

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission Public Hearing held on November 17, 2016.

Chairman Goetz called the hearing to order at 6:30 p.m.

Members present: Annette Kremer, Roger Johnson, Pat Tetzlaff, Steve Pellechia, Amanda Schauer, and Greg Goetz.

Members excused: Deb Anderson

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet, Administrative Services Director Casen Griffiths and members of the public.

Greg Goetz read the notice of public hearing which is to consider the following item:

An application for a legal non-conforming conditional use permit for R & S Sussex Investment BP to operate a gasoline service station with car wash services in the B-4 Central Mixed Use District in accordance with Section 17.0507(A) located at N62W23456 Silver Spring Drive. The petitioner is Farhan Ghaffav. The property owner is R & S Sussex Investments BP.

Mr. Smith noted that the petitioner was not present at the public hearing and stated that the petitioner has indicated that he intends to operate the business in a similar manner to the previous owner. The owner has also cleaned up the property as requested by the Plan Commission. Due to the petitioner not being present, the Plan Commission can close the public hearing or it could table action.

Mr. Pellechia stated that he would prefer to postpone the item due to the petitioner's absence at the public hearing.

President Goetz opened the hearing to take comments from citizens present.

Steven VanDoren, N62W23486 Silver Spring Drive stated that he was the owner of the Quonset hut and was concerned that his easement would be taken away. Mr. Smith noted that an access easement is a private matter between the two property owners. Attorney Macy stated that the Plan Commission cannot make a representation on the easement and cannot guarantee what is in the easement.

A motion by Goetz, seconded by Kremer, to postpone the Public Hearing until Thursday, December 15th at 7:30 p.m. Motion carried.

Respectfully Submitted,

Casen J. Griffiths
Administrative Services Director

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the Plan Commission meeting held on November 17, 2016.

Chairman Goetz called the meeting to order at 6:36 p.m.

Members present: Annette Kremer, Roger Johnson, Pat Tetzlaff, Steve Pellechia, Amanda Schauer and Greg Goetz.

Members excused: Deb Anderson

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet, Administrative Services Director Casen Griffiths, applicants and members of the public.

Consideration and possible action of the minutes of the Plan Commission meeting of October 20, 2016.

A motion by Kremer, seconded by Tetzlaff to approve the minutes of the Plan Commission meeting of October 20, 2016 as submitted. Motion carried

Comments from citizens present: There was no one present who wished to be heard.

Consideration and possible action on a Plan of Operation and site plan for New Hope Assembly of God (N64W24678 Main Street).

Greg Welch, Pastor of New Hope Assembly of God stated that the church plans to occupy a portion of the east end of the building in the location of the former U.S. Bank space. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). The Commissioners had no questions on this matter.

A motion by Kremer, seconded by Pellechia to approve the Plan of Operation and site plan for New Hope Assembly of God (N64W2478 Main Street); with the finding that the use and structures meet the principals of 17.1002(A-H) ; and subject to the standard conditions of Exhibit A. Motion carried.

Consideration and possible action on a Plan of Operation and site plan for Donnelly Distribution LLC (W245N5474 Corporate Circle).

Ross Donnelly, 522 Lookout Drive, Pewaukee stated that he plans to relocate his business to this location; he has an accepted offer on the building. His previous locations in the Village include on Main Street and across the street from Rotating Equipment. The business is a distribution company for tools and tile. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached); noting the business is a wholesaler for the stone industry and does not have retail sales to the general public.

A motion by Kremer, seconded by Pellechia to approve the Plan of Operation and site plan for Donnelly Distribution LLC (W245N5474 Corporate Circle) with the finding the use and structures meet the principals of 17.1002 (A-H); and subject to the standard conditions of Exhibit A. Motion carried.

Consideration and possible action on a Legal Nonconforming Conditional Use, Plan of Operation and site plan for R&S Sussex Investment BP Gas Station (N62W23456 Silver Spring Drive).

A motion by Goetz, seconded by Kremer to table the item until the Plan Commission meeting on Thursday, December 15, 2016 due to the tabling of the public hearing. Motion carried.

Conceptual review of a Conditional Use, Plan of Operation and site plan for EverFit Athletics, Inc. (W227N6193 Sussex Road).

Emily Schilter, 2820 N. 78th Street, Milwaukee, owner of the business, stated that the gym is a functional fitness/ cross fit gym. It will be located on Sussex Road next to Central Bark. Mrs. Tetzlaff asked if this is a new business or if the business is relocating from another location. Ms. Schilter stated that it is a new

business. Mrs. Fluet reviewed the plan staff memo (copy attached). The Commissioners had no additional questions.

The Consensus of the Plan Commissioners was to direct staff to schedule a public hearing for this item at the December 15th Plan Commission meeting.

Consideration and possible action on a site, architectural, sign, lighting and landscape plan, extra territorial review for Growth-Werks a mini storage facility to be located in the Town of Lisbon Quarry Business Park.

Andrew Reem, 161 Wisconsin Ave, Pewaukee reviewed the proposed plans and materials for the mini-storage facility. A total of seven buildings are proposed for the site which include warehouses for storage with spaces for offices. The site is proposed to be constructed in two phases, the start of phase one would begin in the spring of 2017. Mr. Goetz asked about the size of the units in the development. Mr. Reem stated that they are units that are standard units, sizes 10x10, 10x20 and 20x40. Mr. Johnson asked if there would be any landscaping. Mr. Reem stated that it would be landscaping on the north and south sides, along with an ornamental fence. Mr. Goetz asked if the site would be completely fenced. Mr. Reem stated that it would. Mrs. Fluet reviewed the plan staff memo, noting that the propose development is within the Town of Lisbon, and it located in the Joint Planning area.

A motion by Johnson, seconded by Pellechia to recommend to the Joint Planning Committee approval of the site, architectural, landscape, sign and lighting plan with the condition that there will be no extension of sewer or water service to the parcel. Motion carried.

Consideration and possible action on a request for a modification in accordance with Section 18.0209 of Section 18.0703(H)(3) to a curvature on a minor street to be less than 100 feet.

Bill Carity, 12720 North Avenue, Brookfield, stated that in developing the proposed subdivision care was taken to preserve wetlands on the property. Because of the need for wetland preservation, the proposed Donna Drive would be split as a boulevard with a lane going in each direction and would be going around the wetland. The radius modification for the street is needed due to the proposed green space and tree preservation on the eastern portion of the proposed subdivision plat. Mr. Johnson asked where the location of sidewalks would be. Mr. Carity stated that there will be a sidewalk on the south side of the boulevard. Mr. Smith sated that the modifications are for the curvature of the road, including a 50 ft. and 70 ft. The standard is 100 feet, however with the wetland location and also the desire for traffic calming the proposed radius is acceptable. Mr. Goetz asked if there were any concerns about emergency vehicles being able to navigate the proposed street. Mr. Smith stated that there were no concerns.

A motion by Goetz, seconded by Johnson to grant the modification and to recommend approval of the modification to allow the curvature of Donna Drive North to be less than 100 feet in length. Motion carried.

Consideration and possible action on the Preliminary Plat for Ancient Oaks Subdivision for property located in the center of Prides Crossing Subdivision connecting Donna Drive.

A motion by Goetz, seconded by Pellechia to approved the Preliminary Plat and recommend to the Village Board approval of the Preliminary Plat for Ancient Oaks, subject to approval of the modification to Section 18.0703(H)(3) by the Village Board, standard conditions of approval for Plats, final review and conditions by the Village Engineer, entering into a developer's agreement with the Village and subject to the standard conditions of Exhibit A.

Upon further discussion, Mrs. Kremer stated that the proposed sidewalk starts and stops in the subdivision and that was not a preferable condition. Mr. Johnson noted that the sidewalk feeds into the walking trail system. Mr. Smith stated that sidewalks connecting the subdivision would be added on the adjoining roads when they are reconstructed. Motion carried.

Other Items for future discussion

Mr. Smith stated that the Plan Commission meeting for December 15th will be at 6:30 pm. Notice for the Joint Village Board/ Plan Commission Public Hearing for Hidden Hills will be going out on or before

November 29th. The regular Plan Commission meeting will be scheduled to start at 7:30 pm or immediately after the Joint Village Board/ Plan Commission public hearing.

A motion by Johnson, seconded by Pellechia to adjourn the meeting at 7:16 pm. Motion carried

Respectfully Submitted,

Casen J. Griffiths
Administrative Services Director



MEMORANDUM

TO: Plan Commission

FROM: Kasey Fluet, Assistant Development Director

RE: Plan Commission meeting of November 17, 2016

DATE: November 4, 2016

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 on October 20, 2016.**
03. **Comments from citizens present.**
04. **Consideration and possible action on Permitted Uses and Site Plans:**
 - A. **Consideration and possible action on a Plan of Operation and site plan for New Hope Assembly of God (N64W24678 Main Street).**

This site is zoned B-1. The religious facility is a permitted use in accordance with Section 17.0416 (A)(3)(d) in the B-1 Neighborhood Business District. The church will occupy 3,300 square feet in the 21,000 square foot multi-tenant building. This space will be used for church services, hold religion classes and bible studies. Hours of operation Monday through Friday 9:00 a.m. to 4:00 p.m. and Sunday 8:00 a.m. to 2:00 p.m. This site has 87 established parking stalls, with 44 stalls allocated to other users, by code this user requires 32 stalls. The site also has additional pavement that is not currently stripped they could utilize for parking if necessary in the future for the one remaining tenant space.

Any signage for this site will need to 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 site plan.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for New Hope Assembly of God (N64W24678 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H); subject to the Building Inspectors conditions and the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Donnelly Distribution LLC (W245N5474 Corporate Circle).

This site is zoned BP-1. The wholesale tile tool distribution business is a permitted use in accordance with section 17.0420 (A)(8)(b). Donnelly Distribution LLC wholesales tools for the tile and stone industry, they do not have retail sales to the general public. They will purchase the 18,700 square foot building for sale in the Sussex Corporate Park to accommodate their growing needs. The hours of operation will be 8 to 5 Monday through Friday. The site has 40 parking stalls according to code this user requires 6 stalls.

Any signage for this site will need to 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.

Staff Recommendation: Staff recommends approval of the Plan of Operation and site plan for Donnelly Distribution LLC (W245N5474 Corporate Circle) a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

05. Consideration and possible action on Conditional Uses and Plans:

A. Consideration and possible action on a Legal Nonconforming Conditional Use, Plan of Operation and site plan for R&S Sussex Investment BP Gas Station (N62W23456 Silver Spring Drive).

This site is zoned B-4. The gas station with carwash service in the B-4 Central Mixed Use District is a legal nonconforming use in accordance with Section 17.0507 (A). The BP gas station is being purchased, due to the new ownership they are required to file a Plan of Operation. The new owners will continue to operate the gas station, convenience store and carwash station in the same manner. The gas pumps and car wash is available 24 hours seven days a week, the convenience store will be open 5:00 a.m. to 10:00 p.m. The site has sufficient parking with 15 stalls and room to add more.

Any modification to the existing pole signs is subject to approval by the Plan Commission.

Prior to this meeting was the Public Hearing for this item and it would be appropriate for the Plan Commission to address any relevant concerns of the Plan Commission from said public hearing during this point in the agenda.

Normally LNCU's come back to the Plan Commission for another meeting; this petitioner has requested approval as soon as possible. The Village process does allow the LNCU to be granted at this meeting by Plan Commission discretion. Staff has prepared a LNCU document for consideration.

The petitioner has addressed the property concerns raised at the last meeting. The parking lot has been stripped and the banner signage has been removed. The petitioner should give an update on the fallen tree near the creek.

Policy Question:

1. Are there any concerns with the Legal Nonconforming Conditional Use?
2. Are there any additional conditions you want addressed in the LNCU?

Action Items:

1. Act on the LNCU OR
2. Provide additional comments for inclusion in the LNCU and direct staff to bring back for the December Plan Commission meeting.

Staff Recommendation: Staff recommends approval of the Legal Non Conforming Conditional Use, Plan of Operation and site plan for R&S Sussex Investment BP Gas Station (N62W23456 Silver Spring Drive); and a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

B. Conceptual review of a Conditional Use, Plan of Operation and site plan for EverFit Athletics, Inc. (W227N6193 Sussex Road).

This site is zoned M-1. The fitness center is a conditional use in accordance with Section 17.0506 (A)(8)(d) in the M-1 Industrial District. Owners of EverFit Athletics would like to operate a fitness facility renting 5,000 square feet of space in the 10,000 square foot multi-tenant building. Hours of operation will be Monday through Thursday 5:00 a.m. to 8:00 p.m., Friday 5:00 a.m. to 7:00 p.m., Saturday 7:00 a.m. to 1:00 p.m. and possible Sunday hours. The site has 25 parking stalls, 9 stalls are allocated to another user and this user requires 15 per code.

Any signage for this site will need to be reviewed by the Building Inspector.

Policy Question:

1. Are there any concerns with the Conditional Use application?
2. Are there any concerns with the property?

Action Items:

1. Direct staff to schedule the public hearing.

Staff Recommendation: Staff recommends scheduling the public hearing for the December Plan Commission meeting.

06. Consideration and possible action on Zoning and Planning Items:

A. Consideration and possible action on a site, architectural, sign, lighting and landscape plan, extra territorial review for Growth-Werks a mini storage facility to be located in the Town of Lisbon Quarry Business Park.

This property is located in the Town of Lisbon and will remain in the Town of Lisbon. The location for this building is located within the Joint Planning area and therefore the Village can review the project for compliance with the Village Design Standards. The site does not impact Village stormwater or traffic and will not come into the Village under the boundary stipulation.

The plans for this project were reviewed by the ARB on November 2, 2016 and the following motion was made:

A motion by Schauer, seconded by Tetzlaff to recommend to the Plan Commission approval of the site, architectural, landscape, sign and lighting plan for Growth-Werks Storage Facility in the Town of Lisbon Quarry Corners Business Park. Motion carried.

Staff recommends: Staff recommends the Plan Commission recommend the Joint Planning Committee recommend approval of the site, architectural, landscape, sign and lighting plan for Growth-Werks Storage Facility in the Town of Lisbon Quarry Business Park.

B. Consideration and possible action on a request for a modification in accordance with Section 18.0209 of Section 18.0703 (H)(3) to a curvature on a minor street to be less than 100 feet.

The development was conceptually reviewed in August and includes 38 lots, the protection of a large forest through a transfer of 18 acres to the Village, which will expand our park system and the first boulevard subdivision in Sussex as a means to enhance the design of the subdivision, protect a wetland, and enhance stormwater management. In order to disturb as little of the wetland area as possible Donna Drive North will have a curve radius less (70) and (50) than 100 feet at the west and east road transitions. Per Chapter 18 Section 18.0703 (H)(3):

- (H) Radii of Curvature. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
1. Arterial streets and highways: 500 feet.
 2. Collector streets: 300 feet.
 3. Minor streets: 100 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets. On minor streets, the tangent shall be at least 100 feet or the curves can be designed with no tangent if design speed is at least 10 mph over posted speed.

This is a technical standard designed for roadway speeds, but as with any technical standard modifications can be appropriate based upon field conditions and priorities. The Village engineer is supportive of this adjusted curve radius as an appropriate design for this area with slower traffic and one way driving, with the added potential benefit of traffic speed reduction to minimize through traffic.

The Plan Commission may allow the modification of the road curve if meets the requirements outlined in Section 18.0209.

- 18.0209 REQUEST FOR WAIVER OR MODIFICATION OF PROVISIONS & DEFERRAL
- (A) Waiver or Modification of Ordinance Provisions. A petitioner may request that the municipality waive or modify enforcement of one or more provision (s) of this Ordinance, as follows:
- (1) Written Request. The petitioner shall submit a written request for the waiver or modification to the Village Clerk. In the written request for waiver or modification, the petitioner shall specify the specific provision the petitioner requests the municipality to waive or modify, and petitioner's reasons for requesting the same. **RECEIVED**
 - (2) Referral to Plan Commission and Village Board. Upon receipt of a written

request for a waiver or modification, the Village Clerk shall, within a reasonable time, place the matter on a Plan Commission and a Village Board agenda for review and action. **NEXT STEP**

- (3) Considerations. The Plan Commission and Village Board shall each make a determination which shall include consideration, but not necessarily an affirmative finding, of the following factors:
 - (a) Whether the request for a waiver or modification, if granted, would be consistent with the general intent of the ordinance.
 - (b) Whether the request for a waiver or modification, if granted, would adversely affect property owners in the surrounding area.
 - (c) Whether the request for a waiver or modification, if granted, would benefit the petitioner's project in a way that is consistent with the municipality's interests.
 - (d) Whether petitioner is in full compliance with applicable ordinances and agreements with the municipality.
 - (e) Whether, instead of granting the request for a waiver or modification, the ordinance itself should be changed to accommodate the kind of situation presented by the petitioner.
- (4) Grant or Denial of Request for a Waiver or Modification. After considering the above-listed factors and any other factors that may be relevant to the matter, the Plan Commission and Village Board shall then each independently determine whether it is objectively reasonable to grant the request for a waiver or modification. A waiver or modification may be granted without making an affirmative finding concerning any one or more of the above-listed factors if, on the whole, it is objectively reasonable to do so. If the Plan Commission and Village Board each determine that it is objectively reasonable to grant the request, then the waiver or modification shall be deemed granted as of the date that the second of the two determinations is made. If either the Plan Commission or the Village Board, or both of them, deny the requests, then the request is denied.
- (5) Past non-compliance not waived. A waiver or modification that is granted pursuant to a written request as described in this section shall not waive any fines, forfeitures or other penalties that may have accrued due to violations of the ordinance that took place prior to the date of the request being granted, unless specifically stated otherwise in the decision of the Village Board.

3.a. The modification would be consistent with the intent of the ordinance, the minor street is arranged to conform with the topography, the design discourages use by through traffic and makes efficient use of storm and sanitary sewerage systems.

3.b. The street is designed as a one way and the smaller centerline radius will facilitate slower speeds.

3.c. A smaller centerline radius will minimize the impacts to the existing wetlands.

3.d. The petitioner is complying with the Village ordinances and agreements.

3.e. A change to the Ordinance is not necessary. The street design of Donna Drive is unique to the subdivision to protect the wetlands and trees.

Policy Questions:

1. Are there concerns with the modification request?
2. How does the Plan Commission feel about 3.a through 3.d?
3. Are there any other relevant items to consider with the request for modification?

Action Item:

1. Act on the request with a granting of the modification or a denial of the modification.

Staff Recommendation: Staff recommends the Plan Commission grant the modification and recommend to the Village Board approval of the modification to allow the curvature of Donna Drive North to be less than 100 feet in length.

07. Consideration and possible action on CSM's and Plats:

A. Consideration and possible action on the Preliminary Plat for Ancient Oaks Subdivision for property located in the center of Prides Crossing Subdivision connecting Donna Drive.

This site is zoned RS-3 Single Family Residential District. The Plan Commission reviewed the concept plan for this subdivision on August 18, 2016. The Preliminary Plat shows the area to be developed as a single family subdivision with 38 lots and three outlots. This development is consistent with the Village's ordinances and design intent. The outlots will be transferred to the Village for stormwater management and for tree preservation with the added benefit of 18 additional acres of parkland.

Village staff will continue to work with the Developer to finalize the Developers Agreement, Tree Preservation Plan, Stormwater Management and Civil Plans for this site.

Policy Question:

1. Are there any concerns with the preliminary plat?

Action Items:

1. Act on the preliminary plat.

Staff Recommendation: Staff recommends the Plan Commission approve the Preliminary Plat and recommend to the Village Board to approve the Preliminary Plat for Ancient Oaks, subject to approval of the modification to Section 18.0703 (H)(3) by the Village Board, standard conditions of approval for Plats, final review and conditions by the Village Engineer, entering into a developer's agreement with the Village and subject to the standard conditions of Exhibit A.

08. Other Items for future discussion.

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.

Model Standard Conditions of Approval for Plats.

1. Subject to the developer satisfying all comments, conditions, and concerns of the Village Engineer, the Village Staff, and all reviewing, objecting, and approving bodies, including, but not limited to the State of Wisconsin Laws; and Waukesha County; in regard to the preliminary plat and final plat, prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, whichever is earlier.
2. Subject to the Developer submitting to the Village Clerk and receiving approval as to form from the Village Attorney and as to the amount from the Village engineer, a letter of credit or cash and subject to the Developer submitting to and receiving from the Village Attorney and Village Engineer, approval of a Developer's Agreement for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, whichever is earlier.
3. Subject to the Developer submitting to and receiving from the Village Attorney and Village Administrator, approval of the final draft of the deed restrictions, prior to commencing construction of any improvement, whether public or private, or site development, whichever is earlier.
4. Subject to the Developer applying for and receiving from the Plan Commission for the Village of Sussex, and the Sussex Village Board, (Waukesha County, if necessary), all necessary variances (if any) to the Village of Sussex Zoning Code (or Waukesha County Zoning Code if necessary), the Village of Sussex Shoreland and Floodland Protection Ordinance (Waukesha County, if necessary), and the Village of Sussex Land Division and Development Ordinance, prior to commencing construction of any improvement, whether public or private, or site development, whichever is earlier.
5. Subject to and prior to the Village signing the final plat, all other required signatures must be inscribed on the final plat.
6. Subject to the Developer and Owner satisfying all comments, conditions, and concerns of all rezoning ordinances, which have been approved in regard to the subject property, prior to commencing construction of any improvement, whether public or private, or site development, whichever is earlier.
7. Subject to the Developer submitting to and receiving approval from the Village Plan Commission of the Village of Sussex and the Sussex Village Board as necessary of landscaping, signage, phasing, street name, and entrance plan prior to commencing construction of any improvements, whether public or private, or site development, whichever is earlier.
8. Subject to the Developer submitting to and receiving approval from the Village Engineer, and Village Staff of all necessary plans including, but not limited to utility,

roadway, landscaping, sidewalk, street lighting, storm water management, grading, erosion control, private utility, easements and phasing plans.

9. Subject to the Developer submitting the preliminary plat and final plat to and receiving approval from the Fire, Police, and Development Department of the same, including, but not limited to, approval of any and all issues regarding street names, and the uniform address system, prior to commencing construction of any improvements, whether public or private, or site development, whichever is earlier.
10. Professional Fees. Petitioner shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this rezoning petition, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in any conditional rezoning ordinance due to a violation of these conditions.
11. Payment of Charges. Any unpaid bills owed to the Village by the owner of subject lands or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village: shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627. Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of any conditional rezoning ordinance that is subject to all remedies available to the Village, including possible cause for termination of the conditional rezoning ordinance.
12. Subject to the Developer satisfying and establishing all of the infrastructure improvements prior to the Developer presenting a Final plat to the Village except as authorized in the Developers Agreement.
13. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of the Village Board granting conditional final plat approval.