

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Virtual Plan Commission meeting held on April 21, 2020.

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

Members present: Commissioners Deb Anderson, Amanda Schauer, David Ray, Annette Kremer, Roger Johnson, Trustee Scott Adkins and Village President Anthony LeDonne.

Members excused: None

Others present: Village Administrator Jeremy Smith, Asst. Village Administrator Kelsey McElroy-Anderson, Village Attorney John Macy, Assistant Development Director Kasey Fluet, Village Engineer Judy Neu, Deputy Clerk Linda Steinmetz 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 February 18, 2020 and April 15, 2020.

A motion by Schauer, seconded by Kremer to approve the minutes of the Plan Commission meeting of February 18, 2020 and April 15, 2020 as presented. Motion carried 7-0.

Consideration and possible action on a Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD).

Jennifer Wingelnik spoke on behalf of Athletico Physical Therapy, N63W23675 Main Street: business will provide physical therapy, occupational therapy, sports rehabilitation and work rehabilitation at new location. Company is excited to expand their patient base to Sussex.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The general medical services is a permitted use in accordance with Section 17.0419 (C)(3)(d) in the B-4 Central Mixed Use District. Athletico is proposing to open a 3,000 square foot location to service clients for physical, occupational, sports, and work related therapy services. They will have 5 employees, hours of operation will be Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday 7:00 a.m. to 12:00 p.m. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, this user will require 10 stalls. The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

Plan Commission Comments: none

A motion by Johnson, seconded by Kremer to approve the Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), subject the standard conditions of Exhibit A. Motion carried 7-0.

Consideration and possible action on a Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD).

Chaz Hastings spoke on behalf of Apothic Restaurant, Beer Garden and Mama Mia's, N63W23675 Main Street: Restaurant names have been changed to Tequila (Apothic) and El Vino (Mama Mia's). Restaurants will be in located in the west end of the building and have glass garage doors that will open on warmer days. Tequila will offer high end Mexican cuisine with full bar service and feature an outdoor beer garden which includes leased park land to the west. El Vino will offer carry-out pizza and LaCopa gelato.

Plan Commission comments: Commissioner Johnson stated the site plan makes it appear as if the restaurant owns the park land. There should be a definite distinction between the two properties. Tables are ok, but he is not in favor of having no distinction between the park land and the restaurant property.

Mr. Smith stated Mr. Hastings has leased that area of the park for the Beer Garden with Village Board approval. The Beer Garden area will be landscaped to separate it from the rest of the park so patrons know where alcohol is permitted.

Mrs. Fluet reviewed the plan staff memo (copy attached); stating the site is zoned B-4. The restaurants and outdoor beer garden are a permitted use in accordance with Section 17.0419 (C)(1)(c) in the B-4 Central Mixed Use District. Tequila will occupy 3,000 square feet and will offer higher-end Mexican cuisine with a full service bar and next door will be El Vino occupying 1,500 square feet for carry out pizza and gelato. Tequila will be on the west side of the building in the end tenant and will be able to utilize the outdoor patio some of which extends into the Old Brooke Square Park for outdoor seating and the beer garden customers. The owner will need to apply for and receive approval by the Finance Committee and Village Board of a liquor license, approval by the Waukesha County Health Department, each year the owner must receive approval for an Outdoor Establishment Permit. Hours of operation will vary for each business, Tequila will offer breakfast and both places will close at the required time according to their liquor license. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, with 50 stalls already allocated (40 residential, 10 commercial tenants). This user will require 20 stalls, leaving 69 spaces for the remaining approximately 12,000 square feet of commercial space, which should be sufficient following traditional parking ratios.

The owner has submitted an outdoor patio plan, the plan should be reviewed by the Architectural Review Board and the Village Engineer to address sufficient screening and grading issues between the site and the park.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

When asked if there were any concerns with the site plan, Commissioner Johnson stated he objected to the current site plan.

A motion by Kremer, seconded by Schauer to approve the Plan of Operation and site plan for Tequila Restaurant, Beer Garden and El Vino (N63W23675 Main Street Suite # TBD) with a condition to add screening and address grading issues between the site and the park, a finding that the use and structures meet the principals of 17.1002(A-H), and the standard conditions of Exhibit A.

Motion carried 6-1. Commissioner Johnson voted "Present".

Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group-Stirling Building (W248N5565 Executive Drive).

John Kutz and Stu LaRose of MSI General, W215 E Wisconsin Ave, Nashotah, WI spoke on behalf of Prestwick Group, W248N5565 Executive Drive: Company plans to build a 41,000 sq. ft. building north of their current location to house the Stirling Furnishings operations which manufacture furniture. Business is moving from Hartland to Sussex. Site will have two access points from Executive Drive. Building is precast concrete similar to current building – 32 feet high. New building will share a parking lot with current building. Parking will be to the south with loading docks facing south. Parking lot and building will have LED lighting to match lighting on existing building. There will be screening along Executive Drive to block the docks, trees along STH 164 will remain and landscaping added around building with trees in parking lot islands.

Mrs. Fluet reviewed the plan staff memo (copy attached) stating the site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is moving a division of their company from Hartland to the vacant lot just north of their headquarters. Prestwick will build a 41,200 square foot building for the Stirling Furnishings operations to locate to. With Prestwick's expansion and the new Stirling building a shared parking lot will be added creating 199 stalls and a cross access agreement is recorded on CSM #11978. Stirling has 35 employees and hours of operation will be Monday through Thursday 5:00 a.m. to 9:00 p.m.

In accordance with Section 17.0603 F. 6. a waiver must be made for a shared parking lot. The Plan Commission will need to make a determination if a waiver should be granted to allow a less than 5 foot setback along the side lot for the shared business uses. The plans will be reviewed at the April Architectural Review Board.

Mr. Smith stated the waiver is to allow the shared parking lot for the two buildings. If you grant this waiver it does allow that if one of these properties is sold in the future, the lot will still be a shared parking lot between the two owners. The parking lot will not need to be redesigned.

Commissioner Johnson stated he was in favor of granting the waiver, Anderson seconded. Commissioner Adkins asked if granting the waiver set a precedence for other businesses in the future. Mr. Smith stated that this waiver has been granted in the past to other businesses, but is site specific.

A motion by Kremer, seconded by Johnson to waive the five foot setback based on the CSM with the recorded cross access agreement, recommend approval of the Plan of Operation and site plan, architectural plan, lighting plan and landscape plan for the Prestwick Group-Stirling Building (W248N5565 Executive Drive); a finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer and the standard conditions of Exhibit A.

Motion carried 7-0.

Consideration and possible action on a site plan for Peace Lutheran Church (W240N6145 Maple Avenue).

John Bender and Troy Kaiser spoke on behalf of Peace Lutheran Church, W240N6145 Maple Ave. The parking lot at the church is 40 years old and needs to be reconstructed. The new design will correct several issues:

- Safer surface
- Bring lot into ADA compliance
- Improve drainage
- Increase the number of parking stalls by utilizing a more efficient layout
- Realign drive entrance at Sumac and add a third lane to create a safer entrance. 1 lane in and 2 lanes out.
- New dumpster enclosure will be added
- Garage will be relocated to south side of parking lot

Property is a church with a school and parking lot is multi-use. The lot is used by children as a gym area. Lot has basketball hoops on one end and is used for other sport activities. The current lot does not have curbing and is located behind church away from the street. For safety of the children, church prefers to not have curbing added to new parking lot. Lights will be added to the islands in the new parking lot to improve lighting.

Mrs. Fluet reviewed the plan staff memo (copy attached) stating the site is zoned I-1. Peace Lutheran Church would like to make some much needed repairs to their parking lot, move the current garage to a new location, add a new dumpster enclosure and change the driveway entrance off Maple Avenue to align with Sumac Lane.

The garage will be relocated from the back of the parking lot to the south side of the parking lot 45 feet from the nearest property line.

The new dumpster enclosure will shift to the north and will be angled to allow for better access for the truck to empty the dumpsters.

The new paved parking lot will be redesigned to square it off at the south end. The new parking lot layout will add more parking stalls, correct drainage issues and islands will be added to allow for additional light poles.

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

To help with the flow of traffic at peak times the new driveway entrance will be striped to show right in, left out and right out, this will require the driveway width to be approximately 43 feet wide. In order to have a wider driveway entrance in accordance with Section 17.0604 D. the Plan Commission may make a finding to allow a wider driveway width.

Plan Commission comments: Commissioner Adkins inquired if allowing the wider drive sets a precedence and when was curbing added as a requirement. Mr. Smith stated the Plan Commission has allowed wider drives for businesses in certain situations; reason being an improvement to safety. Curbing requirement was added in early 2000's.

Commissioner Johnson asked how far the curbing will go on drive. Staff stated curb would be added in new realigned area - approximately 30 feet from road. At this time there is no curb along drive. Commissioner Johnson stated he would like to see curb at the entrance and through the curve in the drive to control water drainage.

Commissioner Adkins asked if the curb exception in the parking lot would be permitted if this was not a church. Staff stated that to their knowledge, no waivers have been given to the curb requirement. However, the existing parking lot may not be required to add curbing as this area already exists and the parking lot work can be considered maintenance, not new construction. This is a factor the Plan Commission may take into consideration.

Mr. Bender stated that the new design is the same square footage as the current lot. It looks a little bigger because they are squaring up the lot, but by adding islands for lights, it's the same size. New lot is 105 stalls. Current lot is not marked, but they have had more than 100 cars park in the current lot during a large event.

Attorney Macy mentioned the Commission could find that the additional land is de minimis and is not adding more than 10% of the current parking spaces when considering the waiver. Commissioner Johnson stated he agreed with the finding that the change to the parking lot is not in excess of 10% of the current lot.

Commissioner Anderson stated she felt the safety of the children should be taken into consideration and leaving the lot as is without curbing was the best option.

President LeDonne asked each commissioner to state their opinion regarding the curb waiver.

- Adkins: Conflicted because if this was anything other than a church, we would require the curbing. Want to do what is right for the Village moving forward and not set a precedence.
- Kremer: Asked for clarification on curbing near the church. Existing overhang and drop off areas were pointed out on site plan. Curbing is around islands but due to elevation change, not in front of church going down to the street. Mrs. Kremer stated she does not have a problem with this being atypical to what we would usually do.
- Schauer: After hearing all information is in agreement with having no curbing in the parking lot other than around the islands but does believe curbing is definitely needed at the new approach.
- Johnson: Was in agreement with Mrs. Schauer's comment.
- Anderson: Was also in agreement with Mrs. Schauer's comment about the lot and approach and felt the children's safety needed to be taken into consideration.
- Ray: Asked what was being done in the parking lot to improve drainage if no curbing was being added. Mr. Bender stated currently there is no drainage built into the lot, new design has drainage

ditches with catch basins around the church. Mr. Ray stated he was in agreement with the Commissioners, no curbs in parking lot but there must be curbing at entrance.

- President LeDonne agreed with the Commissioners finding.

Mr. Smith stated perhaps the petitioner should work with Village Engineer Judith Neu to determine where curbing should be placed at entrance and along curve in drive.

A motion by Johnson, seconded by Kremer to approve the site plan while finding the width of the driveway meets the standards of the code for Peace Lutheran Church (W240N6145 Maple Avenue) and a waiver of the curb in the parking lot because the dimensions of the parking lot is not in excess of 10% of the current lot and for the safety of the playground area and a finding that the use and structures meet the principals of 17.1002(A-H), and subject to review by the Village Engineer; the Village Engineer will work with the petitioner to determine the curbing area for the new entrance and drive and the standard conditions of Exhibit A. Motion carried 7-0.

Consideration and possible action on a request for a second monument sign for Froedtert Health (N64W25307 Prospect Circle.

Andrea Swanson spoke on behalf of Froedtert Health, N64W25307 Prospect Circle stating Froedtert is requesting a second monument sign to be located at the entrance of their new health center. The primary monument is at the intersection of Hwy 164 and Prospect Circle, however there is no signage at their entrance located on Prospect Circle and traffic coming from Silver Spring will not have any signage leading them to the entrance. Second sign is 3' 9" x 4' and will match the primary monument sign in design.

Mrs. Fluet reviewed the plan staff memo (copy attached) stating the site zoned B-2. Froedtert Health building is currently under construction and requesting to add a secondary small monument sign at the Prospect Circle Drive entrance. The primary monument sign will be located at the corner of Hwy 164 and Prospect Circle and approximately 200 feet to the drive entrance to the parking lot they would like to place this secondary sign. Based on the sign code a site can have more than one monument sign if the Plan Commission determines the following:

In accordance with Section 17.0807 A. the Plan Commission may allow a second sign:

The number of Monument Signs per property shall be determined by the Plan Commission for appropriateness with traffic flow, pedestrian safety, and design of the site, and there shall be no more than two monument signs per property or more than one monument sign per street fronted by the property if the property has two or more street yards unless a conditional use is granted for the property to exceed said limit.

Mr. Smith clarified that the health center only has one access point which is off of Prospect Circle, not Hwy 164.

Plan Commission comments: Commissioner Johnson inquired if the second sign is more of a wayfinding sign to which petitioner replied yes. Stated the health center wanted a more substantial sign, thus the monument design. Commissioner Adkins asked if signage could be on the NW side building instead. Commissioner Schauer stated having a sign at the drive entrance will be beneficial to visitors.

Staff stated they had no concerns with the second sign as it is only 8 sq. feet. Because the center wishes to have a nicer design – it falls under the definition of a monument sign. Question to be considered is are pillars required with this sign since our design standards require monument signs to have pillars.

Ms. Swanson stated the health center did consider adding pillars, but with the small size of the sign the pillars looked out of proportion and the client did not care for it.

Commissioner Kremer stated she felt the pillars were not needed and Commissioner Johnson agreed as he felt this was a wayfinding sign.

A motion by Johnson, seconded by LeDonne to approve the second monument sign for Froedtert Health (N64W25307 Prospect Circle) at the drive entrance of Prospect Circle subject to approval of a the necessary permits and the standard conditions of Exhibit A.

Motion carried 7-0.

Consideration and possible action on a CSM for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road.

Dan Bednar spoke on behalf of Quad Graphics, W227N6315 Sussex Road stating Quad wishes to move the lot line to the north so truck scales are on property located at W227N6315 Sussex Road. The two buildings share an entrance, parking lot and truck scales.

Mr. Smith reviewed the plan staff memo (copy attached). Quad owns both properties and is requesting to change the property line connecting the two properties and will add a shared access easement to allow the building at N63W22777 Main Street, the reason for the request is to possibly sell the Main Street property in the future.

A motion by Kremer, seconded by Johnson to recommend approval of the CSM to the Village Board for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

Motion carried 7-0.

Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline Road.

Mr. Smith stated that the Town of Lisbon provided a written request to withdraw the CSM from the agenda.

Consideration and possible action on a CSM for Villas of Brandon Oaks designating the lot lines of the stormwater pond.

Mr. Smith stated the Village was the petitioner and reviewed the plan staff memo (copy attached). The stormwater pond was originally designed by Belinski to accommodate the Villas of Brandon Oaks and the property to the south. The pond was constructed over lot lines for the two projects. The property to the south was sold and the new subdivision Sussex Preserve is now being developed. The pond has been modified to accommodate the stormwater for the Brandon Oaks and portions of the Sussex Preserve subdivision. The CSM will designate the pond and wetland areas as one outlot in the ownership of the Village consistent with modern Village practices.

President LeDonne asked if the pond was being brought up to its useful function. Village Engineer Judith Neu stated work is being done to repair the pond so it will retain stormwater as intended.

A motion by Kremer, seconded by Anderson to recommend approval of the CSM to the Village Board for Villas of Brandon Oaks designating the lot lines of the stormwater pond subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

Motion carried 6-0, Johnson abstained.

Consideration and possible action on a CSM for Nels Anderson W232N6464 Waukesha Avenue.

Nels Anderson, W232N6464 Waukesha Ave addressed the Commission. Mr. Anderson stated he owns both lots. After buying the property to the south he demolished the uninhabitable house on the lot, but decided to keep the garage as it was only 10 years old. Since he can't have a garage alone on a lot he wishes to combine both lots into one property.

Mrs. Fluet reviewed the plan staff memo (copy attached) stating the site is zoned B-4. Mr. Anderson owns lot W232N6464 and W232N6456 Waukesha Avenue. In August 2019 Mr. Anderson applied for a permit to demolish the house and detached garage on lot W232N6456 Waukesha Avenue, at some point during the demolition he decided to keep the detached garage. Our code does not allow a lot with just a detached garage. Mr. Anderson is requesting to combine the lot. On lot W232N6464 Waukesha Avenue

is his principal residence and detached garage, combining the lots would create one lot with a principle structure and two detached garages.

A motion by Kremer, seconded by Anderson to recommend approval of the CSM to the Village Board for Nels Anderson W232N6464 Waukesha Avenue subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A. Motion carried 7-0.

Consideration and possible action on an Ordinance to repeal and recreate the Business Districts pertaining to financial institutions with a drive through.

Mr. Smith stated when the Village code was updated, language was missed regarding banks. Staff has prepared a correction for the zoning districts which allow financial institutions as a permitted use and clarifying language for approval of the use with a drive through.

A motion by Johnson, seconded by Ray to recommend to the Village Board to approve the Ordinance to repeal and recreate the language in the Business District pertaining to financial institutions with a drive through. Motion carried 7-0.

Topics for Future Agendas: None.

Adjournment

A motion by LeDonne, seconded by Anderson to adjourn the meeting at 8:16 pm.

Motion carried 7-0.

Respectfully Submitted,

Linda Steinmetz
Deputy Clerk



MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of April 21, 2020
DATE: April 14, 2020

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 February 18, 2020, April 15, 2020 and ~~April 16, 2020.~~**
03. **Consideration and possible action on Permitted Uses and Site Plans:**
 - A. **Consideration and possible action on a Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD).**

This site is zoned B-4. The general medical services is a permitted use in accordance with Section 17.0419 (C)(3)(d) in the B-4 Central Mixed Use District. Athletico is proposing to open a 3,000 square foot location to service clients for physical, occupational, sports, and work related therapy services. They will have 5 employees, hours of operation will be Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday 7:00 a.m. to 12:00 p.m. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, this user will require 10 stalls.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

Policy Question:

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

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), subject the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD).

This site is zoned B-4. The restaurants and outdoor beer garden are a permitted use in accordance with Section 17.0419 (C)(1)(c) in the B-4 Central Mixed Use District. Apothic will occupy 3,000 square feet and will offer higher-end Mexican cuisine with a full service bar and next door will be Mama Mia's occupying 1,500 square feet for carry out pizza and gelato. Apothic will be on the west side of the building in the end tenant and will be able to utilize the outdoor patio some of which extends into the Old Brooke Square Park for outdoor seating and the beer garden customers. The owner will need to apply for and receive approval by the Finance Committee and Village Board of a liquor license, approval by the Waukesha County Health Department, each year the owner must receive approval for an Outdoor Establishment Permit. Hours of operation will vary for each business, Apothic will offer breakfast and both places will close at the required time according to their liquor license. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, with 50 stalls already allocated (40 residential, 10 commercial tenants). This user will require 20 stalls, leaving 69 spaces for the remaining approximately 12,000 square feet of commercial space, which should be sufficient following traditional parking ratios.

The owner has submitted an outdoor patio plan, the plan should be reviewed by the Architectural Review Board and the Village Engineer to address sufficient screening and grading issues between the site and the park.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

Policy Question:

1. Are there any concerns with the Plan of Operations and site plans?
2. Are there any concerns with the property?

Action Items:

1. Act on the plan of operations and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), and the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group-Stirling Building (W248N5565 Executive Drive).

This site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is moving a division of their company from Hartland to the vacant lot just north of their headquarters. Prestwick will build a 41,200 square foot building for the Stirling Furnishings operations to locate to. With Prestwick's expansion and the new Stirling

building a shared parking lot will be added creating 199 stalls and a cross access agreement is recorded on CSM #11978. Stirling has 35 employees and hours of operation will be Monday through Thursday 5:00 a.m. to 9:00 p.m.

In accordance with Section 17.0603 F. 6. a waiver must be made for a shared parking lot:

6. Waivers. The Plan Commission may:
 - a. Waive the five (5) foot setback along the side lot line of adjacent businesses and industries when cross-easements are provided to share parking.

The Plan Commission will need to make a determination if a waiver should be granted to allow a less than 5 foot setback along the side lot for the shared business uses.

In addition the following are comments for the plans:

Site

- Shows good pedestrian orientation
- Shared parking access agreement recorded on CSM #11978

Architecture

- Building meets height and required setbacks.
- Material to be used meets the Design Standards.

Lighting

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

Landscape

- Stirling site to have 44 trees/evergreens and 113 shrubs/flowers. Should add two more evergreen trees at the dock door location.

The plans will be reviewed at the April Architectural Review Board.

Policy Question:

1. Are there any concerns with the less than 5 foot setback along the side lot line? Should a waiver be granted?
2. Are there any concerns with the Plan of Operation and various plans?
3. Are there any comments directed to the ARB?

Action Items:

1. Act on the Plan of Operation and various plans
2. Recommend the plans to be reviewed by the ARB.

Staff Recommendation: Staff recommends the Plan Commission waive the five foot setback based on the CSM with the recorded cross access agreement, recommend approval of the Plan of Operation and site plan, architectural plan, lighting plan and

landscape plan for the Prestwick Group-Stirling Building (W248N5565 Executive Drive); a finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer and the standard conditions of Exhibit A.

D. Consideration and possible action on a site plan for Peace Lutheran Church (W240N6145 Maple Avenue).

This site is zoned I-1. Peace Lutheran Church would like to make some much needed repairs to their parking lot, move the current garage to a new location, add a new dumpster enclosure and change the driveway entrance off Maple Avenue to align with Sumac Lane.

The garage will be relocated from the back of the parking lot to the south side of the parking lot 45 feet from the nearest property line.

The new dumpster enclosure will shift to the north and will be angled to allow for better access for the truck to empty the dumpsters.

The new paved parking lot will be redesigned to square it off at the south end. The new parking lot layout will add more parking stalls, correct drainage issues and islands will be added to allow for additional light poles.

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

To help with the flow of traffic at peak times the new driveway entrance will be striped to show right in, left out and right out, this will require the driveway width to be approximately 43 feet wide. In order to have a wider driveway entrance in accordance with Section 17.0604 D. the Plan Commission may make a finding to allow a wider driveway width:

Openings for driveways shall provide adequate access to a public street and shall be at a minimum of 50 feet from a public right of way intersection unless otherwise approved by the Administrator.

No driveway for a one- or two-family dwelling shall be less than 10 feet in width at the street right-of-way line, and no driveway for any other use shall be less than 24 feet in width at the street right-of-way line.

No driveway in the CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4, and SF-RD-3 districts shall exceed 26 feet in width anywhere in the street yard. Driveways may be widened in the side yard or rear yard, but in no case shall a driveway be constructed closer than three (3) feet to a side or rear lot line.

The Administrator may permit driveways to be wider than 26 feet, but no wider than 32 feet, provided that the driveway does not occupy more than 33 percent of the street yard area.

Driveways in all districts except the CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4 and SF-RD-3 districts shall not exceed 32 feet at the street right-of-way line.

Driveways in excess of 32 feet in width or occupying more than 33 percent of the street yard area may be permitted provided that the Plan Commission finds that the wider driveway is necessary to

the sound development of the parcel; and will not create or exacerbate an existing traffic problem. The Plan Commission may require additional landscape buffers when wider driveways are permitted.

Staff has found that aligning the driveway with the road will increase safety and allowing turn lanes will minimize safety hazards as folks leave the site.

Because of all the modifications to the parking lot and site, all improvements will need to follow the code requirements, the parking lot changes will require the installation of curb or barriers unless waived per the following:

17.0603 I.

Curbs or Barriers are required for all parking lots unless specifically waived by the Plan Commission in order to accomplish a goal of a Village Ordinance or duly adopted plan and they shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines; and a minimum of four (4) feet from a fence line, or a line of trees or other landscape material so as to prevent damage to the fence or landscaping.

The Church has concerns that the cost of curb and gutter will make the project unfeasible. Staff has not been able to identify a Village Ordinance or plan that would be supported by waiving the curb and gutter section and the Plan Commission has consistently enforced this requirement with developments. The purpose of the standard is for stormwater management, better pavement conditions, and general standards of the community.

Perhaps for modifications the Plan Commission would use a percentage standard so that the main driveway would be curbed and guttered because this is a modification of the existing site, but the existing parking lot would not as this area already exists with the work being maintenance. There may be other factors the Plan Commission looks to, but consistency and applicability to all users should be the guiding factor on any request for waiving a standard. The Plan Commission does not have to grant the waiver.

Policy Question:

1. Are there any concerns with the driveway width? Should the wider driveway be allowed?
2. Are there any concerns with the parking lot and driveway not having curb and gutter? Should a waiver be granted?

Action Items:

1. Act on the site plan.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the site plan while finding the width of the driveway meets the standards of the code for Peace Lutheran Church (W240N6145 Maple Avenue) and a finding that the use and structures meet the principals of 17.1002(A-H), and subject to review by the Village Engineer and the standard conditions of Exhibit A.

Staff does not have a recommendation on the curb and gutter request at this time.

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

05. **Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:**
A. Consideration and possible action on a request for a second monument sign for Froedtert Health (N64W25307 Prospect Circle).

This site is zoned B-2. Froedtert Health building is currently under construction and requesting to add a secondary small monument sign at the Prospect Circle Drive entrance. The primary monument sign will be located at the corner of Hwy 164 and Prospect Circle and approximately 200 feet to the drive entrance to the parking lot they would like to place this secondary sign. Based on the sign code a site can have more than one monument sign if the Plan Commission determines the following:

In accordance with Section 17.0807 A. the Plan Commission may allow a second sign:

The number of Monument Signs per property shall be determined by the Plan Commission for appropriateness with traffic flow, pedestrian safety, and design of the site, and there shall be no more than two monument signs per property or more than one monument sign per street fronted by the property if the property has two or more street yards unless a conditional use is granted for the property to exceed said limit.

The second sign will have a base of stone to match the building and primary monument sign, it will be internally lit and the size will be 3' 9" x 4', our Design Standards require monument signs to have a pillar(s), because this is a second sign should the pillar(s) be required?

Policy Question:

1. Does a second monument sign help with the traffic flow, pedestrian safety and design of the site?
2. Are there any concerns with the site having more than one monument sign?
3. Are there any concerns with the design of the sign?

Action Items:

1. Act on the sign plan.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the second monument sign for Froedtert Health (N64W25307 Prospect Circle) at the drive entrance of Prospect Circle subject to approval of a the necessary permits and the standard conditions of Exhibit A.

B. Consideration and possible action on a CSM for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road.

This site is zoned M-1. Quad owns both properties and is requesting to change the property line connecting the two properties and will add a shared access easement to allow the building at N63W22777 Main Street, the reason for the request is to possibly sell the Main Street property in the future.

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 approval of the CSM to the Village Board for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

C. Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline Road.

This property is in the Town of Lisbon and will stay in the Town of Lisbon. The proposed zoning on the property does not match the Boundary Stipulation so the Village can not approve the CSM.

Policy Question:

1. Are their concerns with the CSM?

Action Items:

1. Act on CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board acknowledgement of the CSM because the zoning of the land doesn't match the requirements of the boundary stipulations; subject to review by the Village Engineer and Exhibit A.

D. Consideration and possible action on a CSM for Villas of Brandon Oaks designating the lot lines of the stormwater pond.

The stormwater pond was originally designed by Belinski to accommodate the Villas of Brandon Oaks and the property to the south. The pond was constructed over lot lines for the two projects. The property to the south was sold and the new subdivision Sussex Preserve is now being developed. The pond has been modified to accommodate the stormwater for the Brandon Oaks and portions of the Sussex Preserve subdivision. The CSM will designate the pond and wetland areas as one outlot in the ownership of the Village consistent with modern Village practices.

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 approval of the CSM to the Village Board for Villas of Brandon Oaks designating the lot lines of the stormwater pond subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

E. Consideration and possible action on a CSM for Nels Anderson W232N6464 Waukesha Avenue.

This site is zoned B-4. Mr. Anderson owns lot W232N6464 and W232N6456 Waukesha Avenue. In August 2019 Mr. Anderson applied for a permit to demolish the house and detached garage on lot W232N6456 Waukesha Avenue, at some point during the demolition he decided to keep the detached garage. Our code does not allow a lot with just a detached garage. Mr. Anderson is requesting to combine the lot. On lot W232N6464 Waukesha Avenue is his principal residence and detached garage, combining the lots would create one lot with a principle structure and two detached garages. The Plan Commission may permit this in accordance with Section 17.0212 B:

B. All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

Policy Question:

1. Are there any concerns with the combined property to have a principle structure and two additional structures?
2. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM to the Village Board for Nels Anderson W232N6464 Waukesha Avenue subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

F. Consideration and possible action on an Ordinance to repeal and recreate the Business Districts pertaining to financial institutions with a drive through.

Staff has prepared a correction for the zoning districts which allow financial institutions as a permitted use and clarifying language for approval of the use with a drive through. Within the B-1, B-2, B-3, B-4, BP-1 and OP-1 the following is proposed in the Ordinance:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

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 the language in the Business District pertaining to financial institutions with a drive through.

06. **Other Items for future discussion.**

07. **Adjournment.**

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.