

DISCLAIMER- THE FOLLOWING ARE DRAFT MINUTES FROM  
THE PLAN COMMISSION AND ARE  
SUBJECT TO CHANGE UPON APPROVAL OF THE PLAN COMMISSION  
**VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN**

**Minutes of the Plan Commission meeting held on September 15, 2020.**

President LeDonne called the meeting to order at 6:30 p.m.

Members present: Commissioners Deb Anderson, Mike Knapp and Roger Johnson, Trustee Scott Adkins and Village President Anthony LeDonne.

Members excused: Jim Muckerheide

Others present: Village Administrator Jeremy Smith, Assistant Development Director Kasey Fluet, Village Attorney John Macy and applicants.

A quorum of the Village Board was not present at the meeting.

**Consideration and possible action on the minutes on the Plan Commission meeting of July 21, 2020.**

A motion by Adkins, seconded by LeDonne to approve the minutes of the Plan Commission meeting of August 18, 2020 as presented. Motion carried 5-0

**Consideration and possible action on a on a Plan of Operation and site plan for Rock n'Tan new ownership, N65W24838 Main Street Suite 500.**

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-2. This is an existing business that will be transferred to a new owner. The tan salon is a permitted use in accordance with Section 17.0417 (A)(5)(a) in the B-2 district. The tan salon has tanning beds and will sell tanning relate products. The hours of operations will be Monday thru Friday 10:00 a.m. – 8:00 p.m. and Saturday 9:00 a.m. – 2:00 p.m. and in the fall/winter months Sunday 9:00 a.m. – 2:00 p.m.

This site is a multi-tenant building, also known as Sussex Commons with other mixed users. This user will occupy a tenant space of 1,900 square feet. There are 436 parking stalls and per code 15 stalls are required for this user, this site has sufficient parking for all users and meets the parking code requirements.

Plan Commission Comments: None

A motion by Anderson, seconded by LeDonne to approve the Plan of Operation and site plan for Rock n' Tan new ownership (N65W24838 Main Street Suite 500); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A. Motion carried 5-0

**Reconvene the public hearing for a Conditional Use, Plan of Operation and site plan for Tim Carberry condominium N60W22951 Silver Spring building 2 unit 3.**

Comments from Plan Commission: None

Comments from the Public: None

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

A motion by LeDonne, seconded by Adkins to close the public hearing. Motion carried 5-0.

**Consideration and possible action on a Conditional Use, Plan of Operation and site plan for Tim Carberry condominium N60W22951 Silver Spring building 2 unit 3.**

Staff has prepared a legal non-conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use and site plan for Tim Carberry.

The Plan Commission concluded that the Petitioner had provided substantial evidence with regards to the following Standards/Regulations:

- The Application is complete and consistent with 17.0502
- The use(s) and plans are compliant with 17.0503 (Review of CU's).
- The use(s) and plans are compliant with 17.0200 (General Conditions)
- The uses(s) and plans are compliant with 17.0422 (M-1 Industrial District)
- The uses(s) and plans are compliant with 17. 1000 (Site Plan Review)
- The Petitioner has provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.

The Plan Commission concluded that the Petitioner had provided substantial evidence with regards to the Conditional Use Permit as follows:

- A.3.A. Site Plan Standards compliance
- A.3.B. Plan of Operation compliance
- A.3.C.-J. Various Plan(s) compliance
- A.4.-16. CU condition compliance
- B-L. Administrative CU Condition compliance

A motion by LeDonne, seconded by Anderson to approve the Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation and site plan for Tim Carberry condominium building at N60W22951 Silver Spring building 2 unit 3; a finding the use and structures meet the principals of 17.1002(A-H); subject to payment of any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A. Motion carried 5-0.

**Reconvene the public hearing for a Conditional Use, Plan of Operation and site plan for Jim Carberry condominium N60W22951 Silver Spring building 2 unit 4.**

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating This site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owners are purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

Plan Commission Comments: None

Comments from the Public: None

A motion by LeDonne, seconded by Adkins to close the public hearing. Motion carried 5-0.

**Consideration and possible action on a Conditional Use, Plan of Operation and site plan for Jim Carberry condominium N60W22951 Silver Spring building 2 unit 4.**

Staff has prepared a legal non-conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use and site plan for Tim Carberry.

The Plan Commission concluded that the Petitioner had provided substantial evidence with regards to the following Standards/Regulations:

- The Application is complete and consistent with 17.0502
- The use(s) and plans are compliant with 17.0503 (Review of CU's).

- The use(s) and plans are compliant with 17.0200 (General Conditions)
- The uses(s) and plans are compliant with 17.0422 (M-1 Industrial District)
- The uses(s) and plans are compliant with 17. 1000 (Site Plan Review)
- The Petitioner has provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.

The Plan Commission concluded that the Petitioner had provided substantial evidence with regards to the Conditional Use Permit as follows:

- A.3.A. Site Plan Standards compliance
- A.3.B. Plan of Operation compliance
- A.3.C.-J. Various Plan(s) compliance
- A.4.-16. CU condition compliance
- B-L. Administrative CU Condition compliance

A motion by LeDonne, seconded by Anderson to approve the Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation and site plan for Jim Carberry condominium building at N60W22951 Silver Spring building 2 unit 4; a finding the use and structures meet the principals of 17.1002(A-H); subject to payment of any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A. Motion carried 5-0.

**Consideration and possible action on a request for an accessory building exceeding 250 square feet for Jamison and Tania Nack (W239N7652 Sun Valley Ct.).**

This site is zoned CR-1. Mrs. Fluet stated that the accessory building is a permitted use in this district in accordance with Section 17.0704 (A)(2), the accessory building the homeowner would like to build is larger than 250 square feet. The owner is requesting to build a 600 square foot building to be used for storage and a hangout structure by the pool.

Motion by Johnson, seconded by Anderson to approval of the 600 square foot accessory building for the property located at W232N7652 Sun Valley Ct subject to the conditions of Exhibit A. Motion carried 5-0.

**Consideration and possible action on a request from property owners at W239N6638 Maple Avenue to have multiple driveways.**

Mrs. Fluet stated that this property is zoned RS-4. This request was considered at the September 17, 2019 Plan Commission, and the request was denied.

Village Engineer reviewed a power point (copy attached) and memo (copy attached).

Motion by Johnson, seconded by Knapp to deny the request for the multiple driveways for the property at W239N6638 Maple Avenue based upon concerns from the Village Engineer and availability of alternative options. Motion carried 5-0.

**Topics for Future Agendas:** Mr. Knapp requested staff provide information about shed sizes in the RS-4 district.

**Adjournment**

A motion by Anderson, seconded by Adkins to adjourn the meeting at 7:26 pm.

Motion carried 5-0

Respectfully Submitted,

Samuel Liebert  
Administrative Services Director

## **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.



MEMORANDUM

TO: Plan Commission  
FROM: Kasey Fluet, Assistant Development Director  
RE: Plan Commission meeting of September 15, 2020  
DATE: September 10, 2020

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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 minutes of the Plan Commission meeting of August 18, 2020.**
03. **Consideration and possible action on Permitted Uses and Site Plans:**  
**A. Consideration and possible action on a Plan of Operation and site plan for Rock n' Tan new ownership (N65W24838 Main Street Suite 500).**

This site is zoned B-2. This is an existing business that will be transferred to a new owner. The tan salon is a permitted use in accordance with Section 17.0417 (A)(5)(a) in the B-2 district. The tan salon has tanning beds and will sell tanning relate products. The hours of operations will be Monday thru Friday 10:00 a.m. – 8:00 p.m. and Saturday 9:00 a.m. – 2:00 p.m. and in the fall/winter months Sunday 9:00 a.m. – 2:00 p.m.

This site is a multi-tenant building, also known as Sussex Commons with other mixed users. This user will occupy a tenant space of 1,900 square feet. There are 436 parking stalls and per code 15 stalls are required for this user, this site has sufficient parking for all users and meets the parking code requirements.

**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 plans.

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation and site plan for Rock n' Tan new ownership (N65W24838 Main Street Suite 500); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

04. **Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:**

**A. Reconvene the public hearing for a Conditional Use, Plan of Operation and site plan for Tim Carberry condominium N60W22951 Silver Spring building 2 unit 3.**

This site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owners are purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

**The Conditional Use Permit Standards to be met:**

- A. This conditional use is granted for the Petitioner for the above for the above enumerated uses, incorporating the findings as set forth above and subject to the following conditions:
1. Presentation Compliance. The indoor storage facility is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearings before the Plan Commission held on August 18, 2020 and September 15, 2020.
  2. Subject Property. This conditional use permit issued to the Petitioners, shall be limited to the property described in **Exhibit A** attached hereto and incorporated herein and to the site plan presented at public hearing.
  3. Plans. The Petitioners are required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Village Clerk for the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the specific language of the Conditional use and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein as solely determined by the Plan Commission. If the Plan Commission for the Village of Sussex feels, in its sole discretion, that the amendment or change to any plan contemplated herein is substantial, the amendment or change will require a new permit and all Village procedures in place at the time must be followed.
    - A Site Plan. The Petitioners shall maintain the existing site plan, which shall be attached hereto and incorporated herein as **Exhibit A-1.**
    - B Plan of Operation. The Petitioners shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. Once approved the plan of operation shall be attached hereto and incorporated herein as **Exhibit B.**
    - C Traffic, Access, Loading, and Parking Plans. The Petitioner shall comply with the existing traffic parking, loading, and egress plan for the subject property on file with the Village Clerk which is shown in Exhibit A-1.

- D. Lighting Plan. The Petitioner shall maintain the existing lighting plan for the Subject Property on file with the Village Clerk
  - E. Signage Plan. The Petitioner must submit a signage plan for approval for the Subject Property. Once approved said signage plan shall be attached hereto and incorporated herein as **Exhibit C.**
  - F. Public Improvements. There are no current public improvements required at this time.
  - G. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall comply with the specific sewer, water, stormwater, and erosion control plans on file with the Village Clerk.
  - H. Fence, Landscaping, Berm, and Open Space Utilization Plan. The Petitioner shall comply with the specific Fence, Landscaping, Berm, and Open Space Utilization Plan for the Subject Property on file with the Village Clerk.
  - I. Architectural and Building Plan. The Petitioner shall comply with the specific Architectural and Building Plan for the Subject Property on file with the Village Clerk.
  - J. Outdoor Storage and Uses Plan. No outdoor storage is permitted.
4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.
  5. Licenses. The Petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and Federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.
  6. Laws. The Petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
  7. Building and Fire Inspection. The Petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
  8. Aesthetics. The Petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Section 9.07 of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
  9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
  10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Plan Commission of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained except for as allowed by Outdoor Establishment Permit under Chapter 4 or Auxiliary Use under Section 17.0710.

11. Fees and Expenses. The Petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this conditional use permit. The Village Clerk shall provide the Petitioner with copies of all itemized invoices.
  12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this conditional use permit must be paid by the Petitioner.
  13. Complaints. In the event the Petitioner receives any complaints with regard to the operation authorized by this conditional use, the Petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.
  14. No Nuisance. The Village reserves the right to rescind its approval of this conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the Petitioner is given an opportunity to be heard on the matter and, if so rescinded the Petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances , as applicable, regarding the use of the Subject Property as though no conditional use permit was granted.
  15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and Petitioner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.
  16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the conditional use permit as the Plan Commission for the Village of Sussex deems appropriate
- B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.
- C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Sussex, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
- D. This conditional use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.

- E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission for the Village of Sussex.
- F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.
- G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- H. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- I. This conditional use permit shall be effective for an initial term that ends five years from the date of January 1 of the year the conditional use is approved. During the final year of the 5 year term of the CU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the CU. If based upon that review the use of the property is compatible with the surrounding areas and the Petitioner is in substantial compliance with all terms of this conditional use agreement, then, in that event, the Conditional Use can be automatically renewed for another 5 year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the Conditional Use, the Petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30<sup>th</sup> of the final year of the term of the CU. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.
  - 1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be

classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.

2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.
  3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.
- J. Upon acceptance by Petitioner of this conditional use permit, all prior conditional use permits granted to the Subject Property are hereby revoked and terminated.
- K. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.
- L. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of this order. The remainder of the order shall remain in full force and effect.

Comments from the public if any.

**Additional Plan Commission conditions:**

The Petitioner, Public and Plan Commission will have a chance to present evidence and discuss the Conditional Use Order.

**Policy Questions:**

1. Is there any further unanswered questions by the Plan Commission or any other items requiring a continuation of the Public Hearing?

**Action:**

1. Close the public hearing or continue the public hearing with specific information sought by the Petitioner/Public.

**B. Consideration and possible action on a Conditional Use, Plan of Operation and site plan for Tim Carberry condominium N60W22951 Silver Spring building 2 unit 3.**

Staff has prepared a legal non-conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use and site plan for Tim Carberry.

**Policy Questions:** Has the Petitioner provided substantial evidence proving they meet the standards/regulations of the Ordinance, the conditions and standards of the Conditional Use Permit, and the other conditions as set forth by the Plan Commission? If No, the deficiency will need to be detailed.

Has the Petitioner provided substantial evidence with regards to the following Standards/Regulations?

**The Application is complete and consistent with 17.0502** Yes or No

**The use(s) and plans are compliant with 17.0503 (Review of CU's)** Yes or No

**The use(s) and plans are compliant with 17.0200 (General Conditions)** Yes or No

**The uses(s) and plans are compliant with 17.0422 (M-1 Industrial District)** Yes or No

**The uses(s) and plans are compliant with 17. 1000 (Site Plan Review)** Yes or No

**Has the Petitioner provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.** Yes or No

Has the Petitioner provided substantial evidence with regards to the Conditional Use Permit as follows:

**A.3.A. Site Plan Standards compliance** Yes or No

**A.3.B. Plan of Operation compliance** Yes or No

**A.3.C.-J. Various Plan(s) compliance** Yes or No

**A.4.-16. CU condition compliance** Yes or No

**B-L. Administrative CU Condition compliance** Yes or No

**Action Items:**

1. Act on the CU and site plan.

**Staff Recommendation:** Staff recommends approval of the Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation and site plan for Tim Carberry condominium building at N60W22951 Silver Spring building 2 unit 3; a finding the use and structures meet the principals of 17.1002(A-H); subject to payment of

any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A.

**C. Reconvene the public hearing for a Conditional Use, Plan of Operation and site plan for Jim Carberry condominium N60W22951 Silver Spring building 2 unit 4.**

This site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owners are purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

**The Conditional Use Permit Standards to be met:**

- A. This conditional use is granted for the Petitioner for the above for the above enumerated uses, incorporating the findings as set forth above and subject to the following conditions:
1. Presentation Compliance. The indoor storage facility is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearings before the Plan Commission held on August 18, 2020 and September 15, 2020.
  2. Subject Property. This conditional use permit issued to the Petitioners, shall be limited to the property described in **Exhibit A** attached hereto and incorporated herein and to the site plan presented at public hearing.
  3. Plans. The Petitioners are required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Village Clerk for the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the specific language of the Conditional use and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein as solely determined by the Plan Commission. If the Plan Commission for the Village of Sussex feels, in its sole discretion, that the amendment or change to any plan contemplated herein is substantial, the amendment or change will require a new permit and all Village procedures in place at the time must be followed.
    - A Site Plan. The Petitioners shall maintain the existing site plan, which shall be attached hereto and incorporated herein as **Exhibit A-1**.
    - B Plan of Operation. The Petitioners shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. Once approved the plan of operation shall be attached hereto and incorporated herein as **Exhibit B**.

- C. Traffic, Access, Loading, and Parking Plans. The Petitioner shall comply with the existing traffic parking, loading, and egress plan for the subject property on file with the Village Clerk which is shown in Exhibit A-1.
  - D. Lighting Plan. The Petitioner shall maintain the existing lighting plan for the Subject Property on file with the Village Clerk
  - E. Signage Plan. The Petitioner must submit a signage plan for approval for the Subject Property. Once approved said signage plan shall be attached hereto and incorporated herein as **Exhibit C.**
  - F. Public Improvements. There are no current public improvements required at this time.
  - G. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall comply with the specific sewer, water, stormwater, and erosion control plans on file with the Village Clerk.
  - H. Fence, Landscaping, Berm, and Open Space Utilization Plan. The Petitioner shall comply with the specific Fence, Landscaping, Berm, and Open Space Utilization Plan for the Subject Property on file with the Village Clerk.
  - I. Architectural and Building Plan. The Petitioner shall comply with the specific Architectural and Building Plan for the Subject Property on file with the Village Clerk.
  - J. Outdoor Storage and Uses Plan. No outdoor storage is permitted.
4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.
  5. Licenses. The Petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and Federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.
  6. Laws. The Petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
  7. Building and Fire Inspection. The Petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
  8. Aesthetics. The Petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Section 9.07 of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
  9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.

10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Plan Commission of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained except for as allowed by Outdoor Establishment Permit under Chapter 4 or Auxiliary Use under Section 17.0710.
  11. Fees and Expenses. The Petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this conditional use permit. The Village Clerk shall provide the Petitioner with copies of all itemized invoices.
  12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this conditional use permit must be paid by the Petitioner.
  13. Complaints. In the event the Petitioner receives any complaints with regard to the operation authorized by this conditional use, the Petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.
  14. No Nuisance. The Village reserves the right to rescind its approval of this conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the Petitioner is given an opportunity to be heard on the matter and, if so rescinded the Petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances, as applicable, regarding the use of the Subject Property as though no conditional use permit was granted.
  15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and Petitioner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.
  16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the conditional use permit as the Plan Commission for the Village of Sussex deems appropriate
- B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.
- C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Sussex, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

- D. This conditional use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.
- E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission for the Village of Sussex.
- F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.
- G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- H. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- I. This conditional use permit shall be effective for an initial term that ends five years from the date of January 1 of the year the conditional use is approved. During the final year of the 5 year term of the CU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the CU. If based upon that review the use of the property is compatible with the surrounding areas and the Petitioner is in substantial compliance with all terms of this conditional use agreement, then, in that event, the Conditional Use can be automatically renewed for another 5 year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the Conditional Use, the Petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30<sup>th</sup> of the final year of the term of the CU. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.

1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.
  2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.
  3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.
- J. Upon acceptance by Petitioner of this conditional use permit, all prior conditional use permits granted to the Subject Property are hereby revoked and terminated.
- K. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.
- L. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of this order. The remainder of the order shall remain in full force and effect.

Comments from the public if any.

**Additional Plan Commission conditions:**

The Petitioner, Public and Plan Commission will have a chance to present evidence and discuss the Conditional Use Order.

**Policy Questions:**

1. Is there any further unanswered questions by the Plan Commission or any other items requiring a continuation of the Public Hearing?

**Action:**

1. Close the public hearing or continue the public hearing with specific information sought by the Petitioner/Public.

**D. Consideration and possible action on a Conditional Use, Plan of Operation and site plan for Jim Carberry condominium N60W22951 Silver Spring building 2 unit 4.**

Staff has prepared a legal non-conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use and site plan for Tim Carberry.

**Policy Questions:** Has the Petitioner provided substantial evidence proving they meet the standards/regulations of the Ordinance, the conditions and standards of the Conditional Use Permit, and the other conditions as setforth by the Plan Commission? If No, the deficiency will need to be detailed.

Has the Petitioner provided substantial evidence with regards to the following Standards/Regulations?

**The Application is complete and consistent with 17.0502** Yes or No

**The use(s) and plans are compliant with 17.0503 (Review of CU's)** Yes or No

**The use(s) and plans are compliant with 17.0200 (General Conditions)** Yes or No

**The uses(s) and plans are compliant with 17.0422 (M-1 Industrial District)** Yes or No

**The uses(s) and plans are compliant with 17. 1000 (Site Plan Review)** Yes or No

**Has the Petitioner provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.** Yes or No

Has the Petitioner provided substantial evidence with regards to the Conditional Use Permit as follows:

**A.3.A. Site Plan Standards compliance** Yes or No

**A.3.B. Plan of Operation compliance** Yes or No

**A.3.C.-J. Various Plan(s) compliance** Yes or No

**A.4.-16. CU condition compliance** Yes or No

**B-L. Administrative CU Condition compliance** Yes or No

**Action Items:**

1. Act on the CU and site plan.

**Staff Recommendation:** Staff recommends approval of the Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation and site plan for Jim Carberry condominium building at N60W22951 Silver Spring building 2 unit 4; a finding the use and structures meet the principals of 17.1002(A-H); subject to payment of any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A.

05. **Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:**  
**A. Consideration and possible action on a request for an accessory building exceeding 250 square feet for Jamison and Tania Nack (W232N7652 Sun Valley Ct.).**

This site is zoned CR-1. The accessory building is a permitted use in this district in accordance with Section 17.0704 (A)(2), the accessory building the homeowner would like to build is larger than 250 square feet. The owner is requesting to build a 600 square foot building to be used for storage and a hangout structure by the pool.

The Plan Commission may allow this based on:

**17.0704 ACCESSORY USE REGULATIONS**

Accessory uses are permitted in any district as may be specified in the appropriate district regulations or herein. An accessory use building permit shall be required where specifically noted in this Section. Accessory uses are permitted only after their principal structure is present or under construction. The use and/or location requirements stipulated elsewhere in this Ordinance may be modified for accessory uses as follows:

- A. Accessory Uses and Detached Accessory Structures shall be permitted in the rear yard only, unless otherwise specified. Accessory structures shall not occupy more than 20 percent of the rear yard in all districts except the business and manufacturing districts where such uses and structures shall not occupy more than 50 percent of the rear yard area. When permitted in the side or front yard, accessory structures shall not occupy more than 10 percent of the yard area.
- (2) Accessory buildings, such as garden or utility sheds, playhouses, or gazebos, upon the issuance of a building permit. Accessory buildings shall be located at least 10 feet from the principal structure; shall be placed on a pad of concrete, asphalt, wood, or metal; shall not exceed 250 square feet in area; shall be located not closer than five (5) feet to a lot line; and shall not exceed 15 feet in height. Any accessory building housing a motor vehicle shall be placed on a concrete floor or pad. No more than one accessory building shall be erected on a lot in an Rs-1, Rs-2, Rs-3, Rd-1, or Rd-2 Residential District. **On larger lots, the Plan Commission may, at its discretion, permit more than one accessory structure or may permit a structure exceeding 250 square feet in area when it determines that more than one such structure or a larger structure is necessary to the efficient development of the property and that sufficient, usable open space areas remain on the lot.**

The size of the owner's lot is over an acre, 46,318 square feet. The Majestic Heights Homeowners Association has approved the improvements. Staff feels the proposed building and addition of a pool fits the neighborhood and the lot.

**Policy Questions:**

- 1. Are there any concerns with the accessory building?

**Action Item:**

1. Act on the request for the accessory building.

**Staff Recommendation:** Staff recommends approval of the 600 square foot accessory building for the property located at W232N7652 Sun Valley Ct subject to the conditions of Exhibit A.

**B. Consideration and possible action on a request from property owners at W239N6638 Maple Avenue to have multiple driveways.**

This property is zoned RS-4. This request was considered at the September 17, 2019 Plan Commission, below is the minutes from that meeting on this matter.

**Consideration and possible action on request from property owners at W239N6638 Maple Avenue to have multiple driveways.**

Matthew Yakich, W239N6638 Maple Ave, Sussex, WI. Mr. Yakich is asking for approval to add a second drive to his residence which will be connected by a circular drive. Mr. Yakich stated that exiting from their current driveway which is directly across from Champeny Road; onto Maple Avenue has become very difficult and dangerous due to traffic. Plan Commission asked that more details be brought to the September meeting for consideration.

Mr. Yakich presented a drawing done by Wolf Paving which included dimensions of the proposed driveways. Existing drive remains 62x19 ft., second drive will be 12x53 ft. with the driveways to be connected by a 12 foot wide circular drive. Mr. Yakich stated he would incur cost to cut the curb for the second drive. He hopes to keep the two pine trees in the front yard, but knows the maple tree will need to come down for construction of the circular drive. The second drive is for additional parking. The original drive is on the property line so it cannot be extended. Drives will be concrete. Mr. Yakich stated safety was his first concern and wished to add the circular drive because he did not want his front yard to become all concrete and circular drives had been approved by the Village in the past.

Plan Commission inquired if the Village had a code restricting the number of vehicles parked on a drive. Staff informed the Plan Commissioners that the Village does not have a code limiting the number of vehicles parked on a drive. Attorney Macy reminded the Commission that vehicles can only be parked on a paved surface and we can regulate where these paved surfaces are – this limits parking.

Mr. Johnson noted that this design is still two driveways connected with an arch. Per code, two drives are not permitted. President Goetz stated the Village's main concern with this request is safety.

Mrs. Neu, Village Engineer stated the drive opposite Champeny is the safer option. The northern drive elevation drops 2.5 to 3 feet from current drive. This drop in elevation plus the hill south of Champeny creates a shorter stopping site distance for cars traveling on Maple Avenue which makes exiting the northern drive more dangerous. The circular drives Mr. Yakich referenced as being in Sussex were put in place when those properties were in the Town of Lisbon, so before they came into the Village. Decision to permit the northern drive is a policy decision for the Plan Commission to determine. Owner is responsible for building all approaches if this is approved.

Comments from the Plan Commission: Mr. Johnson inquired if an alternate proposal could be considered. Staff replied that is up to the owner to provide. Mrs. Anderson questioned if the north drive could be a pad to park on, but not a drive that exited onto Maple. Staff replied that a parking pad is not permitted in a front yard. Staff also mentioned that the building inspector could determine if the current drive approach could be widened in some manner.

President Goetz stated he could not ignore the Village Engineer's safety concerns and felt the second drive should not be permitted. Commissioners Johnson, Adkins and Anderson agreed with that assessment. Commissioner Schauer also agreed and stated that widening the existing drive approach

and creating a “L” to turn around in might be a solution. Commissioner Adkins agreed that exiting forward instead of backing out seemed the safer option.

A motion by Goetz, seconded by Johnson to deny the he request for the multiple driveways for the property at W239N6638 Maple Avenue based upon concerns from the Village Engineer and availability of alternative options. Motion carried 6-0.

Now that the Maple Avenue Road project is nearing completion, the petitioner would like the Plan Commission to reconsider his request;

*With the almost finished Maple Ave project it is becoming very clear on how much drive way the Village of Sussex is now actually taking from us. We also have noticed the elevation of our drive way is now much higher then previous Please let us know what we need in order to get on the agenda asap. We want to hopefully have this approved prior to pouring concrete in front of our home.*

The property owners are requesting to add a second driveway along Maple Avenue near Champeny Road due to the difficulties of backing out of the current drive at this location. In accordance with Section 17.0604 B. the Plan Commission may consider multiple driveways:

- B. No More Than One Driveway Opening shall be permitted for any property except as otherwise authorized herein. The Plan Commission may permit multiple driveways or circular driveways in any district where such grant is necessary to prevent a traffic hazard that would otherwise be caused by a single driveway. A traffic hazard, for purposes of this subsection, exists in only the following limited circumstances:
1. Exiting the driveway requires backing out onto a State or County Highway or arterial street, and one of the following circumstances is present:
    - (a) The sight distance where the driveway meets the roadway is less than 200 feet and the roadway has a posted speed limit of 25 mph or more.
    - (b) The driveway is located within 36 feet of an intersection.

The Plan Commission may also permit multiple or circular driveways for reasons other than traffic hazards where lots have a frontage of at least 150 feet and the Plan Commission determines that sufficient separation exists between the driveway locations and the property lines.

Notwithstanding the foregoing, multiple or circular driveways shall not be permitted if they would violate any requirement of this Code or other applicable laws.

The request does not meet the requirements of B.1. but the Plan Commission may grant the multiple driveway under the requirements underlined above. The frontage for the property is 189 feet, the distance between each drive will be 54 feet. The existing driveway and the new driveway are more than three feet from the lot lines and meet the code requirements.

The Village engineer still has concerns about allowing a second driveway location at this property and will be present at the meeting to discuss those concerns. The Village Engineer would recommend a driveway flair be established in front of the house to allow drivers to exit onto the street forward facing vs. a secondary access point in such close and offset proximity to the intersection.

**Policy Question:**

1. Does the request meet the requirements?
2. Are there any concerns with the multiple driveways?

**Action Items:**

1. Act on request.

**Staff Recommendation:** Staff recommends the Plan Commission deny the request for the multiple driveways for the property at W239N6638 Maple Avenue based upon concerns from the Village Engineer and availability of alternative options.

**06. Other Items for future discussion.**

**07. Adjournment.**



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## MEMORANDUM

To: Plan Commission  
From: Judith A. Neu, Village Engineer  
Date: September 15, 2020  
**Re: Request for Multiple Driveways at W239N6638 Maple Avenue**

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I have reviewed the request for multiple driveways at W239N6638 Maple Avenue and find that the requested second driveway location does not have sufficient sight distance. Therefore, I do not recommend approving the request for a second driveway for safety reasons.

The existing driveway has much more than 200 feet of sight distance to the north and to the south.

The new driveway, located 65 feet north of the south lot line, has a sight distance of only 144 feet to the south. According to the Wisconsin Department of Transportation's Facilities Development Manual, section 11-20-10.3.3, driveway sight distances should be checked using the same criteria used for intersection sight distances found in FDM 11-10-5.1.4. On Table 5.2 of that section, using the case of a passenger vehicle (eye height at 3.5 feet) turning left from the driveway (minor road) onto a road with a design speed of 25 MPH, the minimum sight distance is 280 feet (for 24" object), and the upper minimum sight distance is 370 feet (for a 6" object). The new driveway location will have only ½ of the minimum required sight distance for a 24" object height (headlight height).

The reason for the difference in available sight distance from the existing driveway to the new driveway is that the elevation of Maple Avenue drops about 2 feet between those two driveways. In addition, there is a high point in Maple Avenue about 100 feet south of Champeny Road that has an elevation of 951.4. The driver's eye at the existing driveway is at elevation 952.3 so the driver in the existing driveway has an unobstructed view to the south over the crest of the hill. However, the driver's eye at the new driveway is at elevation 950.4 (about a foot lower than the crest of the hill), which significantly limits the available sight distance for the driver trying to exit the driveway.

For this reason, staff does not recommend allowing the second driveway to this property. Pulling out forward from the existing driveway would be the safest way to exit the property.









