

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the public hearing held by the Plan Commission on January 21, 2016.

Chairman Greg Goetz called the hearing to order at 6:30 p.m.

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

Members excused: None.

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet, Fire Chief Corky Curtis and Clerk-Treasurer Susan Freiheit.

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

To consider an application for a conditional use permit for Pet Partners Animal Clinic to operate a Veterinary clinic at W248N5250 Executive Drive Unit C in the BP-1 District in accordance with Section 17.0506 (A)(10)(a). The Petitioner is Kirn Hermberg, Partner of Pet Partners Animal Clinic. The property owner is James Marriott.

To consider an application for a conditional use permit for Chris Barriere to operate vehicle service shop at W240N6689 Maple Avenue in the B-3 Highway Business District. The Petitioner is Chris Barriere. The property owner is Thomas Landvatter.

Mr. Kirn Hermberg, W241N5993 Goldencrest Court, stated that he is looking to open a veterinary clinic in the building owned by Jim Marriott, across from the Meijer building. Mr. Hermberg stated that he will offer grooming and veterinary services, but no animal boarding. Mr. Hermberg stated that some animals may stay overnight, but per his lease, no canines can stay overnight unattended. Mr. Hermberg stated that cats can stay overnight occasionally. Mr. Hermberg stated that there has been a recent change per Mr. Marriott to move to a different unit. Mr. Hermberg stated that he was going to be next to Flabbergast, but will not be on the north end of the building. Mr. Hermberg stated that the different area will be the same size, 5,000 sq. ft.

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

Mr. Chris Barriere was not present on the second item of the public hearing.

Mr. Macy stated that he suggests that the public hearing be tabled until later in the meeting in case Mr. Barriere shows up later.

A motion by Pellechia, seconded by Kremer, to close the public hearing on the Pet Partners Animal Clinic at 6:36 p.m. Motion carried.

A motion by Pellechia, seconded by Kremer, to table the public hearing for Chris Barriere until later in this meeting. Motion carried.

Respectfully submitted,

Susan M. Freiheit
Clerk-Treasurer

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

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

Members excused: None.

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Development Director Kasey Fluet, Fire Chief Corky Curtis and Clerk-Treasurer Susan Freiheit.

Consideration and possible action on the minutes of the Joint Plan Commission/Village Board meeting on December 8, 2015 and the Plan Commission meeting on December 17, 2015.

A motion by Tetzlaff, seconded by Kremer, to approve the minutes of the Joint Plan Commission/Village Board meeting on December 8, 2015 and the Plan Commission meeting on December 17, 2015, all 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 Tailgators Restaurant (N64W23246 Main Street).

Mr. Kevin Shannon, N64W23246 Main Street, stated that the current business model is a good one and he has no changes planned. Mr. Shannon stated that they will serve food and drinks, and have entertainment of pool and darts. Mr. Pellechia asked if they will have the same chef. Mr. Shannon stated they will and have the same hours. Mrs. Tetzlaff asked about sometimes there is no parking available. Mr. Shannon stated that he has talked to the current owner and there is no resolution to parking at this point. Mr. Shannon stated that he plans to talk to the owner of Boneyard to see that things were going well and will work with him. Mr. Pellechia agreed that he has brought up this issue before. Mr. Johnson asked if there was a way to use the parking in the storage facility to the north of this property. Mr. Shannon stated that he is interested in having some valet parking. Mr. Shannon stated that he has never owned a bar before although he has owned other businesses. Mr. Shannon stated that he intends to bring in a manager but the current owner has agreed to stay to train him for four months. Mr. Shannon stated that he intends to stay here for the next 6 to 12 months to know all the aspects of the business. Mr. Goetz asked that Mr. Shannon meet with Mrs. Fluet to get information on the storage facility and the possibility of sharing parking lots. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

A motion by Pellechia, seconded by Kremer, to approve the Plan of Operation and site plan for Tailgators Restaurant (N64W23246 Main Street); makes a finding that the use and structures meet the principals of 17.1002(A-H); and approval is subject to the standard conditions of Exhibit A. Motion carried.

Consideration and possible action on a Plan of Operation and site plan for Sussex Nail Salon (W249N5245 Executive Drive Ste. 205).

Mr. Kevin Nguyen stated that the Sussex Nail Salon will have eight pedicure spa chairs, eight manicure stations and one wax room. Mr. Nguyen stated that their services will provide pedicures, manicure, acrylic, liquid gel, shellac (gel polish) and waxing eyebrows, upper lip, whole face wax and leg wax. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

A motion by Kremer, seconded by Anderson, to approve the Plan of Operation and site plan for Sussex Nail Salon (W249N5245 Executive Drive Ste. 205); 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.

Consideration and possible action on a Plan of Operation and site plan for Oriental Wellness (W249N5245 Executive Drive Ste. 208).

Ms. Phebe Purnell, owner of Oriental Wellness Center, was present on this matter. Ms. Purnell stated that she is now in Pewaukee and intends to move and downsize to Sussex. Ms. Purnell stated that she has done this work for the last 20 years including acupuncture, herbalists and wellness care. Ms. Purnell stated that she is the first person in the State with a Pediatric Natural Wellness license. Ms. Purnell stated that she has patients travel from far away to see her in Pewaukee and they stay in a hotel while receiving treatments. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

Motion by Johnson, seconded by Goetz, to approve the Plan of Operation and site plan for Oriental Wellness (W249N5245 Executive Drive Ste. 208); 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 Conditional Use, Plan of Operation and site plan for Pet Partners Animal Clinic (W248N5250 Executive Drive Unit C).

Mr. Kirn Hermberg was present on this matter. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached).

Motion by Pellechia, seconded by Kremer, to approve the Conditional Use, Plan of Operation and site plan for Pet Partners Animal Clinic (W248N5250 Executive Drive Unit C); 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 Conditional Use, Plan of Operation and site plan for a vehicle repair shop by Chris Barriere (W240N6689 Maple Avenue).

Mr. Chris Barriere was not present on this matter. Attorney Macy recommended that the Commission continue the public hearing to the February meeting.

A motion by Pellechia, seconded by Tetzlaff, to table the public hearing and consideration of the conditional use, plan of operation and site plan for vehicle repair by Chris Barriere (W240N6689 Maple Avenue) until the February 18, 2016 meeting at 6:30 p.m. as no one was present on this matter.

Motion carried.

Consideration and possible action on a finding to waive the parking lot setback in the M-1 District in accordance with Section 17.0603 (F)(6) for a parking lot addition for Repete Corporation (W226N6283 Village Drive).

No one was present from Repete Corp. on this matter. Mrs. Fluet reviewed the Plan Staff Memo on this matter (copy attached). Mr. Johnson asked if the surfacing of the new parking lots would be the same as the existing. Mrs. Fluet stated that they would.

A motion by Kremer, seconded by Anderson, to make a Plan Commission finding to allow the setback of the parking lot addition to be less than five feet from the side yard based on the fact the existing parking lot was constructed prior to January 1, 2015 for Repete Corporation (W226N6283 Village Drive), and subject to the standard conditions of Exhibit A.

Motion carried.

Other items for future discussion

Mr. Johnson stated that he felt a hotel was needed as there is no place for people to stay, from out of town. Mr. Johnson asked if there was any way to recruit hotels, motels, etc. Mr. Smith stated that this subject was looked at last year with Mr. Sawall's market research firm in Pewaukee. They felt that there is sufficient hotel/motels to handle the region. Mr. Smith stated that the existing hotels/motels are along

the interstate and no one is willing to come off the interstate. Mr. Goetz stated that he feels a movie theater would fit here, but they have them in Menomonee Falls and Delafield, so this won't fly now.

Motion by Kremer, seconded by Pellechia, to adjourn the meeting at 7:05 p.m.

Motion carried.

Respectfully submitted,

Susan M. Freiheit
Clerk-Treasurer



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MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of January 21, 2016
DATE: January 8, 2016

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 minutes of the Plan Commission meeting on December 17, 2015.**
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 Tailgators Restaurant (N64W23246 Main Street).**

This site is zoned B-4. The restaurant and bar is a permitted use in the B-4 Central Mixed Use District in accordance with section 17.0419 (C)(1)(c) and (d). A new owner is purchasing the business and plans to continue the restaurant and bar business with entertainment to the public. The owner has explained entertainment to the public to include a pool table, dart boards and video games also available in the bar room. The second floor will remain as a rental unit of a 2 bedroom apartment. Hours of operation will be 7:00am to 2:00am Monday through Thursday, 7:00am to 2:30am Friday and Saturday and Sunday 7:00am to 2:00am. Each year the owner must receive approval for an Outdoor Establishment Permit.

The site has 44 parking stalls and 44 are required per code.

The restaurant owner needs to apply for and receive approval by the Finance Committee and Village Board of a liquor license if he still wants to provide this service and approval by the Waukesha County Health Department.

Policy Question:

1. Are there any concerns with the Plan of Operation? Has the owner adequately explained what entertainment to the public includes?
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 Tailgators Restaurant (N64W23246 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Sussex Nail Salon (W249N5245 Executive Drive Ste. 205).

This site is zoned B-3. The spa treatment services is a permitted use in the B-3 highway Business District in accordance with Section 17.0418 (A)(5)(b). The salon will offer manicures, pedicures and wax treatments. The salon will lease 1,400 square feet in the second building of the Sussex Gateway complex, building two is 14,500 square feet. Hours of operation will be Monday through Saturday 9:00 a.m. to 9:00 p.m. and Sunday 11:00 a.m. to 5:00 p.m.

The complex has 170 parking stalls. The number of stalls meets the code requirement for shopping complex over 30,000 square feet to have five spaces per 1,000 square feet of leasable area. The site has sufficient parking for all users.

Any signage for this site will need to 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 site plan.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Sussex Nail Salon (W249N5245 Executive Drive Ste. 205); 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 on a Plan of Operation and site plan for Oriental Wellness (W249N5245 Executive Drive Ste. 208).

This site is zoned B-3. The spa treatment services is a permitted use in the B-3 highway Business District in accordance with Section 17.0418 (A)(5)(b). Oriental Wellness will relocate their business from Pewaukee to Sussex and will offer acupuncture, skin care, women's wellness and nail care services. The wellness center will lease 1,600 square feet in the second building of the Sussex Gateway complex, building two is 14,500 square feet. Hours of operation will be Monday through Friday 8:00 a.m. to 8:00 p.m. and Saturday 8:00 a.m. to 6:00 p.m.

The complex has 170 parking stalls. The number of stalls meets the code requirement for shopping complex over 30,000 square feet to have five spaces per 1,000 square feet of leasable area. The site has sufficient parking for all users.

There will be approximately 8,000 square feet of leasable space left in the second building complex.

Any signage for this site will need to 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 site plan.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Oriental Wellness (W249N5245 Executive Drive Ste. 208); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

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

A. Consideration and possible action of a Conditional Use, Plan of Operation and site plan for Pet Partners Animal Clinic (W248N5250 Executive Drive Unit C).

This site is zoned BP-1. The veterinary services is a conditional use in the BP-1 Business Park District in accordance with Section 17.0506 (A)(10)(a). The veterinary clinic will offer veterinary products and services, with ancillary grooming services. Pet Partners will also perform surgeries, some surgeries will require limited overnight stay of the animal for recovery. The hours of operations will be Monday through Friday opening at 8:30 a.m. and closing at 6:00 p.m. except on Monday closing will be at 7:00 p.m. they will also offer Saturday hours of 8:00 a.m. to 12:00 p.m.

The site has 187 parking stall 97 are allocated to other users and this user requires 8 stalls per code.

Prior to this meeting is the Public Hearing for this item and it would be appropriate for the Plan Commission to address any relevant concerns of the Plan Commission from said public hearing during this point in the agenda.

The Petitioner has requested the Plan Commission take action on the CU document for his business. Staff has prepared a CU for your consideration at this meeting.

Policy Question:

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

Action Items:

1. Act on the CU, Plan of Operation and site plan. OR.
2. Provide additional comments for inclusion in the CU and direct staff to bring back for the February Plan Commission meeting

Staff Recommendation: Staff recommends approval of the Conditional Use, Plan of Operation and site plan for Pet Partners Animal Clinic (W248N5250 Executive Drive Unit

C); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A.

B. Consideration and possible action of a Conditional Use, Plan of Operation and site plan for a vehicle repair shop by Chris Barriere (W240N6689 Maple Avenue).

This site is zoned B-3. The vehicle (cars, motorcycles and small engine) service shop is a conditional use in the B-3 Highway Business District in accordance with 17.0506 (A)(12)(a). Mr. Barriere will lease the 1,500 square foot building to operate his repair shop in. Hours of operation Monday through Friday 8:00 a.m. to 8:00 p.m. Saturday and Sunday 8:00 a.m. to 10:00 p.m. This site is not allowed any outside storage.

It has been many years since these buildings were maintained fully. The Plan Commission should look at what if any maintenance type activities to the building and site should be made in conjunction with this new occupancy to adhere to Village standards.

Prior to this meeting is the Public Hearing for this item and it would be appropriate for the Plan Commission to address any relevant concerns of the Plan Commission from said public hearing during this point in the agenda.

The Building Inspector and Fire Inspector visited the site and provided a list of items to be completed prior to granting occupancy (see copy attached).

Policy Question:

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

Action Items:

1. Act on the CU, Plan of Operation and site plan. OR.
2. Provide additional comments for inclusion in the CU and direct staff to bring back for the February Plan Commission meeting

Staff Recommendation: Staff recommends approval of the Conditional Use, Plan of Operation and site plan for Chris Barriere (W240N6689 Maple Avenue); a finding that the use and structures meet the principals of 17.1002(A-H); and subject to complying with the conditions of the Building Inspector and Fire Inspector the standard conditions of Exhibit A.

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

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

A. Consideration and possible action on a finding to waive the parking lot setback in the M-1 District in accordance with Section 17.0603 (F)(6) for a parking lot addition for Repete Corporation (W226N6283 Village Drive).

This site is zoned M-1. In accordance with Section 17.0603 (F)(6) the Plan Commission can make a finding to waive the setback requirement if the parking lot existed prior to January 1, 2015. Repete Corp. would like to add a 61 x 92 foot parking lot addition to the west end of the existing parking lot, which was constructed in 1981. The existing lot is less than five feet off the side yard lot line and the addition will also be less than five feet from the side yard lot line. Repete does not want to locate the parking lot behind the building because they plan to add on to the building in this location.

Policy Questions:

1. Are there any concerns with the parking lot addition?
2. Should additional buffering be required?

Action Items:

1. Act on the finding.

Staff Recommendation: Staff recommends the Plan Commission make a finding to allow the setback of the parking lot addition to be less than five feet from the side yard based on the fact the existing parking lot was constructed prior to January 1, 2015 for Repete Corporation (W226N6283 Village Drive), and subject to the standard conditions of 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.