

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the Plan Commission meeting held on June 16, 2016.

Chairman Greg Goetz called the meeting to order at 6:34 p.m.

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

Members excused: Steve Pellechia and Deb Anderson.

Others present: Attorney John Macy, Assistant Development Director Kasey Fluet, Administrative Services Director Casen Griffiths, Jason Wessels, Sarah Liss, and Debbie Ames.

Consideration and possible action on the minutes of the Public Hearing and of the Plan Commission meeting of May 19, 2016.

A motion by Tetzlaff, seconded by Kremer to approve the minutes of the Public Hearing and of the Plan Commission meeting of May 19, 2016. 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 Ichiban Sussex LLC (N65W24838 Main Street).

Mrs. Fluet reviewed the plan staff memo on this matter (copy attached) and stated that the restaurant has a new owner and required to receive approval from the Plan Commission. There are no changes to the hours of operation and the new owner has applied for a liquor license.

A motion by Kremer, seconded by Johnson to approve the Plan of Operation and site plan for Ichiban Sussex, LLC (N65W24838 Main Street); with a finding that the use and structures meet the principals of 17.1002 (A-H); subject to the standards conditions of Exhibit A. Motion carried.

Consideration and possible action on a Plan of Operation and site plan for Malabar Coast Coffee & Tea (N63W23217 Main Street).

Jason Wessels, N63W23217 Main Street, of Malabar Coast Coffee and Tea was present before the Plan Commission. Mr. Wessels stated that the proposed business would be a coffee shop that will also serve sandwiches, wraps, espresso, tea and pastries. They plan to open by the end of August. Mrs. Fluet reviewed the plan staff memo on this matter (copy attached) and stated that the space that will be leased is in the Mammoth Springs retail building that faces Waukesha Avenue. There will be indoor seating for 30 to 34 customers with outdoor seating in the plaza area between the two buildings. An outdoor establishment permit will need to be applied for. The site has sufficient onsite parking as well as street parking.

A motion by Johnson, seconded by Kremer to approve the Plan of Operation and site plan for Malabar Coast Coffee & Tea (N63W23217 Main Street) with the finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A. Motion carried.

Consideration and possible action on a Plan of Operation and site plan for Embellish Salon (N63W23217 Main Street).

Sara Liss, W239N7327 Charles Court, owner of Embellish Salon was present before the Plan Commission. Ms. Liss stated that the proposed business would be a full service salon. All chairs in the salon would be rentals and she would not have any employees. In addition to hair the salon will feature nail techs, estheticians or a massage therapist. Mrs. Fluet reviewed the plan staff memo on the matter (copy attached) and stated that the business will

be located in the Mammoth Spring retail building that faces Waukesha Avenue. The hours of operation will be Monday through Thursday 9:00 a.m. to 9:00 pm.; Friday 7:00 am to 8:00 pm, Saturday and Sunday 9:00 am to 5:00 pm. The site has sufficient onsite parking as well as street parking.

A motion by Kremer, seconded by Tetzlaff to approve the Plan of Operation and site plan for Embellish Salon (N63W23217 Main Street) with a finding that the use and structures meet the principals of 17.1002(A-H); and subject to the standard conditions of Exhibit A. Motion carried.

Consideration and possible action on Conditional Uses and Plans: None

Consideration and possible action on a Condominium Plat for Sussex Civic Campus (N64W23760 Main Street).

Mrs. Fluet reviewed the plan staff memo on the matter (copy attached) and stated that the condo plat is necessary to combine the Mindemann property and the Village Hall property into one parcel. It will allow S.O.S. to purchase their space in the new building. The plat describes the rights and common areas for tenant in the new Civic Campus building.

A motion by Kremer, seconded by Johnson to recommend approval to the Village Board the Condominium Plat for Sussex Civic Campus (N64W23760 Main Street), subject to final review by the Village Engineer and the standard conditions of Condominium Plat approval and Exhibit A. Motion carried.

Consideration and possible action on an Ordinance to repeal and recreate Section 17.0800 entitled "Signs" of Chapter 17 Zoning Code.

Mrs. Fluet stated that the workgroup, appointed at the May Plan Commission meeting, has met to discuss changes to the Village's sign code due to the recent U.S. Supreme Court ruling on signs. The recommended changes in the Ordinance are driven by the requirements of the Supreme Court ruling which require that signs be content neutral. The work group also recommended changes to the code related to size and location.

A motion by Goetz, seconded by Kremer to approve an Ordinance to repeal and recreate Section 17.0800 entitled "Signs" of Chapter 17 Zoning Code. Motion carried.

Discussion and possible action on property maintenance issues of homeowner Joseph Balcerek N66W24015 Champeny Road.

Debbie Ames, W240N6595 Maple Avenue stated that she is a neighbor to Mr. Balcerek to the south, and that the house is overgrown with brush, the grass is rarely cut that and that the property looks as through its abandoned most of the time. Ms. Ames stated that when the grass is actually cut, Mr. Balcerek will often leave a strip of unmowed grass between their properties. Other neighbors have trimmed the grass on the property even if they weren't asked to do so. Mrs. Fluet reviewed the Plan staff memo (copy attached) and noted that Village staff has been addressing violations since 2014 on this property. Compliance usually occurs when Mr. Balcerek receives a letter from the Village. Mr. Balcerek has also received letters for violating the ordinance for not keeping his garbage cans screened from view. Mrs. Fluet stated that when situations such as this arise with property maintenance issues that the Plan Commission is tasked with providing direction on how to bring the property into compliance.

Ms. Tetzlaff asked if there were any issues with snow removal on the property. Ms. Ames stated that she does not see it. Mrs. Fluet noted that the Village acts on a complaint basis and that weeds and grass are an issue. Mrs. Fluet also noted that all neighbors have received letters as well as the owner regarding this meeting.

Mr. Johnson felt that having staff reiterate the standards with a compliance date and notification that daily fines will start upon the failure to complete and maintain the property was an appropriate action for this situation.

Ms. Kramer stated that she felt that having staff reiterate the standards with a compliance date, but not notify about daily fines was the appropriate solution for this situation, as there is a concern about a willingness to continue to the next step of fining the property owner.

Mr. Goetz stated that a notice should go out with additional warnings about potential fines if the property maintenance issues are not corrected, as the issues on this property have gone on long enough and the overgrowth of brush on the house is a potential safety issue.

The consensus of the Plan Commission was to direct staff to notify Mr. Balcerek in the form of a letter, indicating that he will have 45 days to address the issues of grass mowing and cutting back the vegetation overgrowth on his property, and if the issues are not resolved then fines may be forthcoming. The vegetative growth needs to be trimmed so that the windows are visible from the street.

Other items for future discussion.

Mr. Johnson asked what the timeframe for the Maple Avenue subdivision. Mrs. Fluet noted that the infrastructure should be in completely this fall.

Ms. Kremer asked about the railroad crossing at Good Hope Road. Mr. Goetz noted that the state is in the process of investigating the crossing and hopefully a resolution would occur in the next few months.

Adjournment

Ms. Kremer motioned and Ms. Tetzlaff seconded to adjourn the meeting at 7:11 p.m. Motion carried.

Respectfully Submitted,

Casen J. Griffiths
Administrative Services Director



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MEMORANDUM

TO: Plan Commission

FROM: Kasey Fluet, Assistant Development Director

RE: Plan Commission meeting of June 16, 2016

DATE: June 3, 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 the minutes and of the Plan Commission meeting on May 19, 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 Ichiban Sussex LLC (N65W24838 Main Street).

This site is zoned B-2. The restaurant is a permitted use in the B-2 district in accordance with section 17.0417 (A)(1)(b). The restaurant will have a new owner and is required to receive approval from the Plan Commission. No change to the Plan of Operation is indicated and the hours of operation will remain the same. The new owner has applied for a liquor license.

This site has sufficient parking for all the users.

Policy Question:

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

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 Ichiban Sussex LLC (N65W24838 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 Malabar Coast Coffee & Tea (N63W23217 Main Street).

This site is zoned B-4. The restaurant is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419 (C)(1)(c). Malabar will lease approximately 1,700 square feet of space in the 13,000 square foot retail building facing Waukesha Avenue at Mammoth Springs. The space will have indoor seating for 30-34 customers and outdoor seating in the plaza area between the two retail buildings. Hours of operation will be Monday through Friday 6:00 a.m. to 9:00 p.m. and 7:00 a.m. to 9:00 p.m. Saturday and Sunday. The menu will offer coffee, tea, specialty drinks, pastries and sandwiches. The site has sufficient parking for both the residential and retail buildings with 190 parking stalls and on street parking is also available.

The business must apply for an Outdoor Establishment Permit.

Policy Question:

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

Action Items:

2. 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 Malabar Coast Coffee & Tea (N63W23217 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.

C. Consideration and possible action on a Plan of Operation and site plan for Embellish Salon (N63W23217 Main Street).

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). Embellish Salon will lease approximately 1,700 square feet of space 13,000 square foot retail building facing Waukesha Avenue at Mammoth Springs. The salon will be a full service salon offering services for hair, nails, facials and massage therapy. Hours of operation will be Monday through Thursday 9:00 a.m. to 9:00 p.m., Friday 7:00 a.m. to 8:00 p.m., Saturday and Sunday 9:00 a.m. to 5:00 p.m. The site has sufficient parking for both the residential and retail buildings with 190 parking stalls and on street parking is also available.

Policy Question:

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

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 Embellish Salon (N63W23217 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.

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

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

A. Consideration and possible action on a Condominium Plat for Sussex Civic Campus (N64W23760 Main Street).

The Condominium Plat for the Sussex Civic Campus is necessary to combine the former Mindemann property and the Village Hall property and allow the S.O.S. to purchase their space. The Condo Plat will also describe rights and common areas for the other tenants of the new Civic Campus building. The Village owns everything outside of the S.O.S. space inside the building itself.

Policy Question:

1. Are there any concerns with the Condo Plat?

Action Items:

1. Act on the Condo Plat.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the Condominium Plat for Sussex Civic Campus (N64W23760 Main Street), subject to final review by the Village Engineer and the standard conditions of Condominium Plat approval and Exhibit A.

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

A. Consideration and possible action on an Ordinance to repeal and recreate Section 17.0800 entitled "Signs" of Chapter 17 Zoning Code.

At the May Plan Commission meeting a workgroup was appointed to discuss the changes needed to the sign code because of the recent U.S. Supreme Court ruling on the regulation of signs.

Most of the recommended changes in the Ordinance to the sign code are driven by the requirements of the U.S. Supreme Court ruling based on communities can no longer regulate sign content. The workgroup did however review and make some recommended changes to the code about size and location.

The Ordinance shows the track changes of the code, with the strike through section areas to be removed and the sentences underlined to be added.

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 Section 17.0800 entitled "Signs" of Chapter 17 Zoning Code.

B. Discussion and possible action on property maintenance issues of homeowner Joseph Balcerek N66W24015 Champeny Road.

This site is zoned RS-4. This is a property with some property maintenance issues that the neighbors would like addressed. Village staff has been addressing violations since 2014. In 2014 Mr. Balcerek received three letters stating his property was in violation of the grass height ordinance. In 2015 two letters were sent for violating the ordinance of not removing his garbage cans within 24 hours after collection and not keeping them screened from view. In June 2016 Mr. Balcerek again received a letter stating his property was in violation of the grass height ordinance. The property owner has struggled to maintain the property during this entire time period.

The adjacent property owners asked for this item to go before the Plan Commission so they could express their frustration about Mr. Balcerek's property and seek additional direction and steps to bring the property into compliance with the Village's Property Maintenance ordinance.

In particular, the bushes around the house should be trimmed, all weed growth removed, the grass maintained at appropriate heights and the homeowner should repair or remove the broken clothes line and flower box.

Mr. Balcerek has been invited to explain his situation and the neighbors who have raised the complaint will also be present to explain their positions. It would be appropriate for the Plan Commission to give direction to staff on if additional enforcement steps should be taken at this time. If a problem isn't being resolved the Village could do the following:

1. Do nothing.
2. Have staff reiterate the standards with a compliance date?
3. Have staff reiterate the standards with a compliance date and notification that daily fines will start upon the failure to complete and maintain.
4. Recommend to the Village Board to start daily fines or start a summons and complaint.

It is always the Village's goal to get voluntary compliance and have neighbors resolve their issues, but sometimes additional steps are necessary to resolve these matters.

Policy Question:

1. Is the property being properly maintained?
2. If the property is not being properly maintained should additional steps be taken to see compliance with the standards?
3. What additional steps would be appropriate at this time?

Action Items:

1. Give direction to staff.

Staff Recommendation: Staff recommends the Plan Commission give direction to staff regarding the items they want the property owner to address, establish a timeframe for bringing the property into compliance and the next step to be taken if the property owner does not comply.

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.