

VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN

Minutes of the Plan Commission meeting held on April 21, 2016.

Chairman Goetz called the meeting to order at 6:36 p.m.

Commissioners present: Annette Kremer, Deb Anderson, Pat Tetzlaff, Amanda Schauer and Greg Goetz. Steve Pellechia arrived at 6:45 p.m.

Commissioners excused: Roger Johnson.

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet and Clerk-Treasurer Susan Freiheit. Also Village Board Members Tim Dietrich and Lee Uecker.

A quorum of the Village Board was present at the meeting.

**Consideration and possible action on the minutes of the public hearing and Plan Commission meeting of March 17, 2016.**

A motion by Tetzlaff, seconded by Schauer, to approve the minutes of the public hearing and Plan Commission meeting of March 17, 2016 as submitted. Motion carried.

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

**Consideration and possible action on a plan of operation and site plan for M.J. Bauer Enterprises LLC (W240N6669 Maple Avenue).**

Mr. Mike Bauer, 151 South Street, Juneau, was present on this matter. Mr. Bauer stated that he does finishing for furniture and cabinet companies and also does trim for Pella Windows. Mr. Bauer stated that there is no walk-in business for the most part. Mrs. Fluet reviewed the Plan Staff Memo (copy attached) on this matter.

A motion by Goetz, seconded by Tetzlaff, to approve the Plan of Operation and site plan for M.J. Bauer Enterprises LLC (W240N6669 Maple Avenue); a finding that the use and structures meet the principals of 17.1002(A-H); subject to the Building Inspectors conditions and the standard conditions of Exhibit A. Motion carried.

**Consideration and possible action on a Plan of Operation and site plan for Golner Precision Products (W222N5734 Miller Way).**

Joe Carr, of Golner Precision, N56W24600 N. Corp. Circle, Sussex, stated that they manufacture metal components for companies in the natural gas, diesel and LED light business. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

A motion by Goetz, seconded by Schauer, to approve the Plan of Operation and site plan for Golner Precision Products (W222N5734 Miller Way); makes a finding that the use and structures meet the principals of 17.1002(A-H); and the approval is subject to the standard conditions of Exhibit A. Motion carried.

**Consideration and possible action of a determination if a Plan of Operation amendment for Meijer Convenience and Gas Station (N51W24847 Lisbon Road) is substantial.**

Mr. Steve Talbert, Co-Director of the Meijer Store, was present on this matter. Mr. Talbert stated that they intend to sell beer within the legal timeframes at the gas station. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). Mr. Smith stated that in the conditional use for the gas station is a statement “no sales of alcohol at the gas station is allowed because the ordinance didn’t allow beer sales by a gas station. Mr. Smith stated that the Village has changed the ordinance and now all gas stations can now do that.

A motion by Anderson, seconded by Schauer, to make a determination that the requested amendment to the Plan of Operation for Meijer Convenience and Gas Station to be non-substantial, but rather clerical in nature due to the policy change by the Village Board on the matter and thus said amendment does not need a new public hearing. Motion carried.

**Consideration and possible action on an amendment to a Plan of Operation and adjustment of the Conditional Use for Meijer Convenience and Gas Station (N51W24847 Lisbon Road).**

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

A motion by Goetz, seconded by Tetzlaff, to approve the amendment to the Plan of Operation and the adjustment of the Conditional Use in accordance with the same for Meijer Convenience and Gas Station (N51W24847 Lisbon Road) to allow the sale of beer within designated areas; a finding that the use and structures meet the principals of 17.1002(A-H); subject to conditions of the Village Board, the Director of Police Services and the standard conditions of Exhibit A. Motion carried.

**Consideration and possible action of an amendment to a Conditional Use, site and architectural building plans for the expansion of Mammoth Springs Development south of the Quarry pond, west of Waukesha Avenue and north of Silver Spring.**

Mr. Art Sawall, 4275 Pilgrim Court, Brookfield, was present on this matter. Mr. Sawall reviewed the town houses proposed for this site. Mr. Sawall stated that all units have an attached garage except for two units. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). Mr. Sawall stated that he has flipped the pool 90 degrees and made the clubhouse and the deck a little bigger. Mr. Smith stated that at the public hearing there were question on traffic and that we have definitive answers from the County. Mr. Smith stated that with the right-in and right-out at the driveway on Waukesha Avenue and a full access on Silver Spring, the improvements will be relatively minor. Mr. Smith stated that without left hand turns, they won’t have backups. Mr. Smith stated that the Director of Police Services has logged this area and found that it is not the fastest area in the Village. Mr. Goetz stated that we have looked at the issue on Waukesha Avenue and that we can’t lower the speed limit.

A motion by Tetzlaff, seconded by Pellechia, to approve the amendment of the Conditional Use, site and architectural building plans for the expansion of Mammoth Springs Development south of the Quarry pond, west of Waukesha Avenue and north of Silver Spring, a finding that the use and structures meet the principals of 17.1002(A-H); subject to final review by the Village Engineer, meeting the conditions of the ARB and the standard conditions of Exhibit A. Motion carried.

**Conceptual review of a Conditional Use for a ground sign with an electronic message area for Piggly Wiggly (N63W23735 Main Street).**

Mr. Dennis Lipofski, from the Piggly Wiggly, N63W23735 Main Street, Sussex, was present on this matter. Mr. Lipofski stated that as the street is improved the current exit will become part of the intersection and he is planning a new sign. Mrs. Fluet reviewed the Plan Staff Memo (copy attached) on this matter. Mr. Smith stated that the proposed location of the sign is the best location you can find on the site for this sign. Mr. Smith stated that the engineer and assistant engineer both worked on this. Mr. Smith stated that this wall and sign ties architecturally with the wall the Village is installing across the street. Mr. Smith stated that the three foot wall will be located behind the sidewalk as a safety precaution to keep cars off the sidewalk along the whole front of the Pig. Mr. Pellechia asked if the wall shouldn't match the Pig's building. Mr. Smith stated that it should not, but should match our wall, our building, the fencing and the street, tying the street together. Mr. Smith stated that the Commission doesn't have to change the theory that the sign match the building because the architecture is tied to the street corridor, not a stand-alone site. Mr. Smith stated that the eye-catching feature is not the store, but the three foot wall along the front matches the downtown. Mr. Smith stated that others in the area won't have this same problem, because this is only for the front of the Civic Campus.

It was the consensus of the Commissioners that the ARB review the plans for a Conditional Use for a ground sign with an electronic message area for Piggly Wiggly (N63W23735 Main Street) and for staff to schedule the public hearing for the May Plan Commission meeting.

**Conceptual review of a Conditional Use for a ground sign with an electronic message area for Sussex Civic Campus (N64W23760 Main Street).**

Mr. Smith reviewed the plans for the Village sign, including backlighting, changes to the Village logo (change from red to black lettering), and adding the Pauline Haass Public Library open/closed message. Mr. Goetz stated that the pillars on the sign will not extend to the top of the sign so it doesn't hide the logo.

It was the consensus of the Commissioners that the ARB review the plans for a Conditional Use for a ground sign with an electronic message area for the Sussex Civic Campus (N64W23760 Main Street) and for staff to schedule the public hearing for the May Plan Commission meeting.

**Conceptual review of a Conditional Use for the modification of the flood elevation for Pewaukee River of cross section between CTH K and Clover Drive.**

Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). Mr. Smith stated that the modification accurately reflects what we found. Mr. Smith stated that the flood elevations were redone in 2008 and that put lands in the floodplain that didn't need to be there. Mr. Smith stated that this put the burden on each property owner affected. Mr. Smith stated that the floodplain was misinterpreted and put in as 1½ feet too high. Mr. Smith stated that the new study is very accurate and he puts great faith in it. Mr. Smith stated that the DNR has signed off on it and then FEMA can sign off. Mr. Smith stated that this means that people won't have to buy flood insurance.

It was the consensus of the Commissioners that the staff be directed to schedule the public hearing for the May Plan Commission meeting.

**Consideration and possible action on a Resolution to vacate Deyer Drive.**

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

A motion by Pellechia, seconded by Schauer, to recommend that the Village Board adopt the Resolution to vacate Deyer Drive as submitted. Motion carried.

**Consideration and possible action on an Ordinance to Create Section 4.035 entitled “Mobile Food Vendor” in Chapter 4 Licenses & Permits.**

Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). Mr. Goetz stated that he felt vendors should have a badge with a picture issued to them. Mrs. Tetzlaff asked if they could come seven days a week and be here for long hours. Mr. Goetz stated that they would have specific areas and times to sell things like breakfast or lunch and then will be gone. Mrs. Fluet stated that these vendors use Twitter and Facebook advertising. Mrs. Tetzlaff asked if there could possibly be five vendors in a given area at the same time. Mrs. Fluet stated that this could happen. Mrs. Fluet stated that the plan is to test out this first and then review and update the ordinance based on experience. Mr. Pellechia asked if there were provisions that the vendors have to be X distance apart. Mrs. Fluet stated that the vendors are required to show where on the street they will be and if another vendor is already on that spot they may have to move away. Mrs. Fluet stated that other communities are all over the place with food trucks. Mrs. Anderson stated that there are hours provided for the first shift, and after second shift, but those times could change next year. Mr. Goetz stated that we will look at this in the future. Mrs. Fluet stated that her concern is with people converting old trucks into food trucks and that fire safety will be reviewed by the Fire Department. Mrs. Fluet stated that the Fire Department will prepare a checklist before this comes to the Village Board. Mrs. Fluet stated that it is possible that this could be considered by the Village Board by April 26<sup>th</sup> and then be in place. Mrs. Fluet stated that she will call vendors to have them reach out to us. Mrs. Fluet stated that Park and Recreation Department can consider this as part of their application for special events.

A motion by Goetz, seconded by Anderson, to recommend that the Village Board adopt the Ordinance to create Section 4.035 entitled Mobile Food Vendor in Chapter 4 License & Permits subject to final form by the Village Attorney. Motion carried.

**Consideration and possible action on a CSM for Mammoth Springs Development south of the Quarry pond, west of Waukesha Avenue and north of Silver Spring.**

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

A motion by Goetz, seconded by Pellechia, to recommend approval of the CSM for Mammoth Springs Development to the Village Board subject to review by the Village Engineer, vacation of Deyer Drive, closing on the two properties on Silver Spring Drive and the standard conditions of CSM approval and Exhibit A. Motion carried.

**Other items for future discussion.**

There was none.

A motion by Pellechia, seconded by Schauer, to adjourn the meeting at 7:25 p.m.

Motion carried.

Respectfully submitted,

Susan M. Freiheit  
Clerk-Treasurer



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

## MEMORANDUM

TO: Plan Commission

FROM: Kasey Fluet, Assistant Development Director

RE: Plan Commission meeting of April 21, 2016

DATE: April 8, 2016

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All Code Sections in this memo refer to the Sussex Municipal Code Chapter 17 version dated March 25, 2014 with subsequent amendments thereto.

01. **Roll call.**
02. **Consideration and possible action on the public hearing and minutes of the Plan Commission meeting on March 17, 2016.**
03. **Comments from citizens present.**
04. **Consideration and possible action on Permitted Uses and Site Plans:**
  - A. **Consideration and possible action on a Plan of Operation and site plan for M.J. Bauer Enterprises LLC (W240N6669 Maple Avenue).**

This site is zoned B-3. The repair and maintenance of furniture is a permitted use in the B-3 Highway Business District in accordance with Section 17.0418 (A)(5)(a). The furniture cabinet custom wood shop is not a retail business and is contracted by contractors and cabinet shops to customize or refurbish cabinets for their clients. The business will occupy the stand-alone 1,500 square foot building and out building. Hours of operation will be Monday through Friday 7:00 a.m. to 4:00 a.m. This site has sufficient parking with the 4 parking stalls.

### **Policy Question:**

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

### **Action Items:**

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

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation and site plan for M.J. Bauer Enterprises LLC (W240N6669 Maple Avenue); a finding that the use and structures meet the principals of 17.1002(A-H); subject to the Building Inspectors conditions and the standard conditions of Exhibit A.

**B. Consideration and possible action on a Plan of Operation and site plan for Golner Precision Products (W222N5734 Miller Way).**

This site is zoned BP-1. The machining of products is a permitted use in the BP-1 Business Park District in accordance with Section 17.0420 (A)(5)(d)(2). Golner Precision Company manufactures metal components and will purchase the 32,000 square foot building expanding their current business already located in the Village of Sussex. This new location will have room for expansion to meet their growing needs. Hours of operation are 24 hours a day 5 days a week. This site has 74 parking stalls and is sufficient for the 25 employees they will have at the largest shift.

**Policy Question:**

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

**Action Items:**

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

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation and site plan for Golner Precision Products (W222N5734 Miller Way); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

**C. Consideration and possible action of a determination if a Plan of Operation amendment for Meijer Convenience and Gas Station (N51W24847 Lisbon Road) is substantial.**

This site is zoned B-2. The Meijer main and convenience store conditional use was approved by the Plan Commission December 20, 2012. In the CU Section "A. 3. Plans", the Plan Commission can approve an amendment or change without a public hearing to specific plans, in this case the Plan of Operation, if they deem the amendment is not substantial.

In the CU Section "B. Plan of Operation item #3" a statement that no alcoholic beverages shall be sold from the "Gas Station" was added. The statement was spelled out in the CU because in 2012 sale of beer and hard cider was not allowed in gas stations, which was fairly unique to Sussex. Since that time the Village Board has deemed it appropriate, and modified the Village Ordinance to allow beer sales in gas stations and had granted several gas stations that license.

Since this language's intent was to spell out a unique provision of Village Ordinance and the policy decision has been made by the Village Board to remove that unique provision, it would be very appropriate to find the change as not substantial, but rather a clerical adjustment reflecting adopted practice. The Village Board has already deemed it appropriate for the Meijers Store to be able to sell beer and hard cider.

Meijer Convenience and Gas Station would like to amend the Plan of Operation and add the sale of beer and cider.

**Policy Question:**

1. Is the request to amend the Plan of Operation substantial?

**Action Items:**

1. Act on the request.

**Staff Recommendation:** Staff recommends the Plan Commission find the requested amendment to the Plan of Operation for Meijer Convenience and Gas Station to be non substantial, but rather clerical in nature due to the policy change by the Village Board on the matter and thus said amendment does not need a new public hearing.

**D. Consideration and possible action on an amendment to a Plan of Operation and adjustment of the Conditional Use for Meijer Convenience and Gas Station (N51W24847 Lisbon Road).**

This site is zoned B-2. The Meijer convenience store has applied for a Class A beer and hard cider license. The plan for this request has been approved by the Finance Committee and Village Board and signed off on by Captain Panas Director of Police Services.

**Policy Question:**

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

**Action Items:**

1. Act on the plan of operation.

**Staff Recommendation:** Staff recommends the Plan Commission approve the amendment to the Plan of Operation and the adjustment of the Conditional Use in accordance with the same for Meijer Convenience and Gas Station (N51W24847 Lisbon Road) to allow the sale of beer within designated areas; a finding that the use and structures meet the principals of 17.1002(A-H); subject to conditions of the Village Board, the Director of Police Services and the standard conditions of Exhibit A.

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

**A. Consideration and possible action of an amendment to a Conditional Use, site and architectural building plans for the expansion of Mammoth Springs Development south of the Quarry pond, west of Waukesha Avenue and north of Silver Spring.**

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

The expanded development will support the 26,000 square feet of retail/office established on the northern side of the quarry pond with the addition of 103 high end apartments. 22 of the units are townhome style units with three story living overlooking the quarry pond and 81 of the units are market rate units some of which include a lofted area. This will be the first three bedroom apartment development in Sussex and will have rents higher than Phase 1 development and is aimed at a different segment of the population than Phase 1. Stormwater is cleaned on site and sent to the Quarry pond in a similar fashion to the first

phase of the development. Every unit has a garage available plus one available surface parking spot and the site has some additional guest parking spots. Mammoth South has a pool and clubhouse for use by the residents of the site and the residents on the north side of the quarry pond, while the workout area for the residents is located above the retail on the north side of the development.

The original phase of the development is in its final stages of completion. This phase of development will take 18 months to develop.

There are two townhouse buildings, four two story buildings, and one three story building lined up with the Topaz apartments to balance that scale. Two of the neighboring properties asked for a fence with evergreens, which staff supports and have been incorporated into the plan. The developer has also added striping and adjustments to the sidewalks to accommodate the request from the Plan Commission about pedestrian orientation.

Memo from Plan Commission meeting of March 17, 2016 of the Public Hearing:

Since the conceptual meeting of this project the Developer, Mr. Sawall has finalized contracts to purchase the two homes on Silver Spring Drive and has submitted a new site plan showing an additional building. Mr. Sawall will remove the two houses and place an 18 unit building in that location. This allows the Village to fully vacated Dyer Drive.

The site plan and architectural plans for the buildings were reviewed at the March 2, 2016 ARB and the following motion was made:

*A motion by Dietrich, seconded by Tetzlaff to recommend to the Plan Commission approval of the approve the site plan and architectural building plans for each, 10 unit building, 12 unit building, 15 unit building, 18 unit building and 19 unit building with the following conditions:*

- *The material on each of the building will be a combination of Chilton stone and hardiplank with the preferred third material of brick but not required.*
- *The approval of the landscape and lighting plan to be made at a future ARB meeting.*

*Motion carried.*

**The Public Hearing was held on March 17, 2016 at that meeting staff was directed to prepare the amendment to the Conditional Use for consideration at this meeting.**

**Policy Questions:**

1. Are there any concerns with the plans?
2. Are there any concerns from the public you want included in the amended CU?
3. Are there any concerns with the property?

**Action Items:**

1. Act on the CU and plans.

**Staff Recommendation:** Staff recommends to approve the amendment of the Conditional Use, site and architectural building plans for the expansion of Mammoth Springs Development south of the Quarry pond, west of Waukesha Avenue and north of Silver Spring, a finding that the use and structures meet the principals of 17.1002(A-H); subject to final review by the Village Engineer, meeting the conditions of the ARB and the standard conditions of Exhibit A.

**B. Conceptual review of a Conditional Use for a ground sign with an electronic message area for Piggly Wiggly (N63W23735 Main Street).**

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

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

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

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

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

a. *The message sign is part of a ground or monument sign. Electronic Message Signs that are time and temperature devices only may be allowed as a wall sign, projecting sign, or ground sign although no time and temperature device shall be located closer than 750 feet from another time and temperature device.*

b. *The sign will not interfere with the visibility of any traffic signal.*

c. *The character and design of the sign is compatible with the general area and building, and that the impact of such a sign will not visually impact any nearby residential areas.*

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

e. *All messages will be related to either the organization's sales information or for community events notification.*

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

**Policy Question:**

1. Are there any concerns with the ground sign with electronic message area?
2. Is there any direction to the ARB?

**Action Items:**

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

**Staff Recommendation:** Staff recommends the ARB review the plans and for staff to schedule the public hearing for the May Plan Commission meeting.

**C. Conceptual review of a Conditional Use for a ground sign with an electronic message area for Sussex Civic Campus (N64W23760 Main Street).**

This site is zoned B-4. The ground sign with an electronic message area is a conditional use in the B-4 Central Mixed use district in accordance with Section 17.0506 (A)(16)(a). Due to the new building and drive location the Sussex Civic Campus will erect a new ground sign with an electronic message area. This sign will be located on the east side of the new drive

location. In order for the Plan Commission to grant a CU the sign must also meet the requirements of Section 17.0807 (C).

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

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

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

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

a. *The message sign is part of a ground or monument sign. Electronic Message Signs that are time and temperature devices only may be allowed as a wall sign, projecting sign, or ground sign although no time and temperature device shall be located closer than 750 feet from another time and temperature device.*

b. *The sign will not interfere with the visibility of any traffic signal.*

c. *The character and design of the sign is compatible with the general area and building, and that the impact of such a sign will not visually impact any nearby residential areas.*

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

e. *All messages will be related to either the organization's sales information or for community events notification.*

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

**Policy Question:**

1. Are there any concerns with the ground sign with electronic message area?
2. Is there any direction to the ARB?

**Action Items:**

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

**Staff Recommendation:** Staff recommends the ARB review the plans and for staff to schedule the public hearing for the May Plan Commission meeting.

**D. Conceptual review of a Conditional Use for the modification of the flood elevation for Pewaukee River of cross section between CTH K and Clover Drive.**

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

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

**Policy Question:**

1. Are there any concerns with the modification to the floodplain?
2. Are there any concerns with directing the public hearing for a Conditional Use?

**Action Items:**

1. Direct staff to schedule a public hearing.

**Staff Recommendation:** Staff recommends scheduling a public hearing for the May Plan Commission meeting.

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

**A. Consideration and possible action on a Resolution to vacate Deyer Drive.**

The new Mammoth South development will require the combination of several individual lots creating one larger parcel. The combining of lots will eliminate the requirement of Deyer Drive. In order to vacate the road in accordance with Wisconsin Stats. 66.1003(4)(a) a Resolution must be passed.

**Policy Question:**

1. Are there any concerns with the Resolution?

**Action Items:**

1. Act on the Resolution.

**Staff Recommendation:** Staff recommends the Plan Commission recommend the Village Board adopt the Resolution to vacate Deyer Drive.

**B. Consideration and possible action on an Ordinance to Create Section 4.035 entitled “Mobile Food Vendor” in Chapter 4 Licenses & Permits.**

A workgroup was formed to consider an Ordinance to allow food trucks. This group met in March and again in April. After researching and discussing other community’s policies and procedures, the workgroup created language for consideration to be added to Chapter 4 License & Permits. The recommended language provides definitions, guidelines and procedures for processing and approving a license for a Mobile Food Vendor.

A copy of the Ordinance is included in the packet for review. Some of the highlights the group is recommending are:

- Only issuing five permits annually valid between April 1 and November 30.
- Restrict location to the streets in the Industrial and Business Parks, on private property with written permission from the property owner and as approved by the Park and Recreation Department for park spaces with special events, etc.
- The vehicle must be inspected by the Waukesha Health Department and the Sussex Fire Department.
- A background check will be required on the driver(s).
- The application and a plan must be approved by the Village Board and a renewal may be approved administratively if there are no changes.

The consensus of the workgroup was to evaluate the first season and if necessary an amendment to the code could be considered in the future.

**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 the Village Board adopt the Ordinance to create Section 4.035 entitled Mobile Food Vendor in Chapter 4 License & Permits.

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

**A. Consideration and possible action on a CSM for Mammoth Springs Development south of the Quarry pond, west of Waukesha Avenue and north of Silver Spring.**

This site is zoned B-4. This CSM will combine the ten lots owned by Mammoth South LLC to create one developable lot of 5.7682 acres. This CSM will also include the Resolution No. assigned, once approved, to vacate Deyer Drive.

**Policy Question:**

1. Are there any concerns with the CSM?

**Action Items:**

1. Act on the CSM.

**Staff Recommendation:** Staff recommends approval of the CSM for Mammoth Springs Development to the Village Board subject to review by the Village Engineer, vacation of Deyer Drive, closing on the two properties on Silver Spring Drive and the standard conditions of CSM approval and Exhibit A.

**08. Other Items for future discussion.**

## **Exhibit “A”**

### **Village of Sussex Plan Commission**

#### **Standard Conditions of Approval Plan of Operation and Site Plan**

The Plan Commission for the Village of Sussex authorizes the Building Inspector to issue a building permit to the Petitioner and approves the general layout, architectural plans, ingress and egress, parking, loading and unloading, landscaping, open space utilization, site plan and plan of operation subject to the following conditions:

1. Presentation compliance. Subject to Petitioner operating the premises at all times in substantial conformity with the presentation made to the Village Plan Commission, as modified or further restricted by the comments or concerns of the Village Plan Commission.

2. Inspection compliance. Subject to the Petitioner submitting to and receiving the approval from the Village Administrator, written proof that the Village Building Inspector and Fire Chief have inspected the subject property and have found that the subject property is in substantial compliance with applicable federal, State, and local laws, statutes, codes, ordinances, policies, guidelines and best management practices, prior to this approval being effective.

3. Regulatory compliance. Subject to the Petitioner and Owner fully complying with all Village, County of Waukesha, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises, including but not limited to compliance with Section 17.1000 of the Village of Sussex Zoning Code entitled “Site Plan Review and Architectural Control,” as determined by Village Staff.

4. Satisfaction of Engineer. Subject to the Developer satisfying all comments, conditions, and concerns of the Village Engineer regarding the Petitioner’s application prior to this approval being effective.

5. Required plans. Subject to the Developer submitting to and receiving written approval from the Village Administrator of all of the following plans as deemed necessary by the Village Administrator:

- A. Landscaping plan
- B. Parking plan
- C. Lighting plan
- D. Signage plan
- E. Traffic plan
- F. Grading plan

- G. Tree preservation plan
- H. Open space plan
- I. Water plan
- J. Surface and stormwater management plan
- K. Sewer plan
- L. Erosion control plan
- M. \_\_\_\_\_
- N. \_\_\_\_\_
- O. \_\_\_\_\_
- P. \_\_\_\_\_

6. Screening of All Dumpsters. Subject to the Petitioner and Owner screening all dumpsters as required by the ordinance to the satisfaction of the Village Administrator.

7. Payment and reimbursement of fees and expenses. Subject to the Petitioner and Owner paying all costs, assessments and charges due and owing to the Village of Sussex either by the Petitioner or imposed on the subject property, including, but not limited to, real estate taxes, personal property taxes, utility bills, special assessments, permit fees, license fees and professional fees which shall include all costs and expenses of any type that the Village incurs in connection with Petitioner’s application, including the cost of professional services incurred by the Village (including engineering, legal and other consulting fees) for the review of and preparation of the conditions of approval, attendance at meetings or other related professional services for this application, as well as for any actions the Village is required to take to enforce any of the conditions of this approval due to a violation of these conditions by the Petitioner or the Owner, as authorized by law.

8. Condition if the Property is in the B-4 Central Business District. If the property is in the B-4 Central Business District, the Petitioner shall comply with the standards and conditions found within the Village of Sussex Downtown Design and Development Plan and other plans as may be approved from time to time by the Community Development Authority in its role as a Redevelopment Authority to guide development within the Village’s Downtown.

9. Subject to acceptance. The Owner by requesting a permit either directly or through an agent, and accepting the same is acknowledging that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.

10. Any official named in this document can appoint a designee to perform his or her duties.