

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission meeting on July 21, 2016

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

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

Members excused: Annette Kremer

Others present: Assistant Development Director Kasey Fluet, Village Administrator Jeremy Smith, Administrative Services Director Casen Griffiths, Engineer Judy Neu, Katie Fromstein, Dan Hernandez, Stephen Hoffman, and Roger Duchow.

Consideration and possible action on the minutes of the Plan Commission meeting of June 16, 2016.

A motion by Tetzlaff, seconded by Schauer to approve the minutes of the Plan Commission meeting of June 16, 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 Sawall Development (N63W23217 Main Street).

Mrs. Fluet reviewed the plan staff memo on this matter (copy attached). There are three different uses that are proposed to be located on the second floor of the retail building that faces Waukesha Avenue at Mammoth Springs. The leasing office of Sawall Development will be 2,000 square feet and include several offices and a meeting room for tenants of Mammoth Springs. There will be a 1,000 sq. ft. exercise area that is available for use 24 hours a day, 7 days a week for the tenants of Mammoth Springs. A community room that is 500 sq. ft. is also only allowed to be used by tenants of Mammoth Springs. All uses are permitted in the B-4 Central Mixed Use District.

Mr. Goetz noted a concern about the fitness center and its use by people from outside the Mammoth Springs complex. Mr. Smith noted that apartment complexes often have exercise facilities for their tenants and it will be up to Mr. Sawall to manage tenant's use of that space.

A motion by Pellechia, seconded by Schauer to approve the Plan of Operation and site plan for Sawall Development (N63W23217 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 Katie Fromstein Photography (N63W23217 Main Street).

Katie Fromstein, N72W23736 Butler Court, was present before the Plan Commission. Ms. Fromstein stated that she is a professional photographer, currently based in Germantown. She does photographs for newborns, children and families and hours are by appointment only, Monday through Friday, although there may be an occasional Saturday or Sunday. Ms. Fluet reviewed the Plan Staff Memo (copy attached), noting that the space being occupied would be 375 sq. ft. on the second floor of the retail building facing Waukesha Avenue at Mammoth Springs.

A motion by Johnson, seconded by Tetzlaff to approve the Plan of Operation and site plan for Katie Fromstein Photography (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, site, architectural building, lighting and landscape plan for Dr. Vezzetti office building on lot 2 at the Sussex Gateway Center.

Dan Hernandez, N173W21010 Northwest Passage Way, Jackson representing Dr. Vezzetti, was present before the Plan Commission. Mr. Hernandez stated that the Dr. Vezzetti's office would occupy the east end of the new building. The dental office is a family practice which treats children and adults. The hours of operation are Monday through Thursday 8:00 am to 5:00 pm with later hours until 7:00 pm on Thursday. West of the dental office are three tenant spaces that will be blocked out for future occupancy. Mr. Goetz asked if there were any prospective tenants. Mr. Hernandez stated that there were none at this point. Ms. Tetzlaff asked when they would like to start construction and have occupancy of the building. Mr. Hernandez stated that they would like to begin at the end of this year with opening in July of next year.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached), noting that the use is permitted in the B-3 Highway Business District, the site has sufficient parking and the building meets height and setback requirements. The ARB will review the new building plans on August 3, 2016.

Mr. Johnson questioned the compatibility of the new building compared to the first phase buildings. Mr. Smith noted that the expectations for the two lots have been that the buildings are different as so to appear not to be too blended. Mr. Hernandez noted that the design was made to try to appeal to families. Mr. Pellechia noted that the building is nice, but it looks too residential and is not sure how it fits.

A motion by Goetz, seconded by Tetzlaff to approve the Plan of Operation, site, architectural building, lighting and landscape plan for Dr. Vezzetti office building on lot 2 of the Sussex Gateway Center; a finding that the use and structures meet the principals of 17.1002(A-H); subject to final review by the Village Engineer, any conditions from the ARB and the standard conditions of Exhibit A. Motion carried.

Conceptual review of a Conditional Use for the filling of the flood plain in a County right-of-way on County Highway VV (aka Main Street) between Freiheit Court and Pewaukee Road.

Stephen Hoffmann, from R. A. Smith National and petitioner Roger Duchow were present before the Plan Commission. Mr. Hoffmann stated that the work is for the proposed Sussex Town Center development. There is a need for a widening of Main Street to Freiheit Court. A wetland delineation and there are floodplain impacts from the project. 260 cubic yards of fill are needed and there would be compensatory storage built. Mrs. Fluet reviewed the plan staff memo on the matter (copy attached) and stated that coordination with the Department of Natural Resources and the US Army Corp of Engineers is required.

The consensus of the Plan Commission was to schedule this matter for a public hearing next month.

Consideration and possible action on a CSM to combine properties at N63W23661 Main Street and N63W23637 Main Street and grant a right-of-way to the Village of Sussex for road improvements.

Mr. Smith noted that the CSM would combine the old Citgo and liquor store properties as well as acquiring an 11 foot strip for right of way for the new Silver Spring Drive. A CSM will be completed by Art Sawall for the abandoned Silver Spring right of way and the S.O.S. property. Mrs. Fluet reviewed the plan staff memo on the matter (copy attached).

A motion by Goetz, seconded by Pellechia to approve the CSM to combine properties at N63W23661 Main Street and N63W23637 Main Street and grant a right of way to the Village of Sussex for road improvements, subject to final review by the Village Engineer and the standard conditions of CSM approval and Exhibit A.

Motion carried.

Consideration and possible action on a Final Plat for Sussex Preserve located on the west side of Maple Avenue south of Clover Drive.

Mr. Smith noted that this plat is for phase one of the Sussex Preserve Subdivision. Mr. Johnson asked about the developer's agreement. Mr. Smith noted that it included standard language regarding the placement of

landscaping, curb and sidewalks. Mrs. Fluet reviewed the plan staff memo (copy attached). The first plat is for 30 lots out of a total of 146 lots in the proposed subdivision.

A motion by Tetzlaff, seconded by Johnson to approve the Final Plat for Sussex Preserve located on the west side of Maple Avenue south of Clover Drive subject to final review by the Village Engineer, meeting the requirements of the Developers Agreement and the standard conditions of Final Plat approval and Exhibit A. Motion carried

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

Mrs. Fluet noted that the property owner has cleaned up the back of the property, the bushes have been trimmed and some weeds removed. Mrs. Fluet spoke with the property owner and he will continue to work on the issues. The Plan Commission gave direction to work with the property owner and give an update at the August meeting.

Other items for future discussion: None

Adjournment

A motion by Pellechia, seconded by Anderson to adjourn the meeting at 7:07 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 July 21, 2016

DATE: July 1, 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 of the Plan Commission meeting on June 16, 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 Sawall Development (N63W23217 Main Street).**

This site is zoned B-4. Sawall Development consists of three different uses all of which are located on the second floor of the retail building that faces Waukesha Avenue at Mammoth Springs. The leasing office is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419 (C)(4)(d). The office space will occupy 2,000 square feet and will include several offices and a meeting room for the tenants of Mammoth Springs to meet with staff members for leasing agreements and various other meetings. The office will have five employees with hours of operation Monday through Friday 8:00 a.m. to 7:00 p.m. and Saturday to Sunday 10:00 a.m. to 4:00 p.m.

The exercise and community rooms are a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419 (C)(11)(d). The exercise rooms includes an area for a golf simulator the rooms are a total of approximately 1,000 square feet, is only allowed to be used by the tenants of Mammoth Springs and will be available 24 hours seven days a week. The community room is 500 square feet, is allowed to be used by the tenants and will be available during the day or night and as reserved basis.

The site has sufficient parking for both the residential and retail buildings with 190 surface parking stalls and 20 on street parking spots are also available. 135 of the surface spots are calculated for the residential use, leaving 75 spots for the retail/office. This use will require 7 spots.

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 Sawall Development (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.

B. Consideration and possible action on a Plan of Operation and site plan for Katie Fromstein Photography (N63W23217 Main Street).

This site is zoned B-4. The photography studio is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419 (C)(5)(g). The photographer will lease 375 square feet of space on the second floor of the 13,000 square foot retail building facing Waukesha Avenue at Mammoth Springs. Katie specializes in newborn, baby and family photography. Hours of operation are by appointment only.

The site has sufficient parking for both the residential and retail buildings with 190 surface parking stalls and 20 on street parking spots are also available. 135 of the surface spots are calculated for the residential use, leaving 75 spots for the retail/office. This use requires 2 spots.

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 Katie Fromstein Photography (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 Plan of Operation, site, architectural building, lighting and landscape plan for Dr. Vezzetti office building on lot 2 at the Sussex Gateway Center.

This site is zoned B-3. The general medical services is a permitted use in the B-3 Highway Business District in accordance with Section 17.0418 (A)(3)(d). Dr. Vezzetti will occupy approximately 6,300 square feet on the first floor and 1,900 square feet in the lower level of the 12,300 square foot building and lease the rest of the building out.

All of the plans will be reviewed at the August 3, 2016 ARB meeting.

Site

- Sufficient parking with 68 stalls, with the availability to add 12 stalls.

Architectural

- Building meets height and required setbacks.

- Will be constructed with hardiplank and stone accent.

Lighting

- Lighting does not spill out onto neighboring properties.

Landscape

- Plan submitted is sufficient.

Policy Question:

1. Are there any concerns with the Plan of Operation, site or various plans?
2. Are there any comments directed to the ARB?

Action Items:

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

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation, site, architectural building, lighting and landscape plans for Dr. Vezzetti office building on lot 2 at the Sussex Gateway Center; a finding that the use and structures meet the principals of 17.1002(A-H); subject to any conditions from the ARB and the standard conditions of Exhibit A.

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

A. Conceptual review of a Conditional Use for the filling of the flood plain in a County right-of-way on County HWY VV (aka Main Street) between Freiheit Court and Pewaukee Road.

The petitioner for this Conditional Use is Roger Duchow. This work is related to off-site roadway improvements required for the proposed Sussex Town Center development. The roadway on County HWY VV must be widened and will require filling in a designated flood plain area owned by the County. Coordination with the DNR and US Army Corp of Engineers regarding wetland fills and erosion control is required. They will offset the floodplain fill in the same general area.

Due to the timing of the start of this work the petitioner is requesting to receive approval of the Conditional Use at the August meeting.

Policy Question:

1. Are there any concerns with the Conditional Use application?

Action Items:

1. Direct staff to schedule the public hearing.

Staff Recommendation: Staff recommends scheduling the public hearing for the August Plan Commission meeting.

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

A. Consideration and possible action on a CSM to combine properties at N63W23661 Main Street and N63W23637 Main Street and grant a right-of-way to the Village of Sussex for road improvements.

The properties are located in the B-4 Central Mixed Use District. This is phase 1 of combining properties to redevelop the area once Silver Spring is realigned. This CSM will combine the two properties of the former Citgo Gas Station and Main Street Home with the attached liquor store next to the Village Youth Hall and will dedicate an 11 foot strip for right-of-way purposes for the new Silver Spring Drive location.

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the CSM to combine properties at N63W23661 Main Street and N63W23637 Main Street and grant a right-of-way to the Village of Sussex for road improvements, subject to final review by the Village Engineer and the standard conditions of CSM approval and Exhibit A.

B. Consideration and possible action on a Final Plat for Sussex Preserve located on the west side of Maple Avenue south of Clover Drive.

This site is zoned RS-3 with a Planned Development Overlay. This is the first plat for the new 146 lot subdivision. In accordance with Section 18.0902 entitled “Phasing” the Developer can only create 30 lots per year. This is the first phase of this subdivision.

Policy Question:

1. Are there any concerns with the Final Plat?

Action Items:

1. Act on the Plat.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the Final Plat for Sussex Preserve located on the west side of Maple Avenue south of Clover Drive subject to final review by the Village Engineer, meeting the requirements of the Developers Agreement and the standard conditions of Final Plat approval and Exhibit A.

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

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

This site is zoned RS-4. Staff will have an update on where things stand on the maintenance of the property.

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.