



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

AGENDA
VILLAGE OF SUSSEX
PLAN COMMISSION MEETING
6:30 PM TUESDAY, SEPTEMBER 20, 2022
SUSSEX CIVIC CENTER – BOARD ROOM 2nd FLOOR
N64W23760 MAIN STREET

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Sussex Plan Commission, at which a quorum of the Village Board may attend. If a Quorum is present the Chairperson shall state, "Please let the minutes reflect that a quorum of the Village Board is present and may be making comments during public comment or if the rules are suspended to allow so.)

1. Roll call.
2. Consideration and possible action on the minutes of the Plan Commission meeting of August 16, 2022.
3. Consideration and possible action on Permitted Uses and Plans:
 - a. Consideration and possible action on Paris Nail Spa (N65W24838 Main Street).
4. Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:
5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
 - a. Consideration and possible action on an Ordinance repealing and recreating Section 18.0208 of Chapter 18.
6. Other items for future discussion.
7. Adjournment.

Anthony LeDonne
Chairperson

Jeremy J. Smith
Village Administrator

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Clerk at 246-5200.

DISCLAIMER- THE FOLLOWING ARE DRAFT MINUTES FROM THE PLAN
COMMISSION AND ARE
SUBJECT TO CHANGE UPON APPROVAL OF THE PLAN COMMISSION
**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission meeting held on August 16, 2022

In the absence of the Village President Clerk Moore called the meeting to order at 6:30p.m. and asked for nominations to act as chair. A Motion by Johnson, seconded by Anderson to nominate Trustee Zoellick as chair of the meeting. Motion carried 5-0

Members present: Trustee Greg Zoellick, Commissioners Jim Muckerheide, Mike Knapp, Roger Johnson
Debbie Anderson

Members excused: Village President Anthony LeDonne and Commissioner Mike Schulist

Others present: Community Development Director Gabe Gilbertson, Village Administrator Jeremy Smit,
Attorney John Macy, Village Clerk Jennifer Moore, Village Engineer Judy Neu, Assistant Village
Administrator Kelsey McElroy-Anderson, 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 June 21, 2022.

A motion by Zoellick, seconded by Knapp to approve the minutes of the Plan Commission meeting of June 21,
2022 as presented. Motion carried 5-0

**Consideration and possible action on plan of operation, site, architecture, lighting, and landscape
plans for Industrial Controls (N56W24842 North Corporate Circle).**

Scott Meier, Ayres Assoc., representative for the owner was present to discuss the 10,000sf building addition
in the business park.

This addition will double the size of the current building. Architectural Review Board recommends approval.
The board had no concerns with the plan of operations or property maintenance concerns.

A motion by Knapp, seconded by Muckerheide to approve the plan of operation, site, architecture, lighting,
and landscape plans for Industrial Controls (N56W24842 North Corporate Circle) - subject to the standard
conditions of Exhibit A. Motion carried 5-0

**Consideration and possible action on plan of operation, site, architecture, lighting, and landscape
plans for Quest (W245N5604 South Corporate Circle).**

Caitlin LaJoie, Briohn Building was present to represent the owner. This will be a new 10,000sf building.

The board had no concerns with the plan of operations.

A motion by Johnson, seconded by Anderson to approve plan of operation, site, architecture, lighting, and landscape plans for Quest (W245N5604 South Corporate Circle) - subject to the standard conditions of Exhibit A.

Motion carried 5-0

Consideration and possible action on plan of operation for Mane Street Salon (N64W22630 Main Street)

Richard and Crystal Vodika, purchasers, were present to answer question. This is a simple ownership change and all other aspects of the business will remain the same.

The board had no concerns with the plan of operations or property maintenance concerns.

A motion by Anderson, seconded by Muckerheide to approve the plan of operation for Mane Street Salon (N64W22630 Main Street) - subject to the standard conditions of Exhibit A.

Other items for future discussion

Administrator Smith introduced Gabe Gilbertson, new Community Development Director, to the Plan Commission

Adjournment

A motion by Johnson, seconded by Anderson to adjourn the meeting at 6:45p.m.

Motion carried 5-0

Respectfully submitted,

Jennifer Moore
Village Clerk



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MEMORANDUM

TO: Plan Commission
FROM: Gabe Gilbertson, Community Development Director
RE: Plan Commission meeting of September 20, 2022
DATE: September 9, 2022

All Code Sections in this memo refer to the March 25, 2014 Sussex Municipal Code Chapter 17 with subsequent amendments thereto.

02. Minutes of the Plan Commission meeting of August 16, 2022.

03. Consideration and possible action on Permitted Uses and Site Plans:

A. Consideration and possible action on Paris Nail Spa (N65W24838 Main Street).

This site is zoned B-2. The nail spa is a permitted use in the district under 17.0417A.5(a). According to the Plan of Operation, the business and business name is staying the same, but there is a new owner. The business hours will remain the same as they are currently: 10:00 am until 7:00 pm Monday through Saturday and closed on Sunday. The business is part of a multi-tenant building with Pick N' Save being the anchor. The site as a total of 434 parking spaces and the nail salon use requires a total of 10 spaces.

The Plan Commission also utilizes this opportunity to consider any property issues that need to be addressed. While Village Staff does not have concerns regarding the proposed use, Staff did note that much of landscaping is missing from the parking lot islands in front of the multi-tenant portion of this development. Although this issue should not affect the Plan Commission's action on the Plan of Operation, it is an opportunity for the Plan Commission to look at this as a matter of policy, and if the Plan Commission wishes to, it can direct Staff to reach out to the property owner to discuss options for addressing the planting beds. Ultimately, this issue of dying and missing landscaping is widespread among aging commercial centers and something that should be addressed to ensure that we are able to attract and retain tenants in these developments.

Policy Question:

1. Are there any concerns with the plan of operation?
2. Are there any property maintenance concerns that need to be addressed at this time?

Action Items:

1. Act on the Plan of operation

Staff Recommendation: Staff recommends approval of the Paris Nail Spa (N65W24838 Main Street) subject to the standard conditions of Exhibit A.

04. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:

A. Consideration and possible action on an Ordinance repealing and recreating Section 18.0208 of Chapter 18.

The Village was requested to modify language within the Development Agreement section of Chapter 18 of the Municipal Code to include language that ensures the protection of Village funds when utilizing tax-exempt financing associated with the implementation of TIF Districts. This change is being done with respect to the ability to issue tax exempt bonds for TIF District improvements.

Policy Question:

1. Are there any concerns with the Ordinance amendment.

Action Items:

1. Recommend the Village Board adopt the attached Ordinance.

Staff Recommendation: Staff recommends the Plan Commission recommend the Village Board adopt the attached Ordinance repealing and recreating Section 18.0208 of Chapter 18 of the Municipal Code.

05. Other Items for future discussion.

06. Adjournment.



PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? no If yes, is this a new CU? _____

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____ Zoning: B-2

Address of Tenant Space: N65 W24838 Main St. Sussex, WI 53089

1. Name of Business:

Paris Nail Spa Sussex LLC

Business

N65 W24838 Main St. Sussex, WI 53089 (262) 820-8002
 Address City, State, Zip Phone #

Fax # _____ Email address _____

2. Business owner contact information:

NINH DANH

Contact

1940 S 83rd St, West Allis, WI 53219 (414) 364-4628
 Address City, State, Zip Phone #

Fax # _____ Email address _____

3. Building/Land owner contact information:

TCF21 Distressed Opportunities Funds, LLC C/O Anderson Commercial Group, LLC

Contact

11217 W. Forest Home Ave. Suit 1 Franklin, WI, 53132 414-425-2700
 Address City, State, Zip Phone #
jolvera@andersoncommercialgroup.com

Fax # _____ Email address _____

4. Number of Employees/Shifts:

4

Employees

Shifts

5. Days of Operation:

Put an X in box that applies:
 Hours
 Open for business

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	Close
7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	

6. Is this an extension of an existing operation? no
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? no Do you need an Outdoor Establishment Permit? _____
 If yes, explain: _____
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? no
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? no If yes, explain: _____
11. Dimension of area to be occupied 1213 Total square footage 1213
 If applicable list square footage according to 1st floor _____ 2nd floor _____

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
 Total Number of Parking Spaces 434 Number of spaces needed per code _____
 Number of spaces allocated for employee parking _____
 Dimensions of parking lot _____ Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?

 If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0600.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

NINH DANH 8/13/22
 Name Date
OWNER
 Title or Position

I am aware and approve of the business to be operating in the building owned by TCF Distressed Opportunity Fund, LLC

Julija Olvera 8/24/2022
 Name Date
Property Manager
 Title or Position
Anderson Commercial Group, LLC
Agent of Owner: TCF Distressed Opportunity Fund, LLC



Village of Sussex Fire Department
N63 W24335 Main Street
Sussex, Wisconsin 53089

Dave Johnson
 Fire Chief
 262-246-5197
 Inspector Greg Zoelke
 262-246-5220
 Fire Station - Burnace
 262-246-5197
 Fire Station - FAX
 262 246 5196

Waukesha County Sheriff – Sussex Office

Emergency Contact Form to be completed with Plan of Operation form.

Business Name: Paris Nail Spa Sussex LLC

Business Address: N65 W/ 24335 Main St. Sussex, WI 53089

Business Phone #: (262) 820-8002

Business Email#: sonvtday305@gmail.com

Business Emergency Contacts

Name and Phone #: _____

Name and Phone #: _____

Name and Phone #: _____

Building Owner Name: TCF Distressed Opportunity Fund, LLC C/O Anderson Commercial Group, LLC

Building Owner Email: jolvera@andersoncommercialgroup.com

Building Owner Emergency Contacts

Name and Phone #: Anderson Commercial Group, LL 24-HR Emergency Line 866-716-8659

Name and Phone #: Julija Olvera (ACG Property Manager) 414-690-2703

Knox Box (if applies) Have locks been changed and new key provided to Fire Department? Yes No

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 18.0208 OF CHAPTER 18, THE “LAND DIVISION AND DEVELOPMENT ORDINANCE” OF THE VILLAGE OF SUSSEX ORDINANCES, TO PROVIDE SECURITY PROTECTIONS WHEN INCENTIVES ARE PROVIDED THROUGH TIF DISTRICTS.

WHEREAS, ensuring protection of Village funds when implementing TIF Districts is important to protect the public's interest in such developments, and

WHEREAS, providing this type of language in Village code ensures continued tax-exempt financing capabilities for TIF Districts, and

WHEREAS, tax exempt financing saves taxpayers resources and spurs economic development.

NOW, THEREFORE, The Village Board of the Village of Sussex, Waukesha County, Wisconsin, does hereby ordain as follows:

- 1. SECTION 18.0208 DEVELOPMENT AGREEMENT is hereby repealed and recreated as follows:

18.0208 DEVELOPMENT AGREEMENT

Before or as a condition of receiving final approval from the Village Board of any plat, or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under Section 18.0902 of this Ordinance, the developer shall submit to and receive approval from the Village Board, Village Attorney and the Village Engineer, a developer's agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, condominium plat, or certified survey map, whichever is earlier. **When a Developer Agreement involves Tax Increment Financing, the Agreement may provide for public financing or reimbursement of improvements obligated to the Developer under Chapter 18 and if such benefit is provided therein the Developer's Agreement shall set forth protections of the public's investment including guarantees of value and payback provisions or other similar provisions to ensure protection of the same.**

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. CLERK TO EFFECTUATE

The Village Clerk is hereby directed to effectuate this Code Amendment and make any administrative adjustments to the Village Municipal Code, reference numbers, spelling, amendment notations, etc. and update any Village systems and processes as necessary to implement the same.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 11th day of October, 2022.

VILLAGE OF SUSSEX

Anthony LeDonne, Village President

ATTEST:

Jennifer Moore, Village Clerk

Published and/or posted this _____ day of _____, 2022.