

VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN

Minutes of the public hearing held by the Plan Commission on May 19, 2016

Chairman Greg Goetz called the hearing to order at 6:33 p.m.

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

Members excused: Roger Johnson

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet, and Administrative Services Director Casen Griffiths.

Chairman Goetz read the notice of public hearing to which is to hear from citizens present on the following matters:

To consider an application for a conditional use permit for earth movement within a shoreland area from Sussex IM for property located on the north side of CTH K and east of Executive Drive which is considered a conditional use in accordance with Section 17.0214. The petitioner and property owner is Sussex IM.

Mark Hetzfeldt, N173 W21010 Northwest Passage Way, Jackson, representing Design 2 Construct and the owners of Sussex IM, stated that there are two parcels. The site is surrounded by wetlands and floodplain. The access points for the property will be across from Swan Road and a right in/right out drive for trucks along Highway K. The building will be a precast structure 25-28 ft. tall with a smooth finish.

Mr. Smith noted that the reason for the public hearing is due to the fact that work and grading is being done within 300 feet of the shoreland. The project is not in a floodplain or wetland and the use is permitted for the property.

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

A motion by Goetz, seconded by Tetzlaff to close the public hearing at 6:39 p.m. Motion carried.

Chairman Goetz read the notice of public hearing which is to hear from citizens present on the following matters:

To consider an application for a conditional use permit for Piggly Wiggly, N63W23735 Main Street, for a ground sign with electronic message area which is a conditional use in the B-4 Central Mixed Use District in accordance with Section 17.0506 (A)(16)(a). The petitioner and property owner is The Boys Property LLC.

Chairman Goetz opened the public hearing at 6:39 p.m.

John Doyle, 927 Marvel Ave, Woodstock, Illinois representing Doyle Signs and the owners of the Piggly Wiggly stated that the proposed sign is an electronic message center. The sign meets the requirements of the Village's ordinance and will not affect visibility.

Mr. Goetz asked if the sign's base would have lannon stone. Mrs. Fluet stated that it would look like the bridge and also match the wall that will be constructed on Main Street.

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

A motion by Pellechia, seconded by Kremer, to close the public hearing at 6:42 p.m. Motion carried.

Chairman Goetz read the notice of public hearing which is to hear from citizens present on the following matters:

To consider an application for a conditional use permit for Sussex Civic Center, N64W23760 Main Street, for a ground sign with electronic message area which is a conditional use in the B-4 Central Mixed Use District in accordance with Section 17.0506 (A)(16)(a). The petitioner and property owner is The Village of Sussex.

Chairman Goetz opened the public hearing at 6:43 p.m.

Jeremy Smith, N64W23760 Main Street, Village Administrator representing the Village of Sussex stated that the sign will be across the street from the Piggly Wiggly sign. The sign will be used by the Village and the library and the base will match the lannon stone on the building.

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

A motion by Pellechia, seconded by Tetzlaff to close the public hearing at 6:44 p.m. Motion carried.

Chairman Goetz read the notice of public hearing which is to hear from citizens present on the following matters:

To consider an application for a conditional use permit to reduce the floodway or floodplain in the cross sections from south of CTH K to north of Clover Drive which is considered a conditional use in accordance with Chapter 14 Section 14.970. The petitioner is The Village of Sussex and an application has been filed with FEMA.

Chairman Goetz opened the public hearing at 6:44 p.m.

Jeremy Smith, N64W23760 Main Street, Village Administrator representing the Village of Sussex stated that the state had remapped the floodplain and impacted properties. The Village redid a study to determine actual flood elevations and this was put into the DNR's model. The new model has removed properties from the floodplain.

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

A motion by Pellechia, seconded by Kremer to closed the public hearing at 6:46 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 May 19, 2016.

Chairman Goetz called the meeting to order at 6:47 p.m.

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

Commissioners excused: Roger Johnson.

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet and Administrative Services Director Casen Griffiths.

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

A motion by Tetzlaff, seconded by Kremer, to approve the minutes of the Plan Commission meeting of April 21, 2016 as submitted. Motion carried.

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

**Consideration and possible action on a plan of operation and site plan for Graceful Esthetics, N61W23198 Silver Spring Drive.**

Ms. Ann Meyer, N470W19831 Ridgeway Drive, Slinger was present on this matter. Ms. Meyer stated that she is an esthetician. The business is a small day spa/skin care business. She will be the only employee of the business. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

A motion by Anderson, seconded by Pellechia, to approve the Plan of Operation and site plan for M.J. Graceful Esthetics (N61W23198 Silver Spring Drive); a finding that the use and structures meet the principals of 17.1002(A-H); subject to the Building Inspectors conditions and the standard conditions of Exhibit A. Motion carried.

**Consideration and possible action on a site, architectural building, lighting and landscape plans for an addition to Lannon Stone Products (N52W23096 Lisbon Road)**

Hans and Heidi Dawson, of Lannon Stone Products, N52W23096 Lisbon Road, were present on this matter. Ms. Dawson stated that the addition was to allow of an expansion of the business. The addition will include private offices. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

A motion by Kremer, seconded by Goetz, to approve the site, architectural building, lighting and landscape plans for the addition to Lannon Stone Products (N52W23096 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. Motion carried.

**Consideration and possible action on a Conditional Use for ground sign with an electronic message area for Piggly Wiggly (N63W23735 Main Street).**

Mr. John Doyle was present on this matter. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached) and stated that in the conditional use is a statement that Piggly Wiggly will remove the existing pole sign.

Ms. Kremer asked if the sign is too close to the sidewalk and if it would obstruct visibility of the sidewalk for individuals trying to turn out of the grocery store parking lot. Mr. Smith noted that the intersection is signalized with the stop line behind the sidewalk. There would not be an issue with visibility.

A motion by Tetzlaff, seconded by Anderson to approve the Conditional Use to allow the ground sign with electronic message area for Piggly Wiggly (N63W23735 Main Street) and a finding the use and structure meet the principles of 17.1002(A-H); subject to the standard conditions of Exhibit A and the Building Inspector issuing a sign permit. Motion carried.

**Consideration and possible action on a Conditional Use for a ground sign with an electronic message area for Sussex Civic Campus (N64W23760 Main Street).**

Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached), noting that there may be a change with regards to the open/close sign for the library. Mr. Pellechia asked if there was a reason, with changes that may be made, that this item was coming to the Plan Commission now rather than a later date. Mr. Smith noted that the sign has to be put out for bid. Mr. Pellechia noted his concern that the Village may be accused of treating itself differently with this sign application. Attorney Macy noted that this was not any different than other sign approvals; staff reviews signs to ensure substantial compliance and minor changes are not required to come back to Plan Commission.

A motion by Tetzlaff, seconded by Schauer to approve the Conditional Use to allow the ground sign with electronic message area for Sussex Civic Campus (N63W23735 Main Street) and a finding the use and structures meet the principals of 17.1002(A-H); subject to minor changes in the final design can be approved by the Village Administrator, the standard conditions of Exhibit A and the Building Inspector issuing a sign permit. Motion carried.

**Consideration and possible action on a Conditional Use for the modification of the flood elevation for Pewaukee River of cross section between CTH K and Clover Drive.**

Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

A motion by Pellechia, seconded by Kremer to approve the Conditional Use to allow the reduction of the floodplain and a finding the use and structures meet the principles of 17.10012(A-H); subject to the standard conditions of Exhibit A. Motion carried.

**Consideration and possible action on a Conditional use, Plan of Operation, site, architectural, lighting, landscape plan and CSM for Sussex IM (north side of CTH K and east of Executive Drive).**

Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached) and stated that staff has placed in the conditional use that the metal wall panel to be up for up to five years, if at which point expansion of the building has not occurred, the metal wall panels would need to be replaced with an appropriate material. Mr. Pellechia asked if it would be possible for the applicant to ask for an extension if they're not able to expand within the next five years. Mr. Smith noted that they are able to ask for an extension.

A motion by Goetz, seconded by Kremer to recommend approval of the CSM to the Village Board and to approve the Conditional Use, Plan of Operation, site, architectural building, lighting and landscape plans for Sussex IM (north side of CTH K and east of Executive Drive); to approve the metal wall panels with

the condition the panels are to be removed five years from the date of occupancy and replaced with material matching the rest of the building, if the wall is not replaced on or before the five years, the building owner will be subject to daily fines until the situation is rectified, and structure meet the principals of 17.1002(A-H); subject to Sussex IM entering into a developers agreement, the conditions of the ARB, final review by the Village Engineer, Tree Preservation plan to be reviewed by the Tree Board and the standard conditions of Exhibit A. Motion carried.

**Consideration and possible action of a CSM for the Town of Lisbon, extra territorial review, north of Northview Drive east of Maple Avenue to create a lot and outlot.**

Mrs. Fluet reviewed the Plan Staff Memo (copy attached), noting that the parcel is in the Town of Lisbon and will remain in the town. The outlot is to be the location of the stormwater ponds for the Johanssen Farms Subdivision.

A motion by Tetzlaff, seconded by Pellechia to recommend to the Village Board to approve the CSM to create an outlot and Lot 1 for the property in the Town of Lisbon, north of Northveiw Drive east of Maple Avenue, subject to final review by the Village Engineer and the standard conditions of CSM approval and Exhibit A. Motion carried.

**Consideration and possible action of a CSM for Sussex Town Center, located east of HWY 164 and south of Main Street/CTH VV.**

Mrs. Fluet reviewed the Plan Staff Memo (copy attached). The CSM is to create Lot 1, 2 and 3 of the remaining development. Lot 1 will be the Kwik Trip; Lot 3 will be the site of the relocated US Cell tower.

A motion by Goetz, seconded by Kremer to recommend to the Village Board to approve the CSM to create Lots 1, 2 and 3 for the property located east of HWY 164 and south of Main Street/CHT VV subject to the final review of the Village Engineer and subject to the Developer entering into a Developer's Agreement for the construction of the improvements and standard conditions of CSM approval and Exhibit A. Motion carried.

**Consideration on creation of a working group to review and make a recommendation to amend the sign code Section 17.0800.**

Mr. Smith reviewed the U.S. Supreme Court decision which changed the way municipalities are able to regulate signage. The Village's sign code relating to content or the implied regulation needs to be reviewed and adjusted to comply with the ruling. Staff has completed a draft of recommended changes to Section 17.0800 and is recommending that a workgroup be formed to address all the items of recent change.

Chairmen Goetz, Ms. Kremer and Ms. Schauer volunteered to serve on the workgroup.

**Other Future Items for Discussion**

None

A motion by Kremer, seconded by Pellechia, to adjourn the meeting at 7:28 p.m. Motion carried.

Respectfully Submitted,

Casen J. Griffiths  
Administrative Services Director



MEMORANDUM

TO: Plan Commission  
FROM: Kasey Fluet, Assistant Development Director  
RE: Plan Commission meeting of May 19, 2016  
DATE: May 6, 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 Plan Commission meeting on April 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 Graceful Esthetics (N61W23198 Silver Spring Drive).**

This site is zoned B-4. The spa service business is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419 (C)(5)(b). The business will occupy 1,000 square feet of the 2,000 square foot building. Hours of operation will be Monday through Thursday 8:00 a.m. to 8:00 p.m., Friday 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 3:00 p.m. This site has 10 parking stalls with 5 allocated to another user this user requires 5 parking stalls and the site has additional unmarked parking.

**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 Graceful Esthetics (N61W23198 Silver Spring Drive); a finding that the use and structures meet the principals of 17.1002(A-H); subject to the Building Inspectors conditions and the standard conditions of Exhibit A.

**B. Consideration and possible action on a site, architectural building, lighting and landscape plans for an addition to Lannon Stone Products (N52W23096 Lisbon Road).**

This site is zoned Q-1. The addition to the office building is a permitted use in the Q-1 Quarry District in accordance with Section 17.4023 (B)(3). Lannon Stone Products is

submitting to add 2,500 square foot to the existing 3,600 square foot office building for their growing needs. The addition meets the setback requirements and the plans for the site, building, lighting and landscape were reviewed by the ARB at the May 4, 2016 meeting and the following motion was made:

*A motion by Tetzlaff, seconded by Granicki to recommend to the Plan Commission to approve the site, building, lighting and landscape plans for an addition to the Lannon Stone Products office building. Motion carried.*

**Policy Question:**

1. Are there any concerns with the plans?
2. Are there any concerns with the property?

**Action Items:**

1. Act on the plans.

**Staff Recommendation:** Staff recommends the Plan Commission approve site, architectural building, lighting and landscape plans for an addition to Lannon Stone Products (N52W23096 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.

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

**A. Consideration and possible action on a Conditional Use for a ground sign with an electronic message area for Piggly Wiggly (N63W23735 Main Street).**

This site is zoned B-4. The ground sign with an electronic message area is a conditional use in the B-4 Central Mixed use district in accordance with Section 17.0506 (A)(16)(a). Piggly Wiggly will remove the existing pole sign and replace it with a new ground sign with an electronic message area and locate this new sign on the east entrance of the site. In order for the Plan Commission to grant a CU the sign must also meet the requirements of Section 17.0807 (C).

16. *Electronic Message Signage. In addition to the requirements for an electronic message sign as stated in Section 17.0807 (C) the following criteria must be met:*

*(a) In the B-4 Central Mixed Use District, B-1 Neighborhood Business and I-1 Institutional districts, the message sign is part of a ground sign. The Plan Commission must make the finding the sign is reasonably located and screened from residential view so as not impact the safety or welfare of any residential properties.*

- C. *Electronic Message Signs are a special privilege sign granted under unique circumstances for orderly and pleasing development. The signs are intended to promote the effective display of brief messages in a clear and pleasing manner.*

*1. These signs are permitted for single tenant buildings in the B-2, B-3, BP-1, OP-1, OP-2, I-1 and M-1 Districts. The Plan Commission must find the following for a permit to be issued:*

*a. The message sign is part of a ground or monument sign. ... **The message sign is part of the ground sign.***

*b. The sign will not interfere with the visibility of any traffic signal. **The sign is setback sufficiently that it will not interfere with visibility of a traffic signal***

*c. The character and design of the sign is compatible with the general area and building, and that the impact of such a sign will not visually impact any nearby residential areas. **The sign base and pillar will be integrated with the Main Street project as part of the dividing wall between the parking lot and the sidewalk.***

*d. The electronic message sign is an essential component of the operations of the business*

as determined by the sole discretion of the Plan Commission. **The electronic message sign will be a component of the business.**

2. *These signs are a conditional use under Section 17.0506(A)(16) in the B-1, B-4, and I-1 Districts, and for multi-tenant buildings in the B-2, B-3, BP-1, OP-2, and M-1 Districts.*

The ground sign with electronic message was reviewed by the ARB at the May 4, 2016 meeting and following motion was made:

*A motion by Granicki, seconded by Schauer to recommend to the Plan Commission to approve the ground sign with electronic message area for Piggly Wiggly with the side pillar to be flat with a stone cap.*

**The Public Hearing was held prior to this meeting 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 Village process allows the CU to be granted at this meeting by Plan Commission discretion. Staff has prepared a CU document for consideration at this meeting.

**Policy Question:**

1. Are there any concerns with the ground sign with electronic message area?
2. Are there any concerns with the CU?
3. Does the sign meet all the requirements of Section 17.0807 (C)?

**Action Items:**

1. Act on the CU and the ground sign with electronic message area OR
2. Provide additional comments for inclusion in the CU and direct staff to bring back for the June Plan commission

**Staff Recommendation:** Staff recommends approval of the Conditional Use to allow the ground sign with electronic message area for Piggly Wiggly (N63W23735 Main Street) and a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A and the Building Inspector issuing a sign permit.

**B. Consideration and possible action on a Conditional Use for a ground sign with an electronic message area for Sussex Civic Campus (N64W23760 Main Street).**

This site is zoned B-4. The ground sign with an electronic message area is a conditional use in the B-4 Central Mixed use district in accordance with Section 17.0506 (A)(16)(a). Due to the new building and drive location the Sussex Civic Campus will erect a new ground sign with an electronic message area. This sign will be located on the east side of the new drive location. In order for the Plan Commission to grant a CU the sign must also meet the requirements of Section 17.0807 (C).

16. *Electronic Message Signage. In addition to the requirements for an electronic message sign as stated in Section 17.0807 (C) the following criteria must be met:*

*(a) In the B-4 Central Mixed Use District, B-1 Neighborhood Business and I-1 Institutional districts, the message sign is part of a ground sign. The Plan Commission must make the finding the sign is reasonably located and screened from residential view so as not impact the safety or welfare of any residential properties.*

C. *Electronic Message Signs are a special privilege sign granted under unique circumstances for orderly and pleasing development. The signs are intended to promote the effective display of brief messages*

in a clear and pleasing manner.

1. These signs are permitted for single tenant buildings in the B-2, B-3, BP-1, OP-1, OP-2, I-1 and M-1 Districts. The Plan Commission must find the following for a permit to be issued:

a. The message sign is part of a ground or monument sign.... **The message sign is part of the ground sign.**

b. The sign will not interfere with the visibility of any traffic signal. **The sign is setback sufficiently that it will not interfere with visibility of a traffic signal**

c. The character and design of the sign is compatible with the general area and building, and that the impact of such a sign will not visually impact any nearby residential areas. **The sign base and pillar will be integrated with the Main Street project as part of the dividing wall between the parking lot and the sidewalk.**

d. The electronic message sign is an essential component of the operations of the business as determined by the sole discretion of the Plan Commission. **The electronic message sign will be a component of the business.**

2. These signs are a conditional use under Section 17.0506(A)(16) in the B-1, B-4, and I-1 Districts, and for multi-tenant buildings in the B-2, B-3, BP-1, OP-2, and M-1 Districts.

The ground sign with electronic message was reviewed by the ARB at the May 4, 2016 meeting and following motion was made:

*A motion by Schauer, seconded by Tetzlaff to recommend to the Plan Commission to approve the ground sign with electronic message area for Sussex Civic campus.*

**The Public Hearing was held prior to this meeting 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 Village process allows the CU to be granted at this meeting by Plan Commission discretion. Staff has prepared a CU document for consideration at this meeting.

The ground sign with electronic message sign will be sent for bid to various sign contractors, the final sign design will look as close to the rendering but might have some adjustments for font sizes of letters, the overall size of the sign and electronic message area will be the size as depicted in the rendering.

**Policy Question:**

1. Are there any concerns with the ground sign with electronic message area?
2. Are there any concerns with the CU?
3. Does the sign meet all the requirements of Section 17.0807 (C)?

**Action Items:**

1. Act on the CU and the ground sign with electronic message area OR
2. Provide additional comments for inclusion in the CU and direct staff to bring back for the June Plan commission

**Staff Recommendation:** Staff recommends approval of the Conditional Use to allow the ground sign with electronic message area for Sussex Civic Campus (N63W23735 Main Street) and a finding the use and structures meet the principals of 17.1002(A-H); subject to minor changes to the final design can be approved by the Village Administrator, the standard conditions of Exhibit A and the Building Inspector issuing a sign permit.

**C. Consideration and possible action on a Conditional Use for the modification of the flood elevation for Pewaukee River of cross section between CTH K and Clover Drive.**

The reduction of the floodway or floodplain is considered a conditional use in accordance with Chapter 14 Section 14.970. Stormwater Solutions Engineering, LLC was hired to conduct a floodplain analysis of the Pewaukee River from the cross sections south of CTH K to north of Clover Drive. The objective of this study is to accurately depict the floodplain during flooding events in this area. Reducing the floodplain in this area is appropriate based upon field study and actual results and will support economic development. This study showed a lower modeled base flood elevation of up to 1.5 feet in some places.

The Village Engineer has begun the process with FEMA to revise the Flood Insurance Rate Maps.

**The Public Hearing was held prior to this meeting 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 Village process allows the CU to be granted at this meeting by Plan Commission discretion. Staff has prepared a CU document for consideration at this meeting.

**Policy Question:**

1. Are there any concerns with the modification to the floodplain?
2. Are there any concerns with Conditional Use?

**Action Items:**

1. Act on the Conditional Use.
2. Provide additional comments for inclusion in the CU and direct staff to bring back for the June Plan commission

**Staff Recommendation:** Staff recommends approval of the Conditional Use to allow the reduction of the floodplain and a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

**D. Consideration and possible action on a Conditional Use, Plan of Operation, site, architectural, lighting, landscape plan and CSM for Sussex IM (north side of CTH K and east of Executive Drive).**

This site is zoned BP-1. The injection molding business will use this location for general manufacturing of product which is a permitted use in the BP-1 Business Park District in accordance with Section 17.0420 (A)(5)(e). The first phase of the new building will be 81,000 square feet and they plan to construct the second phase addition of 60,000 square feet within the very near future.

In accordance with Section 17.0214 any earth movement within a shoreland area requires the petitioner to receive a conditional use under Section 17.0500. The site plan indicates grading in the area of the building for phase one. Section 17.0214 additionally states that no tree cutting and shrubbery clearing within 100 feet is permitted except that paths and trails that do not exceed ten feet in width can be established within the 100' buffer area.

The Plan Commission gave staff guidance about the metal wall panel to have a condition placed within in the CU that allows the metal panels for up to five years, if at which point the expansion has not occurred the metal wall panels would need to be replaced with an appropriate material matching the rest of the building. This is included in the draft CU.

Sussex IM is purchasing two parcels and combining them into one parcel to create an 18 acre lot. The CSM will contain language for an easement for the path dedicated to the Village of Sussex.

The plans for the new building were reviewed by the ARB at the May 4, 2016 meeting and following motion was made:

*A motion by Tetzlaff, seconded by Granicki to recommend to the Plan Commission to approve the site, architectural building, lighting and landscape plan with the following conditions*

- *Adjust sidewalk width along parking lot and add curb or barrier at parking lot.*
- *Submit a rendering of the dumpster enclosure and approval to be made by the ADD.*
- *Metal panel to match the color of the prefinished precast walls. Metal panel wall will be allowed for a period of no more than 5 years after the date of occupancy is granted.*
- *Add windows to the west side of phase 2 spacing to match the front elevation.*

**The Public Hearing was held prior to this meeting 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 Village process allows the CU to be granted at this meeting by Plan Commission discretion. Staff has prepared a CU document for consideration at this meeting.

**Policy Question:**

1. Are there any concerns with the CU and plan of operation?
2. Are there any concerns with the site, architectural, lighting and landscape plans?
3. Are there any concerns with the time limit for the metal wall?
4. Are there any concerns with the CSM?

**Action Items:**

1. Act on the CU, the plans and CSM OR
2. Provide additional comments for inclusion in the CU and direct staff to bring back for the June Plan commission

**Staff Recommendation:** Staff recommends approval of the CSM to the Village Board, and to approve the Conditional Use, Plan of Operation, site, architectural building, lighting and landscape plans for Sussex IM (north side of CTH K and east of Executive Drive); to approve the metal wall panels with the condition the panels are to be removed five years from the date of occupancy and replaced with material matching the rest of the building, if the wall is not replaced on or before the five years, the building owner will be subject to daily fines until the situation is rectified; and a finding the use and structures meet the principals of 17.1002(A-H); subject to the conditions of the ARB, final review by the Village Engineer, Tree Preservation plan to be reviewed by the Tree Board, and the standard conditions of Exhibit A.

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

**A. Consideration and possible action of a CSM for the Town of Lisbon, extra territorial review, north of Northview Drive east of Maple Avenue to create a lot and outlot.**

This parcel is in the Town of Lisbon and will remain in the Town of Lisbon. The outlot will be the location for the stormwater ponds for the Johanssen Farms Subdivision.

Ownership of the outlot will need to be transferred to the Village of Sussex prior to the final plat approval.

**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 create an outlot and Lot 1 for the property in the Town of Lisbon, north of Northview Drive east of Maple Avenue, subject to final review by the Village Engineer and the standard conditions of CSM approval and Exhibit A.

**B. Consideration and possible of a CSM for Sussex Town Center, located east of HWY 164 and south of Main Street/CTH VV.**

This site is zoned B-2. This is the second CSM to create Lot 1, 2 and 3 of the remaining development. Lot 1 will be the future site of the Kwik Trip, Lot 3 will be the site of the relocated US Cell tower.

Prior to any development on Lot 1 or 2 the cell tower must be moved to Lot 3. The Village Engineer has submitted some language correction to the surveyor.

**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 create Lot 1, 2 and 3 for the property located east of HWY 164 and south of Main Street/CTH VV subject to the final review of the Village Engineer, and subject to the Developer entering into a Developer's Agreement for the construction of the improvements, and the standard conditions of CSM approval and Exhibit A.

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

**A. Consideration on creation of a working group to review and make a recommendation to amend the sign Ordinance Chapter 17 Section 17.0800.**

The U.S. Supreme Court has dramatically changed the legal landscape concerning the regulations of signs. Due to these new regulations items in our sign code relating to content or the implied regulation therein need to be reviewed and adjusted or removed from the code to comply with the Court's ruling.

A draft of the recommended changes to the sign code Section 17.0800 is included in the packet and because these changes are significant, staff is recommending a workgroup is formed to address all the items of the recent changes and ensure the communities intent for quality development is maintained.

**Policy Question:**

1. Are there any concerns with creating a workgroup?

**Action Items:**

1. Create a workgroup to work on the amendment to the sign code.

**Staff Recommendation:** Staff recommends the Plan Commission create a workgroup to review the sign code to make recommendation for the amendment to Section 17.0800.

**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.