



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

AGENDA
JOINT PUBLIC HEARING
PLAN COMMISSION AND VILLAGE BOARD
VILLAGE OF SUSSEX
THURSDAY, JULY 16, 2015
6:30 P.M.
VILLAGE HALL, N64W23760 MAIN STREET-LOWER LEVEL

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

1. Roll call.
2. Presentation by Petitioner on Rezoning Ordinance and Development for the Sussex Towne Center (W249N6424 STH 164).
3. Comments from citizens present.
When speaking, citizens should state their name and address for the record and be concise with their comments and presentation.
4. Adjournment.

Greg Goetz
Chairperson

Jeremy Smith,
Village Administrator

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

NOTICE OF PUBLIC HEARING
VILLAGE OF SUSSEX

TAKE NOTICE that the Village Board and Plan Commission of the Village of Sussex, Waukesha County, Wisconsin, will hold a joint public hearing on July 16, 2015, at 6:30 p. m. at the Village Hall, N64 W23760 Main Street, Sussex to hear comments from citizens on the following matter; an ordinance to rezone property located at W249N6424 Hwy 164 approximately 8.9 acres SUXV0231989 with a current zoning of B-2 Regional Business District, to proposed zoning B-2 Regional Business District with a Planned Development Overlay. Petitioner and Property owner Roger Duchow, Concord Property Management LLC.

A copy of the petition, map and proposed ordinance are available for review at the Sussex Village Hall, N64W23760 Main Street from 8:00 a.m. until 5:00 p.m., Monday through Friday.

This hearing shall be public and citizens and persons of interest shall then be heard.

By Order of the Village Board and
Plan Commission

Susan M. Freiheit
Clerk-Treasurer

PUBLISH: Sussex Sun 7/1 & 7/8

You are being sent this notice because your property is within 200 feet of the property requesting a rezone.

STATE OF WISCONSIN

VILLAGE OF SUSSEX

WAUKESHA COUNTY

ORDINANCE NO. _____

AN ORDINANCE TO CONDITIONALLY REZONE
CERTAIN LANDS IN THE VILLAGE OF SUSSEX FROM
B-2 REGIONAL BUSINESS DISTRICT,
TO
B-2 REGIONAL BUSINESS DISTRICT WITH A
PLANNED DEVELOPMENT OVERLAY DISTRICT

WHEREAS: A petition has been filed by Roger Duchow, Concord Property Management LLC (“Petitioner”) of certain lands in the Village of Sussex to rezone said property as described in Exhibit A attached hereto and incorporated herein (“Subject Property”); and


WHEREAS: Said rezoning petition was submitted to rezone the subject properties to B-2 Regional Business District with a Planned Development Overlay District as described on Exhibit A; and

WHEREAS: The Petitioner has supplied all required data pursuant to the Village of Sussex Zoning Code; and

WHEREAS: Upon due notice as required by Section 17.1300 of the Village Code, the Village Board and Plan Commission held a joint public hearing on July 16, 2015, as required by Section 17.0435(C)(4) of the Village Code; and

WHEREAS: The Plan Commission has reviewed the basis for approval described in Section 17.0435(D) of the Village Code and has made the following findings, subject to all terms and conditions of this zoning ordinance being satisfied:

1. That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PDO within nine (9) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.
2. That the proposed Planned Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.
3. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
4. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

- 
5. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 6. The streets and driveways on the site of the proposed development shall be adequate to serve the residents/ users of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
 7. Public water and sewer facilities shall be provided.
 8. The entire tract or parcel of land to be included in a Planned Development Overlay District is held under single Ownership or if there is more than one (1) owner, the petition for such PDO shall be considered as one (1) tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot, or tract and be so recorded with the Register of Deeds.
 9. The proposed development will be adequately served by off-street parking and truck service facilities.
 10. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of the public areas.
 11. The locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 12. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

WHEREAS: The Village Plan Commission of the Village of Sussex has recommended to the Village Board of the Village of Sussex that said zoning change be made upon certain conditions; and

WHEREAS: The Village of Sussex has reviewed the basis for approval of the petition described in Section 17.0435(D) of the Village Code, and concurs with the Village Plan Commission, and makes the same findings, subject to all terms and conditions of this zoning ordinance being duly satisfied as required herein; and

WHEREAS: The Village Board of the Village of Sussex having carefully reviewed the recommendation of the Plan Commission of the Village of Sussex, having determined that all


procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code 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 hazardous, harmful, noxious, offensive 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 operation is conducted pursuant to the following conditions and in strict compliance with the same and is consistent with the recommendation found in the Village of Sussex master plan.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1: The subject property as described on **Exhibit A** is hereby rezoned to B-2 Regional Business District with a Planned Development Overlay District and the Zoning Map of the Village of Sussex is hereby amended, subject to the terms and conditions described herein.

SECTION 2: The above rezoning and zoning map amendment is conditioned upon the following conditions, which must be complied with or this ordinance is null and void:

1. Presentation Compliance. The subject property must be developed in substantial conformity with the plans presented to the Plan Commission on _____ and in substantial conformity with the presentation at the joint public hearing with the Plan Commission and Village Board on July 16, 2015 as presented shall be attached hereto and incorporated herein as **Exhibit B**.
2. Certified Survey Maps with Conditions. The Petitioner shall submit and receive all necessary approvals for the CSMs, and shall satisfy all conditions of the same.
3. Setbacks. The building setbacks shall be allowed to be no less than 20 feet for the street yard, and may be not less than 5 feet for side and rear yards. Parking and access shall be allowed across property lines with zero setbacks to promote shared driveways and efficient traffic flow.
4. Special Assessment. The payment of outstanding special assessments and any other invoices on or against this property must be paid in full prior to starting any site work.
5. Construction Sequencing Plan. Subject to the Developer submitting to and receiving approval from the Village Engineer a construction sequencing plan to ensure safe and adequate construction development of the site for public safety access,



utility development, and customer access at all times.

6. Required Plans and Engineer Satisfaction. Subject to the Petitioner submitting to and receiving written approval from the Village Plan Commission of all of the following plans for the entire subject property, prior to the rezoning ordinance taking effect. Said plans shall satisfy all comments, conditions, and concerns of the Village Engineer.

A. Utility Plans for the entire site including any necessary utility extensions or oversizing necessary to properly connect the development site's utilities with the Village system. Including, but not limited to:

1. Sewer System Plans
2. Water System Plans
3. Storm water Management Plans with the appropriate maintenance requirements and outlots.
4. Roadway improvements on County Highway VV and State Highway 164 need to be completed and approved within 1 year of the date of approval of this PDO.

B. Master Street Lighting Plan for the entire site.

C. Street Tree Plan and landscape plan

7. Cell Tower Relocation. The existing Cell Tower needs to have a plan approved and date certain for its relocation and or have been granted a legal non-conforming use permit.
8. Existing Structure. The existing building, the former Marchese Dance Hall, shall be removed prior to construction activity on the site.
9. Developer's Agreement. Prior to development of the Subject Property or any portion thereof, the Developer of the Subject Lands or portion thereof is required to enter into a Developer's Agreement as approved by the Village prior to the approval of permits for grading and start of construction.
10. Professional Fees. Petitioner shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this rezoning petition, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional rezoning ordinance due to a violation of these conditions.
11. Payment of Charges. Any unpaid bills owed to the Village by the owner of subject

lands or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village: shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627. Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional rezoning ordinance that is subject to all remedies available to the Village, including possible cause for termination of the conditional rezoning ordinance.

12. Acceptance. Subject to the petitioner approving in writing the issuance of the conditional rezoning ordinance, and that the petitioner understands and accepts the same, and that upon failure to satisfy these conditions, this conditional rezoning ordinance is void, and the same is deemed not to have been approved, and the Petitioner will therefore need to re-commence the application process for rezoning of the property.
13. One Year to Satisfy Conditions. Subject to the petitioner satisfying all of the aforementioned conditions within one year of the Village Board adopting this conditional rezoning ordinance. The Village Board may grant additional time solely at the discretion of the Village Board upon request for an extension by the Developer.

SECTION 3: The Village Engineer is hereby authorized and directed to note this rezoning on the Official Zoning Map of the Village of Sussex upon successful development of the property and satisfaction of all conditions in section 2 of this Ordinance.


SECTION 4. 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 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2015.

VILLAGE OF SUSSEX

Gregory L. Goetz
Village President



ATTEST: _____

Susan M. Freiheit

Village Clerk-Treasurer

Published and/or posted this _____ day of _____, 2015.

|



EXHIBIT A

LEGAL DESCRIPTION:

BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 8 NORTH, RANGE 19 EAST, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 14; THENCE SOUTH 88 DEGREES 28 MINUTES 45 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 14, 1316.55 FEET TO A POINT; THENCE NORTH 00 DEGREES 13 MINUTES 42 SECONDS EAST, 1313.95 FEET TO A POINT; THENCE NORTH 88 DEGREES 44 MINUTES 25 SECONDS EAST, 1322.76 FEET BEING ON THE EAST LINE OF THE SOUTHWEST CORNER OF SAID SECTION 14 AND CENTERLINE OF WOODSIDE ROAD; THENCE SOUTH 00 DEGREES 30 MINUTES 28 SECONDS WEST, 1308.13 FEET TO THE POINT OF BEGINNING OF THE AFORE-DESCRIBED LANDS.

CONTAINING: 1,614,394 SQUARE FEET OR 37.0614 ACRES