N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
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AGENDA
PLAN COMMISSION
VILLAGE OF SUSSEX
THURSDAY, OCTOBER 20, 2016
AT 6:30 P.M.
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 Plan Commission meeting of September 15, 2016.

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:

5. Consideration and possible action on Conditional Uses and Plans:
   A. Conceptual review of a Legal Nonconforming Conditional Use, Plan of Operation and site plan for R&S Sussex Investment BP Gas Station (N62W23456 Silver Spring Drive).
   B. Consideration and possible action on a request for an extension of the Conditional Use for Kwik Trip to be located at the Sussex Town Center development.
   C. Notice of administrative renewal of the following Conditional Use: Quikrete (W225N6236 Village Drive).

6. Consideration and possible action on Zoning and Planning Items:
   A. Consideration and possible action on a grading plan and a finding of Section 18.0204 (I) to allow grading on slopes greater than twelve (12) percent for Hidden Hills Subdivision located at W239N7542 Maple Avenue east of Maple Avenue north of Good Hope Road.
   B. Consideration and possible action on a Petition for rezoning for Hidden Hills Subdivision the property is to be annexed to the Village of Sussex, located at W239N7542 Maple Avenue east of Maple Avenue north of Good Hope Road, with

a current Town of Lisbon zoning of RD-5 and UC, and a temporary Village of Sussex zoning of RS-2 with INRA to a proposed zoning RS-2 Single Family Residential District with a Planned Development Overlay and Isolated Natural Resource Area.

C. Consideration and possible action on a Petition to create Sub Section 17.0506 (A)(8)(d) Fitness centers in the M-1 district in Section 17.0500 entitled Conditional Uses.

D. Consideration and possible action on an Ordinance to create Sub Section 17.0506 (A)(8)(d) Fitness centers in the M-1 district in Section 17.0500 entitled Conditional Uses.

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

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.

Agenda

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the Plan Commission meeting held on September 15, 2016.

The meeting was called to order at 6:30 p.m. by Chairman Greg Goetz.

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

Members excused: Amanda Schauer

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

Consideration and possible action on the minutes of the Plan Commission meeting of August 18, 2016.
A motion by Pellechia, seconded by Tetzlaff, to approve the minutes of the August 18, 2016 meeting as submitted. Motion carried.

Comments from citizens present
Jennifer Barnish, W238N7651 Hidden Oaks Drive, stated her concerns about the proposed subdivision. These concerns included that the property is designated as an isolated natural resources area and that the 2020 Village master plan shows that the intended use of this property to be for natural resource preservation. The intensity of development of the proposed site is a concern as Waukesha County Land Use has stated that the property should have only 8 to 10 lots. The connection of roads to the adjoining subdivisions is an issue, as it will increase traffic flow and speeding through the adjoining subdivisions. With more homes, there is a concern with the overcrowding of schools. The process to help this development is a concern as one of the individuals who will benefit from this development sits on the Village's Park Board, which lowered the cap on the cost associated with the Village's tree preservation ordinance.

John Frugarino, N72W24444 Good Hope Road, requested information on an expansion of Good Hope Road. Mr. Smith noted that road projects are not the purview of the Plan Commission, but that the Village Engineer could address those issues.

Gerry Unruh, W238N7615 Hidden Oaks Drive, questioned what is occurring with the Kwik Trip development on Hwy 164. Mr. Smith stated the Kwik Trip is approved.

Consideration and possible action on a Petition for Attachment and zoning determination Ordinance for the property located in the Town of Lisbon at W239N7542 Maple Avenue north of Good Hope Road.
Ms. Fluet reviewed the Plan Staff Memo (copy attached), and stated that the owners are requesting attachment of this parcel to the Village of Sussex. The necessary paperwork has been filed to be considered by the Village Board on September 27th. The Village will need to bring the property under the appropriate zoning district with guidance from the Village's Land Use Map. The parcel is designated with as low density single family residential sewered, and the properties surrounding the parcel are zoned as Single Family Residential, making an RS-2 Single Family Residential District with isolated natural resource area an appropriate zoning. There is a deferred water assessment on the property of $41,951.16.

Ms. Kraemer stated that she has an issue with the proposed zoning of RS-2, as she views this area as being a gateway to the larger properties of the Majestic Heights subdivision. The zoning as proposed would be too dense.

Mr. Johnson noted that the land use plan contemplated the graduation of sizes and asked what Majestic Height's zoning was. Ms. Fluet stated that Majestic Heights is zoned CR-1 Conservancy Residential District. Mr. Smith noted that the Pine Ridge subdivision is zoned as RS-1 and that Majestic Heights was illegally started in the Town of Lisbon, so many of the lots are larger than normally would be expected.

Mr. Pellechia asked how many lots could be on the proposed attachment property under CR-1 zoning. Mr. Smith stated that there would be fewer homes but was unsure of the number.

Mr. Pellechia noted that in the past the Village brought properties in under Agriculture zoning. Mr. Smith noted that was in past practice, however the smart growth law does not allow that. Ms. Fluet stated that the proposed zoning would fit in the land use plan.

Mr. Goetz stated that the property mimics the Pine Ridge and Centennial Oaks subdivisions and as proposed is a good development.

Mr. Smith noted that the minimum lot sizes in the RS-2 district are 20,000 square feet, which is smaller than Majestic Heights, which under CR-1 requires a minimum lot size of 40,000 square feet.

A motion by Goetz, seconded by Johnson to recommend approval of the Petition for Attachment and zoning determination Ordinance for the property located in the Town of Lisbon at W239N7542 Maple Avenue, east of Maple Avenue north of Good Hope Road.

Upon further discussion Mr. Pellechia stated that he was concerned about the RS-2 zoning designation. Mr. Smith recommended that it might make sense to review the attachment request after the presentation on the conceptual design of the subdivision.

A motion by Pellechia, seconded by Kraemer to table the action on the attachment request until after agenda item 7A. Motion carried.

Consideration and possible action on a Petition to amend Section 17.0416(A) B-1 Neighborhood Business District to allow Religious Facilities as a permitted use.

Greg Welch, W140N7115 Lilly Road, Menomonee Falls, Pastor of New Hope Church and the petitioner, stated that the church has found a location in the Village that was ideally suited. The church is currently holding services in the Village's Community Center, and this location would offer them a permanent location in the community. Ms. Fluet reviewed the Plan Staff Memo (copy attached), noting that the property is zoned B-1 Neighborhood Business District and is a multi-tenant building at N64W24678 Main Street. The owner has a request from the church to rent 3,300 sq. ft. of space for general office operations and space for the congregation to assemble. Zoning in the B-1 district does not allow religious facilities.

A motion by Goetz, seconded by Pellechia to recommend approval of the petition to amend Section 17.0416(A) B-1 Neighborhood Business District to allow Religious Facilities as a permitted use. Motion carried.

Consideration and possible action on an Ordinance to Amend Chapter 17 Section 17.0416 entitled B-1 Neighborhood Business District to create Sub Section 17.0416(A)(3)(d) Religious Facilities

Ms. Fluet reviewed the plan staff memo (copy attached) stating that staff has prepared an amendment to Chapter 17.

A motion by Kraemer, seconded by Johnson to recommend approval of an ordinance to amend chapter 17 Section 17.0416 entitled B-1 Neighborhood Business District to create Subsection 17.0416(A)(3)(d) Religious Facilities. Motion carried.

Update and possible action on property maintenance issues of homeowner Joseph Balcerek N66W24015 Champeny Road.

Mr. Balcerek stated that the bushes had been trimmed below the window sill as requested by the Plan Commission. Mr. Goetz noted that Mr. Balcerek had done a good job in complying with the request to maintain his property. Mr. Pellechia stated that the owner should continue to work with the Village as necessary to maintain the property. Mr. Goetz stated this wouldn't need to be on future agendas.

Conceptual review of the site plan for a new Subdivision for property located in the Town of Lisbon at W239N7542 Maple Avenue, east of Maple Avenue north of Good Hope Road.
George Erwin, the proposed subdivision's developer, stated that the development was to be respectful of the existing natural features on the property. The property owners have no desire to bring the parcel into the Village if it can't be built on. The property began as pasture land, but by the 1980's it had been left fallow. There are high quality and low quality trees on the property and the proposed subdivision is respectful as possible to the woodlands. The 2020 Village Master Plan calls for this parcel to be designated as RS-2 and Isolated Natural Resource Area. The INR is related to the slopes on the property which are 12% which the proposal has attempted to maintain. The proposed lots will average 26,000 sq. ft. and with 1.26 lots per acre. The subdivisions to the west, south and southeast have a higher density. Approximately one third of the property is tree preservation. The street layout is intended to be attractive and minimize cut through traffic.

Josh Pudelko, from Trio Engineering stated that the drainage of the property draws water from the southwest. A common lot line with properties to the west will cut this off and the water will be put into a pond. The roads have been designed to discourage cut through traffic. The right of way is sixty feet wide which allows for homes to be closer and less trees to be removed from the lot. The lots will be deed restricted regarding tree removal.

Mr. Erwin noted that if the property were zoned RS-1 it would be less likely to be developed or it would not have the amount of conservation as the subdivision proposed as there is a certain level of yield that is needed to make it economically viable.

Mr. Johnson noted that a recently approved subdivision had natural resources areas and wondered if the proposed subdivision would have sidewalks. Mr. Erwin stated that he would not be opposed to putting in sidewalks. Mr. Smith noted that sidewalks are required by code.

Mr. Smith stated that he wanted to address a public comment that was made during the meeting regarding a member of the Park Board and the amendment to the tree preservation ordinance. The individual in question did not vote on the amendment to the tree preservation ordinance. The matter of limiting the dollar amount required for developers had been brought forth by the Village President. The Park Board did not vote on the amendment and did not have a say on it. Mr. Smith further stated that he takes accusations of impropriety seriously and at no time did this individual act improperly. Mr. Erwin noted that the property was under contract before knowing about the tree preservation ordinance.

Mr. Pellechia asked if the density of the development is an issue how much less dense could it be and still be financially viable? Mr. Erwin sated that if the development were to go in as an RS-1 zoning it would significantly impact the development, protection of the slopes and also trees would be hampered as well.

Mr. Goetz noted that the lots were 20,000 sq. ft. but there were several that were over 40,000 sq. ft.

Mr. Pellechia stated that preservation of the trees was something to consider but there are other factors as well, including crowding with the schools and also how the development will affect the Village overall.

Mr. Johnson stated that the Village cannot cap development due to the schools. Mr. Goetz noted that the school district knows about this development as well as future developments in Sussex, the Town of Lisbon and the Village of Menomonee Falls.

Ms. Kremer stated that out of forty two proposed lots, twenty are 20,000 sq. ft. This was not the type of development that she envisioned.

Mr. Pellechia noted that it is good to have diversity in the type of housing available in the Village. Mr. Smith stated that the proposed lot sizes are something that is not currently available in the community.

Attorney Macy asked the commissioners if they had been under the impression that the land would be developed. The consensus of the Plan Commission was that they understood that this property was slated for development. Attorney Macy noted that the next decision is the type of development that is appropriate for the site. If a more conventional subdivision was presented it may not meet all the expectations that the Commissioners may have.

Mr. Pellechia stated that just because this particular developer cannot make a subdivision work without larger lots does not mean that someone else would not be able to come along and make it work. Mr. Goetz noted that it would be difficult to put a subdivision in with larger lots or a grid pattern without changing the slope and removing trees.

Mr. Johnson stated that if the development were not to be approved, then a future Plan Commission may decide that the Village needs development and will allow something that does not fit as well into the property as the proposed subdivision does.

Mr. Pellechia stated that the development as proposed could be worse and that there is a good plan overall. It would be nice to have a few extra feet on each lot and if there is a way to make the development better and still be feasible. Mr. Pudelko noted that if the lot frontage was to increase the size of the streets would also need to increase.

Ms. Tetzlaff stated that she likes the development and that it will be attractive. She understands the anxiousness of the neighbors as she experienced a similar situation with her property. The RS-2 zoning designation is okay.

Mr. Goetz noted that there are always concerns with new development and its impacts. He believes that this is a nice development and that there is a good mix of different sized lots. Roads have been addressed to calm traffic and there are not any issues with school overcrowding.

Mr. Johnson stated that the proposed development is laid out with forethought and is attractive and works well.

Ms. Anderson stated that the discussion has eased her mind about the development. It is a positive that the developer considered tree conservation and that people would pay more to have a lot with trees. She would like to see a pathway to Woodside Elementary School.

Ms. Kremer stated that she was not in favor of the proposal as presented.

Staff noted that the review of the subdivision was a conceptual review only and required no action, but the attachment public hearing did.

A motion by Goetz, seconded by Johnson to recommend approval of the Petition for Attachment and zoning determination Ordinance for the property located in the Town of Lisbon at W239N7542 Maple Avenue, east of Maple Avenue north of Good Hope Road.

Motion Carried (4-2, Pellechia and Kremer opposed)

Other items for future discussion. There were none.

A motion by Kremer, seconded by Anderson, to adjourn the meeting at 7:45 p.m. Motion carried.

Respectfully Submitted,

Casen J. Griffiths
Administrative Services Director

Agenda

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MEMORANDUM

TO: Plan Commission

FROM: Kasey Fluet, Assistant Development Director

RE: Plan Commission meeting of September 15, 2016

DATE: September 1, 2016

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

01. Roll call.

02. Consideration and possible action on the public hearing minutes and minutes of the Plan Commission meeting on August 18, 2016.

03. Comments from citizens present.

04. Consideration and possible action on Permitted Uses and Site Plans:

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

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

A. Consideration and possible action on a Petition for Attachment and zoning determination Ordinance for the property located in the Town of Lisbon at W239N7542 Maple Avenue, east of Maple Avenue north of Good Hope Road.

The owners of this property are requesting to be annexed into the Village of Sussex. The necessary paperwork has been filed to be considered by the Village Board at the September 27, 2016 meeting. It is standard practice of the Village to bring attached property in under the appropriate zoning districts with the guidance of the Land Use Map.

In accordance with the Land Use Map this parcel is designated with a Low Density Single Family Residential Sewered. The properties surrounding this property are zoned Single Family Residential therefore the appropriate zoning would be RS-2 Single Family Residential District with isolated natural resource area.

This property has a deferred assessment for water in the amount of $41,951.16.

Once the property is attached a petition to consider permanently zoning this property to RS-2 with a Planned Development Overlay and isolated natural resource area to allow for an orderly development of the site will be reviewed at a later meeting.

Policy Questions:
1. Are there any concerns with bringing the property into the Village?
2. Are there any concerns with zoning this property RS-2?

Action Item:
1. Act on the request and attachment Ordinance.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board approval of the attachment and the Ordinance establishing initial zoning for the property located at W239N7542 Maple Avenue, east of Maple Avenue north of Good Hope Road conditioned upon the standard conditions of exhibit A.

B. Consideration and possible action on a Petition to amend Section 17.0416 (A) B-1 Neighborhood Business District to allow Religious Facilities as a permitted use.
A petition has been submitted to amend Ordinance Section 17.0416 (A) by the agent of the property owner of the multi-tenant building at N64W24678 Main Street located in the B-1 Neighborhood Business district. The owner has a request from a church to rent 3,300 square feet of tenant space for New Hope Church for general office operations and in addition they would like to use the space for the congregation to assemble to practice religion. The permitted uses in the B-1 do not allow Religious Facilities. In accordance with Section 17.1502 Specific Words and Phrases, Religious Facilities is defined as the following:

Religious Facility
A facility where religion is practiced or its supporting uses are (ex. Church, synagogue, temple).

Under Court rulings, the Village should be consistent with its application of assembly type uses and it would be appropriate to amend the code to allow religious facilities in the B-1 district.

Currently the districts that allow Religious Facilities as a permitted use are B-4 Central Mixed Use, B-3 Highway Business, I-1 Institutional and as a conditional use in all the Residential districts.

Policy Questions:
1. Are there concerns with the petition?

Action Item:
1. Act on the petition request.

Staff Recommendation: Staff recommends the Plan Commission give direction on an Ordinance to amend Section 17.0416 (A) B-1 Highway Business District to allow Religious Facilities as a permitted use.

C. Consideration and possible action on an Ordinance to amend Chapter 17 Section 17.0416 entitled B-1 Neighborhood Business District to create Sub Section 17.0416 (A)(3)(d) Religious Facilities.

Staff has prepared an amendment to Chapter 17 to create a Sub Section in Section 17.0416 (A)(3)(d) entitled B-1 Neighborhood Business District to allow Religious Facilities as a permitted use.

Policy Questions:

1. Are there concerns with the proposed Ordinance?

Action Item:

1. Act on the Ordinance.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board approval of the ordinance.

D. Update and possible action on property maintenance issues of homeowner Joseph Balcerek N66W24015 Champeny Road.

This site is zoned RS-4. Staff will have an update on where things stand on the maintenance of the property.

Mr. Balcerek was sent a letter dated 8/10/2016 addressing the current conditions of his property.

Policy Question:

1. Is the property being properly maintained?
2. If the property is not being properly maintained should additional steps be taken to see compliance with the standards?
3. What additional steps would be appropriate at this time?

Action Items:

1. Give direction to staff.

Staff Recommendation: Staff recommends the Plan Commission give direction to staff regarding the items they want the property owner to address, establish a timeframe for bringing the property into compliance and the next step to be taken if the property owner does not comply.

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

A. Conceptual review of a site plan for a new Subdivision for property located in the Town of Lisbon at W239N7542 Maple Avenue north of Good Hope Road.

This property is located in the Town of Lisbon and must attach the Village of Sussex prior to development. A group of developers has this property under contract. The developers are proposing to develop the 33 plus acre parcel into a single family subdivision. The site plan proposes 42 (1 existing) lots with access points into the subdivision off Maple Avenue and connecting with Hidden Oaks Drive in the Majestic Heights Subdivision.

Because of the slopes in the area the Plan Commission will need to review Chapter 18 Section 18.0204 I and make a determination.

(I) Lands Having a Slope of twelve (12) percent or more shall be maintained in permanent open space use unless the Plan Commission finds by ¾ vote that the land may be graded to have slopes below twelve (12) percent through an approved grading plan and said plan will meet the intent of the Village to balance growth with environmental protection and will not create safety risks to development on the land or adjacent land. No lot except an outlot or a stormwater management facility shall have more than fifty (50) percent of its minimum required area in slopes of ten (10) percent or greater.

This site is subject to the Tree Preservation Ordinance and the developers will have to submit a tree inventory for consideration by the Park Board.

Many reviews will need to take place over the next few months prior to final approvals.

Staff has reviewed the conceptual plans and finds them consistent with the Village's plans and design intents. The development provides proper traffic access and alignment as planned by the continuation of existing development roadway patterns. The protection of a significant amount of forested area provides highly wooded and valuable lots and the 25' and larger buffer area to the Majestic Heights Subdivision provides significant buffering between the developments. One of the developer's for this site developed Majestic Heights and is familiar with the history of this area.

The lots are larger than Pine Ridge and Centennial Oaks, but smaller than Majestic Heights as Majestic Heights was started improperly in the Town of Lisbon.

Policy Question:
1. Are there any concerns or questions for the Developer?

Action Items:
1. None.

Staff Recommendation: Staff will continue to work with the Developer.

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

09. Other Items for future discussion.

Agenda

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

Amendment approved at the Plan Commission meeting on July 17, 2014

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.

Agenda

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MEMORANDUM

TO: Plan Commission

FROM: Kasey Fluet, Assistant Development Director

RE: Plan Commission meeting of October 20, 2016

DATE: October 3, 2016

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

01. Roll call.

02. Consideration and possible action on the minutes of the Plan Commission meeting on September 15, 2016.

03. Comments from citizens present.

04. Consideration and possible action on Permitted Uses and Site Plans:

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

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

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

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

At this time it would be appropriate to address and concerns about the property, staff received a complaint about a fallen tree on the property near the creek, the banner signage for the car wash is not approved signage and should be removed and the stripping for the parking stalls is faded.

Policy Question:

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

Action Items:
1. Direct staff to schedule the public hearing.

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

B. Consideration and possible action on a request for an extension of the Conditional Use for Kwik Trip to be located at the Sussex Town Center development.
The Conditional Use (CU) was approved for Kwik Trip by the Plan Commission at the meeting held on October 15, 2015 meeting. The developer of Sussex Town Center is still in the process of preparing the site. Due to the delays, Kwik Trip has not signed the CU and is requesting an extension of the approval and will sign as soon as construction can start.

The request is based on the following language in the CU:

15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and Applicant 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 Applicant will therefore need to re-commence the application process.

D. 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.

Kwik Trip is not refusing to sign the CU just requesting to extend the signing of the document until the developer has completed the site improvements.

Policy Question:
1. Are there any concerns granting an extension of the CU document approved at the October 15, 2015 meeting?

Action Items:
1. Act on the request.

Staff Recommendation: Staff recommends the Plan Commission grant an extension of the CU with the conditions as stated in the motion for approval in the minutes of the meeting of October 15, 2015 for Kwik Trip until August 1, 2017.

C. Notice of administrative renewal of the following Conditional Use: Quikrete (W225N6236 Village Drive).
Conditional Uses are administratively renewed for 5 year periods. When a renewal comes up the Village Administrator or designee will give notice to the Plan Commission of the intent to renew. Unless requested for review by the Plan Commission the CU for Quikrete Quikrete, which was approved April 19, 2012, will be administratively renewed as of January 1, 2017 until January 1, 2022. Such renewal does not preclude the Plan

Commission from reviewing and or acting on changes up to an including termination of the same during the renewal period per standard rules of the Zoning Code and the CU permit.

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

A. Consideration and possible action on a grading plan and a finding of Section 18.0204 (I) to allow grading on slopes greater than twelve (12) percent for Hidden Hills Subdivision located at W239N7542 Maple Avenue east of Maple Avenue north of Good Hope Road.

Whenever a site has slopes that exceed 12 percent the Plan Commission needs to make a finding to allow the site to be graded by adopting a specific grading plan. While 12% slopes are not very steep (and many developments in the Village occurred on lands with slopes greater than 12% slopes (Ridgeview, Majestic Heights, Meijers, Seven Stones, Canyon Meadows, etc.) this mechanism affords the Village greater oversight in how the lands will be graded and to protect extremely steep slopes for public safety. It also allows protection of key areas for environmental protection.

Here is the code section.

(I) Lands Having a Slope of twelve (12) percent or more shall be maintained in permanent open space use unless the Plan Commission finds by ¾ vote that the land may be graded to have slopes below twelve (12) percent through an approved grading plan and said plan will meet the intent of the Village to balance growth with environmental protection and will not create safety risks to development on the land or adjacent land. No lot except an outlot or a stormwater management facility shall have more than fifty (50) percent of its minimum required area in slopes of ten (10) percent or greater.

The development has proposed a specific grading plan that will grade out some slopes greater than 12% to allow for safe roadway construction and establish building pads meeting code requirements and design requirements for backyards. In addition the grading plan protects no grading areas over a large portion of the site for those to remain in their native condition. You can see the 12% slope areas on the map provided and the grading plan for more details. The Developer has also submitted a letter explaining the intent of their grading plan and compliance with the law.

Staff finds the grading plan consistent with the law and the intent of this section. The lots and slope for the roadway as designed by said grading will provide for code consistent lots and roadways. The minimum lot size is 20,000 square feet in the RS-2 and each of the lots as presented has greater than 10,000 square feet available with grades less than 12% in order to establish a house and yard per the code, meeting the standard of the Ordinance.

The remainder of the 12% and greater slope areas will remain wooded and undisturbed.

Policy Questions:

1. Does the grading plan, which grades some 12% and greater slopes meet the intent to balance growth with environmental protection and not create safety risks to development on the site or adjacent land?

Action Item:

1. Act on the grading plan

Staff Recommendation: Staff recommends the Plan Commission approve the grading plan and find that the land may be graded to have slopes below 12% through said plan based upon the plan balancing the needs for growth with environmental protection, that the grading plan does not create safety risks to the development or adjacent lands and that each lot meets the space requirement for construction on slopes less than 12% and further based upon maintaining the 12% and greater slopes in those areas shown on the plan to remain to further enhance the environmental protection of those areas.

B. Consideration and possible action on a Petition for rezoning for Hidden Hills Subdivision the property is to be annexed to the Village of Sussex, located W239N7542 Maple Avenue east of Maple Avenue north of Good Hope Road with a current zoning of RD-5 and UC to proposed zoning RS-2 Single Family Residential District with a Planned Development Overlay and Isolated Natural Resource Area.

This property is currently in the Town of Lisbon, the owner has filed the necessary paperwork to attach to the Village of Sussex. The current zoning on this property according to the Town is RD-5 & UC, the temporary zoning for the attachment is RS-2 Single Family Residential with Isolated Natural Resource Area, which is in accordance with the Village of Sussex Land Use Map. The Developer of this site is requesting to rezone the property to RS-2 Single Family Residential with a Planned Development Overlay (PDO) and Isolated Natural Resource Area (INRA) to develop this area as a single family subdivision with 41 lots with one outlot.

The petitioner should address all the conditions as set forth in 17.0435 (D) of the PDO zoning Ordinance. The PDO is intended to allow for a more effective layout of lots given the goal of protecting a large area of trees and slopes occurring on the site.

17.0435

A. The use of Single Family residential is a permitted use in the RS-2 District.
B. The site is more than 10 acres.
C.1. A pre-petition conference was held between staff and the developer,
2. A petition has been filed showing the standards of C.2.(a) (1) - (5) and (b) (1) - (12).
3. The petition being complete has been referred to the Plan Commission.

Policy Questions:

1. Are there concerns with the petition?

Action Item:

1. Act on the petition request.

Staff Recommendation: Staff recommends preparing the Ordinance and scheduling a joint Plan Commission and Village Board public hearing for the same in December.

C. Consideration and possible action on a Petition to create Sub Section 17.0506 (A)(8)(d) Fitness centers in the M-1 district in Section 17.0500 entitled Conditional Uses.

A petition has been submitted to amend Ordinance Section 17.0506 (A)(8) entitled General Services in Section 17.0500 entitled Conditional Uses to allow a fitness center in the M-1 district. The petitioner would like to rent space at the multi-tenant building in the Industrial

Park, W227N6193 Sussex Road to operate a Cross Fit gym. The building has two 5,000 square feet multi-tenant spaces.

The change to the code would only allow the use in the M-1district as a conditional use which will allow the Plan Commission to place conditions within the Conditional Use permit.

Policy Questions:
1. Are there concerns with the petition?

Action Item:
1. Act on the petition request.

Staff Recommendation: Staff recommends the Plan Commission give direction on an Ordinance to create Sub Section 17.0506(A)(8)(d) Fitness center in the M-1 district in Section 17.0500 entitled Conditional Uses.

D. Consideration and possible action on an Ordinance to create Sub Section 17.0506 (A)(8)(d) Fitness centers in the M-1 district in Section 17.0500 entitled Conditional Uses.
Staff has prepared an amendment to Chapter 17 to create a Sub Section 17.0506 (A)(8)(d) Fitness center in the M-1 district in Section 17.0500 entitled Conditional Uses.

Policy Questions:
1. Are there concerns with the proposed Ordinance?

Action Item:
1. Act on the Ordinance.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board approval of the Ordinance.

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

08. Other Items for future discussion.

Agenda

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? _____

(Conditional Use Permits require a Public Hearing) OR an amendment to a CU? _____

Tax Key # 245.938 Zoning: B.4

Address of Tenant Space: N62 W23456 Silver Spring Dr

1. Name of Business:

RSS Sussex Investment BP

Business

N62 W23456 Silver Spring Dr Sussex WI 53089

Address City, State, Zip Phone #

aliamoco1@yahoo.com

Fax # Email address

2. Business owner contact information:

Farhan Ghaffar

Contact

12069 N Willow Glen Ct Mequon WI 53092 (414) 213-7665

Address City, State, Zip Phone #

aliamoco1@yahoo.com

Fax # Email address

3. Building/Land owner contact information:

Mohammad Ghaffar

Contact

1215 W Manor LN Milwaukee WI 53217 (414) 839-9671

Address City, State, Zip Phone #

Fax # Email address

4. Number of Employees/Shifts: 4 Employees 3 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	X
5 to 10	5 to 10	5 to 10	5 to 10	5 to 10	5 to 10	5 to 10

Agenda

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? 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? NO

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 5124

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 15 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?
No change
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.

Farhan Shaffar
Name

09-01-16
Date

MEMBER
Title or Position

I am aware and approve of the business to be operating in the building owned by Naseem's Co LLC.

Mohammad Shaffar
Name

09-01-16
Date

MEMBER
Title or Position

Agenda

I FARHAN GHAFFAR OWNER OF R&S SUSSEX INVESTMENT LLC REQUEST TO BE COSIDERED FOR CONDITIONAL USE OPERTATION PUMP 24 HRS CARWASH 24HR WE GOING TO SALE VARIOUS PRODUCT TOBACCO CANDY BEVERAGES LOTTERY NO LIQUOR OR BEER AT N62 W23456 SILVER SPRING DR SUSSEX WI 53089

FARHAN GHAFFAR

09/08/2016

Agenda

Village of Sussex

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Sussex does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1 = 71'

Village of Sussex
N64 W23760 Main Street
Sussex, WI 53089
262-246-5200

Print Date: 10/5/2016

Agenda

1626 Oak St. • P.O. Box 2107 • La Crosse, WI 54602-2107
Phone 608-781-8988 • Fax 608-781-8960 • www.kwiktrip.com
Kwik Trip, Inc.

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

September 22nd, 2016

Ms. Fluet,

This letter is intended to request an extension of the approval of the CUP four our site located within the Prospect Circle development. The developer of this this development as you are aware has ran into many different challenges throughout the approval process of the entire development. Due to the length of time it has taken them to achieve the approvals it has been almost 12 months since our approval and we are planning to start construction as soon as it is available. We are through are approval process with the Village and just need final sign off of our documents once the development documents are complete.

We appreciate your consideration and coordination on this project. Please feel free to call Troy Mleziva (608 792 7443) or myself with any questions.

Sincerely,

Jeff Osgood
Store Engineering
608 793 5547

Agenda

October 12, 2016

Village of Sussex
Plan Commission
N64W23760 Main Street
Sussex, WI 53089

RE: Land Slopes for Hidden Hills Subdivision

Dear Plan Commissioners:

The Hidden Hills subdivision has been designed to integrate with the unique topography of the site and allow for preservation of much of the perimeter vegetation. The proposed site plan was an evolution resulting from meetings with Village staff, SEWRPC representatives and the input you provided at our conceptual presentation; the end product is the plan you see before you today. Village code supports the development of this land as proposed. Per Chapter 18.0204, the unique topography of this site makes a land suitability analysis an appropriate step of the approval process. A land suitability analysis mandates that the Plan Commission determine suitability of lands by reason of flooding and adequate drainage, suitability of soils or unfavorable topography or slopes. **The proceeding sections will describe how this land is suitable for the proposed development.** Per Chapter 18.0204(I), *Lands Having a Slope of twelve (12) percent or more shall be maintained in permanent open space use unless the Plan Commission finds by ¾ vote that the land may be graded to have slopes below twelve (12) percent through an approved grading plan and said plan will meet the intent of the Village to balance growth with environmental protection and will not create safety risks to development on the land or adjacent land. No lot except an outlot or a stormwater management facility shall have more than fifty (50) percent of its minimum required area in slopes of ten (10) percent or greater.* **Through the following it will be demonstrated that the proposed development finds an ideal balance between growth and environmental protection while being a net positive to the surrounding neighborhoods.**

The Village's Comprehensive Plan envisions a low density single-family residential development for this land, which is what this project proposes. Going a step further than what was done with the Pine Ridge and Woodridge Estates subdivision, Hidden Hills proposes to incorporate a diversity of lot sizes, introducing some larger lots to preserve sloped woodland areas and provide a transition between the Majestic Heights subdivision and Pine Ridge Estates subdivision. The wooded areas on the site are identified by SEWRPC as Isolated Natural Resource Area (INRA); although the Village's Comprehensive Plan does not require preservation of INRA area, the proposed Hidden Hills development makes an intentional effort to preserve large sections of woodlands, and ensures these areas will remain wooded in perpetuity through implementation of tree preservation easements.

<u>Suitability for Proposed Development</u>

The site is suitable for the proposed Hidden Hills development based on the following:

- The sanitary sewer at the intersection of Maple Avenue & Overland Road has the proper size and elevation to service the proposed site.
- The road and water main extension at the Majestic Heights connection indicate the Village's intention to see development extend through the Hidden Hills site.

- Adequate Drainage is provided
  - The land has a relatively uniform slope down to the southwest, with the site ultimately draining to an existing kettle on the adjacent Hackbarth properties.
  - The proposed development will include an enhanced level of infiltration to ensure that downstream areas will experience less runoff than the current condition. As described in the Stormwater Management Plan, through its design the proposed subdivision will result in a lower runoff rate, lower runoff volume and lower peak ponding elevation in the kettle.
  - In addition, the proposed development will facilitate the installation of an emergency "bypass" storm sewer pipe for the kettle area to further protect existing homes in the Pine Ridge subdivision that have exposures below the peak flood elevation in the kettle today.
  - Through this development the area will have improved drainage and a lower peak flood elevation in the kettle area, providing a safer environment for the adjacent lands.
- The Soils are Suitable for development
  - The land within the development area is predominantly characterized as well drained loamy soil.
  - The site was delineated by Thompson and Associates Wetland Services and determined to have no wetlands present. This further supports the well-drained character of this site.
  - A full geotechnical report is being prepared for this development to provide recommendations for home and development construction.
- The Topography and Slopes are Favorable for this development
  - Hidden Hills has been designed to integrate and work with the existing slopes and topography, letting the elevation across the site be an amenity that affords exposure opportunities and adds interest to the lots.
  - The design intentionally preserves the steepest wooded slopes along the eastern perimeter of the site, providing a tree preservation easement over the rear portions of the 1 – 2+ acre lots in this area.
  - As shown in the exhibits, the site contains small areas of 12%+ slopes along the west and south perimeter of the wooded area. In general, these areas have a 12% - 13% slope and 10' – 14' of elevation drop across them. By integrating with the existing topography, the Hidden Hills development utilizes these small slope areas for full exposure homes.

Land Slopes of Twelve (12) Percent or More

The attached exhibits illustrate areas of existing 12% or more slopes. In general, the largest and steepest sloped area is the central portion of the eastern 1/3 of the site, which is intentionally preserved through this development. The other smaller areas of 12% slopes on the site have been integrated into the development to facilitate full exposure basements with less grading being required. Through this design approach Hidden Hills finds a balance between growth and environmental protection, preserving trees around the development, maintaining a large tract of steep slope INRA in the eastern part of the site, all while situating lots where most ideal.

Agenda

Proposed Slopes on Lots

The proposed Grading Plan that accompanies the Preliminary Plat, and is shown in the enclosed exhibits, illustrates the proposed grading for each lot. In general, it shows that the lots assimilate with the surrounding environment, with an abundance of exposures provided where appropriate based on topography. The site grading and lot layout has been designed such that the lot, or a typical finished home site, will provide at least 10,000 s.f. of area at a 10% or flatter slope. This meets the intent of the Chapter 18.0204(I), which states that 50% of the minimum lot area (20,000 s.f.) shall have the aforementioned slope characteristics.

Overall, the proposed Hidden Hills subdivision meets the intent of Chapter 18.0204(I), providing a harmonious balance between growth and environmental protection. The proposed layout was designed to fit with the unique topography of the site, protecting large tracts of steeply sloped wooded areas and the perimeter wooded area in a perpetual Tree Preservation Easement while strategically placing homes and lots in areas that utilize the existing slopes for basement exposure opportunities. The proposed development will better control runoff from this site, and will ultimately facilitate a safer condition for the adjacent kettle and neighboring homes. Approval and improvement of Hidden Hills will provide a uniquely beautiful subdivision that compliments the surrounding neighborhoods.

We look forward to our continued work with the Village.

Josh Pudelko, PE, MS, President
Trio Engineering, LLC

Submitted on behalf of Petitioner

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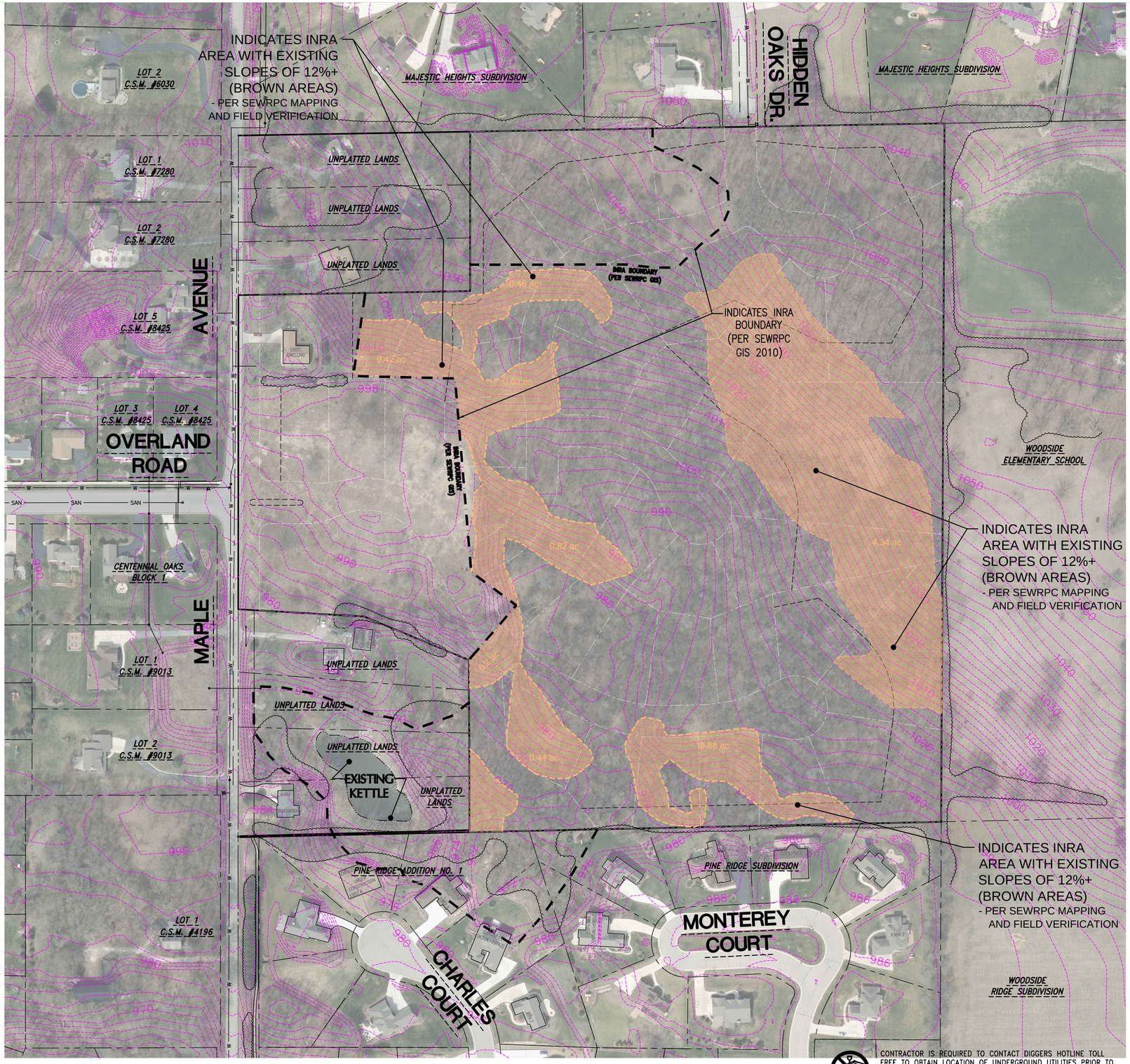
Agenda



CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.

CALL DIGGERS HOTLINE 1-800-242-8511

0 50 100 200

ISOLATED NATURAL RESOURCE AREA (INRA)

Onsite INRA Area =	25.07 acres
Existing INRA Area with 12%+ Slopes =	8.3 acres

NOTE:
EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.

WISCONSIN PROFESSIONAL ENGINEER
JOSHUA D. PUDELKO
E-39420
WAUWATOSA, WI

TRIO
DESIGN • LAND SURVEYING
CIVIL ENGINEERING
12660 W. NORTH AVE.
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: jpudelko@trioeng.com

PROJECT:
HIDDEN HILLS SUBDIVISION
SINGLE FAMILY RESIDENTIAL SUBDIVISION
VILLAGE OF SUSSEX, WISCONSIN
BY: GEORGE B. ERWIN, III
2300 NORTH MAYFAIR ROAD
MILWAUKEE, WISCONSIN 53266

REVISION HISTORY

DATE	DESCRIPTION

DATE: SEPTEMBER 30, 2016

JOB NUMBER: 16037

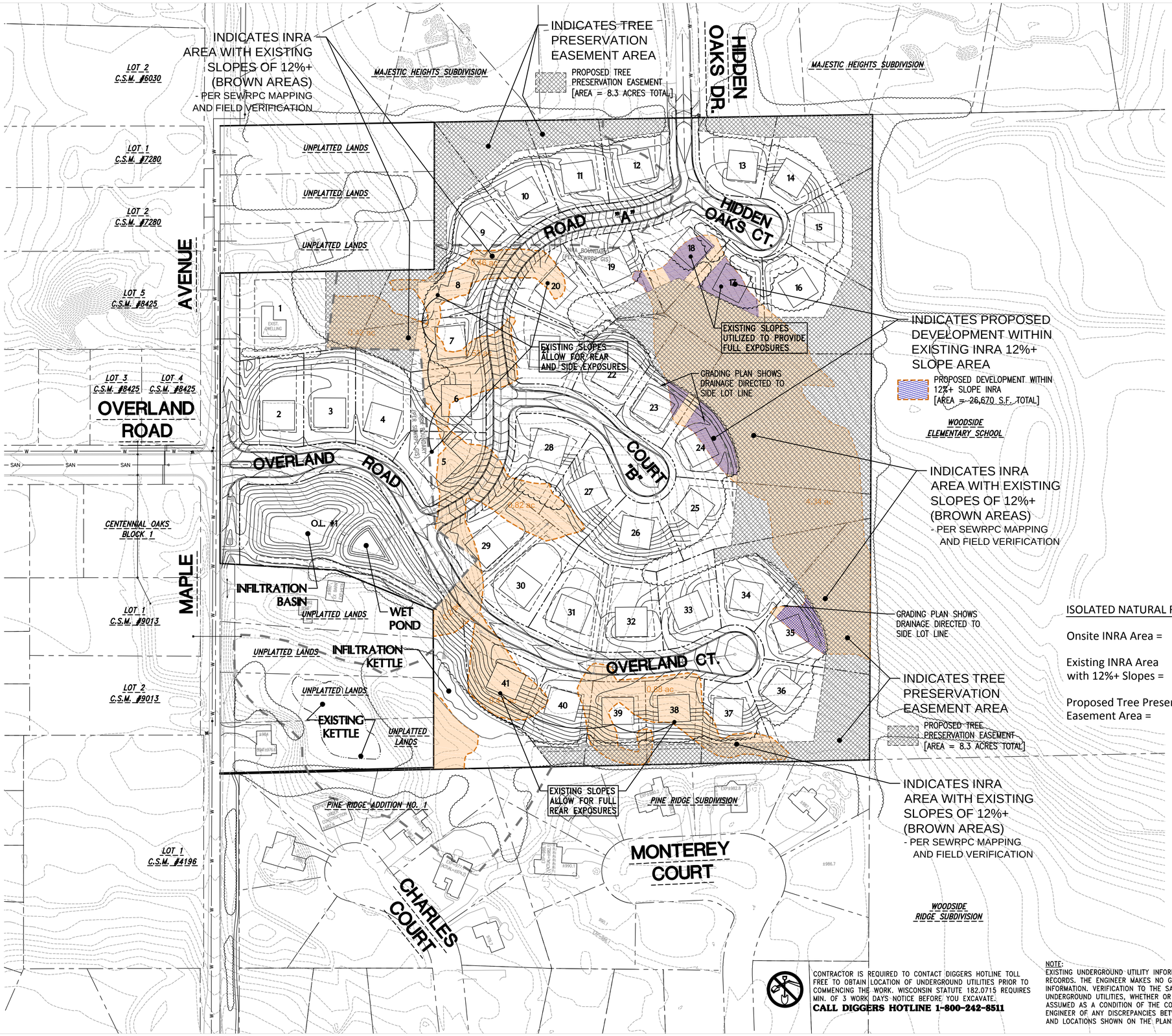
DESCRIPTION: EXISTING SITE SLOPES PLAN

SHEET

E1.0

H:\C1000\1013\16037-01\EXHIBITS\SLOPE GRADING-HIDDEN HILLS.DWG

Agenda



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ISOLATED NATURAL RESOURCE AREA (INRA)

Onsite INRA Area =	25.07 acres
Existing INRA Area with 12%+ Slopes =	8.3 acres
Proposed Tree Preservation Easement Area =	8.3 acres

WISCONSIN PROFESSIONAL ENGINEER
JOSHUA D. PUDELKO
E-39420
WAUWATOSA, WI

TRIO
DESIGN • LAND SURVEYING • CIVIL ENGINEERING
12660 W. NORTH AVE.
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PHONE: (262) 790-1480
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HIDDEN HILLS SUBDIVISION
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VILLAGE OF SUSSEX, WISCONSIN
BY: GEORGE B. ERWIN, III
2300 NORTH MAYFAIR ROAD
MILWAUKEE, WISCONSIN 53266

REVISION HISTORY

DATE	DESCRIPTION

DATE: SEPTEMBER 30, 2016

JOB NUMBER: 16037

DESCRIPTION: PROPOSED SITE SLOPES PLAN

SHEET E1.1

H:\C1000\1013\16037-01\EXHIBITS\SLOPE GRADING-HIDDEN HILLS.DWG

Agenda

REZONING PETITION

TO: The Honorable President and Members of the Village Board for the Village of Sussex

I (we), the undersigned, being the owner(s) of all the area herein described, hereby petitions the Village Board of the Village of Sussex, Wisconsin, to rezone the following described property:

Address: W239 N7542 Maple Avenue (approximately 33.15 acres)
(Please attach a legal description)

Current zoning: RS-2 Requested zoning: PDO Overlay

Purpose of rezoning:

To facilitate the concept plan and preliminary plat approval of the project.

Please provide the following:

Site Plan/Survey/Plot Plan, drawn to scale of one inch equals one hundred (100) feet, showing the area to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.

Needed at time of submittal:
Rezoning application fee of $500.00

Owner, Thomas Ennen

1478 W. Sand Pebble Dr
Oro Valley, AZ 85737
Address, City, St & Zip

Owner, Erika Ennen

1478 W. Sand Pebble Dr
Oro Valley, AZ 85737
Address, City, St & Zip

Contact Name : George B. Erwin, III Address: 2300 N. Mayfair Rd., #1175, Milwaukee, WI 53226

Phone #: (414) 258-4300 E-mail: gbe@sdelaw.com

For office use only

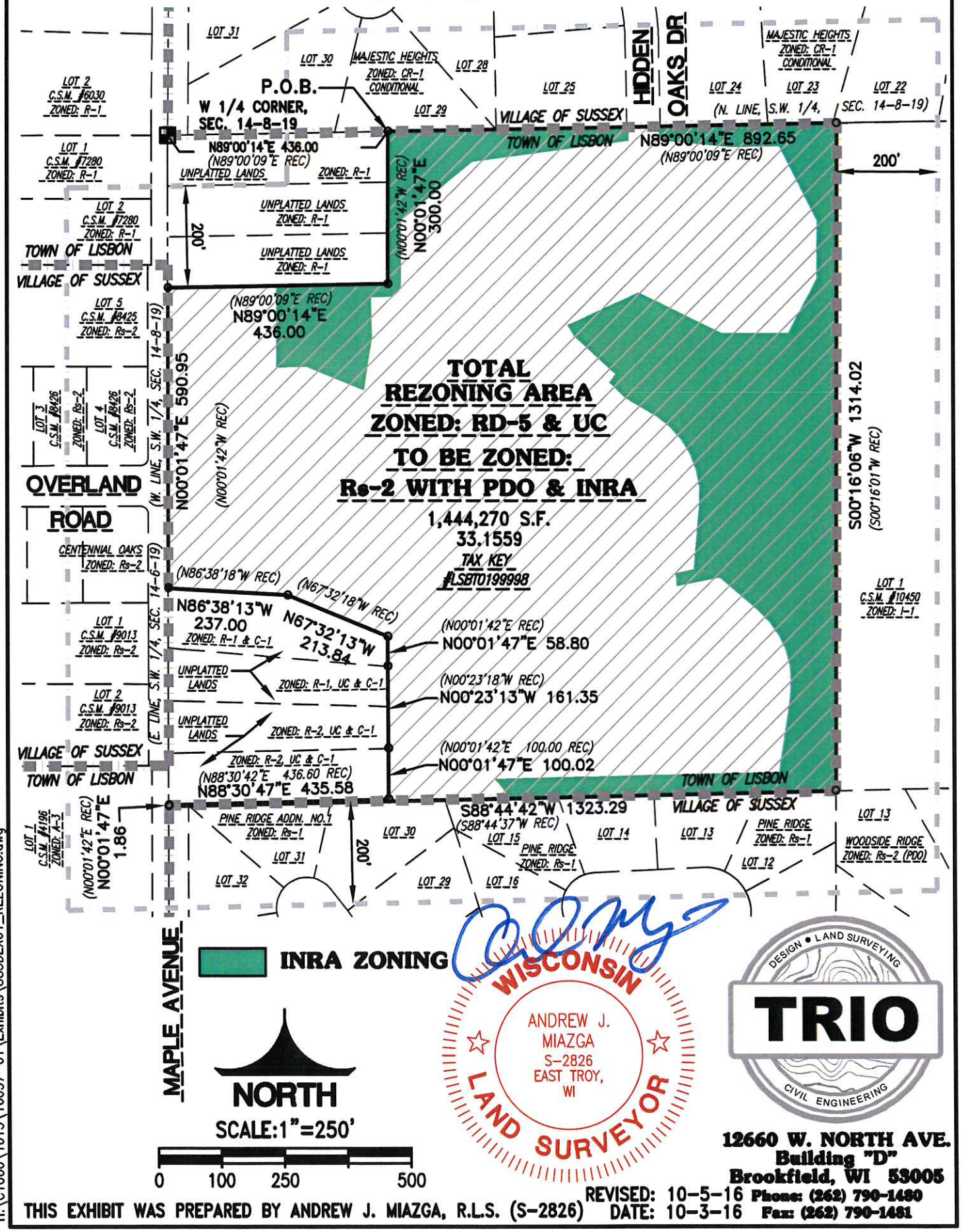
Payment received: 9/28/2016 Plan Commission recommendation: _____

Date filed with Village Clerk: _____ Publish dates: _____ _____

Public Hearing date: _____ Village Board date: _____

Agenda

REZONING EXHIBIT "A"



12660 W. NORTH AVE.
Building "D"
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481

REVISED: 10-5-16
DATE: 10-3-16

THIS EXHIBIT WAS PREPARED BY ANDREW J. MIAZGA, R.L.S. (S-2826)

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Agenda

REZONING EXHIBIT "B"

LEGAL DESCRIPTION:

That part of the Northwest 1/4 of the Southwest 1/4 of Section 14, Town 8 North, Range 19 East, Town of Lisbon, County of Waukesha, State of Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Southwest 1/4 of said Section 14; Thence North 89°00'14" East along the North line of said Southwest 1/4 436.00 feet to the place of beginning of lands hereinafter described;

Thence continuing North 89°00'14" East along said North line 892.65 feet to a point on the West line of "Certified Survey Map No. 10450"; Thence South 00°16'06" West along said West line 1314.02 feet to a point on the North line of "Pine Ridge Subdivision"; Thence South 88°44'42" West along said North line and its extension 1323.29 feet to a point on the West line of said Southwest 1/4; Thence North 00°01'47" East along said West line 1.86 feet to a point; Thence North 88°30'47" East 435.58 feet to a point; Thence North 00°01'47" East 100.02 feet to a point; Thence North 00°23'13" West 161.35 feet to a point; Thence North 00°01'47" East 58.80 feet to a point; Thence North 67°32'13" West 213.84 feet to a point; Thence North 86°38'13" West 237.00 feet to a point on the West line of said 1/4 Section; Thence North 00°01'47" East along said West line 590.95 feet to a point; Thence North 89°00'14" East 436.00 feet to a point; Thence North 00°01'47" East 300.00 feet to the point of beginning of this description

Said Parcel contains 1,444,270 Square Feet (or 33.1559 Acres) of land, more or less.

Date: 10/5/2016

WISCONSIN
ANDREW J. MIAZGA
S-2826
EAST TROY, WI
LAND SURVEYOR

Andrew J. Miazga, P.L.S.
Professional Land Surveyor, S-2826
TRIO ENGINEERING, LLC
12660 W. North Avenue, Building "D"
Brookfield, WI 53005
Phone: (262)790-1480 Fax: (262)790-1481

Agenda

NARRATIVE IN SUPPORT OF PETITION FOR PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PDO)

Hidden Hills

Currently the Development has not adopted a specific name for the subdivision but for purposes of this presentation we will assume that it is Hidden Hills. The materials presented herewith are in support of a planned development overlay district designation for the project. The project consists of an approximately 33 acre site located on Maple Avenue. Total area is 33.15 acres; 32.58 acres after deducting for additional Maple Avenue right-of-way in connection with the development. The following provides general characteristics of the proposed subdivision:

- Total Area = 33.15 acres; 32.58 acres after deducting Maple Avenue right-of way
- Density = 1.26 lots/acre
- Proposed Zoning = Rs-2 PDO
- Minimum Lot Size = 20,000 s.f.
- Average Lot Size = 26,805 s.f. (excluding existing residence)
- Lot Width = 100' minimum
    - 110'+ width is typical
    - Lot width at cul-du-sacs = 90' min. at front setback; 100' at 40' from front lot line
- Setbacks:
    - Front = 30'
    - Side = 15'
    - Rear = 25'
- Area of Open Space/Tree Preservation Area = 8.3 acres

I. Relationship of Proposed PDO to Village's Adopted Master Plan

There are a number of matters in the Village's Master Plan which are impacted by the planned development district designation. The subject property includes woodlands. Under the cultural and natural resource portion of the Master Plan contemplated developments require an

inventory of existing trees. That ordinance was subsequently embodied in the tree preservation ordinance. The tree preservation ordinance will be complied with under the PDO.

Secondly, there are a number of housing and residential initiatives detailed in the Master Plan. They each recognize that the Village of Sussex is essentially surrounded by a number of existing communities and its borders are fixed. The growth that can be anticipated is based on a limited supply of land. The plan asserts that the future growth potential should be directed in a way that affords a number of housing options within the single family category. As housing develops away from the center of the Village, clustered subdivisions to minimize impact on the community's rural character and sensitive land are to be encouraged. The lot density should not jeopardize the health and safety or physically negatively effect surrounding manmade and natural environments. If there are subdivisions proposed in isolated natural resource areas, they should be designed in a way to preserve those portions of the land that are suitable to be preserved while maintaining the objective of facilitating growth needs for the future given the finite availability of future lands for development.

The comprehensive plan was codified by the Land Division and Development Chapter 18 and specifically codified under 18.0204 and titled land suitability. A land suitability analysis mandates that the Planning Commission determines suitability of lands by reason of flooding and adequate drainage, suitability of soils or unfavorable topography or slopes. At 18.0204(l), lands having a slope greater than 12 percent should be maintained as open space unless the Planning Commission finds that the lands may be graded or sloped below 12 percent through an approved Grading Plan. The intent of the Village embodied in the ordinance is to balance growth with protection of environmentally sensitive land. ***The PDO sought for the subject land is in furtherance of the Planning Commission's objective of protecting and maintaining the slopes of lands greater than 12 percent.*** The PDO as sought proposes (i) a 30 foot setback versus a 40 foot setback at the front lot line, (ii) a 90 foot width in cul-du-sacs versus a 100 foot width at setback, and finally (iii) a 60 foot right-of-way versus a 66 foot right-of-way. In all instances the effect of the PDO changes are to accomplish the following:

A. Maximize the tree preservation areas. By reducing the building pad by potentially bringing the homes closer to the road right-of-way, we expand and enhance the availability of lands suitable for tree preservation. As a result, more than one-fourth of the site would be held in tree preservation. This balances growth with protecting the environmental futures.

B. The reduced setbacks minimize the intrusion into slope areas.

C. The tree preservation promotes visual attractive development by ensuring a maximum tree canopy.

D. These changes facilitate the protection of the unique topography features of the site and preserves the old growth wooded areas.

Areas to be included in the PDO are all of the lands sought to be included in the subdivision. The proposed zoning of RS2 PDO would have minimum lot sizes of 20,000 square feet with an average lot size of 26,805 square feet. At 40 lots with an average price of home and lot package of $650,000 would generate approximately $28,000,000 in estimated value of the fully improved subdivision.

There would be a storm water feature which would be transferred to the Village to be maintained in the future.

Deed Restrictions would be put of record to ensure high quality development, and provide an enforcement mechanism to protect the tree preservation areas as well as compliance with other deed restrictions that are placed of record as approved by the Village. Individual home and lot packages would be developed pursuant to those deed restrictions. Those deed restrictions would anticipate homes at a ***minimum*** of 2200 to 2500 square feet single story and 2500 to 2800 square feet two story construction.

Appended hereto is a legal description of the boundary of the subject property included in the proposed PDO and its relationship with the surrounding property. The attached also includes the location of public and private roads, driveways and public facilities.

The proposed plat identifies the size, arrangement and location of individual building sites and proposed building sites in the subdivision.

The proposed plat identifies all open space areas and areas intended to be reserved and/or dedicated for public uses.

There are no architectural plans, elevation or prospective drawings associated with the design and character of proposed residential lots.

In summary the proposed planned development overlay district is consistent in all respects with the intent and purpose of the comprehensive plan in that it identifies and preserves lands that contain isolated natural resource features consisting of high slope and woodlands. The cluster type development minimizes intrusions within those high slope areas, provides for adequate drainage for surface and storm water, is accessible by public utilities, proposed public streets are suitable and meet the minimum standards of all applicable ordinances and administrative regulations of the Village.

Respectfully submitted,

George B. Erwin, III

Brian Tetting

Agenda

VILLAGE OF Sussex

Ordinance Amendment Petition

TO: The Honorable President and Members of the Village Board for the Village of Sussex

I (we), the undersigned, being the owner(s) of all the area herein described, hereby petitions the Village Board of the Village of Sussex, Wisconsin, to amend the Zoning Ordinance of the following Section:

Section: 17.0500

Amendment: Create Sub Section 17.0506 (A)(8)(d)

Purpose of Ordinance amendment: to allow fitness center in the M-1 as a Conditional use

Needed at time of submittal:
Application fee of $500.00

Emily Schilter
Owner, Agent or Attorney

Owner, Agent or Attorney

2820 N 78th Street, Milwaukee, WI 53222
Address City, St and Zip

Address City, St and Zip

Contact Name : Emily Schilter Address: 2820 N 78th Street Milwaukee WI 53222

Phone #: 414-322-0493 E-mail: emily.serena12@gmail.com

For office use only:

Payment received: 10/12/2016 Plan Commission recommendation:

Date filed with Village Clerk Publish dates:

Public Hearing date: Village Board date:

Agenda

STATE OF WISCONSIN VILLAGE OF SUSSEX WAUKESHA COUNTY

ORDINANCE NO._____

AN ORDINANCE TO CREATE
SUB SECTION 17.0506(A)(8)(d) FITNESS CENTER IN THE M-1 DISTRICT
IN SECTION 17.0500 ENTITLED CONDITIONAL USES
OF THE VILLAGE OF SUSSEX MUNICIPAL CODE.

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code Section 17.0506 to create Sub Section 17.0506(A)(8)(d) Fitness center in the M-1 district, in Section 17.0500 Entitled Conditional Uses; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on _____, 2016, as required by Section 17.1305 of the Village of Sussex Zoning Ordinance, after providing due notice as required by Section 17.1400 of the Village of Sussex Zoning Ordinance; and

WHEREAS, following the public hearing, and upon due consideration of the recommendation from the Plan Commission, the Village Board finds that the public necessity, convenience, welfare and good zoning practice requires that the amendment to the zoning ordinance be granted as recommended by the Plan Commission;

WHEREAS, the Village Board Members are committed to aligning the Village of Sussex Zoning Code with opportunities to support growth that meet current needs without jeopardizing public safety or welfare.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. Section 17.0500 entitled Conditional Uses to create Sub Section 17.0506 (A)(8)(d) is hereby created to read as follows:

(d) Fitness center in the M-1 district.

SECTION 2. SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____day of _____, 2016

VILLAGE OF SUSSEX

_____
Gregory L. Goetz, Village President

ATTEST:

_____
Casen J. Griffiths, Village Clerk-Treasurer

Published and/or posted this _____day of _____, 2016