group addition (W248N5499 Executive Drive).**

Stu LaRose of MSI General, W215 E Wisconsin Ave, Nashotah, WI and Mark (architect) spoke on behalf of Prestwick Group, W248N5499 Executive Drive. Company is expanding and plans to add a 33,000 sq. ft. building north of the current building. Additional land has been purchased for the expansion. Phase one includes moving the property line to the north as shown on CSM. Updating the existing building facade, which includes new paint on the lower 2/3 of panels, adding windows on the east and south side to allow more natural light inside, adding a canopy to current entrance and creating a new entrance on the south/east corner of the building. Additional parking will also be added. Phase two will be construction

of the new building to match updated design on current building. Lighting plan: five new poles will be added to the parking area with cut-off light fixtures which keep light within the property lines. Landscaping plan: The property will lose some trees when the parking lot is expanded. Tree plan has been reviewed. Trees/ shrubs will be planted along parking lot and there will be buffers added on the west and east side of property.

Staff informed the Plan Commission of the new issue concerning the dock doors on the south side of the building and truck accessibility to the additional dock door. Engineer is aware and will be working with architect to resolve the turning radius issue.

Comments by Public: None.

Comments by Plan Commission: None.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating 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 expanding their operations of light manufacturing of high-end golf course and community amenities. The expansion would add 33,000 square feet to the north side of the building, front entrance improvements and additional parking. In order for this expansion to occur, they needed additional land and purchased the vacant lot to the north. A CSM is presented for consideration to change the lot lines of the two properties to accommodate the expansion to meet the setbacks. At the March Plan Commission they intend to submit plans for a new building on the vacant lot to the north.

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

In accordance with Section 17.0604 B. The Plan Commission may consider multiple driveways if:

The Plan Commission may also permit multiple or circular driveways for reasons other than traffic hazards where lots have a frontage of at least 150 feet and the Plan Commission determines that sufficient separation exists between the driveway locations and the property lines.

Notwithstanding the foregoing, multiple or circular driveways shall not be permitted if they would violate any requirement of this Code or other applicable laws.

The frontage of the property is 540 feet and the addition of the third driveway is 142 feet from the center drive and is 112 feet from the property line.

Plan Commission stated they did not have any concerns regarding the CSM, Plan of Operation or multiple driveways. No comments directed to ARB.

A motion by Goetz, seconded by Kremer to approve the CSM with the addition of cross access easements to the Village Board, and further recommends subject to approval of the CSM by the Village Board. Staff recommends approval of the Plan of Operation and site plan, architectural plan, lighting plan and landscape plan for the addition to Prestwick Group (W248N5499 Executive Drive); a finding that the multiple drives meet the intent of 17.0604 B for the orderly development of the site, 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 to resolve any issues with the truck turning point at the south dock doors and the standard conditions of Exhibit A. Motion carried 6-0.

**Consideration and possible action on items pertaining to Vista Run Development property located west of Hwy 164 and south of Silver Spring more specifically part of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002.**

Bryan Lindgren, N27W24025 Paul Ct., Suite 100, Pewaukee spoke on behalf of Vista Run Development. Goal is to create an affordable community blending a variety of housing types. Original plan had seven

product types, new plan has six. Plan has eliminated the single family attached residential units and replaced them with traditional single family units. Total number of units has been decreased from 308 to 294. Plan still has walking paths and sidewalks as presented previously. Two story townhome lots will be owned by HOA and will have shared maintenance of exterior. Price point in the low \$300s. Ranch Condominiums will also have shared maintenance and common areas. Price point in the mid \$300s. Plan has increased the number of single family villas. These have small lots with price points in the mid \$300s - \$400s. Larger homes in the Residences and Estates area have price points in the \$400s - \$600s. Plan still has 63 acres of open space. A paved trail has been added to access the Kohl's shopping center. Outlot 8 in northeast corner has been set aside for future development.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached). The Plan Commission had recommended approval of this development on November 19, 2019. Since the November review the developer's engineering firm has discovered some grading issues that changed the stormwater layouts, which caused the Developer to rethink the duplex portion of the project and as a result is making some modifications to the plan. The net result is more single family and less single family attached.

The concept will have 206 single family detached lots with two clubhouses including pools, 58 single family attached condominium with a clubhouse and 30 townhouse with 62 acres of Park and natural space and 6.5 acres of open space to be developed at a later time. The plan has eliminated the duplex product and added more single family, while shifting the townhomes to where the duplex's had been. The smallest lots were increased in size as well.

There are many steps needed to take place in order to get to the final stages of development some of the steps, the Land Use amendment and Rezoning will require a public hearing at the March 24, 2020 Village Board.

Staff was directed to schedule at public hearing at the Village Board meeting on March 24, 2020 at 6 p.m.

**Resolution for Land Use amendment from Low Density Single Family Residential, Medium Density Single Family Residential, Recreational to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor Isolated Natural Resource Area.**

Mrs. Fluet reviewed the Plan Staff Memo (attached). Since the petitioners have filed a petition to rezone the site it is require the land use map be amended to match the zoning map. The petitioners have filed a petition and are requesting the following change to the land use map:  
Portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road; and the approximately 176 acres of the subject properties are currently classified on the Land Use Map as the following:

- Low Density Single Family Residential
- Medium Density Single Family Residential
- Recreational

The exhibit with the Resolution is to amend the approximately 176 acres of the subject properties to be classified as:

- Medium Density Single Family Residential
- Single Family Attached and Two Family Residential
- Recreational
- Agricultural
- Environmental Corridor
- Isolated Natural Resource Area

Staff has prepared a Resolution for consideration at this meeting.

Comments from Plan Commission: None.



A motion by Goetz, seconded by Anderson to recommend approval of the Resolution and for the Plan Commission to recommend to the Village Board the adoption of an Ordinance to amend the Land Use Plan Map, a component of the Comprehensive Plan, for the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor, Isolated Natural Resource Area conditioned upon the approval of the rezoning Ordinance for the subject property, the Preliminary Plat, and the Developer's Agreement. Motion carried 6-0.

**Rezone Ordinance, from CR-1 and RS-3 Single Family Residential District to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District.**

Mrs. Fluet reviewed the Plan Staff Memo (attached). The petitioners have filed a petition to rezone the approximately 176-acre parcel; since this is a unique subdivision, the site will have different residential zoning districts with a Planned Development Overlay (PDO).

The only change to this PDO from what was previously shown is that we've increased the minimum lot size to 10,000 square feet from the 9,000 previously listed as they've increased the lot sizes and we've eliminated the duplex language.

Comments from Plan Commission: None.

A motion by Goetz, seconded by Kremer to recommend to the Village Board to approve the Ordinance to rezone the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District conditioned upon the approval of the Land Use Map Amendment Ordinance, the Preliminary Plat, and the Developer's Agreement. Motion carried 6-0.

**Preliminary Plat.**

Mrs. Fluet reviewed the Plan Staff Memo (attached). The Developer has submitted the required Preliminary Plat (PP), the PP has some minor changes from the PP submitted in November. Again the duplexes are removed, and the townhomes were shifted to their previous location. Single Family was added to where the townhomes were originally located. The lots are slightly larger in the smallest lot category, and the pond areas were reconfigured to reflect the adjusted grading.

Plan Commission comments: None.

A motion by Kremer, seconded by Anderson to approve the Preliminary Plat and recommend to the Village Board to approve the Preliminary Plat for Vista Run the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road, subject to the standard conditions of approval for Plats, final review and conditions by the Village Engineer, approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Developer's Agreement, establishing a legal lot or lots for remainder portion of land and buildings for Hickory Hill Farms and subject to the standard conditions of Exhibit A. Motion carried 6-0.

**Developers Agreement.**

Mrs. Fluet reviewed the Plan Staff Memo (attached). The Developers Agreement is part of the approval process for a new subdivision. The language in the agreement helps establish the responsibility of the developer and time frames to complete items. Key items of the agreement include the extension of the interceptor sewer system, water main looping, sidewalk and paths, site stabilization on previous farmed lands, safety of access during construction, and other items.

Comments from Plan Commission: None.

A motion by Kremer, seconded by Anderson, to recommend approval to the Village Board of the Developers Agreement for Vista Run subject to approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Preliminary Plat, and to the standard conditions of Exhibit A.

Motion carried 6-0.

**Topics for Future Agendas:** None.

**Adjournment**

A motion by Kremer, seconded by Anderson to adjourn the meeting at 8:09 pm.

Motion carried 6-0.

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: February 13, 2020

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

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of January 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 Fade & Fancy (N64W24050 Main Street unit #206).**

This site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Fade & Fancy will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 37 stalls are allocated to other users and this user requires three spaces.

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 Fade & Fancy (N64W24050 Main Street unit #206); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

**B. Consideration and possible action on a Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205).**

This site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Bella Mia Salon LLC will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will

be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 40 stalls are allocated to other users and this user requires three spaces.

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 Bella Mia Salon LLC (N64W24050 Main Street unit #205); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

**C. Consideration and possible action on a Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201).**

This site is zoned B-4. The spa treatment services is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Skin 360 Spa & Beauty will occupy 479 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 43 stalls are allocated to other users and this user requires three spaces.

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 Skin 360 Spa & Beauty (N64W24050 Main Street unit #201); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

**D. Consideration and possible action on an amendment to a Plan of Operation and site plan for Belfast Station (N64W23246 Main Street).**

This site is zoned B-4. The restaurant and bar is a permitted use in accordance with section 17.0419 (C)(1)(c) and (d) in the B-4 Central Mixed Use District. New ownership took over the bar and restaurant in August. The new owner is proposing to add a structure to the deck to serve according to his submittal they will only serve beer. It should be noted that their liquor license allows them to serve more than beer on the patio.

The structure will be about 84 square feet and the exterior will be constructed with siding painted to match the existing building and the roof will have three dimensional asphalt shingles.

The Fire Department will be providing a maximum number of patrons that will be allowed on/in the deck area.

The only site plan amendment being considered at this meeting is the addition to add a structure on the deck to serve from. The letter mentions the possibility of changing the screened in nature of the deck on the south facing wall, but no plans have been provided for said change and such a change would not be in keeping with the screening required when the deck area was approved for liquor. Please keep in mind there are residents immediately to the south of the property.

**Policy Question:**

1. Are there any concerns with the amendment to the Plan of Operation and site plan?
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 amendment to the Plan of Operation and site plan to allow the bar structure on the deck for Belfast Station (N64W23246 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A, but that no modification to the fencing of the deck be allowed at this time.

**E. Consideration and possible action on a CSM, Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group addition (W248N5499 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 expanding their operations of light manufacturing of high-end golf course and community amenities. The expansion would add 33,000 square feet to the north side of the building, front entrance improvements and additional parking. In order for this expansion to occur, they needed additional land and purchased the vacant lot to the north. A CSM is presented for consideration to change the lot lines of the two properties to accommodate the expansion to meet the setbacks. At the March Plan Commission they intend to submit plans for a new building on the vacant lot to the north.

The following are comments for the plans for the addition:

Site

- Need to record a cross access agreement for the shared parking lot
- Need to provide more details about proposed monument sign at the south drive entrance.
- Adding 134 stalls to the site with an additional 65 to the property to the north.

### 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

- The will be adding to the existing landscape and meet the Design Standards; 63 tree/evergreens and 136 shrubs/flowers

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

In accordance with Section 17.0604 B. The Plan Commission may consider multiple driveways if:

The Plan Commission may also permit multiple or circular driveways for reasons other than traffic hazards where lots have a frontage of at least 150 feet and the Plan Commission determines that sufficient separation exists between the driveway locations and the property lines.

Notwithstanding the foregoing, multiple or circular driveways shall not be permitted if they would violate any requirement of this Code or other applicable laws.

The frontage of the property is 540 feet and the addition of the third driveway is 142 feet from the center drive and is 112 feet from the property line.

### **Policy Question:**

1. Are there any concerns with the CSM?
2. Are there any concerns with the Plan of Operation and various plans?
3. Are there any concerns with the multiple driveways?
4. Are there any comments directed to the ARB?

### **Action Items:**

1. Act on the CSM, plan of operation and various plans.
2. Recommend the plans to be reviewed by the ARB.

**Staff Recommendation:** Staff recommends the Plan Commission recommend approval of the CSM with the addition of cross access easements to the Village Board, and further recommends subject to approval of the CSM by the Village Board. Staff recommends approval of the Plan of Operation and site plan, architectural plan, lighting plan and landscape plan for the addition to Prestwick Group (W248N5499 Executive Drive); a finding that the multiple drives meet the intent of 17.0604 B for the orderly development of the site, 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.

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

**A. Introduction 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.

Site

- The site will have 74 parking stalls, the code requires 55 spaces for this type of use.
- Access off Hickory Drive aligns with access to property to the east. Proposing a 6 foot sidewalk along Hickory Drive to connect to Silver Spring sidewalk. Path provided to connect with the bugline trail.
- Pembroke street cul de sac will have a 14 foot wide emergency access road with gate.
- Proposed 24x24 dumpster enclosure and a 20x14 shed, both structures to be constructed with material matching the building.
- All plans are subject to final review by the Village Engineer and obtaining the necessary permits from the DNR.

Architectural

- 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

- The plan meets the Design Standards; 63 trees, 92 evergreens 300 shrubs/flowers.
- 15 foot landscape buffer with some fencing along south side as a buffer for the Hickory Heights residential homes

Sign

- The monument sign does not meet the Design Standards, the sign should have side pillar(s) of material that matches the base.

All plans need to be reviewed by the Architectural Review 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 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 17.0419 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 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.  
2. Direct the ARB to review the plans.

**Staff Recommendation:** Staff recommends scheduling the public hearing for the March meeting.

**B. Convene the public hearing 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 and 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. The owner is already allowed to have alcohol at the volleyball court and their request is to extend alcohol to the bags area as well. That issue will require an amendment to their liquor license, which goes before the Finance Committee and Village Board.

The owner will replace their current outdated shed and serve out of the new structure. Please see the impact report for more information.

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

**The Conditional Use Standards:**

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

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

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land 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 17.0416 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.

## 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:
  2. Arts, Entertainment, and Recreation: Petitioners for conditional uses in the Arts, Entertainment, and Recreation section below must prove if the use involves the discharge of weapons that the building and site design have been established to both prevent any bullet, arrow, or other item from leaving the subject property and prevent anyone unauthorized; from access to where they may be impacted by the discharge of the weapon(s).
    - a) Archery Ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, ice boating, marinas, polo fields, riding academies, and stadiums in the A-1 district provided that the lot area is not less than three (3) acres and all structures are not less than 50 feet from any district boundary.
    - b) Music/theater halls, museums, historical sites, zoological and botanical gardens in the B-1, B-3, and A-1 districts.
    - c) Commercial Recreation Facilities, such as arcades, bowling alleys, dance halls, driving ranges, gymnasiums, lodges, miniature golf facilities, physical fitness and recreational sports facilities, pool and billiard halls, racetracks, rifle ranges, tennis courts, volley ball courts, Turkish baths, swimming pools, and skating rinks, are conditional uses and may be permitted in the B-1,

### Site Plan Review Standards 17.1000

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

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

B. No structure shall be permitted:



1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or drabness, in order to realize architectural uniqueness between lots.

3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

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

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

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

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

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

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

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

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

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

Comments from the public if any.

The Plan Commission continues the public hearing and:

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

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

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

Adjourn hearing to March 17, 2020 at 6:30 p.m.

**C. Convene the public hearing for 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 hours 7 days a week. 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.

The ARB reviewed the plans at the February 5, 2020 meeting and made the following motion:

*A motion by Goetz, seconded by Schauer to approve the site, architectural, lighting, landscape and sign plan for Kwik Trip corner of CTH K and Business Drive with the following conditions:*

- *Show a site plan with a pedestrian walk way from Business Drive to the entrance of the store.*
- *Add the address to the screening wall to the right of the monument sign.*

*Motion carried.*

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 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 17.0417 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/package beverage and tobacco stores
  - (f) Pharmacy/drug, beauty supplies, food supplement, and medical supply stores
  - (g) Clothing/shoes, jewelry, luggage/leather goods, formal wear/costume stores
  - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
  - (i) Gift shops, florists, variety stores, antiques, used merchandise
  - (j) Pet and pet supply stores
  - (k) Art dealers/store
  - (l) 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**

**17.0506 CONDITIONAL USES**

- A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade

standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

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

Comments from the public if any.

The Plan Commission continues the public hearing and:

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

If the Plan Commission directs a Conditional Use Order be drafted any Plan Commission member may ask for a specific condition to be drafted for consideration in the CU Order. The continued Public Hearing will allow the Plan Commission to hear testimony on the



CU Order from the Petitioner and the Public and in the case of a specific condition requested by a Plan Commission member for the Village to provide evidence for the same.

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

Adjourn hearing to March 17, 2020 at 6:30 p.m.

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

**A. Consideration and possible action on items pertaining to Vista Run Development property located west of Hwy 164 and south of Silver Spring more specifically part of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002.**

The Plan Commission had recommended approval of this development on November 19, 2019. Since the November review the developer's engineering firm has discovered some grading issues that changed the stormwater layouts, which caused the Developer to rethink the duplex portion of the project and as a result is making some modifications to the plan. The net result is more single family and less single family attached.

The concept will have 206 single family detached lots with two clubhouses including pools, 58 single family attached condominium with a clubhouse and 30 townhouse with 62 acres of Park and natural space and 6.5 acres of open space to be developed at a later time. The plan has eliminated the duplex product and added more single family, while shifting the townhomes to where the duplex's had been. The smallest lots were increased in size as well.

There are many steps needed to take place in order to get to the final stages of development some of the steps, the Land Use amendment and Rezoning will require a public hearing at the March 24, 2020 Village Board.

**1. Resolution for Land Use amendment from Low Density Single Family Residential, Medium Density Single Family Residential, Recreational to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor Isolated Natural Resource Area. .**

Since the petitioners have filed a petition to rezone the site it is require the land use map be amended to match the zoning map. The petitioners have filed a petition and are requesting the following change to the land use map:

Portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road; and

The approximately 176 acres of the subject properties are currently classified on the Land Use Map as the following:

Low Density Single Family Residential  
Medium Density Single Family Residential  
Recreational

The exhibit with the Resolution is to amend the approximately 176 acres of the subject properties to be classified as:

Medium Density Single Family Residential  
Single Family Attached and Two Family Residential  
Recreational  
Agricultural  
Environmental Corridor  
Isolated Natural Resource Area

Staff has prepared a Resolution for consideration at this meeting.

The Plan Commission can adopt the Resolution allowing the scheduling of a public hearing before the Village Board, after which the Village Board may consider an Ordinance to amend the Land Use Plan Map. This process is consistent with the adopted public participation process for Land Use Map amendments of the Comprehensive Plan.

**Policy Question:**

1. Are there any concerns with the petition?
2. Are there any concerns with the proposed amendment to the land use map?
3. Are there any concerns with the Resolution?

**Action Items:**

1. Act on the Resolution.
2. Direct staff to schedule a public hearing.

**Staff Recommendation:** Staff recommends approval of the Resolution and for the Plan Commission to recommend to the Village Board the adoption of an Ordinance to amend the Land Use Plan Map, a component of the Comprehensive Plan, for the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor, Isolated Natural Resource Area conditioned upon the approval of the rezoning Ordinance for the subject property, the Preliminary Plat, and the Developer's Agreement.

**2. Rezone Ordinance, from CR-1 and RS-3 Single Family Residential District to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District.**

The petitioners have filed a petition to rezone the approximately 176-acre parcel; since this is a unique subdivision, the site will have different residential zoning districts with a Planned Development Overlay (PDO).

The petitioners are requesting to rezone a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road:

FROM:

CR-1 and RS-3 Single Family Residential District

TO:

RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District

The petitioner should address all the conditions as required in Section 17.0435 (D) of the PDO zoning Ordinance. The PDO is intended to allow for a more effective layout of lots, Park space and the uniqueness of the different types of housing options.

Staff has prepared an Ordinance for consideration to rezone the property. The next is for the Plan Commission to recommend to the Village Board and schedule a public hearing.

The only change to this PDO from what was previously shown is that we've increased the minimum lot size to 10,000 square feet from the 9,000 previously listed as they've increased the lot sizes and we've eliminated the duplex language.

**Policy Questions:**

1. Are there any concerns with the petition?
2. Are there any concerns with the proposed zoning change?
3. Are there any concerns with the Ordinance?

**Action Item:**

1. Act on the Ordinance.
2. Direct staff to schedule a public hearing.

**Staff Recommendation:** Staff recommends the Plan Commission recommend to the Village Board to approve the Ordinance to rezone the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District conditioned upon the approval of the Land Use Map Amendment Ordinance, the Preliminary Plat, and the Developer's Agreement.

**3. Preliminary Plat.**

The Developer has submitted the required Preliminary Plat (PP), the PP has some minor changes from the PP submitted in November. Again the duplex's are removed, and the townhomes were shifted to their previous location. Single Family was added to where the townhomes were originally located. The lots are slightly larger in the smallest lot category, and the pond areas were reconfigured to reflect the adjusted grading.

**Policy Questions:**

1. Are there any concerns with the Preliminary Plat?

**Action Items:**

1. Act on the Plat.

**Staff Recommendation:** Staff recommends the Plan Commission approve the Preliminary Plat and recommend to the Village Board to approve the Preliminary Plat for

Vista Run the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road, subject to the standard conditions of approval for Plats, final review and conditions by the Village Engineer, approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Developer's Agreement, establishing a legal lot or lots for remainder portion of land and buildings for Hickory Hill Farms and subject to the standard conditions of Exhibit A.

**4. Developers Agreement.**

The Developers Agreement is part of the approval process for a new subdivision. The language in the agreement helps establish the responsibility of the developer and time frames to complete items. Key items of the agreement include the extension of the interceptor sewer system, water main looping, sidewalk and paths, site stabilization on previous farmed lands, safety of access during construction, and other items. Please see the agreement for more information.

**Policy Questions:**

1. Are there any concerns with the Developers Agreement?

**Action Items:**

1. Act on the Developers Agreement.

**Plan Commission - Staff Recommendation:** Staff recommends the Plan Commission approve the Developers Agreement for Vista Run subject to approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Preliminary Plat, and to the standard conditions of 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.



Village of Sussex  
Kasey Fluett  
N64W23760 Main St  
Sussex, WI 53089

February 18<sup>th</sup>, 2019

### Fire Protection Summary

Ms. Fluett,

We are writing to summarize our interpretation of the IBC 2015 Building Code/NFPA requirements regarding when a Fire Sprinkler system is required to be installed. See attached code sheet for the requirements of Fire Sprinkler and Fire Alarms based on code requirements. Neither a sprinkler system or a fire alarm system is required by code. Per IBC 903.2.7 An automatic sprinkler system is not required for Group M (Mercantile) fire areas less than 12,000 sf. Our building is only 9,156 sf well under the required. The International Building Code also has also accounted for safety factors in the areas that are required by code as well.

The IBC 2015 was adopted by Wisconsin in the spring/summer of 2019. Wisconsin also has provisions adopted typically each year to update items needed since the IBC Code isn't adopted each year. With all the current versions of the applicable code the 2013 ACT 270 Grandfathered Ordinances was adopted in 2013 and is still applicable. I have attached the Sussex Section (Starts on Page 163) of this ordinance and this is all geared towards educational facilities and buildings with living quarters and high occupancies. Nowhere in this document does it state that "Mercantile" is required to have a sprinkler or alarm system.

The current ordinance for the Village of Sussex has similar language that the IBC and the 2013 ACT 270 but has added in almost all uses that weren't included in the applicable codes and reduced the 12,000 sf requirement to 5,000 sf for Non-Fire Resistive construction. Also, the Village Ordinance added Mercantile to its language as shown below (Village of Sussex Ordinance) to what the IBC and the 2013 ACT 270 language provided.

In the FAQ document, which is a supplement to the 2013 ACT 270 document, the following questions was asked:

*4. Can a municipality make changes to an ordinance that was grandfathered under Act 270?*


*Yes, see 101.02(7r)(c).*

*101.02(7r)(c) (c) A town, village, or city may amend an ordinance that is enforceable*

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### OUR MISSION

*To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.*



under par. (b) if all of the following apply:

1. The amendment will not broaden the applicability of the ordinance to any building components that are not subject to the ordinance under par. (b) 3.

We feel that with the municipality requesting that we install a fire sprinkler system and fire alarm system based on a lesser square footage than what the current code has specified falls within this exact clarification that is broadens the requirement of no sprinkler required for our building size and use therefore cannot enforce us to install a such system.

**Village of Sussex Ordinance Reads:**

(2) WHERE INSTALLED. After November 25, 1975, every building constructed, every building structurally altered, every building remodeled, or every building whose use has changed, according to Subsection (8) below, shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part as follows:

(A) This classification includes but is not limited to all factories and workshops, including all places where manual labor is employed, office buildings, telegraph and telephone offices, mercantile establishments where commodities are bought or sold, clothes cleaning establishments, warehouses, railroad stations, exhibition buildings, public mausoleums, crematoriums, and places where not more than 100 persons assemble for recreation, entertainment, or dining purposes.

1. Throughout Fire-Resistive buildings exceeding 7,500 square feet gross area or exceeds one level.
2. Throughout Non-Fire-Resistive buildings exceeding 5,000 square feet gross area or exceeds one level.

**2013 ACT 270 Language Reads:**

Sussex

5.15 GENERAL PROVISION.

(2) STATE CODES ADOPTED. In addition to the regulations, standards and procedures herein set forth, there shall be compliance with provisions of the Wisconsin Administrative Code and regulations of the State Department of Commerce all of which are hereby made a part of this section by reference; provided if there is conflict or ambiguity concerning any of the foregoing, the stricter provision shall apply.

(3) APPLICATION OF CODE.

(a) The provisions of the Fire Prevention Code shall apply equally to new and existing conditions except existing conditions not in strict compliance with the terms of the Fire Prevention Code shall be permitted to continue where the exceptions do not constitute a clear hazard to life or property.

5.16 AUTOMATIC SPRINKLER SYSTEMS.

(2) WHERE INSTALLED. After November 25, 1975, every building constructed, every building structurally altered, every building remodeled, or every building whose use has changed, according to Subsection (8) below, shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part as follows:

(d) This classification includes but is not limited to all public and private schools, universities, colleges, academies, seminaries, libraries, museums and art galleries; including all buildings or parts of buildings used primarily for instructional purposes.

1. Throughout all Fire-Resistive and Non-Fire-Resistive buildings.

(e) This classification includes but is not limited to all residential buildings, health care facilities, hospitals, nursing homes, elderly or retirement complexes, multi-family apartments and condominiums, community based residential facilities, hotels, motels, bed and breakfasts, day care centers, correctional and detention centers.

1. Throughout all Fire-Resistive and Non-Fire-Resistive buildings.

(f) This classification includes but is not limited to all buildings used as high hazardous occupancies, storage occupancies and repair and public garage occupancies.

1. Throughout all Fire-Resistive and Non-Fire-Resistive buildings.
2. Throughout all Fire-Resistive and Non-Fire-Resistive garages used to store transportation vehicles above or below other occupancies.

(g) This classification includes all basements.

1. Throughout all Fire-Resistive and Non-Fire-Resistive basements and cellars when used for manufacture, storage or sale of goods, materials or merchandise.

We understand your concern about wanting to protect the citizens and customers of our municipality and us as a company also feel the same about protecting them. We have almost 30,000 employees at Kwik Trip and almost 75% of them working in our retail stores and if we had concerns that our buildings were unsafe we would be installing them immediately to keep the co-workers safe as well as our guests. This type of building has required exits to accommodate ease of access to exit building in the unlikely event of a fire. For this same reason this building type has not been required to have a sprinkler system at our size. We have been installing deep fryers now in our store but also by code we are then required to have a Type I hood installed with an Ansul Extinguishing system specially formulated for grease



flames. As most are aware a water extinguishing system would only increase a fire caused by grease. Again, this is all regulated by a strict International Commercial Code and State Code.

We are currently building about 50 new stores a year and looking to increase to about 70 stores a year across the three states of Wisconsin, Minnesota, and Iowa. Since 2015 we have constructed and opened 83 stores in the state of Wisconsin and prior to the adoption of IBC 2015 Code we have only done 5 stores with a fire protection system and we haven't constructed one in Wisconsin since last summer when this was adopted. I have included copies of all the documents that were referenced in this letter for reference. Please feel free to contact me at anytime to discuss this letter. We appreciate your consideration of our request.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Osgood". The signature is written in a cursive style and is positioned above the printed name and contact information.

**Jeff Osgood – Development Manager - Store Engineering - Kwik Trip, Inc.**

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