



N64W23760 Main Street
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**AGENDA
PLAN COMMISSION
VILLAGE OF SUSSEX
THURSDAY, SEPTEMBER 15, 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 public hearing minutes and minutes of the Plan Commission meeting of August 18, 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:
6. 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.
 - 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.
 - 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.
 - D. Update and possible action on property maintenance issues of homeowner Joseph Balcerek N66W24015 Champeny Road.
7. 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, east of Maple Avenue north of Good Hope 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.

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the public hearing held by the Plan Commission on August 18, 2016.

The hearing 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, Amanda Schauer and Greg Goetz.

Members excused: None

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet, Administrative Services Director Casen Griffiths, Village Engineer Judith Neu and Trustee Matt Carran.

Chairman Goetz read the Notice of Public Hearing which is to hear comments from citizens on the following items:

A conditional use permit 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.

Jim Blackwood, representing the property owner, Roger Duchow noted that the fill is required for the Sussex Town Center development. A traffic impact study has been completed for the proposed development. The study recommends and Waukesha County requires an addition of a bypass lane on Highway VV to Freiheit Court. This bypass lane requires that fill be placed in the floodplain. There will be compensable storage area provided for the fill. Mr. Johnson asked if there will be a retention area. Mr. Blackwood noted that the area would not be a retention area; it would be additional floodplain storage.

Chairman Goetz opened the hearing to comments from the public. There was no one present who wished to be heard.

A motion by Pellechia, seconded by Kremer, to close the public hearing at 6:34 p.m. Motion carried.

Respectfully submitted,

Casen J. Griffiths
Administrative Services Director

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission meeting held on August 18, 2016.

The meeting was called to order at 6:35 p.m. by Chairman Greg Goetz.

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

Members excused: None

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet, Administrative Services Director Casen Griffiths, Village Engineer Judith Neu and Trustee Matt Carran.

Consideration and possible action on the minutes of the Plan Commission meeting of July 21, 2016.

A motion by Pellechia, seconded by Tetzlaff, to approve the minutes of the July 21, 2016 meeting as submitted. Motion carried.

Comments from citizens present

Tim Pfrang, N69W23495 Donna Drive, stated that his property is located directly east of the proposed Ancient Oaks Subdivision. Mr. Pfrang stated that he has lived at the residence since 1989 and during that time has had to deal with soil percolation and overland storm runoff. At the time he purchased his property he did not notice that his home is at the bottom of a hill. There was no surface runoff analysis completed when the Prides Crossing subdivision was built and he has three sump pumps and a generator to keep water out of the basement. Mr. Pfrang stated that he supports the development next to him, but he believes that accommodations are necessary to address surface water runoff so that water goes around his home.

A motion by Goetz, seconded by Johnson to move item number seven to this point in the meeting. Motion carried.

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

Mrs. Fluet noted that this item had been to the Plan Commission in June and July. A letter requesting compliance was sent to Mr. Balcerek and work has been done to remedy the situation.

Mr. Balcerek stated that the grass has been cut, weeds have been removed and bushes and trees have been trimmed, and further stated that it is his intention to keep the property up.

Mr. Goetz stated that he had been by the property and noted that the bushes were still covering a portion of the windows and asked if they could be trimmed down, as had been directed. Mr. Balcerek stated that he would like to keep the bushes at their current height as it acts as a light buffer and for privacy. Mr. Goetz noted that the reason to have it trimmed would be for public safety to allow fire or police to see in in the event of an emergency.

Mr. Johnson asked if work has been completed on the deck. Mr. Balcerek noted that the deck was not an issue, but a flower box which was broken has been removed.

Mr. Smith stated that the property's grass has been cut and that certain areas have been maintained, but noted that the current state of the property may not be up to the standards of the neighborhood as required under Village Code. Additionally, the neighbors may still feel that the property has not yet been brought up to code. Mr. Smith stated that Mr. Balcerek has shown that he is making a reasonable effort to bring the property up to code.

Mr. Pellechia asked why the neighbors would not be satisfied with the status of the property. Mr. Smith noted that the shrubs in the front of the home have not been trimmed down much.

Ms. Tetzlaff noted that under the Village's ordinance, a property owner is required to mow their lawn, maintain shrubs. The front shrubs are not maintained but the property's maintenance has been an improvement.

Mr. Balcersek noted that the shrubs at that height provide privacy, but he understands that there is a need for public safety.

The consensus of the Plan Commission was to require that at least six inches of the shrubs in the front of the house be trimmed down and directed staff to follow up with the property owner and report to the Plan Commission in September.

The normal meeting agenda resume at this point.

Consideration and possible action on a Plan of Operation and site plan for (NATO) National Association of Theatre Owners of Wisconsin and Upper Michigan (N64W24801 Main Street Suite 101).

Carol Brown, N64W24801 Main Street, representing NATO stated that they are a non-profit movie theater organization, which provides resources to theaters in Wisconsin and Upper Michigan. Ms. Fluet reviewed the plan staff memo (copy attached) noting that this use is permitted in the B-3 Highway Business District and that the site has adequate parking.

A motion by Johnson, seconded by Kremer to approve the Plan of Operation and Site Plan for (NATO) National Association of Theater Owners of Wisconsin and Upper Michigan with a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

Motion carried.

Consideration and possible action on a Plan of Operation and site plan for Birthing Empowerment Doula Services, LLC (N63W23217 Main Street).

Sabrina Foulks, N63W23217 Main Street stated that she is a prenatal and lactation consultation, and is currently working towards certification as a mid-wife. The name of the business would change once certification for mid-wife is completed. The office will only be used for consultation, birthing for clients will occur in their home. Ms. Fluet reviewed the plan staff memo (copy attached) noting that the proposed use is permitted in the B-4 Central Mixed Use District. The site will have enough parking for the proposed use. Once Ms. Foulks completes her mid-wife certification the name change for the business on the Plan of Operation can be handled administratively.

A motion by Goetz, seconded by Tetzlaff to approve the Plan of Operation and site plan for Birthing Empowerment Doula Services, LLC (N63W23217 Main Street) with a 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 of 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.

Mr. Goetz noted that the petitioner had already spoken during the public hearing. Ms. Fluet reviewed the Plan Staff Memo (copy attached), noting that conditional use requests usually come back to the Plan Commission for another meeting, however the developer has requested approval as soon as possible. The Village's process does allow the Plan Commission the discretion to grant a conditional use at this meeting. Mr. Smith stated that the conditional use allows for the floodplain fill but it must be completed by law and in compliance with standards and permits of the DNR and Army Corp of Engineers.

A motion by Pellechia, seconded by Kremer to approve 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. Motion carried.

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

Bill Carity, 12720 North Avenue, Brookfield presented the plans for the proposed subdivision. The site is sloped with a valley in the middle with water flowing east to west. Three quarters of the site is wooded, and has hydric soils and biologic diversity. Mr. Carity stated that the parcel is zoned Rs-3 and there is no desire to change that zoning. A wetland delineation has been completed with DNR concurrence. Donna Drive is proposed to continue through the new subdivision to connect the Prides Crossing and Sussex Heights subdivisions. To minimize impact on the wetlands, Donna Drive is proposed to be a boulevard. There will be a dedication of green space and stormwater facilities to the Village. The subdivision is proposed to have 38 lots, between 15,000 and 17,000 square feet in size. 50% of the area of the subdivision is to be preserved as natural area.

Chris Hitch, of Trio Engineering, 12660 North Avenue, Brookfield stated that the proposed drainage plan would drain into curb sections and then into pockets of wetlands. Mr. Smith noted that the proposed boulevard will be 24 feet wide in either direction, but it to be marked as one way. This is unique and would allow for a bit of additional privacy for the homes on Donna Drive.

Mr. Goetz asked that a pedestrian bridge be considered between the two sections of the boulevard. Mr. Carity stated that may be a challenge but would look into constructing one.

Ms. Kraemer questioned the concern regarding stormwater runoff of the neighbor who spoke earlier in the meeting. Mr. Smith stated that drainage issues for Mr. Pfrang would not be able to be solved tonight, but Mr. Carity's development would not be causing any additional stormwater impacts. Mr. Goetz noted that a neighbor had brought up an issue regarding drainage. Mr. Smith noted that is correct, but that the Village may not be able to require the developer to fix an issue that is not caused by the development. However it is something that can be examined.

A motion by Goetz, seconded by Tetzlaff to suspend the rules of the meeting to allow for a member of the audience to speak. Motion carried.

Mr. Pfrang stated that having Donna Drive as a boulevard makes sense as it should help calm traffic that would be driving through.

Mr. Johnson noted that he likes the proposed concept and wondered what the price of the lots would be as well as whether there would be a homeowners association. Mr. Carity stated that it will not be a closed subdivision, as he is not a builder, but there will be architectural controls, with deed restrictions and the requirement to adhere to certain styles.

Mr. Smith stated that staff would continue to work with Mr. Carity on the subdivision plat.

Other items for future discussion. There were none.

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

Respectfully Submitted,

Casen J. Griffiths
Administrative Services Director



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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.**

Exhibit “A”

Village of Sussex Plan Commission

Standard Conditions of Approval Plan of Operation and Site Plan

The Plan Commission for the Village of Sussex authorizes the Building Inspector to issue a building permit to the Petitioner and approves the general layout, architectural plans, ingress and egress, parking, loading and unloading, landscaping, open space utilization, site plan and plan of operation subject to the following conditions:

1. Presentation compliance. Subject to Petitioner operating the premises at all times in substantial conformity with the presentation made to the Village Plan Commission, as modified or further restricted by the comments or concerns of the Village Plan Commission.

2. Inspection compliance. Subject to the Petitioner submitting to and receiving the approval from the Village Administrator, written proof that the Village Building Inspector and Fire Chief have inspected the subject property and have found that the subject property is in substantial compliance with applicable federal, State, and local laws, statutes, codes, ordinances, policies, guidelines and best management practices, prior to this approval being effective.

3. Regulatory compliance. Subject to the Petitioner and Owner fully complying with all Village, County of Waukesha, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises, including but not limited to compliance with Section 17.1000 of the Village of Sussex Zoning Code entitled “Site Plan Review and Architectural Control,” as determined by Village Staff.

4. Satisfaction of Engineer. Subject to the Developer satisfying all comments, conditions, and concerns of the Village Engineer regarding the Petitioner’s application prior to this approval being effective.

5. Required plans. Subject to the Developer submitting to and receiving written approval from the Village Administrator of all of the following plans as deemed necessary by the Village Administrator:

- A. Landscaping plan
- B. Parking plan
- C. Lighting plan
- D. Signage plan
- E. Traffic plan
- F. Grading plan

- G. Tree preservation plan
- H. Open space plan
- I. Water plan
- J. Surface and stormwater management plan
- K. Sewer plan
- L. Erosion control plan
- M. _____
- N. _____
- O. _____
- P. _____

6. Screening of All Dumpsters. Subject to the Petitioner and Owner screening all dumpsters as required by the ordinance to the satisfaction of the Village Administrator.

7. Payment and reimbursement of fees and expenses. Subject to the Petitioner and Owner paying all costs, assessments and charges due and owing to the Village of Sussex either by the Petitioner or imposed on the subject property, including, but not limited to, real estate taxes, personal property taxes, utility bills, special assessments, permit fees, license fees and professional fees which shall include all costs and expenses of any type that the Village incurs in connection with Petitioner’s application, including the cost of professional services incurred by the Village (including engineering, legal and other consulting fees) for the review of and preparation of the conditions of approval, attendance at meetings or other related professional services for this application, as well as for any actions the Village is required to take to enforce any of the conditions of this approval due to a violation of these conditions by the Petitioner or the Owner, as authorized by law.

8. Condition if the Property is in the B-4 Central Business District. If the property is in the B-4 Central Business District, the Petitioner shall comply with the standards and conditions found within the Village of Sussex Downtown Design and Development Plan and other plans as may be approved from time to time by the Community Development Authority in its role as a Redevelopment Authority to guide development within the Village’s Downtown.

9. Subject to acceptance. The Owner by requesting a permit either directly or through an agent, and accepting the same is acknowledging that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.

10. Any official named in this document can appoint a designee to perform his or her duties.



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MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of 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.

(l) Lands Having a Slope of twelve (12) percent or more shall be maintained in permanent open space use unless the Plan Commission finds by $\frac{3}{4}$ 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.

PETITION FOR

DETACHMENT AND ATTACHMENT

TOWN OF LISBON

VILLAGE OF SUSSEX

TO: The Town Board of the Town of Lisbon, Waukesha County, Wisconsin, and
The Village Board of the Village of Sussex, Waukesha County, Wisconsin:

I/We, the undersigned, being the owner(s) of the land described within this petition, hereby petition the Town of Lisbon for detachment and the Village of Sussex for attachment of the following described real estate presently located within the Town of Lisbon,

Address of requested property See Attached

Tax Key # LSBT 01 99998

Pursuant to the approved Boundary Stipulation and Intergovernmental Cooperation Agreement dated January 22, 2001, and entered by the court on March 2, 2001 (Case No. 99 CV 2407).

The total area of the Land to be detached is 32.5 acres, more or less.

The number of people residing on the land to be detached is 2.

A legal description and scale map of the property is attached to this petition. Additional attached documents, if any.

Owner signature X Thomas Ennen Date 07 22 2016

Print name Thomas Ennen

Address 1478 W. Sand Pebble Dr., Oro Valley, AZ 85737

Daytime # 843 855-2248

Owner signature X Erika Ennen Date 07 22 2016

Print name Erika Ennen

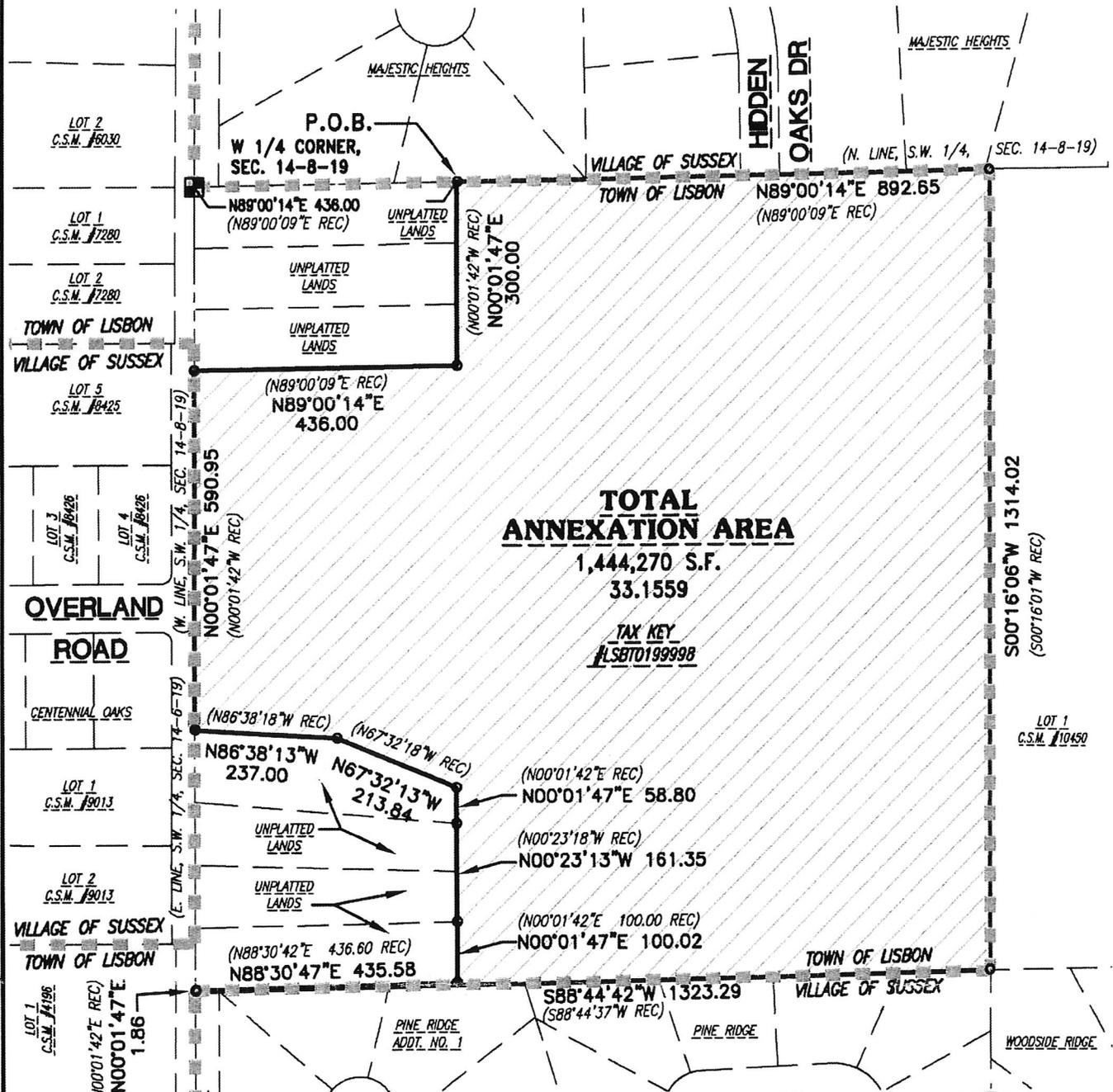
Address 1478 W. Sand Pebble Dr., Oro Valley, AZ 85737

Daytime phone# 843 855-2248

Attach additional copies of this petition as needed for signatures.

This form and attached information must be filed with both the Town Clerk and the Village Clerk

ANNEXATION EXHIBIT "A"

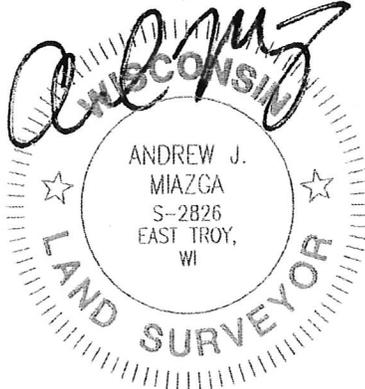
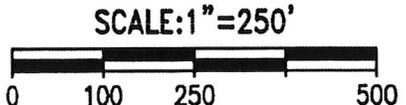


TOTAL ANNEXATION AREA

1,444,270 S.F.
33.1559

TAX KEY
#LSBT0199998

MAPLE AVENUE



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

THIS EXHIBIT WAS PREPARED BY ANDREW J. MIAZGA, R.L.S. (S-2826) DATE: 7-26-16

H:\C1000\1013\16037-01\Exhibits\885DEX01_ANNEXATION.dwg

ANNEXATION 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: 7/26/2016



A handwritten signature in black ink, appearing to read "Andrew J. Miazga", written over a horizontal line.

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

STATE OF WISCONSIN

VILLAGE OF SUSSEX

WAUKESHA COUNTY

ORDINANCE _____

**APPROVING THE ATTACHMENT OF PROPERTY
WITHIN THE VILLAGE GROWTH AREA UNDER THE BOUNDARY STIPULATION
AND INTERGOVERNMENTAL COOPERATION AGREEMENT
WITH THE TOWN OF LISBON**

WHEREAS, the Village of Sussex and the Town of Lisbon entered into a Boundary Stipulation and Intergovernmental Cooperation Agreement (“Agreement”) on January 22, 2001, pursuant to §66.0225, and;

WHEREAS, the Waukesha County Circuit Court incorporated the Agreement as the judgment of the Court which was entered on March 12, 2001, (Case No. 99 CV 2407) which is its effective date, and;

WHEREAS, the Agreement provides in Article II, C. 1., a process by which property owners within the Village Growth Area (“VGA”) may detach from the Town of Lisbon and attach to the Village of Sussex, and;

WHEREAS, the Village of Sussex has received a petition for detachment and attachment from Thomas and Erika Ennen, hereinafter collectively referred as “Petitioner”, owners of the property located at W239N7542 Maple Avenue, Tax Key No. LSBT0199.998, as shown on the attached petition, legal description and map, and;

WHEREAS, the Village Clerk reviewed the petition and the property description and verified that the subject property is within the VGA, and;

WHEREAS, Article II, B provides that the Village of Sussex may attach any lands for which the Village receives a petition for detachment and attachment which are located within the VGA without contest by the Town, and:

WHEREAS, in accordance with the Land Use Map this parcel is designated with a Low Density Single Family Residential Sewered Use and the properties surrounding this property are zoned Residential therefore the appropriate zoning would be RS-2 Single Family Residential District with Isolated Natural Resource Area, and

WHEREAS, a deferred assessment for water is owed on this property. The total amount of \$41,951.16 is due prior to the attachment being finalized and is a condition therein, and

WHEREAS, any development to the property will require extending public utilities and shall be done in accordance with Village practices, policies and procedures, and

THEREFORE BE IT ORDAINED, that the Village Board of the Village of Sussex finds that the subject land proposed for detachment and attachment in the petition meets all applicable

requirements and conditions required under the Agreement, and hereby approves the attachment of the property described above pursuant to Article II of the Agreement and directs the Village Clerk to forward a certified copy of this Ordinance to the Town of Lisbon Clerk.

BE IT FURTHER ORDAINED that this property is placed in Ward 10.

BE IT FURTHER ORDAINED that this property is zoned RS-2 Single Family Residential District with Isolated Natural Resource area all hereto and incorporated herein.

BE IT FINNALLY ORDAINED, as part of this attachment to the Village said property owner is now placed on notice of the advanced utility work, the costs and obligations of the same, the public purpose for said work and acknowledges the same.

Dated this ___ day of _____, 2016.

Gregory L. Goetz
Village of Sussex President

Attest: _____
Casen J. Griffiths
Village Clerk-Treasurer



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: 17.0416 (A) Permitted Uses B-1 Neighborhood Business District

Amendment: Create Section 17.0416 (A)(3)(d) Religious Facilities

Purpose of Ordinance

amendment: TO ALLOW FOR THE OPERATION OF A CHURCH IN B-1 ZONING

Needed at time of submittal:

Application fee of \$500.00

*Mid-America Real Estate - Wisconsin, LLC; Agent
Kevin Dexter - Assoc. Manager*

by: [Signature]
Owner, Agent or Attorney of owner

Owner, Agent or Attorney

648 N. Plankinton Ave. Suite 264
Milwaukee, WI 53203
Address City, St and Zip

Address City, St and Zip

Contact Name : KEVIN DEXTER

Address: 648 N PLANKINTON AVE, SUITE 264

Phone #: 414-273-4600

E-mail: KDEXTER@MIPAMERICAGRP. MILWAUKEE
WI 53203

For office use only:

Payment received: 9/7/2016

Plan Commission recommendation: _____

Date filed with Village Clerk 9/1/2016

Publish dates: _____

Public Hearing date: _____

Village Board date: _____

pd \$500. ck # 1822

ORDINANCE NO. _____

AN ORDINANCE TO CREATE
SUB SECTION 17.0416(A)(3)(d) REGARDING RELIGIOUS FACILITIES
IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT PERMITTED 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 17.0416 to create Sub Section 17.0416 (A)(3)(d) regarding Religious Facilities in the B-1 Neighborhood Business District Permitted 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. Sub Section 17.0416 (A)(3)(d) regarding Religious Facilities as a permitted use under (3) Educational, Health Services, and Social Services in the B-1 Neighborhood Highway Business District is hereby created to read as follows:

(d) Religious Facilities

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

SITE PLAN 4A

33 acres

W239N7542 Maple Avenue
LSBT0199998
TOWN OF LISBON, WI

CONCEPT PLAN 4A

Clustered Conservancy

40 lots + Existing Residence = 41 lots
Total Development Area = 32.58 acres
Density = 1.26 lots/ac
Minimum Lot Area = 20,000 s.f.
Average Lot Size = 26,805 s.f.
(excluding Existing Residence)

Total Road Length = 3,060 l.f.
(72.86 l.f./lot)

Development Summary

- Proposed Zoning: Rs-2 PDO
- Village of Sussex
- Design Criteria:
 - Lot Area = 20,000 s.f. (minimum)
 - Lot Width = 100' minimum
 - Lot Width at cul-de-sacs = 110' typical
 - Lot Width at cul-de-sacs =
 - 90' width at 30' front setback
 - 100' width at 40' from front lot line
- Setbacks:
 - Front = 30'
 - Side = 15'
 - Rear = 25'

PROPOSED TREE PRESERVATION EASEMENT



TOTAL TREE PRESERVATION EASEMENT AREA = 8.3 acres

The Tree Preservation Easement areas shall be subject to the following restrictions:

1. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc. is prohibited, with the exception that dead, diseased or dying vegetation may be removed, at the discretion of the landowner and with approval from the municipality in which this land is located. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the municipality in which this land is located, shall also be permitted. The removal of any vegetative cover that is necessitated to provide access or service to an approved residence or accessory building, shall be permitted only when the access or service cannot be located outside of the Tree Preservation Easement and with the approval of the municipality in which this land is located.
2. Grading, filling and removal of topsoil or other earthen material are prohibited unless specifically authorized by the municipality in which this is located.
3. The introduction of plant material not indigenous to the existing environment is prohibited.

PROPOSED SLOPE AREA (3:1 MAX)

INDICATES PROPOSED ROAD ELEVATION

WOODSIDE RIDGE ADD. NO. 1
Rs-2 PDO

Property Description

Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, Town 8N, Range 19E

Scale: 1" = 100' (22"x34")

Scale: 1" = 200' (11"x17")

DATE: 08/10/2016



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

Maple Avenue

Charles Ct.

Monterey Ct.
PINE RIDGE
Rs-2

Overland Road

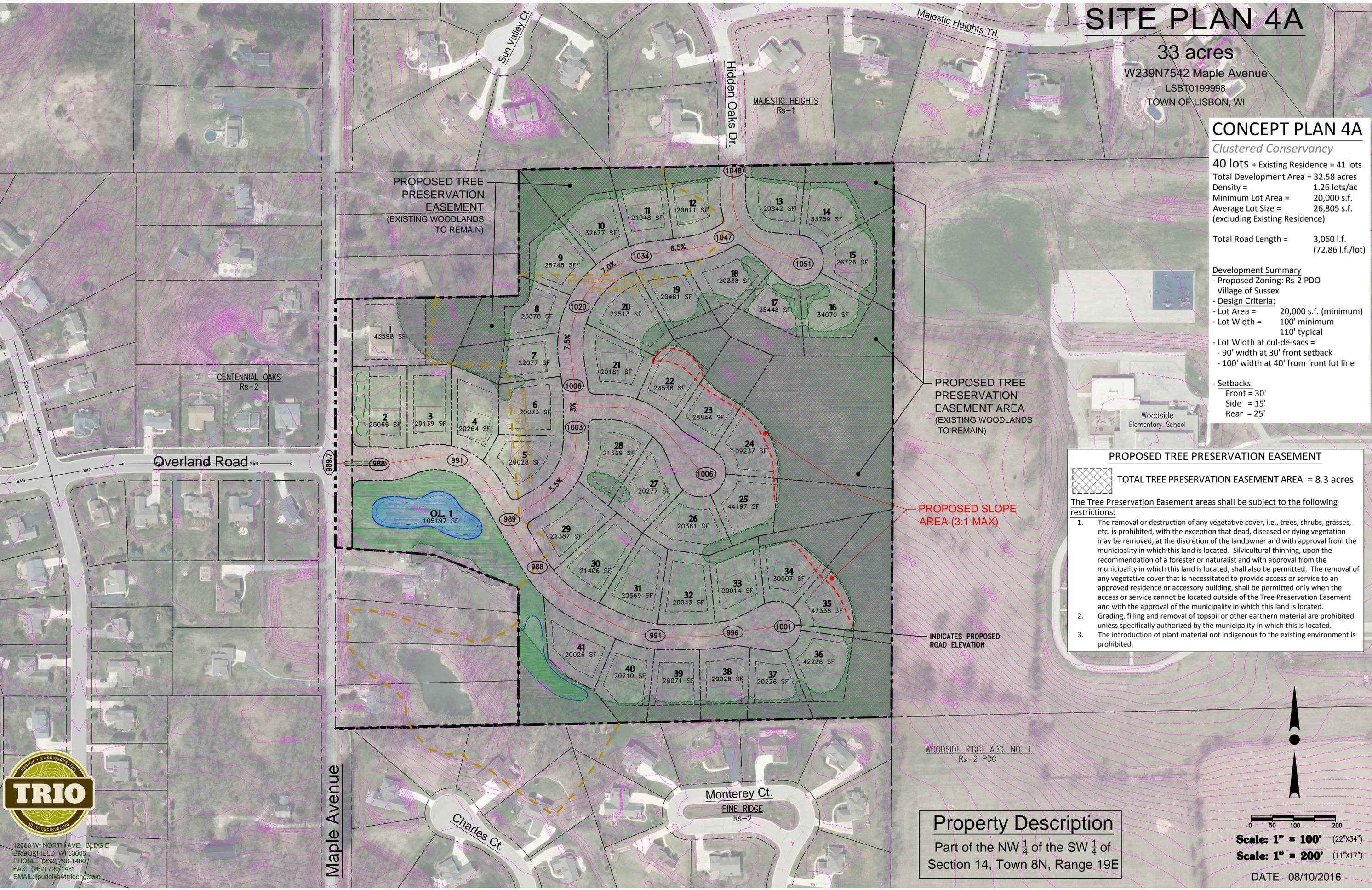
CENTENNIAL OAKS
Rs-2

MAJESTIC HEIGHTS
Rs-1

Woodside
Elementary School

PROPOSED TREE PRESERVATION EASEMENT
(EXISTING WOODLANDS TO REMAIN)

PROPOSED TREE PRESERVATION EASEMENT AREA
(EXISTING WOODLANDS TO REMAIN)



12% SLOPE PLAN

33 acres

W239N7542 Maple Avenue
LSBT0199998
TOWN OF LISBON, WI

CONCEPT PLAN 4A

Clustered Conservancy

40 lots + Existing Residence = 41 lots
Total Development Area = 32.58 acres
Density = 1.26 lots/ac
Minimum Lot Area = 20,000 s.f.
Average Lot Size = 26,805 s.f.
(excluding Existing Residence)

Total Road Length = 3,060 l.f.
(72.86 l.f./lot)

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 - Lot Area = 20,000 s.f. (minimum)
 - Lot Width = 100' minimum
110' typical
 - Lot Width at cul-de-sacs =
 - 90' width at 30' front setback
 - 100' width at 40' from front lot line
- Setbacks:
 - Front = 30'
 - Side = 15'
 - Rear = 25'

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

INDICATES PROPOSED DEVELOPMENT WITHIN EXISTING INRA 12%+ SLOPE AREA

PROPOSED DEVELOPMENT WITHIN 12%+ SLOPE INRA [AREA = 26,670 S.F. TOTAL]

INDICATES INRA AREA WITH EXISTING SLOPES OF 12%+ (BROWN AREAS) - PER SEWRPC MAPPING AND FIELD VERIFICATION

WOODSIDE RIDGE ADD. NO. 1
Rs-2 PDO

Property Description

Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, Town 8N, Range 19E

Scale: 1" = 100' (22"x34")
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DATE: 08/10/2016



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