

**VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN**

**Minutes of the Virtual Plan Commission meeting held on May 19, 2020.**

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

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

Members excused: None

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

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

**Consideration and possible action on the minutes on the Plan Commission meeting of April 16, 2020 and April 21, 2020.**

A motion by Schauer, seconded by Kremer to approve the minutes of the Plan Commission meeting of April 16, 2020 and April 21, 2020 as presented. Motion carried 6-0.

**Consideration and possible action on a on a Plan of Operation and site plan for MJ Excavating a division of MJ Electric LLC (N64W22998 Hwy 74).**

Shane Miller spoke on behalf of MJ Excavation, N64W22998 Hwy 74. Planning to use building for general office operations. Office personnel support traveling project managers and crews that build electric utility infrastructure.

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

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

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

Plan Commission Comments: None

A motion by Kremer, seconded by Anderson to approve the Plan of Operation and site plan for MJ Excavating a division of MJ Electric LLC(N64W22998 Hwy 74); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the removal of the abandoned vehicles and the standard conditions of Exhibit A. Motion carried 6-0.

**Consideration and possible action on a CSM and the Introduction of a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).**

Petitioner was not present.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned CR-1. A CSM is proposed to create a lot to include the buildings, house and silos to continue the use of an operating farm. On page six of the CSM shows the new lot lines and building setbacks to be created for Lot three for the Harvest View Farms.

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

The Petitioner will need to prove the 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.

Mr. Smith informed the Commission that the buildings exist today and are too close to the current lot lines. The property was established years ago in the Town of Lisbon. Due to the lot lines, the CSM requires a legal non-conforming conditional use.

Plan Commission Comments: Commissioner Johnson stated the need for screening be addressed at the public hearing. He had concerns there could be conflict between the stated usage of the farm and the future residents of the new development. Commissioner Johnson also inquired if lot 1 would become part of the Sussex stormwater utility.

Mrs. Fluet stated that staff has found the application complete and recommends scheduling the public hearing for the June meeting, a recommendation to the Village Board approval of the CSM subject to the approval of a legal non-conforming conditional use, the standard conditions of CSM approval, review by the Village Engineer and Exhibit A.

A motion by Kremer, seconded by Johnson to direct staff to schedule a public hearing for 6:30 pm on June 16, 2020 and recommend to the Village Board approval of the CSM subject to the approval of a legal non-conforming conditional use, the standard conditions of CSM approval, review by the Village Engineer and Exhibit A.. Motion carried 6-0.

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

Rachel Holloway spoke on behalf of the Town of Lisbon. This is 3 lot CSM for the former Lied's property. The road was realigned by County review comments which is reflected in new CSM. One issue to be resolved is the dedication of road along Main Street which is listed to the Town of Lisbon. It needs to be changed to the County. All CSM comments from the February 27<sup>th</sup> letter have been addressed.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating the property is in the Town of Lisbon and will stay in the Town of Lisbon. The proposed zoning on the property does not match the Boundary Stipulation so the Village cannot approve the CSM.

Ms. Holloway asked for clarification of the zoning issue. Staff explained that the zoning of the land does not match the boundary stipulation based on the Town's zoning code.

A motion by Johnson, seconded by Schauer to recommend to the Village Board acknowledgement of the CSM because the zoning of the land doesn't match the requirements of the boundary stipulations; subject to review by the Village Engineer and Exhibit A. Motion carried 6-0.

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

Petitioner was not present.

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

In order to create the single family lot in a lot can have minimum frontage of 40 feet and shall abut a public street such as Orchard Drive. The Plan Commission can allow this in accordance with Section 18.0701. The property owner will need to construct a temporary termination and follow the requirements of Section 18.0703 B. The CSM will need to include language with this requirement.

Mr. Smith stated: The Plan Commission had decided it's not reasonable to extend a road before an eventual development is done. At this time, we do not know what the road pattern will be should this development be completed. Minimum requirement is 40 feet of right of way which will be a turnaround that feeds into the current drive. The turnaround will be removed and the road built when the rest of the property is developed.

Plan Commission Comments: Commission Johnson inquired if it was clear that there will never be access to Maple Avenue. Mr. Smith stated that it would be very difficult to have access to Maple Avenue due to the stream, stormwater and railroad crossing.

A motion by Kremer, seconded by Anderson to recommend approval of the CSM to the Village Board for Maurice and Diane Koch W238N6640 Orchard Drive subject to temporary termination is constructed at the end of Orchard Drive for the single family resident on lot two, review by the Village Engineer, the standard conditions of CSM approval and Exhibit A. Motion carried 6-0.

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

Eric Obarski spoke on behalf of Neumann Development. Woodland Preserve is the first portion of a larger development attached to Woodland Creek Drive. There will be 17 lots in this section.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating the site is zoned RS-2 with a Planned Development Overlay. The approval of this Plat is for the 17 single-family lots. Building permits may be issued once staff is satisfied all the conditions of the Developers Agreement have been met, the Plat meets the conditions of the rezone ordinance granted March 12, 2019, the requirements of Chapter 18 are met and once the Plat is recorded with the Registry of Deeds. Outlot two should be part of the plat.

Mr. Obarski stated Outlot two will be included with the plat.

A motion by Anderson, seconded by Kremer recommend to the Village Board approval of the Final Plat for Woodland Preserve subject to the Final Plat to include the improvements in outlot two associated with the subdivision and the approval of the Restrictive Covenants, the standard conditions of Plat approval, obligations of the Developers Agreement have been met and any conditions by the Village Engineer and Exhibit A. Motion carried 6-0.

**Topics for Future Agendas:** None.

**Adjournment**

A motion by Kremer, seconded by Schauer to adjourn the meeting at 6:59 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 May 19, 2020  
DATE: May 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 April 16, 2020 and April 21, 2020.**
03. **Consideration and possible action on Permitted Uses and Site Plans:**  
**A. Consideration and possible action on a Plan of Operation and site plan for MJ Excavating a division of MJ Electric LLC (N64W22998 Hwy 74).**

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

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

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

**Policy Question:**

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

**Action Items:**

1. Act on the plan of operation and plans.

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation and site plan for MJ Excavating a division of MJ Electric LLC(N64W22998 Hwy 74); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the removal of the abandoned vehicles and the standard conditions of Exhibit A.

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

**A. Consideration and possible action on a CSM and the Introduction of a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).**

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

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

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

**The Conditional Use Standards:**

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

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

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

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

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

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

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

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

B. The procedure for public hearing before the Plan Commission shall be as follows: 1. Any person may appear in person, by agent, or attorney. 2. The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence. 3. The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner the costs shall be split evenly unless otherwise agreed to by the parties.

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

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

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

F. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for

amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above.

## **The Zoning District Standards Section 17.0404 CR-1 Conservancy Residential District**

### **17.0404**

#### **CR-1 CONSERVANCY-RESIDENTIAL DISTRICT**

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

##### **A. Permitted Uses**

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

##### **B. Permitted Accessory Uses**

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

##### **C. Conditional Uses**

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

##### **D. Lot Area and Width**

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

##### **E. Building Height and Area**

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

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

## **Section 17.0506 Conditional Uses**

### **17.0506 CONDITIONAL USES**

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

### **17.0507 LEGAL NONCONFORMING USES**

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



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

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

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

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

B. No structure shall be permitted:

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

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

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

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

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

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

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

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

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

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

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

**Policy Question:**

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

**Action Items:**

1. Direct staff to schedule the public hearing.

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

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

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

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

**Policy Question:**

1. Are there any concerns with the CSM?

**Action Items:**

1. Act on the CSM.

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

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

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

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

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

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

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

**Policy Question:**

1. Are there any concerns with the CSM?

**Action Items:**

1. Act on the CSM.

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

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

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

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

**Policy Question:**

1. Are there any concerns with the Plat?

**Action Items:**

1. Act on the Plat.

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

**06. Adjournment.**

## **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.