

**VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN**

Minutes of the Plan Commission meeting held on January 19, 2021

President LeDonne called the meeting to order at 6:30 p.m.

Members present: President Anthony LeDonne, Commissioners Deb Anderson, Roger Johnson, Jim Muckerheide, Mike Knapp, and Trustee Scott Adkins

Others present: Village Administrator Jeremy Smith, Assistant Village Administrator Kelsey McElroy-Anderson, Village Attorney John Macy, Assistant Development Director Kasey Fluet, Administrative Assistant Anne Pulvermacher, Deputy Clerk Caren Brustmann and applicants.

A quorum of the Village Board was not present at the meeting.

**Consideration and possible action on the minutes on the Plan Commission meeting of December 15, 2020.**

A motion by Anderson, seconded by Muckerheide to approve the minutes of the Plan Commission meeting of December 15, 2020 as presented. Motion carried 6-0 (Knapp abstained)

**Consideration and possible action on a Plan of Operation and site plan for Albright Gun Works LLC N60W22951 Silver Spring building 9 unit 17.**

Applicant Scott Albright, N60W22951 Silver Spring Dr. Unit 17, Sussex, was present and provided a brief plan of operation.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned M-1. The assembly of sporting goods is a permitted use in accordance with Section 17.0422 (A)(4)(f)(4) in the M-1 Industrial District. The owner of Albright Gun Works LLC will use the 1,500 square foot building to assemble custom firearms for completion and sportsman use, store components and distribute of components. The owners must also follow the declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

Plan Commission Comments: Commissioner Muckerheide confirmed with Mr. Albright there will be no sale of firearms from this location, strictly assembly.

A motion by LeDonne, seconded by Johnson to approve the Plan of Operation and site plan for Albright Gun Works LLC N60W22951 Silver Spring building 9 unit 17 a finding that the use and structures meet the principals of 17.1002(A-H), subject to ATF license permit approval, payment of any water RCA fees, prior to receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A, and subject to the Applicant reviewing operation with the Sheriff's Department and providing information deemed necessary.

Motion carried 7-0

**Convene the public hearing for a Conditional Use, Plan of Operation and site plan for Paul and Jana McBride building 7 unit 13.**

Applicant Paul McBride, W201N5292 Sand Piper Lane, Menomonee Falls, was present.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owner is purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

Plan Commission Comments: None

Plan Commission stated the Petitioner had met the standards and directed staff to prepare a Conditional Use Order for review at the meeting held February 16, 2021 at 6:30pm.

Public Comments: None (In person or via Zoom)

A motion by LeDonne, seconded by Muckerheide to adjourn the public hearing until February 16, 2021 at 6:30pm. Motion carried 7-0

**Reconvene the public hearing for a Conditional Use, Plan of Operation and site plan for Mike Kaerek N60W22951 Silver Spring building 7 unit 14.**

Jordan Kaerek, representative for Mike Kaerek, N30W28875 West Lakeside Drive was present.

Plan Commission comments: None

Public Comments: None (In person or via Zoom)

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owner is purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

A motion by LeDonne, seconded by Knapp to close the public hearing. Motion carried 7-0

**Consideration and possible action on a Conditional Use, Plan of Operation and site plan for Mike Kaerek N60W22951 Silver Spring building 7 unit 14.**

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use and site plan for Mike Kaerek.

The Plan Commission concluded that the Petitioner had provided substantial evidence with regards to the following Standards/Regulations:

- The Application is complete and consistent with 17.0502
- The use(s) and plans are compliant with 17.0503 & 17.0507 (Review of CU's).
- The use(s) and plans are compliant with 17.0200 (General Conditions)
- The uses(s) and plans are compliant with 17. 1000 (Site Plan Review)
- The Petitioner has provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.

The Plan Commission concluded that the Petitioner had provided substantial evidence with regards to the Conditional Use Permit as follows:

- A.3.A. Site Plan Standards compliance
- A.3.B. Plan of Operation compliance
- A.3.C.-H. Various Plan(s) compliance
- A.4.-16. CU condition compliance
- B-L. Administrative CU Condition compliance

A motion by LeDonne, seconded by Muckerheide to approve the Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation and site plan for Mike Kaerek, N60W22951 Silver Spring building 7 unit 14; a finding the use and structures meet the principals of 17.1002(A-H); subject to payment of any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A. Motion carried 7-0

**Consideration and possible action on a CSM to vacate the pedestrian way and the land for well house #3 W233N6048 Lilac Drive.**

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating the CSM would be the final step in the process to relinquish the 20 foot pedestrian way to the abutting neighbors, each will receive half of the land. The other purpose of this CSM is to combine the land of the well house with Bradley and Katherine Heid property. The CSM will not be recorded until the public hearing for the vacation of the pedestrian way is completed at the January 26, 2021 Village Board meeting and payment of \$2,800 is received from the Heids' to purchase the well house land.

Plan Commission comments: None

Public Comments: None (In person or via Zoom)

A motion by LeDonne, seconded by Anderson to recommend the Village Board approval of the CSM to vacate the pedestrian way and the land for well house #3 W233N608 Lilac Drive subject to review by the Village Engineer, the Pedestrian Way being vacated, the payment of \$2,800 is received from the Heid's and the standard conditions of CSM approval and Exhibit A. Motion carried 7-0

**Consideration and possible action on an Ordinance #872 to repeal and recreate Section 14.905(2)(b) regarding Official Maps of Chapter 14 Stormwater Management.**

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating Chapter 14 regulates the conditions and requirements of Floodplain areas designated by FEMA. Section 14.905 is the Official Maps & Revisions of the code, these maps are approved by the DNR and FEMA. The code section 14.905(2)(a) specifically list all the panel numbers related to areas with floodplain in the Village of Sussex. Section(2)(b)

was added based on a study dated November 5, 2014. Since this date another study was completed pertaining to the Clover Drive bridge improvements because of the improvements to the bridge this caused a decrease in areas designated with floodplain and therefore changes the maps for the Village within that area. Due to these changes we must also list the Letter of Map Revision associated with the Clover Drive Bridge replacement in the section of the code.

Plan Commission comments: None

Public Comments: None (In person or via Zoom)

A motion by LeDonne, seconded by Muckerheide to recommend to the Village Board to approve the Ordinance #872 to repeal and recreate Section 14.905(2)(b) regarding Official Maps of Chapter 14 Stormwater Management. Motion carried 7-0

**Consideration and possible action on a Petition to create Sub Section 17.0418 A. 5. (k) regarding Animal Boarding in the B-3 Highway Business District Permitted Uses.**

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating a petition has been submitted for consideration to a code change to allow Animal Boarding services in the B-3 district by the owners of Central Bark a business operating in the Sussex Industrial park an M-1 district since 2007. Instead of renting the owners want to purchase the empty building formerly the location of Lake Country Detailing which is in the B-3 district. In order for the business use to be allowed the Plan Commission must consider if this use is appropriate for this district.

Under the current codes the use is allowed as a conditional use in the M-1 Industrial. The request for the use in the B-3 district would have the same language as the code for the M-1 conditional use requirements.

A motion by LeDonne, seconded by Anderson to support the Petition to amend Section 17.0418 A. 5. (k) regarding Animal Boarding in the B-3 Highway Business District as a permitted use. Motion carried 7-0

**Consideration and possible action on an Ordinance #873 to create Sub Section 17.0418 A. 5. (k) regarding Animal Boarding in the B-3 Highway Business District Permitted Uses and repeal and recreate Sub Section 17.0506 A. 6. (a) regarding Animal Board in Section 17.0500 Conditional Use Permits.**

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating staff has prepared an amendment to Chapter 17 to create a Sub Section in Section 17.0418 A.5. (k) regarding Animal Boarding in the B-3 Highway Business District as a permitted use. Because we are adding the Animal Boarding Services as a permitted use in the B-3 we are also recommending a code change to the Conditional Use section which could allow the use under certain limits. The changes are included in the attached memo.

Public Comments: None (In person or via Zoom)

A motion by LeDonne, seconded by Anderson to recommend the Village Board approve the Ordinance #873 to create Sub Section 17.0418 A. 5. (k) regarding Animal Boarding in the B-3 Highway Business District Permitted Uses and repeal and recreate Sub Section 17.0506 A. 6. (a) regarding Animal Board in Section 17.0500 Conditional Use Permits. Motion carried 7-0

**Update on subdivision progress and status on development projects.**

Mrs. Fluet provided a chart showing the activity of the subdivisions under construction. An update on the

following development project status was also provided; Dunkin Donuts (began digging foundation), Stirling Building (project complete), Prestwick addition (project complete; landscaping to resume in spring 2021), Mammoth Lofts (construction 80% complete with 12 of 20 units occupied), Sussex IM addition (project complete).

**Other items for future discussion** - None

**Adjournment:**

A motion by LeDonne, seconded by Muckerheide to adjourn the meeting at 7:16 pm. Motion carried 7-0

Respectfully Submitted,

Caren Brustmann  
Deputy Clerk



