

VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN

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

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

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

Members excused: None.

Others present: Administrator Jeremy Smith, Attorney John Macy, Engineer Judith Neu and Clerk-Treasurer Susan Freiheit.

Chairman Goetz read the notice of reconvened public hearing which is to hear from citizens present on an application for a conditional use permit for Chris Barriere to operate vehicle service shop at W240N6689 Maple Avenue in the B-3 Highway Business District. The Petitioner is Chris Barriere. The property owner is Thomas Landvatter.

Mr. Chris Barriere, N6197 Country View Lane, Sullivan, WI, stated that this will be a personal repair shop for motorcycles, cars, small engine repairs, etc. Mr. Barriere stated that he will be doing repairs on his own equipment and store his tools and motorcycles there. Mr. Barriere stated that in the future he may move to a business to fix other autos. Mr. Barriere reviewed his hours of operation.

As there was no one present who wished to be heard,

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

Respectfully submitted,

Susan M. Freiheit  
Clerk-Treasurer

VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN

Minutes of the meeting of the Plan Commission on February 18, 2016.

Chairman Greg Goetz called the meeting to order at 6:34 p.m.

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

Members excused: None.

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

**Consideration and possible action on the minutes of the public hearing and Plan Commission meeting of January 21, 2016.**

A motion by Tetzlaff, seconded by Kremer, to approve the minutes of the public hearing and Plan Commission meeting on January 21, 2016, all as submitted. Motion carried.

**Comments from citizens present.**

Mr. Boyd Thew, N62W23352 Silver Spring Drive, stated that he has seen that the Plan Commission has added landscaping along Silver Spring and expressed his thanks from the neighboring residents. Mr. Thew stated that he did not see what the size of the pine trees are on the plans. Mr. Thew stated that he is asking that Giant Green Arborvitaes be used because they create a nice break, are hardy and disease resistant and provide a nice buffer between the homes and the development. Mr. Thew stated that he is also asking that the fence and landscaping be put in prior to construction of the development. Mr. Thew stated that when he bought his home it was in a residential area. Mr. Thew stated that he didn't fight the development, but wants to preserve their property values. Mr. Thew stated that he felt that transient residents don't care about their immediate surroundings. Mr. Thew stated that putting in the landscaping early will help with their security. Mr. Thew stated that he has already had a problem with a contractor inside his fenced in yard doing surveying. Mr. Thew stated that this is his property and asks that others stay off of it. Mr. Thew stated that preserving their home values is important and now they will have 300 new neighbors in their neighborhood. Mr. Thew asked if there will be any type of blasting and asked if the homeowners on Waukesha Avenue and Silver Spring will be informed so pre-home inspections can be done in case there is damage. Mr. Thew asked that the homeowners be informed in advance of the blasting. Mr. Thew thanked the Commission for their time and recommends that the fence and trees be put in before development.

Mr. John Rowsick, of Midwest Motor Express, stated that he was at the meeting as a resource.

There was no one further who wished to be heard.

**Consideration and possible action on a Plan of Operation and site plan for Starbucks, Meijer main store interior tenant (N51W24953 Lisbon Road).**

**Consideration and possible action on a Plan of Operation and site plan for Froedtert Fast Care, Meijer main store interior tenant (N51W24953 Lisbon Road).**

**Consideration and possible action on a Plan of Operation and site plan for Ben's Soft Pretzels, Meijer main store interior tenant (N51W24953 Lisbon Road).**

Mr. Steve Achram, representing Meijers, was present to discuss the tenant stores. Mr. Achram stated that the Starbucks Coffee Kiosk will be operated by the Meijers' staff and the Froedtert and Ben's Pretzels will be leased out space. Mr. Achram stated that the Starbucks will be open from 5:30 a.m. to 7:30 p.m. and will have two employees from Meijers to run it. Mr. Achram stated that this is how they do it in their other locations. Mr. Achram stated that Ben's Pretzels is an Indiana based company and they have a handful of these stores. Mr. Achram stated that Ben's has their own employees and they lease out the

space. Mr. Steve Lazzari, of Bellin stated that theirs will be a low acuity clinic. Mr. Lazzari stated that they will lease the space from Meijers and after the clinic is built out Froedtert will take over the clinic. Mr. Pellechia asked about the Froedtert clinic in Shopko. Mr. Lazzari stated that the one in Shopko will close and that Shopko has already been notified of that. Mr. Lazzari stated that one of the drivers of these clinics is the store front traffic. Mr. Lazzari stated that the traffic in Shopko is not enough. Mr. Lazzari stated that Froedtert has been in Shopko for four or five years and they know the store volumes. Mr. Lazzari stated that they can't operate at a loss forever and need to move to a place with more volume. Mr. Lazzari stated that they have this in their other Meijers locations in Michigan and are successful. Mr. Lazzari stated that they don't know the volumes of this store but anticipate it will be adequate. Mr. Smith reviewed the Plan Staff Memo (copy attached) on all three tenants.

A motion by Pellechia, seconded by Anderson, to approve the Plan of Operation and site plan for Starbucks, Froedtert Fast Care and Ben's Soft Pretzel, Meijer main store interior tenants (N51W24953 Lisbon Road); makes a finding that the uses and structures meet the principals of 17.1002(A-H); and that the approvals are subject to the standard conditions of Exhibit A. Motion carried.

**Consideration and possible action on a Plan of Operation, site, architectural, lighting and landscape plan for Tools Inc. (W248N5500 Executive Drive).**

Mr. Bert Zenker of MSI, representing Tools Inc., stated that they intend to build a 42,000 sq. ft. addition to the south side of the building, allowing trucks in the back of the property, and parking beside Executive Drive and on the north side of the property. Mr. Zenker stated that they will add two loading docks and additional parking and provide capacity for additional employees and have shipping on the south side and back out to the road. Mrs. Kremer asked if they thought about moving the driveway to the south side of the property. Mr. Zenker stated that they can't because there is a severe grade change in that area. Mr. Smith reviewed the Plan Staff Memo on this project (copy attached). Mr. Pellechia asked why the Commission was approving it and then sending it to ARB. Mr. Smith stated that we have done it several ways and with simple plans it can be done this way, but if they are complicated we can send the plans to ARB first then to the Plan Commission.

A motion by Kremer, seconded by Tetzlaff, to approve the plan of operation, site, architectural, lighting and landscape plan for Tools Inc. (W248N5500 Executive Drive); subject to final review by the Village Engineer, review by the ARB and addressing any conditions by the ARB, makes a finding that the use and structures meet the principals of 17.1002(A-H); and the approvals are subject to the standard conditions of Exhibit A. Motion carried.

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

Mr. Smith noted that this item was tabled at the January 21, 2016 meeting. Mr. Chris Barriere had no further comments on this project. Mr. Smith reviewed the Plan Staff Memo on this matter (copy attached). Mr. Smith stated that there are maintenance requirements that must be completed prior to occupancy and a list of items has been prepared by the Building Inspector and the Fire Chief. Mr. Smith stated that Mr. Barriere has been given the list. Mr. Goetz asked who was responsible to see that the items are completed. Mr. Smith stated that the Fire Inspector and Building Inspector need to sign off before occupancy is given. Mr. Macy stated that who completes the items is a landlord-tenant issue. Mr. Macy stated that this is not our issue as it is part of their lease, but they must be completed prior to occupancy. Mr. Barriere stated that he has the list and some of the repairs have been started and he should accomplish them in a few weeks. Mr. Barriere stated that he is working with Gil, the property manager.

A motion by Kremer, seconded by Johnson, to approve the Conditional Use, Plan of Operation and site plan for Chris Barriere (W240N6689 Maple Avenue); makes a finding that the use and structures meet the principals of 17.1002(A-H); and the approval is subject to complying with the conditions of the Building Inspector and Fire Inspector and the standard conditions of Exhibit A. Motion carried.

**Conceptual review of a Conditional Use, Plan of Operation and site plan for McGuire Contractors, Inc. (N63W22625 Main Street).**

Mr. Edward Purcell, of McGuire, stated that he runs the operations for this company and that they intend to open an office at the Wangard building. Mr. Purcell stated that this is a commercial development company that does health care, retail development and is a management company. Mr. Purcell stated that they don't have their own labor forces or equipment and they provide management services for construction projects. Mr. Purcell stated that there would be no more than seven staff members at this site at the most. Mr. Purcell stated that usually there are three to four people in the office at any given time. Mr. Smith noted that this is a multi-tenant building and reviewed the Plan Staff Memo on this matter (copy attached).

It was the consensus of the Commissioners that this matter be scheduled for a public hearing next month and that the staff prepare the conditional use permit for consideration at the next meeting.

**Consideration and possible action on site, architectural, landscape and lighting plan extra territorial review for Midwest Motor Express at the south east corner of HWY F and HWY K on Quarry Corners Parkway in the Town of Lisbon.**

Mr. John Roswick, representing Midwest Motor Express, stated that they currently operate 33 truck terminals, mostly on the west coast. Mr. Roswick stated that their plans have been reviewed by the ARB and the Town of Lisbon. Mr. Roswick stated that they will be putting in nice landscaping and lighting, their hours of operation will be 24/7 as is permitted in the zoning at this time. Mr. Roswick stated that people will be coming and going using the public access. Mr. Roswick stated that this will be a freight transfer terminal with a couple of office people and five to eight dock workers. Mr. Roswick stated that they estimate 21 trailers will move from Milwaukee (near the airport). Mr. Roswick stated that most trucks leave by 8:00 a.m. and return by 5:00 p.m. but come in at various times, not all at once. Mr. Johnson stated that this parcel will be on well and septic and currently has a sight problem. Mr. Roswick stated that they will be on well and septic and has a landscape plan that will make it look better than what is there now. Mr. Smith reviewed the Plan Staff Memo on this project (copy attached).

A motion by Johnson, seconded by Pellechia, to approve the site, architectural, landscape and lighting plan extra territorial review for Midwest Motor Express at the south east corner of HWY F and HWY K on Quarry Corners Parkway in the Town of Lisbon and notes that this approval in no way obligates the Village to extend sewer or water to this property. Motion carried.

**Conceptual review of site and architectural plans for Mammoth South Development on Deyer Drive.**

Mr. Steve Smith, of Steven Perry Smith Architects, and Josh Podelko, Engineer with Trio Engineering, were present on this matter and reviewed the site plans and elevations of the proposed buildings, including a club house and pool. Mr. S. Smith stated that there will be 89 units in six buildings with garages. Mr. Goetz asked about the land north of the 10 unit building near Waukesha Avenue. Mr. S. Smith stated that there is a wooded, vacant lot that is owned by someone else. Mr. S. Smith stated that based on soil borings that have been done; they won't hit any rock because none of these buildings have basements. Mr. S. Smith stated that should they need to blast they will notify neighbors and that Village Code requires inspections prior to blasting. Mr. S. Smith stated that some blasting was done for Mammoth Springs but that was for the underground parking. Mr. Pudelko also reviewed the site plan with turning radius' for fire trucks. Mr. Johnson asked about a pedestrian traffic plan at this site. Mr. S. Smith stated that a pedestrian plan will be added. Ms. Anderson asked what the square section between the 10 unit building and the 12 unit building was. Mr. S. Smith stated that it was a dumpster enclosure. Mr. J. Smith reviewed the Plan Staff Memo on this matter (copy attached). Ms. Anderson asked about the driveway access from Waukesha Avenue. Mr. S. Smith stated that the existing retaining wall will be partially removed to allow for the vision corner. Mrs. Kremer asked if the traffic signals at Silver Spring and Waukesha Avenue can be fixed. Mrs. Neu stated that she will pass the signal concerns on to the County.

It was the consensus of the Commissioners to direct staff to set the public hearing for the amendment of the conditional use permit and to send the plans to the ARB for review.

A motion by Kremer, seconded by Tetzlaff, to suspend the rules to hear comments from citizens present.  
Motion carried.

Mr. Boyd Thew stated that there is more to it than getting a fire truck into the area. Mr. Thew stated that the fire truck needs to get set up as it has riggers on each side. Mr. Thew stated that the plan provides public safety, but may not be functional. Mr. J. Smith asked that Mr. Thew discuss this with the Fire Chief.

The Commission resumed regular session.

**Other items for Discussion.**

Mrs. Kremer stated that 15 years ago the Village residents wanted no more apartments, but now that opinion has come full circle based on the dynamics of what people want to live in. Mr. Goetz stated that even with these new apartments the percentage to single family has gone down. Mrs. Kremer stated that the Village has to look at every opportunity.

A motion by Kremer, seconded by Johnson, to adjourn the meeting at 7:58 p.m. Motion carried.

Respectfully submitted,

Susan M. Freiheit  
Clerk-Treasurer



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MEMORANDUM

TO: Plan Commission  
FROM: Kasey Fluet, Assistant Development Director  
RE: Plan Commission meeting of February 18, 2016  
DATE: February 3, 2016

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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 and minutes of the Plan Commission meeting on January 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 Starbucks, Meijer main store interior tenant (N51W24953 Lisbon Road).**

This site is zoned B-2. The coffee restaurant is a permitted use in the B-2 Regional Business District in accordance with section 17.0417 (A)(1)(b). Starbucks will occupy 991 square feet of tenant space in the 190,000 square foot building of Meijer. The space will have seating for 40 customers and will offer beverages and food. Hours of operation will be Monday through Sunday 5:30 a.m. to 7:30 p.m.

The site has 661 parking stalls, sufficient for the size of the building.

**Policy Question:**

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

**Action Items:**

1. Act on the plan of operation and site plan.

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation and site plan for Starbucks, Meijer main store interior tenant (N51W24953 Lisbon Road); 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 Froedtert FastCare, Meijer main store interior tenant (N51W24953 Lisbon Road).**

This site is zoned B-2. The general medical service clinic is a permitted use in the B-2 Regional Business District in accordance with section 17.0417 (A)(3)(b). The clinic will occupy 776 square feet of tenant space in the 190,000 square foot building of Meijer. Services will range from lab tests, minor medical treatment, immunizations and screenings. Hours of operation will be Monday through Friday 9:00 a.m. to 8:30 p.m., Saturday 10:00 to 5:00 and Sunday 10:00 a.m. to 2:00 p.m.

The site has 661 parking stalls, sufficient for the size of the building.

**Policy Question:**

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

**Action Items:**

1. Act on the plan of operation and site plan.

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation and site plan for Froedtert FastCare, Meijer main store interior tenant (N51W24953 Lisbon Road); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

**C. Consideration and possible action on a Plan of Operation and site Plan for Ben's Soft Pretzel, Meijer main store tenant (N51W24953 Lisbon Road).**

This site is zoned B-2. The restaurant is a permitted use in the B-2 Regional Business District in accordance with section 17.0417 (A)(1)(b). Ben's Pretzel will occupy 1,100 square feet of tenant space in the 190,000 square foot building of Meijer. The space will have seating for 38 customers and will offer beverages and food. Hours of operation will be Monday through Friday 10:00 a.m. to 8:00 p.m. Saturday 10:00 a.m. to 8:00 p.m. and Sunday 11:00 a.m. to 7:00 p.m.

The site has 661 parking stalls, sufficient for the size of the building.

**Policy Question:**

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

**Action Items:**

1. Act on the plan of operation and site plan.

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation and site plan for Ben's Soft Pretzel, Meijer main store interior tenant (N51W24953 Lisbon Road); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

**D. Consideration and possible action on a Plan of Operation, site, architectural, lighting and landscape plan for Tools Inc. (W248N5500 Executive Drive).**

This site is zoned BP-1. The tool and die business is a permitted use in the BP-1 Business Park District in accordance with Section 17.0420 (A)(5)(d)(2). The general operations of the business is not changing, Tools Inc. is requesting to add a 41,900 square foot addition to their existing building to accommodate their growing needs. The addition will also include additional parking lot on the north side of the building.

The plans will be reviewed by the ARB in March. Are there any concerns about the plans you want the ARB to review?

**Policy Question:**

1. Are there any concerns with the plan of operation?
2. Are there any concerns with the site, architectural, lighting and landscape plans?

**Action Items:**

1. Act on the plan of operation and various plans.

**Staff Recommendation:** Staff recommends approval the Plan of Operation, site, architectural, lighting and landscape plan for Tools Inc. (W248N5500 Executive Drive); subject to final review by the Village Engineer, review by the ARB and addressing any conditions by the ARB, a finding that the use and structures meet the principals of 17.1002(A-H); and the approvals are subject to the standard conditions of Exhibit A.

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

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

**This item was tabled at the January 21, 2016 meeting.**

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

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

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

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

**Policy Question:**

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

**Action Items:**

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

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

**B. Conceptual review of a Conditional Use, Plan of Operation and site plan for McGuire Contractors, Inc. (N63W22625 Main Street).**

This site is zoned M-1. The construction services business is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(4)(a). McGuire Contractors is a full service general construction firm with five employees and will occupy 3,200 square feet in the 36,200 square foot building. They will use 2,000 square feet as office space and 1,200 as storage of construction items. Hours of operation will be Monday through Friday 8:00 a.m. to 5:00 p.m. This site is not allowed any outside storage.

This site has 72 parking spaces with 38 allocated to other users this user requires 5 per code.

**Policy Question:**

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

**Action Items:**

1. Direct staff to schedule the public hearing.

**Staff Recommendation:** Staff recommends scheduling the public hearing for the March meeting.

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

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

**A. Consideration and possible action on site, architectural, landscape and lighting plan extra territorial review for Midwest Motor Express at the south east corner of HWY F and HWY K on Quarry Corners Parkway in the Town of Lisbon.**

This is extra territorial review. The property is in the Town of Lisbon and will stay in the Town of Lisbon. This site is within the joint planning area and requires the Village review the plans as an approving agent. The site does not impact Village stormwater or traffic and will not come to the Village under the boundary stipulation.

Midwest Motor Express is proposing to construct a 60'x293' truck terminal with 41 dock doors and some office space on the 6.7 acre vacant lot in the Lisbon Quarry Corners industrial park. The company was directed to review the Village Design Standards prior to submitting the plans. The plans were approved by the ARB on February 3, 2016.

**Policy Questions:**

1. Are there any concerns with site or various plans?

**Action Items:**

1. Act on the plans.

**Staff Recommendation:** Staff recommends the Plan Commission approve the site, architectural, landscape and lighting plan extra territorial review for Midwest Motor Express at the south east corner of HWY F and HWY K on Quarry Corners Parkway in the Town of Lisbon.

**B. Conceptual review of site and architectural plans for Mammoth South Development on Deyer Drive.**

This site is zoned B-4. It is the expansion of the mixed use development of the Mammoth Springs Development with connectivity around and use of the quarry pond. The development requires an amendment to the CU granted for the Mammoth Springs development, which was contemplated when the original development was approved. It is an essential part of the adopted Village's TIF project plan and its redevelopment plan. The site has been talked about for redevelopment for 10 years with the Village Board authorizing the CDA to acquire properties in the area over a decade ago. The access point on Waukesha Avenue was predetermined by the State as the one access point between Main Street and Silver Spring.

The expanded development will support the 26,000 square feet of retail/office established on the northern side of the quarry pond with the addition of 89 three bedroom apartments. 22 of the units are townhome style units with three story living overlooking the quarry pond and 67 of the units are market rate units some which include a lofted area. This will be the first three bedroom apartments in Sussex and will have rents higher than Phase 1 development and is aimed at a different segment of the population than Phase 1. Stormwater is cleaned on site and sent to the Quarry pond in a similar fashion to the first phase of the development. Every unit has a garage available plus one available surface parking spot and the site has some additional guest parking spots. Mammoth South has a pool and clubhouse for use by the residents of the site and the residents on the north side of the quarry pond, while the workout area for the residents is located above the retail on the north side of the development.

The original phase of the development is in its final stages of completion. This phase of development will take 18 months to develop with access off of Waukesha Avenue and Silver Spring. The buildings meet our architectural standards and are different, but play off of the architecture of Phase 1.

There are two townhouse buildings, three two story buildings, and one three story building lined up with the Topaz apartments to balance that scale.

Two of the neighboring properties asked for a fence with evergreens, which staff supports and we will recommend adding those improvements to the plan.

The next step would be to set the public hearing for the amendment of the CU and to send the plans to the ARB for review.

**Policy Questions:**

1. Are there any concerns with the plans?

**Action Items:**

1. Direct staff to schedule the public hearing and send the plans to the ARB.

**Staff Recommendation:** Staff recommends scheduling the public hearing for March meeting.

**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.