

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission meeting held on January 18, 2022

President LeDonne called the meeting to order at 6:32 p.m.

Members present: Commissioners Roger Johnson, Deb Anderson, Mike Knapp, Jim Muckerheide, President Anthony LeDonne and Trustee Greg Zoellick.

Members excused: Mike Schulist.

Others present: Attorney John Macy, Administrator Jeremy Smith, IT Coordinator Diane Bruns, Village Clerk Sam Liebert, Trustee Stacy Riedel, Trustee Scott Adkins and applicants.

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

Consideration and possible action on the minutes on the Plan Commission meeting of December 14, 2021.

A motion by Anderson, seconded by Johnson to approve the minutes of the Plan Commission meeting of December 14, 2021 as presented. Motion carried 6-0

Consideration and possible action on plan of operation for Outset Inc. dba Free Covid Check (N63W23583 Main Street Suite D).

The petitioners for Free Covid Check were present and spoke.

Fahad Zuberi, 282 Sype Drive, Carol Stream, IL and Hamad Hussain, 1498 Harmony Drive, Bartlett, IL: They stated that they had reached out to the county health department and assured them that the business would follow CDC guidelines and county health department guidelines. For the process of collecting samples for COVID testing, it would all be done in the parking lot at the customer's vehicle. There would be no charge for the quick-test. PCR tests take 2-3 days for results to return.

Mr. Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. General Medical Services are a permitted use in the District as this is a walk-in Covid Testing Clinic. Customer service hours are 7 days per week from 8 am to 5 pm. There are two employees per shift. Lab work is done remotely. Suite D is over 2,200 square feet, but in order to effectuate safe practices a technician will meet clients at the rear door (stairwell to 3rd floor office) give them the testing items to take back to their car to test and collect samples from a receptacle to take back upstairs to the suite to be processed. This will keep most patrons outside of the building.

There have been concerns raised by tenants in the building. In talking with Waukesha County Health Department, they will review the plan of operations for commentary and adjustment as necessary. It would be appropriate to condition approval on following the outlined plan of operation and any adjustments as necessary to comply with CDC guidelines and any recommendations from the County Health Department. At no time should folks be waiting in line in the building outside of the office suite D or staging in hallways or stairwells according to the Fire Department.

The site has 37 onsite parking spaces, and 3 street parking spaces for 40 total spaces. 18 spaces are allocated, leaving 22 spaces. This use requires 12 spaces, leaving 10 spaces open.

Plan Commission Comments: Commissioner Johnson stated he thought this plan of operation is better than when they planned to have customers que up in the hall way.

Trustee Zoellick asked what would prevent customers from using the front entrance.

The petitioners stated that there will be signage on the front door to notify them to use the rear entrance.

Trustee Zoellick asked if there were any penalties if the petitioner did not follow the plan of operation.

Mr. Smith stated that it could fall under zoning code violation or municipal ordinance.

Conversation was had about choosing a different location for the Free Covid Clinic.

Attorney Macy stated that the village does not dictate where businesses can rent. Before the Plan Commission this evening was this specific plan of operation to try and best accommodate all parties involved.

A motion by LeDonne, seconded by Knapp to suspend the rules to allow for public comment.

Sheryl Felsing, 619 Glen Erin Drive, Hartford, stated that she has had her business in the building for the past 12 years. I have concerns with the building HVAC and that employees have PPE when working with potential covid patients. She asked that the board deny occupancy.

Jenny Hagen, W239N7630 Sun Valley Court, Sussex, stated that she has had her business in the building for 10 years. I did not see any proper signage, no proper precautions being taken, people coming into my salon sick and asking where the location was. There are issues with parking. I have lost a couple of clients already and my business will continue to be affected. There were a lot of people coming in the front and back door.

Sandra Reichard, N91W16933 Laurel Lane, Menomonee Falls, stated that she has had a business in the Sussex Professional Building for 5 years. My clients have expressed displeasure and that they will not return as long as the covid clinic is in the building. I have issues with the heating system and combined air. I don't think this building is suited for their needs.

Without objection, the Plan Commission went back into regular session.

Commissioner Johnson asked if the applicant planned to install any portable air filtration devices.

The applicants said yes, they planned to do that.

Discussion was had about the plan of operation.

Commissioner Muckerheide and Commissioner Knapp both stated they have concerns with the applicant's current location and opening without permission.

A motion by Johnson, seconded by Anderson to approve of the plan of operation conditioned upon strict adherence to the operational procedures as submitted or as modified by recommendation of the Waukesha County Health Department, and no staging of customers within the building except within the Suite D itself, with the intent of keeping potential Covid patients at the rear of the building and outside and subject to the standard conditions of Exhibit A, along with the agreed upon condition that Free Covid Check agrees to immediately correct any violations found by the County Health Department and to shutdown if so ordered by

the Waukesha County Health Department for being in violation of county guidelines or in violation of this plan of operation, and that the Village Administrator must approve the signage on the doors before the business can reopen.

Motion carried 4-0

Knapp and Muckerheide abstained

Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:

None

Consideration and possible action on Final Plat for Woodland Trails Addition No. 2. (Woodland Court)

The petitioner from was present, Ryan Fritsch of Neumann Companies gave a presentation and was made available for questions.

Mr. Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned RS-3 with a PDO. The Final Plat is in substantial conformity to the preliminary plat. This plat would establish the final 31 single family lots of the subdivision.

There are technical corrections from the Village Engineer to fix on the Plat that the Developer has acknowledged and is in the process of updating prior to execution of the Plat itself.

The utilities (public and private) and curb have been installed, but the asphalt, sidewalk/path, and trees are not yet. They are waiting for the weather to be appropriate for installation of those items.

Plan Commission Comments: None

A motion by Anderson, seconded by Johnson to recommend approval to the Village Board of the Final Plat for Woodland Trails Addition No. 2 (Woodland Court) subject to the standard conditions of Plat approval, meeting all comments and conditions of the Village Engineer including completion of the asphalt roadway, compliance with the Developer's Agreement, payment of all fees and subject to the standard conditions of Exhibit A.

Motion carried 6-0

Consideration and possible action on Final Plat for Vista Run II (Aspen Court).

The petitioner from was present, Ryan Fritsch of Neumann Companies gave a presentation and was made available for questions.

Mr. Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned RS-2 and SFRD-3 with a PDO. The Final Plat is in substantial conformity to the preliminary plat. This plat would establish 12 single family lots.

There are technical corrections from the Village Engineer to fix on the Plat that the Developer has acknowledged and is in the process of updating prior to execution of the Plat itself.

Sidewalk/path and street trees are not yet installed and will be when weather is appropriate for the same.

Plan Commission Comments: None

A motion by Johnson, seconded by Anderson to recommend approval to the Village Board of the Final Plat for Vista Run II (Aspen Court) subject to the standard conditions of Plat approval, meeting all comments and conditions of the Village Engineer, compliance with the Developer's Agreement, payment of all fees and subject to the standard conditions of Exhibit A. Motion carried 6-0

Consideration and possible action Richmond Highlands

The petitioner from was present, George Erwin of 17320 Windemere Rd, Brookfield, gave a presentation and was made available for questions.

Discussion was had by the plan commission with the petitioner.

Other items for future discussion

Commissioner Johnson asked if there are any updates from CDA in regards to economic development.

President LeDonne state that the CDA has started to a new section on the village website and will be working with existing resources before deciding to add anything else. I also have begun to attend Chamber of Commerce meetings.

Adjournment

A motion by Johnson, seconded by Zoellick to adjourn the meeting at 7:29pm. Motion carried 6-0

Respectfully submitted,

Samuel Liebert
Village Clerk

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

Amendment approved at the Plan Commission meeting on July 17, 2014

- 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



MEMORANDUM

TO: Plan Commission
FROM: Jeremy Smith, Village Administrator
RE: Plan Commission meeting of December 14, 2021
DATE: December 1 2021

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 of November 16, 2021.**
03. **Consideration and possible action on Permitted Uses and Site Plans:**
 - A. **Consideration and possible action on a sign plan for Tekila (N63W23675 Main St.).**

This site is zoned B-4. The sign as presented does not match the Master Sign plan for the building, but has been recommended for approval by the Building Owner. Since the sign doesn't match the Master Sign Plan, the Village Plan Commission must approve of the sign. The wall sign overlooking the patio would have the small light bulb style sign. Please see the sign application for more information.

Policy Question:

1. Are there any concerns with the sign?

Action Items:

1. Act on the plan.

Staff Recommendation: Staff recommends the Plan Commission approve the sign plan for Tekila (N63W23675 Main Street) subject to the standard conditions of Exhibit A.

04. **Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:**

None
05. **Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:**
 - A. **Consideration and possible action on a CSM for Lannon Stone Sussex Quarry (N52W23096 CTH K).**

This site is zoned Q-1 and M-1. This CSM splits off the Q-1 from the M-1 in order to comply with the Intermunicipal Agreement between the Town of Lisbon and Village of Sussex to ensure the Village stays contiguous. The quarry portion would go to the Town of Lisbon. The Village won't record this CSM until the 66.0307 Agreement requiring this change is approved by the State of Wisconsin and the parties. Please see the CSM for more information

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission approve the CSM for Lannon Stone Sussex Quarry (N52W23096 CTH K) subject to the 66.0307 Agreement going into effect, any final technical corrections of the Village Engineer, and subject to the standard conditions of Exhibit A.

06. Other Items for future discussion.

07. Adjournment.