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**AGENDA
PLAN COMMISSION
VILLAGE OF SUSSEX
THURSDAY, JANUARY 21, 2016
IMMEDIATELY FOLLOWING THE 6:30 P.M. PUBLIC HEARING
VILLAGE HALL, N64W23760 MAIN STREET-LOWER LEVEL**

Pursuant to the requirements of Section 19.84, Wis Stats., notice is hereby given of a meeting of the Village of Sussex Plan Commission, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.)

1. Roll call.
2. Consideration and possible action on the minutes of the Joint Plan Commission/Village Board meeting on December 8, 2015 and the Plan Commission meeting on December 17, 2015.
3. Comments from citizens present.
When speaking, citizens should state their name and address for the record and be concise with their comments and presentation.
4. Consideration and possible action on Permitted Uses and Plans:
 - A. Consideration and possible action on a Plan of Operation and site plan for Tailgators Restaurant (N64W23246 Main Street).
 - B. Consideration and possible action on a Plan of Operation and site plan for Sussex Nail Salon (W249N5245 Executive Drive Ste. 205).
 - C. Consideration and possible action on a Plan of Operation and site plan for Oriental Wellness (W249N5245 Executive Drive Ste. 208).
5. Consideration and possible action on Conditional Uses and Plans:
 - A. Consideration and possible action of a Conditional Use, Plan of Operation and site plan for Pet Partners Animal Clinic (W248N5250 Executive Drive Unit C).
 - B. Consideration and possible action of a Conditional Use, Plan of Operation and site plan for a vehicle repair shop by Chris Barriere (W240N6689 Maple Avenue).
6. Consideration and possible action on CSM's and Plats:
7. Consideration and possible action on Zoning and Planning Items:
 - A. Consideration and possible action on a finding to waive the parking lot setback in the M-1 District in accordance with Section 17.0603 (F)(6) for a parking lot addition for Repete Corporation (W226N6283 Village Drive).

8. Other items for future discussion.

9. Adjournment.

Greg Goetz
Chairperson

Jeremy Smith,
Village Administrator

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

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT APPLICATION
VILLAGE OF SUSSEX

TAKE NOTICE that the Plan Commission of the Village of Sussex will hold a public hearing on January 21, 2016 at 6:30 P. M. at the Village Hall, N64W23760 Main Street, Sussex, on the following items:

To consider an application for a conditional use permit for Pet Partners Animal Clinic to operate a Veterinary clinic at W248N5250 Executive Drive Unit C in the BP-1 District in accordance with Section 17.0506 (A)(10)(a). The Petitioner is Kirn Hermberg, Partner of Pet Partners Animal Clinic. The property owner is James Marriott.

To consider an application for a conditional use permit for Chris Barriere to operate vehicle service shop at W240N6689 Maple Avenue in the B-3 Highway Business District. The Petitioner is Chris Barriere. The property owner is Thomas Landvatter.

A copy of the applications and plans are available for review at the Sussex Village Hall, N64W23760 Main Street from 8:00 a.m. until 5:00 p.m., Monday through Friday.

Said hearing shall be public and citizens and persons of interest shall then be heard.

BY ORDER OF THE PLAN COMMISSION

Susan M. Freiheit
Clerk-Treasurer

PUBLISH in Sussex Sun on 1/6 & 1/13

This notification is being sent to you because your property is located within 200 feet of one of the above addresses.

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the joint meeting of the Plan Commission and the Village Board of December 8, 2015.

President Goetz called the meeting to order at 7:21 p.m.

Trustees present: Lee Uecker, Tim Dietrich, Pat Tetzlaff, Wendy Stallings, Bob Zarzynski and Greg Goetz.

Trustees excused: Matt Carran.

Commissioners present: Amanda Schauer, Pat Tetzlaff, Roger Johnson, Deb Anderson, Annette Kremer and Chairman Greg Goetz.

Commissioners excused: Steve Pellechia.

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Administrator Melissa Weiss, Village Engineer Judith Neu, Fire Chief Colin Curtis, Deputy Clerk Linda Steinmetz and Clerk-Treasurer Susan Freiheit.

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

A motion by Uecker, seconded by Zarzynski, of the Village Board to adopt an ordinance creating Amendment #11 of the Land Use Map, a component of the Comprehensive Plan, for the Johanssen Farms located on the east side of Maple Avenue south of Clover Drive, more specifically Tax Key #SUXV0282993 from Agricultural and Open Lands to Medium Density Single Family Residential.

President Goetz and all Trustees present voted "aye."

Motion carried.

Mr. Johnson (PC) stated that he felt the comments made tonight by the developer were different from the comments made at the Plan Commission meeting regarding the ceasing of the hammer mills on the north side of K. Mr. Johnson requested a clarification of continuing milling north of K during the time of the housing construction. Mr. Balson, of Johanssen Farms LLC, stated that there are five crushing units on the south side of the quarry, north of K. Mr. Balson stated that the primary crusher will be moving to the south side of K, but the secondary crushers and washing plant will remain on the north side of K. Mr. Johnson asked when there would be mitigation of the noise due to the end of the quarry on the north side of K. Mr. Balson stated that he can't specify when there would be a noise reduction.

Mr. Goetz stated that at the Plan Commission meeting he understood that the quarry on the north side of K would be over in one to two years. Mr. Johnson asked if they were willing to have in the plan a timeline for the cessation of the rock crushing, willing to say when it will stop. Mr. Balson stated that they have no intent to move the secondary crushers or the washing plant. Mr. Balson stated that the blasting will cease, but the crushing will not cease. Mr. Johnson stated that he felt that was different from what he heard at the Plan Commission meeting and we will have complaints on the noise. Mr. Balson stated that the noise from the pit moves up from the quarry and if the wind is from the west, it carries the noise. Mr. Balson stated that the wind has a major impact on the noise and in the winter it is noisier than in the summer due to the leaves on the trees suppressing the noise.

Mr. Balson stated that because they don't know how sales will be, they can't make an exact date on when blasting will stop. Mr. Balson stated that the frequency of blasting has reduced in previous years, but an exact date is unknown.

Mr. Smith asked when the primary crusher will be moved. Mr. Balson stated within one to two years, but the date is unknown.

Mrs. Tetzlaff asked, if this comes to fruition, are you going to tell the lot buyers about the quarry situation. Mr. Balson stated he will definitely share that there is a quarry next door and talk about the blasting because people will be living there during the finishing of the blasting. Mr. Balson stated that he has to tell potential buyers otherwise they could get out of the contract.

There were no further questions on the proposed rezoning.

A motion by Kremer, seconded by Schauer, to recommend that the Village Board adopt an ordinance rezoning the property owned by Johanssen Farms LLC, east of Maple Avenue and south of Clover Drive, more specifically Tax Key #SUXV0282993, from A-1 Agriculture District to Rs-3 Single Family Residential District with a Planned Development Overlay District.

Chairman Goetz and all Commissioners voted "aye."

Motion carried.

A motion by Goetz, seconded by Uecker, to adopt an ordinance rezoning the property owned by Johanssen Farms LLC, east of Maple Avenue and south of Clover Drive, more specifically Tax Key #SUXV0282993, from A-1 Agriculture District to Rs-3 Single Family Residential District with a Planned Development Overlay District.

President Goetz and all Trustees Zarzynski, Stallings, Dietrich and Uecker voted "aye."

Trustee Tetzlaff voted "no."

Motion carried.

A motion by Johnson, seconded by Kremer, to adjourn the Plan Commission meeting at 7:37 pm.

Motion carried.

A motion by Goetz, seconded by Stallings, to adjourn the Village Board meeting at 7:37 p.m.

Motion carried.

Respectfully submitted,

Susan M. Freiheit
Clerk-Treasurer

(A copy of all ordinances and resolutions adopted at this meeting can be found on file at the Village Clerk's Office.)

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the Plan Commission meeting of December 17, 2015.

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

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

Members excused: None.

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet and Clerk-Treasurer Susan Freiheit

Consideration and possible action on the public hearing minutes and minutes of the Plan Commission meeting of November 19, 2015.

A motion by Pellechia, seconded by Tetzlaff, to approve the minutes of the public hearing and the Plan Commission of November 19, 2015, all 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 Clear Cut Print Solutions, Inc. (W224N6368 Village Drive).

Mr. Chris Cowie, owner of Clear Cut Print Solutions, W154N11419 Fond du Lac Avenue, Germantown, stated that they are a commercial printing company and that the reason for their move is for the location and the size of the building (former Sparkling Spring Water building). Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

A motion by Kremer, seconded by Johnson, to approve the plan of operation and site plan for Clear Cut Print Solutions, Inc. (W225N6368 Village Drive); makes a finding that the use and structures meet the principals of 17.1002(A-H); and that the approval is subject to the standard conditions of Exhibit A. Motion carried.

Consideration and possible action on a plan of operation and site plan for Natural Therapeutics Wellness LLC (N63W24025 Main Street).

Ms. Debbie Pomeroy, presently at 14155 W. Greenfield Avenue, New Berlin, stated that she is moving the business to the current Best Realty location. Ms. Pomeroy stated that she plans on having 3-4 people doing massage therapy, Reiki, therapeutics, facials, wellness and natural healing at this location. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). Mr. Goetz asked if there will be cosmetic remodeling only. Ms. Pomeroy stated that they will be making the building wheel chair accessible and having some walls installed. Ms. Pomeroy stated that she is hoping for an April opening.

A motion by Kremer, seconded by Pellechia, to approve the plan of operation and site plan for Natural Therapeutics Wellness LLC (N63W24025 Main Street); makes a finding that the use and structures meet the principals of 17.1002(A-H); and that the approval is subject to the standard conditions of Exhibit A. Motion carried.

Consideration and possible action on a plan of operation and site plan for George Webb Restaurant (N65W24838 Main Street).

Mr. Joey Gudgean, N65W24838 Main Street, Ste. 300, Sussex, stated that he owns multiple businesses in Waukesha County. Mr. Gudgean stated that the restaurant will be run the same as before, except for beautification in many areas. Mr. Gudgean stated that he has a team of construction people there already fixing tile, range hood cleaning, etc. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). Mr. Johnson asked if there were any outstanding fire code violations. Mrs. Fluet stated that the Fire Inspector has none for this restaurant.

A motion by Pellechia, seconded by Kremer, to approve the plan of operation and site plan for George Webb Restaurant (N65W24838 Main Street); makes a finding that the use and structures meet the principals of 17.1002(A-H); and that the approval is subject to the standard conditions of Exhibit A.

Motion carried.

Conceptual review on a conditional use, plan of operation and site plan for a vehicle repair shop by Chris Barriere (W240N6689 Maple Avenue).

Mr. Chris Barriere, 6197 Country View Lane, Sullivan, stated that he intends to have a vehicle repair shop. Mr. Barriere stated that he intends to store cars, motor cycles and boats and if possible to open a business later on. Mr. Barriere stated that initially this will be for personal use only. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). Mrs. Fluet stated that before Mr. Barriere moves in she will arrange a meeting with the Fire Inspector and the Building Inspector to determine items that need to be fixed or updated such as painting. Mr. Johnson asked if there is a second building on the site. Mrs. Fluet stated that there is a storage building owned by the property owner and it has been paved according to standards. Mrs. Fluet stated that now the building can officially be leased. Mrs. Fluet stated that the south building is currently being leased. Mr. Barriere asked about parking something like a trailer in the front, what the limitations are. Mrs. Fluet stated that everything will have to be kept inside and there can be no long term outside storage. Mr. Johnson asked if there are any issues left between Mr. Landvatter and the other owner. Mrs. Fluet stated that all issues have been taken care of, solved and resolved.

It was the consensus of the Commissioners to set up the public hearing for next month on this conditional use.

Consideration and possible action on a CSM for extraterritorial review for properties located at N50W23001 Betker Drive and W230N5000 Betker Drive.

Mr. Randy Brzezinski stated that he owns the properties in the town of Lisbon. Mr. Brzezinski stated that currently there are three lots with a lot line going through a building. Mr. Brzezinski stated that the buildings were done in 1992 and 1996. Mr. Brzezinski stated that the new CSM has the lot line extend straight down making two lots. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

A motion by Goetz, seconded by Johnson, to recommend that the Village Board accept the extraterritorial CSM proposed by approve Mr. Brzezinski subject to the conditions of Exhibit A and the appropriate review by the Joint Planning Committee.

Motion carried.

Consideration on creation of a working group to review and make a recommendation for an ordinance to allow and regulate mobile food vendors.

Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). Mr. Goetz asked whether other municipalities have regulations on mobile food vendors. Mrs. Fluet stated that she has reached out to the County Health Dept., but has not heard back. Mrs. Fluet stated that Madison has done this and Oconomowoc has a debate on how close they can be to each other. Mrs. Fluet stated that the Village has had a request from a lady that wants to bring in her mobile vendors to go to businesses two times a week, stays for 15 minutes and then leaves. Mrs. Fluet stated that they serve hot and cold food. Mrs. Fluet stated that the local restaurants have questioned the plans. Mrs. Fluet stated that it would be good to have the Village put together a local focus group with some of the restaurant owners to talk about parking at manufacturers. Mrs. Fluet stated that Tailgator's feels that this needs control, but doesn't mind them coming into the Village as it helps make his business better. Mr. Johnson suggested contacting their national organization for more information. Mr. Johnson stated that he did that when he was in school. Mrs. Anderson suggested that we ask the person who wants to bring in mobile food trucks what processes they had to go through. Mr. Johnson stated that there should be a deadline for the work group. Mr. Smith stated that we should include some restaurant owners in the work group. Mrs. Kremer stated that Pittsburgh has it. Mrs. Fluet stated that Menomonee Falls and Green Bay have also started this process. Mr. Goetz stated that this work group will begin in January. Mrs. Anderson, Mr. Johnson and Mr. Goetz will be on the work group.

Other items for discussion. There were none.

A motion by Pellechia, seconded by Anderson, to adjourn the meeting at 7:00 p.m. Motion carried.

Respectfully submitted,

Susan M. Freiheit
Clerk-Treasurer



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MEMORANDUM

TO: Plan Commission

FROM: Kasey Fluet, Assistant Development Director

RE: Plan Commission meeting of December 17, 2015

DATE: December 3, 2015

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 of the public hearing minutes and minutes of the Plan Commission meeting on November 19, 2015.**
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 Clear Cut Print Solutions, Inc. (W225N6368 Village Drive).**

This site is zoned M-1. The print and associated print services is a permitted use in the M-1 Industrial District in accordance with section 17.0422 (A)(3)(c)(3). The business owner is purchasing the 10,000 square foot building to operate his print supply business. The hours of operation will be Monday through Friday 7:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to noon. This site has 26 parking stalls 9 stalls are required per code.

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 Clear Cut Print Solutions, Inc. (W225N6368 Village Drive); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Natural Therapeutics Wellness LLC (N63W24025 Main Street).

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). The business owners are relocating their business from New Berlin to Sussex and plan to purchase the multi use building from Peggy Malone which is known as the Best Realty building. The new owners of the property intend to use the building like the existing owner, operating their spa service business in the building and one of the owners will occupy the personal residence. Spa services will include massage treatments, facials and sales of products related to these services. The hours of operation will be Monday through Friday 8:00 a.m. to Friday 8:00 p.m., and Saturday 8:00 a.m. to 4:00 p.m., the owners have indicated they will prepare to open/close one hour before/after the operational hours.

This site has 9 parking stalls, public parking available on Main Street and in the public parking area off Maple Avenue. Per code they are required to have 13 stalls.

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 Natural Therapeutics Wellness LLC (N63W24025 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation and site plan for George Webb Restaurant (N65W24838 Main Street).

This site is zoned B-2. The restaurant is a permitted use in the B-2 Regional Business District in accordance with section 17.0417 (A)(1)(b). The existing restaurant already leases 2,000 square feet in the multi-tenant building at the Pick N Save complex. The current owner is selling the business and because of the change of ownership a new Plan of Operation must be approved by the Plan Commission. The new owner will operate the business in the same manner which includes operating 24/7. This site has sufficient parking for all the users.

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 George Webb Restaurant (N65E24838 Main Street); 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. Conceptual review on a Conditional Use, Plan of Operation and site plan for a vehicle repair shop by Chris Barriere (W240N6689 Maple Avenue).

This site is zoned B-3. The vehicle (cars, motorcycles and small engine) service shop is a conditional use in the B-3 Highway Business District in accordance 17.0506 (A)(12)(a). Mr. Barriere will lease the 1,500 square foot building to operate his repair shop in. Hours of operation Monday through Friday 8:00 a.m. to 8:00 p.m. Saturday and Sunday 8:00 a.m. to 10:00 p.m. This site is not allowed any outside storage.

It has been many years since these buildings were maintained fully. The Plan Commission should look at what if any maintenance type activities to the building and site should be made in conjunction with this new occupancy to adhere to Village standards.

Policy Question:

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

Action Items:

1. Direct staff to schedule the public hearing.
2. Direct the owner to maintain the property in the following items:

Staff Recommendation: Staff recommends scheduling the public hearing for the January meeting and addressing any code compliance issues on the building.

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

A. Consideration and possible action on a CSM for extra territorial review for properties located at N50W23001 Betker Drive and W230N5000 Betker Drive.

This CSM is extra territorial review. These properties are in the Town of Lisbon and will stay in the Town of Lisbon. The overall parcels are presently divided into three lots, this request is to combine the south lot and attach it to the two lots shown on the proposed CSM. This request requires review by the Joint Planning Committee, as an approving agent the Village must act on the CSM. The site does not impact Village stormwater or traffic and will not come to the Village under the boundary stipulation.

Policy Questions:

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 acceptance of the CSM subject to the standard conditions of Exhibit A and the appropriate review by the Joint Planning Committee.

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

A. Consideration on creation of a working group to review and make a recommendation for an Ordinance to allow and regulate mobile food vendors.

Mobile Food vending is a popular trend and many communities have adopted regulations to ensure safety and welfare of the community. The Village should consider what regulations may be appropriate for this type of activity (licensing, location, hours, traffic, numbers, etc.). There are food trucks already in Menomonee Falls and Waukesha and some interest in coming to Sussex as well. A group of Plan Commission members, business owners, and residents could help guide the development of some standards. Currently these operations would be regulated only by the peddler's permit like an ice cream truck.

Policy Questions:

1. Are there any concerns with the regulation of Food Trucks?

Action Items:

1. Create an Ad-hoc advisory Committee to work on regulations for Food Trucks.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board creation of an ad-hoc Committee on Food Truck Regulations.

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.



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MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of January 21, 2016
DATE: January 8, 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 minutes of the Plan Commission meeting on December 17, 2015.**
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 Tailgators Restaurant (N64W23246 Main Street).**

This site is zoned B-4. The restaurant and bar is a permitted use in the B-4 Central Mixed Use District in accordance with section 17.0419 (C)(1)(c) and (d). A new owner is purchasing the business and plans to continue the restaurant and bar business with entertainment to the public. The owner has explained entertainment to the public to include a pool table, dart boards and video games also available in the bar room. The second floor will remain as a rental unit of a 2 bedroom apartment. Hours of operation will be 7:00am to 2:00am Monday through Thursday, 7:00am to 2:30am Friday and Saturday and Sunday 7:00am to 2:00am. Each year the owner must receive approval for an Outdoor Establishment Permit.

The site has 44 parking stalls and 44 are required per code.

The restaurant owner needs to apply for and receive approval by the Finance Committee and Village Board of a liquor license if he still wants to provide this service and approval by the Waukesha County Health Department.

Policy Question:

1. Are there any concerns with the Plan of Operation? Has the owner adequately explained what entertainment to the public includes?
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 Tailgators Restaurant (N64W23246 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Sussex Nail Salon (W249N5245 Executive Drive Ste. 205).

This site is zoned B-3. The spa treatment services is a permitted use in the B-3 highway Business District in accordance with Section 17.0418 (A)(5)(b). The salon will offer manicures, pedicures and wax treatments. The salon will lease 1,400 square feet in the second building of the Sussex Gateway complex, building two is 14,500 square feet. Hours of operation will be Monday through Saturday 9:00 a.m. to 9:00 p.m. and Sunday 11:00 a.m. to 5:00 p.m.

The complex has 170 parking stalls. The number of stalls meets the code requirement for shopping complex over 30,000 square feet to have five spaces per 1,000 square feet of leasable area. The site has sufficient parking for all users.

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 Sussex Nail Salon (W249N5245 Executive Drive Ste. 205); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation and site plan for Oriental Wellness (W249N5245 Executive Drive Ste. 208).

This site is zoned B-3. The spa treatment services is a permitted use in the B-3 highway Business District in accordance with Section 17.0418 (A)(5)(b). Oriental Wellness will relocate their business from Pewaukee to Sussex and will offer acupuncture, skin care, women's wellness and nail care services. The wellness center will lease 1,600 square feet in the second building of the Sussex Gateway complex, building two is 14,500 square feet. Hours of operation will be Monday through Friday 8:00 a.m. to 8:00 p.m. and Saturday 8:00 a.m. to 6:00 p.m.

The complex has 170 parking stalls. The number of stalls meets the code requirement for shopping complex over 30,000 square feet to have five spaces per 1,000 square feet of leasable area. The site has sufficient parking for all users.

There will be approximately 8,000 square feet of leasable space left in the second building complex.

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 Oriental Wellness (W249N5245 Executive Drive Ste. 208); 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 of a Conditional Use, Plan of Operation and site plan for Pet Partners Animal Clinic (W248N5250 Executive Drive Unit C).

This site is zoned BP-1. The veterinary services is a conditional use in the BP-1 Business Park District in accordance with Section 17.0506 (A)(10)(a). The veterinary clinic will offer veterinary products and services, with ancillary grooming services. Pet Partners will also perform surgeries, some surgeries will require limited overnight stay of the animal for recovery. The hours of operations will be Monday through Friday opening at 8:30 a.m. and closing at 6:00 p.m. except on Monday closing will be at 7:00 p.m. they will also offer Saturday hours of 8:00 a.m. to 12:00 p.m.

The site has 187 parking stall 97 are allocated to other users and this user requires 8 stalls per code.

Prior to this meeting is 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.

The Petitioner has requested the Plan Commission take action on the CU document for his business. Staff has prepared a CU for your consideration at this meeting.

Policy Question:

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

Action Items:

1. Act on the CU, Plan of Operation and site plan. OR.
2. Provide additional comments for inclusion in the CU and direct staff to bring back for the February Plan Commission meeting

Staff Recommendation: Staff recommends approval of the Conditional Use, Plan of Operation and site plan for Pet Partners Animal Clinic (W248N5250 Executive Drive Unit

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

B. Consideration and possible action of a Conditional Use, Plan of Operation and site plan for a vehicle repair shop by Chris Barriere (W240N6689 Maple Avenue).

This site is zoned B-3. The vehicle (cars, motorcycles and small engine) service shop is a conditional use in the B-3 Highway Business District in accordance with 17.0506 (A)(12)(a). Mr. Barriere will lease the 1,500 square foot building to operate his repair shop in. Hours of operation Monday through Friday 8:00 a.m. to 8:00 p.m. Saturday and Sunday 8:00 a.m. to 10:00 p.m. This site is not allowed any outside storage.

It has been many years since these buildings were maintained fully. The Plan Commission should look at what if any maintenance type activities to the building and site should be made in conjunction with this new occupancy to adhere to Village standards.

Prior to this meeting is 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.

The Building Inspector and Fire Inspector visited the site and provided a list of items to be completed prior to granting occupancy (see copy attached).

Policy Question:

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

Action Items:

1. Act on the CU, Plan of Operation and site plan. OR.
2. Provide additional comments for inclusion in the CU and direct staff to bring back for the February Plan Commission meeting

Staff Recommendation: Staff recommends approval of the Conditional Use, Plan of Operation and site plan for Chris Barriere (W240N6689 Maple Avenue); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to complying with the conditions of the Building Inspector and Fire Inspector the standard conditions of Exhibit A.

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

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

A. Consideration and possible action on a finding to waive the parking lot setback in the M-1 District in accordance with Section 17.0603 (F)(6) for a parking lot addition for Repete Corporation (W226N6283 Village Drive).

This site is zoned M-1. In accordance with Section 17.0603 (F)(6) the Plan Commission can make a finding to waive the setback requirement if the parking lot existed prior to January 1, 2015. Repete Corp. would like to add a 61 x 92 foot parking lot addition to the west end of the existing parking lot, which was constructed in 1981. The existing lot is less than five feet off the side yard lot line and the addition will also be less than five feet from the side yard lot line. Repete does not want to locate the parking lot behind the building because they plan to add on to the building in this location.

Policy Questions:

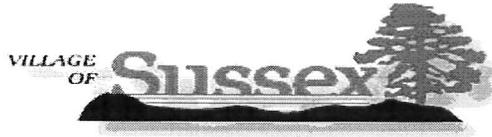
1. Are there any concerns with the parking lot addition?
2. Should additional buffering be required?

Action Items:

1. Act on the finding.

Staff Recommendation: Staff recommends the Plan Commission make a finding to allow the setback of the parking lot addition to be less than five feet from the side yard based on the fact the existing parking lot was constructed prior to January 1, 2015 for Repete Corporation (W226N6283 Village Drive), and subject to the standard conditions of Exhibit A.

08. Other Items for future discussion.



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV0236004

Zoning: Commercial B-4

Address of Tenant Space: N64 w23246 West Main Street, Sussex, WI 53089

1. Name of Business:

Tailgators

Business _____

N64 W23246 West Main Street, Sussex, WI 53089

Address City, State, Zip Phone #

k.shannon2210@gmail.com

Fax # Email address

2. Business owner contact information:

Kevin Shannon

Contact _____

N17W26860 E. Fieldhack Dr. Unit H Pewaukee, WI 53072 262-622-3150

Address City, State, Zip Phone #

k.shannon2210@gmail.com

Fax # Email address

3. Building/Land owner contact information:

Kevin Shannon

Contact _____

Same as above

Address City, State, Zip Phone #

Fax # Email address

4. Number of Employees/Shifts: _____ 2 _____

Employees Shifts

5. Days of Operation:

Put an X in box that applies:

Hours

Open for business

Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X	X	X
7am-2am	7am-2am	7am-2am	7am-2am	7am-2:30am	7am-2:30am	7am-2am
5:30am-7am						

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

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

12. Parking:
 Total Number of Parking Spaces 44 Number of spaces needed per code _____
 Number of spaces allocated for employee parking UNCHANGED
 Dimensions of parking lot UNCHANGED Is parking lot paved? YES

13. Signage: What type of signage are you proposing for your business?
No new signage.
 If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

KEVIN SHANNON _____ 12/29/15 _____
 Name Date
MANAGER MEMBER KEJ ENTERTAINMENT
 Title or Position

I am aware and approve of the business to be operating in the building owned by SHANNON REAL ESTATE LLC.

KEVIN SHANNON _____ 12/29/15 _____
 Name Date
MANAGER MEMBER SHANNON R/E LLC
 Title or Position

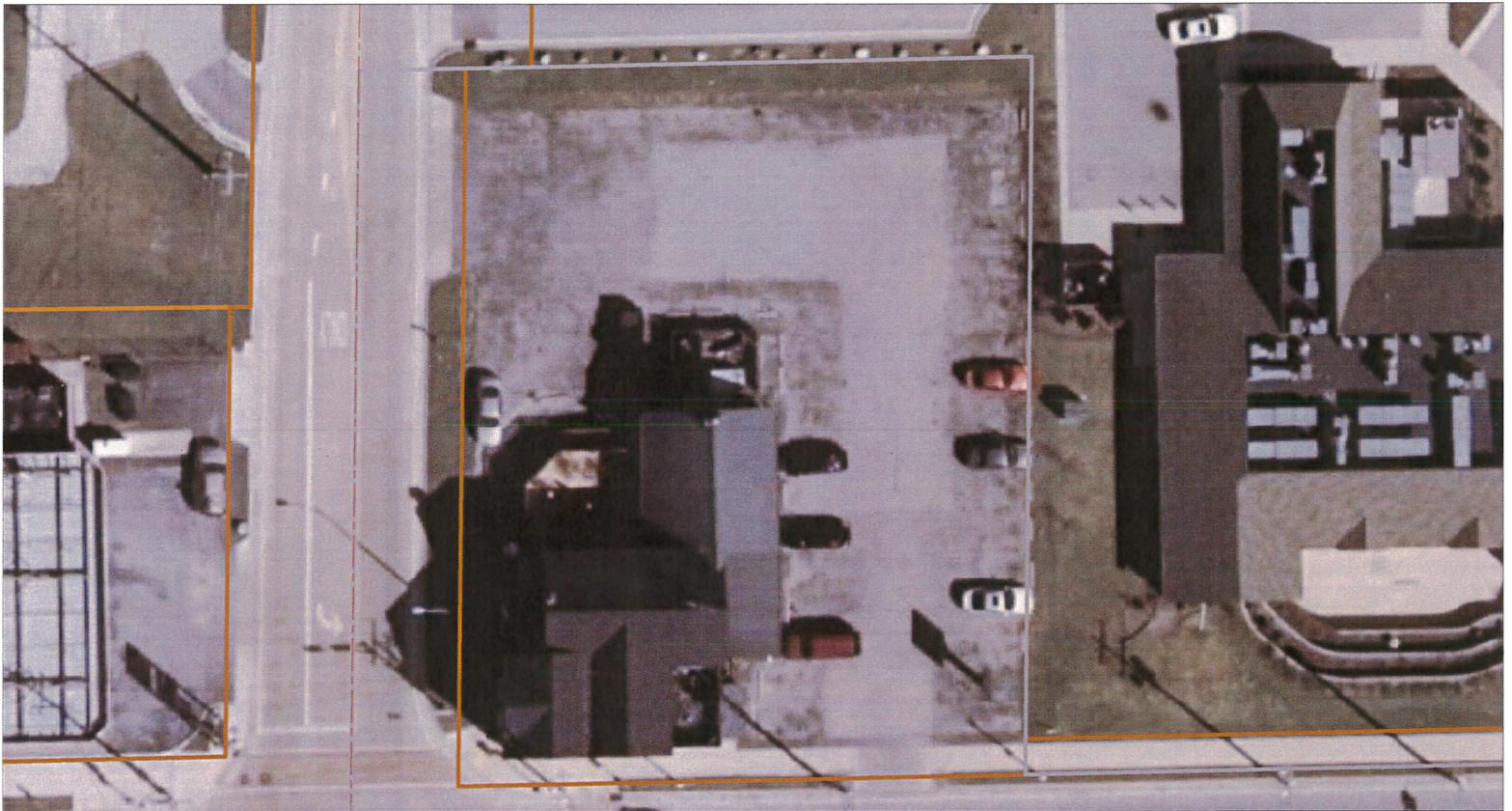
Print Form

Clear Form

Village of Sussex
Plan of Operation
Question #7

I am acquiring the ongoing restaurant and bar business called Tailgators. It is the purpose of this business to offer food, drinks, and entertainment to the public. There will be no significant changes to the business and therefore the current purpose will remain the same. Food, drinks, and the equipment associated with running a business of this type will be stored on the premise.

Tailgators





PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SU XVO278999069

Zoning: B-3

Address of Tenant Space: 5245-5267 Executive Dr., Sussex, WI 53089

1. Name of Business:

Sussex Nail Salon

Business _____

Address #210 Sussex, WI 53084 City, State, Zip Phone #

Fax # _____ Email address _____

2. Business owner contact information:

Huy (Kevin) Nguyen

Contact _____

Address 709 Delaware Ave, Apt F Grafton, WI 53034 626-383-6953 City, State, Zip Phone #

Fax # _____ Email address Sunnynguyen6224@yahoo.com

3. Building/Land owner contact information:

Dr. Magsood Ahmad c/o Premier Financial Services

Contact _____

Address 16800 W Greenfield Brookfield, WI 53005 262-786-7810 City, State, Zip Phone #

Fax # _____ Email address johngilling@gmail.com

4. Number of Employees/Shifts:

3-5
Employees

two
Shifts

5. Days of Operation:

Put an X in box that applies:

Hours
Open for business

Preparation/cleaning

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours Open for business	9-9	9-9	9-9	9-9	9-9	9-9	11-5
Preparation/cleaning	8-10	8-10	8-10	8-10	8-10	8-10	10-6

6. Is this an extension of an existing operation? No

7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises. Nail Salon

8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No
If yes, explain: _____
If yes, please obtain and complete permit application

9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A

10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: _____

11. Dimension of area to be occupied 1383 SF Total square footage 14,250 SF
If applicable list square footage according to 1st floor _____ 2nd floor (Building)

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

12. Parking:
Total Number of Parking Spaces 100+ Number of spaces needed per code _____
Number of spaces allocated for employee parking None
Dimensions of parking lot _____ Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?
Standard Building signage on North + South Face
If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0860.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Jim Dume
Name
Property Manager
Title or Position

12-10-15
Date

I am aware and approve of the business to be operating in the building owned by Sussex Mall Inc

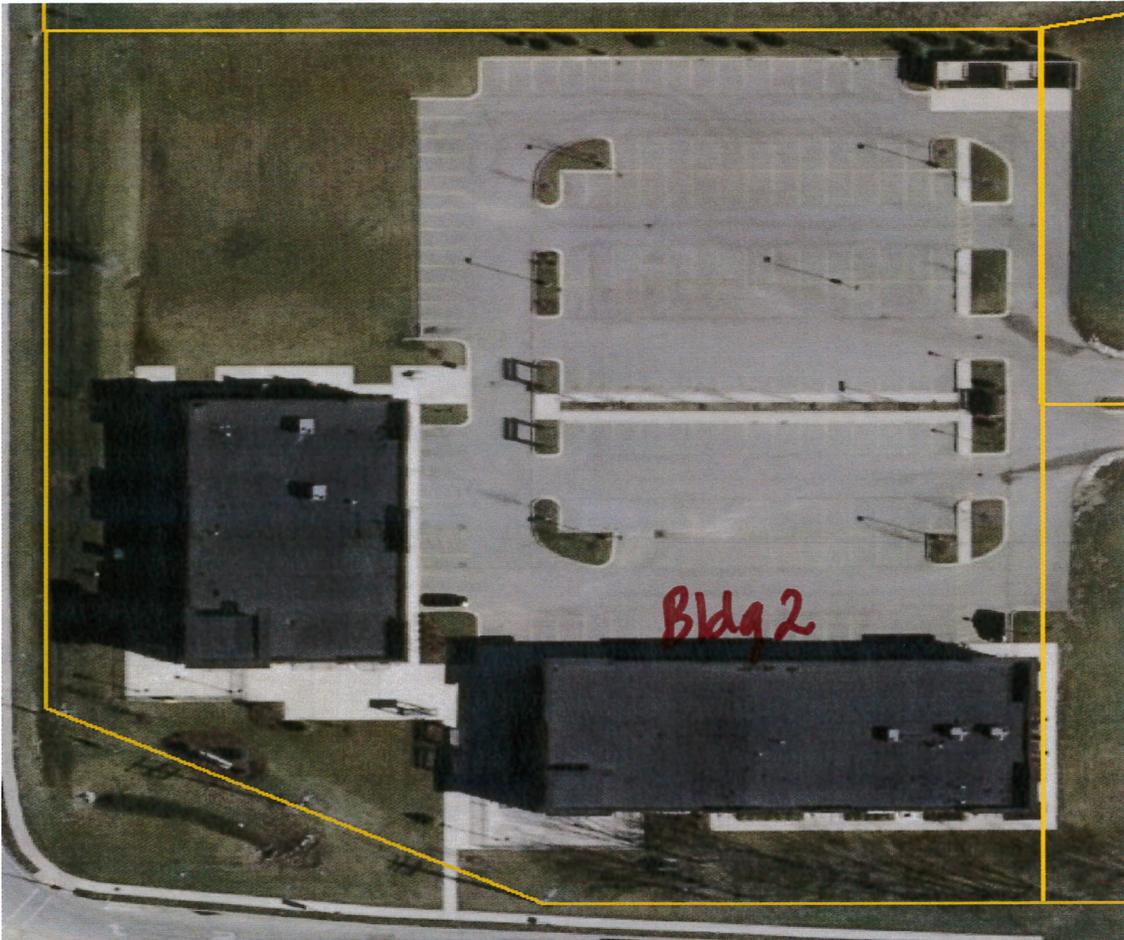
[Signature]
Name
Owner
Title or Position

12/16/15
Date

Print Form

Clear Form

Sussex Nail Salon have eight pedicure spa chairs, eight manicure stations and one wax room. My services provides pedicures, manicure, acrylic, liquid gel, shellac(gel polish) and waxing eyebrows, upper lip, whole face wax, leg wax.



ATTN: Tim 262 250 7776
Dunn



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____ Zoning: _____

Address of Tenant Space: Sussex Gateway Retail Center

(Former Crossfit Space)

1. Name of Business: ORIENTAL WELLNESS CENTER

Business Sussex WI 53089

Address City, State, Zip Phone # 262-091-8888

Fax # _____ Email address _____

2. Business owner contact information:

Contact PHEBE PURNELL 262 470 3838

Address 4780 SWAN RD. City, State, Zip PLEASANT WI 53072 Phone # _____

Fax # _____ Email address PHEBESPBB@aol.com

3. Building/Land owner contact information:

Contact Dr. Max Ahmad C/O Premier Financial

Address 16800 W. Greenfield Ave City, State, Zip _____ Phone # _____

Fax # _____ Email address Johngilling@gmail.com

John Gillings CPA

4. Number of Employees/Shifts: 5-10 Employees 1-2 Shifts

5. Days of Operation:

Put an X in box that applies:

Hours Open for business

Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	F	X	X	
8-8	8-8	8-8	8-8	8-8	8-6	

6. Is this an extension of an existing operation? NO

7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises. PRIMARY AN ACCUPUNCTURE CLINIC WITH SALE OF NUTRITIONAL ITEMS

8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NO Do you need an Outdoor Establishment Permit? NO
If yes, explain: _____
If yes, please obtain and complete permit application.

9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A

10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____

11. Dimension of area to be occupied _____ Total square footage 1,600
If applicable list square footage according to 1st floor _____ 2nd floor _____

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

12. Parking:
Total Number of Parking Spaces 100+ Number of spaces needed per code _____
Number of spaces allocated for employee parking _____
Dimensions of parking lot _____ Is parking lot paved? Yes

13. Signage: What type of signage are you proposing for your business?
Channel Let Signs Facing North, East and South
If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

[Signature] Name _____ Date 1/5/16
OWNER Title or Position

I am aware and approve of the business to be operating in the building owned by Sussex Mall Inc.
[Signature] Name _____ Date 1-5-16
PROPERTY MANAGER Title or Position

Print Form

Clear Form

At Oriental Wellness Center and Spa we are dedicated to helping you achieve your health goals to improve your quality and quantity of life!

Combining the skills and expertise of Acupuncture and wellness care, Mst. Phebe Soon-Purnell and the Oriental Wellness Center and Spa team are committed to bringing Sussex, WI better health naturally by teaching and practicing the true principles of Acupuncture and the wellness lifestyle.

When you choose Oriental Wellness Center and Spa you are assured of receiving only the finest quality care through the use of modern Acupuncture equipment and technology. Mst. Phebe Soon-Purnell and the Oriental Wellness Center and Spa team have a genuine concern for your well-being!

Services:

Acupuncture, facials, Asian and European body treatments, Massage, nail care, women's health and weight loss.



**VILLAGE OF SUSSEX ORDER
GRANTING A CONDITIONAL USE AND
PRESCRIBING CONDITIONS FOR
PET PARTNERS ANIMAL CLINIC
IN THE VILLAGE OF SUSSEX**

WHEREAS, a petition has been filed by Kirn Hermberg Partner of Pet Partners Animal Clinic (hereinafter collectively “PETITIONER”); and

WHEREAS, the petitioner is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance for the Village of Sussex for land described as Tax Key #0278.999.036 being located at W248N5250 Executive Drive Unit C, Sussex, Wisconsin, all as described on **Exhibit A** attached hereto and incorporated herein (hereinafter collectively “SUBJECT PROPERTY”); and

WHEREAS, pursuant to Section 17.0506 (A)(10)(a) of the Zoning Ordinance, veterinary services is only allowed in the BP-1 District as a conditional use; and

Whereas, the petitioner desires to utilize the Subject Property for the operation of a veterinary clinic and animal services, sale of pet related products and grooming services; and

WHEREAS, upon receipt of the written application for a conditional use permit filed by the petitioner, the Village Clerk properly referred such petition to the Plan Commission for the Village of Sussex, for determination; and

WHEREAS, upon referral of the petition by the Village Clerk, the Plan Commission for the Village of Sussex scheduled a public hearing thereon as soon as practical; and

WHEREAS, upon publication of the required “Notice of Public Hearing” and mailing of said “Notice of Public Hearing” to all parties-in-interest as required by Section 17.1401 of the Zoning Ordinance, the Plan Commission for the Village of Sussex held a public hearing on January 21, 2016 as required by Section 17.0505 of the Zoning Ordinance for the Village of Sussex; and

WHEREAS, the Plan Commission has followed the review procedures of Section 17.0503 by reviewing 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; and

WHEREAS, the Plan Commission for the Village of Sussex, following the public hearing and necessary study and investigation, having given the matter due consideration, and having based its determination on the effect of granting such conditional use permit on the health, general welfare, safety and economic prosperity of the Village and specifically of the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as impact on the surrounding properties as to noise, dust, smoke, odor or other similar factors, hereby determines that the use will not violate the spirit or intent of the Zoning Ordinance for the Village of Sussex, will not be contrary to the public

health, safety or general welfare of the Village of Sussex, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of smoke, dust, odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the conditional use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, and amended conditional use permit for the subject premises is hereby granted. The conditional use permit granted herein shall apply only to the following specific uses of the Subject Property by the Petitioner for the operation of veterinary clinic and animal services, sale of pet related products and grooming services as well as permitted and accessory uses set forth in Section 17.0420 BP-1 District and auxiliary uses as set forth in Section 17.0710 if approved as part of a Plan of Operation and site plan; and the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

- A. This conditional use is granted for the Petitioner for the above for the above enumerated uses, incorporating the findings as set forth above and subject to the following conditions:
1. Presentation Compliance. The veterinary clinic and animal services, sale of pet related products and grooming services is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearing before the Plan Commission held on January 21, 2016.
 2. Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property described in **Exhibit A** attached hereto and incorporated herein and to the site plan presented at public hearing.
 3. Plans. The Petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Village Clerk for the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the specific language of the Conditional use and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein as solely determined by the Plan Commission. If the Plan Commission for the Village of Sussex feels, in its sole discretion, that the amendment or change to any plan contemplated herein is substantial, the amendment or change will require a new permit and all Village procedures in place at the time must be followed.
 - A. Site Plan. The Petitioner shall maintain the existing site plan, which shall be attached hereto and incorporated herein as **Exhibit A-1**.
 - B. Plan of Operation. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the

Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. Once approved the plan of operation shall be attached hereto and incorporated herein as **Exhibit B**.

1. At no time may the facility provide boarding services, but the facility may provide the occasional overnight stays for animals as part of the necessary medical care after receiving surgical procedures.
 - B. Traffic, Access, Loading, and Parking Plans. The Petitioner shall comply with the existing traffic parking, loading, and egress plan for the subject property on file with the Village Clerk.
 - D. Lighting Plan. The Petitioner shall comply with the existing lighting plan for the Subject Property on file with the Village Clerk
 - E. Signage Plan. The Petitioner did not submit any additional signage plan for this site and shall comply with any existing signage plan in place for this site an on file with the Village Clerk.
 - F. Public Improvements. There are no current public improvements required at this time.
 - G. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall comply with the specific sewer, water, stormwater, and erosion control plans on file with the Village Clerk.
 - H. Fence, Landscaping, Berm, and Open Space Utilization Plan. The Petitioner shall comply with specific plan on file with the Village Clerk.
 - I. Architectural and Building Plan. The Petitioner shall comply with the specific architectural and building plan on file with the Village Clerk.
 - J. Outdoor Storage and Uses Plan. No outdoor storage shall be permitted on the Subject Property. The ban on outside storage includes the sale/storage of any items outside of the building.
4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.
 5. Licenses. The Petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and Federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.

6. Laws. The Petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
7. Building and Fire Inspection. The Petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
8. Aesthetics. The Petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Section 11.07 of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Plan Commission of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained except for as allowed by Outdoor Establishment Permit under Chapter 12.10 or Auxiliary Use under section 17.0710.
11. Fees and Expenses. The Petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this conditional use permit. The Village Clerk shall provide the Petitioner with copies of all itemized invoices.
12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this conditional use permit must be paid by the Petitioner.
13. Complaints. In the event the Petitioner receives any complaints with regard to the operation authorized by this conditional use, the Petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.
14. No Nuisance. The Village reserves the right to rescind its approval of this conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the Petitioner is given an opportunity to be heard on the matter and, if so rescinded the Petitioner and

Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances , as applicable, regarding the use of the Subject Property as though no conditional use permit was granted.

15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and Petitioner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.
16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the conditional use permit as the Plan Commission for the Village of Sussex deems appropriate

B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.

C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Sussex, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

D. This conditional use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.

E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission for the Village of Sussex.

F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.

G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.

H. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.

I. This conditional use permit shall be effective for an initial term that ends five years from the date of January 1 of the year the conditional use is approved. During the final year of the 5 year term of the CU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the CU. If based upon that review the use of the property is compatible with the surrounding areas and the Petitioner is in substantial compliance with all terms of this conditional use agreement, then, in that event, the Conditional Use can be automatically renewed for another 5 year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the Conditional Use, the Petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30th of the final year of the term of the CU. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.

1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.

2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.

3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.

J. Upon acceptance by Petitioner of this conditional use permit, all prior conditional use permits granted to the Subject Property are hereby revoked and terminated.

K. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.

L. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of this order. The remainder of the order shall remain in full force and effect.

Let copies of this order be filed in the permanent records of the Plan Commission for the Village of Sussex, and let copies be sent to the proper Village authorities and the Petitioner.

Approved this _____ day of _____, 2016 BY THE PLAN COMMISSION FOR THE VILLAGE OF SUSSEX

Gregory L. Goetz
Village President

Susan M. Freiheit
Village Clerk

PETITIONER ACCEPTANCE

I hereby accept the terms of this Conditional Use in its entirety.

Dated this _____ day of _____, 2016

Pet Partners Animal Clinic

By: _____
_____, Member

OWNER ACCEPTANCE

I hereby accept the terms of this Conditional Use in its entirety.

Owner of subject property

This conditional use was drafted by Jeremy Smith, Village Administrator off of a model by Attorney John P. Macy ARENZ, MOLTER, MACY & RIFFLE, S.C., Village Attorneys for the Village of Sussex.



PLAN OF OPERATION

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

Is this request to be considered for a Conditional Use? YES If yes, is this a new CU? YES

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV-0278-999-036

Zoning: BP1

Address of Tenant Space: W248 N5250 Executive Drive, Unit C

1. Name of Business:
PET PARTNERS ANIMAL CLINIC

Business	W248 N5250 Executive Drive, Unit C	Sussex, WI 53089	262-719-8362
Address	262-832-6266	City, State, Zip	Phone #
Fax #		KIRNHERMBERG@GMAIL.COM	
		Email address	

2. Business owner contact information:
KIRN HERMBERG

Contact	W241 N5993 Goldencrest Court	Sussex, WI 53089	262-719-8362
Address	262-832-6266	City, State, Zip	Phone #
Fax #		KIRNHERMBERG@GMAIL.COM	
		Email address	

3. Building/Land owner contact information:
James Marriott

Contact	W229 W2512 Duplainville Road	Waukesha, WI 53186	262-549-5522
Address	262-549-5703	City, State, Zip	Phone #
Fax #		JMARRIOTT@MARRIOTTCONSTRUCTION.COM	
		Email address	

4. Number of Employees/Shifts: 5 Employees 1 Shifts

5. Days of Operation:

Put an X in box that applies:
Hours
Open for business

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X	X	
8:30A-7:00P	8:30A-6:00P	8:30A-6:00P	8:30A-6:00P	8:30A-5:00P	8:00A-12:00P	

6. Is this an extension of an existing operation? NO
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NO Do you need an Outdoor Establishment Permit? NO
 If yes, explain: _____
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____
11. Dimension of area to be occupied APPR. 52' X 96' Total square footage 5074
 If applicable list square footage according to 1st floor 5074 2nd floor 0

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

12. Parking:
 Total Number of Parking Spaces 40 Number of spaces needed per code _____
 Number of spaces allocated for employee parking 15
 Dimensions of parking lot _____ Is parking lot paved? YES

13. Signage: What type of signage are you proposing for your business?
LIGHTED SIGN ATTACHED TO BUILDING ABOVE ENTRY WAY
 If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

KIRN HERMBERG  9/30/15
 Name Date
PARTNER
 Title or Position

I am aware and approve of the business to be operating in the building owned by MARRIOTT SUSSEX INVESTORS, LLC.

 Name Date

 Title or Position

Executive Summary

Vision

We are dedicated to providing exceptional, compassionate veterinary care for our patients and their owners by utilizing the most current medical techniques and the best diagnostics available. We will treat patients and their care givers as members of our "Pet Partners Family".

Mission Statement

We at Pet Partners Animal Clinic strive to provide caring and compassionate veterinary care to our patients and their families through a team approach. We emphasize continuing education to keep up to date on current developments in veterinary medicine. We work with families to determine the best health care plan for patients and their care givers. We communicate effectively with families to determine the best wellness and preventative care programs for each pet. Each animal is an individual with different needs. All options for treatment are discussed so families can decide what is best for them and their cherished furry family members. The team provides outstanding patient care so that pain management, nutritional, and behavioral needs are met. In partnership with the pet's family, the entire life of each patient is cared for and managed.

Company Information

The Pet Partners Animal Clinic will be located in Sussex, WI and will provide veterinary products and services, with ancillary grooming services, to the communities of Sussex, Merton, Lisbon, Hartland, and Pewaukee, Wisconsin. Periphery markets include Richfield and Hartford, Wisconsin.

Products/services

The Pet Partners Animal Clinic will provide the following services to its customers: sick pet examinations and diagnostics; preventative health care and immunizations; dental care; radiology; surgery; PennHIP xrays for breeding; microchipping; nutrition and prescription diets; pain management; intestinal parasite, flea, tick and heartworm prevention and treatment; euthanasia and cremation; and full service bathing and grooming for dogs. Incidental to these services, the Pet Partners Animal Clinic will sell prescription medication, preventative flea/tick and heartworm medication, and prescription dog and cat food.

Financial Information

It is anticipated that the Pet Partners Animal Clinic will experience similar growing pains that many start-up veterinary practices sustain during the first year of business. However, it is projected that positive cash flow will begin in the ninth month of operation. The delay in positive cash flow is primarily due to introductory market exposure during the first year of practice and the slower seasonality effect during the winter months.

Growth Highlights

During the first year of operation, it is projected that the Pet Partners Animal Clinic will increase monthly sales substantially, with positive income from operations beginning after eight months. Market penetration will result in a positive trend that will continue at an increasing rate through subsequent years. Three employees and one contractor, a groomer, will support the opening business levels. By the ninth month, it will be necessary to hire two additional employees to sustain the increasing volume of business.

Future Plans

After the second complete year of operation, it is anticipated that another veterinarian will need to be hired. This second veterinarian may be needed on a part-time or part-time to full-time basis. Additional veterinary and administrative support staff will be employed as the business is able to support the wage expenses for them.

Sussex



CTH "K"

EXECUTIVE

**VILLAGE OF SUSSEX ORDER
GRANTING A CONDITIONAL USE AND
PRESCRIBING CONDITIONS FOR
CHRIS BARRIERE, VEHICLE REPAIR
IN THE VILLAGE OF SUSSEX**

WHEREAS, a petition has been filed by Chris Barriere (hereinafter collectively “PETITIONER”) the owner of the property is Thomas and Jane Landvatter (hereinafter collectively “OWNER”) ; and

WHEREAS, the petitioner is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance for the Village of Sussex for land described as Tax Key No. SUXV0232.965 being located at W240N6689 Maple Avenue, Sussex, Wisconsin, all as described on **Exhibit A** attached hereto and incorporated herein (hereinafter collectively “SUBJECT PROPERTY”); and

WHEREAS, pursuant to Section 17.0506 (A)(12)(a) of the Zoning Ordinance, for vehicle repair shop allowed in the B-3 Highway Business District as a conditional use; and

WHEREAS, the petitioner desires to utilize the Subject Property for the operation of vehicle (cars, motorcycles and small engine) repair shop; and

WHEREAS, upon receipt of the written application for a conditional use permit filed by the petitioner, the Village Clerk properly referred such petition to the Plan Commission for the Village of Sussex, for determination; and

WHEREAS, upon referral of the petition by the Village Clerk, the Plan Commission for the Village of Sussex scheduled a public hearing thereon as soon as practical; and

WHEREAS, upon publication of the required “Notice of Public Hearing” and mailing of said “Notice of Public Hearing” to all parties-in-interest as required by Section 17.1401 of the Zoning Ordinance, the Plan Commission for the Village of Sussex held a public hearing on January 21, 2016 as required by Section 17.0505 of the Zoning Ordinance for the Village of Sussex; and

WHEREAS, the Plan Commission has followed the review procedures of Section 17.0503 by reviewing 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; and

WHEREAS, the Plan Commission for the Village of Sussex, following the public hearing and necessary study and investigation, having given the matter due consideration, and having based its determination on the effect of granting such conditional use permit on the health, general welfare, safety and economic prosperity of the Village and specifically of the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as impact on the surrounding properties as to noise, dust, smoke, odor or other similar factors, hereby determines that the use will not violate the spirit or

intent of the Zoning Ordinance for the Village of Sussex, will not be contrary to the public health, safety or general welfare of the Village of Sussex, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of smoke, dust, odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the conditional use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, and amended conditional use permit for the subject premises is hereby granted. The conditional use permit granted herein shall apply only to the following specific uses of the Subject Property by the Petitioner for the operation of vehicle (cars, motorcycles and small engine) repair shop as well as permitted and accessory uses set forth in Section 17.0418 B-3 District and auxiliary uses as set forth in Section 17.0710 if approved as part of a Plan of Operation and site plan; and the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

- A. This conditional use is granted for the Petitioner for the above for the above enumerated uses, incorporating the findings as set forth above and subject to the following conditions:
1. Presentation Compliance. The vehicle (cars, motorcycles and small engine) repair shop is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearing before the Plan Commission held on January 21, 2016.
 2. Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property described in **Exhibit A** attached hereto and incorporated herein and to the site plan presented at public hearing.
 3. Plans. The Petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Village Clerk for the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the specific language of the Conditional use and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein as solely determined by the Plan Commission. If the Plan Commission for the Village of Sussex feels, in its sole discretion, that the amendment or change to any plan contemplated herein is substantial, the amendment or change will require a new permit and all Village procedures in place at the time must be followed.
- A. Site Plan. The Petitioner shall maintain the existing site plan, which shall be attached hereto and incorporated herein as **Exhibit B**.

- B. Plan of Operation. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. Once approved the plan of operation shall be attached hereto and incorporated herein as **Exhibit C**. It is of specific note that this structure and land is not zoned or constructed for residential living and any use for the same shall be deemed a safety and welfare risk and the petitioner agrees by acceptance of this Conditional Use to abstain from residing in this structure.
- C. Traffic, Access, Loading, and Parking Plans. The Petitioner shall comply with the existing traffic parking, loading, and egress plan for the subject property on file with the Village Clerk.
- D. Lighting Plan. The Petitioner shall comply with the existing lighting plan for the Subject Property on file with the Village Clerk
- E. Signage Plan. The Petitioner did not submit any additional signage plan for this site and shall comply with any existing signage plan in place for this site an on file with the Village Clerk.
- F. Public Improvements. There are no current public improvements required at this time.
- G. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall comply with the specific sewer, water, stormwater, and erosion control plans on file with the Village Clerk.
- H. Fence, Landscaping, Berm, and Open Space Utilization Plan. The Petitioner has an existing Fence, Landscaping, Berm, and Open Space Utilization plans on file with the Village Clerk.
- I. Architectural and Building Plan. The Petitioner shall comply with the specific architectural and building plans on file with the Village Clerk.
 - 1. Prior to occupancy items 2- 12 of the Building Inspectors compliance list must be completed and inspected.
 - 2. The metal building is required to be painted and shall be completed no later than June 30, 1016.
- J. Outdoor Storage and Uses Plan. No outdoor storage shall be permitted on the Subject Property. The ban on outside storage includes the sale/storage of any items outside of the building.

4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.
5. Licenses. The Petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and Federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.
6. Laws. The Petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
7. Building and Fire Inspection. The Petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
8. Aesthetics. The Petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Section 11.07 of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Plan Commission of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained except for as allowed by Outdoor Establishment Permit under Chapter 12.10 or Auxiliary Use under section 17.0710.
11. Fees and Expenses. The Petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this conditional use permit. The Village Clerk shall provide the Petitioner with copies of all itemized invoices.
12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this conditional use permit must be paid by the Petitioner.
13. Complaints. In the event the Petitioner receives any complaints with regard to the operation authorized by this conditional use, the Petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the

Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.

14. No Nuisance. The Village reserves the right to rescind its approval of this conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the Petitioner is given an opportunity to be heard on the matter and, if so rescinded the Petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances , as applicable, regarding the use of the Subject Property as though no conditional use permit was granted.
15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and Petitioner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.
16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the conditional use permit as the Plan Commission for the Village of Sussex deems appropriate

B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.

C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Sussex, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

D. This conditional use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.

E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based

upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission for the Village of Sussex.

F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.

G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.

H. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.

I. This conditional use permit shall be effective for an initial term that ends five years from the date of January 1 of the year the conditional use is approved. During the final year of the 5 year term of the CU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the CU. If based upon that review the use of the property is compatible with the surrounding areas and the Petitioner is in substantial compliance with all terms of this conditional use agreement, then, in that event, the Conditional Use can be automatically renewed for another 5 year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the Conditional Use, the Petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30th of the final year of the term of the CU. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.

1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.

2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by

action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.

3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.

J. Upon acceptance by Petitioner of this conditional use permit, all prior conditional use permits granted to the Subject Property are hereby revoked and terminated.

K. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.

L. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of this order. The remainder of the order shall remain in full force and effect.

Let copies of this order be filed in the permanent records of the Plan Commission for the Village of Sussex, and let copies be sent to the proper Village authorities and the Petitioner.

Approved this _____ day of _____, 2016 BY THE PLAN COMMISSION FOR THE VILLAGE OF SUSSEX

Gregory L. Goetz
Village President

Susan M. Freiheit
Village Clerk

PETITIONER ACCEPTANCE

I hereby accept the terms of this Conditional Use in its entirety.

Dated this _____ day of _____, 2016

Chris Barriere

By: _____
_____, Member

OWNER ACCEPTANCE

I hereby accept the terms of this Conditional Use in its entirety.

Dated this _____ day of _____, 2016

By: _____
Thomas Landvatter

By: _____
Jane Landvatter

This conditional use was drafted by Jeremy Smith, Village Administrator off of a model by Attorney John P. Macy ARENZ, MOLTER, MACY & RIFFLE, S.C., Village Attorneys for the Village of Sussex.



PLAN OF OPERATION

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

Is this request to be considered for a Conditional Use? Yes If yes, is this a new CU? Yes

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # 232965

Zoning: B-3

Address of Tenant Space: W240 N6689 Maple Ave Sussex WI

1. Name of Business: Chris Barriere

Business N6197 Country View lane Sullivan WI 53178
 Address 593chbarriere@gmail.com City, State, Zip Sullivan WI 53178 Phone # 262 510-9824
 Fax # _____ Email address _____

2. Business owner contact information:

Contact Chris Barriere 262 510 9824
 Address N6197 Country View lane Sullivan WI 53178 City, State, Zip Sullivan WI 53178 Phone # 262 510 9824
 Fax # N/A Email address 593chbarriere

3. Building/Land owner contact information:

Contact Thomas Landvatter
 Address W16399 Camp B Loop Goodman WI City, State, Zip _____ Phone # _____
 Fax # _____ Email address _____

4. Number of Employees/Shifts: 1
 Employees _____ Shifts _____

5. Days of Operation:

Put an X in box that applies:
 Hours
 Open for business
 Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<u>8:00 am</u>	<u>8:00 am</u>					
<u>8:00 pm</u>	<u>10:00 pm</u>	<u>10:00 pm</u>				

6. Is this an extension of an existing operation? NO
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? _____ Do you need an Outdoor Establishment Permit? _____
 If yes, explain: _____
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? _____
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? _____ If yes, explain: _____
11. Dimension of area to be occupied 1500 Total square footage 1500
 If applicable list square footage according to 1st floor _____ 2nd floor _____

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

12. Parking:
 Total Number of Parking Spaces 3 Number of spaces needed per code _____
 Number of spaces allocated for employee parking _____
 Dimensions of parking lot _____ Is parking lot paved? _____

13. Signage: What type of signage are you proposing for your business?
Not at this time
 If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

[Signature] _____ Date 12/2/2015.
 Name _____
Owner _____
 Title or Position _____

I am aware and approve of the business to be operating in the building owned by per Thomas Handwritten called on 12/2/2015.

 Name _____ Date _____

 Title or Position _____

Chris Berniere

Personal repair shop, Motorcycles, cars,
small Engine. Doing personal repairs on my own
equipment and so on. Storage of my own tools
motorcycles and so on. ~~Reside~~

January 11, 2016

Thomas J. Landvatter
W240 N6689 Maple Ave.
Sussex, WI. 53089

To Whom It May Concern,

It is my understanding that recently a new tenant has signed a lease agreement to occupy your building located at W240 N6689 Maple Ave. in the Village of Sussex. After meeting your representative, Gil Frank, and Greg Zoellick, the Village of Sussex Fire Inspector, some deficiencies exist in the building that requires attention before an occupancy permit can be issued through this department. Below is a list of items that will need to be corrected.

Should you have any questions, feel free to contact me at 262-246-5212.

Thank you in advance for your cooperation

Joel Jaster
Building Inspector/Village of Sussex

1. The metal building will require painting. The Village will allow that process to take place in the spring of 2016.
2. Repair any broken windows.
3. Remove compressor from within the front of the 120/240 electrical panel. The electrical equipment requires a 3' clearance.
4. Identify all circuits in the single phase and three phase panels. (Create a directory)
5. Provide a CO monitor and interconnect with the existing exhaust fan to ventilate when the CO levels meet 25 ppm. An equal amount of fresh air must be brought in to balance the system.
6. Provide 2 fire extinguishers. One at each exit.
7. Connect smoke/heat alarms to a monitored system. Provide verification.
8. Clean fire alarm head and ensure it is working properly.
9. Provide a vacuum breaker on laundry tray faucet.
10. Provide a working exhaust fan in bathroom. Fan must exhaust to the exterior.
11. Provide an emergency/exit light above exit door in shop area.
12. Remove any window coverings that do not meet the flame propagation performance as specified in NFPA 701.



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Parking lot addition

92

62

