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AGENDA
PLAN COMMISSION
VILLAGE OF SUSSEX
6:30 PM TUESDAY, MARCH 17, 2020
SUSSEX CIVIC CENTER– BOARD ROOM 2nd FLOOR
N64W23760 MAIN STREET

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Sussex Plan Commission, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.)

1. Roll call.
2. Consideration and possible action on the minutes of the Plan Commission meeting of February 18, 2020.
3. Consideration and possible action on Permitted Uses and Plans:
 - A. Consideration and possible action on a Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD).
 - B. Consideration and possible action on a Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD).
 - C. Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group-Stirling Building (W248N5565 Executive Drive).
4. 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 of an amendment to a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.
 - B. Consideration and possible action on a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street).
 - C. Reconvene the public hearing of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.
 - D. Consideration and possible action on a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

1. Consideration and possible action on a CSM for Sussex Corporate Park to divide lot 1 Tax Key #SUXV0273999006 to create 3 lots, lot 2 will be the future site of the Kwik Trip.
- E. Convene the public hearing of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive).
5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
 - A. Consideration and possible action on a request for a second monument sign for Froedtert Health (N64W25307 Prospect Circle).
 - B. Consideration and possible action on a CSM for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road.
 - C. Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline.
 - D. Consideration and possible action on an Ordinance to repeal and recreate the Business Districts pertaining to financial institutions with a drive through.
6. Other items for future discussion.
7. Adjournment.

Greg Goetz
Chairperson

Jeremy J. Smith
Village Administrator

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Clerk at 246-5200.

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 February 18, 2020.

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

Members present: Commissioners Deb Anderson, Amanda Schauer, David Ray, Annette Kremer, Trustee Scott Adkins and Village President Greg Goetz.

Members excused: Roger Johnson.

Others present: Village Administrator Jeremy Smith, Village Attorney John Macy, Assistant Development Director Kasey Fluet, Village Engineer Judy Neu, Deputy Clerk Linda Steinmetz 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 January 21, 2020.

A motion by Kremer, seconded by Anderson to approve the minutes of the Plan Commission meeting of January 21, 2020 as presented. Motion carried 6-0.

Consideration and possible action on a Plan of Operation and site plan for Fade & Fancy (N64W24050 Main Street unit #206).

Pam Anagnostopolous spoke on behalf of Fade & Fancy, N64W24050 Main Street, #206. Business to be a full service barber shop offering cuts, beard shaping, nose & ear waxing and scalp treatment; and a full service hair styling salon offering cuts, perms, color, highlight, eyebrow waxing and styling. Ms. Anagnostopolous has worked as a cosmetologist in Sussex for almost 30 years.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Fade & Fancy will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 37 stalls are allocated to other users and this user requires three spaces.

Plan Commission had no comments.

A motion by Goetz, seconded by Kremer to approve the Plan of Operation and site plan for Fade & Fancy (N64W24050 Main Street unit #206); 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 6-0.

Consideration and possible action on a Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205).

Teresa Mueller spoke on behalf of Bella Mia Salon, N64W24050 Main Street #205. Business to be a hair salon offering cuts, color, perms, formal styles and facial waxing. Has been doing hair for 18 years, last 4 in Sussex.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Bella Mia Salon LLC will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 40 stalls are allocated to other users and this user requires three spaces.

Plan Commission had no comments.

A motion by Kremer, seconded by Anderson to approve the Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205); 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 6-0.

Consideration and possible action on a Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201).

Shannon Baker spoke on behalf of Skin 360 Spa & Beauty, N64W24050 Main Street #201. Ms. Baker is a licensed aesthetician. Business to offer cosmetic skin treatments such as facials, superficial chemical peels, body treatments, makeup, lashes and waxing.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The spa treatment services is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Skin 360 Spa & Beauty will occupy 479 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 43 stalls are allocated to other users and this user requires three spaces.

No comments from Plan Commission.

A motion by Schauer, seconded by Adkins to approve the Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201); 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 6-0.

Consideration and possible action on an amendment to a Plan of Operation and site plan for Belfast Station (N64W23246 Main Street).

Bruce Russell spoke on behalf of Belfast Station, N64W23246 Main Street. Business plans to build a bar on the outside deck. Design to look like a caboose to tie in with business theme and tracks located nearby. TV to be mounted inside of the bar. Bar will be enclosed by the 6' fence already surrounding the deck.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The restaurant and bar is a permitted use in accordance with section 17.0419 (C)(1)(c) and (d) in the B-4 Central Mixed Use District. New ownership took over the bar and restaurant in August. The new owner is proposing to add a structure to the deck to serve according to his submittal they will only serve beer. It should be noted that their liquor license allows them to serve more than beer on the patio.

The structure will be about 84 square feet and the exterior will be constructed with siding painted to match the existing building and the roof will have three dimensional asphalt shingles.

The Fire Department will be providing a maximum number of patrons that will be allowed on/in the deck area.

The only site plan amendment being considered at this meeting is the addition to add a structure on the deck to serve from.

Comments from Plan Commission: Plan Commission verified that the bar will be enclosed by fence on deck. Staff stated the maximum patron number will be provided to department by end of week.

A motion by Goetz, seconded by Kremer to approve the amendment to the Plan of Operation and site plan to allow the bar structure on the deck for Belfast Station (N64W23246 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the building inspector approving a permit, subject to the standard conditions of Exhibit A, but that no modification to the fencing of the deck be allowed at this time. Motion carried 6-0.

Consideration and possible action on a CSM, Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group addition (W248N5499 Executive Drive).

Due to applicant being delayed by traffic, Plan Commission agreed to hear presentation at a later point in the meeting.

Introduction of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living facility (W235N6350 Hickory Drive).

David Glazer, 4607 N 109th St., Wauwatosa WI was in attendance. No comments made as this is an introduction of CU.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zone B-4. The community based residential facility (CBRF) is a conditional use in the B-4 Central Mixed Use District in accordance with Section 17.0506 (B)(3). The Matthews Senior Living group is proposing to construct a 103,999 square foot senior living facility. The facility will have a total of 110 units 58 units for residential care apartments (10-studio, 42-one bedroom and 6-two bedroom) 27 assisted living units and 25 memory care units.

Site

- The site will have 74 parking stalls, the code requires 55 spaces for this type of use.
- Access off Hickory Drive aligns with access to property to the east. Proposing a 6 foot sidewalk along Hickory Drive to connect to Silver Spring sidewalk. Path provided to connect with the bugline trail.
- Pembroke street cul de sac will have a 14 foot wide emergency access road with gate.
- Proposed 24x24 dumpster enclosure and a 20x14 shed, both structures to be constructed with material matching the building.
- All plans are subject to final review by the Village Engineer and obtaining the necessary permits from the DNR.

Architectural

- Building meets height and required setbacks.
- Material to be used meets the Design Standards.

Lighting

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

Landscape

- The plan meets the Design Standards; 63 trees, 92 evergreens 300 shrubs/flowers.
- 15 foot landscape buffer with some fencing along south side as a buffer for the Hickory Heights residential homes

Sign

- The monument sign does not meet the Design Standards, the sign should have side pillar(s) of material that matches the base.

All plans need to be reviewed by the Architectural Review Board.

The Petitioner will need to prove the standards/conditions in the attached memo during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) in the attached memo reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

Mrs. Fluet stated that staff has found the application complete and recommends scheduling the Public Hearing.

Mr. Smith explained the approval process to applicants.

A motion by Goetz, seconded by Adkins to direct staff to schedule a public hearing for 6:30 pm on March 17, 2020. Motion carried 6-0.

Convene the public hearing of an amendment of a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.

Stephen Hoehnen spoke on behalf of Sussex Bowl, N64W24576 Main Street. Business plans to tear down and rebuild its outdoor storage shed. New shed will be used as an outdoor bar to service the volleyball courts and new fenced area for bag league. Volleyball, bag area and shed will be fenced with same style of fences currently around the volleyball courts. Bar will have electricity. Interior cabinets containing liquor will be lockable as well as all exterior doors on the shed. There are plans to have a bartender stationed at the shed during all volleyball/ bag games so the public no longer has to carry drinks from building to volleyball court area. Picnic tables located in volleyball area. There will be no tables in the bags area.

Comments from the public: None.

Comments from the Plan Commission: Plan Commission verified that the area will be fenced and the shed locked. Will security cameras be located on shed, building or parking lot? Will lighting be added to bag area – additional lighting added to parking lot? Is there a striped crosswalk for pedestrians walking from building to fenced area outside? Commissioner Adkins stated he had concerns regarding pedestrian safety and lack of clear access for the public transporting drinks from the building to the volleyball area or employees transporting alcohol to the outdoor bar. Hours of volleyball area?

Mr. Hoehnen stated there are cameras on building covering the parking lot. He is working with a company to install a better cameras. There are no cameras on the shed at this time but he is willing to add one if the Commission feels there is a need. Additional lighting will not be added to the bags area since they will be finished playing at sunset. Owner does plan to add lighting on the shed. Current lighting in parking lot lights the exit leading to the volleyball courts. There are arrows on pavement which direct traffic flow and a large area marked for pedestrians at doors exiting the building. Volleyball court area/ fence is locked at 10 p.m. Current liquor license allows for consumption of alcohol in the volleyball area, but no outside sales. At this time persons playing volleyball have to go inside the building to purchase drinks. This process has been in place since the early 1990's with no issues.

Staff verified there have been very few issues regarding alcohol consumption at the courts.

Mr. Hoehnen stated he met the Conditional Use Standards as follows:

17.0502 Application

- He has submitted for an amendment to the conditional use for Sussex Bowl.
- Address of the location is N64W24576 Main Street, the building meets the Design Standards in the B-1 district; our use for the building is indoor recreational bowling and outdoor recreational volleyball and outdoor bags tournament area.
- He has 30-35 employees.
- He has paid the required fee and have a receipt.

Mr. Hoehnen stated he has reviewed the impact report and concurred with the following:

- There will be more traffic at our location but not significant enough to change the operation of the roadway or nearby intersections.
- He agrees with the Director of Police Services to keep the building and fenced area locked after hours and all outdoor activity is to end prior to 10:00 p.m.
- Business will take care of all trash and respect the Village Ordinance in regards to property maintenance and zoning issues.

Standards regarding 17.0503 Review and approval:

- Our hours of operations are Monday through Sunday 9 a.m. to bar closure time.
- We understand the parking loading, traffic and highway access of the site.

Standards regarding 17.1002

- A – H have been met since this is an existing approved site.
- Our business is not an impact to the public health, safety or welfare of the Village of Sussex our use is in the spirit of the code and is not detrimental to the surrounding area.
- We will comply with all the provisions of the B-1 District standard and setbacks.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-1. The bowling recreational center with outdoor volley ball courts is requesting to amend their conditional use and site plan to include an outdoor bar and bags tournament area. This site has 150 parking stalls with the required 4 stalls designated for handicap parking.

The area for the bags tournament will be located on the grass adjacent to the fenced volley ball courts, this area will be designated by a fence around the perimeter. The owner is already allowed to have alcohol at the volleyball court and their request is to extend alcohol to the bags area as well. That issue will require an amendment to their liquor license, which goes before the Finance Committee and Village Board.

The owner will replace their current outdated shed and serve out of the new structure. Please see the impact report for more information.

Plan Commission stated the Petitioner had met the standards and directed staff to prepare a Conditional Use Order (with additional conditions) for review at the March 17, 2020 meeting at 6:30 p.m. Conditions to be added to the Conditional Use include: pedestrian orientation to include a lighted crossing with striping and outside activities to end at 10 p.m.

A motion by Goetz, seconded by Kremer to adjourn the public hearing until March 17, 2020 at 6:30 pm.
Motion carried 6-0.

Convene the public hearing for a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

Troy Mleziva, Real Estate Development Manager for Kwik Trip stated they are proposing to construct a new retail convenience store with attached carwash and fueling canopy on the corner of CTH K and Business Drive. Kwik Trip plans to have business open by end of year. Store to be 9050 sq. ft. with one attached carwash bay. Stacking of carwash is on north side of building. Hours of operation will be 24 hours for all uses. Ice machines have been moved inside an enclosure where propane tanks are located. Products sold will be similar to that of existing stores. They plan to have 30-35 full and part time employees. This building is larger than previous buildings and will have additional services such as prepared meals. Architectural plan will consist of a brick façade with metal roof. No asphalt materials are used on building – ecofriendly. Canopy on building is aluminum. Colors will tie in with franchise colors. Mr. Mleziva showed the Plan Commission samples of materials to be used in construction of building. All outside lights are recessed and only shine down, lighting area below. Lights on canopies are also recessed. Ten light poles in parking lot at a height of 18 feet, only shining down. Landscape is around exterior of site and along screening wall. One monument sign to be on screening wall, sign over front door and on three sides of building. There are a series of directional signage around pumps. Kwik Trip concurs with the impact report.

ARB has reviewed and approved the site, architectural, lighting, landscape and sign plans and the following recommendations have been made: add sidewalk access from Business Drive to entrance of the store and the address located on screening wall to the right of the monument sign. Mr. Mleziva

presented plan for sidewalk. Staff stated sidewalk plan met design standards. Mr. Mleziva stated they were agreeable with adding address on wall.

Comments from Plan Commission: Discussion was held on location of sidewalk from Business Drive to entrance of store. Due to slope of property, options were limited and the placement shown on plans is the safest/ closest route to entrance of store and meets design standards. Plan Commission agreed with placement of sidewalk. Inquiry by President Goetz of business practices regarding support of the community. President Goetz stated that the Village encourages sprinkler systems be installed for the safety of the public and employees. Inquired if new store will have sprinklers?

Mr. Mleziva stated Kwik Trip encourages its employees to support/ volunteer at community events. The store leader will be the point of contact for such needs. Regarding sprinkler system, this building is less than 12,000 sq. ft., and state code does not require a sprinkler system. The store minus car wash is only 7,200 sq. ft. There are no plans for a sprinkler system at this location as the building has required exits to accommodate ease of access to exit building in the unlikely event of a fire.

Comments from Public: None

Due to some confusion about location of lot, staff reviewed CSM with Plan Commission.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-2 with a Planned Development Overlay. The convenience store, car wash and gasoline service station is a conditional use in accordance with Section 17.0506 (A)(9) (a) and (b) and outside storage Section 17.0506 (A)(11)(a). Kwik Trip is proposing to construct a 9,050 square foot convenience store with attached car wash, gas pumps with canopy and diesel gas with canopy. Kwik Trip will operate 24 hours 7 days a week. In addition to the above services, the store will sell alcohol, the interior layout shows the "Beer Cave" and labeled #16 is the liquor cabinet behind the cash registers. The store will employ 30 to 35 employees. The liquor license and outdoor establishment permit will need to be reviewed by the Village Board.

The ARB reviewed the plans at the February 5, 2020 meeting and made the following motion:
A motion by Goetz, seconded by Schauer to approve the site, architectural, lighting, landscape and sign plan for Kwik Trip corner of CTH K and Business Drive with the following conditions:

- *Show a site plan with a pedestrian walkway from Business Drive to the entrance of the store.*
- *Add the address to the screening wall to the right of the monument sign.*

Motion carried.

The request for outside storage is to be limited to the ice machine and propane tanks.

As for all new construction of buildings and uses under a Conditional Use, the Plan Commission has requested that the building have a sprinkler system for the safety and welfare of the public and recognizing the importance of sprinklers in saving lives. Kwik Trip has stated that per code a sprinkler system is not required (letter attached).

Plan Commission stated the Petitioner had met the standards and directed staff to prepare a Conditional Use Order for review at the March 17, 2020 meeting.

A motion by Goetz, seconded by Kremer to adjourn the public hearing until March 17, 2020 at 6:30 pm.
Motion carried 6-0.

Consideration and possible action on a CSM, Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group addition (W248N5499 Executive Drive).

Stu LaRose of MSI General, W215 E Wisconsin Ave, Nashotah, WI and Mark (architect) spoke on behalf of Prestwick Group, W248N5499 Executive Drive. Company is expanding and plans to add a 33,000 sq. ft. building north of the current building. Additional land has been purchased for the expansion. Phase one includes moving the property line to the north as shown on CSM. Updating the existing building

facade, which includes new paint on the lower 2/3 of panels, adding windows on the east and south side to allow more natural light inside, adding a canopy to current entrance and creating a new entrance on the south/east corner of the building. Additional parking will also be added. Phase two will be construction of the new building to match updated design on current building. Lighting plan: five new poles will be added to the parking area with cut-off light fixtures which keep light within the property lines. Landscaping plan: The property will lose some trees when the parking lot is expanded. Tree plan has been reviewed. Trees/ shrubs will be planted along parking lot and there will be buffers added on the west and east side of property.

Staff informed the Plan Commission of the new issue concerning the dock doors on the south side of the building and truck accessibility to the additional dock door. Engineer is aware and will be working with architect to resolve the turning radius issue.

Comments by Public: None.

Comments by Plan Commission: None.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is expanding their operations of light manufacturing of high-end golf course and community amenities. The expansion would add 33,000 square feet to the north side of the building, front entrance improvements and additional parking. In order for this expansion to occur, they needed additional land and purchased the vacant lot to the north. A CSM is presented for consideration to change the lot lines of the two properties to accommodate the expansion to meet the setbacks. At the March Plan Commission they intend to submit plans for a new building on the vacant lot to the north.

The plans will be reviewed at the March Architectural Review Board.

In accordance with Section 17.0604 B. The Plan Commission may consider multiple driveways if:

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 frontage of the property is 540 feet and the addition of the third driveway is 142 feet from the center drive and is 112 feet from the property line.

Plan Commission stated they did not have any concerns regarding the CSM, Plan of Operation or multiple driveways. No comments directed to ARB.

A motion by Goetz, seconded by Kremer to approve the CSM with the addition of cross access easements to the Village Board, and further recommends subject to approval of the CSM by the Village Board. Staff recommends approval of the Plan of Operation and site plan, architectural plan, lighting plan and landscape plan for the addition to Prestwick Group (W248N5499 Executive Drive); a finding that the multiple drives meet the intent of 17.0604 B for the orderly development of the site, finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer to resolve any issues with the truck turning point at the south dock doors and the standard conditions of Exhibit A. Motion carried 6-0.

Consideration and possible action on items pertaining to Vista Run Development property located west of Hwy 164 and south of Silver Spring more specifically part of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002.

Bryan Lindgren, N27W24025 Paul Ct., Suite 100, Pewaukee spoke on behalf of Vista Run Development. Goal is to create an affordable community blending a variety of housing types. Original plan had seven product types, new plan has six. Plan has eliminated the single family attached residential units and replaced them with traditional single family units. Total number of units has been decreased from 308 to 294. Plan still has walking paths and sidewalks as presented previously. Two story townhome lots will be owned by HOA and will have shared maintenance of exterior. Price point in the low \$300s. Ranch Condominiums will also have shared maintenance and common areas. Price point in the mid \$300s. Plan has increased the number of single family villas. These have small lots with price points in the mid \$300s - \$400s. Larger homes in the Residences and Estates area have price points in the \$400s - \$600s. Plan still has 63 acres of open space. A paved trail has been added to access the Kohl's shopping center. Outlot 8 in northeast corner has been set aside for future development.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached). The Plan Commission had recommended approval of this development on November 19, 2019. Since the November review the developer's engineering firm has discovered some grading issues that changed the stormwater layouts, which caused the Developer to rethink the duplex portion of the project and as a result is making some modifications to the plan. The net result is more single family and less single family attached.

The concept will have 206 single family detached lots with two clubhouses including pools, 58 single family attached condominium with a clubhouse and 30 townhouse with 62 acres of Park and natural space and 6.5 acres of open space to be developed at a later time. The plan has eliminated the duplex product and added more single family, while shifting the townhomes to where the duplex's had been. The smallest lots were increased in size as well.

There are many steps needed to take place in order to get to the final stages of development some of the steps, the Land Use amendment and Rezoning will require a public hearing at the March 24, 2020 Village Board.

Staff was directed to schedule at public hearing at the Village Board meeting on March 24, 2020 at 6 p.m.

Resolution for Land Use amendment from Low Density Single Family Residential, Medium Density Single Family Residential, Recreational to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor Isolated Natural Resource Area.

Mrs. Fluet reviewed the Plan Staff Memo (attached). Since the petitioners have filed a petition to rezone the site it is require the land use map be amended to match the zoning map. The petitioners have filed a petition and are requesting the following change to the land use map:

Portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road; and the approximately 176 acres of the subject properties are currently classified on the Land Use Map as the following:

- Low Density Single Family Residential
- Medium Density Single Family Residential
- Recreational

The exhibit with the Resolution is to amend the approximately 176 acres of the subject properties to be classified as:

- Medium Density Single Family Residential
- Single Family Attached and Two Family Residential
- Recreational
- Agricultural
- Environmental Corridor
- Isolated Natural Resource Area

Staff has prepared a Resolution for consideration at this meeting.

Comments from Plan Commission: None.

A motion by Goetz, seconded by Anderson to recommend approval of the Resolution and for the Plan Commission to recommend to the Village Board the adoption of an Ordinance to amend the Land Use Plan Map, a component of the Comprehensive Plan, for the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor, Isolated Natural Resource Area conditioned upon the approval of the rezoning Ordinance for the subject property, the Preliminary Plat, and the Developer's Agreement. Motion carried 6-0.

Rezone Ordinance, from CR-1 and RS-3 Single Family Residential District to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District.

Mrs. Fluet reviewed the Plan Staff Memo (attached). The petitioners have filed a petition to rezone the approximately 176-acre parcel; since this is a unique subdivision, the site will have different residential zoning districts with a Planned Development Overlay (PDO).

The only change to this PDO from what was previously shown is that we've increased the minimum lot size to 10,000 square feet from the 9,000 previously listed as they've increased the lot sizes and we've eliminated the duplex language.

Comments from Plan Commission: None.

A motion by Goetz, seconded by Kremer to recommend to the Village Board to approve the Ordinance to rezone the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District conditioned upon the approval of the Land Use Map Amendment Ordinance, the Preliminary Plat, and the Developer's Agreement. Motion carried 6-0.

Preliminary Plat.

Mrs. Fluet reviewed the Plan Staff Memo (attached). The Developer has submitted the required Preliminary Plat (PP), the PP has some minor changes from the PP submitted in November. Again the duplexes are removed, and the townhomes were shifted to their previous location. Single Family was added to where the townhomes were originally located. The lots are slightly larger in the smallest lot category, and the pond areas were reconfigured to reflect the adjusted grading.

Plan Commission comments: None.

A motion by Kremer, seconded by Anderson to approve the Preliminary Plat and recommend to the Village Board to approve the Preliminary Plat for Vista Run the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road, subject to the standard conditions of approval for Plats, final review and conditions by the Village Engineer, approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Developer's Agreement, establishing a legal lot or lots for remainder portion of land and buildings for Hickory Hill Farms and subject to the standard conditions of Exhibit A. Motion carried 6-0.

Developers Agreement.

Mrs. Fluet reviewed the Plan Staff Memo (attached). The Developers Agreement is part of the approval process for a new subdivision. The language in the agreement helps establish the responsibility of the developer and time frames to complete items. Key items of the agreement include the extension of the

interceptor sewer system, water main looping, sidewalk and paths, site stabilization on previous farmed lands, safety of access during construction, and other items.

Comments from Plan Commission: None.

A motion by Kremer, seconded by Anderson, to recommend approval to the Village Board of the Developers Agreement for Vista Run subject to approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Preliminary Plat, and to the standard conditions of Exhibit A.

Motion carried 6-0.

Topics for Future Agendas: None.

Adjournment

A motion by Kremer, seconded by Anderson to adjourn the meeting at 8:09 pm.

Motion carried 6-0.

Respectfully Submitted,

Linda Steinmetz
Deputy Clerk

DRAFT



MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of January 21, 2020
DATE: February 13, 2020

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 January 21, 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 Fade & Fancy (N64W24050 Main Street unit #206).**

This site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Fade & Fancy will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 37 stalls are allocated to other users and this user requires three spaces.

Any signage for this building must be reviewed by the Building Inspector.

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 Fade & Fancy (N64W24050 Main Street unit #206); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205).

This site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Bella Mia Salon LLC will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will

be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 40 stalls are allocated to other users and this user requires three spaces.

Any signage for this building must be reviewed by the Building Inspector.

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 Bella Mia Salon LLC (N64W24050 Main Street unit #205); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201).

This site is zoned B-4. The spa treatment services is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Skin 360 Spa & Beauty will occupy 479 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 43 stalls are allocated to other users and this user requires three spaces.

Any signage for this building must be reviewed by the Building Inspector.

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 Skin 360 Spa & Beauty (N64W24050 Main Street unit #201); a finding that 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 an amendment to a Plan of Operation and site plan for Belfast Station (N64W23246 Main Street).

This site is zoned B-4. The restaurant and bar is a permitted use in accordance with section 17.0419 (C)(1)(c) and (d) in the B-4 Central Mixed Use District. New ownership took over the bar and restaurant in August. The new owner is proposing to add a structure to the deck to serve according to his submittal they will only serve beer. It should be noted that their liquor license allows them to serve more than beer on the patio.

The structure will be about 84 square feet and the exterior will be constructed with siding painted to match the existing building and the roof will have three dimensional asphalt shingles.

The Fire Department will be providing a maximum number of patrons that will be allowed on/in the deck area.

The only site plan amendment being considered at this meeting is the addition to add a structure on the deck to serve from. The letter mentions the possibility of changing the screened in nature of the deck on the south facing wall, but no plans have been provided for said change and such a change would not be in keeping with the screening required when the deck area was approved for liquor. Please keep in mind there are residents immediately to the south of the property.

Policy Question:

1. Are there any concerns with the amendment to the Plan of Operation and site plan?
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 amendment to the Plan of Operation and site plan to allow the bar structure on the deck for Belfast Station (N64W23246 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A, but that no modification to the fencing of the deck be allowed at this time.

E. Consideration and possible action on a CSM, Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group addition (W248N5499 Executive Drive).

This site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is expanding their operations of light manufacturing of high-end golf course and community amenities. The expansion would add 33,000 square feet to the north side of the building, front entrance improvements and additional parking. In order for this expansion to occur, they needed additional land and purchased the vacant lot to the north. A CSM is presented for consideration to change the lot lines of the two properties to accommodate the expansion to meet the setbacks. At the March Plan Commission they intend to submit plans for a new building on the vacant lot to the north.

The following are comments for the plans for the addition:

Site

- Need to record a cross access agreement for the shared parking lot
- Need to provide more details about proposed monument sign at the south drive entrance.
- Adding 134 stalls to the site with an additional 65 to the property to the north.

Architecture

- Building meets height and required setbacks.
- Material to be used meets the Design Standards.

Lighting

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

Landscape

- The will be adding to the existing landscape and meet the Design Standards; 63 tree/evergreens and 136 shrubs/flowers

The plans will be reviewed at the March Architectural Review Board.

In accordance with Section 17.0604 B. The Plan Commission may consider multiple driveways if:

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 frontage of the property is 540 feet and the addition of the third driveway is 142 feet from the center drive and is 112 feet from the property line.

Policy Question:

1. Are there any concerns with the CSM?
2. Are there any concerns with the Plan of Operation and various plans?
3. Are there any concerns with the multiple driveways?
4. Are there any comments directed to the ARB?

Action Items:

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

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM with the addition of cross access easements to the Village Board, and further recommends subject to approval of the CSM by the Village Board. Staff recommends approval of the Plan of Operation and site plan, architectural plan, lighting plan and landscape plan for the addition to Prestwick Group (W248N5499 Executive Drive); a finding that the multiple drives meet the intent of 17.0604 B for the orderly development of the site, finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer and 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. Introduction of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living facility (W235N6350 Hickory Drive).

This site is zoned B-4. The community based residential facility (CBRF) is a conditional use in the B-4 Central Mixed Use District in accordance with Section 17.0506 (B)(3). The Matthews Senior Living group is proposing to construct a 103,999 square foot senior living facility. The facility will have a total of 110 units 58 units for residential care apartments (10-studio, 42-one bedroom and 6-two bedroom) 27 assisted living units and 25 memory care units.

Site

- The site will have 74 parking stalls, the code requires 55 spaces for this type of use.
- Access off Hickory Drive aligns with access to property to the east. Proposing a 6 foot sidewalk along Hickory Drive to connect to Silver Spring sidewalk. Path provided to connect with the bugline trail.
- Pembroke street cul de sac will have a 14 foot wide emergency access road with gate.
- Proposed 24x24 dumpster enclosure and a 20x14 shed, both structures to be constructed with material matching the building.
- All plans are subject to final review by the Village Engineer and obtaining the necessary permits from the DNR.

Architectural

- Building meets height and required setbacks.
- Material to be used meets the Design Standards.

Lighting

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

Landscape

- The plan meets the Design Standards; 63 trees, 92 evergreens 300 shrubs/flowers.
- 15 foot landscape buffer with some fencing along south side as a buffer for the Hickory Heights residential homes

Sign

- The monument sign does not meet the Design Standards, the sign should have side pillar(s) of material that matches the base.

All plans need to be reviewed by the Architectural Review Board.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G. and may include any or all of Sections B, C, and D. as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. Additional information as may be required by the Plan Commission or Administrator. **{This may come out during the Public Hearing.}**

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

A. Upon receipt of the application, foregoing data and fees, the Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

B. The procedure for public hearing before the Plan Commission shall be as follows: 1. Any person may appear in person, by agent, or attorney. 2. The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence. 3. The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner the costs shall be split evenly unless otherwise agreed to by the parties.

C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.

D. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

E. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise authorized to be modified by a conditional use. Variances shall only be granted as provided in Section 17.1200 of this ordinance.

F. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above.

The Zoning District Standards Section 17.0419 Central Mixed Use District

B-4 CENTRAL MIXED USE DISTRICT

The B-4 Business District is intended to provide for the orderly and appropriate development of the Central Mixed Use District as designated by the Community Development Authority, in conformance with and to implement "The Downtown Design and Development Plan."

- A. It is the specific intent of the B-4 District to:
1. Encourage development of retail, residential, and office uses that are compatible with the historic Village setting in size, scale, and architectural character.
 2. Encourage the retention and restoration of existing buildings, along with the landscaping and design elements that are characteristic of the Village setting.
 3. Provide opportunities for a diversity of commercial uses and a mix of compatible residential uses.
 4. Encourage mixed-use development on larger tracts in order to fully utilize the area of these tracts for the economic benefit of both the Village and the property owner.

5. Encourage those types of commercial and office uses that do not generate a traffic volume that may lead to congestion.
6. Encourage consolidation of driveways, parking, and curb cuts to enhance safety and provide more efficient and economical access and parking.
7. Encourage the creation of connection driveways parallel to Main Street, to the rear of existing and new development, where appropriate, in order to reduce conflicts between downtown commercial traffic and through traffic.
8. Minimize visual and functional conflicts between residential and non-residential uses within and abutting the district.

B. Lot Area and Width

Lots shall contain sufficient area and width to implement the "Downtown Design and Development Plan," as determined by the Plan Commission and the Architectural Review Board.

C. Permitted Uses in the B-4 District

On any lot in the B-4 district, one or a combination of the following uses is permitted:

1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Bed and breakfast establishments
 - (c) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (d) Bars
 - (e) Food service contractors and caterers
2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, and artists offices/studio
 - (b) Theater companies and dinner theaters, dance, musical groups, and performing arts companies.
 - (c) Sports teams, clubs and commercial recreational facilities.
 - (d) Museums, historical sites, zoos, botanical gardens, and marinas
3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services
 - (e) Vocational rehabilitation services
 - (f) Community food services
 - (g) Religious facilities
 - (h) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (i) Youth, elderly and disability social services and emergency relief services (non-housing) in the B-4 district.
 - (j) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive-through
 - (b) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (e) Office equipment rental and leasing
5. General Services
 - (a) Repair and Maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) Coin operated laundries and drycleaners
 - (f) Dry cleaning and laundry services (non-industrial)
 - (g) Photo finishing laboratories
 - (h) General business offices
 - (i) Travel and visitor services
 - (j) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
6. Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes
 - (b) Telecommunications services
 - (c) Motion picture and video production
 - (d) Motion picture theaters excluding drive-ins
 - (e) Libraries and archives
 - (f) Newspaper, printers, paper and software publishers, recording studio record production, telecommunications services and data processing.
7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT
 - (f) Research and development facilities (non industrial)
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
 - (g) Pest control services
 - (h) Veterinary services
 - (i) Offices of holding companies and regional managing offices
8. Public Administration and Government Services
 - (a) Public utility, offices of Federal, State, and Local Governments
 - (b) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
9. Retail Trade

- (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Internet sales shopping/mail order business and vending machine sales
10. Manufacturing/Assembly
- (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
11. Transportation and Warehousing
- (a) Courier, delivery, postal service businesses and U.S. postal Service
12. Housing and Mixed Uses
- (a) Business or professional home offices such as residences of clergymen, architects, landscape architects, professional engineers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
 - (b) Single-family residential detached home and two-family residential dwelling, but only if the use is constructed prior to January 1, 2010. In the event of a disaster these dwellings may be reconstructed.
 - (c) Conversions. A conversion of an existing single family residential detached building into a combination of non-residential and residential uses or all non-residential uses in a single existing building meeting the following requirements:
 - (1) The front facade and front porch of the existing building, if any, shall be preserved and any building addition shall be located to the rear, and shall be compatible with the existing building in size, scale, and building materials unless the Plan Commission with review and recommendation by the architectural review board determines that the particular façade or front porch is not architecturally significant or if the new proposed façade, front porch, or building addition more appropriately meets the design standards of the Village than the existing structures. Stairways, fire escapes, and other structural alterations shall be located to the rear or side of the building.
 - (2) A single-family detached dwelling may be converted to:
 - (a) A maximum of three non-residential uses with no residential uses, or

- (b) One apartment with up to two non-residential uses.
- (3) Residential units must meet the minimum size and facility requirements found in Section 17.0506(A)(15)(g).
- (4) To encourage a business environment that is compatible with the residential character of the Village, conversions to permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission and Architectural Review Board. Said review and approval shall be concerned with general layout, building plans, architectural and façade treatment, ingress and egress, design, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the “Downtown Design and Development Plan.”
- (d) A permitted or conditional non-residential use is allowed in accessory buildings located to the rear or side of principal buildings, provided that adequate parking is provided and the non-residential use is owned or operated by a person or entity legally occupying a portion of the principal building.
- (e) Mixed Use Development. Mixed-use development if it meets the following conditions:
 - (1) The project shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture, signs, lighting standards, parking, driveways and pedestrian circulation, in conformance with the following requirements:
 - (a) Residential and non-residential uses may be combined on a single parcel in new buildings or a combination of new and existing non-residential building(s).
 - (b) Residential uses on the ground floor of buildings in a mixed use development are allowed if the Plan Commission finds that the overall mixed-use development has sufficient retail/office presence to meet the intent of the Downtown Development and Design Plan.
 - (c) When the mixed use involves a conversion of an existing non-residential building the development must establish and or maintain non-residential uses on the ground level of the building(s) such that the Plan Commission finds that the overall mixed-use development will maintain sufficient non-residential presence to meet the intent of the Downtown Development and Design Plan.
 - (d) On large buildings, variations in facades, canopies, and roof lines to provide contrasts of height, color, texture, and materials are encouraged.
 - (e) Any building facade which is visible from a street or other public place shall be constructed of traditional building materials such as local stone, brick, and wood. The use of these materials on other facades is also encouraged.

- (2) Pedestrian circulation shall be included in the design of the development, with walkways planned for linkage to an existing or future pedestrian network of sidewalks. New sidewalks shall connect to the Bugline Recreation Trail where appropriate and in accordance with the "Downtown Design and Development Plan."
 - (3) A traffic impact study may be required for any development that, in the opinion of the Architectural Review Board or Plan Commission, may generate a traffic volume that may require special mitigation measures.
 - (4) Residential units in mixed use developments shall at a minimum each have one bedroom, one kitchen, and one bathroom. A one bedroom unit shall be at least 600 square feet in size and a two bedroom or larger unit shall be at least 800 square feet in size.
 - (f) Single Family Residential Attached Units, if approved as part of a TIF project plan of the Village.
13. Parking Lots
- (a) Parking Lots without a principal use on the lot are permitted as long as the parking lot supports an adjacent parcels use and is sufficiently screened so as to minimize any impact to any adjacent residential uses.
 - (b) To facilitate traffic circulation:
 - (1) Parking areas for a proposed nonresidential use should be directly connected to nonresidential parking areas on adjacent lots where possible. If a connection cannot be made when the proposed use is constructed, a driveway may be constructed extending to the adjacent property line in a location where a future connection can be made. Cross-easements for access shall be provided where applicable.
 - (2) Driveway access from Main Street or Waukesha Avenue should be limited and shared driveways between abutting lots are encouraged. If only one lot is being developed, a cross-easement to an abutting lot or lots may be offered, and recorded on a plan for the first lot. When such shared driveways are established, no additional driveways shall be permitted to access either lot from Main Street or Waukesha Avenue. Additional driveways may be permitted off a side street or a service street.
 - (c) Shared parking facilities maximize the use of the limited area available for parking within the Central Mixed Use District and should be used wherever possible. When parking facilities are shared, the overall parking requirement may be reduced. The number of residential parking spaces, however, shall not be reduced. It shall be the burden of the applicant to provide documentation that uses sharing parking are complimentary and that the full required number of parking spaces would not be required

D. Permitted Accessory Uses

- 1. Off-street parking and loading. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
- 2. Detached garages for storage of vehicles used in conjunction with the operation of the principal business or for occupants of the premises.
- 3. Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- E. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

- F. Dimensional Standards.

The following standards shall apply to all uses:

 - 1. Build-to Line: For all construction a build-to line rather than a minimum street yard shall be used. New buildings shall be constructed to a line formed by the average building setback of the buildings on the adjacent lots on both sides. If no existing buildings are present on the adjacent lots, the average setback of the next nearest buildings on each side shall be used. The build-to line may be adjusted by the Plan Commission if it finds that a change in the build-to line would be consistent with the Downtown Design and Development Plan, and the Design Standards. The build-to line shall not be less than five (5) feet.
 - 2. Side yard: 10 feet on each side, except one or both sideyards may be reduced if the Plan Commission finds that:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction,
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards and the Downtown Design and Development Plan of the Village.
 - 3. Rear yard: 15 feet.
 - 4. Loading docks may be required to be set back a greater distance from the side or rear lot line, as determined by the Plan Commission.
 - 5. Setback from the Bugline Recreation Trail right-of-way: 15 feet.
 - 6. Accessory buildings shall be set back from all property lines at least five (5) feet, except that accessory buildings used for principal uses shall meet all the setback requirements for principal buildings.
 - 7. Maximum height: 45 feet.
 - 8. Minimum shoreyard: No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
 - 9. Parking lot setbacks:
 - (a) From street right-of-way: The setback of the principal or 25 feet, whichever is less. No parking shall be permitted between the front of the principal building and the street line with the following exception: The Plan Commission may allow up to ten (10) percent of the parking to be in the street yard if it finds that the no street yard parking requirement is unfeasible for the site.
 - (b) From rear property lines: ten (10) feet; except that the Plan Commission may allow a reduction of this requirement to five (5) feet, upon the Architectural Review Board's recommendation of a landscape plan that meets the design standards and intent of the Downtown Design and Development Plan.
 - (c) From side property lines: five (5) feet, however no setback is required if shared parking is used and cross-easements are established.
 - (d) From buildings: five (5) feet.
 - (e) Any parking structure that was constructed prior to the date of the original adoption of the parking lot setback requirements for the B-4 Central Mixed Use District in 1990, that does not meet the

current requirements of subsection 17.0419 (F)(9)(a-d), is considered legal non-conforming and does not have to be removed upon performing parking lot restoration work. Extension, expansion, enlargement, reconstruction, substitution, or moving of the parking lot, however, may be subject to said requirements of subsection 17.0419(F)(9)(a-d), as described in Section 17.0900 of this Zoning Ordinance.

10. Property line buffer: A buffer area landscaped with trees and shrubs meeting the intent of the "Downtown Design and Development Plan" and the Village Design Standards, shall be required along all side and rear property lines. Driveways may not encroach into the buffer area unless the lot is too narrow to permit any other alternative, in the opinion of the Plan Commission, or for the purpose of shared parking or connected parking areas between lots.

G. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

H. Development Design Standards

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2040 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

I. Plans and Specifications to be Submitted to Plan Commission

1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, architectural and facade treatment, ingress and egress, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the "Downtown Design and Development Plan."

Section 17.0506 Conditional Uses

17.0506 CONDITIONAL USES

- A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

B. RESIDENTIAL CONDITIONAL USES

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified in this section. Petitioners for conditional uses in the residential section must produce an "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

3. Housing for the Elderly, including community-based residential facilities, rest homes and nursing homes in the Rm-1 and B-4 districts. Elderly housing shall not exceed a density of more than 17.4 dwelling units per acre in the Rm-1 district or more than 22 units per acre in the B-4 district. Upon recommendation of the Architectural Review Board the Plan Commission may reduce the number of required parking spaces for elderly housing in the B-4 district when parking shared with adjacent businesses is provided, however, parking dedicated to the elderly housing use shall not be less than 0.5 parking spaces per dwelling unit.

Site Plan Review Standards 17.1000

17.1002 PRINCIPLES To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No structure, or use shall be established that is counter to the intent of the Design Standards nor shall the same be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village. Structures and uses in the B-4 Central Mixed Use District shall also adhere to the intent of the Downtown Development and Design Plan.

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or drabness, in order to realize architectural uniqueness between lots.
3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

C. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

D. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

E. Structures and uses shall make appropriate use of open spaces and the Plan Commission may require appropriate landscaping and planting screens. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

F. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.

G. Structures and uses shall be provided with adequate services as approved by the appropriate utility and serve to implement the recommendations of Utility and Stormwater Management Plans of the Village.

H. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Plan Commission to allow the same, as described herein.

1. The Plan Commission shall not allow the same unless the Plan Commission first finds either a or b: (a) That the loading dock or overhead door is set back at least 75 feet from the street right-of-way and adequate vehicle turnaround areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door. (b) That the building is on a lot within the M-1 Industrial District and the building has a previously approved loading dock facing the street.

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

Staff has found the application complete and recommends scheduling the Public Hearing.

Policy Question:

1. There are no policy questions this month as this item is on the agenda for scheduling purposes only.

Action Items:

1. Direct staff to schedule the public hearing.
2. Direct the ARB to review the plans.

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

B. Convene the public hearing of an amendment of a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.

This site is zoned B-1. The bowling recreational center with outdoor volley ball courts is requesting to amend their conditional use and site plan to include and outdoor bar and bags tournament area. This site has 150 parking stalls with the required 4 stalls designated for handicap parking.

The area for the bags tournament will be located on the grass adjacent to the fenced volley ball courts, this area will be designated by a rope fence around the perimeter. The owner is already allowed to have alcohol at the volleyball court and their request is to extend alcohol to the bags area as well. That issue will require an amendment to their liquor license, which goes before the Finance Committee and Village Board.

The owner will replace their current outdated shed and serve out of the new structure. Please see the impact report for more information.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G. and may include any or all of Sections B, C, and D. as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. Additional information as may be required by the Plan Commission or Administrator. **{This may come out during the Public Hearing.}**

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the

Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

A. Upon receipt of the application, foregoing data and fees, the Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

B. The procedure for public hearing before the Plan Commission shall be as follows: 1. Any person may appear in person, by agent, or attorney. 2. The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence. 3. The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner the costs shall be split evenly unless otherwise agreed to by the parties.

C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.

D. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

E. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise authorized to be modified by a conditional use. Variances shall only be granted as provided in Section 17.1200 of this ordinance.

F. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above.

The Zoning District Standards Section 17.0416 B-1 Neighborhood Business District

17.0416 B-1 NEIGHBORHOOD BUSINESS DISTRICT

The B-1 Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area.

A. Permitted Uses

1. Accommodations and Food Service
 - (a) Bed and breakfast establishments
 - (b) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (c) Food service contractors and caterers
2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio
3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Automobile driving school
 - (c) General medical services
 - (d) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive through
 - (b) Financial investment, insurance offices, and similar financial products
 - (c) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (d) Office equipment rental and leasing
5. General Services
 - (a) Repair and maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) General business offices

6. Information Services
 - (a) Motion picture and video production
 7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT.
 - (f) Research and development facilities excluding industrial types
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
 8. Retail Trade
 - (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 9. Manufacturing/Assembly
 - (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
 10. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
 11. Transportation and Warehousing
 - (a) U.S. postal service
 - (b) Courier, delivery, postal service businesses
- B. Permitted Accessory Uses
1. Garages for storage of vehicles used in conjunction with the operation of business.
 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
 3. Residential quarters for the owner or proprietor, located in the same building as the business.

4. Efficiency and one-bedroom residential apartments on a non ground level provided there shall be a minimum floor area of 350 square feet for an efficiency apartment and 420 square feet for a one-bedroom apartment.
 5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 6. Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- D. Lot Area and Width
1. Lots shall be a minimum of 5,000 square feet in area and shall not be less than 60 feet in width.
 2. Individual business sites in the B-1 Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no required minimum site width.
 3. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
- E. Building Height and Area
1. No principal building or parts of a principal building shall exceed 30 feet in height.
 2. The maximum square footage of the principal building shall not exceed 30,000 square feet in size.
- F. Setback and Yards
1. There shall be a minimum building setback of 25 feet from the right-of-way of all streets.
 2. No separation shall be required between business, service or commercial uses. No structure shall be closer than 15 feet to a side lot line.
 3. There shall be a rear yard of not less than 15 feet.
 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
- G. Erosion Control
1. See Chapter 14 of the Municipal Code of the Village.
- H. Development Design Guidelines
1. The Village has established clear land use and design principals, as documented in the Village Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

- I. Plans and Specifications to be submitted to Plan Commission
 1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

17.0506

CONDITIONAL USES

- A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:
 2. Arts, Entertainment, and Recreation: Petitioners for conditional uses in the Arts, Entertainment, and Recreation section below must prove if the use involves the discharge of weapons that the building and site design have been established to both prevent any bullet, arrow, or other item from leaving the subject property and prevent anyone unauthorized; from access to where they may be impacted by the discharge of the weapon(s).
 - a) Archery Ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, ice boating, marinas, polo fields, riding academies, and stadiums in the A-1 district provided that the lot area is not less than three (3) acres and all structures are not less than 50 feet from any district boundary.
 - b) Music/theater halls, museums, historical sites, zoological and botanical gardens in the B-1, B-3, and A-1 districts.
 - c) Commercial Recreation Facilities, such as arcades, bowling alleys, dance halls, driving ranges, gymnasiums, lodges, miniature golf facilities, physical fitness and recreational sports facilities, pool and billiard halls, racetracks, rifle ranges, tennis courts, volley ball courts, Turkish baths, swimming pools, and skating rinks, are conditional uses and may be permitted in the B-1,

Site Plan Review Standards 17.1000

17.1002 PRINCIPLES To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No structure, or use shall be established that is counter to the intent of the Design Standards nor shall the same be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village. Structures and uses in the B-4 Central Mixed Use District shall also adhere to the intent of the Downtown Development and Design Plan.

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or drabness, in order to realize architectural uniqueness between lots.

3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

C. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

D. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

E. Structures and uses shall make appropriate use of open spaces and the Plan Commission may require appropriate landscaping and planting screens. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

F. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.

G. Structures and uses shall be provided with adequate services as approved by the appropriate utility and serve to implement the recommendations of Utility and Stormwater Management Plans of the Village.

H. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Plan Commission to allow the same, as described herein.

1. The Plan Commission shall not allow the same unless the Plan Commission first finds either a or b: (a) That the loading dock or overhead door is set back at least 75 feet from the street right-of-way and adequate vehicle turnaround areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door. (b) That the building is on a lot within the M-1 Industrial District and the building has a previously approved loading dock facing the street.

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

Comments from the public if any.

The Plan Commission continues the public hearing and:

1. Requests the Petitioner to provide additional information next month based upon the testimony at the Public Hearing in order to make a determination on the standards of the Code; or
2. Directs staff to prepare for consideration next month:
 - i. A Conditional Use Order; or
 - ii. An Order finding the Petitioner does not meet the standards.

If the Plan Commission directs a Conditional Use Order be drafted any Plan Commission member may ask for a specific condition to be drafted for consideration in the CU Order. The continued Public Hearing will allow the Plan Commission to hear testimony on the CU Order from the Petitioner and the Public and in the case of a specific condition requested by a Plan Commission member for the Village to provide evidence for the same.

If the Plan Commission directs an Order finding the Petitioner does not meet the standards the continued public hearing will allow the Plan Commission to hear testimony on the Denial Order.

Adjourn hearing to March 17, 2020 at 6:30 p.m.

C. Convene the public hearing for a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

This site is zoned B-2 with a Planned Development Overlay. The convenience store, car wash and gasoline service station is a conditional use in accordance with Section 17.0506 (A)(9) (a) and (b). and outside storage Section 17.0506 (A)(11)(a). Kwik Trip is proposing to construct a 9,050 square foot convenience store with attached car wash, gas pumps with canopy and diesel gas with canopy. Kwik Trip will operate 24 hours 7 days a week. In addition to the above services, the store will sell alcohol, the interior layout shows the “Beer Cave” and labeled #16 is the liquor cabinet behind the cash registers. The store will employ 30 to 35 employees. The liquor license and outdoor establishment permit will need to be reviewed by the Village Board.

The ARB reviewed the plans at the February 5, 2020 meeting and made the following motion:

A motion by Goetz, seconded by Schauer to approve the site, architectural, lighting, landscape and sign plan for Kwik Trip corner of CTH K and Business Drive with the following conditions:

- *Show a site plan with a pedestrian walk way from Business Drive to the entrance of the store.*
- *Add the address to the screening wall to the right of the monument sign.*

Motion carried.

The request for outside storage is to be limited to the ice machine and propane tanks.

As for all new construction of buildings and uses under a Conditional Use, the Plan Commission has requested that the building have a sprinkler system for the safety and welfare of the public and recognizing the importance of sprinklers in saving lives.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G. and may include any or all of Sections B, C, and D. as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. Additional information as may be required by the Plan Commission or Administrator. **{This may come out during the Public Hearing.}**

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

A. Upon receipt of the application, foregoing data and fees, the Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official

newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

B. The procedure for public hearing before the Plan Commission shall be as follows: 1. Any person may appear in person, by agent, or attorney. 2. The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence. 3. The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner the costs shall be split evenly unless otherwise agreed to by the parties.

C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.

D. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

E. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise authorized to be modified by a conditional use. Variances shall only be granted as provided in Section 17.1200 of this ordinance.

F. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above.

The Zoning District Standards Section 17.0417 B-2 Regional Business District

17.0417 B-2 REGIONAL BUSINESS DISTRICT

The B-2 Regional Business District is intended to provide for the orderly and appropriate development along the STH 164 Corridor, to provide services and retail for the community and surrounding region.

A. Permitted Uses

1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Restaurants, snack stands. For a drive-through the Plan Commission must find that the vehicle stacking will not impact surrounding properties or any public roadway.
 - (c) Bars

- (d) Food service contractors and caterers
- 2. Arts, Entertainment and Recreation Services
 - (a) Artists offices/studios
- 3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) General medical services
 - (c) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (d) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
- 4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive-through
 - (b) Financial investment, insurance offices, and similar financial products
 - (c) Real estate, appraisers, and developer offices
 - (d) Office equipment rental and leasing
 - (e) Rental Centers
- 5. General Services
 - (a) Barber, beauty, nail salons, spa treatment services
 - (b) Personal care and weight loss services
 - (c) Funeral home and funeral services
 - (d) Dry cleaning and laundry services (non-industrial)
 - (e) Travel and visitor services
- 6. Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes.
 - (b) Motion picture theaters excluding drive-in.
- 7. Retail Trade
 - (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/package beverage and tobacco stores
 - (f) Pharmacy/drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing/shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Department stores, supercenters, warehouse clubs
 - (m) Vehicle parts sales, and vehicle maintenance if the use is less than 25% of the facility and is part of a larger retail operation.
- 8. Public Administration and Government Services

- (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
 - 9. Transportation and Warehousing
 - (a) Courier, delivery, postal service businesses
 - 10. Parking Lots
 - (a) Off street parking lots, excluding multi-level parking garages, are allowed without a primary structure if the Plan Commission finds that the parking lot is part of a larger commercial development where the master plan calls for a building to be placed on the site in the future, but the parking lot is necessary for the overall development and cross access and parking agreements are required by the Plan Commission.
- B. Permitted Accessory Uses
 - 1. Storage sheds for storage of ground maintenance equipment.
 - 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
 - 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508
- D. Lot Area and Width
 - 1. Lots shall be a minimum of 12,500 square feet in area and shall not be less than 80 feet in width.
 - 2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
 - 3. The requirements of Section (D)(2) above may be met in the district by including area from outlots that serve stormwater or other directly related purposes for the subject parcel, are owned in part by the parcel, and are reasonably expected to remain in open space for perpetuity as determined by the Administrator. If multiple lots are served by one or more outlot(s) in no case shall the greenspace area of the outlot(s) be counted more than once. Each lot which by this subsection is entitled to satisfy the requirements of Section D(2), in part, by land located on an outlot is entitled to use no more than the percentage of the qualifying outlot land that is equal to the percentage of the subject lot compared to the total area of the lands served by the outlot.
- E. Building Height and Area
 - 1. No principal building or parts of a principal building shall exceed 45 feet in height.
 - 2. Buildings larger than 100,000 square feet in area shall have a deed restriction placed against the lot in a form approved by the Village to ensure the building, if it becomes vacant for more than 5 years to be removed from the site and the site returned to a buildable state.
- F. Setback and Yards
 - 1. There shall be a minimum setback of 40 ft. from the road right-of-way.

2. There shall be a rear yard of not less than 25 ft.
3. There shall be a sideyard on each side of the buildings of not less than 25 ft., except as follows.
4. The Plan Commission may reduce setbacks with-in this district outside of a Planned Development Overlay District if it finds that in granting the reduced setbacks:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction.
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards of the Village.
5. No building or structure shall be located closer than 15 ft. to an F-1 Floodway District, F-2 Floodplain Conservancy District, or a LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

G. Erosion Control

1. See Chapter 14 of the Municipal Code of the Village.

H. Development Design Guidelines

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

I. Plans and Specifications to be submitted to Plan Commission

To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscapes plans.

1. Pedestrian and Vehicle Access.
 - (a) Property owners will provide cross access easements off-street where feasible.
 - (b) Where feasible and desirable, pedestrian cross access from adjacent building will be encouraged.

And in the Planned Development Overlay Ordinance #833.

17.0506 Conditional Uses

17.0506 CONDITIONAL USES

- A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade

standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

9. Retail Trade
 - a) Vehicle sales, vehicle service, service of vehicle parts, vehicle parts sales including vehicle washing, vehicle repair stations, service of vehicle parts and vehicle parts sales in the B-2, B-3 and B-4 Districts No outside storage shall be permitted for vehicle parts sales even by issuance of a conditional use permit as set forth in 17.0506(A)(15)(e) of this Ordinance. All other outside storage that may be granted by CU shall be on a hard paved surface and shall be screened from view, or in the case of vehicle sales the landscaping shall be aesthetically pleasing to minimize the visual impact of a parking lot of vehicles.
 - b) Gasoline service stations in the B-2 and B-3 districts provided that the use shall include traffic control measures to ameliorate--traffic congestion; that lighting and glare shall not extend into adjacent residential neighborhoods; and that service islands shall comply with the minimum setback requirements of the district. Canopies over a gasoline service island may extend into front, side or rear yard areas, but shall not encroach more than six (6) feet into any required yard. In no case, may a canopy extend into a street right-of-way.

11. Miscellaneous Items (Towers/Antenna and Outside Storage)
 - a) Commercial Use Outside Storage. Outside storage maybe permitted for commercial uses in the B-1, B-2, B-3, B-4, BP-1, and OP-1, districts. All outside storage areas shall be at least 100 feet from residential, park, and institutional districts located in the Village or adjacent community. In all cases, outside storage shall be screened from all sides. All screening plans are subject to Plan Commission review and approval. Screening shall be a permanent opaque wall matching the materials of the building and may include fencing as deemed appropriate by the Plan Commission. The Plan Commission may allow vegetative screening in part or in whole, where it determines the vegetative screening shall provide sufficient and aesthetically pleasing screening and said screening is appropriate for the type of items being screened from view. The height of the wall necessary shall be sufficient to screen the product(s) in the outside storage area. The Plan Commission shall set the appropriate height of any fencing based upon the site conditions and the types of outdoor storage to be screened. Outside Storage shall not be construed to include the temporary or seasonal outdoor sales or services allowed as part of a Village approved outdoor sales and services permit.

Any other standards from Chapter 17 that may be relevant.

Comments from the public if any.

The Plan Commission continues the public hearing and:

1. Requests the Petitioner to provide additional information next month based upon the testimony at the Public Hearing in order to make a determination on the standards of the Code; or
2. Directs staff to prepare for consideration next month:
 - i. A Conditional Use Order; or
 - ii. An Order finding the Petitioner does not meet the standards.

If the Plan Commission directs a Conditional Use Order be drafted any Plan Commission member may ask for a specific condition to be drafted for consideration in the CU Order. The continued Public Hearing will allow the Plan Commission to hear testimony on the

CU Order from the Petitioner and the Public and in the case of a specific condition requested by a Plan Commission member for the Village to provide evidence for the same.

If the Plan Commission directs an Order finding the Petitioner does not meet the standards the continued public hearing will allow the Plan Commission to hear testimony on the Denial Order.

Adjourn hearing to March 17, 2020 at 6:30 p.m.

05. Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:

A. Consideration and possible action on items pertaining to Vista Run Development property located west of Hwy 164 and south of Silver Spring more specifically part of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002.

The Plan Commission had recommended approval of this development on November 19, 2019. Since the November review the developer's engineering firm has discovered some grading issues that changed the stormwater layouts, which caused the Developer to rethink the duplex portion of the project and as a result is making some modifications to the plan. The net result is more single family and less single family attached.

The concept will have 206 single family detached lots with two clubhouses including pools, 58 single family attached condominium with a clubhouse and 30 townhouse with 62 acres of Park and natural space and 6.5 acres of open space to be developed at a later time. The plan has eliminated the duplex product and added more single family, while shifting the townhomes to where the duplex's had been. The smallest lots were increased in size as well.

There are many steps needed to take place in order to get to the final stages of development some of the steps, the Land Use amendment and Rezoning will require a public hearing at the March 24, 2020 Village Board.

1. Resolution for Land Use amendment from Low Density Single Family Residential, Medium Density Single Family Residential, Recreational to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor Isolated Natural Resource Area. .

Since the petitioners have filed a petition to rezone the site it is require the land use map be amended to match the zoning map. The petitioners have filed a petition and are requesting the following change to the land use map:

Portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road; and

The approximately 176 acres of the subject properties are currently classified on the Land Use Map as the following:

Low Density Single Family Residential
Medium Density Single Family Residential
Recreational

The exhibit with the Resolution is to amend the approximately 176 acres of the subject properties to be classified as:

- Medium Density Single Family Residential
- Single Family Attached and Two Family Residential
- Recreational
- Agricultural
- Environmental Corridor
- Isolated Natural Resource Area

Staff has prepared a Resolution for consideration at this meeting.

The Plan Commission can adopt the Resolution allowing the scheduling of a public hearing before the Village Board, after which the Village Board may consider an Ordinance to amend the Land Use Plan Map. This process is consistent with the adopted public participation process for Land Use Map amendments of the Comprehensive Plan.

Policy Question:

1. Are there any concerns with the petition?
2. Are there any concerns with the proposed amendment to the land use map?
3. Are there any concerns with the Resolution?

Action Items:

1. Act on the Resolution.
2. Direct staff to schedule a public hearing.

Staff Recommendation: Staff recommends approval of the Resolution and for the Plan Commission to recommend to the Village Board the adoption of an Ordinance to amend the Land Use Plan Map, a component of the Comprehensive Plan, for the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor, Isolated Natural Resource Area conditioned upon the approval of the rezoning Ordinance for the subject property, the Preliminary Plat, and the Developer's Agreement.

2. Rezone Ordinance, from CR-1 and RS-3 Single Family Residential District to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District.

The petitioners have filed a petition to rezone the approximately 176-acre parcel; since this is a unique subdivision, the site will have different residential zoning districts with a Planned Development Overlay (PDO).

The petitioners are requesting to rezone a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road:

FROM:

CR-1 and RS-3 Single Family Residential District

TO:

RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District

The petitioner should address all the conditions as required in Section 17.0435 (D) of the PDO zoning Ordinance. The PDO is intended to allow for a more effective layout of lots, Park space and the uniqueness of the different types of housing options.

Staff has prepared an Ordinance for consideration to rezone the property. The next is for the Plan Commission to recommend to the Village Board and schedule a public hearing.

The only change to this PDO from what was previously shown is that we've increased the minimum lot size to 10,000 square feet from the 9,000 previously listed as they've increased the lot sizes and we've eliminated the duplex language.

Policy Questions:

1. Are there any concerns with the petition?
2. Are there any concerns with the proposed zoning change?
3. Are there any concerns with the Ordinance?

Action Item:

1. Act on the Ordinance.
2. Direct staff to schedule a public hearing.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the Ordinance to rezone the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District conditioned upon the approval of the Land Use Map Amendment Ordinance, the Preliminary Plat, and the Developer's Agreement.

3. Preliminary Plat.

The Developer has submitted the required Preliminary Plat (PP), the PP has some minor changes from the PP submitted in November. Again the duplex's are removed, and the townhomes were shifted to their previous location. Single Family was added to where the townhomes were originally located. The lots are slightly larger in the smallest lot category, and the pond areas were reconfigured to reflect the adjusted grading.

Policy Questions:

1. Are there any concerns with the Preliminary Plat?

Action Items:

1. Act on the Plat.

Staff Recommendation: Staff recommends the Plan Commission approve the Preliminary Plat and recommend to the Village Board to approve the Preliminary Plat for

Vista Run the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road, subject to the standard conditions of approval for Plats, final review and conditions by the Village Engineer, approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Developer's Agreement, establishing a legal lot or lots for remainder portion of land and buildings for Hickory Hill Farms and subject to the standard conditions of Exhibit A.

4. Developers Agreement.

The Developers Agreement is part of the approval process for a new subdivision. The language in the agreement helps establish the responsibility of the developer and time frames to complete items. Key items of the agreement include the extension of the interceptor sewer system, water main looping, sidewalk and paths, site stabilization on previous farmed lands, safety of access during construction, and other items. Please see the agreement for more information.

Policy Questions:

1. Are there any concerns with the Developers Agreement?

Action Items:

1. Act on the Developers Agreement.

Plan Commission - Staff Recommendation: Staff recommends the Plan Commission approve the Developers Agreement for Vista Run subject to approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Preliminary Plat, and to the standard conditions of Exhibit A.

06. Other Items for future discussion.

07. Adjournment.

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.



Village of Sussex
Kasey Fluett
N64W23760 Main St
Sussex, WI 53089

February 18th, 2019

Fire Protection Summary

Ms. Fluett,

We are writing to summarize our interpretation of the IBC 2015 Building Code/NFPA requirements regarding when a Fire Sprinkler system is required to be installed. See attached code sheet for the requirements of Fire Sprinkler and Fire Alarms based on code requirements. Neither a sprinkler system or a fire alarm system is required by code. Per IBC 903.2.7 An automatic sprinkler system is not required for Group M (Mercantile) fire areas less than 12,000 sf. Our building is only 9,156 sf well under the required. The International Building Code also has also accounted for safety factors in the areas that are required by code as well.

The IBC 2015 was adopted by Wisconsin in the spring/summer of 2019. Wisconsin also has provisions adopted typically each year to update items needed since the IBC Code isn't adopted each year. With all the current versions of the applicable code the 2013 ACT 270 Grandfathered Ordinances was adopted in 2013 and is still applicable. I have attached the Sussex Section (Starts on Page 163) of this ordinance and this is all geared towards educational facilities and buildings with living quarters and high occupancies. Nowhere in this document does it state that "Mercantile" is required to have a sprinkler or alarm system.

The current ordinance for the Village of Sussex has similar language that the IBC and the 2013 ACT 270 but has added in almost all uses that weren't included in the applicable codes and reduced the 12,000 sf requirement to 5,000 sf for Non-Fire Resistive construction. Also, the Village Ordinance added Mercantile to its language as shown below (Village of Sussex Ordinance) to what the IBC and the 2013 ACT 270 language provided.

In the FAQ document, which is a supplement to the 2013 ACT 270 document, the following questions was asked:

4. Can a municipality make changes to an ordinance that was grandfathered under Act 270?

Yes, see 101.02(7r)(c).

101.02(7r)(c) (c) A town, village, or city may amend an ordinance that is enforceable

OUR MISSION

To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.

under par. (b) if all of the following apply:

1. The amendment will not **broaden** the applicability of the ordinance to any building components that are not subject to the ordinance under par. (b) 3.

We feel that with the municipality requesting that we install a fire sprinkler system and fire alarm system based on a lesser square footage than what the current code has specified falls within this exact clarification that is broadens the requirement of no sprinkler required for our building size and use therefore cannot enforce us to install a such system.

Village of Sussex Ordinance Reads:

(2) WHERE INSTALLED. After November 25, 1975, every building constructed, every building structurally altered, every building remodeled, or every building whose use has changed, according to Subsection (8) below, shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part as follows:

(A) This classification includes but is not limited to all factories and workshops, including all places where manual labor is employed, office buildings, telegraph and telephone offices, **mercantile establishments where commodities are bought or sold**, clothes cleaning establishments, warehouses, railroad stations, exhibition buildings, public mausoleums, crematoriums, and places where not more than 100 persons assemble for recreation, entertainment, or dining purposes.

1. Throughout Fire-Resistive buildings exceeding 7,500 square feet gross area or exceeds one level.
2. Throughout Non-Fire-Resistive buildings exceeding 5,000 square feet gross area or exceeds one level.

2013 ACT 270 Language Reads:

Sussex

5.15 GENERAL PROVISION.

(2) STATE CODES ADOPTED. In addition to the regulations, standards and procedures herein set forth, there shall be compliance with provisions of the Wisconsin Administrative Code and regulations of the State Department of Commerce all of which are hereby made a part of this section by reference; provided if there is conflict or ambiguity concerning any of the foregoing, the stricter provision shall apply.

(3) APPLICATION OF CODE.

(a) The provisions of the Fire Prevention Code shall apply equally to new and existing conditions except existing conditions not in strict compliance with the terms of the Fire Prevention Code shall be permitted to continue where the exceptions do not constitute a clear hazard to life or property.

5.16 AUTOMATIC SPRINKLER SYSTEMS.

(2) WHERE INSTALLED. After November 25, 1975, every building constructed, every building structurally altered, every building remodeled, or every building whose use has changed, according to Subsection (8) below, shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part as follows:

(d) This classification includes but is not limited to all public and private schools, universities, colleges, academies, seminaries, libraries, museums and art galleries; including all buildings or parts of buildings used primarily for instructional purposes.

1. Throughout all Fire-Resistive and Non-Fire-Resistive buildings.

(e) This classification includes but is not limited to all residential buildings, health care facilities, hospitals, nursing homes, elderly or retirement complexes, multi-family apartments and condominiums, community based residential facilities, hotels, motels, bed and breakfasts, day care centers, correctional and detention centers.

1. Throughout all Fire-Resistive and Non-Fire-Resistive buildings.

(f) This classification includes but is not limited to all buildings used as high hazardous occupancies, storage occupancies and repair and public garage occupancies.

1. Throughout all Fire-Resistive and Non-Fire-Resistive buildings.
2. Throughout all Fire-Resistive and Non-Fire-Resistive garages used to store transportation vehicles above or below other occupancies.

(g) This classification includes all basements.

1. Throughout all Fire-Resistive and Non-Fire-Resistive basements and cellars when used for manufacture, storage or sale of goods, materials or merchandise.

We understand your concern about wanting to protect the citizens and customers of our municipality and us as a company also feel the same about protecting them. We have almost 30,000 employees at Kwik Trip and almost 75% of them working in our retail stores and if we had concerns that our buildings were unsafe we would be installing them immediately to keep the co-workers safe as well as our guests. This type of building has required exits to accommodate ease of access to exit building in the unlikely event of a fire. For this same reason this building type has not been required to have a sprinkler system at our size. We have been installing deep fryers now in our store but also by code we are then required to have a Type I hood installed with an Ansul Extinguishing system specially formulated for grease

flames. As most are aware a water extinguishing system would only increase a fire caused by grease. Again, this is all regulated by a strict International Commercial Code and State Code.

We are currently building about 50 new stores a year and looking to increase to about 70 stores a year across the three states of Wisconsin, Minnesota, and Iowa. Since 2015 we have constructed and opened 83 stores in the state of Wisconsin and prior to the adoption of IBC 2015 Code we have only done 5 stores with a fire protection system and we haven't constructed one in Wisconsin since last summer when this was adopted. I have included copies of all the documents that were referenced in this letter for reference. Please feel free to contact me at anytime to discuss this letter. We appreciate your consideration of our request.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Osgood". The signature is fluid and cursive, with the first name "Jeff" being the most prominent.

Jeff Osgood – Development Manager - Store Engineering - Kwik Trip, Inc.

608-793-5547 - josgood@kwiktrip.com 1626 Oak St | P.O. Box 2107 | La Crosse, WI 54602





MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of March 17, 2020
DATE: March 11, 2020

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 February 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 Athletico Physical Therapy (N63W23675 Main Street Suite # TBD).**

This site is zoned B-4. The general medical services is a permitted use in accordance with Section 17.0419 (C)(3)(d) in the B-4 Central Mixed Use District. Athletico is proposing to open a 3,000 square foot location to service clients for physical, occupational, sports, and work related therapy services. They will have 5 employees, hours of operation will be Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday 7:00 a.m. to 12:00 p.m. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, this user will require 10 stalls.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

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 Athletico Physical Therapy (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), subject the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD).

This site is zoned B-4. The restaurants and outdoor beer garden are a permitted use in accordance with Section 17.0419 (C)(1)(c) in the B-4 Central Mixed Use District. Apothic will occupy 3,000 square feet and will offer higher-end Mexican cuisine with a full service bar and next door will be Mama Mia's occupying 1,500 square feet for carry out pizza and gelato. Apothic will be on the west side of the building in the end tenant and will be able to utilize the outdoor patio some of which extends into the Old Brooke Square Park for outdoor seating and the beer garden customers. The owner will need to apply for and receive approval by the Finance Committee and Village Board of a liquor license, approval by the Waukesha County Health Department, each year the owner must receive approval for an Outdoor Establishment Permit. Hours of operation will vary for each business, Apothic will offer breakfast and both places will close at the required time according to their liquor license. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, with 50 stalls already allocated (40 residential, 10 commercial tenants). This user will require 20 stalls, leaving 69 spaces for the remaining approximately 12,000 square feet of commercial space, which should be sufficient following traditional parking ratios.

The owner has submitted an outdoor patio plan, the plan should be reviewed by the Architectural Review Board and the Village Engineer to address sufficient screening and grading issues between the site and the park.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

Policy Question:

1. Are there any concerns with the Plan of Operations and site plans?
2. Are there any concerns with the property?

Action Items:

1. Act on the plan of operations and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), and the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group-Stirling Building (W248N5565 Executive Drive).

This site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is moving a division of their company from Hartland to the vacant lot just north of their headquarters. Prestwick will build a 41,200 square foot building for the Stirling Furnishings operations to locate to. With Prestwick's expansion and the new Stirling

building a shared parking lot will be added creating 199 stalls and a cross access agreement is recorded on CSM #11978. Stirling has 35 employees and hours of operation will be Monday through Thursday 5:00 a.m. to 9:00 p.m.

In accordance with Section 17.0603 F. 6. a waiver must be made for a shared parking lot:

6. Waivers. The Plan Commission may:
 - a. Waive the five (5) foot setback along the side lot line of adjacent businesses and industries when cross-easements are provided to share parking.

The Plan Commission will need to make a determination if a waiver should be granted to allow a less than 5 foot setback along the side lot for the shared business uses.

In addition the following are comments for the plans:

Site

- Shows good pedestrian orientation
- Shared parking access agreement recorded on CSM #11978

Architecture

- Building meets height and required setbacks.
- Material to be used meets the Design Standards.

Lighting

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

Landscape

- Stirling site to have 44 trees/evergreens and 113 shrubs/flowers. Should add two more evergreen trees at the dock door location.

The plans will be reviewed at the April Architectural Review Board.

Policy Question:

1. Are there any concerns with the less than 5 foot setback along the side lot line? Should a waiver be granted?
2. Are there any concerns with the Plan of Operation and various plans?
3. Are there any comments directed to the ARB?

Action Items:

1. Act on the Plan of Operation and various plans
2. Recommend the plans to be reviewed by the ARB.

Staff Recommendation: Staff recommends the Plan Commission waive the five foot setback based on the CSM with the recorded cross access agreement, recommend approval of the Plan of Operation and site plan, architectural plan, lighting plan and

landscape plan for the Prestwick Group-Stirling Building (W248N5565 Executive Drive); a finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer and 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 of an amendment of a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.

This site is zoned B-1. The bowling recreational center with outdoor volley ball courts is requesting to amend their conditional use and site plan to include and outdoor bar and bags tournament area. This site has 150 parking stalls with the required 4 stalls designated for handicap parking.

The area for the bags tournament will be located on the grass adjacent to the fenced volley ball courts, this area will be designated by a rope fence around the perimeter. The owner is already allowed to have alcohol at the volleyball court and their request is to extend alcohol to the bags area as well. That issue will require an amendment to their liquor license, which goes before the Finance Committee and Village Board.

The owner will replace their current outdated shed and serve out of the new structure.

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 recreational facility such as a bowling alley and other outdoor uses; volleyball courts; bags tournament area and outdoor bar 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 February 18, 2020 and March 17, 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.
 - 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 the subject property on file with the Village Clerk.
 - F. Public Improvements. There are no current public improvements required at this time.
1. 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.
 2. 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 shall be attached hereto and incorporated herein as **Exhibit C.**
 3. 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.
 4. J. Outdoor Storage and Uses Plan. No outdoor storage is permitted. The outdoor uses approved are the volleyball courts, outdoor bar and bags tournament area and any area approved with an outdoor establishment permit. If the Petitioner wishes to have additional outdoor uses they must seek approval from the Plan Commission without a new public hearing unless the Plan Commission determines a public hearing is necessary.
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 30th 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.

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 and site plan for Sussex Bowl (N64W24576 Main Street).

Staff has prepared a 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 Sussex Bowl.

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 17.0416 (B-1 Business Neighborhood)
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.-H. 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 and site plan based upon the evidence presented at the Public Hearings for Sussex Bowl (N64W24576 Main Street); a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

C. Reconvene the public hearing for a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

This site is zoned B-2 with a Planned Development Overlay. The convenience store, car wash and gasoline service station is a conditional use in accordance with Section 17.0506 (A)(9) (a) and (b). and outside storage Section 17.0506 (A)(11)(a). Kwik Trip is proposing to construct a 9,050 square foot convenience store with attached car wash, gas pumps with canopy and diesel gas with canopy. Kwik Trip will operate 24 hours 7 days a week. In addition to the above services, the store will sell alcohol, the interior layout shows the “Beer Cave” and labeled #16 is the liquor cabinet behind the cash registers. The store will employ 30 to 35 employees. The liquor license and outdoor establishment permit will need to be reviewed by the Village Board.

The Conditional Use Permit Standards to be met:

- A. This conditional use is granted for Kwik Trip Inc. for the above enumerated uses, subject to the following conditions:
 - 1. Presentation Compliance. The vehicle washing, outside storage and 24 hour convenience store/fueling station is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearing before the Plan Commission held on February 18, 2020 and March 17, 2020.
 - 2. Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property described in **Exhibit A** attached hereto and incorporated herein as presented at the public hearing.
 - 3. Plans. The Petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Plan Commission for the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.
 - A. Site Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission, pursuant to Section 17.1000, a specific site plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the

meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit B**. Any such plan must meet the following minimum requirements or conditions:

B. Plan of Operation. The Petitioner 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 presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as **Exhibit C**.

1. The hours of operation for the fuel pumps and convenience store will be 24 hours.
2. In order to sell alcoholic beverage items a license from the Village of Sussex is required and all requirements of said license process shall be followed and a license obtained prior to the sale of the same.

C. Traffic, Access and Loading Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific traffic, access, loading, parking and egress plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit D**.

D. Lighting Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific lighting plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit E**.

E. Signage Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific signage plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit F**.

F. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall submit to and receive approval from the Village Engineer specific sewer, water, stormwater, and erosion control plans for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit G**.

G. Public Improvements. The Owner/Developer has submitted and received approval from the Village Board, Waukesha County, State of Wisconsin and other necessary approving agencies for improvements to the public roadway system, sidewalk system, signalization system, street lighting and utility systems, and or other public improvements to provide for the use of the Subject Property. The Petitioner's approvals are subject to the Owner/Developer completing these necessary improvements.

H. Fence, Landscaping, Berm, and Open Space Utilization Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific fence, landscape, berm, and open space utilization plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit H**. Any such plan must meet the following minimum requirements or conditions:

1. Screening brick wall of fuel pumps along CTH K shall be attached hereto and incorporated herein as **Exhibit H-1**.

I. Outdoor Storage Plan. No outdoor storage shall be permitted on the Subject Property with the following specific exceptions:

1. Trash dumpsters limited to the minimum number needed to meet the recycling law requirements. The trash dumpsters shall be screened from view and shall be maintained in a safe and sanitary condition at all times.
2. The storage and sale of propane and ice in the style, manner, and location as shown by the outdoor storage plan attached as **Exhibit I**.
3. No other outside storage or sales of merchandise from the above listed materials (excluding fuel for vehicle usage) are permitted outside of the building.

J. Architectural and Building Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific architectural and Building Plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit J**.

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 11.07 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.
11. Fees and Expenses. The Petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all reasonable 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 ("Staff Members"). The Village Clerk shall provide the Petitioner with copies of all itemized invoices and shall include with such invoices a complete list of the fee rates for all Staff Members.

11. 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.
12. 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.
13. 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/Developer 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 (except for any related entity to Petitioner), other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.
- F. 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 fifth year of the CU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the CU. If based upon that review the use of the property is compatible with the surrounding areas and the petitioner is in substantial compliance with all terms of this conditional use agreement, then, in that event, the Conditional Use can be automatically renewed for another 5 year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the Conditional Use, the Petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30th of the fifth (5) year of the term. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.
1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.
 2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.
 3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.

- H. Upon acceptance by Petitioner of this conditional use permit, all prior conditional use permits granted to the Subject Property are hereby revoked and terminated.
- I. 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.
- J. 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.

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, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip.

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 the PDO Ordinance for the Subject Property

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.-H. 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 various plans.

Staff Recommendation: Staff recommends approval of the Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and signage plan based upon the evidence presented at the Public Hearings for Kwik Trip corner of CTH K and Business Drive; a finding the use and structures meet the principals of 17.1002(A-H); subject to the approval of a CSM and the standard conditions of Exhibit A.

1. Consideration and possible action on a CSM for Sussex Corporate Park to divide lot 1 Tax Key #SUXV0273999006, to create 3 lots, lot 2 will be the future site of Kwik Trip.

This site is zoned B-2. This CSM is to divide Lot 1 adjacent to Business Drive in the new Sussex Corporate Park to create lot 2 and lot 3 for development. Lot 2 is the future site of the new Kwik Trip.

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 approval of the CSM to the Village Board to divide Lot 1 Tax Key #SUXV0273999006 in the new Sussex Corporate Park corner of Hwy 164 and CTH K to create 3 lots subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

E. Convene the public hearing of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive).

This site is zoned B-4. The community based residential facility (CBRF) is a conditional use in the B-4 Central Mixed Use District in accordance with Section 17.0506 (B)(3). The Matthews Senior Living group is proposing to construct a 103,999 square foot senior living facility. The facility will have a total of 110 units 58 units for residential care apartments (10-studio, 42-one bedroom and 6-two bedroom) 27 assisted living units and 25 memory care units.

The ARB reviewed the plans at the March 11 meeting and made the following motion:

A motion by Goetz, seconded by Schauer to approve the site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living Facility (W235N6350 Hickory Drive) subject to the following conditions:

- *Add street trees in the right of way along Silver Spring and Hickory Drive.*
- *Add a screening fence at the north east corner near the rain garden #3 storm water basin to screen the two backyard properties on Sunset Drive.*
- *Approval of the new updated logo for the monument sign face.*

Please see the impact report for more information. Of particular import is a staffing plan from the operator detailing the staffing levels and round the clock standards to provide sufficient care to the residents such that Paramedic needs are limited to critical medical emergency responses.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G. and may include any or all of Sections B, C, and D. as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. Additional information as may be required by the Plan Commission or Administrator. **{This may come out during the Public Hearing.}**

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

A. Upon receipt of the application, foregoing data and fees, the Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

B. The procedure for public hearing before the Plan Commission shall be as follows: 1. Any person may appear in person, by agent, or attorney. 2. The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence. 3. The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner the costs shall be split evenly unless otherwise agreed to by the parties.

C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.

D. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

E. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise authorized to

be modified by a conditional use. Variances shall only be granted as provided in Section 17.1200 of this ordinance.

F. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above.

The Zoning District Standards Section 17.0419 Central Mixed Use District

B-4 CENTRAL MIXED USE DISTRICT

The B-4 Business District is intended to provide for the orderly and appropriate development of the Central Mixed Use District as designated by the Community Development Authority, in conformance with and to implement "The Downtown Design and Development Plan."

- A. It is the specific intent of the B-4 District to:
1. Encourage development of retail, residential, and office uses that are compatible with the historic Village setting in size, scale, and architectural character.
 2. Encourage the retention and restoration of existing buildings, along with the landscaping and design elements that are characteristic of the Village setting.
 3. Provide opportunities for a diversity of commercial uses and a mix of compatible residential uses.
 4. Encourage mixed-use development on larger tracts in order to fully utilize the area of these tracts for the economic benefit of both the Village and the property owner.
 5. Encourage those types of commercial and office uses that do not generate a traffic volume that may lead to congestion.
 6. Encourage consolidation of driveways, parking, and curb cuts to enhance safety and provide more efficient and economical access and parking.
 7. Encourage the creation of connection driveways parallel to Main Street, to the rear of existing and new development, where appropriate, in order to reduce conflicts between downtown commercial traffic and through traffic.
 8. Minimize visual and functional conflicts between residential and non-residential uses within and abutting the district.
- B. Lot Area and Width
Lots shall contain sufficient area and width to implement the "Downtown Design and Development Plan," as determined by the Plan Commission and the Architectural Review Board.
- C. Permitted Uses in the B-4 District
On any lot in the B-4 district, one or a combination of the following uses is permitted:
1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Bed and breakfast establishments
 - (c) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (d) Bars

- (e) Food service contractors and caterers
- 2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, and artists offices/studio
 - (b) Theater companies and dinner theaters, dance, musical groups, and performing arts companies.
 - (c) Sports teams, clubs and commercial recreational facilities.
 - (d) Museums, historical sites, zoos, botanical gardens, and marinas
- 3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services
 - (e) Vocational rehabilitation services
 - (f) Community food services
 - (g) Religious facilities
 - (h) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (i) Youth, elderly and disability social services and emergency relief services (non-housing) in the B-4 district.
 - (j) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
- 4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive-through
 - (b) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (e) Office equipment rental and leasing
- 5. General Services
 - (a) Repair and Maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) Coin operated laundries and drycleaners
 - (f) Dry cleaning and laundry services (non-industrial)
 - (g) Photo finishing laboratories
 - (h) General business offices
 - (i) Travel and visitor services
 - (j) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
- 6. Information Services

- (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes
 - (b) Telecommunications services
 - (c) Motion picture and video production
 - (d) Motion picture theaters excluding drive-ins
 - (e) Libraries and archives
 - (f) Newspaper, printers, paper and software publishers, recording studio record production, telecommunications services and data processing.
7. Professional, Technical, Scientific, and Administrative Services
- (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT
 - (f) Research and development facilities (non industrial)
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
 - (g) Pest control services
 - (h) Veterinary services
 - (i) Offices of holding companies and regional managing offices
8. Public Administration and Government Services
- (a) Public utility, offices of Federal, State, and Local Governments
 - (b) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
9. Retail Trade
- (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/package beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Internet sales shopping/mail order business and vending machine sales
10. Manufacturing/Assembly
- (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
11. Transportation and Warehousing
- (a) Courier, delivery, postal service businesses and U.S. postal Service
12. Housing and Mixed Uses

- (a) Business or professional home offices such as residences of clergymen, architects, landscape architects, professional engineers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
- (b) Single-family residential detached home and two-family residential dwelling, but only if the use is constructed prior to January 1, 2010. In the event of a disaster these dwellings may be reconstructed.
- (c) Conversions. A conversion of an existing single family residential detached building into a combination of non-residential and residential uses or all non-residential uses in a single existing building meeting the following requirements:
 - (1) The front facade and front porch of the existing building, if any, shall be preserved and any building addition shall be located to the rear, and shall be compatible with the existing building in size, scale, and building materials unless the Plan Commission with review and recommendation by the architectural review board determines that the particular façade or front porch is not architecturally significant or if the new proposed façade, front porch, or building addition more appropriately meets the design standards of the Village than the existing structures. Stairways, fire escapes, and other structural alterations shall be located to the rear or side of the building.
 - (2) A single-family detached dwelling may be converted to:
 - (a) A maximum of three non-residential uses with no residential uses, or
 - (b) One apartment with up to two non-residential uses.
 - (3) Residential units must meet the minimum size and facility requirements found in Section 17.0506(A)(15)(g).
 - (4) To encourage a business environment that is compatible with the residential character of the Village, conversions to permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission and Architectural Review Board. Said review and approval shall be concerned with general layout, building plans, architectural and façade treatment, ingress and egress, design, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the "Downtown Design and Development Plan."
- (d) A permitted or conditional non-residential use is allowed in accessory buildings located to the rear or side of principal buildings, provided that adequate parking is provided and the non-residential use is owned or operated by a person or entity legally occupying a portion of the principal building.
- (e) Mixed Use Development. Mixed-use development if it meets the following conditions:
 - (1) The project shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture,

signs, lighting standards, parking, driveways and pedestrian circulation, in conformance with the following requirements:

- (a) Residential and non-residential uses may be combined on a single parcel in new buildings or a combination of new and existing non-residential building(s).
 - (b) Residential uses on the ground floor of buildings in a mixed use development are allowed if the Plan Commission finds that the overall mixed-use development has sufficient retail/office presence to meet the intent of the Downtown Development and Design Plan.
 - (c) When the mixed use involves a conversion of an existing non-residential building the development must establish and or maintain non-residential uses on the ground level of the building(s) such that the Plan Commission finds that the overall mixed-use development will maintain sufficient non-residential presence to meet the intent of the Downtown Development and Design Plan.
 - (d) On large buildings, variations in facades, canopies, and roof lines to provide contrasts of height, color, texture, and materials are encouraged.
 - (e) Any building facade which is visible from a street or other public place shall be constructed of traditional building materials such as local stone, brick, and wood. The use of these materials on other facades is also encouraged.
- (2) Pedestrian circulation shall be included in the design of the development, with walkways planned for linkage to an existing or future pedestrian network of sidewalks. New sidewalks shall connect to the Bugline Recreation Trail where appropriate and in accordance with the "Downtown Design and Development Plan."
 - (3) A traffic impact study may be required for any development that, in the opinion of the Architectural Review Board or Plan Commission, may generate a traffic volume that may require special mitigation measures.
 - (4) Residential units in mixed use developments shall at a minimum each have one bedroom, one kitchen, and one bathroom. A one bedroom unit shall be at least 600 square feet in size and a two bedroom or larger unit shall be at least 800 square feet in size.
- (f) Single Family Residential Attached Units, if approved as part of a TIF project plan of the Village.

13. Parking Lots

- (a) Parking Lots without a principal use on the lot are permitted as long as the parking lot supports an adjacent parcels use and is sufficiently screened so as to minimize any impact to any adjacent residential uses.
- (b) To facilitate traffic circulation:
 - (1) Parking areas for a proposed nonresidential use should be directly connected to nonresidential parking areas on adjacent lots where possible. If a connection cannot be made when the proposed use is constructed, a driveway may be constructed extending to the adjacent property

line in a location where a future connection can be made. Cross-easements for access shall be provided where applicable.

- (2) Driveway access from Main Street or Waukesha Avenue should be limited and shared driveways between abutting lots are encouraged. If only one lot is being developed, a cross-easement to an abutting lot or lots may be offered, and recorded on a plan for the first lot. When such shared driveways are established, no additional driveways shall be permitted to access either lot from Main Street or Waukesha Avenue. Additional driveways may be permitted off a side street or a service street.

- (c) Shared parking facilities maximize the use of the limited area available for parking within the Central Mixed Use District and should be used wherever possible. When parking facilities are shared, the overall parking requirement may be reduced. The number of residential parking spaces, however, shall not be reduced. It shall be the burden of the applicant to provide documentation that uses sharing parking are complimentary and that the full required number of parking spaces would not be required

D. Permitted Accessory Uses

1. Off-street parking and loading. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
2. Detached garages for storage of vehicles used in conjunction with the operation of the principal business or for occupants of the premises.
3. Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

E. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

F. Dimensional Standards.

The following standards shall apply to all uses:

1. Build-to Line: For all construction a build-to line rather than a minimum street yard shall be used. New buildings shall be constructed to a line formed by the average building setback of the buildings on the adjacent lots on both sides. If no existing buildings are present on the adjacent lots, the average setback of the next nearest buildings on each side shall be used. The build-to line may be adjusted by the Plan Commission if it finds that a change in the build-to line would be consistent with the Downtown Design and Development Plan, and the Design Standards. The build-to line shall not be less than five (5) feet.
2. Side yard: 10 feet on each side, except one or both sideyards may be reduced if the Plan Commission finds that:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction,
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards and the Downtown Design and Development Plan of the Village.
3. Rear yard: 15 feet.

4. Loading docks may be required to be set back a greater distance from the side or rear lot line, as determined by the Plan Commission.
 5. Setback from the Bugline Recreation Trail right-of-way: 15 feet.
 6. Accessory buildings shall be set back from all property lines at least five (5) feet, except that accessory buildings used for principal uses shall meet all the setback requirements for principal buildings.
 7. Maximum height: 45 feet.
 8. Minimum shoreyard: No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
 9. Parking lot setbacks:
 - (a) From street right-of-way: The setback of the principal or 25 feet, whichever is less. No parking shall be permitted between the front of the principal building and the street line with the following exception: The Plan Commission may allow up to ten (10) percent of the parking to be in the street yard if it finds that the no street yard parking requirement is unfeasible for the site.
 - (b) From rear property lines: ten (10) feet; except that the Plan Commission may allow a reduction of this requirement to five (5) feet, upon the Architectural Review Board's recommendation of a landscape plan that meets the design standards and intent of the Downtown Design and Development Plan.
 - (c) From side property lines: five (5) feet, however no setback is required if shared parking is used and cross-easements are established.
 - (d) From buildings: five (5) feet.
 - (e) Any parking structure that was constructed prior to the date of the original adoption of the parking lot setback requirements for the B-4 Central Mixed Use District in 1990, that does not meet the current requirements of subsection 17.0419 (F)(9)(a-d), is considered legal non-conforming and does not have to be removed upon performing parking lot restoration work. Extension, expansion, enlargement, reconstruction, substitution, or moving of the parking lot, however, may be subject to said requirements of subsection 17.0419(F)(9)(a-d), as described in Section 17.0900 of this Zoning Ordinance.
 10. Property line buffer: A buffer area landscaped with trees and shrubs meeting the intent of the "Downtown Design and Development Plan" and the Village Design Standards, shall be required along all side and rear property lines. Driveways may not encroach into the buffer area unless the lot is too narrow to permit any other alternative, in the opinion of the Plan Commission, or for the purpose of shared parking or connected parking areas between lots.
- G. Erosion Control
1. See Chapter 14 of the Village Municipal Code.
- H. Development Design Standards
1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2040 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be

evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

- I. Plans and Specifications to be Submitted to Plan Commission
 1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, architectural and facade treatment, ingress and egress, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the "Downtown Design and Development Plan."

Section 17.0506 Conditional Uses

17.0506 CONDITIONAL USES

- A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:
 - B. RESIDENTIAL CONDITIONAL USES

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified in this section. Petitioners for conditional uses in the residential section must produce an "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

 3. Housing for the Elderly, including community-based residential facilities, rest homes and nursing homes in the Rm-1 and B-4 districts. Elderly housing shall not exceed a density of more than 17.4 dwelling units per acre in the Rm-1 district or more than 22 units per acre in the B-4 district. Upon recommendation of the Architectural Review Board the Plan Commission may reduce the number of required parking spaces for elderly housing in the B-4 district when parking shared with adjacent businesses is provided, however, parking dedicated to the elderly housing use shall not be less than 0.5 parking spaces per dwelling unit.

Site Plan Review Standards 17.1000

17.1002 PRINCIPLES To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No structure, or use shall be established that is counter to the intent of the Design Standards nor shall the same be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village. Structures and uses in the B-4 Central Mixed Use District shall also adhere to the intent of the Downtown Development and Design Plan.

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or drabness, in order to realize architectural uniqueness between lots.

3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

C. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

D. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

E. Structures and uses shall make appropriate use of open spaces and the Plan Commission may require appropriate landscaping and planting screens. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

F. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.

G. Structures and uses shall be provided with adequate services as approved by the appropriate utility and serve to implement the recommendations of Utility and Stormwater Management Plans of the Village.

H. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Plan Commission to allow the same, as described herein.

1. The Plan Commission shall not allow the same unless the Plan Commission first finds either a or b: (a) That the loading dock or overhead door is set back at least 75 feet from the street right-of-way and adequate vehicle turnaround areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door. (b) That the building is on a lot within the M-1 Industrial District and the building has a previously approved loading dock facing the street.

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

Comments from the public if any.

The Plan Commission continues the public hearing and:

1. Requests the Petitioner to provide additional information next month based upon the testimony at the Public Hearing in order to make a determination on the standards of the Code; or
2. Directs staff to prepare for consideration next month:
 - i. A Conditional Use Order; or
 - ii. An Order finding the Petitioner does not meet the standards.

If the Plan Commission directs a Conditional Use Order be drafted any Plan Commission member may ask for a specific condition to be drafted for consideration in the CU Order. The continued Public Hearing will allow the Plan Commission to hear testimony on the CU Order from the Petitioner and the Public and in the case of a specific condition requested by a Plan Commission member for the Village to provide evidence for the same.

If the Plan Commission directs an Order finding the Petitioner does not meet the standards the continued public hearing will allow the Plan Commission to hear testimony on the Denial Order.

Adjourn hearing to April 21, 2020 at 6:30 p.m.

**05. Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:
A. Consideration and possible action on a request for a second monument sign for Froedtert Health (N64W25307 Prospect Circle).**

This site is zoned B-2. Froedtert Health building is currently under construction and requesting to add a secondary small monument sign at the Prospect Circle Drive entrance. The primary monument sign will be located at the corner of Hwy 164 and Prospect Circle and approximately 200 feet to the drive entrance to the parking lot they would like to place this secondary sign. Based on the sign code a site can have more than one monument sign if the Plan Commission determines the following:

In accordance with Section 17.0807 A. the Plan Commission may allow a second sign:

The number of Monument Signs per property shall be determined by the Plan Commission for appropriateness with traffic flow, pedestrian safety, and design of the site, and there shall be no

more than two monument signs per property or more than one monument sign per street fronted by the property if the property has two or more street yards unless a conditional use is granted for the property to exceed said limit.

The second sign will have a base of stone to match the building and primary monument sign, it will be internally lit and the size will be 3' 9" x 4', our Design Standards require monument signs to have a pillar(s), because this is a second sign should the pillar(s) be required?

Policy Question:

1. Does a second monument sign help with the traffic flow, pedestrian safety and design of the site?
2. Are there any concerns with the site having more than one monument sign?
3. Are there any concerns with the design of the sign?

Action Items:

1. Act on the sign plan.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the second monument sign for Froedtert Health (N64W25307 Prospect Circle) at the drive entrance of Prospect Circle subject to approval of a the necessary permits and the standard conditions of Exhibit A.

B. Consideration and possible action on a CSM for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road.

This site is zoned M-1. Quad owns both properties and is requesting to change the property line connecting the two properties and will add a shared access easement to allow the building at N63W22777 Main Street, the reason for the request is to possibly sell the Main Street property in the future.

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 approval of the CSM to the Village Board for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

C. Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline Road.

This property is in the Town of Lisbon and will stay in the Town of Lisbon. The proposed zoning on the property does not match the Boundary Stipulation so the Village can not approve the CSM.

Policy Question:

1. Are their concerns with the CSM?

Action Items:

1. Act on CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board acknowledgement of the CSM because the zoning of the land doesn't match the requirements of the boundary stipulations; subject to review by the Village Engineer and Exhibit A.

D. Consideration and possible action on an Ordinance to repeal and recreate the Business Districts pertaining to financial institutions with a drive through.

Staff has prepared a correction for the zoning districts which allow financial institutions as a permitted use and clarifying language for approval of the use with a drive through. Within the B-1, B-2, B-3, B-4, BP-1 and OP-1 the following is proposed in the Ordinance:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

Policy Question:

1. Are there any concerns with the Ordinance?

Action Items:

1. Act on the Ordinance.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the Ordinance to repeal and recreate the language in the Business District pertaining to financial institutions with a drive through.

06. Other Items for future discussion.

07. Adjournment.



PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? No If yes, is this a new CU? _____

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV0246986

Zoning: B-4

Address of Tenant Space: N63 W23675 Main Street, Sussex, WI 53089

1. Name of Business:
Athletico Physical Therapy

| | | |
|------------------------|----------------------------------|--------------|
| Business | | |
| N63 W23675 Main Street | Sussex, WI 53089 | 630-280-2833 |
| Address | City, State, Zip | Phone # |
| 630-280-2933 | jennifer.wingelnik@athletico.com | |
| Fax # | Email address | |

2. Business owner contact information:
Tom Beardsley

| | | |
|----------------------|-----------------------------|--------------|
| Contact | | |
| 625 Enterprise Drive | Oak Brook, IL 60523 | 630-575-6208 |
| Address | City, State, Zip | Phone # |
| | tom.beardsley@athletico.com | |
| Fax # | Email address | |

3. Building/Land owner contact information:
Mammoth Lofts, LLC

| | | |
|-----------------------------|-----------------------------|--------------|
| Contact | | |
| N63 W23217 Main Street #200 | Sussex, WI 53089 | 262-527-2334 |
| Address | City, State, Zip | Phone # |
| | kevin@sawalldevelopment.com | |
| Fax # | Email address | |

4. Number of Employees/Shifts: 5 2
Employees Shifts

5. Days of Operation:

Put an X in box that applies:
Hours
Open for business

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|---------|---------|-----------|----------|---------|----------|--------|
| X | X | X | X | X | X | |
| 7am-7pm | 7am-7pm | 7am-7pm | 7am-7pm | 7am-7pm | 7am-12pm | |

6. Is this an extension of an existing operation? No
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NO Do you need an Outdoor Establishment Permit? NO
 If yes, explain: _____
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? n/a
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____
11. Dimension of area to be occupied 40x75 Total square footage 3063
 If applicable list square footage according to 1st floor _____ 2nd floor _____

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
 Total Number of Parking Spaces 3 Number of spaces needed per code _____
 Number of spaces allocated for employee parking 0
 Dimensions of parking lot _____ Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?
 Signage permit application will be submitted separately
As Per Plan
 If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Tom Beardsley 2/20/20
 Name Date
Vice President, Business Development
 Title or Position

I am aware and approve of the business to be operating in the building owned by Mammoth Lofts LLC.

Kevin Sawall 2/20/20
 Name Date
Owner
 Title or Position

ATHLETICO

PHYSICAL THERAPY

Better for every body.®

625 Enterprise Drive, Oak Brook, IL 60523

T: 630-280-2833

February 25, 2020

Ms. Kasey Fluet
Assistant Development Director
Village of Sussex
N64W23760 Main Street
Sussex, WI 53089

Dear Ms. Fluet,

Athletico Physical Therapy plans to provide physical therapy, occupational therapy, sports rehabilitation, work rehabilitation, and related services to clients within the community. Athletico is growing within the Milwaukee area and we are excited to build a presence and expand our patient base in the Village of Sussex.

If you should have any questions or need any additional information, please feel free to contact me.

Sincerely,



Thomas Beardsley
Vice President of Business Development

Athletico

Mama Mia and Apothic



6. Is this an extension of an existing operation? yes
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? Liquor Do you need an Outdoor Establishment Permit? yes
 If yes, explain: already completed and turned submitted
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? music, outdoor games, outdoor big screen to view sports and music videos
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? no If yes, explain: _____
11. Dimension of area to be occupied _____ Total square footage 11,000
 If applicable list square footage according to 1st floor 3,000 2nd floor _____

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
 Total Number of Parking Spaces _____ Number of spaces needed per code _____
 Number of spaces allocated for employee parking _____
 Dimensions of parking lot _____ Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?

kiosk signage with LED changeable text along with allowed building signage

If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Chaz Hastings
 Name
 Owner
 Title or Position

2/29/20
 Date

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

Arthur Sawall
 Name
 Owner
 Title or Position

2/29/20
 Date

Executive Summary

Apothic will open during the 2nd qtr. of 2020 in the newest retail development in Sussex, WI. We will be located on the west end of the new Sawall development, which adjoins to the Village of Sussex park next to the Bugline Trail. Apothic will offer higher-end Mexican cuisine with full bar service inside, and an outdoor beer garden. The west end will have 3 large glass garage doors that will open on warmer days. We will also have a 3,000 sq. ft patio, which will include 2 fire pits aside our newly landscaped beer garden in the village park. Directly to the south of the village park is the Bugline trail, which is enjoyed by many walkers, runners and bikers. The unit next door to Apothic will be occupied by Mama Mia's pizza carry out and La Copa award winning gelato. The ownership will be the 2 partners, Scott Carleton and Chaz Hastings, who together have over 15 years of experience in the industry, which includes owning 11 different restaurants. The Mama Mia's side will be partnered with Jodine Paulsen, who currently owns & operates Mama Mia's in Brookfield. Gustavo Bartola is the executive chef for Apothic, specializing in Mexican cuisine. Melaine Kunis is the front of house manager/trainer with 10 years' experience in the restaurant industry. Attached you will find a 3-year proforma for the business. Our mission statement is our core belief: We aim to put a smile on every guest's face through 5-star service, products and entertainment.

Company Description

Apothic is ideally situated in the heart of downtown Sussex. The community is currently underserved in the restaurant industry, and lacks a Mexican restaurant. Within a 10 mile radius, there are approximately 20,000 business employing over 400,000 associates. There is a good mix of white and blue collar jobs in the area, with a median income above the national average for the residents. The quality of our products and service will be our greatest competitive advantage in the market. Apothic will feature an authentic Mexican menu, accented by regional dishes from Chef Gustavo's homeland of Veracruz, Mexico. We will offer 14 craft beers on draft, wine, and a cocktail menu developed by industry experts. A colorful sugar-skull themed logo will adorn the t-shirts, hats and glassware, which will also be available for retail. The large patio and village park will be programed with live music and outdoor games. This will be the largest outdoor restaurant venue in Washington county. Mama Mia's pizza and garlic bread have been a revered treat in Milwaukee since 1954. The gelato offering will be the resurrection of La Copa gelato which produced award winning gelato in Chicago.

Marketing Objectives

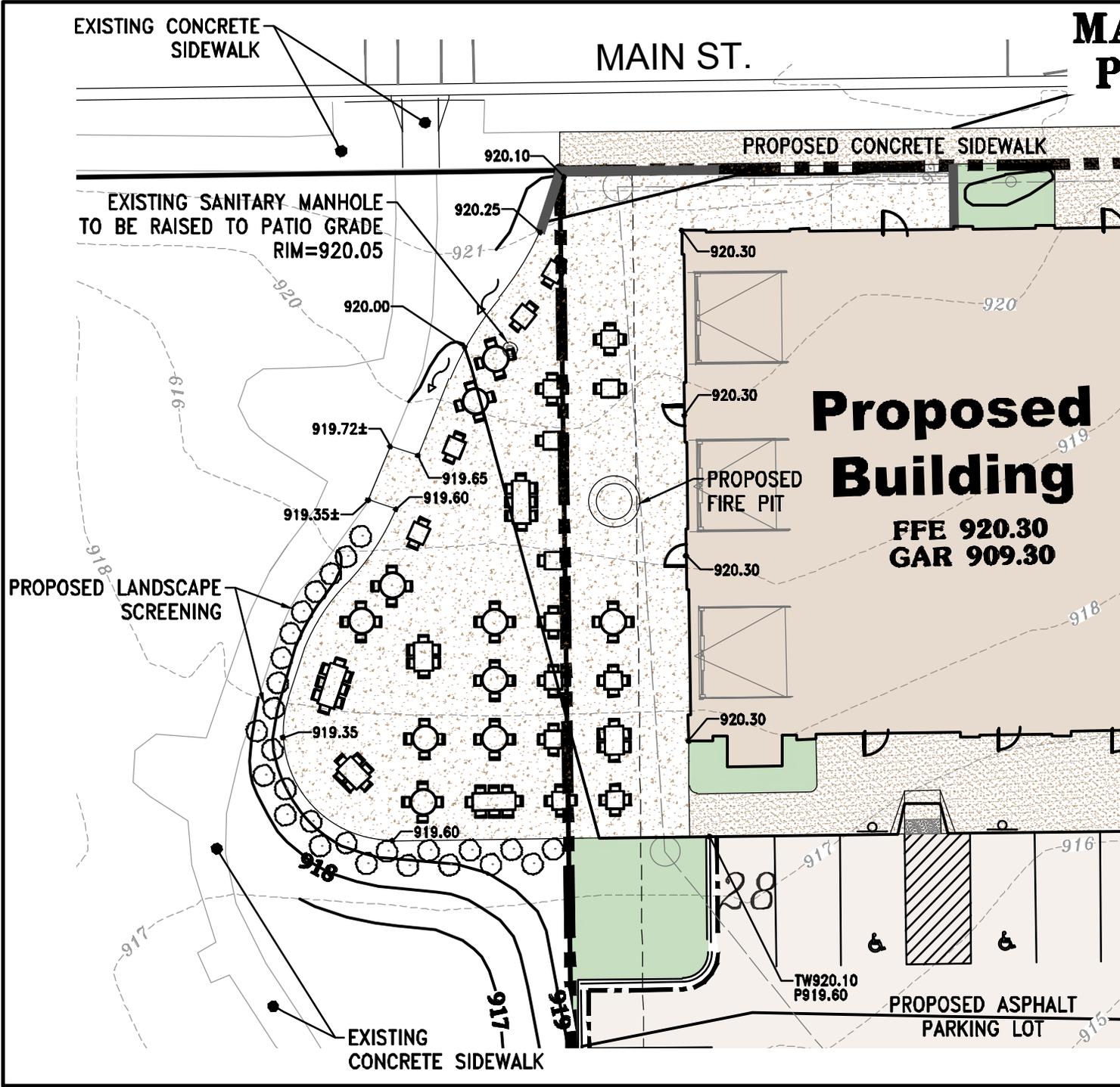
Outstanding service along with quality menu items and drinks will be the foremost objective in our marketing strategy. Customer satisfaction is the ultimate goal of our ownership and management team. Building brand awareness is critical to the success of a new restaurant and with the number of established competitors Apothic will differentiate itself in our area through a unique offering of authentic dishes, unique products, live music and games in our beer garden. Our team will handle the in-house execution of Facebook and Instagram which will drive content to attract a wide audience. Other mediums such as Buzzybooth, Zenreach, Untapped, digital billboards and the led programable kiosk signage will ensure that Apothic is reaching out to a broad market.

Athletico

Mama Mia and Apothic



MAMMOTH LOFTS PATIO EXHIBIT



4100 N. CALHOUN ROAD
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481
DATE: 03/04/20

6. Is this an extension of an existing operation? no
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? Liquor Do you need an Outdoor Establishment Permit? no
 If yes, explain: _____
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? _____
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? no If yes, explain: _____
11. Dimension of area to be occupied 61'x17' approximatly Total square footage 1,500
 If applicable list square footage according to 1st floor 1,500 2nd floor _____

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
 Total Number of Parking Spaces _____ Number of spaces needed per code _____
 Number of spaces allocated for employee parking _____
 Dimensions of parking lot _____ Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?
allowed building signage
 If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Chaz Hastings 2/29/20
 Name Date
Owner
 Title or Position

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

Arthur Sawall 2/29/20
 Name Date
Owner
 Title or Position

Executive Summary

Apothic will open during the 2nd qtr. of 2020 in the newest retail development in Sussex, WI. We will be located on the west end of the new Sawall development, which adjoins to the Village of Sussex park next to the Bugline Trail. Apothic will offer higher-end Mexican cuisine with full bar service inside, and an outdoor beer garden. The west end will have 3 large glass garage doors that will open on warmer days. We will also have a 3,000 sq. ft patio, which will include 2 fire pits aside our newly landscaped beer garden in the village park. Directly to the south of the village park is the Bugline trail, which is enjoyed by many walkers, runners and bikers. The unit next door to Apothic will be occupied by Mama Mia's pizza carry out and La Copa award winning gelato. The ownership will be the 2 partners, Scott Carleton and Chaz Hastings, who together have over 15 years of experience in the industry, which includes owning 11 different restaurants. The Mama Mia's side will be partnered with Jodine Paulsen, who currently owns & operates Mama Mia's in Brookfield. Gustavo Bartola is the executive chef for Apothic, specializing in Mexican cuisine. Melaine Kunis is the front of house manager/trainer with 10 years' experience in the restaurant industry. Attached you will find a 3-year proforma for the business. Our mission statement is our core belief: We aim to put a smile on every guest's face through 5-star service, products and entertainment.

Company Description

Apothic is ideally situated in the heart of downtown Sussex. The community is currently underserved in the restaurant industry, and lacks a Mexican restaurant. Within a 10 mile radius, there are approximately 20,000 business employing over 400,000 associates. There is a good mix of white and blue collar jobs in the area, with a median income above the national average for the residents. The quality of our products and service will be our greatest competitive advantage in the market. Apothic will feature an authentic Mexican menu, accented by regional dishes from Chef Gustavo's homeland of Veracruz, Mexico. We will offer 14 craft beers on draft, wine, and a cocktail menu developed by industry experts. A colorful sugar-skull themed logo will adorn the t-shirts, hats and glassware, which will also be available for retail. The large patio and village park will be programed with live music and outdoor games. This will be the largest outdoor restaurant venue in Washington county. Mama Mia's pizza and garlic bread have been a revered treat in Milwaukee since 1954. The gelato offering will be the resurrection of La Copa gelato which produced award winning gelato in Chicago.

Marketing Objectives

Outstanding service along with quality menu items and drinks will be the foremost objective in our marketing strategy. Customer satisfaction is the ultimate goal of our ownership and management team. Building brand awareness is critical to the success of a new restaurant and with the number of established competitors Apothic will differentiate itself in our area through a unique offering of authentic dishes, unique products, live music and games in our beer garden. Our team will handle the in-house execution of Facebook and Instagram which will drive content to attract a wide audience. Other mediums such as Buzzybooth, Zenreach, Untapped, digital billboards and the led programable kiosk signage will ensure that Apothic is reaching out to a broad market.

Athletico

Mama Mia and Apothic





PLAN OF OPERATION

To be used for a business with new construction.

Is this request to be considered for a Conditional Use? No If yes, is this a new CU? _____
 OR an amendment to an existing CU? _____

(Conditional Use Permits require a Public Hearing)

Address location of new construction W248N5565 Executive Drive, Sussex, WI 53089

Tax Key # 278.999.059 Zoning: BP- 1

1. Name of Business:
The Prestwick Group

| | | |
|----------|---|-----------------------------|
| Business | <u>W248 N5499 Executive Drive, Sussex, WI 53089</u> | <u>(800) 505-7926 #1240</u> |
| Address | City, State, Zip <u>mfrick@prestwick-group.com</u> | Phone # |
| Fax # | Email address | |

2. Business owner contact information:
The Prestwick Group

| | | |
|---------|---|-----------------------------|
| Contact | <u>W248 N5499 Executive Drive, Sussex, WI 53089</u> | <u>(800) 505-7926 #1240</u> |
| Address | City, State, Zip <u>mfrick@prestwick-group.com</u> | Phone # |
| Fax # | Email address | |

3. Building/Land owner contact information:
The Prestwick Group

| | | |
|---------|---|-----------------------------|
| Contact | <u>W248 N5499 Executive Drive, Sussex, WI 53089</u> | <u>(800) 505-7926 #1240</u> |
| Address | City, State, Zip <u>mfrick@prestwick-group.com</u> | Phone # |
| Fax # | Email address | |

4. Number of Employees/Shifts: 35 1 Split shifts
 Employees Shifts

5. Days of Operation:

| | | | | | | | |
|--|------------|------------|------------|------------|--------|----------|--------|
| Put an X in box that applies: Hours Open for business | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
| | X | X | X | X | | | |
| | 5am - 4:30 | 5am - 4:30 | 5am - 4:30 | 5am - 4:30 | | | |

* Office employees work 8am - 9:00 / Shop employees work 5am - 3:30

6. Is this an extension of an existing operation? Yes, the new building relocates operations from another location.
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises. (see attached)
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No
Arcade permit? No
If yes, explain: _____
If yes, please obtain and complete form.

9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A

10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No
If yes, explain: _____

11. Dimensions and levels of all buildings:

| | Dimensions | Levels | Square footage |
|------------|--------------------|----------|--------------------|
| Building 1 | <u>280' x 150'</u> | <u>1</u> | <u>42,000 S.F.</u> |
| Building 2 | _____ | _____ | _____ |
| Building 3 | _____ | _____ | _____ |

Is the building(s) to be used for multi-tenant purpose? No

12.

| Lot size | Depth | Width | Area |
|----------|-------|-------|-------|
| _____ | _____ | _____ | _____ |

Above to be included on survey

13 Parking: Dimensions of parking lot 376' x 196'
Parking lot construction Asphalt
Type of screening: Fence _____ or Plantings Exist. & New Trees
Number of spaces needed per code _____ # of spaces for employees _____
Above to be included on site plan

Please provide the following information:
Total square footage of building, new and existing _____
Total square footage of parking lot, new and existing _____

14. Signs: Type: Free standing _____ Attached to building Yes
Lighted _____ Single or double faced _____
Size _____ Location _____
Above to be included on sign plan

15. What security lighting are you proposing? (Please include on lighting plan)

Wall packs on building facade

16. Is there a need for outside storage? No If yes, explain:

17. Is a Highway access permit needed from the state or County Highway Departments? No

If yes, please attach a copy of the secured permit.
What conditions has the State or County imposed upon your permit?

18. Is there a need for any special type of security fencing? No
If yes, what type? _____

19. What provisions are you making for fire protection? New Fire Alarm per NFPA

What provisions are your making for a sprinkler system? New Sprinklers

Storage system? N/A

Hydrant stand pipes? N/A

Is there a fire lane shown on your site plan? Yes

Explain: Parking to south and loading docks to east, (also existing paved area to north on water tower lot owned by Village of Sussex.)

20. Surface water drainage facilities and impervious areas, describe and/or include on site plan.

21. Did Wisconsin State Department of Industry Labor and Human Relations approve building plans?

No If yes, explain: Drawings will be submitted for review on 4/13/20

22. Please give a timetable for items to be completed:

Building construction April - Oct. 2020

Paving Sept. - Oct. 2020

Landscaping Sept. - Oct. 2020

Occupancy Oct. 2020

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Matt [Signature]
Name

2/20/2020
Date

Vice President Special Projects
Title or Position

Stirling Furnishings Plan of Operations

Type of Operation

Architectural woodworking manufacturing facility

Materials Used

Wood (primary material), plastic, glass, metal, lighting

Number of Employees – Shop/Office

26 Shop Employees / 9 Office Employees

Hours of Operation

5:00am – 9:00pm (Split shifts)

Type of Products

Store fixtures (customer service areas, cash wraps, wall displays, display tables)

Golf Pro Shop furniture, Architectural woodworking, commercial case work

Our Customers

Retailers, Golf Course Owners, General Contractors

Shipment Methods

LTL, Blanket Wrapped Semi Trailers, Local Couriers



MSI GENERAL CORPORATION
 P.O. BOX. 7
 OCONOMOWOC, WI 53066
 PHONE: 262-367-3661
 FAX: 262-367-7390

WWW.MSIGENERAL.COM
 SINGLE SOURCE RESPONSIBILITY™

ISSUE DATES:
 Proposal: 01/27/2020
 Bid: -/-/-/-
 Contract: -/-/-/-
 State Submittal / Permit: 01/27/2020
 As-Built: -/-/-/-

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PROJECT ADDRESS:
 PROJECT NAME
 The Prestwick Companies
 STREET ADDRESS
 W248 N5499 Executive Drive
 CITY/STATE/ZIP
 Sussex, WI 53089

ALL WORK TO BE COMPLETED AS SHOWN, AND IN ACCORDANCE WITH THE LATEST EDITION OF THE MSI GENERAL MASTER SPECIFICATION

Architect: ANK Engineer: PEG Reviewed By: PEG

Sheet Title:
 UTILITY PLAN

Sheet Number:
C-103

Project Number: P12568

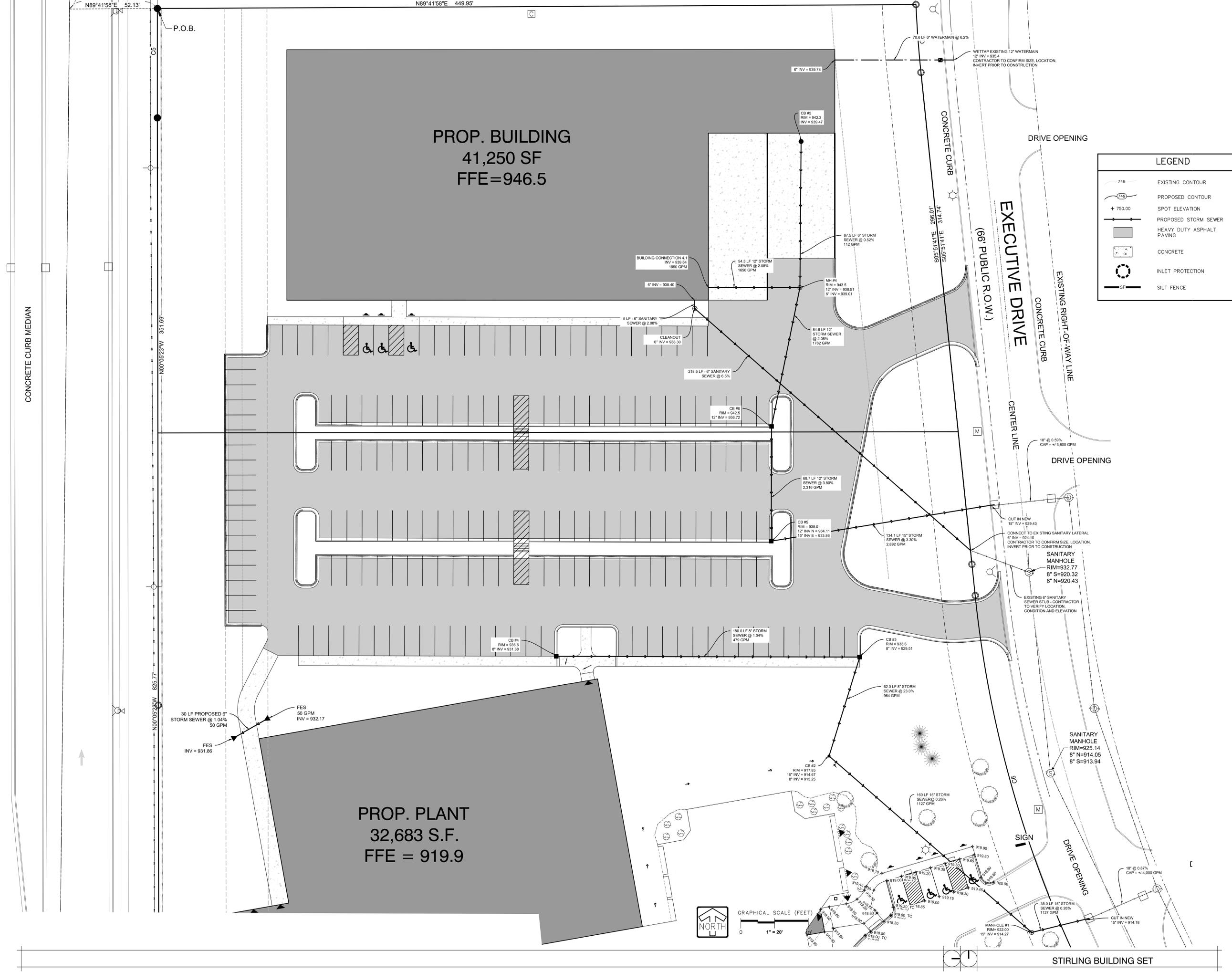
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MANAGERS

ENGINEERS

CONTRACTORS

ARCHITECTS





VIEW_1



VIEW_2



MSI GENERAL CORPORATION
 P.O. BOX 7
 OCONOMOWOC, WI 53066
 PHONE: 262-367-3661
 FAX: 262-367-7390
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 SINGLE SOURCE RESPONSIBILITY™

ISSUE DATES:
 Proposal: -/-/
 Bid: -/-/
 Contract: -/-/
 Plan Commission: -/-/
 State Submittal / Permit: -/-/
 As-Built: -/-/

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PROJECT ADDRESS:

PROJECT NAME
 THE PRESTWICK COMPANIES -
 STIRLING
 STREET ADDRESS
 W248 N5499 EXECUTIVE DRIVE
 CITY / STATE / ZIP
 SUSSEX, WI 53089

ALL WORK TO BE COMPLETED AS SHOWN, AND IN ACCORDANCE WITH THE LATEST EDITION OF THE MSI GENERAL MASTER SPECIFICATION

Architect: ANK/BFW Engineer: AGR Reviewed By: BJZ

Sheet Title:
RENDERINGS & PERSPECTIVES

Sheet Number:
A-901
 Project Number: P12568
4489

MANAGERS

ENGINEERS

CONTRACTORS

ARCHITECTS

PROJECT NAME

THE PRESTWICK COMPANIES - STIRLING BUILDING

PROJECT ADDRESS

W248 N5499 Executive Drive Sussex, WI 53089



| SHEET LIST | |
|------------|----------------------------------|
| Number | Sheet Name |
| G-001 | COVER SHEET |
| C-100 | EXISTING CONDITIONS |
| C-102 | GRADING & EROSION CONTROL PLAN |
| C-103 | UTILITY PLAN |
| C-500 | DETAILS |
| ES1.0 | ELECTRICAL SITE PHOTOMETRIC PLAN |
| L-101 | LANDSCAPE PLAN |
| A-100 | FLOOR PLAN |
| A-201 | ELEVATIONS |
| A-901 | RENDERINGS & PERSPECTIVES |



MSI GENERAL CORPORATION
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| ISSUE DATES: | |
|---------------------------|-------------|
| Proposal: | ---/---/--- |
| Bid: | ---/---/--- |
| Contract: | ---/---/--- |
| Plan Commission: | ---/---/--- |
| State Submittal / Permit: | ---/---/--- |
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PROJECT ADDRESS:
PROJECT NAME
THE PRESTWICK COMPANIES -
STIRLING
STREET ADDRESS
W248 N5499 EXECUTIVE DRIVE
CITY / STATE / ZIP
SUSSEX, WI 53089

ALL WORK TO BE COMPLETED AS SHOWN, AND IN ACCORDANCE WITH THE LATEST EDITION OF THE MSI GENERAL MASTER SPECIFICATION

| | | |
|-----------------|-----------|--------------|
| Architect: | Engineer: | Reviewed By: |
| ANK/BFW | AGR | BJZ |
| Sheet Title: | | |
| COVER SHEET | | |
| Sheet Number: | | |
| G-001 | | |
| Project Number: | | |
| 4489 | | |
| | | P12568 |

MANAGERS

ENGINEERS

CONTRACTORS

ARCHITECTS

2020
VILLAGE OF SUSSEX ORDER
GRANTING A CONDITIONAL USE AND PRESCRIBING CONDITIONS FOR
NIC STARZ D/B/A SUSSEX BOWL INC
TO ALLOW CERTAIN USES AS DESCRIBED HEREIN
IN THE VILLAGE OF SUSSEX

WHEREAS, an application has been filed by Stephen Hoehnen, President of Sussex Bowl Inc. on the subject property (hereinafter collectively “Petitioners”); and

WHEREAS, the Petitioner is requesting a conditional use permit be granted pursuant to the Zoning Ordinance for the Village of Sussex for property at SUXV0231999012 N64W24576 Main Street in the Village of Sussex, Wisconsin, all as described on **Exhibit A** attached hereto and incorporated herein (hereinafter “Subject Property”); and

WHEREAS, upon referral of the application by the Village Clerk, the Plan Commission for the Village of Sussex determined that the application met all requirements as set forth in Section 17.0502 and scheduled a public hearing thereon as soon as practical; and

WHEREAS, upon publication of the required “Notice of Public Hearing” and mailing of said “Notice of Public Hearing” to all parties-in-interest as required by Section 17.1401 of the Zoning Ordinance, the Plan Commission held a public hearing on February 18, 2020 and March 17, 2020 as required by Section 17.0505 of the Zoning Ordinance for the Village of Sussex; and

WHEREAS, the Plan Commission has followed the review procedures of Section 17.0503 by reviewing the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation; and

WHEREAS, the Subject Property is zoned B-1 Neighborhood Business District; and

WHEREAS, the recreational facility such as a bowling alley is a conditional use in accordance with Section 17.0506 A. 2. (c) an the request to amend the conditional uses authorized the subject property: -Volleyball Courts, dance hall, bowling alley with pro shop, restaurant, arcade, babysitting, cocktail lounge, flea market and to allow additional outside use for bags tournament area and outdoor bar; and

WHEREAS, the Plan Commission for the Village of Sussex finds that the petitioner’s proposed conditional use, if said use is carried out in strict compliance with the conditions described herein, is not adverse to the public health, safety, or welfare; it is not in conflict with the spirit or intent of the Village of Sussex Zoning Ordinance; and it is not otherwise detrimental to the community and particularly the surrounding neighborhood; and

WHEREAS, the Plan Commission for the Village of Sussex, following the public hearing and necessary study and investigation, having given the matter due consideration, and having based its determination on the effect of granting such conditional use permit on the health, general welfare, safety, and economic prosperity of the Village and specifically of the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as impact on the surrounding properties as to noise, dust, smoke, odor, or other similar factors, hereby determines that the use will not violate the spirit or

intent of the Zoning Ordinance for the Village of Sussex, will not be contrary to the public health, safety or general welfare of the Village of Sussex, will not be a hazardous, harmful, noxious, offensive, or nuisance by reason of smoke, dust, odor, or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the conditional use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE, IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, a conditional use permit for the Subject Property is hereby granted. The conditional use permit granted herein shall apply only to the specific use of the Subject Property by the Petitioners for recreational facility such as a bowling alley and other outdoor uses; volleyball courts; bags tournament area and outdoor bar as well as permitted and accessory uses set forth in Section 17.0416 B-1 Neighborhood Business District District and auxiliary uses as set forth in Section 17.0710 if approved as part of a Plan of Operation and site plan; and the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

A. This conditional use is granted for the Petitioner 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 recreational facility such as a bowling alley and other outdoor uses; volleyball courts; bags tournament area and outdoor bar 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 February 18, 2020 and March 17, 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.
 - 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 the subject property on file with the Village Clerk.
 - 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 shall be attached hereto and incorporated herein as **Exhibit C**.
 - 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. The outdoor uses approved are the volleyball courts, outdoor bar and bags tournament area and any area approved with an outdoor establishment permit. If the Petitioner wishes to have additional outdoor uses they must seek approval from the Plan Commission without a new public hearing unless the Plan Commission determines a public hearing is necessary.
- 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 30th 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.

Let copies of this order be filed in the permanent records of the Plan Commission for the Village of Sussex, and let copies be sent to the proper Village authorities and the Petitioner.

Approved this _____ day of _____, 2020 BY THE PLAN COMMISSION FOR THE VILLAGE OF SUSSEX

Gregory L. Goetz
Village President

Samuel E. Liebert
Village Clerk

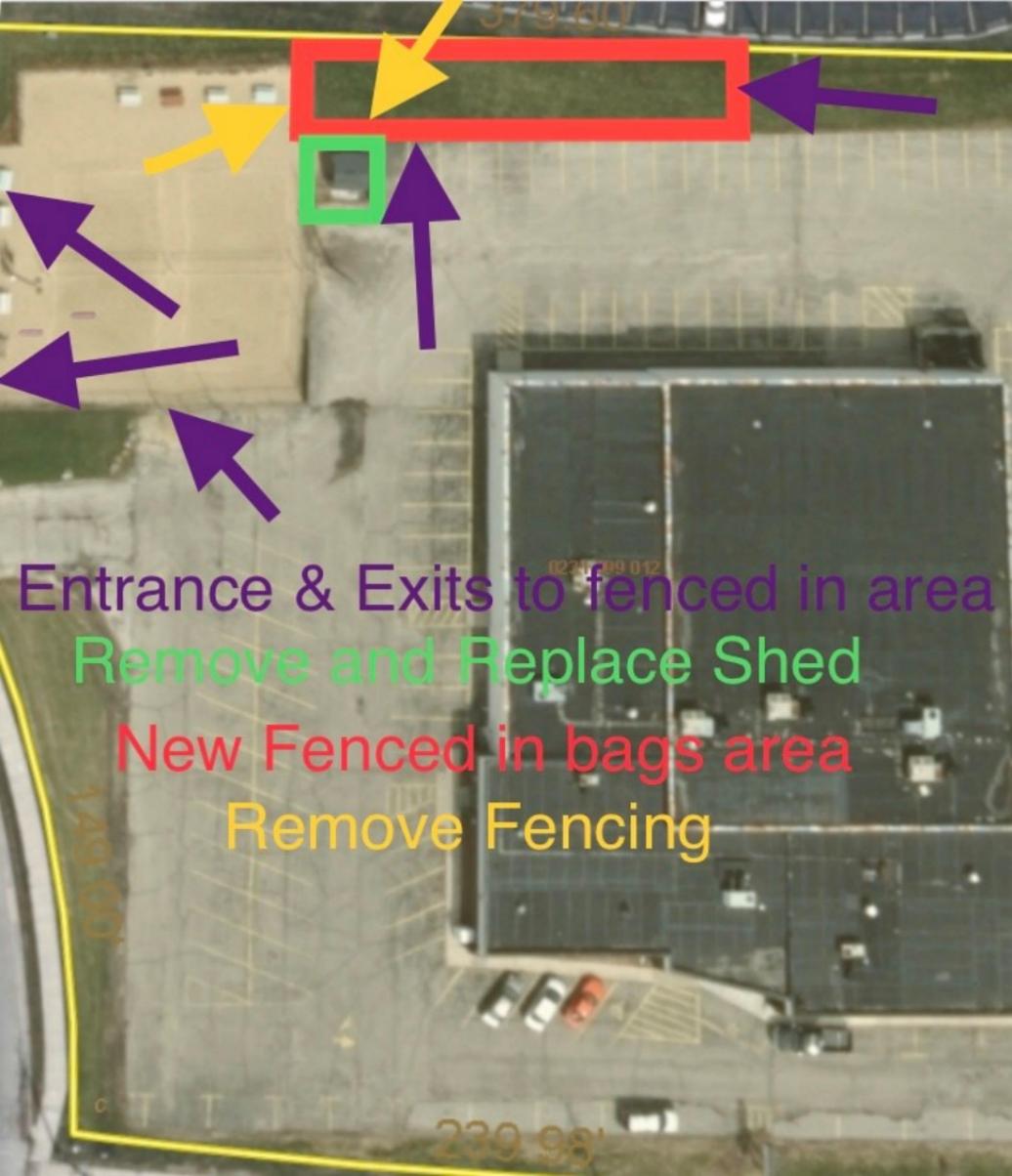
PETITIONER ACCEPTANCE

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

Dated this _____ day of _____, 2020

Stephen Hoehnen, President of Sussex Bowl Inc.

This conditional use was drafted by Jeremy Smith, Village Administrator off of a model by Attorney John P. Macy ARENZ, MOLTER, MACY & RIFFLE, S.C., Village Attorneys for the Village of Sussex.



Entrance & Exits to fenced in area
Remove and Replace Shed
New Fenced in bags area
Remove Fencing



1/15/2020

Village of Sussex License Committee

Sussex Bowl Outdoor Project

Our current license allows the sale of alcoholic beverages to be sold inside of Sussex Bowl and with-in the fenced in volleyball courts

1. Sussex Bowl will be tearing down and rebuilding its outdoor shed that will be used as an outdoor bar to service the volleyball courts. New Shed not to exceed 250 sq feet.
2. In addition, Sussex Bowl would like to add an area for bags league to take place. Please see attached drawing for bags area. This bags area would be serviced by the outdoor bar that is used for the volleyball courts. The area would be approximately 20 feet by 60 feet.
3. The bags area will be roped off to clearly designated the playing area.

Thank you for your consideration I look forward to working with the Village of Sussex to create safe and friendly area for all ages to enjoy.

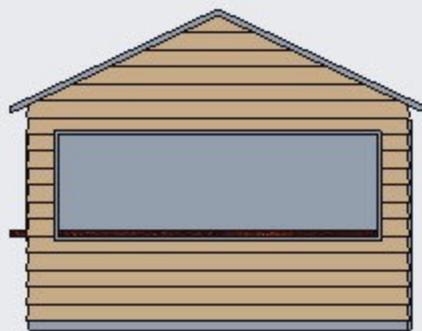
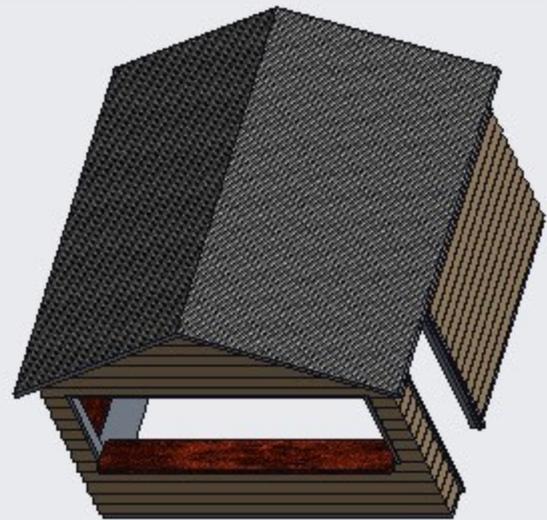
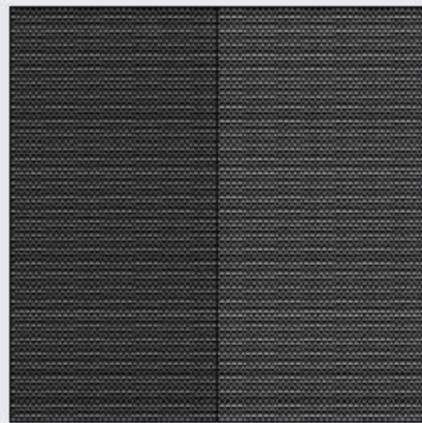
Any Questions please contact Stephen Hoehnen cell:262-719-2189

Sincerely

A handwritten signature in black ink, appearing to read "S Hoehnen", written over a faint, illegible printed name.

Stephen Hoehnen

President of Sussex Bowl INC



2020
VILLAGE OF SUSSEX ORDER
GRANTING A CONDITIONAL USE AND
PRESCRIBING CONDITIONS FOR
KWIK TRIP, INC
TO ALLOW CERTAIN USES AS DESCRIBED HEREIN
IN THE VILLAGE OF SUSSEX

WHEREAS, a petition has been filed by Jeff Osgood, Project Manager for Kwik Trip, Inc., (hereinafter “Petitioner”); and

WHEREAS, the Petitioner is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance for the Village of Sussex for property located at CTH K and Business Drive, Subject land shall be divided and a Lot will be sold to Kwik Trip, Inc. all as described on **Exhibit A** attached hereto and incorporated herein (hereinafter “Subject Property”); and

WHEREAS, the Subject Property is owned by Sussex Corporate Park, LLC, a Wisconsin limited liability company (“Owner/Developer”); and

WHEREAS, the Subject Property is zoned B-2 Regional Business District with a Planned Development Overlay; and

WHEREAS, a vehicle washing and convenience store/fueling service station in the B-2 district may be permitted as a conditional use in accordance with Section 17.0506(A)(9)(a) and (b) of the Village of Sussex Zoning Ordinance; and

WHEREAS, pursuant to Section 17.0506(A)(9)(b) of the Village of Sussex Zoning Ordinance the Plan Commission finds that the convenience store/fueling service station shall not cause traffic congestion, as adequate traffic control measures have been taken to ameliorate the traffic concerns; that lighting and glare shall not extend into adjacent residential neighborhoods; that service islands shall comply with the minimum setback requirements of a B-2 Regional Highway business district; and that canopies over the fueling service islands encroach no more than six feet into any required yard, and do not encroach into a street right-of-way; and

WHEREAS, pursuant to Section 17.0506(A)(11)(a) all outside storage is a conditional use and location of items must be screened from view; and

WHEREAS, upon receipt of the application for a conditional use permit filed by the Petitioner, the Village Clerk properly referred such petition to the Plan Commission for the Village of Sussex for determination; and

WHEREAS, upon referral of the petition by the Village Clerk, the Plan Commission for the Village of Sussex scheduled a public hearing thereon as soon as practical; and

WHEREAS, upon publication of the required “Notice of Public Hearing” and mailing of said “Notice of Public Hearing” to all parties-in-interest as required by Section 17.1401 of the Zoning Ordinance, the Plan Commission held a public hearing on February 18, 2020 and March 17, 2020 as required by Section 17.0505 of the Zoning Ordinance for the Village of Sussex; and

WHEREAS, the Plan Commission finds the application is consistent with the B-2 Regional Business District which is intended to provide for the orderly and appropriate development along CTH K, to provide services and retail for the community and surrounding region; and

WHEREAS, the Plan Commission for the Village of Sussex, following the public hearing and necessary study and investigation, having given the matter due consideration, and having based its determination on the effect of granting such conditional use permit on the health, general welfare, safety, and economic prosperity of the Village and specifically of the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as impact on the surrounding properties as to noise, dust, smoke, odor, or other similar factors, hereby determines that the use will not violate the spirit or intent of the Zoning Ordinance for the Village of Sussex, will not be contrary to the public health, safety or general welfare of the Village of Sussex, will not be a hazardous, harmful, noxious, offensive, or nuisance by reason of smoke, dust, odor, or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the conditional use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, a conditional use permit for the Subject Property is hereby granted. The conditional use permit granted herein shall apply only to the specific use of the Subject Property by Kwik Trip, Inc. for the following uses: vehicle washing, outside storage and 24 hour convenience store/fueling station as well as permitted and accessory uses set forth in Section 17.0417 B-2 Regional Business District and auxiliary uses as set forth in Section 17.0710 if approved as part of a Plan of Operation and site plan; and the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

- A. This conditional use is granted for Kwik Trip Inc. for the above enumerated uses, subject to the following conditions:
 - 1. Presentation Compliance. The vehicle washing, outside storage and 24 hour convenience store/fueling station is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearing before the Plan Commission held on February 18, 2020 and March 17, 2020.
 - 2. Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property described in **Exhibit A** attached hereto and incorporated herein as presented at the public hearing.
 - 3. Plans. The Petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Plan Commission for the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.

A. Site Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission, pursuant to Section 17.1000, a specific site plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit B**. Any such plan must meet the following minimum requirements or conditions:

B. Plan of Operation. The Petitioner 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 presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as **Exhibit C**.

1. The hours of operation for the fuel pumps and convenience store will be 24 hours.
2. In order to sell alcoholic beverage items a license from the Village of Sussex is required and all requirements of said license process shall be followed and a license obtained prior to the sale of the same.

C. Traffic, Access and Loading Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific traffic, access, loading, parking and egress plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit D**.

D. Lighting Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific lighting plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit E**.

E. Signage Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific signage plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit F**.

F. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall submit to and receive approval from the Village Engineer specific sewer, water, stormwater, and erosion control plans for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit G**.

G. Public Improvements. The Owner/Developer has submitted and received approval from the Village Board, Waukesha County, State of Wisconsin and other necessary approving agencies for improvements to the public roadway system, sidewalk system, signalization system, street lighting and utility systems, and or other public improvements to provide for the use of the Subject Property. The Petitioner's approvals are subject to the Owner/Developer completing these necessary improvements.

H. Fence, Landscaping, Berm, and Open Space Utilization Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific fence, landscape, berm, and open space utilization plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit H**. Any such plan must meet the following minimum requirements or conditions:

1. Screening brick wall of fuel pumps along CTH K shall be attached hereto and incorporated herein as **Exhibit H-1**.

I. Outdoor Storage Plan. No outdoor storage shall be permitted on the Subject Property with the following specific exceptions:

1. Trash dumpsters limited to the minimum number needed to meet the recycling law requirements. The trash dumpsters shall be screened from view and shall be maintained in a safe and sanitary condition at all times.
2. The storage and sale of propane and ice in the style, manner, and location as shown by the outdoor storage plan attached as **Exhibit I**.
3. No other outside storage or sales of merchandise from the above listed materials (excluding fuel for vehicle usage) are permitted outside of the building.

J. Architectural and Building Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific architectural and Building Plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit J**.

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 11.07 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.
 11. Fees and Expenses. The Petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all reasonable 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 (“Staff Members”). The Village Clerk shall provide the Petitioner with copies of all itemized invoices and shall include with such invoices a complete list of the fee rates for all Staff Members.
 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/Developer 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 (except for any related entity to Petitioner), other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.
- F. 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 fifth year of the CU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the CU. If based upon that review the use of the property is compatible with the surrounding areas and the petitioner is in substantial compliance with all terms of this conditional use agreement, then, in that event, the Conditional Use can be automatically renewed for another 5 year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the Conditional Use, the Petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner

shall have the responsibility to apply for the renewal by January 30th of the fifth (5) year of the term. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.

1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.

2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.

3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.

- H. Upon acceptance by Petitioner of this conditional use permit, all prior conditional use permits granted to the Subject Property are hereby revoked and terminated.
- I. 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.
- J. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of this order. The remainder of the order shall remain in full force and effect.

Let copies of this order be filed in the permanent records of the Plan Commission for the Village of Sussex, and let copies be sent to the proper Village authorities and the Petitioner.

On this _____ day of _____ 2020 BY THE PLAN COMMISSION FOR THE VILLAGE OF SUSSEX

Gregory L. Goetz

Sam Liebert

Village President

Village Clerk

ACCEPTANCE

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

Dated this _____ day of _____ 2020.

Signature: _____

Title: _____

This conditional use was drafted by Village Administrator Jeremy Smith based off of a model from previous conditional uses for the Subject Property that were drafted by Attorney John P. Macy ARENZ, MOLTER, MACY & RIFFLE, S.C. Village Attorneys for the Village of Sussex



PLAN OF OPERATION

To be used for a business with new construction.

Is this request to be considered for a Conditional Use? YES If yes, is this a new CU? YES
 OR an amendment to an existing CU? _____

(Conditional Use Permits require a Public Hearing)

Address location of new construction NE CORNER OF HIGHLANES DR + CTH K

Tax Key # SUXV0273999004 (PART OF) Zoning: B-2 REGIONAL BUSINESS DISTRICT

1. Name of Business:

KWIK TRIP, INC
 Business
1626 OAK ST LA CROSSE, WI 54602 608-793-5547
 Address City, State, Zip Phone #
josgood@kwiktrip.com
 Fax # Email address

2. Business owner contact information:

JEFF OSGOOD - DEVELOPMENT MANAGER
 Contact
1626 OAK ST LA CROSSE, WI 54602 608-793-5547
 Address City, State, Zip Phone #
josgood@kwiktrip.com
 Fax # Email address

3. Building/Land owner contact information:

STEWART WANGARD / SUSSEX CORPORATE PARK, LLC
 Contact (MARK LAKS CC:)
1200 N. MAYFAIR RD SUITE 310 MILWAUKEE, WI 53226 414-935-4014
 Address City, State, Zip Phone #
swangard@wangard.com
 Fax # Email address

4. Number of Employees/Shifts: 30-35 PART/FULL
 Employees Shifts

5. Days of Operation:

| | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|-------------------------------|--------|---------|-----------|----------|--------|----------|--------|
| Put an X in box that applies: | X | X | X | X | X | X | X |
| Hours Open for business | 24 | 24 | 24 | 24 | 24 | 24 | 24 |

6. Is this an extension of an existing operation? _____
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises. SEE COMPLETION
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? YES Do you need an Outdoor Establishment Permit? NO
Arcade permit? NO
If yes, explain: OUR LEGAL DEPARTMENT WILL APPLY SEPARATELY
If yes, please obtain and complete form.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? _____
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO
If yes, explain: _____

11. Dimensions and levels of all buildings:

| | Dimensions | Levels | Square footage |
|-----------------------------------|-------------------|----------|------------------|
| Building 1 - <u>STORAGE</u> | <u>100' X 98'</u> | <u>1</u> | <u>9050 S.F.</u> |
| Building 2 - <u>GAS CANOPY</u> | <u>40' X 120'</u> | <u>1</u> | <u>4800 S.F.</u> |
| Building 3 - <u>DIESEL CANOPY</u> | <u>24' X 50'</u> | <u>1</u> | <u>1200 S.F.</u> |

Is the building(s) to be used for multi-tenant purpose? NO

| Lot size | Depth | Width | Area |
|---------------------|-------------|-------------|-------------------|
| <u>138,746 S.F.</u> | <u>432'</u> | <u>285'</u> | <u>3.18 ACRES</u> |

Above to be included on survey

13 Parking: Dimensions of parking lot SEE PLAN
Parking lot construction CONCRETE
Type of screening: Fence PARTIAL BRICK WALL or Plantings SEE LANDSCAPE
Number of spaces needed per code 26-50 # of spaces for employees _____
Above to be included on site plan

Please provide the following information:

Total square footage of building, new and existing 15,050 S.F.

Total square footage of parking lot, new and existing 79,692 S.F.

14. Signs: Type: Free standing 7 Attached to building 13
Lighted 10 Single or double faced 14 SF / 6 DF
Size S.F. LISTED ON SIGN PLAN Location _____
Above to be included on sign plan

15. What security lighting are you proposing? (Please include on lighting plan)

JUST OUR NORMAL SITE LIGHTING PER PLAN. NO SPECIAL SECURITY LIGHTING

16. Is there a need for outside storage? YES If yes, explain:

WE HAVE LP STORAGE SINCE THIS ISN'T PERMITTED TO BE INSIDE. ALSO WE HAVE 2 OUTSIDE FOR MERCHANDISERS. WE HAVE PLACED THIS IN OUR TRASH ENCLOSURE FOR SCREENING

17. Is a Highway access permit needed from the state or County Highway Departments? NO

If yes, please attach a copy of the secured permit.
What conditions has the State or County imposed upon your permit?

OUR PRIVATE ARE COMING OFF OF PRIVATE DRIVE OR DRILLAGE PAVED

18. Is there a need for any special type of security fencing? YES

If yes, what type? WERE REQUIRED TO HAVE A 4' HIGH BRICK WALL

19. What provisions are you making for fire protection? WE ARE REQUESTING NO SPRINKLER SYSTEM

What provisions are your making for a sprinkler system? PER IBC 2015 ADOPTED SPRING 2019 IT ISN'T REQUIRED

Storage system? N/A

Hydrant stand pipes? N/A

Is there a fire lane shown on your site plan? _____

Explain: STATE CODE DOESN'T REQUIRE A SPRINKLER BASED ON OUR BUILDING TYPE + SIZE

20. Surface water drainage facilities and impervious areas, describe and/or include on site plan.

SEE SITE/SYSTEM PLANS + CALCS

21. Did Wisconsin State Department of Industry Labor and Human Relations approve building plans?

NO If yes, explain: DSPS WILL DO REVIEW OF PLANS IN FUTURE

22. Please give a timetable for items to be completed:

| | |
|-----------------------|-------------------|
| Building construction | <u>12/18/2020</u> |
| Paving | <u>11/30/2020</u> |
| Landscaping | <u>12/18/2020</u> |
| Occupancy | <u>12/25/2020</u> |

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

JEFF OSGOOD
Name

12/13/2019
Date

DEVELOPMENT MANAGER
Title or Position



Store Engineering

FAX 608-793-6237

1626 Oak St., P.O. Box 2107
La Crosse, WI 54602

www.kwiktrip.com

Village of Sussex
Kasey Fluett
N64W23760 Main St
Sussex, WI 53089

December 16th, 2019

CUP, Plan of Operation, and ARB Review Submittals

Ms. Fluett,

This letter is intended to accompany our submittal for our application to the Village of Sussex for the requested CUP Application, Plan of Operation Review Application, and ARB Review Application for our proposed project located at the NE Corner of Highlands Dr & CTH K. We are proposing constructing a new Retail Convenience Store w/ attached Carwash, Fueling Canopy and separate Diesel Fuel Canopy.

Kwik Trip, Inc. is proposing the construction of a 9050 S.F. convenience store w/ attached 1-Bay Carwash and an attached dumpster enclosure w/ separate Fueling Canopies. I have submitted 3 – 11x17 copies as well as 3 – 24x36 copies for the Plan of Operation Submittal. I have also submitted the requested 6 – 11x17 copies and 1 – 24x36 copy for the ARB Submittal. Both of these submittals will be included in digital format as well with this letter. I have verified that the fee was ARB \$125.00, Plan of Operation Review \$175.00, CUP Fee \$210.00 and Plan Review Fee \$250.00. I included one check for total of \$760.00 for all fees. If there are any additional hard copies needed please let me know. All other fees will be discussed and can be submitted at any time one the village has determined those fees.

The proposed method of operation for this development will be consistent with that for our existing convenience stores within the area. The requested hours of operation will be 24 hours for all uses. The type of products that will be sold will be similar to that of our existing stores: gasoline, in line diesel, E-85, groceries, bakery and dairy, hot and cold food and beverages, tobacco products, lotto, convenience store merchandise, ice, and propane. The outside merchandising of products is being requested next to the store (ice and propane) and miscellaneous merchandising under the gas canopy. The proposed store is projected to have between 28-35 full and part time employees, with 2-8 on staff at any given time.

The proposed architectural plan will consist of a brick facade with standing seam metal roof. The building and canopy fascia will tie in with franchise colors. The prototype building is larger than previous years building. We have expanded the retail floor area as well as kitchen and mechanical space all on the main level with no basement. The total estimated project costs is \$2,000,000.

Kwik Trip would be happy to provide any additional information or answer any questions or concerns you may have with our submission. Please feel free to call me with any questions.

Sincerely,

Jeff Osgood – Development Manager - Store Engineering - Kwik Trip, Inc.

608-793-5547 - josgood@kwiktrip.com 1626 Oak St | P.O. Box 2107 | La Crosse, WI 54602

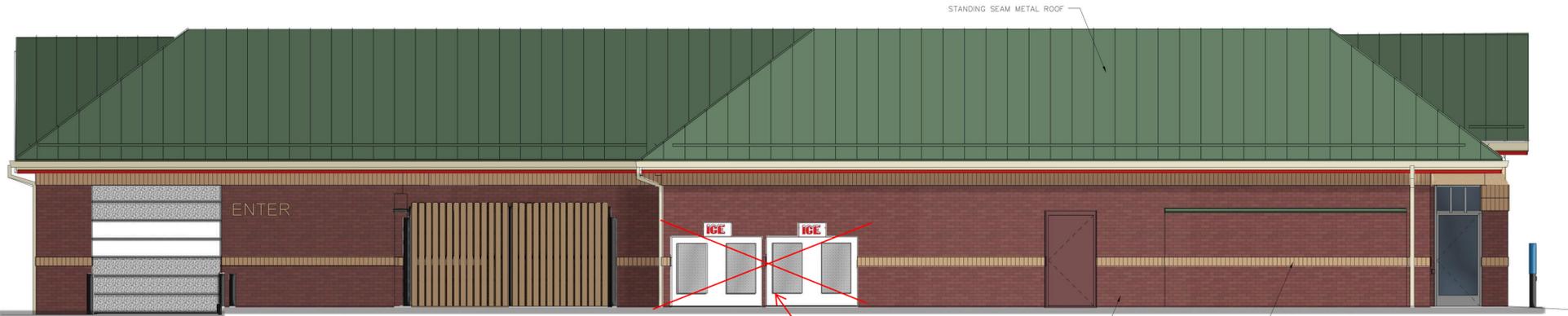
OUR MISSION

To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.



1 FRONT ELEVATION
1/4" = 1'-0"

LP Cage has been moved around the corner on the north side near the dumpster and is shielded from the front by the tote wall enclosure and from the street with landscaping - See Noted Site plan for exact location. This is also a burgundy color to match the brick.



2 LEFT ELEVATION
3/16" = 1'-0"

Ice merchandisers have been moved to the dumpster enclosure and are not visible - See Noted Site Plan for location



3 REAR ELEVATION
3/16" = 1'-0"



4 RIGHT ELEVATION
3/16" = 1'-0"



KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960



KWIK TRIP, Inc.
 P.O. BOX 2107
 1626 OAK STREET
 LA CROSSE, WI 54602-2107
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10 MPD

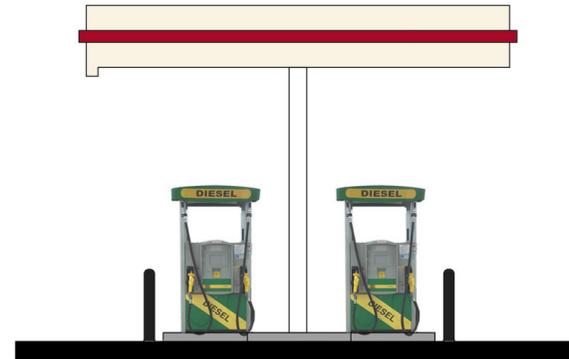
1 FRONT ELEVATION



2 SIDE ELEVATION



1 FRONT ELEVATION



2 SIDE ELEVATION



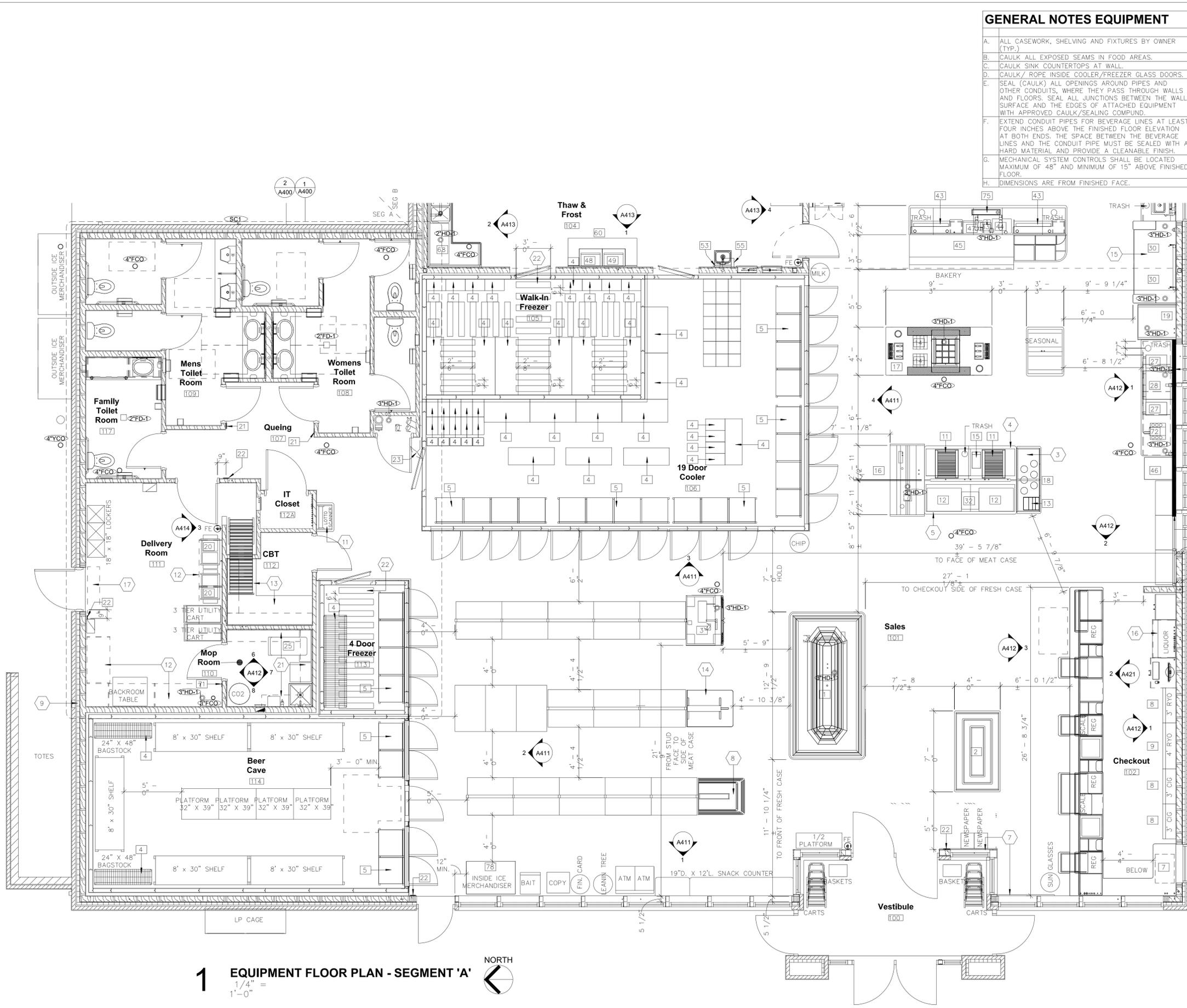
3 REAR ELEVATION

**KWIK
TRIP**

**KWIK
STAR**

KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

2 LANE DIESEL



GENERAL NOTES EQUIPMENT

- ALL CASEWORK, SHELVING AND FIXTURES BY OWNER (TYP.)
- CAULK ALL EXPOSED SEAMS IN FOOD AREAS.
- CAULK SINK COUNTERTOPS AT WALL.
- CAULK/ ROPE INSIDE COOLER/FREEZER GLASS DOORS.
- SEAL (CAULK) ALL OPENINGS AROUND PIPES AND OTHER CONDUITS, WHERE THEY PASS THROUGH WALLS AND FLOORS. SEAL ALL JUNCTIONS BETWEEN THE WALL SURFACE AND THE EDGES OF ATTACHED EQUIPMENT WITH APPROVED CAULK/SEALING COMPOUND.
- EXTEND CONDUIT PIPES FOR BEVERAGE LINES AT LEAST FOUR INCHES ABOVE THE FINISHED FLOOR ELEVATION AT BOTH ENDS. THE SPACE BETWEEN THE BEVERAGE LINES AND THE CONDUIT PIPE MUST BE SEALED WITH A HARD MATERIAL AND PROVIDE A CLEANABLE FINISH.
- MECHANICAL SYSTEM CONTROLS SHALL BE LOCATED MAXIMUM OF 48" AND MINIMUM OF 15" ABOVE FINISHED FLOOR.
- DIMENSIONS ARE FROM FINISHED FACE.

EQUIPMENT SCHEDULE

| # | TYPE |
|----|---|
| 1 | FRESH CASE |
| 2 | BAKERY SHELF |
| 3 | REFRIGERATED MEAT CASE |
| 4 | NSF APPROVED SHELVES - COOLERS/FREEZERS |
| 5 | NSF APPROVED SHELVES - COOLERS/FREEZERS |
| 7 | UTILITY CART |
| 8 | 3'-0" METAL LIGHTED CIGARETTE MERCHANDISER |
| 9 | 4'-0" METAL LIGHTED CIGARETTE MERCHANDISER |
| 11 | ROLLER GRILL |
| 12 | HOT FOOD DISPLAY |
| 13 | CRACKER & SILVERWARE BASKET |
| 14 | FIXIN'S CONDIMENT HOLDER |
| 15 | CHILI CHEESE DISPLAY |
| 16 | PIZZA CASE |
| 17 | MULTI-TERRIA CONDIMENT |
| 18 | SOUP WELL |
| 19 | ICE CREAM NOVELTY CASE |
| 20 | BAG-IN-A-BOX RACK |
| 21 | ADA 6"x6" MEN/WOMEN SIGNAGE WITH BRAILLE SEE SHEET A403 FOR TYP. LOCATION |
| 22 | ADA 3"x6" EXIT SIGNAGE WITH BRAILLE SEE SHEET A501 FOR TYP. LOCATION |
| 23 | SECURITY MIRROR |
| 25 | FLOOR SCRUBBER |
| 27 | MALT BLENDER |
| 28 | MALT BLENDER FREEZER |
| 30 | FOUNTAIN MACHINE |
| 32 | PIZZA WARMER |
| 33 | HOT WATER DISPENSER |
| 43 | COFFEE CONDIMENT DISPLAY |
| 44 | CREAMER |
| 45 | BAKERY CASE |
| 46 | SMOOTHIE MACHINE |
| 47 | MICROWAVE - SNACK |
| 48 | MICROWAVE - KITCHEN |
| 49 | SCALE/LABEL MACHINE |
| 53 | SOAP DISPENSER |
| 55 | PAPER TOWEL DISPENSER-KITCHEN |
| 60 | 6'-0" STAINLESS TABLE |
| 68 | 42" STAINLESS DRY RACK |
| 71 | CO2 SIGNAGE BY OWNER |
| 72 | WHIPPED CREAM DISPENSER |
| 75 | 30" DRIP TRAY |
| 78 | INSIDE ICE MERCHANDISER |

EQUIPMENT PLAN KEY NOTES

| # | Description | Callout |
|----|---|---------|
| 1 | CAPPUCCINO AND BAKERY ISLAND. SEE DETAIL | 6 |
| 2 | CONDIMENT DISPLAY (TYP. OF 2). SEE DETAIL | 9 |
| 3 | SOUP CART. SEE DETAIL | 7 |
| 4 | ROLLING GRILLE MOVABLE CART. SEE DETAIL | 11 |
| 5 | HOT FOOD DISPLAY MOVABLE CART. SEE DETAIL | 10 |
| 6 | BAKERY DISPLAY. SEE DETAIL | 8 |
| 7 | 1'-0" H. X 5'-0" L. WOOD CART BUMPER. MOUNT DIRECTLY ABOVE WALL BASE. | 13 |
| 8 | PRODUCE CART. SEE DETAIL | 14 |
| 9 | CO2 FILL W/ 3/4" PEX PIPING TO MOP ROOM. RISE UP EXT. WALL AND FOLLOW CEILING. MOUNT AT 42" A.F.F.. R.O. 8 1/8" H. X 7 1/8" W. MIN. | 12 |
| 10 | NOT USED | 5 |
| 11 | LOTTO SCANNER. SEE DETAIL | 4 |
| 12 | 8'-0" STANDARDS AT 4" A.F.F. FOR SHELVING (TYPICAL AT 3 WALLS.) | 12 |
| 13 | 32"D. COUNTER MOUNTED 31 3/4" A.F.F. TO TOP | 5 |
| 14 | BREAD CART. SEE DETAIL | 4 |
| 15 | FOUNTAIN WALL. SEE DETAIL | 4 |
| 16 | LIQUOR CABINET. SEE DETAIL | 4 |
| 17 | AIR CURTAIN UNIT ABOVE. | 4 |
| 18 | HATCH INDICATES ELECTRICAL RACE WAY. | 4 |
| 19 | END OF ELECTRICAL FACEWAY. PROVIDE SOLID SURFACE END CAP. | 4 |
| 20 | SOLID SURFACE TOP ONLY. | 4 |
| 21 | SHELVES ON MTL. STANDARDS AND BRACKETS (VERIFY MTG. HTG. OF STANDARDS SHELVES). SEE INTERIOR ELEVATIONS A412. | 4 |
| 22 | 36" L. X 6" W. GRIP STRIPS ON FREEZER FLOOR. STRIPS TO BE SPACED 6" APART. | 4 |

1 EQUIPMENT FLOOR PLAN - SEGMENT 'A'
 1/4" = 1'-0"
 NORTH

VANTAGE ARCHITECTS INC
 750 N. Third Street
 La Crosse, WI 54601
 Ph (608) 784-2729 Fax (608) 784-2826

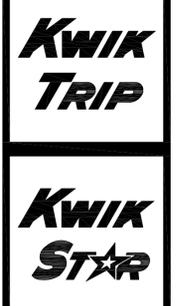


KWIK TRIP, Inc.
 P.O. BOX 2107
 1626 OAK STREET
 LA CROSSE, WI 54602-2107
 PH. (608) 781-8988
 FAX (608) 781-8960

PROJECT TITLE:
Store - Gen 2- RH - 1CW
 PROJECT LOCATION:

JOB #:
 DATE:
 DRAWN BY:
 TYPE:
 REVISIONS
 NO. DATE

SHEET TITLE
 Equipment Floor Plan - Segment 'A'
 SHEET NO.
A120A



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 LA CROSSE, WI 54602-2107
 PH. (608) 781-8988
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| # | TYPE |
|----|--------------------------|
| 14 | FIXIN'S CONDIMENT HOLDER |
| 19 | ICE CREAM NOVELTY CASE |
| 27 | MALT BLENDER |
| 30 | FOUNTAIN MACHINE |
| 33 | HOT WATER DISPENSER |
| 34 | ICE TEA MAKER |
| 35 | SLUSHIE MACHINE |
| 36 | SURFSHOT FLAVORSHOT 2 |
| 38 | COFFEE BREWER |
| 39 | COFFEE GRINDER |
| 40 | FRANKE FOAMMASTER FM800 |
| 41 | ICE DISPENSER |
| 42 | IMIX-3 MACHINE |
| 43 | COFFEE CONDIMENT DISPLAY |
| 44 | CREAMER |
| 45 | BAKERY CASE |
| 47 | MICROWAVE - SNACK |
| 48 | MICROWAVE - KITCHEN |
| 49 | SCALE/LABEL MACHINE |

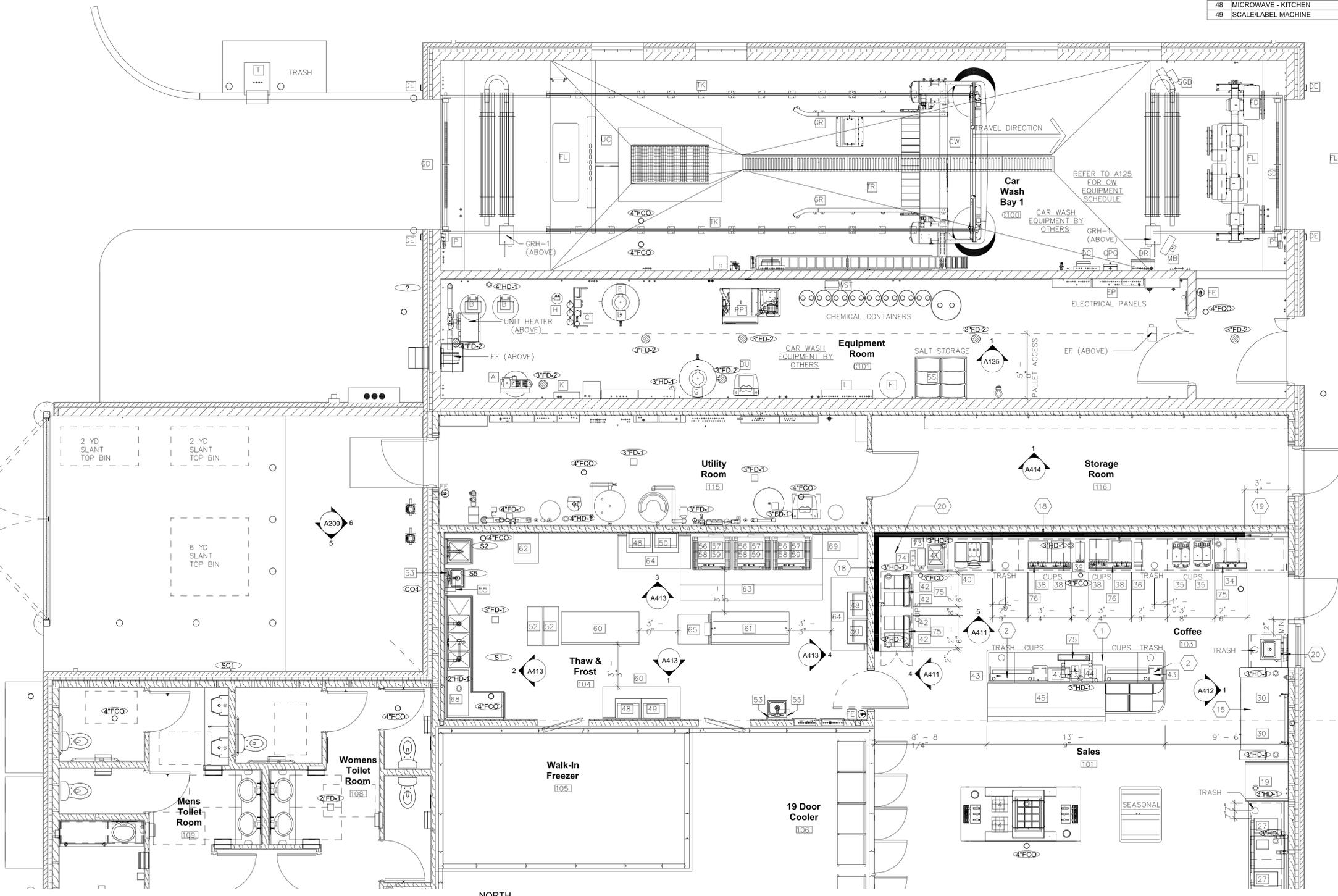
| # | TYPE |
|----|---|
| 50 | MONITOR |
| 52 | BIN RACK |
| 53 | SOAP DISPENSER |
| 55 | PAPER TOWEL DISPENSER-KITCHEN |
| 56 | TURBOCHEF B3 OVEN RACK |
| 57 | TURBOCHEF OVEN |
| 58 | TURBOCHEF B3 OVEN |
| 59 | CART (STAINLESS STEEL) |
| 60 | 6'-0" STAINLESS TABLE |
| 61 | 6'-0" STAINLESS TABLE w/ CENTER SHELF ABOVE |
| 62 | BAKERY RACK WITH COVER |
| 63 | CAPTIVE AIRE HOOD |
| 64 | REFRIGERATED PREP TABLE |
| 65 | UNDERCOUNTER FREEZER KITCHEN |
| 68 | 42" STAINLESS DRY RACK |
| 69 | 2'-0" W. X 3'-6" L. STAINLESS TABLE |
| 73 | COLD BREW DISPENSER |
| 74 | COLD BREW CUPS |
| 75 | 30" DRIP TRAY |
| 76 | 40" DRIP TRAY |

GENERAL NOTES EQUIPMENT

- A. ALL CASEWORK, SHELVING AND FIXTURES BY OWNER (TYP.)
- B. CAULK ALL EXPOSED SEAMS IN FOOD AREAS.
- C. CAULK SINK COUNTERTOPS AT WALL.
- D. CAULK/ ROPE INSIDE COOLER/FREEZER GLASS DOORS.
- E. SEAL (CAULK) ALL OPENINGS AROUND PIPES AND OTHER CONDUITS, WHERE THEY PASS THROUGH WALLS AND FLOORS. SEAL ALL JUNCTIONS BETWEEN THE WALL SURFACE AND THE EDGES OF ATTACHED EQUIPMENT WITH APPROVED CAULK/SEALING COMPOUND.
- F. EXTEND CONDUIT PIPES FOR BEVERAGE LINES AT LEAST FOUR INCHES ABOVE THE FINISHED FLOOR ELEVATION AT BOTH ENDS. THE SPACE BETWEEN THE BEVERAGE LINES AND THE CONDUIT PIPE MUST BE SEALED WITH A HARD MATERIAL AND PROVIDE A CLEANABLE FINISH.
- G. MECHANICAL SYSTEM CONTROLS SHALL BE LOCATED MAXIMUM OF 48" AND MINIMUM OF 15" ABOVE FINISHED FLOOR.
- H. DIMENSIONS ARE FROM FINISHED FACE.

EQUIPMENT PLAN KEY NOTES

| # | Description | |
|----|---|----|
| 1 | CAPPUCCINO AND BAKERY ISLAND. SEE DETAIL | 6 |
| 2 | CONDIMENT DISPLAY (TYP. OF 2). SEE DETAIL | 9 |
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| 20 | SOLID SURFACE TOP ONLY. | |
| 21 | SHELVES ON MTL. STANDARDS AND BRACKETS (VERIFY MTG. HTG. OF STANDARDS SHELVES). SEE INTERIOR ELEVATIONS A412. | |
| 22 | 36" L. X 6" W. GRIP STRIPS ON FREEZER FLOOR. STRIPS TO BE SPACED 6" APART. | |



1 EQUIPMENT FLOOR PLAN - SEGMENT 'B'
 1/4" = 1'-0"

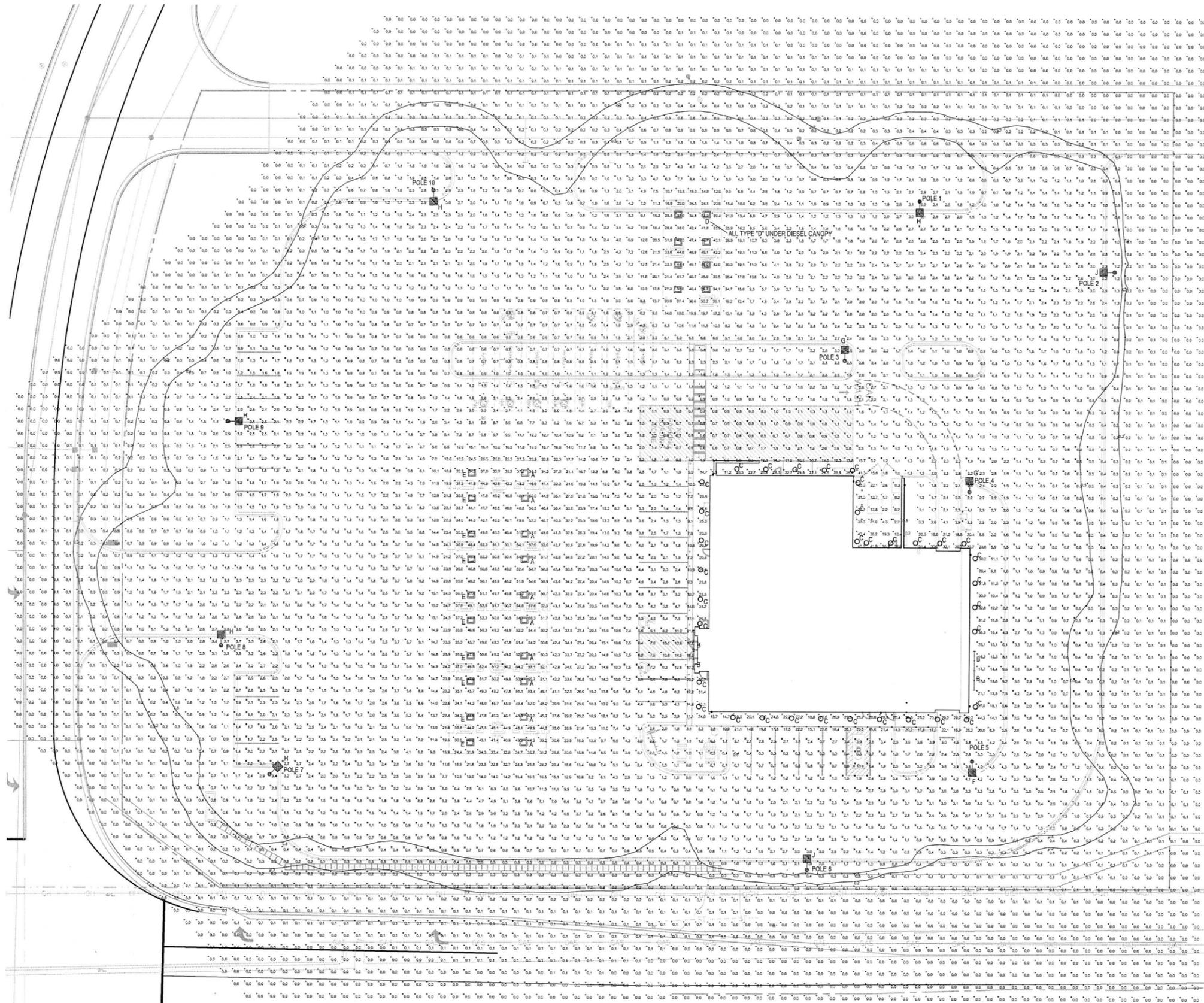


PROJECT TITLE:
Store-Gen 2- RH - 1CW

PROJECT LOCATION:

JOB #:
 DATE:
 DRAWN BY:
 TYPE:
 REVISIONS
 NO. DATE

SHEET TITLE
 Equipment Floor Plan - Segment 'B'
 SHEET NO.
A120B



CALCULATION STATISTICS

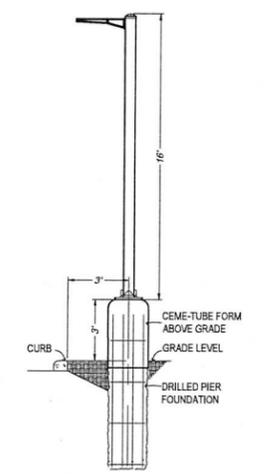
| | |
|----------------|------------------------------|
| OVERALL SITE: | PARKING-LOADING-CIRCULATING: |
| AVERAGE: 3.9% | AVERAGE: 12.8% |
| MAXIMUM: 57.6% | MAXIMUM: 6.3% |
| MINIMUM: 0.0% | MAXIMUM: 42.7% |
| | AVERAGE: 6.0% |

NOTE: FOOTCANDLE LEVELS SHOWN ON THIS PLAN ARE CALCULATED AT GRADE LEVEL.

- FIXTURE QUANTITIES**
- A - 10
 - B - 4
 - C - 35
 - D - 8
 - E - 10
 - F - 1
 - G - 2
 - H - 5
 - J - 2
- PROVIDE (10) 16' POLES.

- FIXTURE SYMBOLS:**
- A, D & E LED LIGHT MOUNTED UNDER FUEL CANOPIES
 - B LED STRIP LIGHT MOUNTED IN GABLE
 - C RECESSED LED DOWNLIGHT
 - F, G, H & J POLE MOUNTED LED FIXTURE

- FIXTURE TYPES:**
- A - LSI LIGHTING: SCV4LED-23L-SCFT-UNN-DIM-50-WHT MOUNT FIXTURES WITH FORWARD THROW OPTIC AIMING AT STORE FRONT.
 - B - LED STRIP LIGHT MOUNTED IN GABLE LITHONIA-TZL-1N1-96
 - C - RECESSED LED DOWNLIGHT GOTHAM EVO-35/50-8AR-WD-120-TRW
 - D - LSI LIGHTING: SCV4LED-10L-SC-UNV-DIM-50-BLK
 - E - LSI LIGHTING: SCV4LED-15L-SC-UNV-DIM-50-WHT
 - F - LSI LIGHTING: SLJ4LED-9L-SIL-2-UNV-50-70CRI-WHT
 - G - LSI LIGHTING: SLJ4LED-9L-SIL-5W-UNV-50-70CRI-WHT
 - H - LSI LIGHTING: SLJ4LED-9L-SIL-FT-UNV-50-70CRI-WHT
 - J - LSI LIGHTING: SLJ4LED-9L-SIL-FT-UNV-50-70CRI-WHT-4L



LOT LIGHT ELEVATION DETAIL
NOT TO SCALE

PHOTOMETRIC SITE PLAN
SCALE: 1" = 20'-0"

2019-0195.57
GRAEF
One Honey Creek Corporate Center
125 South 64th Street, Suite 401
Madison, WI 53714-1470
414 / 258 1500
414 / 258 0037 fax



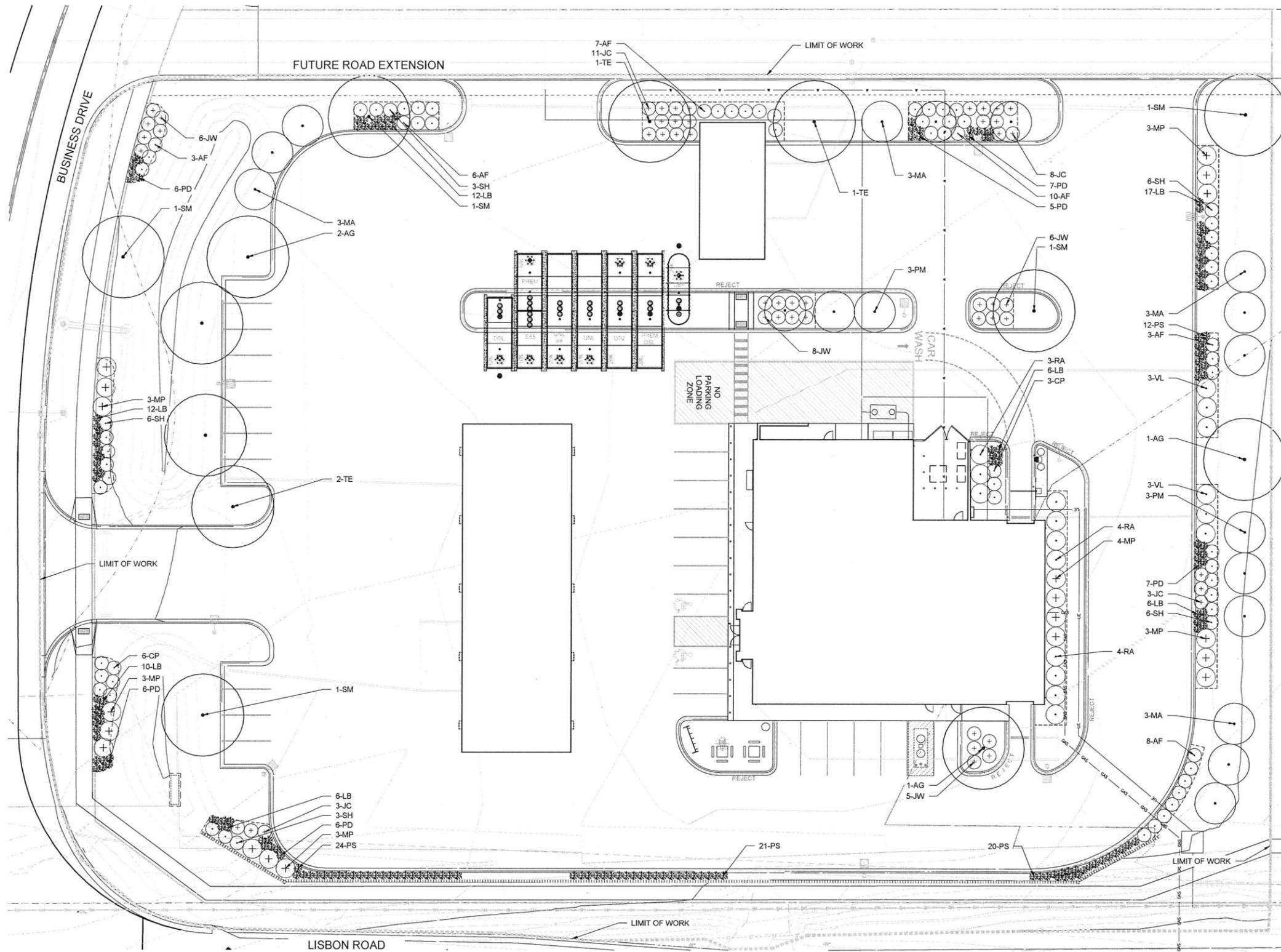
KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960



PHOTOMETRIC SITE PLAN
CONVENIENCE STORE #1124
HWY 164 & LISBON ROAD
SUSSEX, IOWA

| # | DATE | DESCRIPTION |
|---|------|-------------|
| | | |
| | | |
| | | |
| | | |

| | |
|-----------|-------------------|
| DRAWN BY | AMM |
| SCALE | NOTED |
| PROJ. NO. | 119.1053.30 |
| DATE | DECEMBER 12, 2019 |
| SHEET | E1 |



LANDSCAPE LEGEND

- ① SOD (20,978 SF), REFER TO CONSTRUCTION NOTES FOR TYPE
- ② SHRUB BED WITH HARDWOOD MULCH (54 CY DOES NOT INCLUDE STAND-ALONG TREES OUTSIDE SHRUB BED AREAS), REFER TO CONSTRUCTION NOTES FOR TYPE
- ④ TURF SEED (11,838 SF)
- ⑤ ROCK MULCH (11 CY), REFER TO CONSTRUCTION NOTES FOR TYPE
- SPADE CUT EDGER AT 4" DEPTH (780 LF)
- LIMIT OF WORK
- DECIDUOUS CANOPY TREE
- LARGE DECIDUOUS ORNAMENTAL TREE
- EVERGREEN
- DECIDUOUS SHRUBS
- EVERGREEN SHRUBS
- ORNAMENTAL GRASSES

LANDSCAPE CONSTRUCTION NOTES

1. KENTUCKY BLUEGRASS PROVIDED BY PFAFF SOD & LANDSCAPING (262.255.1185) OR APPROVED EQUAL.
2. PROVIDE 3" DEPTH SHREDDED HARDWOOD MULCH AROUND ALL STAND-ALONE TREES TO A MIN. 3-FOOT PERIMETER, AND IN ALL AREAS NOTED ON PLANS OVER GEOTEXTILE WEED CONTROL FABRIC. NO WEED CONTROL FABRIC IS REQUIRED IN GROUND COVER OR PERENNIAL AREAS. MULCHED LANDSCAPE BEDS SHALL HAVE A SPADED VERTICAL EDGE WHEN PERIMETER IS NOT CONCRETE CURB. MULCH PROVIDED BY CERTIFIED PRODUCTS, INC. (262.542.2270) OR APPROVED EQUAL.
3. MULCHED LANDSCAPE BEDS SHALL HAVE A SPADED VERTICAL EDGE AT 4" DEPTH WHEN PERIMETER IS NOT CONCRETE SIDEWALK OR CURB.
4. TURF SEED PROVIDED BY CERTIFIED PRODUCTS, INC. OR APPROVED EQUAL.
5. #2 WASHED STONE (1-2") ROCK MULCH PROVIDED BY CERTIFIED PRODUCTS, INC. OR APPROVED EQUAL.
6. REFER TO CONSTRUCTION SEQUENCE FOR NOTES REGARDING SITE RESTORATION.

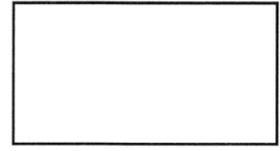
PLANT SCHEDULE

| KEY | COMMON NAME |
|---------------------------|---------------------------|
| CANOPY TREES | |
| SM | SIENNA GLEN MAPLE |
| TE | TRIUMPH ELM |
| AG | AUTUMN GOLD GINKGO |
| ORNAMENTAL TREES | |
| MA | ADIRONDACK CRABAPPLE |
| PM | AMUR CHOKECHERRY |
| DECIDUOUS SHRUBS | |
| 5'-7' SPREAD | |
| SH | SMOOTH HYDRANGEA |
| CP | ROCK COTONEASTER |
| AF | ARCTIC FIRE DOGWOOD |
| 7'+ SPREAD | |
| RA | GRO-LOW SUMAC |
| VL | WAYFARINGTREE VIBURNUM |
| EVERGREEN SHRUBS | |
| 5'-7' SPREAD | |
| JC | BLUEBERRY DELIGHT JUNIPER |
| JW | WISCONSIN JUNIPER |
| 7'+ SPREAD | |
| MP | DWARF MUGO PINE |
| ORNAMENTAL GRASSES | |
| LB | LITTLE BLUESTEM |
| PS | SHENANDOAH SWITCH GRASS |
| PD | PRAIRIE DROPSEED |

PLANTING PLAN



KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960



PLANTING PLAN
CONVENIENCE STORE #1124
 HWY 164 & LISBON RD
 SUSSEX, WISCONSIN

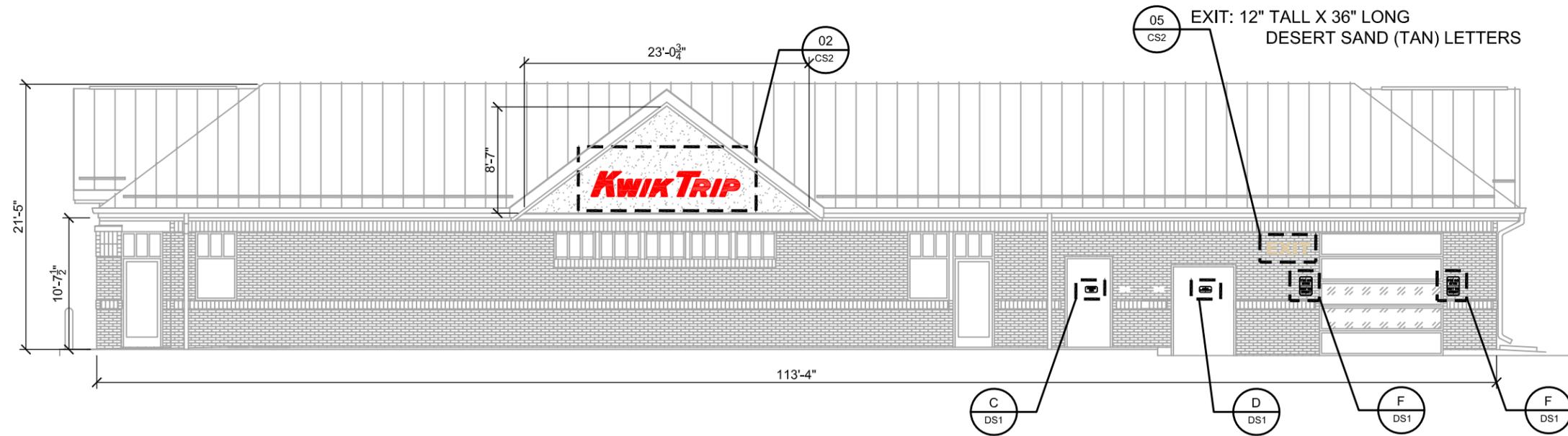
| # | DATE | DESCRIPTION |
|---|------|-------------|
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DRAWN BY S. ANDERSON / L. OLSON
 SCALE NOTED
 PROJ. NO. 119.1053.30
 DATE DECEMBER 12, 2019
 SHEET L2.1



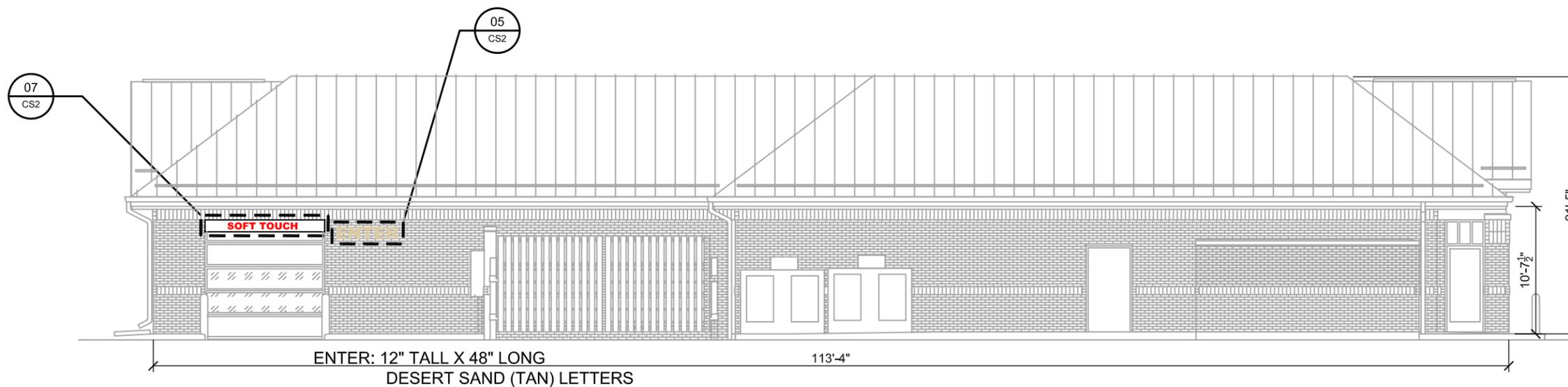
BUSINESS DRIVE

CTH K



STORE ELEVATION

SCALE: 3/32" = 1'-0"



STORE ELEVATION

SCALE: 3/32" = 1'-0"



LOGO DETAIL - SIGN #02

SCALE: 1/2" = 1'-0"



SOFT TOUCH

NON-LIT INFORMATIONAL SIGN
RED VINYL ON WHITE ALUMINUM
1'-0"H X 10'-0"W = 10.0 SQ FT

INFORMATIONAL SIGN #07

SCALE: 1/2" = 1'-0"



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LA CROSSE, WI 54602-2107
PH. (608) 781-8988
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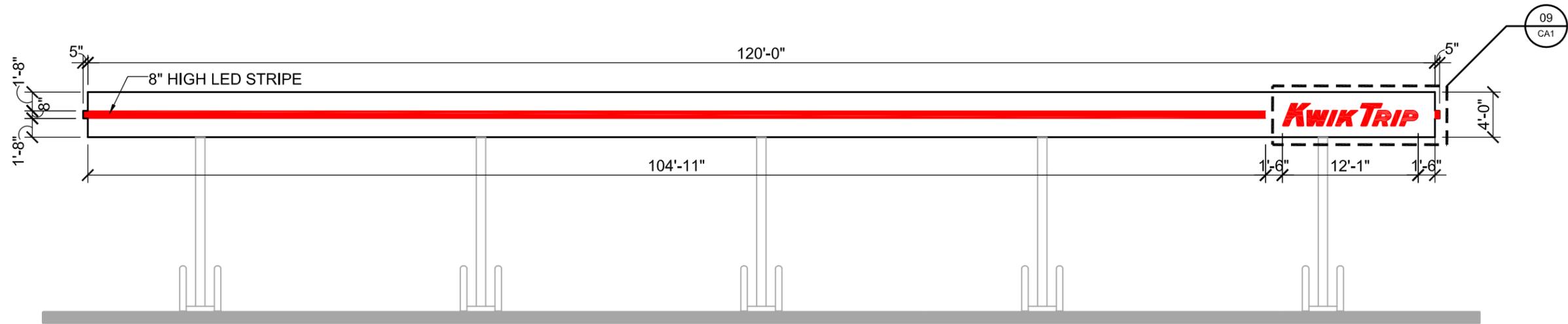
CONVENIENCE STORE SIGNAGE

CONVENIENCE STORE #1124
w/ SIDE DIESEL & CARWASH

SWC HWY 164 & CTH K
SUSSEX, WI

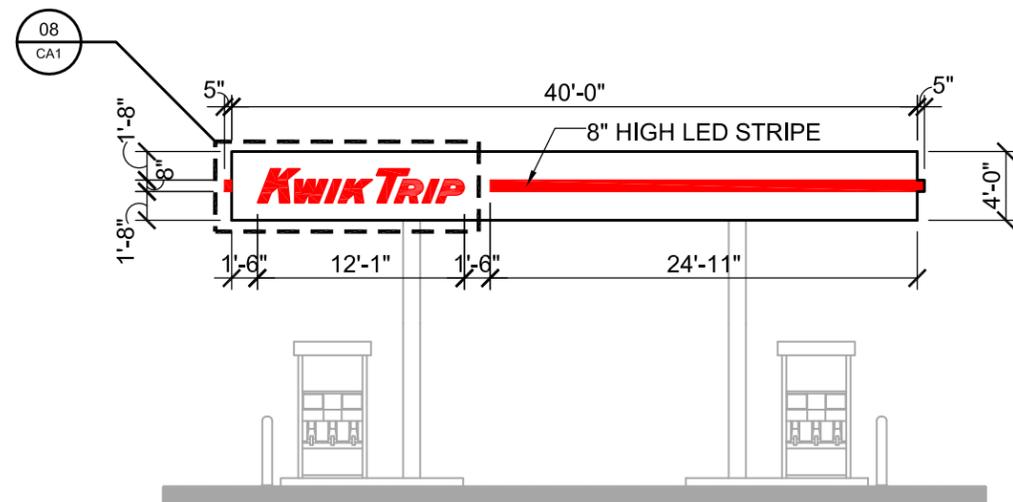
| # | DATE | DESCRIPTION |
|---|------|-------------|
| | | |
| | | |
| | | |
| | | |

| | |
|-----------|------------|
| DRAWN BY | KMK |
| SCALE | MULTIPLE |
| PROJ. NO. | 0001 |
| DATE | 2019-12-10 |
| SHEET | CS2 |



CANOPY ELEVATION

SCALE: 3/32" = 1'-0"



CANOPY ELEVATION

SCALE: 3/32" = 1'-0"



LOGO DETAIL - SIGNS #08 & #09

SCALE: 1/2" = 1'-0"

**Kwik
TRIP**

**Kwik
STAR**

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P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
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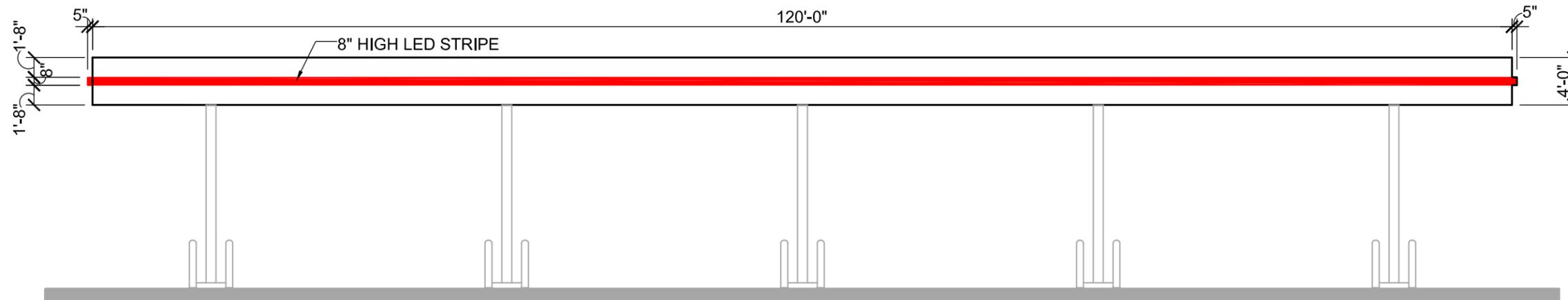
CANOPY SIGNAGE

CONVENIENCE STORE #1124
w/ SIDE DIESEL & CARWASH

SWC HWY 164 & CTH K
SUSSEX, WI

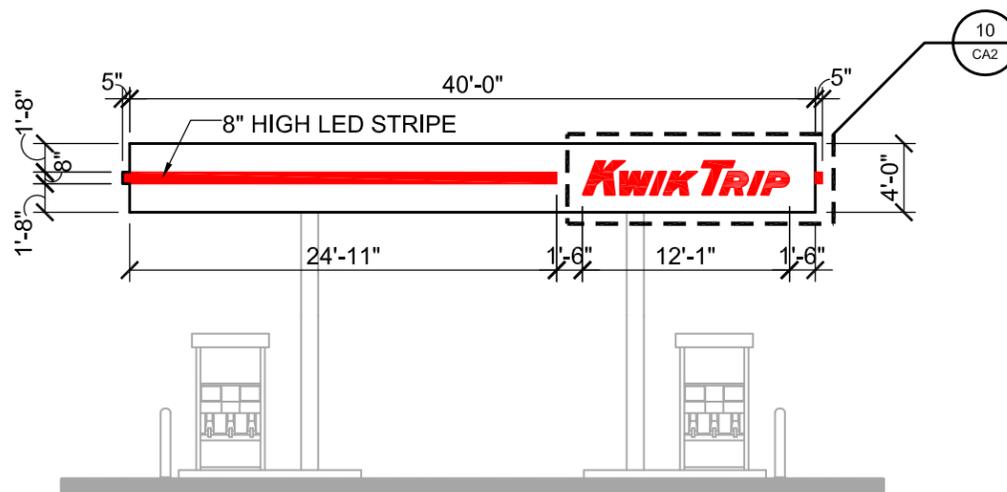
| # | DATE | DESCRIPTION |
|---|------|-------------|
| | | |
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| | | |
| | | |
| | | |

DRAWN BY: KMK
SCALE: MULTIPLE
PROJ. NO.: 0001
DATE: 2019-12-10
SHEET: CA1



CANOPY ELEVATION

SCALE: 3/32" = 1'-0"



CANOPY ELEVATION

SCALE: 3/32" = 1'-0"



LOGO DETAIL - SIGN #10

SCALE: 1/2" = 1'-0"

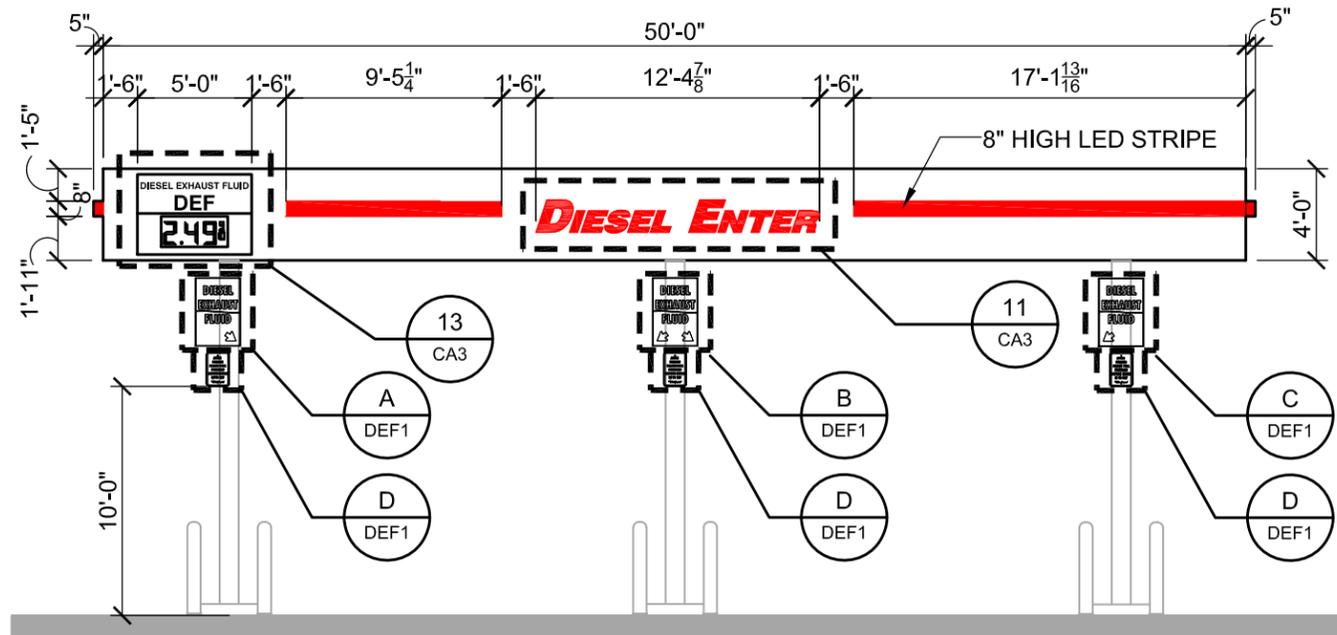


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PH. (608) 781-8988
FAX (608) 781-8960

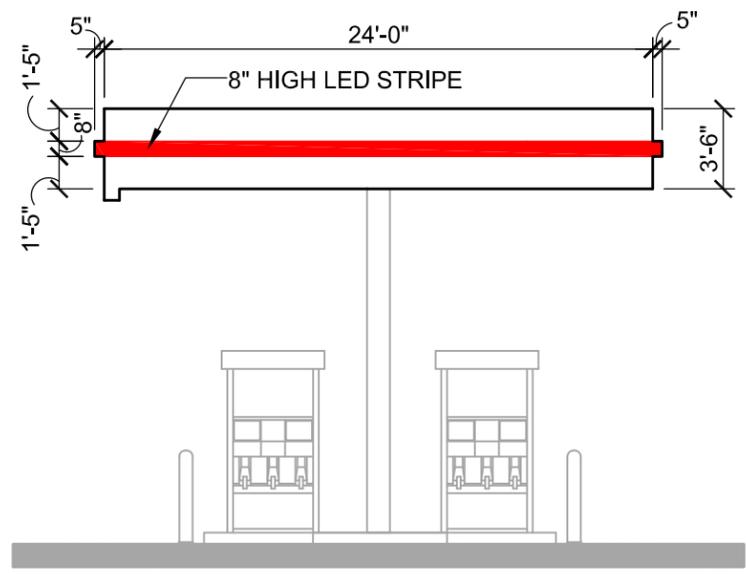
CANOPY SIGNAGE
CONVENIENCE STORE #1124
w/ SIDE DIESEL & CARWASH
SWC HWY 164 & CTH K
SUSSEX, WI

| # | DATE | DESCRIPTION |
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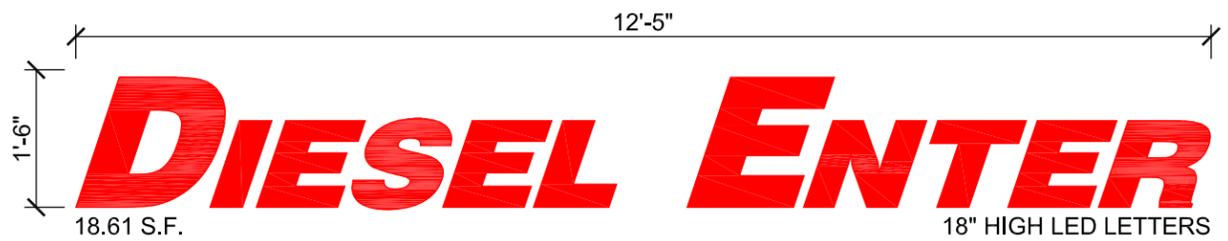
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SCALE: MULTIPLE
PROJ. NO.: 0001
DATE: 2019-12-10
SHEET: CA2



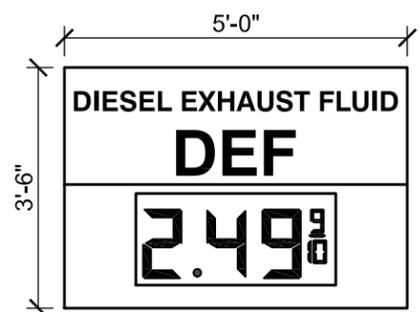
CANOPY ELEVATION
SCALE: 1/8" = 1'-0"



CANOPY ELEVATION
SCALE: 1/8" = 1'-0"



LOGO DETAIL - SIGN #11
SCALE: 1/2" = 1'-0"

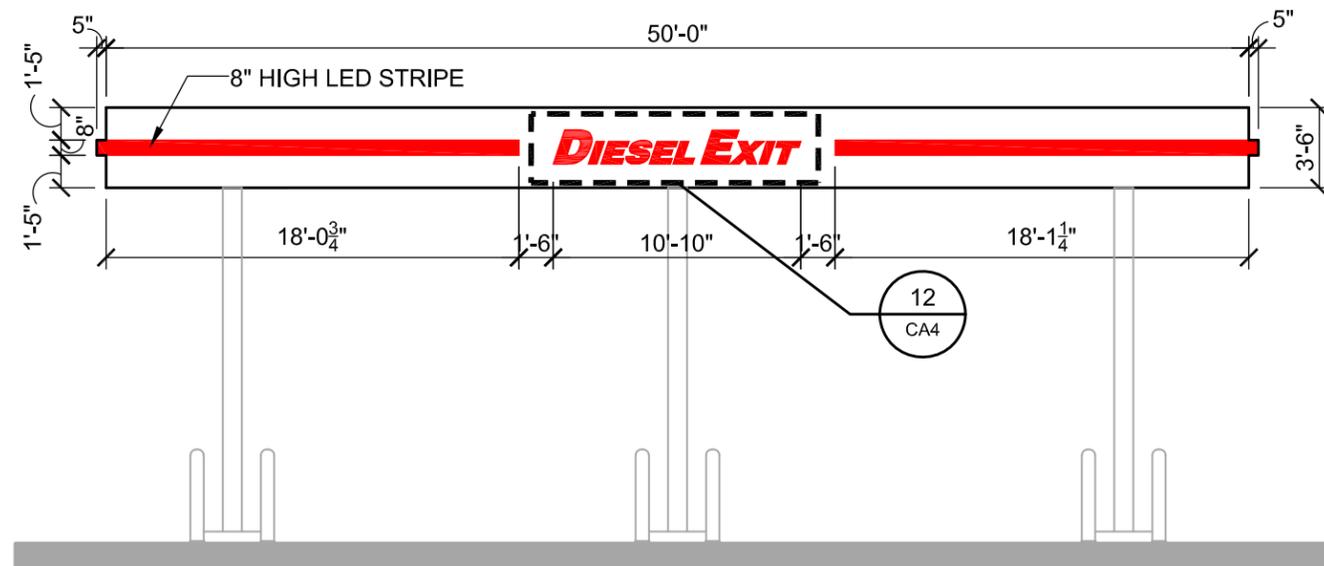


DEF DETAIL - SIGN #13
SCALE: 3/8" = 1'-0"



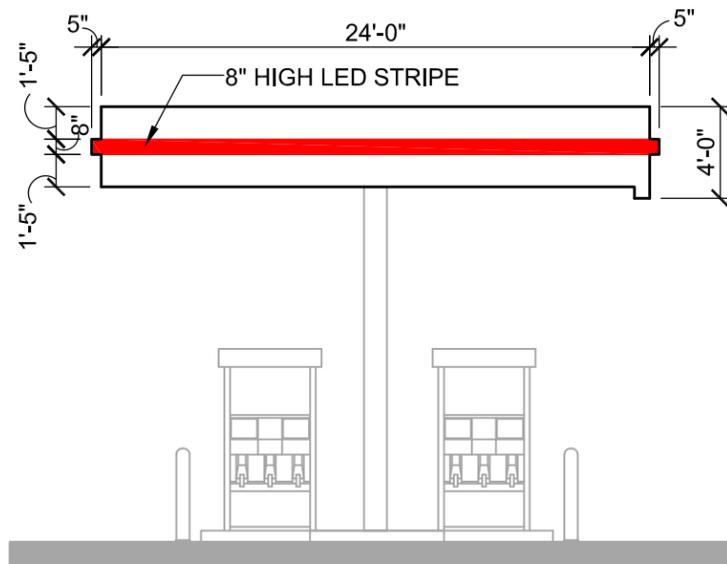
KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

| | | | |
|----------------|---|-------------|-----------------------------------|
| CANOPY SIGNAGE | CONVENIENCE STORE #1124 w/ SIDE DIESEL & CARWASH | | SWC HWY 164 & CTH K SUSSEX, WI |
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| # | DATE | DESCRIPTION | |
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| DRAWN BY | | KMK | |
| SCALE | | MULTIPLE | |
| PROJ. NO. | | 0001 | |
| DATE | | 2019-12-10 | |
| SHEET | | CA3 | |



CANOPY ELEVATION

SCALE: 1/8" = 1'-0"



CANOPY ELEVATION

SCALE: 1/8" = 1'-0"



LOGO DETAIL - SIGN #12

SCALE: 1/2" = 1'-0"

**KWIK
TRIP**

**KWIK
STAR**

KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

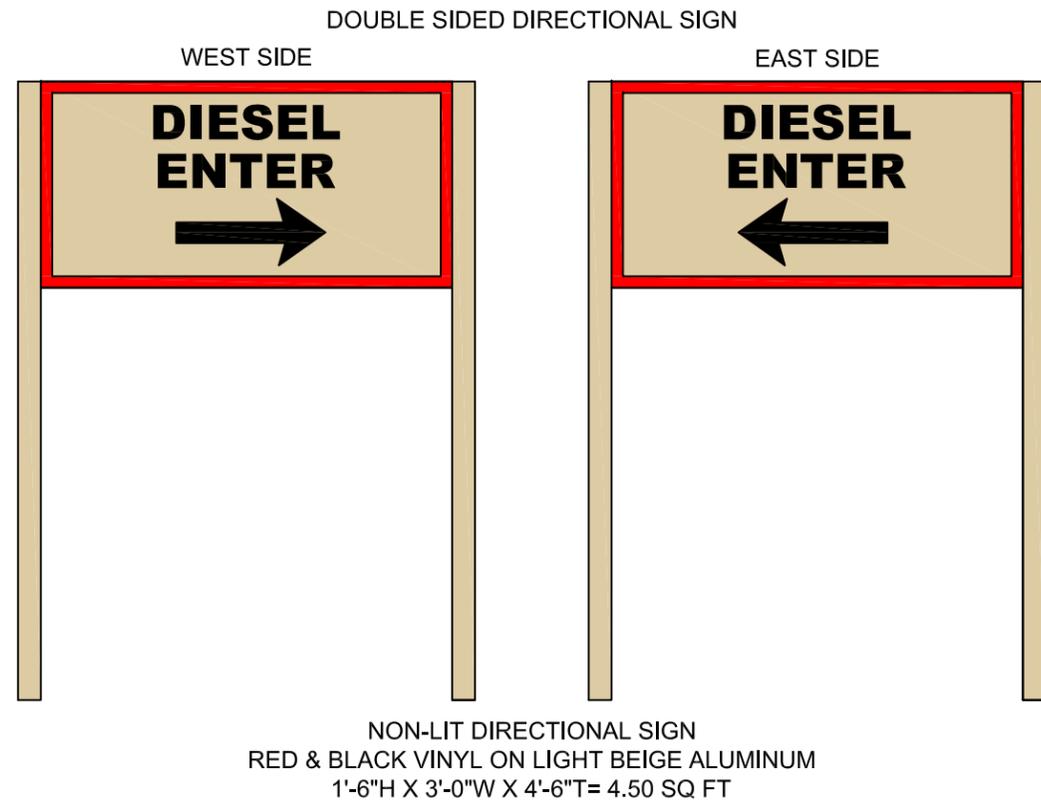
CANOPY SIGNAGE

CONVENIENCE STORE #1124
w/ SIDE DIESEL & CARWASH

SWC HWY 164 & CTH K
SUSSEX, WI

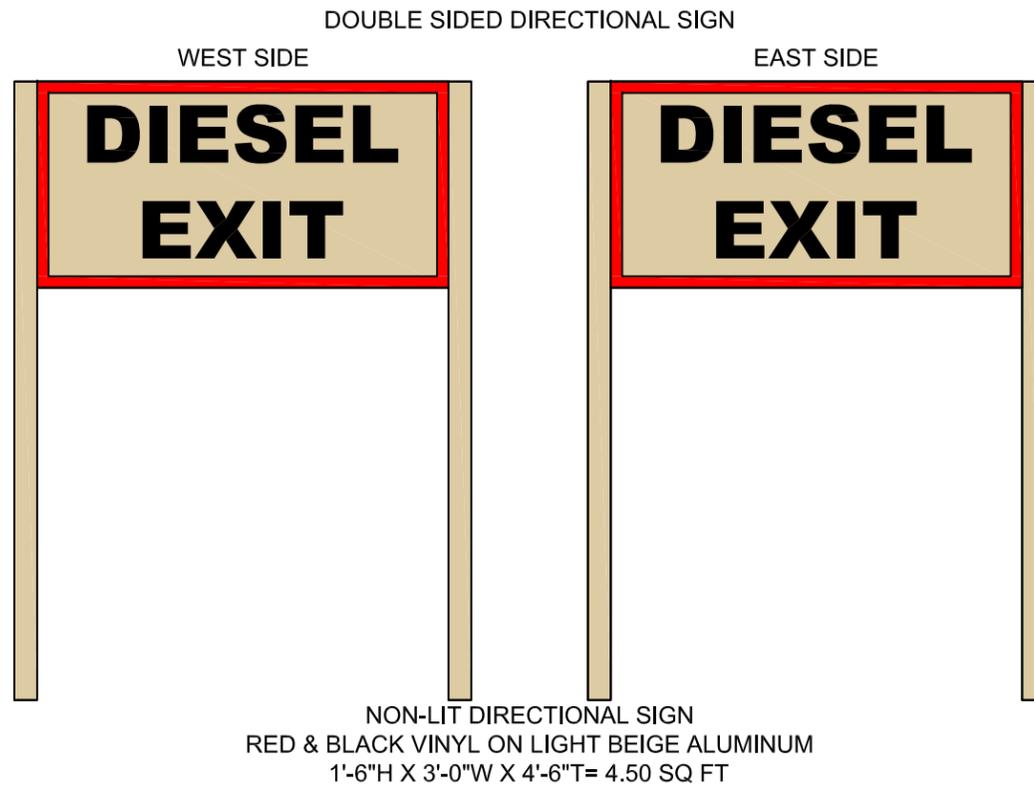
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| DRAWN BY | KMK |
| SCALE | MULTIPLE |
| PROJ. NO. | 0001 |
| DATE | 2019-12-10 |
| SHEET | CA4 |



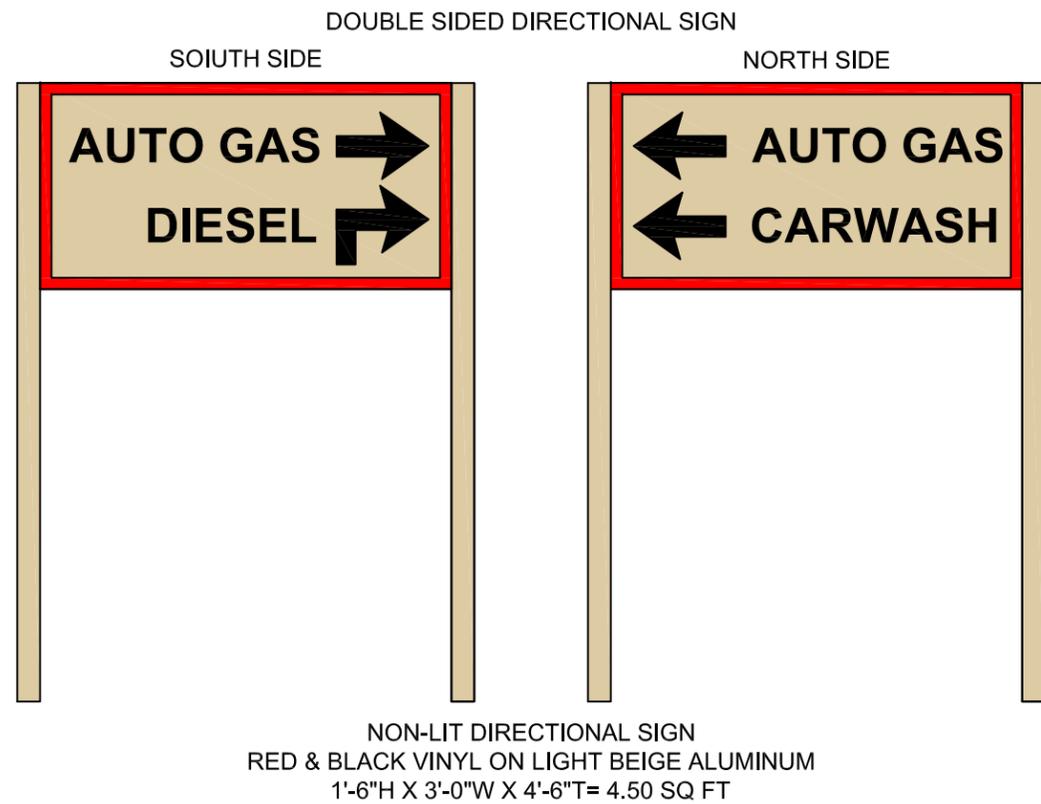
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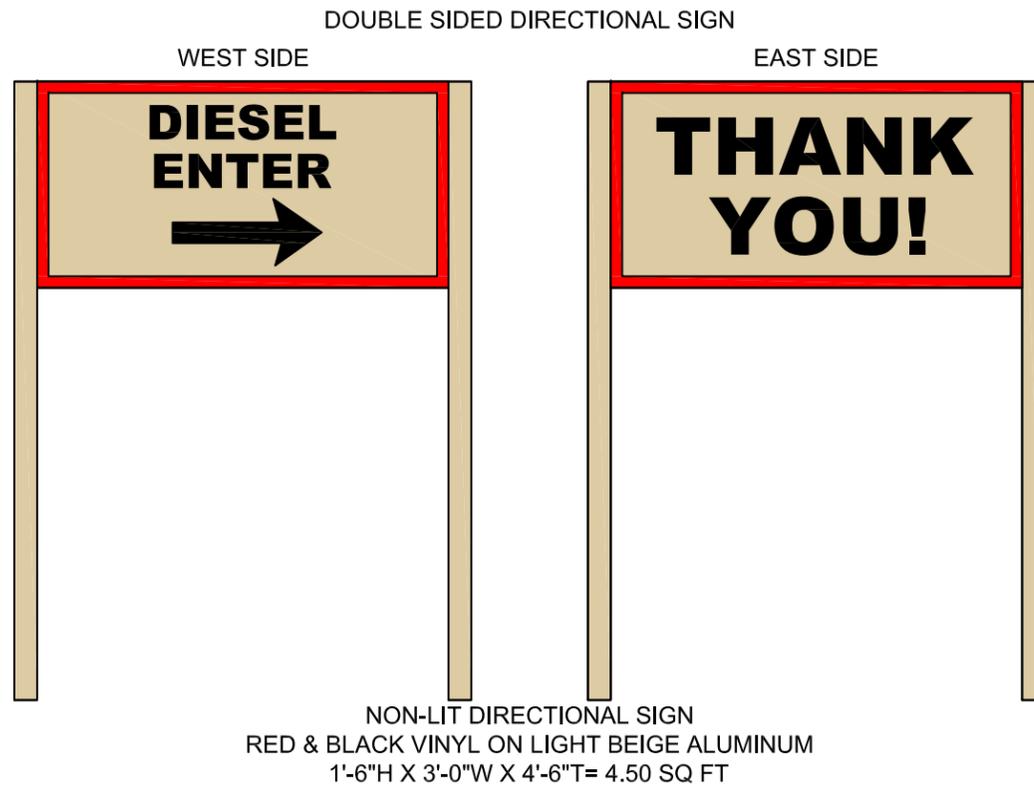
DIRECTIONAL SIGN #15

SCALE: 3/4" = 1'-0"



DIRECTIONAL SIGN #16

SCALE: 3/4" = 1'-0"



DIRECTIONAL SIGN #17

SCALE: 3/4" = 1'-0"

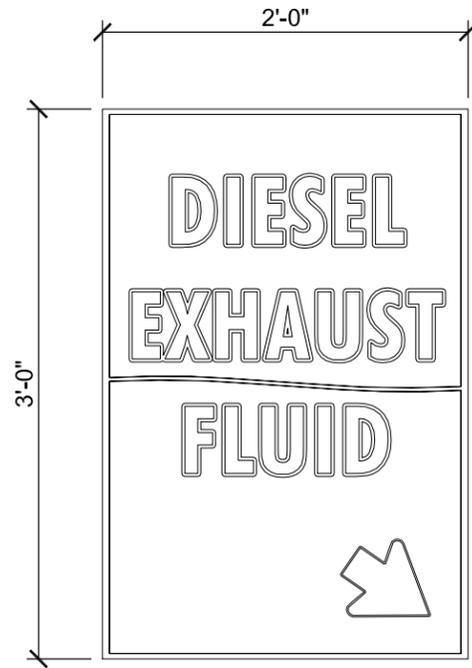


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LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

DIRECTIONAL SIGNAGE
CONVENIENCE STORE #1124
w/ SIDE DIESEL & CARWASH
SWC HWY 164 & CTH K
SUSSEX, WI

| # | DATE | DESCRIPTION |
|---|------|-------------|
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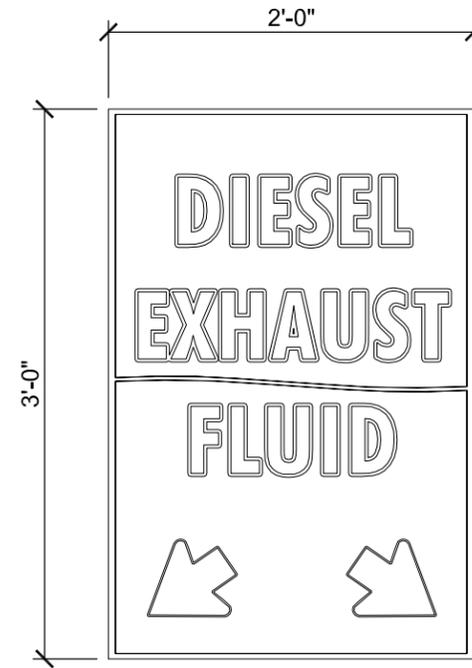
DRAWN BY: KMK
SCALE: MULTIPLE
PROJ. NO.: 0001
DATE: 2019-12-10
SHEET: DS2



QTY: X

DEF SIGN A

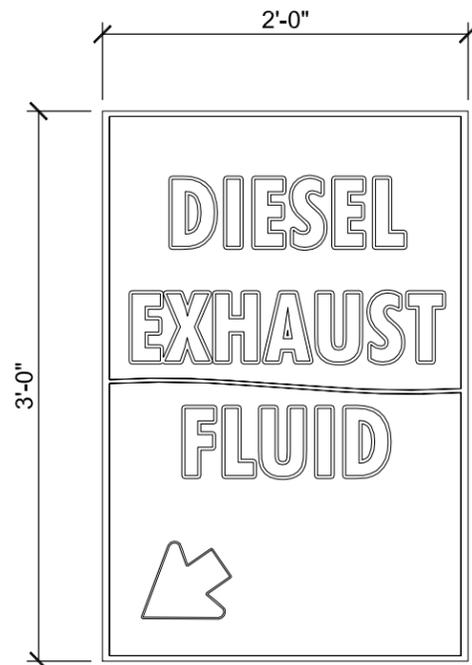
SCALE: 3/4" = 1'-0"



QTY: X

DEF SIGN B

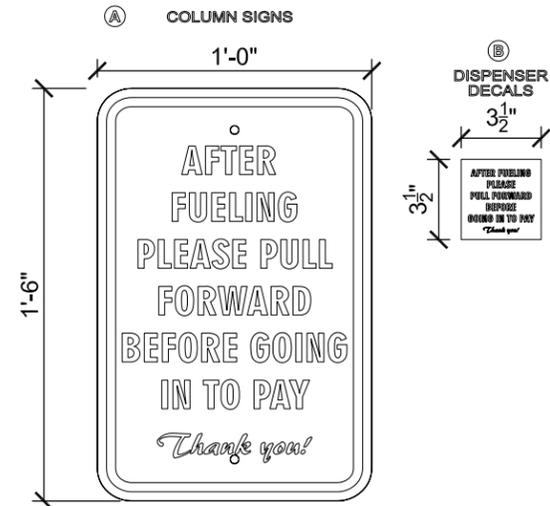
SCALE: 3/4" = 1'-0"



QTY: X

DEF SIGN C

SCALE: 3/4" = 1'-0"



PULL AHEAD SIGN D

SCALE: 1 1/2" = 1'-0"



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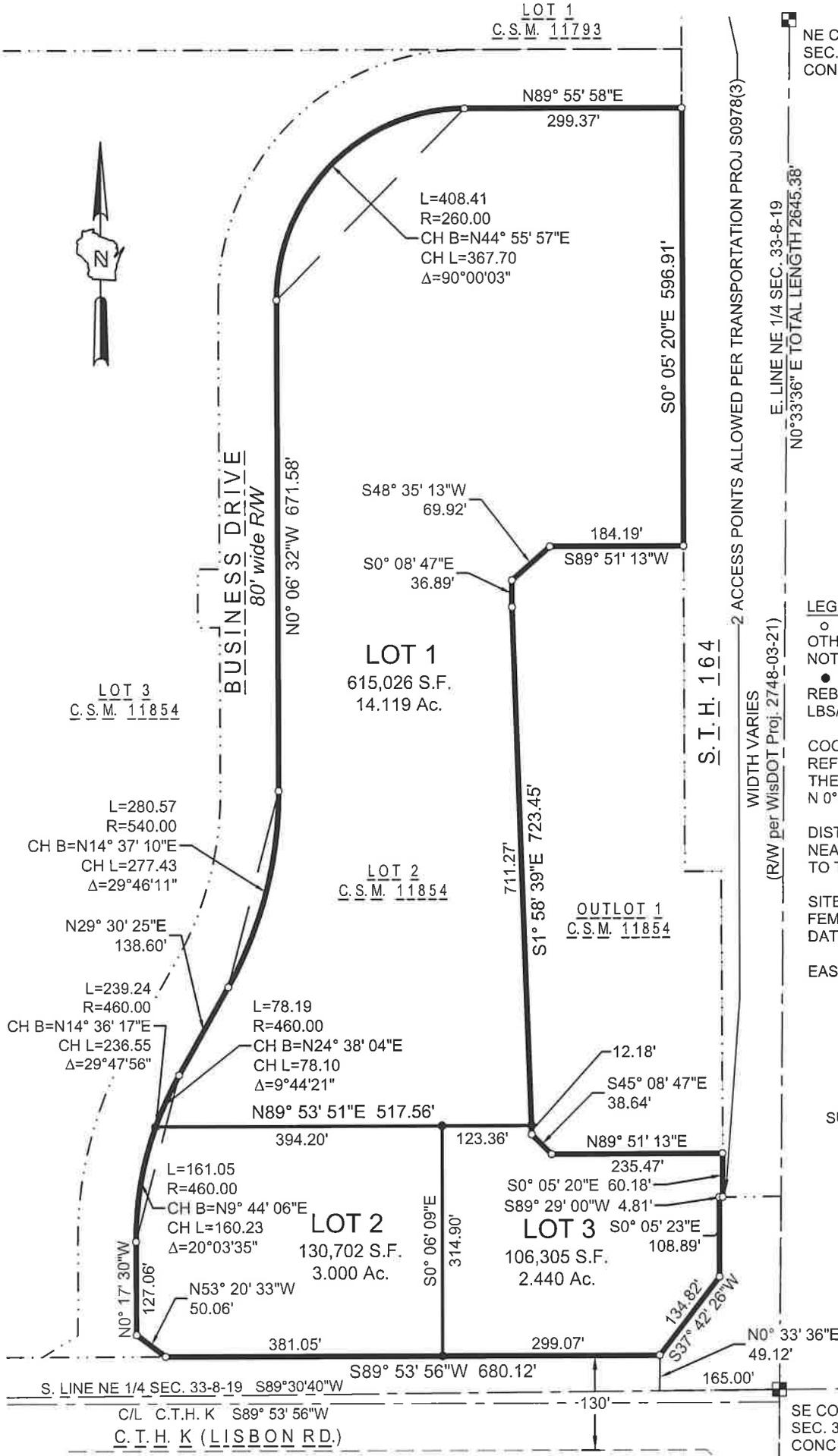
DEF / DSL SIGNAGE
CONVENIENCE STORE #1124
w/ SIDE DIESEL & CARWASH
SWC HWY 164 & CTH K
SUSSEX, WI

| # | DATE | DESCRIPTION |
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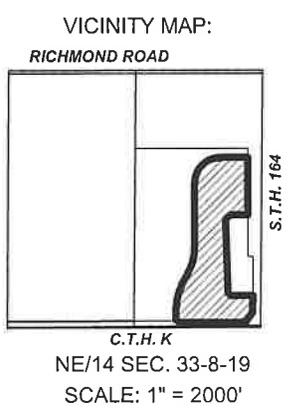
DRAWN BY: KMK
SCALE: MULTIPLE
PROJ. NO.: 0001
DATE: 2019-12-10
SHEET: DEF1

CERTIFIED SURVEY MAP NO. _____

LOT 2 OF CERTIFIED SURVEY MAP NO. 11854, RECORDED AS DOCUMENT NO. 4397415, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN



NE COR. NE 1/4
SEC. 33-8-19
CONC. MON.



LEGEND & NOTES:

- INDICATES REBAR FOUND. OTHER FOUND MONUMENTATION, AS NOTED ON DRAWING.
- INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.

COORDINATES & BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF SEC. 33-8-19, BEARING N 0°33'36" E,

DISTANCES MEASURED TO THE NEAREST 0.01'. ANGLES MEASURED TO THE NEAREST 01'.

SITE IS NOT IN THE FLOODPLAIN PER FEMA FIRM PANEL 55133C0201G DATED 11/02/2014.

EASEMENTS SHOWN ON SHEET 2.

SITE:
W250 N5467 HIGHWAY 164
SUSSEX, WI
TAX KEY: 0273999006

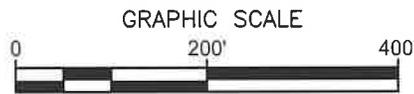
OWNERS/DEVELOPERS:
SUSSEX CORPORATE PARK, LLC
1200 N. MAYFAIR RD.
MILWAUKEE, WI 53226
414-777-1200

SURVEYOR:
BAIBA ROZITE, PLS - 2351
THE SIGMA GROUP
1300 W. CANAL STREET
MILWAUKEE, WI 53233
414-643-4171

SE COR. NE 1/4
SEC. 33-8-19
CONC. MON.

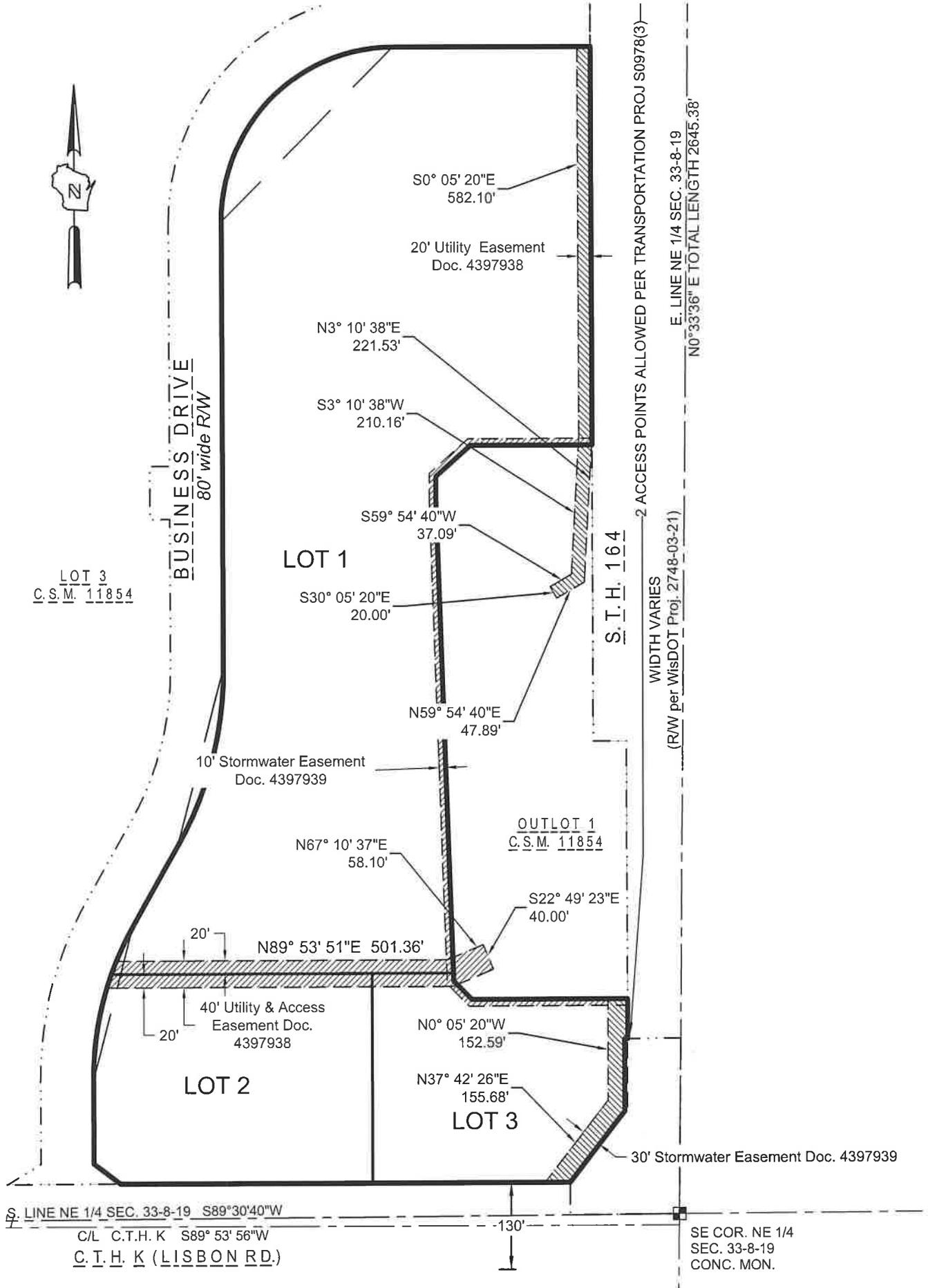
THE SIGMA GROUP
Single Source. Sound Solutions.

www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210



CERTIFIED SURVEY MAP NO. _____

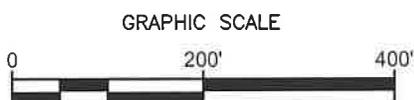
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EXISTING EASEMENTS

PERMANENT UTILITY, ACCESS, INGRESS & EGRESS EASEMENTS AS SHOWN ON CSM 11854 AND RECORDED BY SEPARATE DOCUMENT(S).

THE SIGMA GROUP
 Single Source. Sound Solutions.
 www.thesigmagroup.com
 1300 West Canal Street
 Milwaukee, WI 53233
 Phone: 414-643-4200
 Fax: 414-643-4210



PROJECT NUMBER 15426 DRAFTED BY B. ROZITE 1/10/2020, REV. 2/06/2020

CERTIFIED SURVEY MAP NO. _____

LOT 2 OF CERTIFIED SURVEY MAP NO. 11854, RECORDED AS DOCUMENT NO. 4397415, BEING PART OF THE
NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19
EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
SS
MILWAUKEE COUNTY)

I, Baiba M. Rozite, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped Lot 2 of Certified Survey Map No. 11854, recorded as Document No. 4397415, being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 33, Town 8 North, Range 19 East, in the Village of Sussex, Waukesha County, State of Wisconsin.

Said parcel contains 852,033 square feet or 19.560 acres of land, more or less.

That I have made the survey, land division, and map by the direction of the owner of said land. That the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made. That I have fully complied with s. 236.34 of the Wisconsin Statutes and Chapter 18 of the Village of Sussex Code of Ordinances in surveying, dividing and mapping the same.

BAIBA M. ROZITE S-2351 DATE

PLAN COMMISSION APPROVAL

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF SUSSEX ON THIS _____ DAY OF

_____, 20____

GREGORY GOETZ, CHAIRMAN

SAM LIEBERT, SECRETARY

VILLAGE BOARD APPROVAL

APPROVED BY THE VILLAGE BOARD OF THE VILLAGE OF SUSSEX ON THIS _____ DAY OF

_____, 20____

GREGORY GOETZ, VILLAGE PRESIDENT

SAM LIEBERT, CLERK-TREASURER



www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

CERTIFIED SURVEY MAP NO. _____

LOT 2 OF CERTIFIED SURVEY MAP NO. 11854, RECORDED AS DOCUMENT NO. 4397415, BEING PART OF THE
NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19
EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN

CONSENT OF CORPORATE MORTGAGEE

NATIONAL EXCHANGE BANK & TRUST, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this map, and does hereby consent to the above certificate of **SUSSEX CORPORATE PARK, LLC**, owner.

IN WITNESS WHEREOF, the said **NATIONAL EXCHANGE BANK & TRUST**, has caused these presents to be signed by

RICHARD S. HENSLEY, its President, and countersigned by DAVID C. MOHORICH, its Vice President of Commercial Lending, at _____, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 20____.

In the presence of:

NATIONAL EXCHANGE BANK & TRUST

RICHARD S. HENSLEY, President

Date

DAVID C. MOHORICH, Vice President
Commercial Lending

Date

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20____, RICHARD S. HENSLEY, President, of the above-named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such President of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(SEAL) NOTARY PUBLIC *signature*, STATE OF WISCONSIN

notary printed name

MY COMMISSION EXPIRES _____.

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20____, DAVID C. MOHORICH, Vice President of Commercial Lending, of the above-named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such Vice President of Commercial Lending of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(SEAL) NOTARY PUBLIC *signature*, STATE OF WISCONSIN

notary printed name

MY COMMISSION EXPIRES _____.



PLAN OF OPERATION

To be used for a business with new construction.

Is this request to be considered for a Conditional Use? YES If yes, is this a new CU? YES
 OR an amendment to an existing CU? _____

(Conditional Use Permits require a Public Hearing)

Address location of new construction W235 N6350 HICKORY DRIVE

Tax Key # SUXV0246961002

Zoning: B-4 CENTRAL MIXED USE

1. Name of Business:
SUSSEX ASSISTED LIVING LLC

Business
 101 N WACKER DRIVE, SUITE 608 CHICAGO, IL 60606 312-462-4462
 Address City, State, Zip Phone #
 312-284-8896 tostrom@matthewsseniorliving.com
 Fax # Email address

2. Business owner contact information:
Tom Ostrom

Contact
 101 N WACKER DRIVE, SUITE 608 CHICAGO, IL 60606 312-462-4462
 Address City, State, Zip Phone #
 312-284-8896 tostrom@matthewsseniorliving.com
 Fax # Email address

3. Building/Land owner contact information:
SUSSEX ASSISTED LIVING LLC

Contact
 101 N WACKER DRIVE, SUITE 608 CHICAGO, IL 60606 312-462-4462
 Address City, State, Zip Phone #
 312-284-8896 tostrom@matthewsseniorliving.com
 Fax # Email address

4. Number of Employees/Shifts: 16 3
 Employees Shifts

5. Days of Operation:

| | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|-------------------------------|--------|---------|-----------|----------|--------|----------|--------|
| Put an X in box that applies: | X | X | X | X | X | X | X |
| Hours Open for business | 24 | 24 | 24 | 24 | 24 | 24 | 24 |

6. Is this an extension of an existing operation? NO

7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.

ASSISTED LIVING PROVIDER INCLUDING CBRF AND RCAC.

8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NO Do you need an Outdoor Establishment Permit? NO
Arcade permit? NO

If yes, explain: _____
If yes, please obtain and complete form.

9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A

10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO

If yes, explain: _____

11. Dimensions and levels of all buildings:

| | Dimensions | Levels | Square footage |
|------------|---------------------|----------|----------------|
| Building 1 | <u>582 X 198</u> | <u>2</u> | <u>103,999</u> |
| Building 2 | <u>14X20 (SHED)</u> | <u>1</u> | <u>280</u> |
| Building 3 | _____ | _____ | _____ |

Is the building(s) to be used for multi-tenant purpose? NO

| 12. Lot size | Depth | Width | Area |
|--------------|---------------|--------------|-------------------|
| _____ | <u>+ 800'</u> | <u>+400'</u> | <u>7.32 ACRES</u> |

Above to be included on survey

13 Parking: Dimensions of parking lot +800'x42'
Parking lot construction Asphalt w/curb and gutter(on outside)
Type of screening: Fence Fence-middle or Plantings Perimeter
Number of spaces needed per code 94* # of spaces for employees 16

Above to be included on site plan

16 staff stalls, 58 CBRF residents/3=20 stalls, 58 RCAC apartments/1 =58 stalls. 94 stalls required. requesting reduction of RCAC apartment requirement due to limited driving needs. Providing 74 total stalls.

Please provide the following information:
Total square footage of building, new and existing 75,209 sf (footprint)

Total square footage of parking lot, new and existing 61,780 sf

14. Signs: Type: Free standing X Attached to building _____
Lighted X Single or double faced _____

Size 12' X 8' Location NORTHEAST CORNER
Above to be included on sign plan

15. What security lighting are you proposing? (Please include on lighting plan)
STANDARD LIGHTING AT EXTERIOR DOORS AND PARKING LIGHTING.

16. Is there a need for outside storage? NO If yes, explain:

17. Is a Highway access permit needed from the state or County Highway Departments? NO

If yes, please attach a copy of the secured permit.
What conditions has the State or County imposed upon your permit?

18. Is there a need for any special type of security fencing? NO

If yes, what type?

19. What provisions are you making for fire protection? NFPA 72 FIRE ALARM SYSTEM

What provisions are your making for a sprinkler system? FULLY SPRINKLED PER NFPA13

Storage system? n/a

Hydrant stand pipes? NONE

Is there a fire lane shown on your site plan? YES

Explain: COMPLETE FIRE LANE LOOP AROUND BUILDING

20. Surface water drainage facilities and impervious areas, describe and/or include on site plan.

Concrete curb & gutter shall direct drainage to stormwater management components (rain gardens, vegetated swales and infiltration trenches).

21. Did Wisconsin State Department of Industry Labor and Human Relations approve building plans?

NO If yes, explain: WI DHS is required to approve CBRF plans.

22. Please give a timetable for items to be completed:

| | |
|-----------------------|------------------------------|
| Building construction | <u>June 2021 (Estimated)</u> |
| Paving | <u>June 2021 (Estimated)</u> |
| Landscaping | <u>June 2021 (Estimated)</u> |
| Occupancy | <u>July 2021 (Estimated)</u> |

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.


Name

1/21/2020
Date

Sole Member
Title or Position



41 Management is a senior housing management company headquartered in Chicago Illinois. We currently have 17 Wisconsin based campuses and five Minnesota campuses under management. These include CBRF and RCAC licensed facilities as well as unlicensed independent living buildings. We operate under the Matthews Senior Living, Heritage House, Tallgrass, Hartland Place, Kenosha Place, Clifden Court, Courtyard, Encore and Cudahy Place trade names. We are active developers and typically develop, construct and open at least two buildings each year.

Tom Ostrom and Roth Weaver, the two principles of 41 Management, have combined forty years of experience in the senior housing industry. Our experience includes the development, opening, and fill up of new communities, the turnaround of financially, operationally or reputationally challenged communities and the management of stabilized properties. We have operated buildings in more than twenty states.

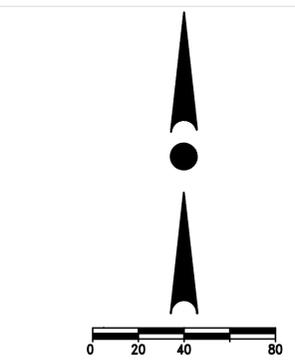
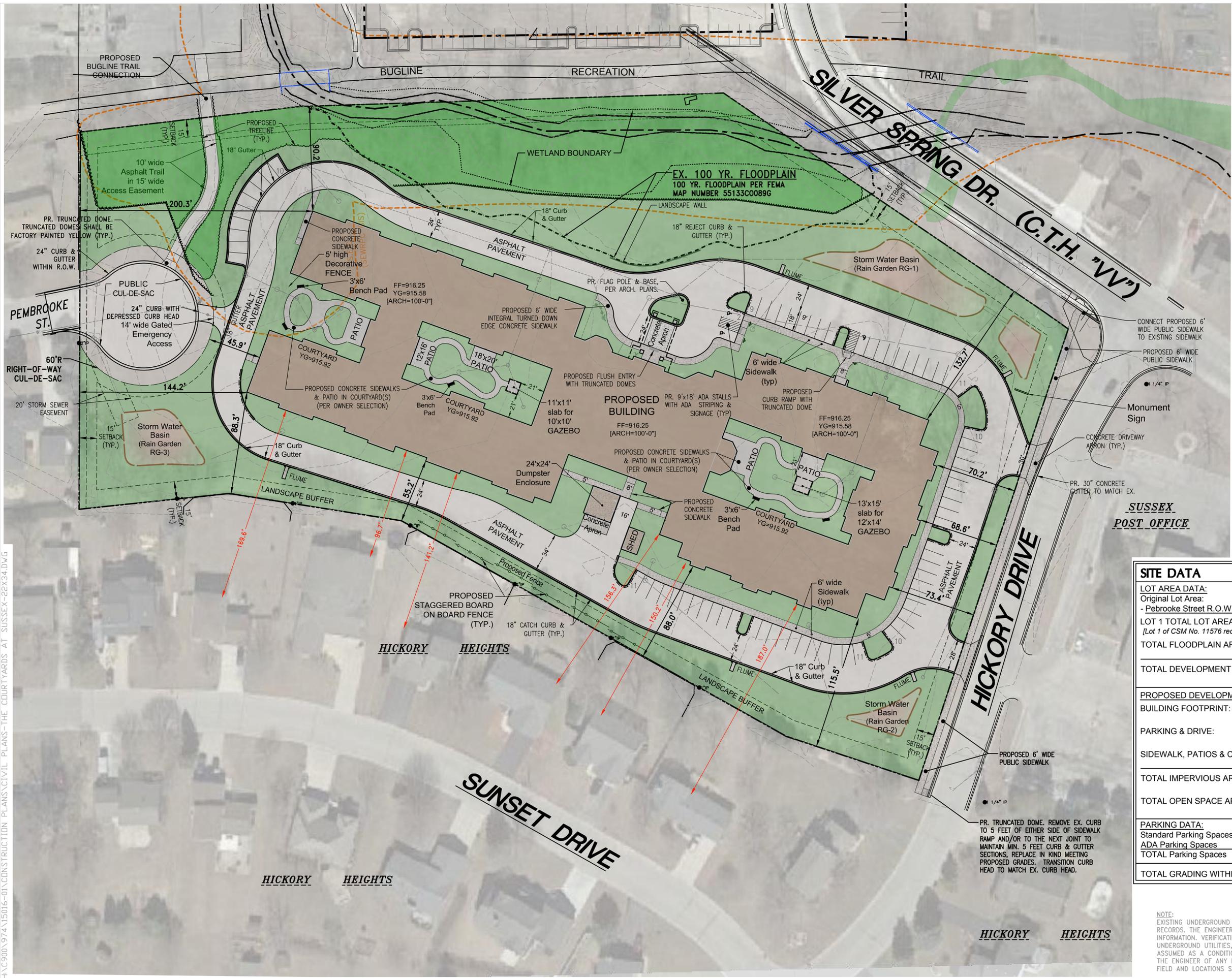
Our approach combines financial discipline, analytical rigor, compassion and a strong clinical capability. Our team includes regional operations managers, a clinical director and an accounting group. We have strong relationships with private equity firms that can bring needed capital for acquisitions. We also have relationships with the largest REITs in the senior housing industry.

The proposed project for Sussex Assisted Living LLC includes a 52 unit/58 resident Community Based Residential Facility, attached to a 58 apartment Residential Care Apartment Complex. Approximately one-half of the CBRF units will be dedicated to Memory Care. All residents in the CBRF will receive personalized care and assistance with activities of daily living. Memory care residents will live in a secure environment with access to a central courtyard. CBRF residents typically do not drive and will be provided with transportation services.

RCAC residents typically require a reduced level of assistance and services compared to CBRF residents. They reside in an apartment type setting with common areas for meals and activities, while still receiving assistance as needed. Although some of the RCAC residents may still drive, the majority would use

transportation services and parking needs would be less than a typical multi-family setting.

We believe The Courtyard at Sussex assisted living community will be a positive addition to the Village and look forward to becoming a part of the community.



LEGEND:

- 904 --- EXISTING CONTOUR
- - - - - EXISTING SANITARY SEWER
- EXISTING SANITARY MANHOLE
- EXISTING WATER MAIN
- EXISTING HYDRANT
- EXISTING STORM SEWER
- EXISTING STORM MANHOLE
- EXISTING STORM INLET
- EXISTING TRANSFORMER
- EXISTING ELECTRIC PEDESTAL
- EXISTING TELEPHONE PEDESTAL
- EXISTING CATV PEDESTAL
- EXISTING POWER POLE
- PROPOSED SANITARY SEWER
- PROPOSED SANITARY MANHOLE
- PROPOSED WATER MAIN
- PROPOSED HYDRANT
- PROPOSED WATER VALVE
- PROPOSED STORM SEWER
- PROPOSED STORM MANHOLE
- PROPOSED STORM INLET
- PROPOSED STORM END SECTION

| SITE DATA | |
|--|------------------------------------|
| LOT AREA DATA: | |
| Original Lot Area: | 330,039 sf (7.577 acres) |
| - Pebrooke Street R.O.W.: | -11,219 sf |
| LOT 1 TOTAL LOT AREA: | 318,820 sf (7.3191) |
| [Lot 1 of CSM No. 11576 recorded as Document No. 4283972] | |
| TOTAL FLOODPLAIN AREA: | - 44,196 S.F. (1.015 acres) |
| | 13.9% of Lot 1 |
| TOTAL DEVELOPMENT AREA: | 274,624 S.F. (6.304 acres) |
| | 86.1% of Lot 1 |
| PROPOSED DEVELOPMENT DATA: | |
| BUILDING FOOTPRINT: | 75,209± sf (1.727 acres) |
| | 23.6% of Lot 1 |
| PARKING & DRIVE: | 61,780± sf (1.418 acres) |
| | 19.4% of Lot 1 |
| SIDEWALK, PATIOS & CONCRETE: | 12,580 S.F. (0.289 acres) |
| | 3.9% of Lot 1 |
| TOTAL IMPERVIOUS AREA: | 149,569 S.F. (3.434 acres) |
| | 46.9% of Lot 1 |
| TOTAL OPEN SPACE AREA: | 169,251 S.F. (3.885 Acres) |
| | 53.1% of Lot 1 |
| PARKING DATA: | |
| Standard Parking Spaces | 71 Spaces |
| ADA Parking Spaces | 3 Spaces |
| TOTAL Parking Spaces | 74 Spaces |
| TOTAL GRADING WITHIN 75' OF CREEK: 8,844 sf (0.203 Acres) | |

NOTE:
EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.



4100 N CALHOUN ROAD
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: info@trioeng.com

PROJECT:
THE COURTYARD AT SUSSEX
SENIOR LIVING FACILITY
VILLAGE OF SUSSEX, WI
PREPARED FOR:
SUSSEX ASSISTED LIVING LLC
101 N WACKER DRIVE, SUITE 608
CHICAGO, IL 60606

REVISION HISTORY

| DATE | DESCRIPTION |
|----------|-------------------|
| 01/24/20 | INITIAL SUBMITTAL |

DATE:
JANUARY 24, 2020

JOB NUMBER:
15016

DESCRIPTION:
PROPOSED SITE PLAN

SHEET
C1.1

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**Ganther Construction
Architecture, Inc.**

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PROPOSED PROJECT:

THE COURTYARD AT SUSSEX

W235 N6350 HICKORY DRIVE
SUSSEX, WI

REVISIONS

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Project Number 20-1050
 Date 1/21/20
 Drawn By VP
 Checked By KK

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SITE PLAN SUBMITTAL 1-24-2020

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PROPOSED PROJECT:
THE COURTYARD AT SUSSEX
W235 N6350 HICKORY DRIVE
SUSSEX, WI

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Project Number 20-1050
Date 1/21/20
Drawn By VP
Checked By KK

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SITE PLAN SUBMITTAL 1-24-2020

FLOOR PLAN GENERAL NOTES

1. ALL WALLS TO BE TYPE "A" U.N.O.
2. ALL INTERIOR DIMENSIONS ARE FRAMING TO FRAMING
3. SEE LIFE SAFETY PLAN TO CONFIRM FIRE RATINGS.

BUILDING INFORMATION

OVERALL BUILDING
 FIRST FLOOR S.F.
 CBRF = 43,335 s.f.
 RCAC = 31,341 s.f.
 TOTAL = 74,682 s.f.
SECOND FLOOR S.F.
 RCAC / TOTAL = 24,317 s.f.
 TOTAL S.F. = 103,999 s.f.

RCAC APARTMENTS = 58 APARTMENTS
 STUDIO APARTMENTS: 10
 1-BED APARTMENTS: 42
 2-BED APARTMENTS: 6

CBRF UNITS = 52 UNITS / 58 RESIDENTS
 MC: 25 UNITS / 28 RESIDENTS
 AL: 27 UNITS / 30 RESIDENTS

TOTAL APARTMENTS / UNITS = 110

CBRF CONGREGATE AREA REQUIRED = (58 residents x 90 s.f.) = 5,220 s.f.
 CBRF CONGREGATE AREA PROVIDED = 5,466 s.f.



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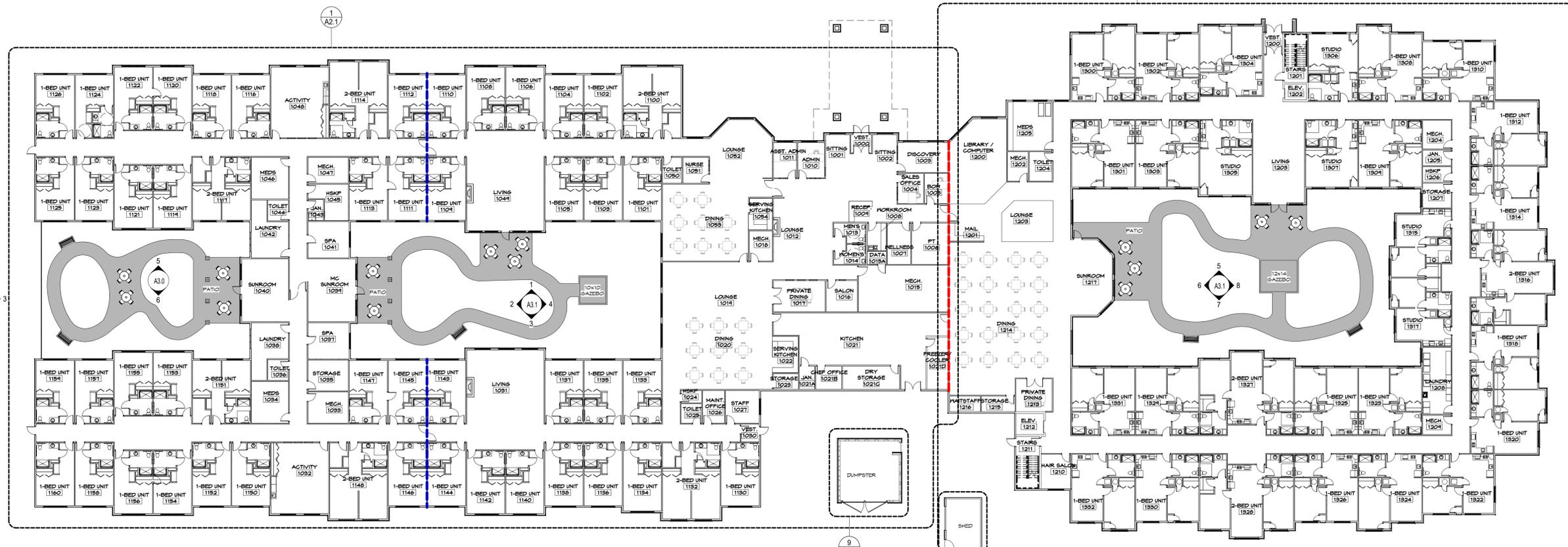
PROPOSED PROJECT:
THE COURTYARD AT SUSSEX
 W235 N6350 HICKORY DRIVE
 SUSSEX, WI

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Project Number 20-1050
 Date 1/21/20
 Drawn By VP
 Checked By KK

A2.0



1 OVERALL FLOOR PLAN
 A2.0 SCALE: 3/64" = 1'-0"

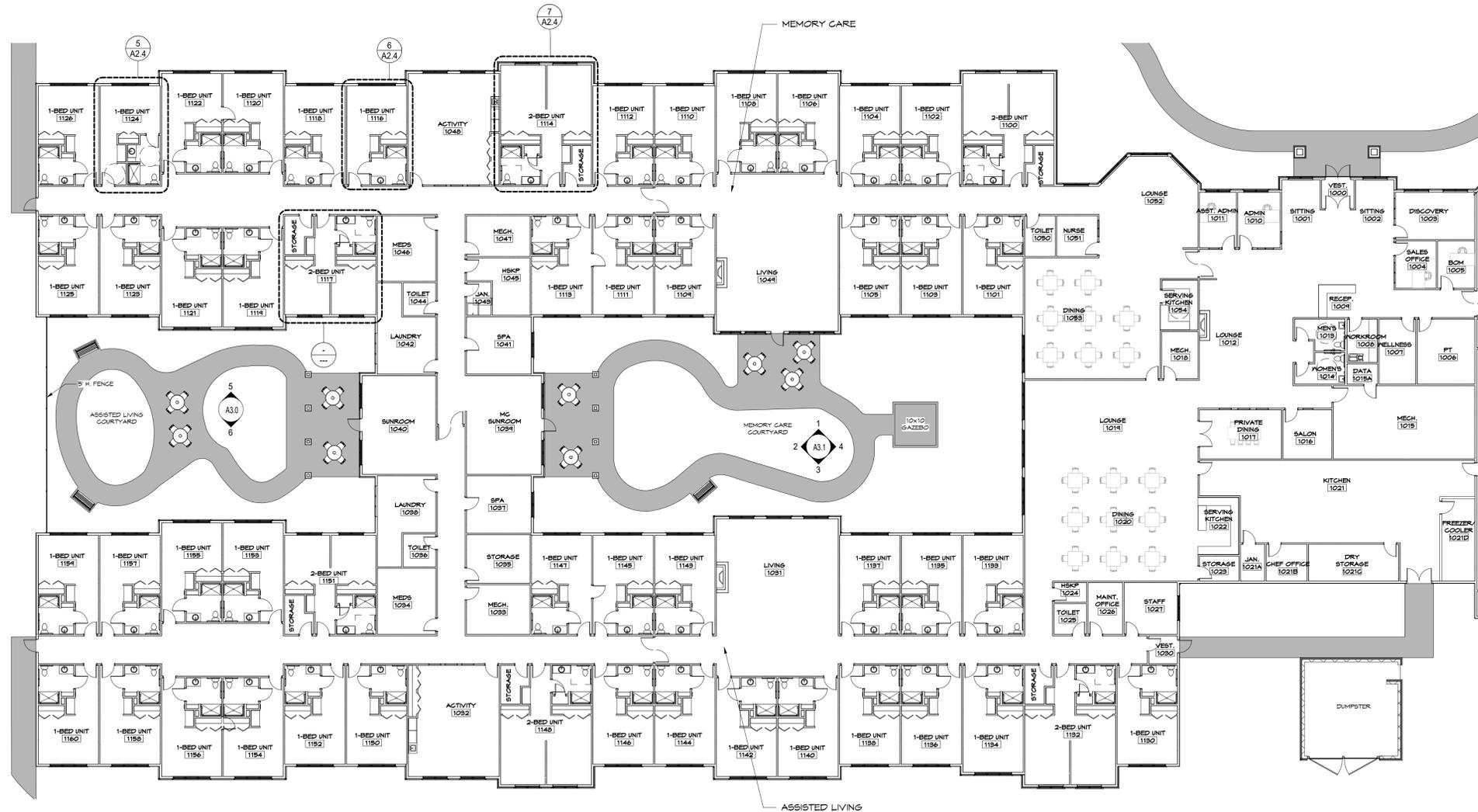
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1 CBRF
A2.1 SCALE: 1/16" = 1'-0"

PROPOSED PROJECT:

THE COURTYARD AT SUSSEX

W235 N6350 HICKORY DRIVE
SUSSEX, WI

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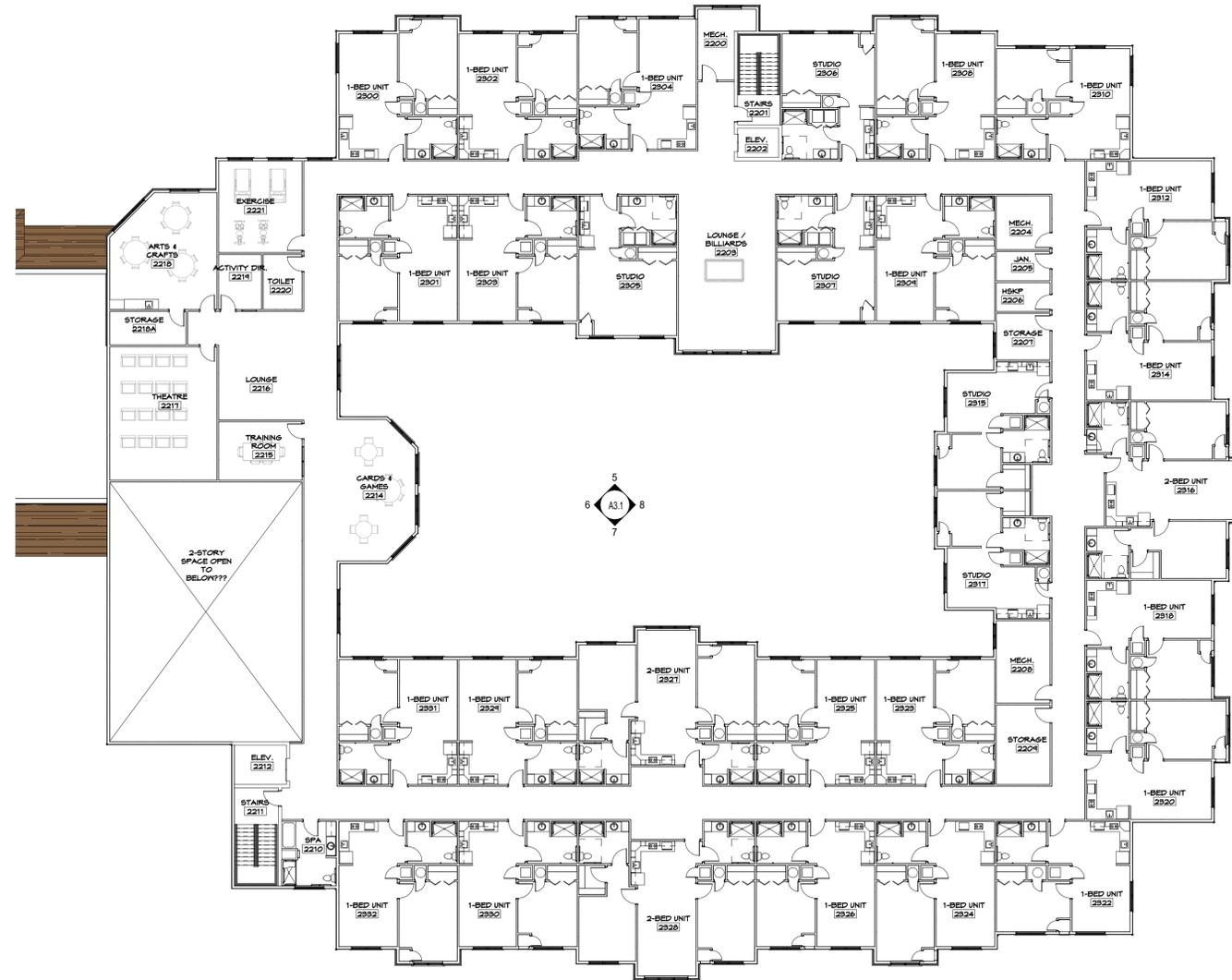
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SITE PLAN SUBMITTAL 1-24-2020



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1 NORTH ELEVATION (FRONT)
A3.0 SCALE: 1" = 20'-0"



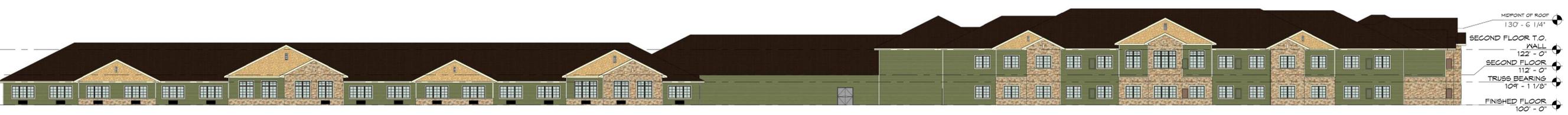
3 WEST ELEVATION
A3.0 SCALE: 1" = 20'-0"



5 NORTH AL COURTYARD ELEVATION
A3.0 SCALE: 1" = 20'-0"



6 SOUTH AL COURTYARD
A3.0 SCALE: 1" = 20'-0"



4 SOUTH ELEVATION
A3.0 SCALE: 1" = 20'-0"



2 EAST ELEVATION
A3.0 SCALE: 1" = 20'-0"

PROPOSED PROJECT:
THE COURTYARD AT SUSSEX
W235 N6350 HICKORY DRIVE
SUSSEX, WI

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Project Number 20-1050
Date 1/21/20
Drawn By VP
Checked By KK

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SITE PLAN SUBMITTAL 1-24-2020

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1 NORTH MC COURTYARD
A3.1 SCALE: 1" = 20'-0"



2 WEST MC COURTYARD
A3.1 SCALE: 1" = 20'-0"



3 SOUTH MC COURTYARD
A3.1 SCALE: 1" = 20'-0"



4 EAST MC COURTYARD
A3.1 SCALE: 1" = 20'-0"



5 NORTH IL COURTYARD
A3.1 SCALE: 1" = 20'-0"



6 WEST IL COURTYARD
A3.1 SCALE: 1" = 20'-0"



7 SOUTH IL COURTYARD
A3.1 SCALE: 1" = 20'-0"



8 EAST IL COURTYARD
A3.1 SCALE: 1" = 20'-0"

PROPOSED PROJECT:

THE COURTYARD AT SUSSEX
W235 N6350 HICKORY DRIVE
SUSSEX, WI

REVISIONS

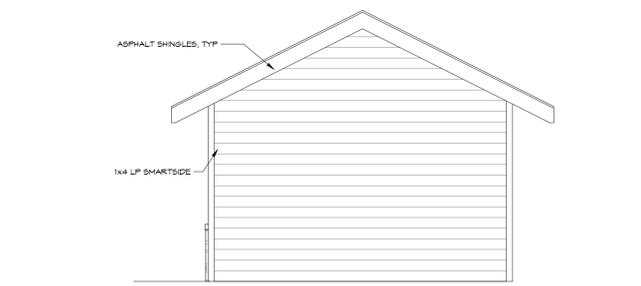
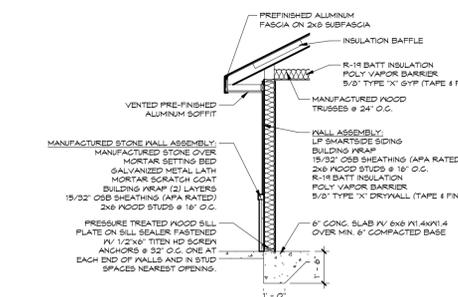
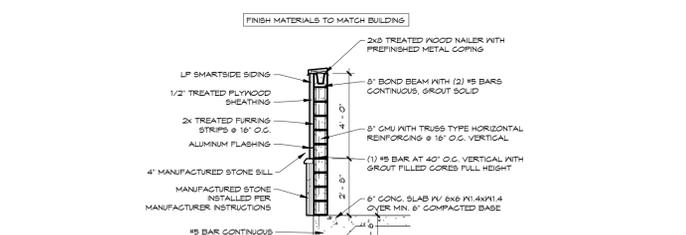
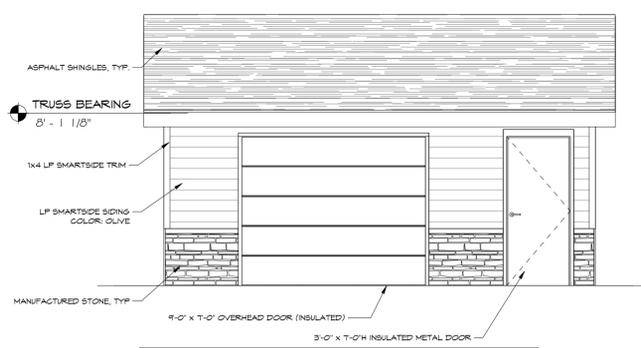
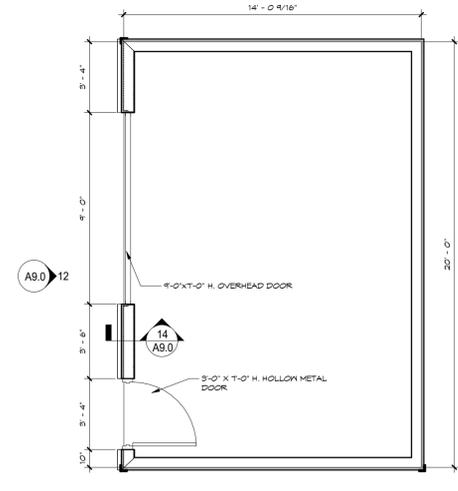
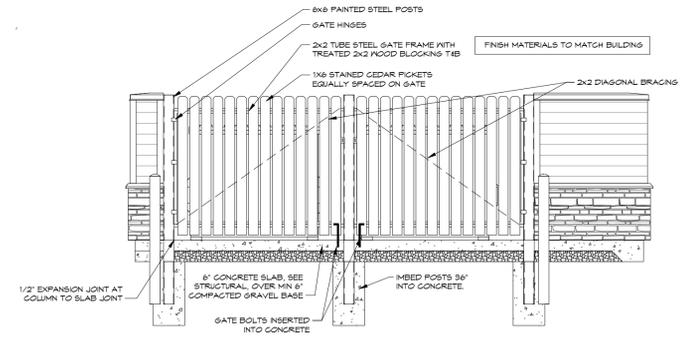
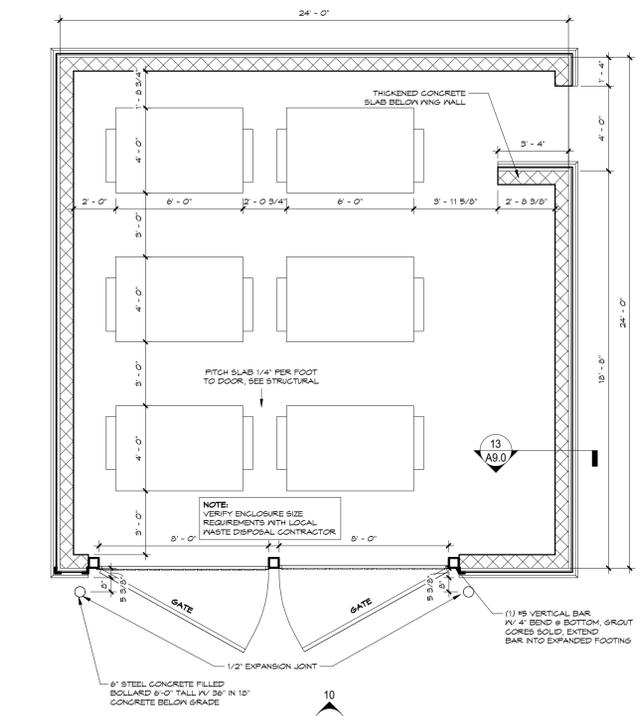
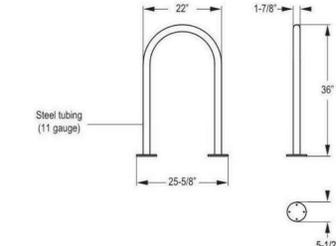
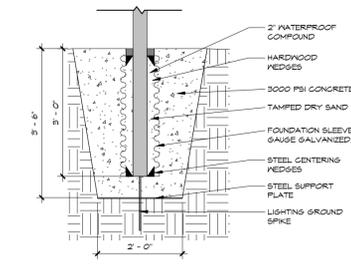
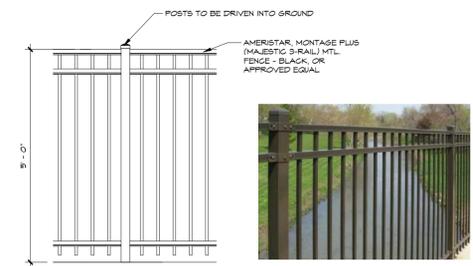
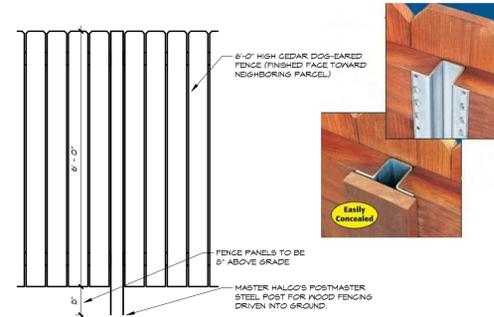
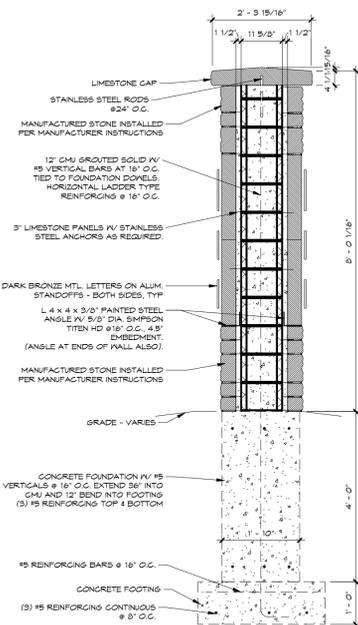
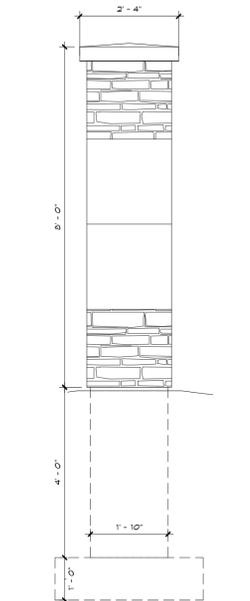
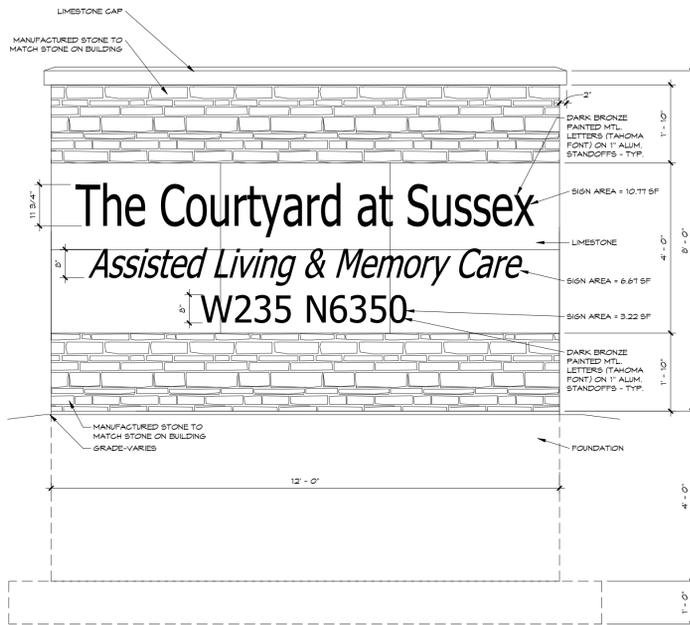
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SITE PLAN SUBMITTAL 1-24-2020

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THE COURTYARD AT SUSSEX
 W235 N6350 HICKORY DRIVE
 SUSSEX, WI

PROPOSED PROJECT:

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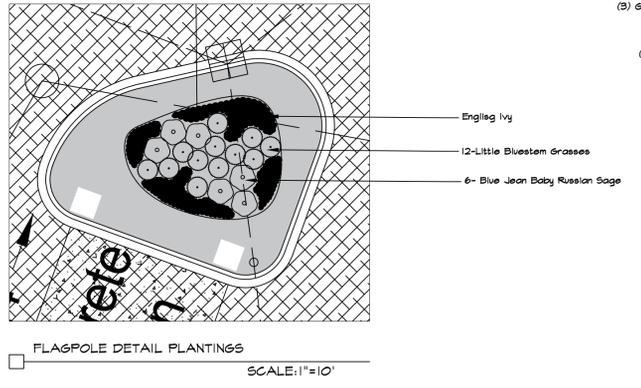
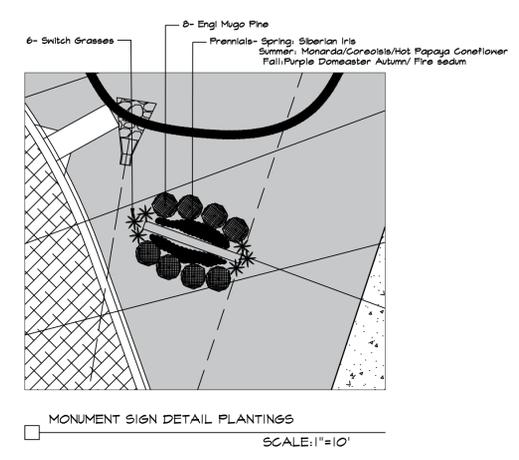
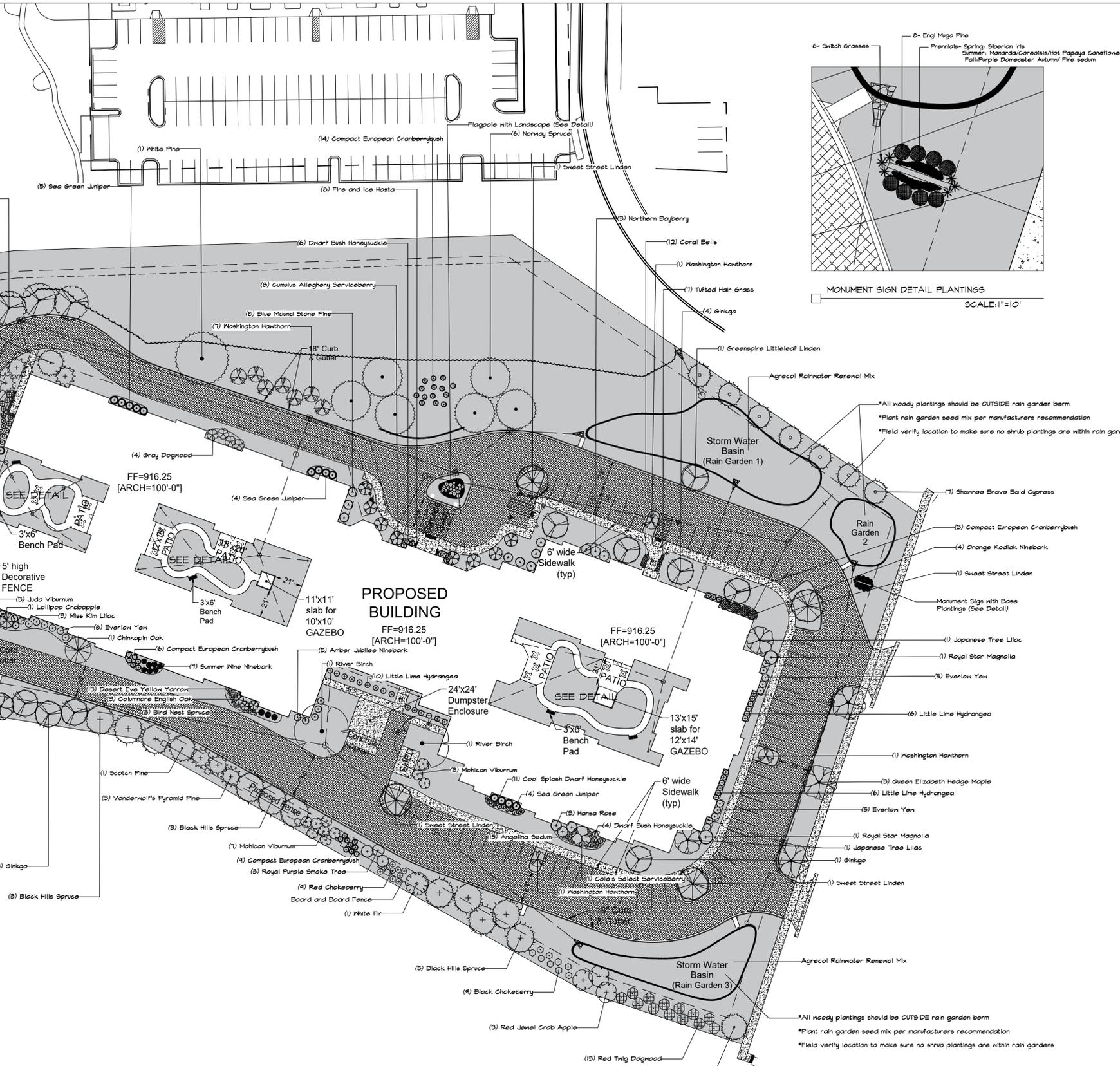
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Checked By KK

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SITE PLAN SUBMITTAL 1-24-2020

| Planting | Qty/Line |
|----------------------------------|----------|
| <i>Nicotiana glauca</i> | 1.00 |
| <i>Aster ericoides</i> | 0.10 |
| <i>Aster novae-angliae</i> | 1.50 |
| <i>Baptisia leucantha</i> (alba) | 4.00 |
| <i>Eupatorium maculatum</i> | 0.80 |
| <i>Eupatorium perfoliatum</i> | 0.50 |
| <i>Liatris pycnostachya</i> | 2.50 |
| <i>Liatris spicata</i> | 5.00 |
| <i>Lobelia cardinalis</i> | 0.25 |
| <i>Lobelia siphilitica</i> | 0.50 |
| <i>Monarda fistulosa</i> | 1.50 |
| <i>Physostegia virginiana</i> | 1.50 |
| <i>Pyrocephalus rubineus</i> | 0.50 |
| <i>Rudbeckia hirta</i> | 2.25 |
| <i>Rudbeckia subtomentosa</i> | 2.00 |
| <i>Solidago ohioensis</i> | 0.50 |
| <i>Tradescantia virginiana</i> | 1.25 |
| <i>Verbena hastata</i> | 1.00 |
| <i>Vernonia fasciculata</i> | 1.00 |

| Grasses, Sedges, & Rushes | Qty/Line |
|---------------------------------|----------|
| <i>Briza media</i> | 20.00 |
| <i>Calamagrostis canadensis</i> | 1.00 |
| <i>Carex bebbii</i> | 2.00 |
| <i>Carex crawfordii</i> | 1.00 |
| <i>Carex crinita</i> | 0.75 |
| <i>Carex stipitata</i> | 1.50 |
| <i>Carex vulpinoidea</i> | 1.00 |
| <i>Elymus canadensis</i> | 24.00 |
| <i>Elymus virginicus</i> | 32.00 |
| <i>Glyceria grandis</i> | 1.00 |
| <i>Panicum virgatum</i> | 3.50 |
| <i>Scirpus atrovirens</i> | 0.50 |
| <i>Scirpus cyperinus</i> | 0.50 |
| <i>Sorghastrum nutans</i> | 5.00 |
| <i>Spartina pectinata</i> | 3.00 |



PROPOSED GARDEN DESIGN FOR:

THE COURTYARD AT SUSSEX

SENIOR LIVING FACILITY

SUSSEX, WISCONSIN

GARLAND ALLIANCE
LANDSCAPE ARCHITECTS



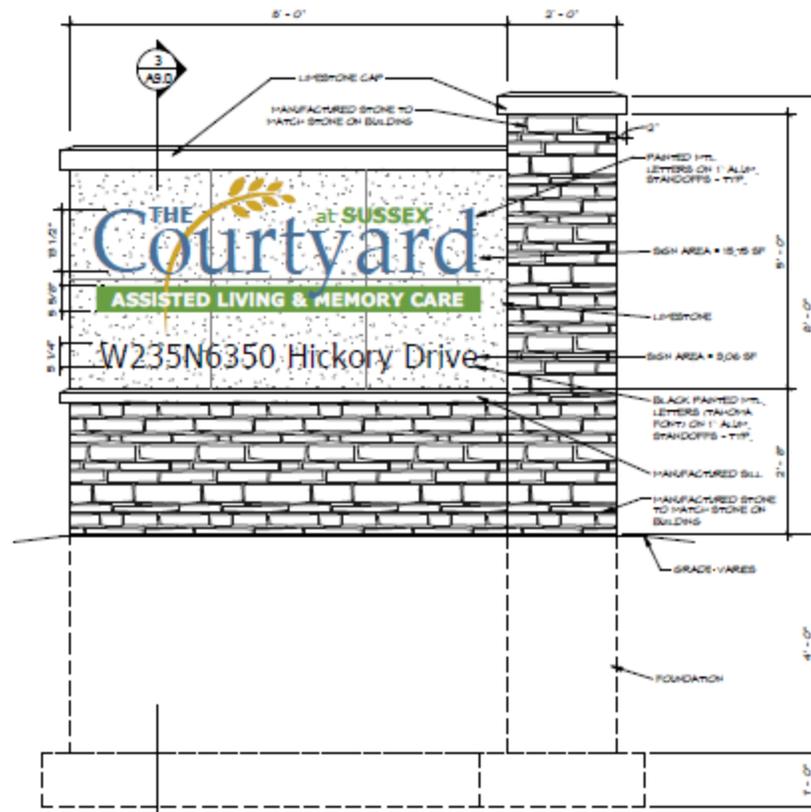
5707 6th Ave
Kenosha/WI 53140
garlandalliance@gmail.com
(414) 688-1641

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| JANUARY 21, 2020 |
| JANUARY 23, 2020 |
| FEBRUARY 19, 2020 |
| FEBRUARY 27, 2020 |
| FEBRUARY 28, 2020 |

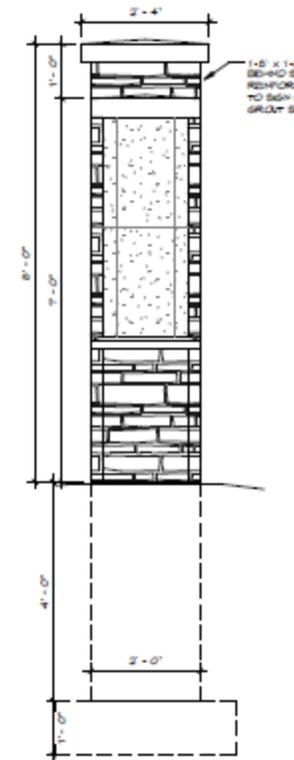
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LANDSCAPE PLAN





1 SIGN FRONT
A9.0 SCALE: 1/2" = 1'-0"



2 SIGN END
A9.0 SCALE: 1/2" = 1'-0"



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222

Email: info@villagesussex.org
Website: www.villagesussex.org

MEMORANDUM

TO: Plan Commission

FROM: Jeremy Smith, Village Administrator

RE: Impact Report on Conditional Use Permit for The Courtyard at Sussex

DATE: March 11, 2020

This impact report for the Conditional Use request for The Courtyard at Sussex a community based residential facility and the impacts of said use to neighboring properties and to the Village Services.

SITE LOCATION: W235N6350 Hickory Drive ZONING: B-4

TRAFFIC AND PARKING IMPACTS:

The anticipated impact to the area, Hickory Drive entrance and exit, will be limited to the employees for the 24/7 shifts approximately 16 employees. The site will have 74 parking stalls for visitors and staff most residents will not have vehicles. The Senior Living Facility should designate parking for staff, visitors and residents.

NOISE, ODOR, DUST AND LIGHT IMPACTS:

Noise generated from the operation is likely to be minimal; owners have a landscape plan with fencing and plantings to help minimize the impact to adjacent property owners.

The Senior Living Facility is not likely to cause and odor or dust problem to impact adjacent property owners.

The lighting is only that which was approved for the building/site and there are no lighting concerns present, if complaints arise, the owners will need to address and make adjustments.

SAFETY, CRIME, FIRE PREVENTION IMPACTS:

The Director of Police Services does not anticipate additional calls to this site; internal security of the safety for the residents and staff should be addressed by the owners.

The Fire Chief does anticipate emergency medical calls to the site, based on the proposed mixed care units it is likely there will be between 50 to 220 incidents per year. This would mean an approximate 13% net increase in call volume. Many of these residents will have already been Sussex residents so the calls are shifting from private homes to this facility. It is also highly likely that many of these residents will be in categories where the Village does not receive full reimbursement for ambulance and medical services. These are costs of an aging population on government services. Of greatest concern is that the facility provides the appropriate levels of nurse staffing and at all hours of the day to handle basic needs of the residents so the Paramedics are called only when truly needed for medical emergencies.

There are no specific concerns about fire impacts inside the operation. The emergency access area at Pembroke should be accessible and no cars should be parked outside of designated parking stalls. The Sussex Fire Department needs information about the Knox Box to the building.

There is not likely to be any additional nuisance from said operations and no specific concerns with respect to crime or fire were indicated.

HEALTH AND SANITATION IMPACTS:

All trash, debris and recycle materials are disposed of by the owner. The use as proposed by the owner is not likely to produce significant waste streams, but even a nominal waste increase from the drivers must be mitigated. The Courtyard at Sussex has a sizeable enclosed dumpster area and should contract with the necessary entities for disposal of trash and any medical waste disposal.

There is not likely to be any health concerns from the operation as proposed.

PROPERTY MAINTENANCE IMPACTS:

The property is subject to and must adhere to Village Ordinances. There are no concerns at this time.

MISCELLANEOUS IMPACTS:

The Operation as proposed is unlikely to lead to any measurable impact to most Village services beyond normal business operations. The one exception is Paramedic services, which will see a sizeable increase. The Fire Department is in a transition switching to full time coverage from a paid on call system. This transition was occurring prior to and not related to this facility and such a transition will enable the Village to address the higher volume caused by the facility although there will be some stress on the system in the short run. The Plan Commission should insist on a plan for the operator to demonstrate appropriate staffing around the clock to minimize paramedic impact to emergency situations only.

The Village currently has limited senior housing of this type and for residents at that stage in life looking to maintain connections to the community, this facility can offer that quality of life opportunity for the Village's long term residents and for their family members who may also live here.

The facilities operation will not result in the need for the Village to fund/hire additional Public Works, Parks, Library, Administration, or Garbage resources.



Creative Sign Co.
505 Lawrence Dr.
De Pere, WI 54115
Ph: 920.336.8900
www.greenbaysigns.com

February 12, 2020

Our client, Froedtert Health, is requesting a secondary monument that will be located at the entrance drive of their new health center located at N64W25037 Prospect Circle.

Their primary monument will be located at the intersection of Hwy 64 and Prospect Circle where patients will need to turn onto Prospect Circle in order to access the clinic drive. The reason Froedtert Health is requesting the secondary monument is because:

- Prospect Circle can also be accessed via Waukesha VV / Silver Spring Drive so it would be helpful to have a secondary monument sign that marks the entrance to the health center driveway.
- Since Froedtert is using a significant amount of stone on the clinic exterior, a small monument style sign on a stone base would tie in better with the landscape and surrounding businesses rather than a simpler post and panel style sign.
- There will be a significant amount of landscaping between the primary sign, the building and the secondary monument so the property will not appear to be "cluttered" with signage.

We have supplied a drawing of the proposed design and site plans showing the proposed location of the monument for your review. Please let me know if you have any questions or require additional information.

Thank you,

Andrea Swanson
Sr. Project Manager / Sign Consultant
Creative Sign Company
920.336.8900 Ext. 1018
andrea@creativesigncompany.com
www.creativesigncompany.com



505 LAWRENCE DR, DE PERE, WI 54115
920.336.8900 GREENBAYSIGNS.COM

CLIENT: FROEDTERT

LOCATION: N64W25037 PROSPECT CIRCLE, SUSSEX, WI
DRAWN BY: NICOLE P
SALESPERSON: ANDREA S
DATE: 08/01/2019
DESIGN #: D15654
PAGE: 1.1a

| REVISION LOG: | INTL | DATE | DESCRIPTION |
|---------------|------|------------|-------------|
| | NP | 02/11/2020 | ILLUMINATED |

MONUMENT

QUANTITY: 1
SIDES: D/F
LIGHTING: LED ILLUMINATED (WHITE)
CABINET: FABRICATED ALUM (12")
RETAINER: 1.5"
FACE: LEXAN
GRAPHICS: DIGITAL PRINT, 1ST & 2ND SURFACE
VINYL: PREMIUM CLEAR W/ GLOSS LAM
FONT: MYRIAD PRO BOLD
MOUNTING: ON TOP OF BASE

REVEAL: 2"
CAP: 1"

PHOTO EYE: TBD

INSTRUCTION: CSC TO PRODUCE AND INSTALL.

COLORS:

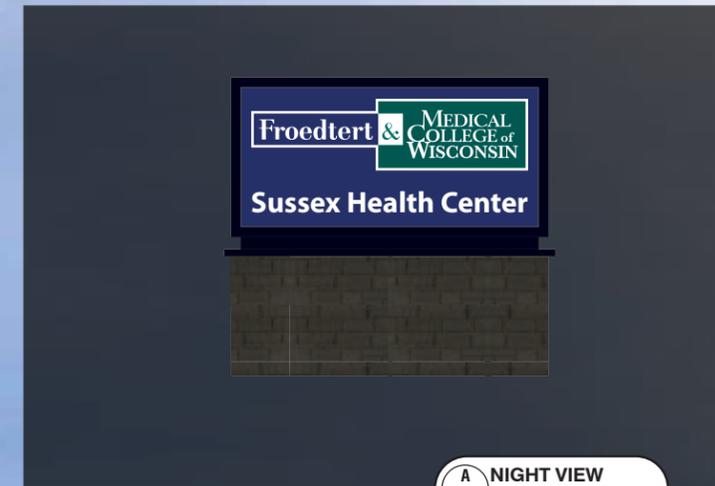
- C-1/P-1 PMS 2747C (FROEDTERT BLUE)
- C-2 PMS 3292C (FROEDTERT GREEN)
- C-3 WHITE

CUSTOMER SIGNATURE FOR DESIGN APPROVAL:

DATE

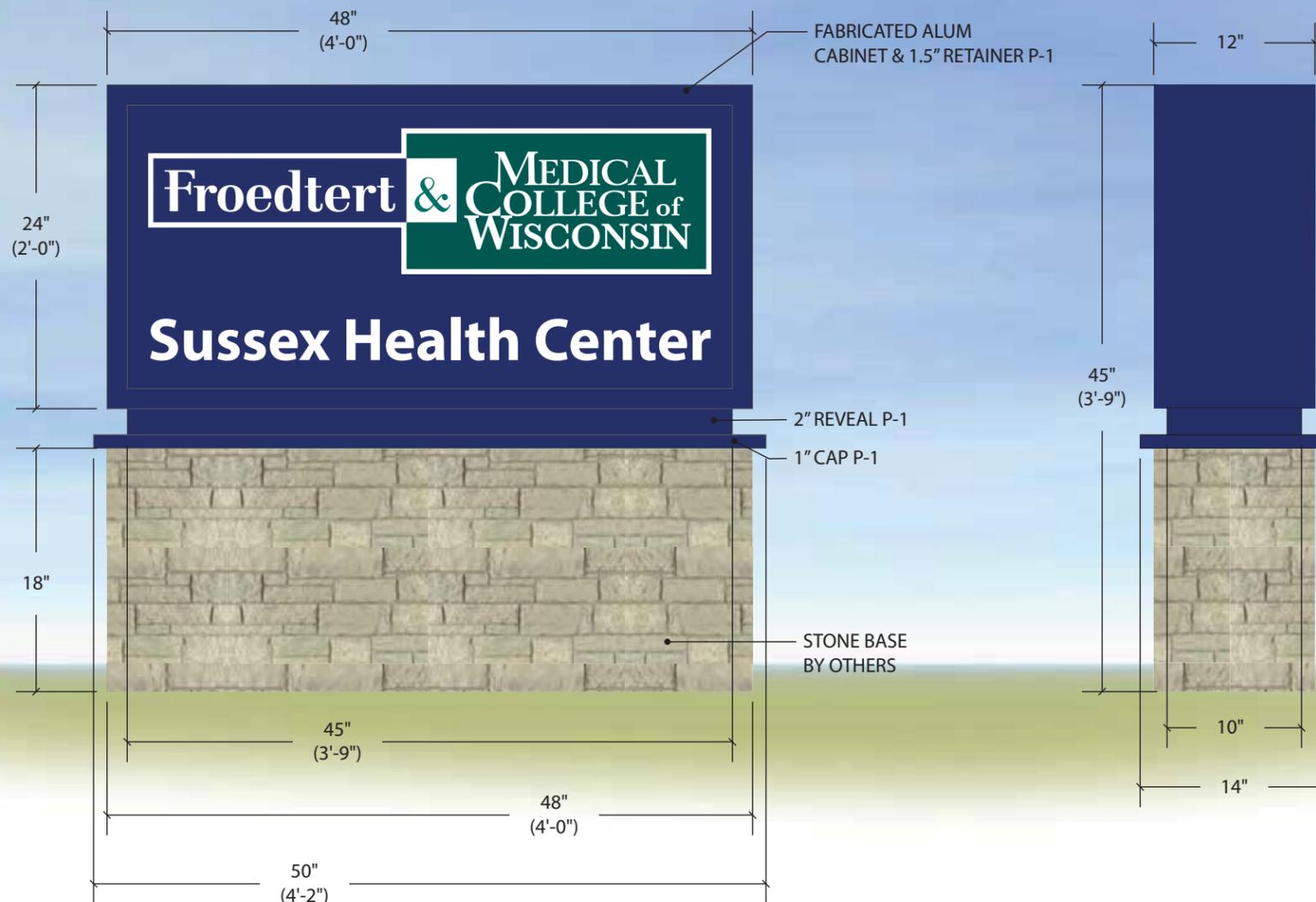


SECONDARY MONUMENT: OPT 1



A NIGHT VIEW
2 N.T.S.

A DETAIL VIEW
1 SCALE: 1" = 1'



Michelle Dempsey
Digitally signed by Michelle Dempsey
DN: C=US,
E=michelle.dempsey@froedtert.com,
O=Froedtert Health, CN=Michelle Dempsey
Date: 2020.02.11 14:30:26-06'00'

CONCEPTUAL DRAWING ONLY - NOT FOR FABRICATION PURPOSES (SIZES ARE APROX)

This is an original, unpublished drawing by Creative Sign Co, Inc. It is for your personal use, in conjunction with a project being planned for you by Creative Sign Co, Inc. It is not to be shown to anyone outside of your organization nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the expressed written permission of Creative Sign Co, Inc., is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. Creative Sign will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for clients conception of the project and are not to be understood as being exact size or exact scale.

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 7 and Lot 8 of Block 1 of Certified Survey Map No. 3793, located in the Northeast 1/4 & Northwest 1/4 of the Northwest 1/4 of Section 25, Township 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin.

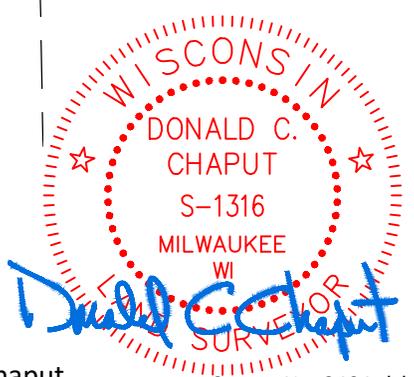
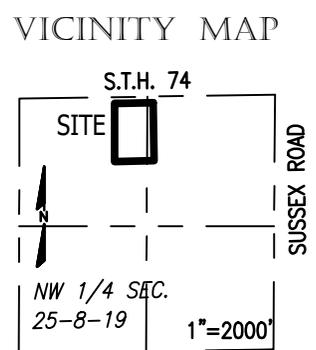
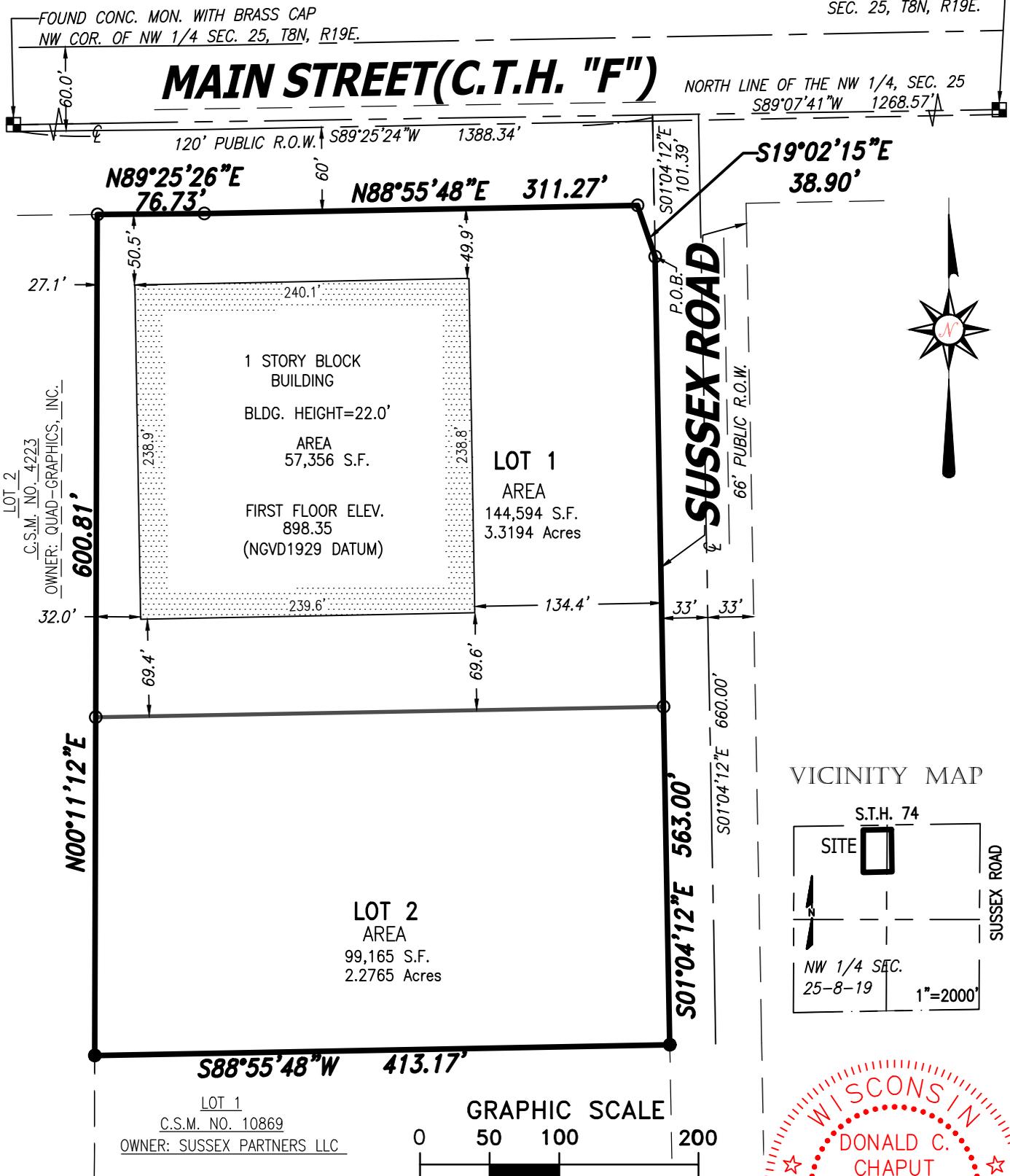
LEGEND

Owner : QUAD-GRAPHICS INC.
N61W23044 Harrys Way
Sussex, WI 53089-3995

- Indicates found 1" iron pipe
- Indicates set 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.

All bearings are referenced to the Wisconsin State Plane Coordinate System (South zone) dated Dec., 2015 in which the North line of the NW 1/4, Section 25, Township 8 North, Range 19 East bears N89°07'41"E.

FOUND CONC. MON. WITH BRASS CAP NE COR. OF NW 1/4 SEC. 25, T8N, R19E.



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Survey No. 3404-dzb
Sheet 1 of 5 Sheets

Date: January 23, 2020
Rev: March 3, 2020

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 7 and Lot 8 of Block 1 of Certified Survey Map No. 3793, located in the Northeast 1/4 & Northwest 1/4 of the Northwest 1/4 of Section 25, Township 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the Village of Sussex on this ___ day of _____, 2020.

GREGORY GOETZ, CHAIRPERSON

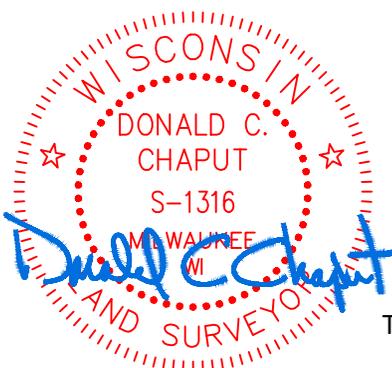
SAM LIEBERT, VILLAGE CLERK

VILLAGE BOARD APPROVAL

APPROVED by the Village Board of the Village of Sussex on _____ day of _____, 2020.

GREGORY GOETZ, PRESIDENT

SAM LIEBERT, VILLAGE CLERK



Date: January 23, 2020
Rev: March 3, 2020

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Survey No. 3404-dzb
Sheet 5 of 5 Sheets

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

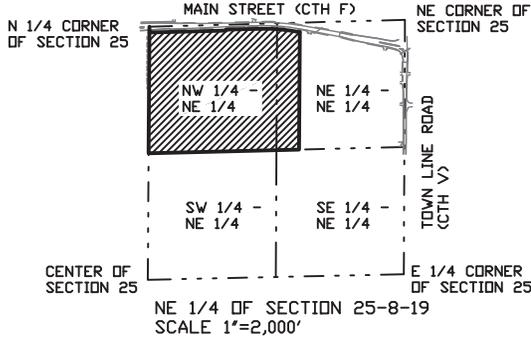
CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

OWNER

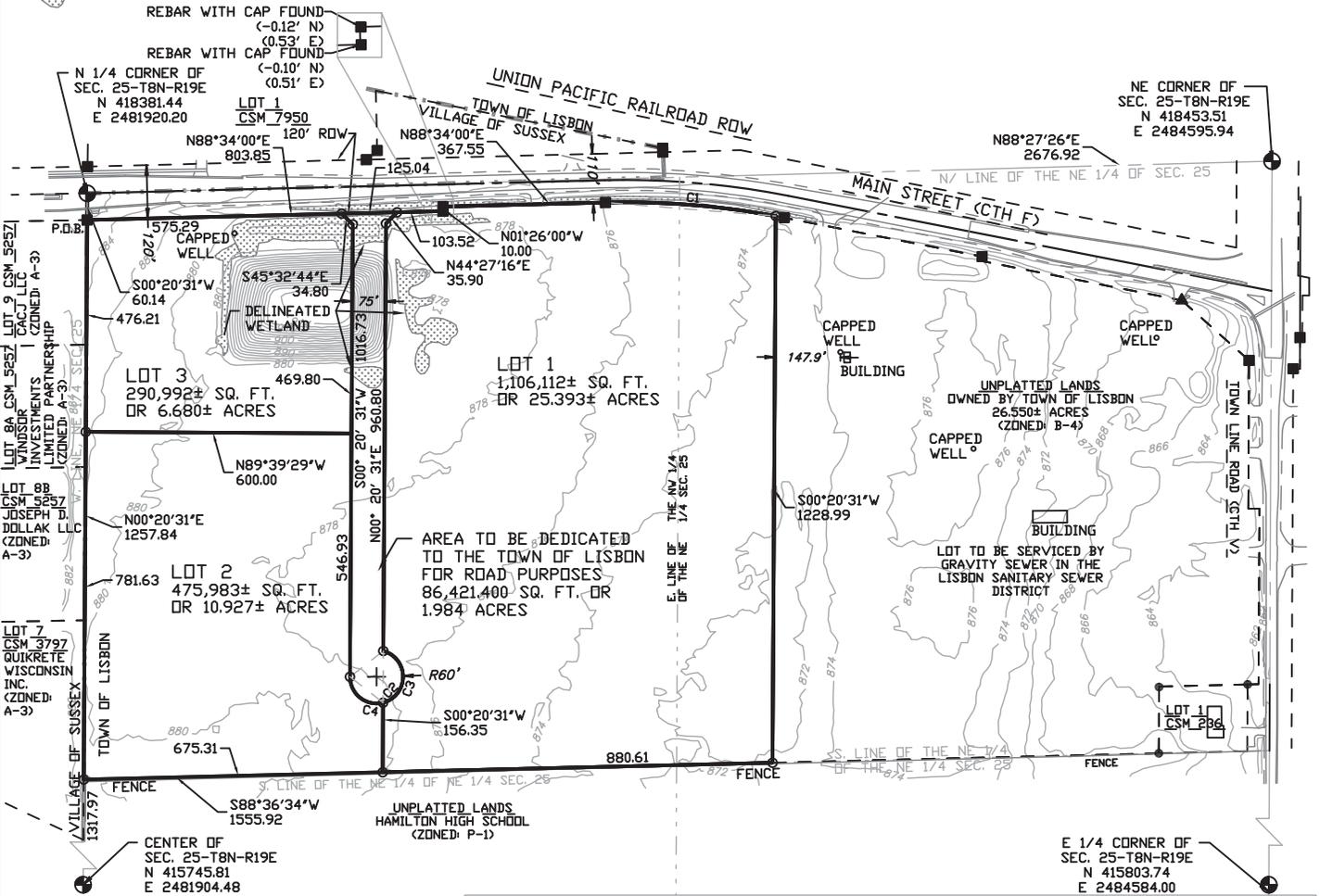
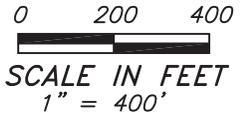
TOWN OF LISBON
W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545

LEGEND

- ⊕ BRASS CAP IN CONC.
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- ▲ MAG NAIL FOUND
- (R.A.) DENOTE "RECORDED AS"
- ⊙ DENOTE SOIL BORING
- B & SW = SOIL TEST BORING
- P = PROBE TO BEDROCK
- TS = TOPSOIL THICKNESS PROBE
- 874 EXISTING CONTOUR GRADE
- DELINEATED WETLAND



REFERENCE BEARING; THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 25, T.8N., R.19E., IS USED AS THE REFERENCE BEARING AND HAS A BEARING OF N88°27'28"E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)



| Curve Table | | | | | | | |
|-------------|---------|---------------|--------------|---------------|------------|--------------------|---------------------|
| Curve # | Radius | Chord Bearing | Chord Length | Radius Length | Delta | Tangent Bearing IN | Tangent Bearing OUT |
| C1 | 1859.86 | S85° 28' 53"E | 385.70 | 386.40 | 011°54'13" | N88° 34' 00"E | S79° 31' 47"E |
| C2 | 60.00 | N52° 30' 12"E | 94.97 | 267.42 | 255°22'04" | S00° 11' 14"W | N75° 10' 49"W |
| C3 | 60.00 | S00° 20' 31"W | 116.19 | 158.17 | 151°02'42" | S75° 10' 50"E | S75° 51' 52"W |
| C4 | 60.00 | N51° 58' 27"W | 94.77 | 109.25 | 104°19'21" | S75° 51' 52"W | N00° 11' 13"E |

NOTE;

- 1) SEE PAGE 3 FOR EASEMENT AND BUILDING SETBACK INFORMATION
- 2) SEE PAGE 6 FOR VISION CORRIDOR EASEMENT DETAILS
- 3) EXISTING CONTOURS SHOWN ARE PER WAUKESHA COUNTY GIS

Christopher J. Kunkel

CHRISTOPHER J. KUNKEL - WIS REG. NO. S-1755

DATED 13 DAY OF February, 2020

KUNKEL
engineering
group
107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454

WISCONSIN
CHRISTOPHER J. KUNKEL
S-1755
WAUKESHA, WI
LAND SURVEYOR

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

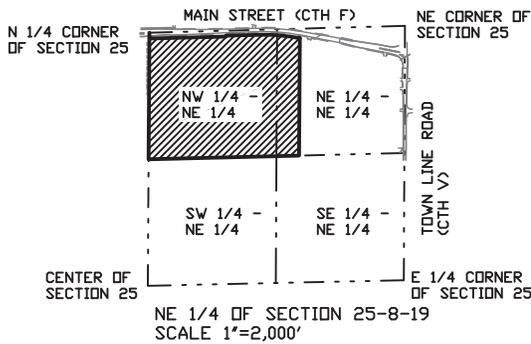
CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

OWNER

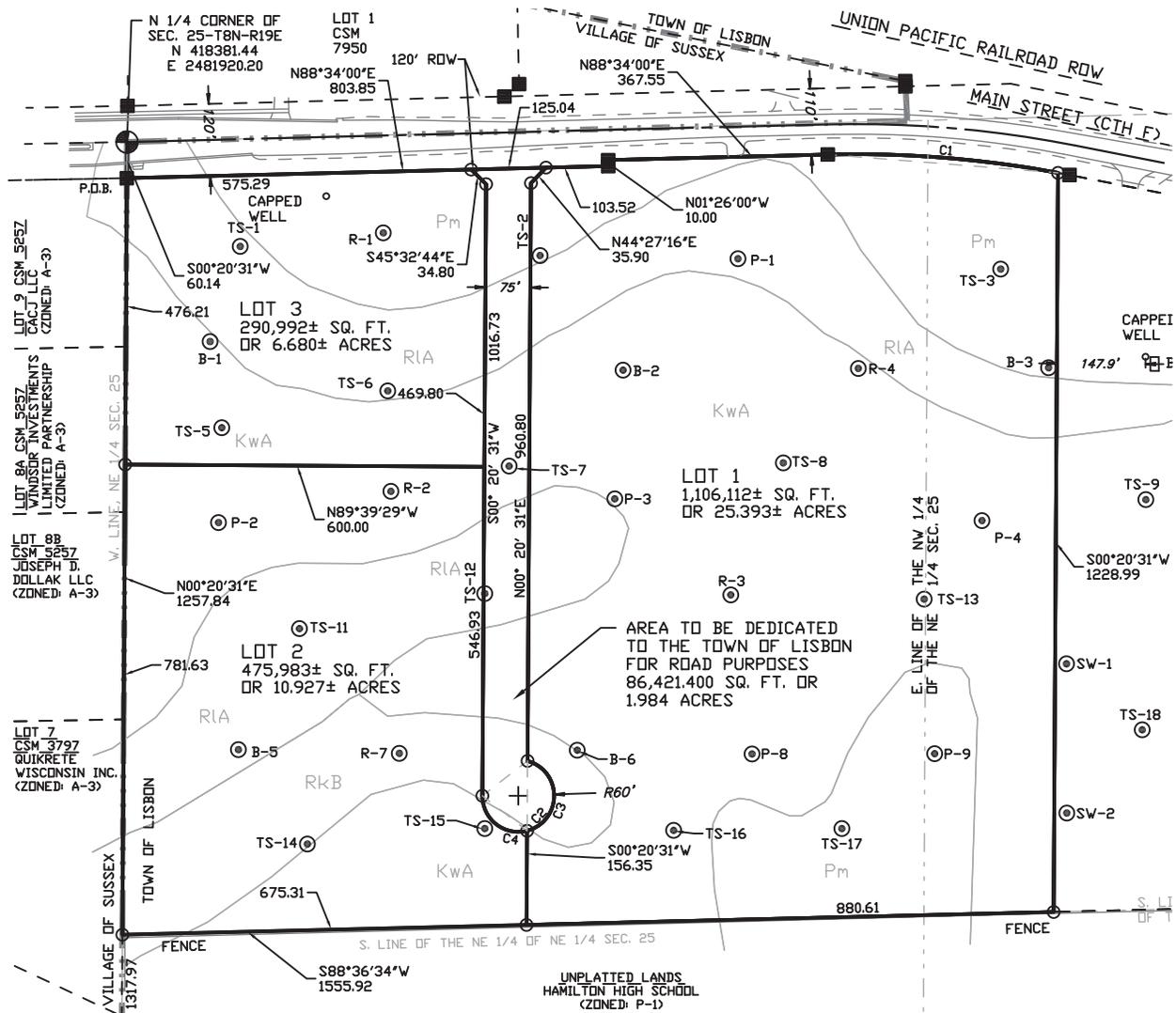
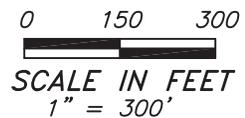
TOWN OF LISBON
W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545

LEGEND

- ⊕ BRASS CAP IN CONC.
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- ▲ MAG NAIL FOUND
- MUNICIPAL BOUNDARY
- (R.A.) DENOTE "RECORDED AS"
- ⊙ DENOTE SOIL BORING
- B & SW = SOIL TEST BORING
- P = PROBE TO BEDROCK
- TS = TOPSOIL THICKNESS PROBE



REFERENCE BEARING; THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 25, T.8N., R.19E., IS USED AS THE REFERENCE BEARING AND HAS A BEARING OF N88°27'28"E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)



SOILS DATA

MAP UNIT SYMBOL

- KwA - KNOWLES SILT LOAM
- Pm PELLA SILT LOAM
- RkB RITCHEY SILT LOAM
- RIA RITCHY SILT LOAM

NOTE;

- 1) EXISTING SOILS INFORMATION SHOWN PER WAUKESHA COUNTY GIS
- 2) SOIL BORINGS DONE REVEALED SHALLOW BEDROCK THROUGHOUT THE SITE



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107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454



SEALED 2/13/2020

PAGE 2 OF 5

DRAFTED BY N.A.C. 2/3/2020

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

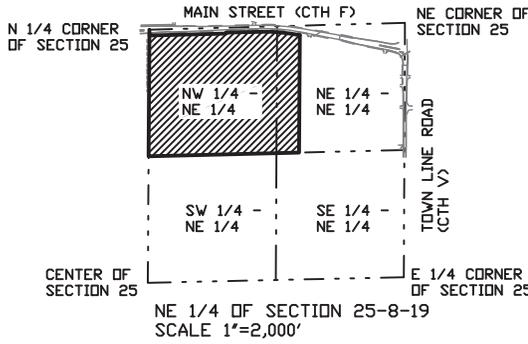
OWNER

TOWN OF LISBON
W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545

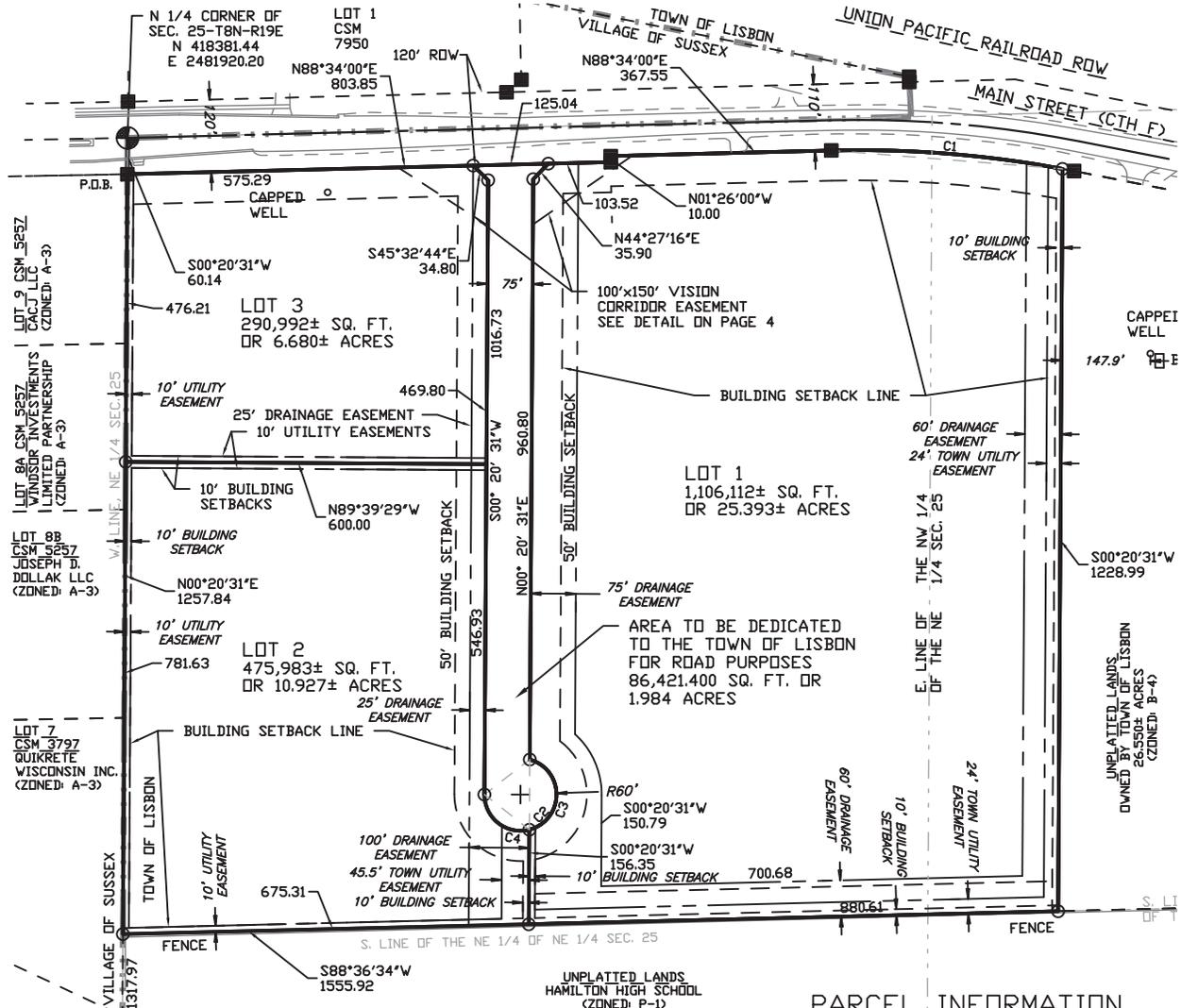
LEGEND

- ⊕ BRASS CAP IN CONC.
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- ▲ MAG NAIL FOUND
- MUNICIPAL BOUNDARY (R.A.) DENOTE "RECORDED AS"

0 150 300
SCALE IN FEET
1" = 300'



REFERENCE BEARING; THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 25, T.8N., R.19E., IS USED AS THE REFERENCE BEARING AND HAS A BEARING OF N88°27'28"E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)



PARCEL INFORMATION

ZONING: M-2 GENERAL INDUSTRIAL

BUILDING SETBACKS
PUBLIC ROAD = 50 FEET
SIDE YARD = 10 FEET
REAR YARD = 10 FEET

NOTE;
1) ALL EASEMENT FOR TOWN UTILITIES ARE DEDICATED TO THE TOWN OF LISBON UNLESS OTHERWISE PROVIDED

KUNKEL
engineering
group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454

WISCONSIN
CHRISTOPHER J. KUNKEL
S-1755
WAUKESHA, WI

SEALED 2/13/2020

PAGE 3 OF 5

DRAFTED BY N.A.C. 2/3/2020

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Christopher J. Kunkel, Professional Land Surveyor of the State of Wisconsin, do hereby certify that by order of Town of Lisbon I have made a survey of land located in the NW 1/4 and NE 1/4 of the NE 1/4 of Section 25, Town 8 North, Range 19 East, of the Town of Lisbon, Waukesha County, Wisconsin.

Commencing at the NW corner of the NE 1/4 of Section 25, T8N, R19E, Waukesha County, Wisconsin;
thence S0°20'31"W along the West line of said 1/4 section a distance of 60.14 feet to a point in the southerly right of way line of Main Street (CTH F) and point of beginning;
thence N88°34'00"E, along said southerly right of way line, a distance of 803.85 feet to a point;
thence N1°26'00"W, along an offset in said southerly right of way line, a distance of 10.00 feet to a point;
thence N88°34'00"E, along said southerly right of way line, a distance of 367.55 feet to a point;
thence easterly along a curve to the right having a radius of 1859.86 feet, a central angle of 11°54'13", an arc length of 386.40', and chord of 385.70' bearing S85°28'54"E, to a point;
thence S0°20'31"W, a distance of 1228.99 feet to a point;
thence S88°36'34"W a distance of 1555.92 feet to a point in the west line of said 1/4 section;
thence N0°20'31"E along the West line of said 1/4 section a distance of 1257.84 feet to the point of beginning.

Said parcel contains 1,959,509± square feet or 44.984± acres, more or less

I further certify that this map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land; that I have complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the subdivisions regulations of the Town of Lisbon and Village of Sussex, in surveying, dividing and mapping the same, to the best of my knowledge and belief.

Dated this 13 day of February, 2020


Christopher J. Kunkel, PLS S-1755

TOWN BOARD APPROVAL CERTIFICATE;

Resolved that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Town Board.

All conditions have been met as of the _____ day of _____, 2020

Dated: _____ Signed _____
Joseph Osterman, Town Chairman

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Town Board of the Town of Lisbon

Dated: _____ Signed _____
Rick Goeckner, Town Clerk


KUNKEL
engineering
group
107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454



WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

PLAN COMMISSION APPROVAL CERTIFICATE:

APPROVED, that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Plan Commission.

Approved as of the _____ day of _____, 2020

Dated: _____ Signed _____
Joseph Osterman, Town Chairman

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Plan Commission of the Town of Lisbon

Dated: _____ Signed _____
Rick Goeckner, Town Clerk

EXTRATERRITORIAL VILLAGE BOARD APPROVAL CERTIFICATE:

Resolved that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Village Board of the Village of Sussex.

All Conditions have been met as of the _____ day of _____, 2020

Dated: _____ Signed _____
Gregory Goetz, Village President

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Village Board of the Village of Sussex.

Dated: _____ Signed _____
Sam Liebert, Administrative Services Director

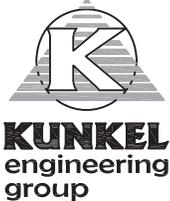
EXTRATERRITORIAL PLAN COMMISSION APPROVAL CERTIFICATE:

APPROVED, that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Village of Sussex Plan Commission.

Approved as of the _____ day of _____, 2020

Dated: _____ Signed _____
Gregory Goetz, Chairman

Dated: _____ Signed _____
Sam Liebert, Administrative Services Director

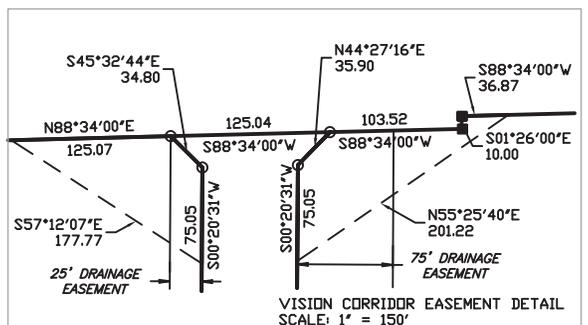


KUNKEL
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group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454



WISCONSIN
CHRISTOPHER J. KUNKEL
S-1755
WAUKESHA, WI



ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE
SECTION 17.0416 A. 4. (a), SECTION 17.0417 A. 4. (a), SECTION 17.0418 A. 4. (a)
SECTION 17.0419 C. 4. (a), SECTION 17.0420 A. 4. (a) and SECTION 17.0421 A. 4. (a)
CHAPTER 17 ZONING CODE ORDINANCE OF THE
VILLAGE OF SUSSEX MUNICIPAL CODE.

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code to repeal and recreate Sections pertaining to permitted uses for Financial Service Institutions; and

WHEREAS, the Village of Sussex Plan Commission has initiated said ordinance to provide clarification of language and necessary changes due to new State Laws; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on _____, 2020, as required by Section 17.1305 of the Village of Sussex Zoning Ordinance, after providing due notice as required by Section 17.1400 of the Village of Sussex Zoning Ordinance; and

WHEREAS, following the public hearing, and upon due consideration of the recommendation from the Plan Commission, the Village Board finds that the public necessity, convenience, welfare and good zoning practice requires that the amendment to the zoning ordinance be granted as recommended by the Plan Commission;

WHEREAS, the Village Board Members are committed to aligning the Village of Sussex Zoning Code with opportunities to support growth that meet current needs without jeopardizing public safety or welfare.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. To repeal and recreate B-1 Neighborhood District Section 17.0416 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 2. To repeal and recreate B-2 Regional Business District Section 17.0417 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 3. To repeal and recreate B-3 Highway Business District Section 17.0418 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 4. To repeal and recreate B-4 Central Mixed Use District Section 17.0419 C. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 5. To repeal and recreate BP-1 Business Park District Section 17.0420 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 6. To repeal and recreate OP-1 Office Park District Section 17.0421 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 7. SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2020

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Sam Liebert, Village Clerk

Published and/or posted this _____ day of _____, 2020