



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

**AGENDA
PLAN COMMISSION
VILLAGE OF SUSSEX
THURSDAY, AUGUST 18, 2016
IMMEDIATELY FOLLOWING THE PUBLIC HEARING 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 July 21, 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:
 - A. Consideration and possible action on a Plan of Operation and site plan for (NATO) National Association of Theatre Owners of Wisconsin & Upper Michigan (N64W24801 Main Street Suite 104).
 - B. Consideration and possible action on a Plan of Operation and site plan for Birthing Empowerment Doula Services, LLC (N63W23217 Main Street).
5. Consideration and possible action on Conditional Uses and Plans:
 - A. Consideration and possible action on a Conditional Use for the filling of the floodplain and impacting designated wetland area in a County right-of-way on County Hwy VV (aka Main Street) between Freiheit Court and Pewaukee Road.
6. Consideration and possible action on CSM's and Plats:
 - A. Conceptual review of a site plan for Ancient Oaks Subdivision for property located in the center of Prides Crossing Subdivision connecting Donna Drive.
7. Consideration and possible action on Zoning and Planning Items:
 - A. Update and possible action on property maintenance issues of homeowner Joseph Balcerek N66W24015 Champeny Road.
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
FOR A CONDITIONAL USE PERMIT
VILLAGE OF SUSSEX

TAKE NOTICE that the Plan Commission of the Village of Sussex will hold a public hearing on August 18, 2016 at 6:30 P. M. at the Village Hall, N64W23760 Main Street, Sussex, to consider a plan for filling designated flood plain area and impacting designated wetland area owned by Waukesha County for roadway improvement on County HWY VV between Freiheit Court and Pewaukee Road.

A copy of the application and plan is 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

Casen J. Griffiths
Clerk-Treasurer

PUBLISH 8/4 & 8/11

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission meeting on July 21, 2016

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

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

Members excused: Annette Kremer

Others present: Assistant Development Director Kasey Fluet, Village Administrator Jeremy Smith, Administrative Services Director Casen Griffiths, Engineer Judy Neu, Katie Fromstein, Dan Hernandez, Stephen Hoffman, and Roger Duchow.

Consideration and possible action on the minutes of the Plan Commission meeting of June 16, 2016.

A motion by Tetzlaff, seconded by Schauer to approve the minutes of the Plan Commission meeting of June 16, 2016. 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 Sawall Development (N63W23217 Main Street).

Mrs. Fluet reviewed the plan staff memo on this matter (copy attached). There are three different uses that are proposed to be located on the second floor of the retail building that faces Waukesha Avenue at Mammoth Springs. The leasing office of Sawall Development will be 2,000 square feet and include several offices and a meeting room for tenants of Mammoth Springs. There will be a 1,000 sq. ft. exercise area that is available for use 24 hours a day, 7 days a week for the tenants of Mammoth Springs. A community room that is 500 sq. ft. is also only allowed to be used by tenants of Mammoth Springs. All uses are permitted in the B-4 Central Mixed Use District.

Mr. Goetz noted a concern about the fitness center and its use by people from outside the Mammoth Springs complex. Mr. Smith noted that apartment complexes often have exercise facilities for their tenants and it will be up to Mr. Sawall to manage tenant's use of that space.

A motion by Pellechia, seconded by Schauer to approve the Plan of Operation and site plan for Sawall Development (N63W23217 Main Street); with a finding that the use and structures meet the principals of 17.1002 (A-H); subject to the standards conditions of Exhibit A. Motion carried.

Consideration and possible action on a Plan of Operation and site plan for Katie Fromstein Photography (N63W23217 Main Street).

Katie Fromstein, N72W23736 Butler Court, was present before the Plan Commission. Ms. Fromstein stated that she is a professional photographer, currently based in Germantown. She does photographs for newborns, children and families and hours are by appointment only, Monday through Friday, although there may be an occasional Saturday or Sunday. Ms. Fluet reviewed the Plan Staff Memo (copy attached), noting that the space being occupied would be 375 sq. ft. on the second floor of the retail building facing Waukesha Avenue at Mammoth Springs.

A motion by Johnson, seconded by Tetzlaff to approve the Plan of Operation and site plan for Katie Fromstein Photography (N63W23217 Main Street) with the finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A. Motion carried.

Consideration and possible action on a Plan of Operation, site, architectural building, lighting and landscape plan for Dr. Vezzetti office building on lot 2 at the Sussex Gateway Center.

Dan Hernandez, N173W21010 Northwest Passage Way, Jackson representing Dr. Vezzetti, was present before the Plan Commission. Mr. Hernandez stated that the Dr. Vezzetti's office would occupy the east end of the new building. The dental office is a family practice which treats children and adults. The hours of operation are Monday through Thursday 8:00 am to 5:00 pm with later hours until 7:00 pm on Thursday. West of the dental office are three tenant spaces that will be blocked out for future occupancy. Mr. Goetz asked if there were any prospective tenants. Mr. Hernandez stated that there were none at this point. Ms. Tetzlaff asked when they would like to start construction and have occupancy of the building. Mr. Hernandez stated that they would like to begin at the end of this year with opening in July of next year.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached), noting that the use is permitted in the B-3 Highway Business District, the site has sufficient parking and the building meets height and setback requirements. The ARB will review the new building plans on August 3, 2016.

Mr. Johnson questioned the compatibility of the new building compared to the first phase buildings. Mr. Smith noted that the expectations for the two lots have been that the buildings are different as so to appear not to be too blended. Mr. Hernandez noted that the design was made to try to appeal to families. Mr. Pellechia noted that the building is nice, but it looks too residential and is not sure how it fits.

A motion by Goetz, seconded by Tetzlaff to approve the Plan of Operation, site, architectural building, lighting and landscape plan for Dr. Vezzetti office building on lot 2 of the Sussex Gateway Center; a finding that the use and structures meet the principals of 17.1002(A-H); subject to final review by the Village Engineer, any conditions from the ARB and the standard conditions of Exhibit A. Motion carried.

Conceptual review of a Conditional Use for the filling of the flood plain in a County right-of-way on County Highway VV (aka Main Street) between Freiheit Court and Pewaukee Road.

Stephen Hoffmann, from R. A. Smith National and petitioner Roger Duchow were present before the Plan Commission. Mr. Hoffmann stated that the work is for the proposed Sussex Town Center development. There is a need for a widening of Main Street to Freiheit Court. A wetland delineation and there are floodplain impacts from the project. 260 cubic yards of fill are needed and there would be compensatory storage built. Mrs. Fluet reviewed the plan staff memo on the matter (copy attached) and stated that coordination with the Department of Natural Resources and the US Army Corp of Engineers is required.

The consensus of the Plan Commission was to schedule this matter for a public hearing next month.

Consideration and possible action on a CSM to combine properties at N63W23661 Main Street and N63W23637 Main Street and grant a right-of-way to the Village of Sussex for road improvements.

Mr. Smith noted that the CSM would combine the old Citgo and liquor store properties as well as acquiring an 11 foot strip for right of way for the new Silver Spring Drive. A CSM will be completed by Art Sawall for the abandoned Silver Spring right of way and the S.O.S. property. Mrs. Fluet reviewed the plan staff memo on the matter (copy attached).

A motion by Goetz, seconded by Pellechia to approve the CSM to combine properties at N63W23661 Main Street and N63W23637 Main Street and grant a right of way to the Village of Sussex for road improvements, subject to final review by the Village Engineer and the standard conditions of CSM approval and Exhibit A.

Motion carried.

Consideration and possible action on a Final Plat for Sussex Preserve located on the west side of Maple Avenue south of Clover Drive.

Mr. Smith noted that this plat is for phase one of the Sussex Preserve Subdivision. Mr. Johnson asked about the developer's agreement. Mr. Smith noted that it included standard language regarding the placement of

landscaping, curb and sidewalks. Mrs. Fluet reviewed the plan staff memo (copy attached). The first plat is for 30 lots out of a total of 146 lots in the proposed subdivision.

A motion by Tetzlaff, seconded by Johnson to approve the Final Plat for Sussex Preserve located on the west side of Maple Avenue south of Clover Drive subject to final review by the Village Engineer, meeting the requirements of the Developers Agreement and the standard conditions of Final Plat approval and Exhibit A. Motion carried

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

Mrs. Fluet noted that the property owner has cleaned up the back of the property, the bushes have been trimmed and some weeds removed. Mrs. Fluet spoke with the property owner and he will continue to work on the issues. The Plan Commission gave direction to work with the property owner and give an update at the August meeting.

Other items for future discussion: None

Adjournment

A motion by Pellechia, seconded by Anderson to adjourn the meeting at 7:07 p.m. Motion carried.

Respectfully Submitted,

Casen J. Griffiths
Administrative Services Director



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

MEMORANDUM

TO: Plan Commission

FROM: Kasey Fluet, Assistant Development Director

RE: Plan Commission meeting of July 21, 2016

DATE: July 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 minutes of the Plan Commission meeting on June 16, 2016.**
03. **Comments from citizens present.**
04. **Consideration and possible action on Permitted Uses and Site Plans:**
 - A. **Consideration and possible action on a Plan of Operation and site plan for Sawall Development (N63W23217 Main Street).**

This site is zoned B-4. Sawall Development consists of three different uses all of which are located on the second floor of the retail building that faces Waukesha Avenue at Mammoth Springs. The leasing office is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419 (C)(4)(d). The office space will occupy 2,000 square feet and will include several offices and a meeting room for the tenants of Mammoth Springs to meet with staff members for leasing agreements and various other meetings. The office will have five employees with hours of operation Monday through Friday 8:00 a.m. to 7:00 p.m. and Saturday to Sunday 10:00 a.m. to 4:00 p.m.

The exercise and community rooms are a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419 (C)(11)(d). The exercise rooms includes an area for a golf simulator the rooms are a total of approximately 1,000 square feet, is only allowed to be used by the tenants of Mammoth Springs and will be available 24 hours seven days a week. The community room is 500 square feet, is allowed to be used by the tenants and will be available during the day or night and as reserved basis.

The site has sufficient parking for both the residential and retail buildings with 190 surface parking stalls and 20 on street parking spots are also available. 135 of the surface spots are calculated for the residential use, leaving 75 spots for the retail/office. This use will require 7 spots.

Policy Question:

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

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 Sawall Development (N63W23217 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 Katie Fromstein Photography (N63W23217 Main Street).

This site is zoned B-4. The photography studio is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419 (C)(5)(g). The photographer will lease 375 square feet of space on the second floor of the 13,000 square foot retail building facing Waukesha Avenue at Mammoth Springs. Katie specializes in newborn, baby and family photography. Hours of operation are by appointment only.

The site has sufficient parking for both the residential and retail buildings with 190 surface parking stalls and 20 on street parking spots are also available. 135 of the surface spots are calculated for the residential use, leaving 75 spots for the retail/office. This use requires 2 spots.

Policy Question:

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

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 Katie Fromstein Photography (N63W23217 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 Plan of Operation, site, architectural building, lighting and landscape plan for Dr. Vezzetti office building on lot 2 at the Sussex Gateway Center.

This site is zoned B-3. The general medical services is a permitted use in the B-3 Highway Business District in accordance with Section 17.0418 (A)(3)(d). Dr. Vezzetti will occupy approximately 6,300 square feet on the first floor and 1,900 square feet in the lower level of the 12,300 square foot building and lease the rest of the building out.

All of the plans will be reviewed at the August 3, 2016 ARB meeting.

Site

- Sufficient parking with 68 stalls, with the availability to add 12 stalls.

Architectural

- Building meets height and required setbacks.

- Will be constructed with hardiplank and stone accent.

Lighting

- Lighting does not spill out onto neighboring properties.

Landscape

- Plan submitted is sufficient.

Policy Question:

1. Are there any concerns with the Plan of Operation, site or various plans?
2. Are there any comments directed to the ARB?

Action Items:

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

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation, site, architectural building, lighting and landscape plans for Dr. Vezzetti office building on lot 2 at the Sussex Gateway Center; a finding that the use and structures meet the principals of 17.1002(A-H); subject to any conditions from the ARB and the standard conditions of Exhibit A.

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

A. Conceptual review of a Conditional Use for the filling of the flood plain in a County right-of-way on County HWY VV (aka Main Street) between Freiheit Court and Pewaukee Road.

The petitioner for this Conditional Use is Roger Duchow. This work is related to off-site roadway improvements required for the proposed Sussex Town Center development. The roadway on County HWY VV must be widened and will require filling in a designated flood plain area owned by the County. Coordination with the DNR and US Army Corp of Engineers regarding wetland fills and erosion control is required. They will offset the floodplain fill in the same general area.

Due to the timing of the start of this work the petitioner is requesting to receive approval of the Conditional Use at the August meeting.

Policy Question:

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

Action Items:

1. Direct staff to schedule the public hearing.

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

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

A. Consideration and possible action on a CSM to combine properties at N63W23661 Main Street and N63W23637 Main Street and grant a right-of-way to the Village of Sussex for road improvements.

The properties are located in the B-4 Central Mixed Use District. This is phase 1 of combining properties to redevelop the area once Silver Spring is realigned. This CSM will combine the two properties of the former Citgo Gas Station and Main Street Home with the attached liquor store next to the Village Youth Hall and will dedicate an 11 foot strip for right-of-way purposes for the new Silver Spring Drive location.

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the CSM to combine properties at N63W23661 Main Street and N63W23637 Main Street and grant a right-of-way to the Village of Sussex for road improvements, subject to final review by the Village Engineer and the standard conditions of CSM approval and Exhibit A.

B. Consideration and possible action on a Final Plat for Sussex Preserve located on the west side of Maple Avenue south of Clover Drive.

This site is zoned RS-3 with a Planned Development Overlay. This is the first plat for the new 146 lot subdivision. In accordance with Section 18.0902 entitled “Phasing” the Developer can only create 30 lots per year. This is the first phase of this subdivision.

Policy Question:

1. Are there any concerns with the Final Plat?

Action Items:

1. Act on the Plat.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the Final Plat for Sussex Preserve located on the west side of Maple Avenue south of Clover Drive subject to final review by the Village Engineer, meeting the requirements of the Developers Agreement and the standard conditions of Final Plat approval and Exhibit A.

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

A. 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.

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.

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.



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

MEMORANDUM

TO: Plan Commission

FROM: Kasey Fluet, Assistant Development Director

RE: Plan Commission meeting of August 18, 2016

DATE: August 5, 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 July 21, 2016.**
03. **Comments from citizens present.**
04. **Consideration and possible action on Permitted Uses and Site Plans:**
 - A. **Consideration and possible action on a Plan of Operation and site plan for (NATO) National Association of Theatre Owners of Wisconsin & Upper Michigan (N64W24801 Main Street Suite 104).**

This site is zoned B-3. The general office services is a permitted use in the B-3 Highway Business District in accordance with section 17.0418 (A)(5)(h). This user will use the office to store and provide resource services to the motion picture theater owner in Wisconsin and Upper Michigan. The agent will occupy 800 square feet of tenant in the multi-tenant building. This office will have one employee and the hours of operation varies Monday through Saturday. This site has 102 parking stalls and 51 are allocated to other users, this user requires 1 stall.

Policy Question:

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

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 (NATO) National Association of Theatre Owners of Wisconsin & Upper Michigan (N64W24801 Main Street Suite 104).; 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 Birthing Empowerment Doula Services, LLC (N63W23217 Main Street).

This site is zoned B-4. The general medical services is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419 (C)(3)(d). Sabrina will complete her licensing exam this month to be a certified Midwife, she will provide expecting mothers with full prenatal care, postpartum care, and newborn care. The lease is for 357 square feet of space on the second floor of the 13,000 square foot retail building facing Waukesha Avenue at Mammoth Springs.

The site has sufficient parking for both the residential and retail buildings with 190 surface parking stalls and 20 on street parking spots are also available. 135 of the surface spots are calculated for the residential use, leaving 75 spots for the retail/office. This use requires 2 spots.

Policy Question:

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

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 Birthing Empowerment Doula Services, LLC (N63W23217 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. Consideration and possible action on a Conditional Use for the filling of the floodplain in a County right-of-way on County HWY VV (aka Main Street) between Freiheit Court and Pewaukee Road.

The petitioner for this Conditional Use is Roger Duchow. This work is related to off-site roadway improvements required for the proposed Sussex Town Center development. The roadway on County HWY VV must be widened and will require filling in a designated flood plain area owned by the County. Coordination with the DNR and US Army Corp of Engineers regarding wetland fills and erosion control is required. They will offset the floodplain fill in the same general area.

Due to the timing of the start of this work the petitioner is requesting to receive approval of the Conditional Use at the August meeting.

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

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

The CU contains language requiring the petitioner to obtain the necessary permits from the DNR, County and Village before beginning the work.

Policy Question:

1. Are there any concerns with the CU?
2. Are there any additional conditions you want addressed in the CU?

Action Items:

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

Staff Recommendation: Staff recommends approval of the Conditional Use for the filling of the floodplain and impacting designated wetland area in a County right-of-way on County Hwy VV (aka Main Street) between Freiheit Court and Pewaukee Road; and a finding the use and structures meet the principals of 17.1002(A-R); subject to receiving the necessary permits from the DNR, County and Village and the approvals are subject to the standard conditions of Exhibit A.

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

A. Conceptual review of a site plan for Ancient Oaks Subdivision for property located in the center of Prides Crossing Subdivision connecting Donna Drive.

This site is currently zoned RS-3. The subdivision will have 38 single family lots. The size of the lots will meet the zoning requirements and setbacks of the RS-3 district which requires the lots are not to be less than 15,000 square feet and setback for the front yard of 30 feet, side yard 15 feet and rear yard 25 feet. This subdivision will be unique in the way that Donna Drive will transition from two way traffic to one way boulevard traffic to preserve the wetland area in the center of the site.

The Developer would like to start in the Spring of 2017, prior to starting, a public hearing would be required for any filling or disturbance of the wetland area. This wetland area is man made and the fill would be less than 10,000 square feet. The design actually highlights the wetland and allows it to be a focal feature of the site and stormwater will enhance the wetlands.

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.

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

A. 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.

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? _____

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # 231.996.001

Zoning: B3

Address of Tenant Space: N64 W24801 Main Street(Indian Creek Office Suites) Suite 104, Sussex, WI 53089

1. Name of Business:

NATO(National Association of Theatre Owners) of Wisconsin & Upper Michigan

Business
 N64 W24801 Main Street - Suite 104 Sussex, WI 53089 262.532.0017
 Address City, State, Zip Phone #
 262.532.0021 nato@natoofwiup.org or carol@natoofwiup.org
 Fax # Email address

2. Business owner contact information:

Carol Brown - NATO Office Manager/Representative

Contact
 Same as above 262.532.0017
 Address City, State, Zip Phone #
 262.532.0021 carol@natoofwiup.org
 Fax # Email address

3. Building/Land owner contact information:

Paul Schmidt (or Chuck Schuldt) - Indian Creek Partnership

Contact
 N64 W24801 Main Street - Suite 100 Sussex, WI 53089 262.246.8500
 Address City, State, Zip Phone #
 262.246.9162 pauls@schanbiz.com
 Fax # Email address

4. Number of Employees/Shifts: One First
 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	
Hours	Varies	9 am -4 pm	Varies	9 am -4 pm	Varies	Sometimes	
Preparation/cleaning							

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? N/A If yes, explain: _____
11. Dimension of area to be occupied _____ Total square footage 800
 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 _____ 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?

 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.

Carol Brown 7-14-2010
 Name Date
 Office Manager/Representative
 Title or Position

I am aware and approve of the business to be operating in the building owned by INDIAN CREEK PARTNERSHIP

Paul Schmidt 7-13-2010
 Name Date
GENERAL PARTNER
 Title or Position

Print Form

Clear Form

Mission Statement

The National Association of Theatre Owners of Wisconsin & Upper Michigan is a not-for-profit corporation organized under the laws of the State of Wisconsin. Its purposes and objectives are:

- 1) to maintain a regional trade association of motion picture theatre exhibitors consisting of owners, operators & executives
- 2) to forward and promote general welfare and prosperity of motion picture exhibitors within the State of Wisconsin and the Upper Peninsula of Michigan
- 3) to gather, receive and disseminate such information as may seem helpful to the members and associated organizations, to interchange ideas in rendering mutual assistance and to provide helpful vocational advice and guidance
- 4) to do any and all of the usual functions of a trade association of theatre owners/exhibitors in strict conformance with the applicable provisions of federal and state antitrust laws and the Internal Revenue Code
- 5) to act as a philanthropic organization within the State of Wisconsin and the Upper Peninsula to better the lives of its residents

George Rouman
President & Executive Director



John D. Scaletta
Secretary





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 # 245.962.001

Zoning: ? B-4

Address of Tenant Space: N63 W23217 main Street Suite 201 Sussex, WI 53089

1. Name of Business:

Birthing Empowerment Doula Services, LLC

Business N63 W23309 Main St. 303 Sussex, WI 53089 612-237-2746
 Address City, State, Zip Phone #

N/A Sabrina.fouls@yahoo.com
 Fax # Email address

2. Business owner contact information:

Sabrina Michelle Fouls

Contact N63 W23309 main Street 303 Sussex, WI 53089
 Address City, State, Zip Phone #

N/A Sabrina.fouls@yahoo.com 612-237-2746
 Fax # Email address

3. Building/Land owner contact information:

Arthur Sawall

Contact N63 W23217 Main St. Suite 200 Sussex, WI 53089 262-297-4444
 Address City, State, Zip Phone #

N/A Arthur.Sawall@gmail.com
 Fax # Email address

4. Number of Employees/Shifts: 0 0
 Employees 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	
TBD 7-7	TBD 7-7	TBD 7-7	TBD 7-7	TBD 7-7	TBD 7-5	

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? N/A Do you need an Outdoor Establishment Permit? N/A
 If yes, explain: N/A
 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 357 sq. ft. Total square footage ~ 357 sq. ft.
 If applicable list square footage according to 1st floor _____ 2nd floor X

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: (Arthur stated you have all this information already from him.)
 Total Number of Parking Spaces _____ 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?
To be determined
 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.

Sabrina Michelle Foulks July 26, 2016
 Name Date
Business Owner / tenant
 Title or Position

I am aware and approve of the business to be operating in the building owned by Arthur Sawall.

Sabrina Michelle Foulks July 26, 2016
 Name Date
Business Owner / tenant
 Title or Position

Attention: Kasey Fluet
Village of Sussex

Plan of Operation for Business: Birthing Empowerment and Doula Services, LLC
(will rename Birth in Color Midwifery LLC once licensed as Certified Professional Midwife, Licensed Midwife)

Once completing my licensing exam at the end of August 2016, I will be a Certified Professional Midwife/Licensed Midwife, which allows me the scope of practice to offer full prenatal care, postpartum care, and newborn care out of my office space. I currently hold a license as an International Board Lactation Consultant (IBCLC), which allows for me to provide lactation support and assessments within my scope of practice.

The business is operated to provide the following additional resources to the community: private lactation services, childbirth education classes, breastfeeding class, parent and newborn support groups. Offering as well, chiropractic and acupuncture services that will be available as new resources out of the office site.

May 17th, 2016

Letter of Intent

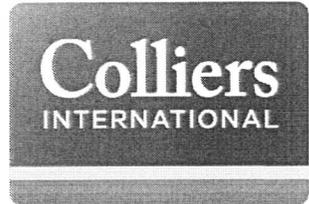
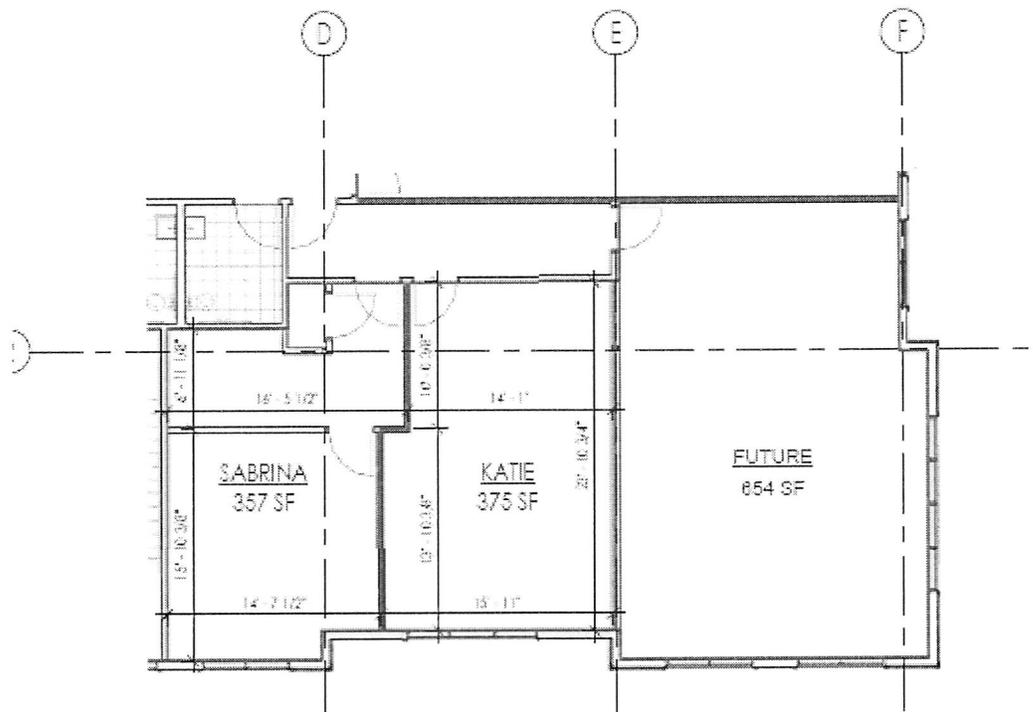


Exhibit A





N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

REQUEST FOR A CONDITIONAL USE PERMIT

Completed application is to be submitted prior to the end of the month to be on the next month Plan Commission meeting. Application fee of \$210.00 and all supporting documents must be attached in order to process your request. Application filing fee is non-refundable.

A Conditional Use Permit

NAME OF OWNER: Roger Duchow TAX KEY #: Waukesha Co. Right-of-Way
Concord Property Management LLC

ADDRESS: N/A – see plans attached ZONING: N/A

REQUEST

Requesting a Conditional Use Permit for filling in the 100 Year Flood Plain.

Work is related to off-site roadway improvements required for the proposed Sussex Town Center development in the southeast quadrant of the intersection of WIS 164 and County VV. Roadway widening along the south side of County VV within the existing right-of-way will fill approximately 256 cubic yards of the 100 Year Flood Plain. Compensatory flood plain storage is proposed at a ratio of slightly greater than 1:1. Approximately 287 cubic yards of compensatory flood plain storage will be created by excavating an upland area in the existing County VV right-of-way. See attached for plans and computations.

The floodplain fill and compensatory storage creation have been agreed to by Waukesha County, and a concurrence letter will be provided by the County.

Coordination with the Wisconsin Department of Natural Resources and US Army Corps of Engineers regarding wetland fills and erosion control is ongoing and the appropriate permits will be obtained for the work.

Coordination with Waukesha County Department of Public Works and Wisconsin Department of Transportation is ongoing and the appropriate permits will be obtained for the work.

Roger Duchow

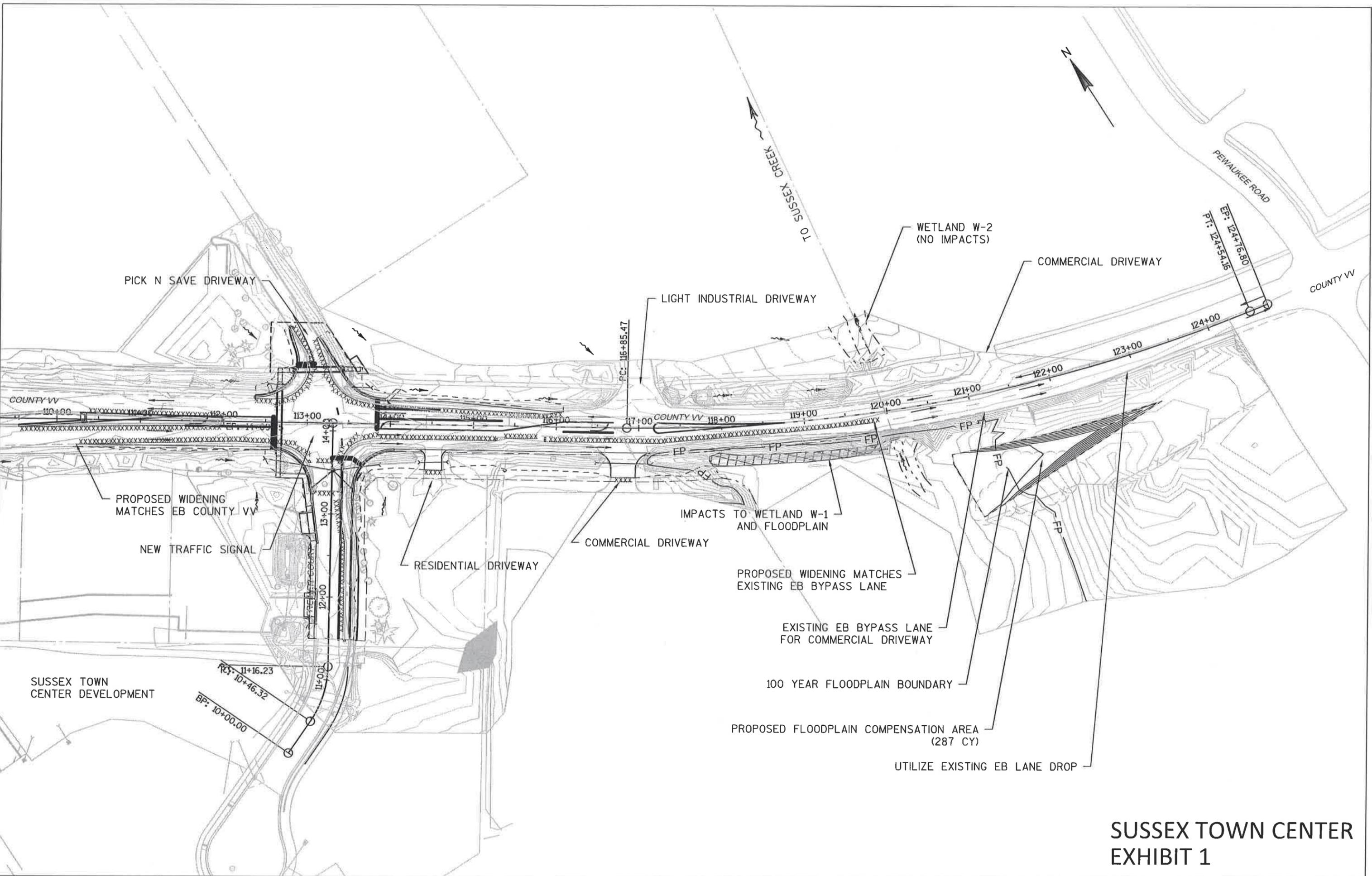
Petitioner Signature

Sussex Town Center
Compensatory Storage Calculation

R.A. Smith National
Date: 6/29/16

STATION	Distance	AREA (SF)		Incremental Vol (CY) (Unadjusted)		Cumulative Vol (CY)		Net Storage (CY)
		Added Storage	Lost Storage	Added Storage	Lost Storage	Added Storage	Lost Storage	
116+00	0.00	0.17	0.00	0.00	0.00	0	0	0
116+08	8.00	0.23	0.00	0.06	0.00	0	0	0
116+50	42.00	0.68	1.52	0.71	1.18	1	1	0
116+85	35.00	1.25	0.00	1.25	0.99	2	2	0
117+00	15.00	1.53	0.00	0.77	0.00	3	2	1
117+50	50.00	3.51	24.22	4.67	22.43	7	25	-17
118+00	50.00	0.01	29.47	3.26	49.71	11	74	-64
118+50	50.00	0.01	34.48	0.02	59.21	11	134	-123
119+00	50.00	0.22	32.28	0.21	61.81	11	195	-184
119+50	50.00	0.02	25.63	0.22	53.62	11	249	-238
119+84	34.00	0.00	2.89	0.01	17.96	11	267	-256

STATION	Distance	AREA (SF)		Incremental Vol (CY) (Unadjusted)		Cumulative Vol (CY)		Net Storage (CY)
		Added Storage	Lost Storage	Added Storage	Lost Storage	Added Storage	Lost Storage	
120+68	0.00	0.00	0.00	0.00	0.00	0	0	0
120+75	7.00	4.50	0.00	0.58	0.00	1	0	1
121+00	25.00	42.21	0.00	21.63	0.00	22	0	22
121+25	25.00	91.65	0.00	61.97	0.00	84	0	84
121+50	25.00	78.95	0.00	78.98	0.00	163	0	163
121+75	25.00	50.86	0.00	60.10	0.00	223	0	223
122+00	25.00	27.32	0.00	36.19	0.00	259	0	259
122+25	25.00	12.32	0.00	18.35	0.00	278	0	278
122+50	25.00	3.18	0.00	7.18	0.00	285	0	285
122+75	25.00	0.16	0.00	1.55	0.00	287	0	287
123+00	25.00	0.00	0.00	0.07	0.00	287	0	287



PICK N SAVE DRIVEWAY

LIGHT INDUSTRIAL DRIVEWAY

WETLAND W-2
(NO IMPACTS)

COMMERCIAL DRIVEWAY

COUNTY VV
110+00 111+00 112+00

COUNTY VV
117+00 118+00 119+00 120+00 121+00 122+00 123+00 124+00

PEWAUKEE ROAD
EP: 124+16.80
PT: 124+54.16

COUNTY WW

PROPOSED WIDENING
MATCHES EB COUNTY VV

NEW TRAFFIC SIGNAL

RESIDENTIAL DRIVEWAY

COMMERCIAL DRIVEWAY

IMPACTS TO WETLAND W-1
AND FLOODPLAIN

PROPOSED WIDENING MATCHES
EXISTING EB BYPASS LANE

EXISTING EB BYPASS LANE
FOR COMMERCIAL DRIVEWAY

100 YEAR FLOODPLAIN BOUNDARY

PROPOSED FLOODPLAIN COMPENSATION AREA
(287 CY)

UTILIZE EXISTING EB LANE DROP

SUSSEX TOWN
CENTER DEVELOPMENT

RS: 10+46.32

BP: 10+00.00

PC: 116+85.47

SUSSEX TOWN CENTER EXHIBIT 1

1"=40'



CTH VV (MAIN STREET)
FUTURE 120' R/W

PEWAUKEE ROAD



WALKESHA COUNTY
RIGHT-OF-WAY

WILDFLOWER LLC

IMPACTS TO WETLAND W-1
AND FLOODPLAIN

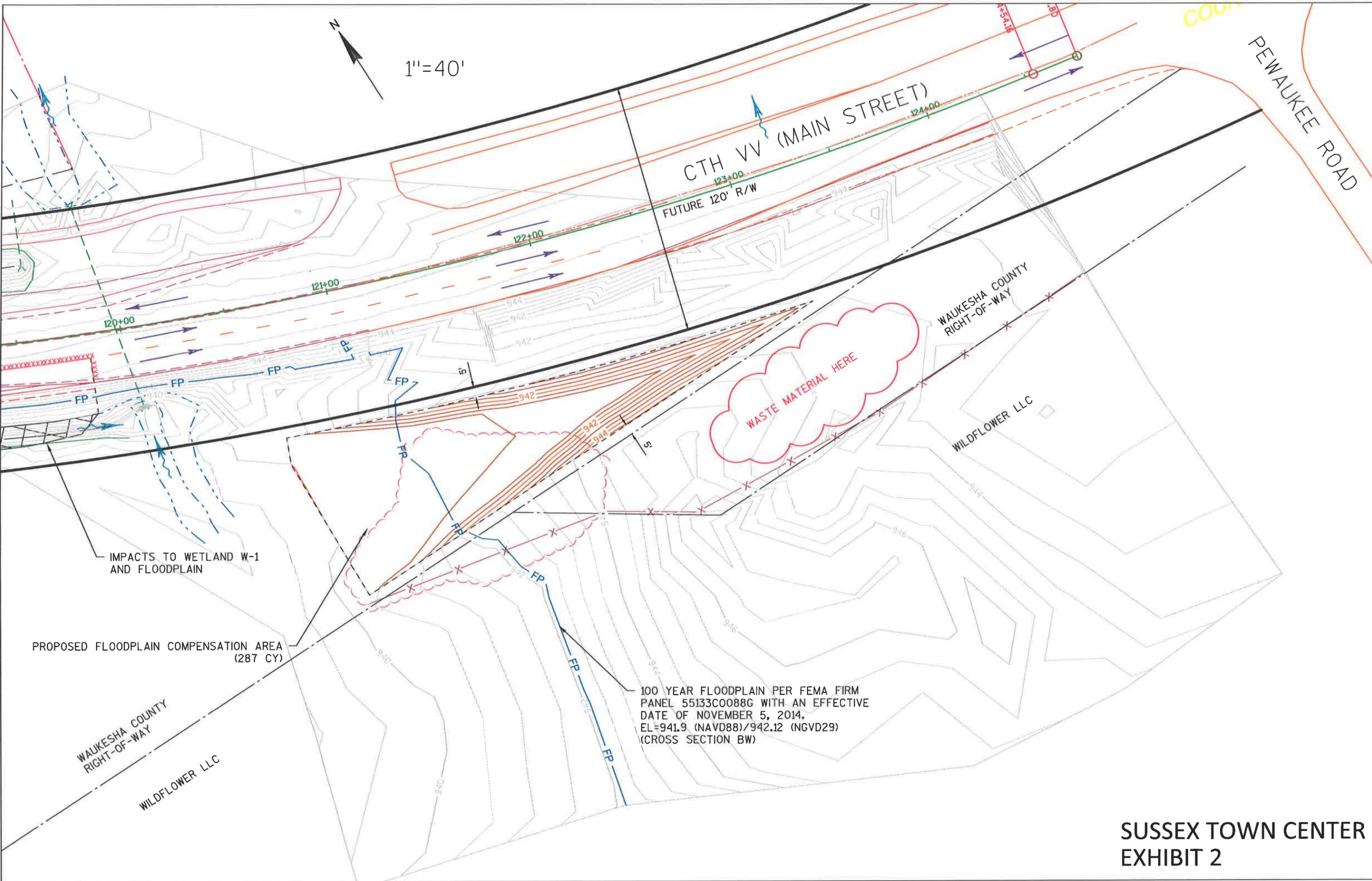
PROPOSED FLOODPLAIN COMPENSATION AREA
(287 CY)

WALKESHA COUNTY
RIGHT-OF-WAY

WILDFLOWER LLC

100 YEAR FLOODPLAIN PER FEMA FIRM
PANEL 55133C0088G WITH AN EFFECTIVE
DATE OF NOVEMBER 5, 2014.
EL=941.9 (NAVD88)/942.12 (NGVD29)
(CROSS SECTION BW)

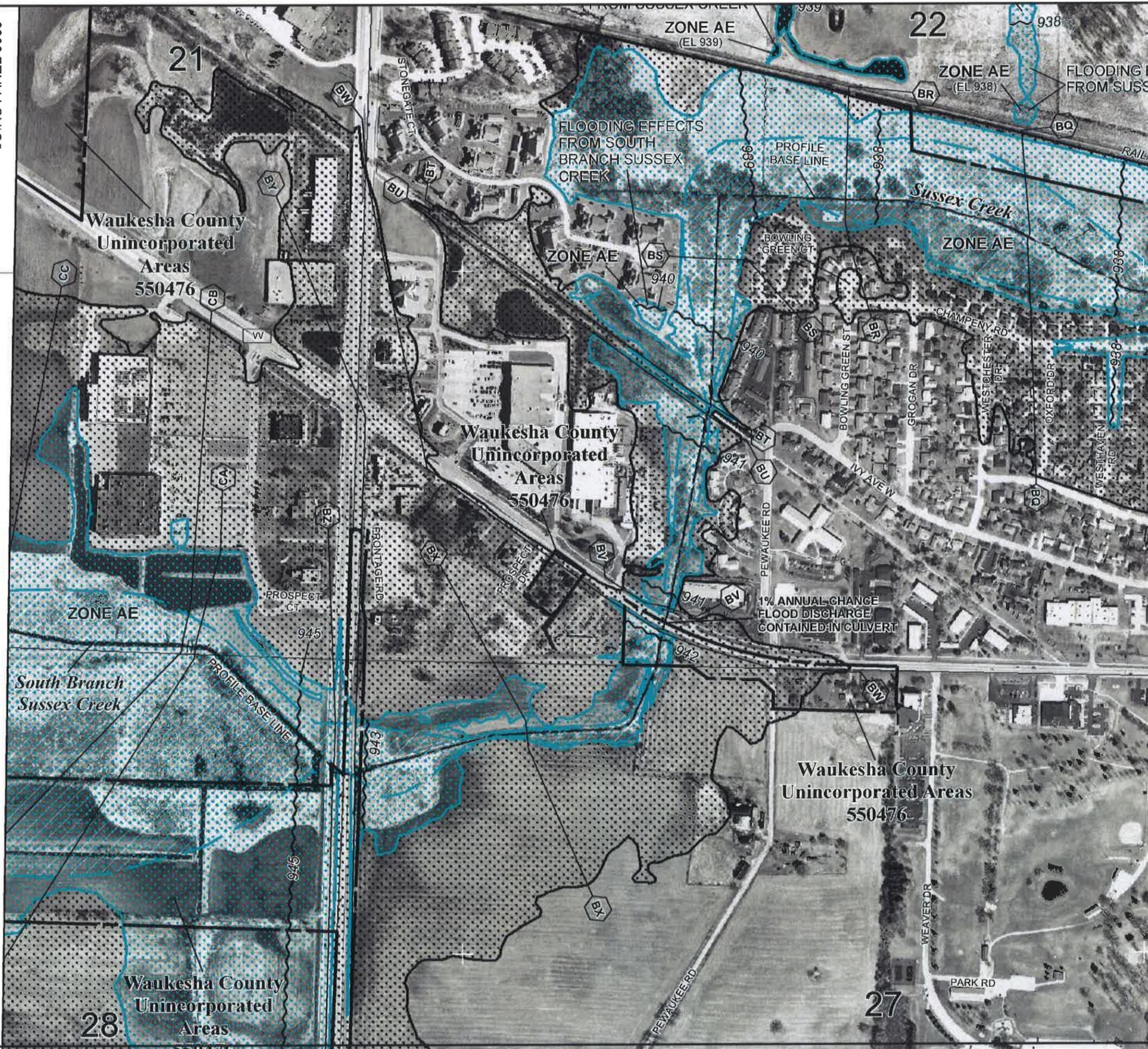
SUSSEX TOWN CENTER
EXHIBIT 2



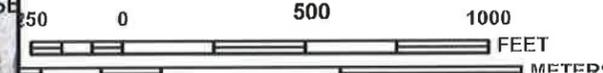
JOINS PANEL 0069

477000mN

4776000mN



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM
 NFP

PANEL 0088G

FIRM

FLOOD INSURANCE RATE MAP
 WAUKESHA COUNTY,
 WISCONSIN
 AND INCORPORATED AREAS

PANEL 88 OF 500
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SUSSEX VILLAGE OF	550490	0088	G
WAUKESHA COUNTY	550476	0088	G

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
 55133C0088G
 MAP REVISED
 NOVEMBER 5, 2014
 Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

VILLAGE OF SUSSEX ORDER
GRANTING A CONDITIONAL USE AND PRESCRIBING CONDITIONS FOR
FILLING OF FLOODPLAIN AND IMPACTING WETLANDS
IN THE VILLAGE OF SUSSEX

WHEREAS, an application has been filed by Roger Duchow (hereinafter collectively "Petitioner"); and

WHEREAS, in accordance with Chapter 14 Stormwater Management, Section 14.922 (2)(b) any fill or grading in a mapped floodplain and Section 14.922 (2)(d) any project that requires a permit from the DNR under Chapter 30 and 31 is permitted with a conditional use; and

WHEREAS, the Petitioner is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance Section 17.0500 for the Village of Sussex for the section of the County right-of-way on County HWY VV between Freiheit Court and Pewaukee Road in the Village of Sussex, Wisconsin, all as depicted on **Exhibit "A"** attached hereto and incorporated herein (hereinafter collectively "Subject Property"); 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 held a public hearing on August 18, 2016 as required by Section 17.0505 of the Zoning Ordinance for the Village of Sussex; 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 a hazardous, harmful, noxious, offensive, or 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, a conditional use permit for the Subject Property is hereby granted. The conditional use permit granted herein shall apply only to the Subject Property for the purpose of filling the floodplain and impacting wetlands in the County right-of-way on County HWY VV between Freiheit Court and Pewaukee Road the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. All permitted and auxiliary uses as maybe allowed by the Village of Sussex zoning code for said property may exist or be established without requiring a public hearing or following the conditional use process. 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 subject to the following conditions:
 - 1. Presentation Compliance. The of filling the floodplain and impacting wetlands in the right-of-way on County HWY VV between Freiheit Court and Pewaukee Road herein on the Subject Property, shall be used in substantial conformity with the presentation at the Public Hearing before the Plan Commission held on August 18, 2016.
 - 2. Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property depicted 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 Plan Commission for the Village of Sussex in order for this CU to be in effect. The Petitioner shall comply with all plans previously approved by the Plan Commission. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions 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 change from the original plan as approved and as allowed herein. Any amendment or change in any plan contemplated herein that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.
 - A. Plan. The Petitioner submitted a plan for the roadway improvements depicted in Exhibit "B" attached hereto and incorporated herein presented at the public hearing.

4. 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.
5. 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.
6. 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.
7. 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 9.07 of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
8. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
 14. 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.
 15. 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 Village Plan Commission if the Village Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Village 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 fifth year 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 fifth (5) year of the term. 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

Casen J. Griffiths
Village Clerk-Treasurer

PETITIONER ACCEPTANCE

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

Dated this _____ day of _____, 2016

By: _____

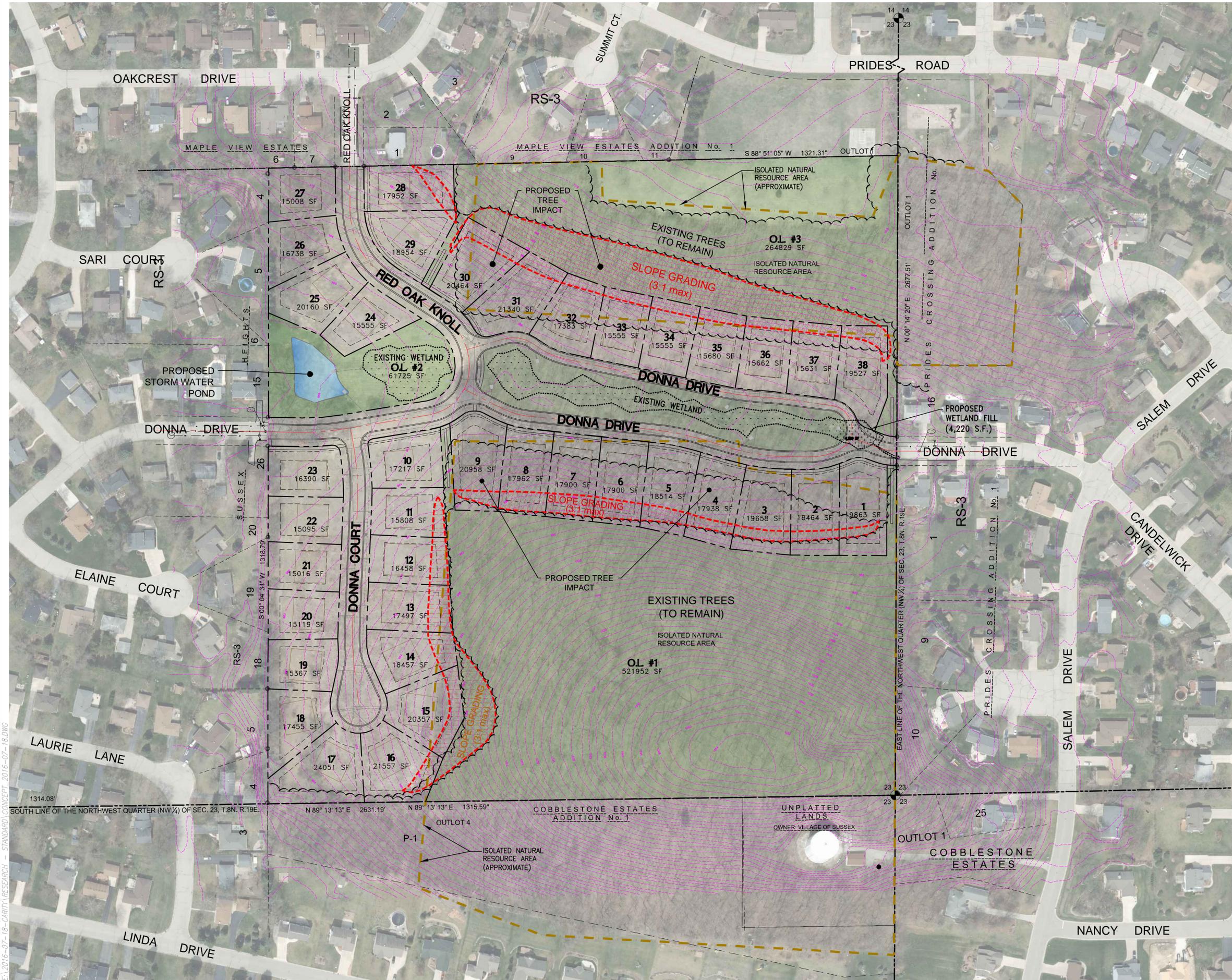
Title: _____

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.

DEVELOPMENT PLAN

ANCIENT OAKS SUBDIVISION

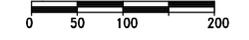
VILLAGE OF SUSSEX, WI



SITE DATA	
TOTAL LOT AREA:	40.35 acres
WETLAND AREA:	1.14 acres
PROPOSED WETLAND FILL:	0.097 acres (4,220 s.f.)
PROPOSED DEVELOPMENT:	38 lots 3 Outlots
DENSITY:	0.94 lots/acre
PROPOSED OPEN SPACE:	19.48 acres (48.3%)
(Outlots 1, 2 & 3)	
DONNA DRIVE BOULEVARD OPEN SPACE:	1.64 acres (4.1%)
ZONING:	RS-3 SINGLE FAMILY RESIDENTIAL DISTRICT
SETBACKS:	
FRONT YARD:	30 FEET
SIDE YARD:	15 FEET
REAR YARD:	25 FEET
STREETS:	
STREET LENGTH:	Standard Street: 1,700 l.f. Boulevard Street: 860 l.f. Total Street: 2,560 l.f.
PUBLIC STREET WIDTH:	33 feet (back of curb width)
BOULEVARD DRIVE WIDTH:	25 feet (back of curb width)

PROPOSED DEVELOPMENT BY:
 CARITY LAND CORPORATION
 12720 W. NORTH AVE
 BROOKFIELD, WI 53005

CURRENT LANDOWNER:
 KILBOURN MERCHANT CORP.
 W 190 N11230 CARNEGIE DR
 GERMANTOWN, WI 53022



12660 W. NORTH AVE., BLDG D
 BROOKFIELD, WI 53005
 PHONE: (262) 790-1480
 FAX: (262) 790-1481
 EMAIL: jpudelko@trioeng.com

Scale: 1" = 100' (22"x34")
 Scale: 1" = 200' (11"x17")
 DATE: 07-21-2016

E:\2016-07-18-CARITY RESEARCH - STANDARD CONCEPT_2016-07-18.DWG
 SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SEC. 23, T.8N. R.19E.



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

August 10, 2016

Joseph Balcerek
N66W24015 Champeny Road
Sussex, WI 53089

RE: Property Maintenance
Tax Key #232.043

Dear Mr. Balcerek:

I inspected your lawn and found it to be in violation of the weed and grass ordinance. Please mow your lawn on or before August 15, 2016.

During our conversation on Thursday, July 21 I asked you to keep the lawn mowed and to remove the weeds around the bushes in the front of the house and around your garage, neither has been completed.

Your property maintenance issue will be discussed again at the Plan Commission meeting on Thursday, August 18. I encourage you to clean up your yard by that meeting date or attend the meeting explaining why you have not complied with this request.

Again, I can be reached at 246-5215 or in person at Village Hall to discuss any issues.

Sincerely,

Kasey Fluet
Assistant Development Director

Cc: Jeremy Smith, Village Administrator
John Macy, Village Attorney
Plan Commissioners