

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

SPECIAL PLAN COMMISSION MEETING
Tuesday, February 9, 2016 * 5:00 PM * Court Room

AGENDA

1. Roll Call

Documents: [memo 020916- special.pdf](#)

2. Review and act on a request by TCF Bank for a conditional use permit pursuant to §335-86 for a drive-in bank, pursuant to §335-22C(3) located in the B-1 Local Business District at 12850 Bluemound Road.

Documents: [12850 bluemound rd, tcf bank.pdf](#), [conditional use permit - tcf bank.pdf](#), [tcf bank cup application.pdf](#)

3. Review and act on a request by JHS Fitness, LLC d/b/a Pure Barre Elm Grove for a conditional use permit pursuant to §335-86 for a fitness center, pursuant to §335-22C(10) located in the B-1 Local Business District at 12894 Bluemound Road.

Documents: [conditional use permit - jhs fitness, llc dba pure barre elm grove.pdf](#), [pure barre- elm grove cup application.pdf](#), [12894 bluemound rd, purebarre \(jhs fitness llc\).pdf](#)

4. Review and act on a request by Elements Elm Grove, LLC for a conditional use permit pursuant to §335-86 for a massage parlor, pursuant to §335-22C(10) located in the B-1 Local Business District at 12920 Bluemound Road.

Documents: [12920 bluemound rd, elements therapeutic massage.pdf](#), [conditional use permit - elements elm grove.pdf](#), [elements cup application.pdf](#)

5. Review and act on a request by Commerce State Bank for a conditional use permit pursuant to §335-86 for a drive-in bank, pursuant to §335-22C(3) located in the B-1 Local Business District located in the B-1 Local Business District at 12960 Bluemound Road.

Documents: [commerce state bank cup application.pdf](#), [conditional use permit - commerce state bank.pdf](#), [12960 bluemound rd, commerce state bank.pdf](#)

6. Adjournment.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM

Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.



Memo

To: Plan Commission
From: Casey Griffiths, Zoning and Planning Administrator/Assistant to the Village Manager
Date: February 5, 2016
Re: Review of February 9, 2016 Special Agenda

As discussed at the Plan Commission meeting on Monday February 1st, Village staff recently discovered that an error occurred with the zoning map when the Autumn Grove Plaza property was rezoned from B-3 Mid-Rise Office and Professional District to B-1 Local Business District. The rezoning occurred in 2003, however the change was not made the zoning. Subsequently staff relied on incorrect information to issue conditional use permits and also failed to issue conditional use permits for uses which required them. The current owners of the property brought the issue to the attention to staff during the process to complete a certified survey map for the division of the property. Staff reviewed the matter and found that there are currently four businesses without conditional use permits, which are listed as conditional uses in the B-1 zoning district. Those businesses are:

- TCF Bank- Drive-in bank, listed as conditional use under §335-22C(3)
- Commerce State Bank- Drive-in bank, listed as conditional use under §335-22C(2)
- Elements Elm Grove, LLC- massage parlor, listed as conditional use under §335-22C(10)
- Pure Barre Elm Grove- fitness center, listed as conditional use under §335-22C(10)

All four of the business have approved plans of operation. Their plans of operation were either approved by the Plan Commission (TCF Bank, Elements) or administratively by the Zoning Administrator (Commerce State Bank, Pure Barre). As staff has reviewed these business previously, there are no issues with the proposed uses or business operations. Please see the enclosed applications.

VILLAGE OF ELM GROVE
Application for Plan of Operation and
Change in Use/Amendment to Existing Operation

****This document is a matter of public record and may be reviewed upon request.****

Business Contact Information

Property Information	Business/Tenant Information
Property Tax Key #: <u>EGV 1108-984</u>	Business Name: <u>TCF BANK</u>
Property Address: <u>12850 - 12960</u>	Business Owner: <u>TCF BANK</u>
Property Owner and Mailing Address (City/State/ZIP): <u>TOWNE INVESTMENTS</u> <u>710 N. PLANKINTON AVE.</u> <u>MILWAUKEE, WI 53203</u>	Business Owner Mailing Address (City/State/ZIP): <u>12850 W BLUEMOON RD</u> <u>ELM GROVE, WI 53122</u>
Property Owner Business Phone and Fax #: <u>PH. 414-213-2200</u> <u>FAX 414-274-2744</u>	Business Owner Business Phone and Fax #: <u>262-797-4180 / Ex 262-797-4183</u>
Property Owner Cell Phone #: <u>N.A.</u>	Business Owner Cell Phone #: <u>N/A</u>
Property Owner E-mail Address: <u>N.A.</u>	Business Owner E-mail Address: <u>N/A</u>
After Hours Emergency Contact Name and Phone #: <u>SECURITAS SECURITY</u> <u>414-946-2031</u>	After Hours Emergency Contact Name and Phone #: <u>JESSE "JD" MILLER 414-8284190</u> <u>KRIS KOEHLER 414-271-8336</u>

Business Use Information (attach additional sheets if required)

1. Explanation of Proposed Business (e.g. use of building/property):
BANKING SERVICES AND MANAGEMENT OFFICES

2. Total Number of Employees/Number of Employees on Largest Work Shift:
 Total Number of Employees: 17 (both full and part time)
 Total Number of Employees on Average Work Shift: 12

3. Hours of Operation (for each day of the week):

Monday: 7:15~~am~~ - 7:15pm Friday: 7:15am - 8:15pm
Tuesday: 7:15~~am~~ - 7:15pm Saturday: 7:45am - 4:15pm
Wednesday: 7:15am - 7:15pm Sunday: 10:45am - 3:15pm
Thursday: 7:15am - 7:15pm

4. Customer Load:

Daily Average: high
Daily Peak: high

5. Will you be submitting for signage? If yes, your proposal must meet Building Board specifications - see Assistant Planner

- Yes
 No

6. Expected Date of Occupancy:

present - 1/23/07

- > **Site Plan Information** (Provide representation of the following: ingress; egress; parking arrangement; landscaping; loading docks/stalls; refuse/recycling receptacle storage; equipment/materials storage; accessory structures. *If a site plan has been previously filed with the Village, please indicate below and reference the date of submittal.*)
- > **Floor Plan Information** (Provide identification of offices, conference rooms, display areas and storage areas). List all other occupants within the building, their business and parking requirements (may be provided by building owner).

Approval of the Plan of Operation and Site Plan Review will NOT be granted without receipt of this completed form at least 21 business days prior to a regularly scheduled Plan Commission meeting (first Monday of each month).

*Applicant's Signature: [Signature] Date: 1/23/07
Branch Manager

*Signature of Property Owner or Registered Agent: [Signature] Date: 6/12/2007

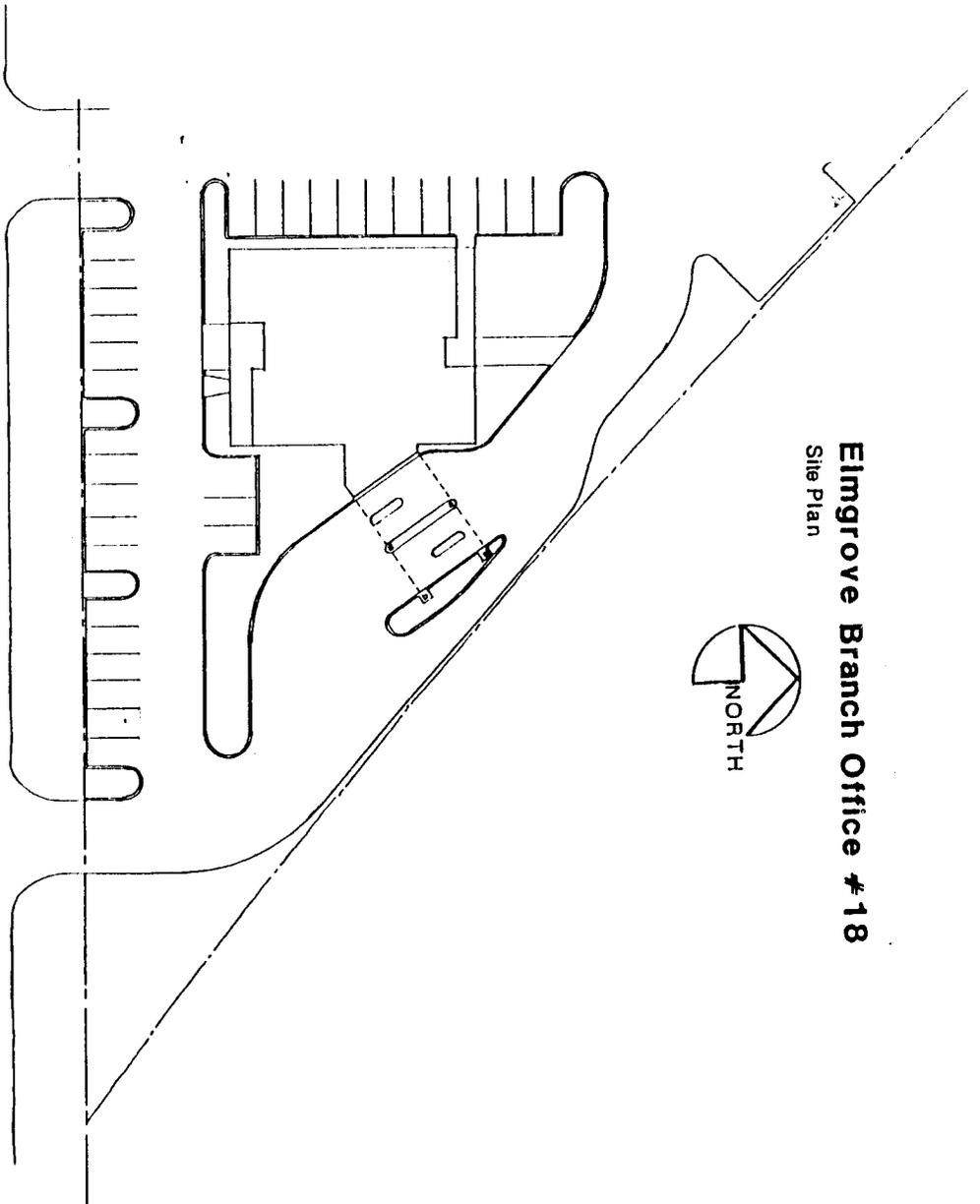
*Signature of this document denotes review of and agreement to the content of this form and the requirements of Section 335-85 - Plans of Operation.

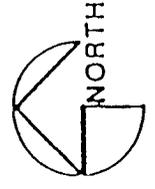
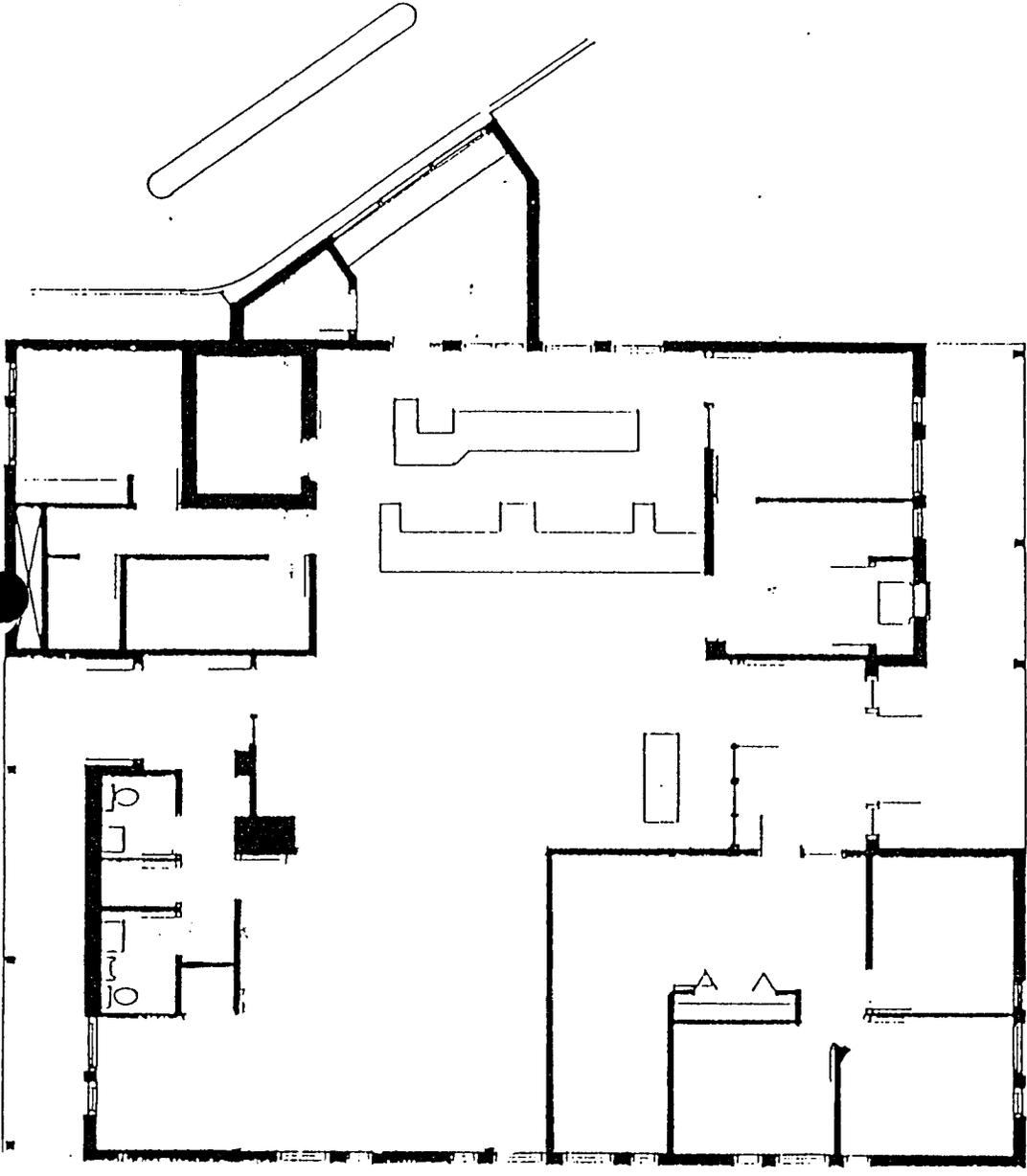
Conditions of Approval:

Copies provided to:

- Building Inspector
 Assistant Planner
 Fire Chief
 Fire Inspector
 Assessor
 Village Clerk

Elmgrove Branch Office #18
Site Plan





Elmgrove Branch Office #
Main Floor

CONDITIONAL USE PERMIT

TCF Bank
12850 Bluemound Road
Elm Grove, Wisconsin

Document Number

WHEREAS, TCF Bank (“Applicant”) has applied for a conditional use permit (the “CUP”) pursuant to Sections 335-22C(3) and 335-86 of the Village of Elm Grove Code of Ordinances for the operation of a drive- in bank at 12850 Bluemound Road, Elm Grove, Wisconsin, (the “Property”) more specifically described as:

LOT 1 CERT SURV 11363 VOL 112/267 REC AS DOC# 4170943
PT SE1/4 SEC 25 T7N R20E :: ALSO RECIPROCAL EASEMENT
FOR INGRESS/EGRESS AS DESCRIBED IN DOC# 4171869 ::
DOC# 3130148

WHEREAS, the Property is located in the B-1 Local Business zoning district; and

WHEREAS, Section 335-22C(3) of the Village of Elm Grove Code of Ordinances provides that drive- in banks in the B-1 District are conditional uses; and

WHEREAS, Applicant has submitted all information as required under Section 335-86B of the Village of Elm Grove Code of Ordinances and submitted a Plan of Operation pursuant to the Village of Elm Grove Code of Ordinances; and

WHEREAS, the Village Plan Commission reviewed the subject CUP application on February 9, 2016 pursuant to Section 335-86C of the Village of Elm Grove Code of Ordinances; and

WHEREAS, the Village Board of Trustees held a public hearing upon the subject CUP application pursuant to Section 335-86D of the Village of Elm Grove Code of Ordinances on February 22, 2016; and

WHEREAS, the Village Board of Trustees has considered the Plan Commission’s recommendations and has determined that the proposed conditional use is in accordance with the purpose and intent of the Village Zoning Code and the proposed use, with conditions of operation, will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.

NOW THEREFORE, the Village Board of Trustees hereby authorizes the Zoning Administrator to issue a conditional use permit to TCF Bank for the operation of a drive-in bank, which conditional use permit shall be subject to the following conditions:

Recording Area

Name and Return Address

Village of Elm Grove
13600 Juneau Blvd.
Elm Grove, WI 53122

Parcel Identification Number

(PIN): EGV 1108984001

1. The conditional use permit granted hereunder is for the sole benefit of TCF Bank.
2. All business activities conducted on the Property shall conform to this CUP, the Plan of Operation attached hereto and incorporated herein by reference, and the Village of Elm Grove Code of Ordinances.
3. Changes subsequent to the initial issuance of this CUP shall require an amendment to this CUP.
4. This CUP shall terminate upon the occurrence of any of the following:
 - a. Upon TCF Bank failing to conduct business at the Property in substantial conformity with this CUP or the attached Plan of Operation; or
 - b. Upon the cessation of the operations permitted under this CUP.
5. This CUP shall be recorded by its holder with the Waukesha County Register of Deeds within fifteen (15) days of its full execution.

This conditional use permit is hereby issued this 22nd day of February, 2016 subject to the conditions provided herein.

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk

Casen J. Griffiths, Zoning Administrator

[VILLAGE SEAL]

**VILLAGE OF ELM GROVE
CONDITIONAL USE PERMIT APPLICATION**

Please complete this form. Attach additional sheets if necessary.

Applicant Name(s): Nathan Franke

Applicant Address: 710 N. Plankinton Avenue #1100, Milwaukee, WI 53203

Applicant Phone Number: 414-274-2648 Applicant Email: Nate.Franke@Zilber.com

Name of business or development: TCF Bank

Address of the property: 12850 W. Blavenound Road, Elm Grove, WI 53122

Property owner name: Autumn Grove LLC

Property owner address: 710 N. Plankinton Avenue #1200, Milwaukee, WI 53203

Architect/Professional Engineer and or Contractor Information (if applicable):

Name(s): N/A

Address(s): N/A

Description of the property by lot, block, and recorded subdivision or by metes and bounds:

N/A

Proposed operation or use of the structure or site: Bank branch

Tax Key Number: 1108984001 Zoning District: B-1

Please attach the following information to this application

1. A survey prepared by registered surveyor identifying criteria located in §335-86 B(3). If a floodplain property, identify criteria located in §335-86 B(4)
2. All opposite and abutting property owners of record.
3. Additional information requested by Village Board, Plan Commission, Engineer or Zoning Administrator.
4. Any additional information provided by applicant.

Signature of Applicant: Nate P. Franke Date: 2-2-2016

<p>Document Number</p>	<p style="text-align: center;"><u>CONDITIONAL USE PERMIT</u> JHS Fitness, LLC d/b/a Pure Barre-Elm Grove 12894 Bluemound Road Elm Grove, Wisconsin</p>	
<p>WHEREAS, JHS Fitness, LLC d/b/a Pure Barre- Elm Grove (“Applicant”) has applied for a conditional use permit (the “CUP”) pursuant to Sections 335-22C(10) and 335-86 of the Village of Elm Grove Code of Ordinances for the operation of a fitness center at 12894 Bluemound Road, Elm Grove, Wisconsin, (the “Property”) more specifically described as:</p> <p>LOT 2 CERT SURV 11363 VOL 112/267 REC AS DOC# 4170943 PT SE1/4 SEC 25 T7N R20E :: ALSO RECIPROCAL EASEMENT FOR INGRESS/EGRESS AS DESCRIBED IN DOC# 4171869 :: DOC# 3130148</p>		
<p>WHEREAS, the Property is located in the B-1 Local Business zoning district; and</p> <p>WHEREAS, Section 335-22C(10) of the Village of Elm Grove Code of Ordinances provides that fitness centers in the B-1 District are conditional uses; and</p>		<p style="text-align: center;"><u>Recording Area</u></p> <hr/> <p>Name and Return Address Village of Elm Grove 13600 Juneau Blvd. Elm Grove, WI 53122</p>
<p>WHEREAS, Applicant has submitted all information as required under Section 335-86B of the Village of Elm Grove Code of Ordinances and submitted a Plan of Operation pursuant to the Village of Elm Grove Code of Ordinances; and</p>		<hr/> <p>Parcel Identification Number (PIN): EGV 1108984002</p>
<p>WHEREAS, the Village Plan Commission reviewed the subject CUP application on February 9, 2016 pursuant to Section 335-86C of the Village of Elm Grove Code of Ordinances; and</p>		
<p>WHEREAS, the Village Board of Trustees held a public hearing upon the subject CUP application pursuant to Section 335-86D of the Village of Elm Grove Code of Ordinances on February 22, 2016; and</p>		
<p>WHEREAS, the Village Board of Trustees has considered the Plan Commission’s recommendations and has determined that the proposed conditional use is in accordance with the purpose and intent of the Village Zoning Code and the proposed use, with conditions of operation, will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.</p>		

NOW THEREFORE, the Village Board of Trustees hereby authorizes the Zoning Administrator to issue a conditional use permit to JHS Fitness, LLC d/b/a Pure Barre- Elm Grove for the operation of a fitness center which conditional use permit shall be subject to the following conditions:

1. The conditional use permit granted hereunder is for the sole benefit of JHS Fitness, LLC d/b/a Pure Barre- Elm Grove.
2. All business activities conducted on the Property shall conform to this CUP, the Plan of Operation attached hereto and incorporated herein by reference, and the Village of Elm Grove Code of Ordinances.
3. Changes subsequent to the initial issuance of this CUP shall require an amendment to this CUP.
4. This CUP shall terminate upon the occurrence of any of the following:
 - a. Upon JHS Fitness, LLC d/b/a Pure Barre- Elm Grove failing to conduct business at the Property in substantial conformity with this CUP or the attached Plan of Operation; or
 - b. Upon the cessation of the operations permitted under this CUP.
5. This CUP shall be recorded by its holder with the Waukesha County Register of Deeds within fifteen (15) days of its full execution.

This conditional use permit is hereby issued this 22nd day of February, 2016 subject to the conditions provided herein.

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk

[VILLAGE SEAL]

Casen J. Griffiths, Zoning Administrator

**VILLAGE OF ELM GROVE
CONDITIONAL USE PERMIT APPLICATION**

Please complete this form. Attach additional sheets if necessary.

Applicant Name(s): Jessica Stark

Applicant Address: 2217 e Ivanhoe pl. Milwaukee. WI 53202

Applicant Phone Number: 414-870-3771 Applicant Email: jstark@purebarre.com

Name of business or development: Pure Barre Elm Grove

Address of the property: 12894 W Bluemound Rd, Elm Grove, WI 53122

Property owner name: Towne Realty Inc/Zilber Property Group

Property owner address: 710 N Plankinton Ave, suite 1000, milwaukee, wi 53203

Architect/Professional Engineer and or Contractor Information (if applicable):

Name(s): HGA Architects & Engineers 333 E Erie St, Milwaukee, WI 53202

Address(s): Lake Shore Contracting LLC 219 Lake Shore Rd, Grafton, WI 53024

Description of the property by lot, block, and recorded subdivision or by metes and bounds:

Autumn Grove Plaza

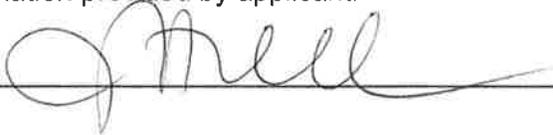
Proposed operation or use of the structure or site: _____

The space is a barre method fitness studio with a small retail space.

Tax Key Number: EGV 110 8984 Zoning District: B-1

Please attach the following information to this application

1. A survey prepared by registered surveyor identifying criteria located in §335-86 B(3). If a floodplain property, identify criteria located in §335-86 B(4)
2. All opposite and abutting property owners of record.
3. Additional information requested by Village Board, Plan Commission, Engineer or Zoning Administrator.
4. Any additional information provided by applicant.

Signature of Applicant:  Date: 2/1/16

VILLAGE OF ELM GROVE
Application for Plan of Operation and
Change in Use/Amendment to Existing Operation

This document is a matter of public record and may be reviewed upon request

\$25.00 Application Fee Due at Time of Submission

Business Contact Information

Property Information	Business/Tenant Information
Property Tax Key #: 1108-984	Business Name: Pure Barre (JHS Fitness LLC)
Property Address: 12894 W. Bluemound Rd, Elmhurst, WI 53122	Business Owner: Jessica Stark
Property Owner and Mailing Address (City/State/ZIP): Autumn Grove Plaza, LLC 710 N. Plankinton Ave	Business Owner Mailing Address (City/State/ZIP): 2217 E. Ivanhoe Pl, Milw, WI 53202
Property Owner Business Phone and Fax #: 414-274-2624 - Phone 414-274-2744 - Fax	Business Owner Business Phone and Fax #:
Property Owner Cell Phone #: NA	Business Owner Cell Phone #: 414 870 3771
Property Owner E-mail Address: NA	Business Owner E-mail Address: jstark@purebarre.com
After Hours Emergency Contact Name and Phone #: NA	After Hours Emergency Contact Name and Phone #: Jessica Stark 414 870 3771

Business Use Information (attach additional sheets if required)

1. Explanation of Proposed Business (e.g. use of building/property):
 Barre method fitness studio offering group classes. There will be a small retail section at the front of the studio offering apparel.

2. Total Number of Employees/Number of Employees on Largest Work Shift:
 Total Number of Employees: 10 (both full and part time)
 Total Number of Employees on Largest Work Shift: 3

APPROVED
VILLAGE OF ELM GROVE
ZONING ADMINISTRATOR
 DATE 7/20/15 INITIAL CTG

3. Hours of Operation (for each day of the week):
 Monday: 6a-8p Tuesday: 6a-8p Wednesday: 6a-8p Thursday: 6a-8p

Friday: 12A-8P Saturday: 12A-6P Sunday: 12A-6P
 * 6 classes/day M-F, 3/day sat/sun

4. Customer Load:
 Daily Average: 100 classes are limited to 25 people, will average 10-12 each
 Daily Peak: 75

5. Will you be submitting for signage? If yes, your proposal must meet Building Board specifications – see Zoning Administrator.
 Yes
 No

6. If a dumpster is located on the property, is it screened from the street and all neighboring properties? Dumpsters must be screened per Village Ordinance – see Zoning Administrator.
 Yes
 No

7. Expected Date of Occupancy:
take over the space mid-july, open mid-october

Site Plan Information (Provide representation of the following: ingress; egress; parking arrangement; landscaping; loading docks/stalls; refuse/recycling receptacle storage; equipment/materials storage; accessory structures. *If a site plan has been previously filed with the Village, please indicate below and reference the date of submittal.*)

Floor Plan Information (Provide identification of offices, conference rooms, display areas and storage areas). List all other occupants within the building, their business and parking requirements (may be provided by building owner).

Approval of the Plan of Operation and Site Plan Review will NOT be granted without receipt of this completed form at least 20 business days prior to a regularly scheduled Plan Commission meeting (first Monday of each month).

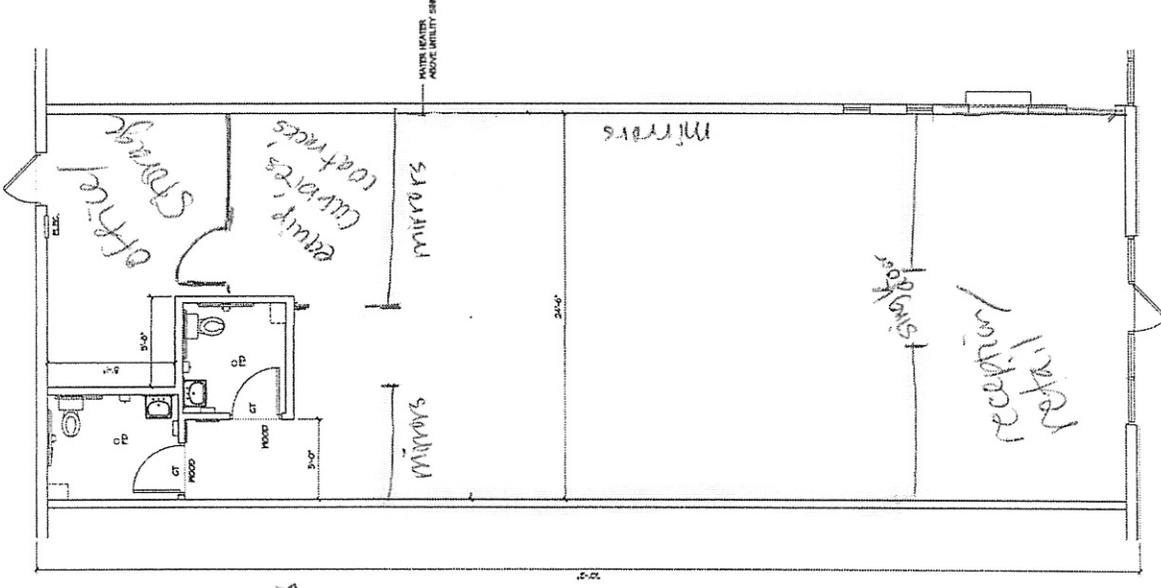
Applicant's Signature: [Signature] Date: 7.1.15
 Signature of Property Owner or Registered Agent: [Signature] Date: 7/6/2015

Signature of this document denotes review of and agreement to the content of this form and the requirements of Section 335-85 – Plans of Operation.

Conditions of Approval:

Copies provided to:

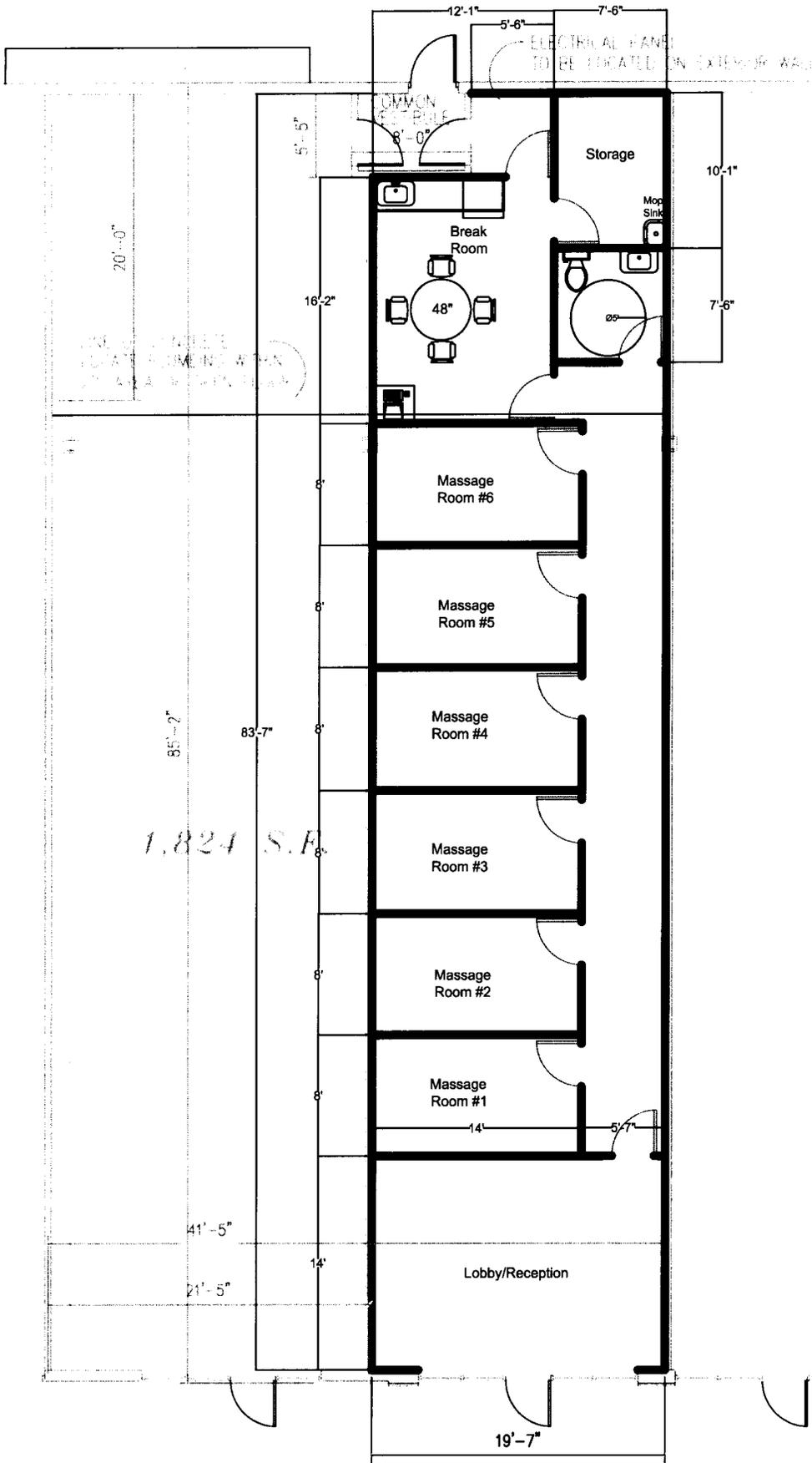
- Building Inspector
- Police Department
- Fire Department
- Fire Inspector
- Assessor
- Village Clerk



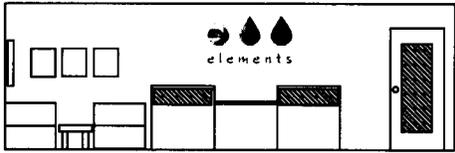
* No fitting room
 because of 2
 large bathrooms



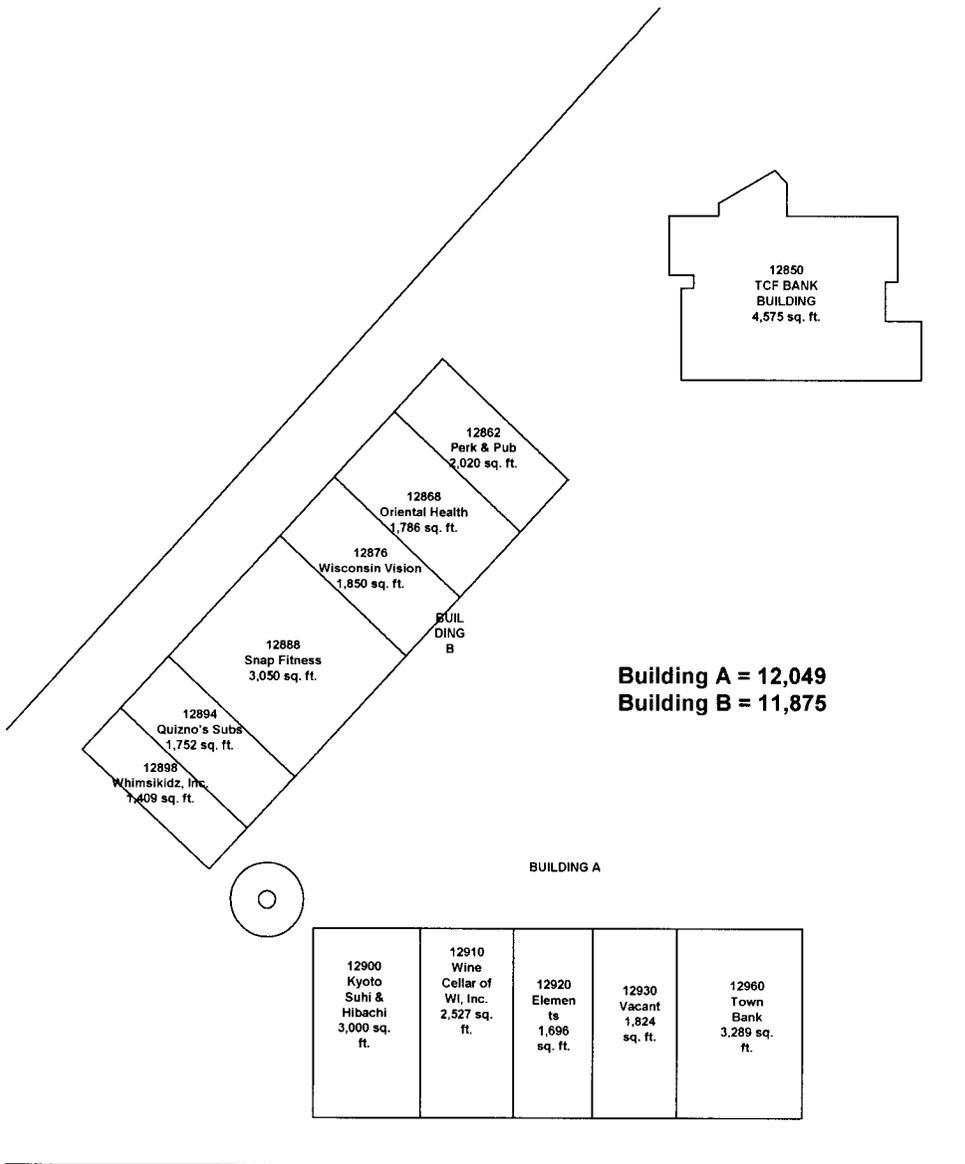
SCALE: 1/4" = 1'-0"
 0 2' 4' 8'



1,824 S.F.



Elm Grove - WI 1655 SF Michelle Burke
Option 8



Autumn Grove Plaza

3. Hours of Operation (for each day of the week):

Monday: 9A-8p Friday: 9A-7p
 Tuesday: 9A-8p Saturday: 9A-7p
 Wednesday: 9A-8p Sunday: 9A-7p
 Thursday: 9A-8p

4. Customer Load:

Daily Average: 20
 Daily Peak: 6

5. Will you be submitting for signage? If yes, your proposal must meet Building Board specifications – see Assistant Planner

Yes
 No

6. Expected Date of Occupancy:

3-15-08

➤ **Site Plan Information** (Provide representation of the following: ingress; egress; parking arrangement; landscaping; loading docks/stalls; refuse/recycling receptacle storage; equipment/materials storage; accessory structures. *If a site plan has been previously filed with the Village, please indicate below and reference the date of submittal.*)

→ attached

➤ **Floor Plan Information** (Provide identification of offices, conference rooms, display areas and storage areas). List all other occupants within the building, their business and parking requirements (may be provided by building owner).

→ attached

Approval of the Plan of Operation and Site Plan Review will NOT be granted without receipt of this completed form at least 21 business days prior to a regularly scheduled Plan Commission meeting (first Monday of each month).

*Applicant's Signature: [Signature] Date: 12/22/07

*Signature of Property Owner or Registered Agent: [Signature] Date: 12/27/07

*Signature of this document denotes review of and agreement to the content of this form and the requirements of Section 335-85 – Plans of Operation.

Conditions of Approval:

Copies provided to:

Building Inspector
 Assistant Planner
 Fire Chief
 Fire Inspector
 Assessor
 Village Clerk

PLAN COMMISSION APPROVED

DATE: 1/7/08 INITIALS: JB
 Zoning & Planning Administrator

VILLAGE OF ELM GROVE
Application for Plan of Operation and
Change in Use/Amendment to Existing Operation

****This document is a matter of public record and may be reviewed upon request.****

Business Contact Information

Property Information	Business/Tenant Information
Property Tax Key #: EGV1108984	Business Name: MEDITRINA, LLC
Property Address: 12920 W BLUEMOUND RD. ELM GROVE, WI	Business Owner: MICHELLE BURKE JODI VOSBURG
Property Owner and Mailing Address (City/State/ZIP): TOWNE REALTY 710 N PLANKINGTON AVE, MILWAUKEE	Business Owner Mailing Address (City/State/ZIP): 115 W NEWHALL AVE WAWKESHA WI 53186
Property Owner Business Phone and Fax #: PH: 414-274-2623 53203 FAX: 414-274-2744	Business Owner Business Phone and Fax #: PH: 262-754-3850 CELL: 262-719-2719
Property Owner Cell Phone #: BRETT KING 414-349-1220	Business Owner Cell Phone #: 262-719-4445
Property Owner E-mail Address: BRETT.KING@ZILBER.COM	Business Owner E-mail Address: jodivosburg@touchofelements.com
After Hours Emergency Contact Name and Phone #: 414-546-2031	After Hours Emergency Contact Name and Phone #: MICHELLE BURKE 262-719-2719

Business Use Information (attach additional sheets if required)

1. Explanation of Proposed Business (e.g. use of building/property):

**THE STORE OFFERS THERAPEUTIC MASSAGE TO
TREAT SPORTS, WORK-, AND ILLNESS-RELATED PAIN
AND STRESS.**

2. Total Number of Employees/Number of Employees on Largest Work Shift:

Total Number of Employees: 15 (both full and part time)

Total Number of Employees on Average Work Shift: 5

CONDITIONAL USE PERMIT

Elements Elm Grove, LLC
12920 Bluemound Road
Elm Grove, Wisconsin

Document Number

WHEREAS, Elements Elm Grove, LLC (“Applicant”) has applied for a conditional use permit (the “CUP”) pursuant to Sections 335-22C(10) and 335-86 of the Village of Elm Grove Code of Ordinances for the operation of a massage parlor at 12920 Bluemound Road, Elm Grove, Wisconsin, (the “Property”) more specifically described as:

LOT 2 CERT SURV 11363 VOL 112/267 REC AS DOC# 4170943
PT SE1/4 SEC 25 T7N R20E :: ALSO RECIPROCAL EASEMENT
FOR INGRESS/EGRESS AS DESCRIBED IN DOC# 4171869 ::
DOC# 3130148

WHEREAS, the Property is located in the B-1 Local Business zoning district; and

WHEREAS, Section 335-22C(10) of the Village of Elm Grove Code of Ordinances provides that massage parlors in the B-1 District are conditional uses; and

WHEREAS, Applicant has submitted all information as required under Section 335-86B of the Village of Elm Grove Code of Ordinances and submitted a Plan of Operation pursuant to the Village of Elm Grove Code of Ordinances; and

WHEREAS, the Village Plan Commission reviewed the subject CUP application on February 9, 2016 pursuant to Section 335-86C of the Village of Elm Grove Code of Ordinances; and

WHEREAS, the Village Board of Trustees held a public hearing upon the subject CUP application pursuant to Section 335-86D of the Village of Elm Grove Code of Ordinances on February 22, 2016; and

WHEREAS, the Village Board of Trustees has considered the Plan Commission’s recommendations and has determined that the proposed conditional use is in accordance with the purpose and intent of the Village Zoning Code and the proposed use, with conditions of operation, will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.

Recording Area

Name and Return Address

Village of Elm Grove
13600 Juneau Blvd.
Elm Grove, WI 53122

Parcel Identification Number

(PIN): EGV 1108984002

NOW THEREFORE, the Village Board of Trustees hereby authorizes the Zoning Administrator to issue a conditional use permit to Elements Elm Grove, LLC for the operation of a massage parlor, which conditional use permit shall be subject to the following conditions:

1. The conditional use permit granted hereunder is for the sole benefit of Elements Elm Grove, LLC.
2. All business activities conducted on the Property shall conform to this CUP, the Plan of Operation attached hereto and incorporated herein by reference, and the Village of Elm Grove Code of Ordinances.
3. Changes subsequent to the initial issuance of this CUP shall require an amendment to this CUP.
4. This CUP shall terminate upon the occurrence of any of the following:
 - a. Upon Elements Elm Grove, LLC failing to conduct business at the Property in substantial conformity with this CUP or the attached Plan of Operation; or
 - b. Upon the cessation of the operations permitted under this CUP.
5. This CUP shall be recorded by its holder with the Waukesha County Register of Deeds within fifteen (15) days of its full execution.

This conditional use permit is hereby issued this 22nd day of February, 2016 subject to the conditions provided herein.

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk

Casen J. Griffiths, Zoning Administrator

[VILLAGE SEAL]

VILLAGE OF ELM GROVE
CONDITIONAL USE PERMIT APPLICATION

Please complete this form. Attach additional sheets if necessary.

Applicant Name(s): Jodi Brunner
Applicant Address: 12920 W Bluemound Road Elm Grove
Applicant Phone Number: 262 719 4445 Applicant Email: jodibrunner@elementsmassage.com
Name of business or development: Elements Elm Grove LLC
Address of the property: Above

Property owner name: Autumn Grove LLC
Property owner address: 710 N. Plankinton Avenue # 1200, Milwaukee, WI 53203

Architect/Professional Engineer and or Contractor Information (if applicable):

Name(s): N/A
Address(s): N/A

Description of the property by lot, block, and recorded subdivision or by metes and bounds:

N/A

Proposed operation or use of the structure or site: Massage Studio

Tax Key Number: EGV 1108984 Zoning District: B-1

Please attach the following information to this application

- 1. A survey prepared by registered surveyor identifying criteria located in §335-86 B(3). If a floodplain property, identify criteria located in §335-86 B(4)
- 2. All opposite and abutting property owners of record.
- 3. Additional information requested by Village Board, Plan Commission, Engineer or Zoning Administrator.
- 4. Any additional information provided by applicant.

Signature of Applicant: [Signature] Date: 2/5/16

**VILLAGE OF ELM GROVE
CONDITIONAL USE PERMIT APPLICATION**

Please complete this form. Attach additional sheets if necessary.

Applicant Name(s): Commerce State Bank

Applicant Address: 1700 S Silverbrook Drive

Applicant Phone Number: 262-247-2800 Applicant Email: _____

Name of business or development: Commerce State Bank

Address of the property: 12960 W Bluemound Road Elm Grove, WI 53122

Property owner name: Autumn Grove LLC

Property owner address: 710 N. Plankinton Ave #1200, Milwaukee, WI 53203

Architect/Professional Engineer and or Contractor Information (if applicable):

Name(s): N/A

Address(s): _____

Description of the property by lot, block, and recorded subdivision or by metes and bounds:

Proposed operation or use of the structure or site: Bank branch

Tax Key Number: EGV 1108984 Zoning District: B-1

Please attach the following information to this application

1. A survey prepared by registered surveyor identifying criteria located in §335-86 B(3). If a floodplain property, identify criteria located in §335-86 B(4)
2. All opposite and abutting property owners of record.
3. Additional information requested by Village Board, Plan Commission, Engineer or Zoning Administrator.
4. Any additional information provided by applicant.

Signature of Applicant: _____ Date: 2/1/2016

CONDITIONAL USE PERMIT

Commerce State Bank
12960 Bluemound Road
Elm Grove, Wisconsin

Document Number

WHEREAS, Commerce State Bank (“Applicant”) has applied for a conditional use permit (the “CUP”) pursuant to Sections 335-22C(3) and 335-86 of the Village of Elm Grove Code of Ordinances for the operation of a drive- in bank at 12960 Bluemound Road, Elm Grove, Wisconsin, (the “Property”) more specifically described as:

LOT 2 CERT SURV 11363 VOL 112/267 REC AS DOC# 4170943
PT SE1/4 SEC 25 T7N R20E :: ALSO RECIPROCAL EASEMENT
FOR INGRESS/EGRESS AS DESCRIBED IN DOC# 4171869 ::
DOC# 3130148

WHEREAS, the Property is located in the B-1 Local Business zoning district; and

WHEREAS, Section 335-22C(3) of the Village of Elm Grove Code of Ordinances provides that drive- in banks in the B-1 District are conditional uses; and

WHEREAS, Applicant has submitted all information as required under Section 335-86B of the Village of Elm Grove Code of Ordinances and submitted a Plan of Operation pursuant to the Village of Elm Grove Code of Ordinances; and

WHEREAS, the Village Plan Commission reviewed the subject CUP application on February 9, 2016 pursuant to Section 335-86C of the Village of Elm Grove Code of Ordinances; and

WHEREAS, the Village Board of Trustees held a public hearing upon the subject CUP application pursuant to Section 335-86D of the Village of Elm Grove Code of Ordinances on February 22, 2016; and

WHEREAS, the Village Board of Trustees has considered the Plan Commission’s recommendations and has determined that the proposed conditional use is in accordance with the purpose and intent of the Village Zoning Code and the proposed use, with conditions of operation, will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.

NOW THEREFORE, the Village Board of Trustees hereby authorizes the Zoning Administrator to issue a conditional use permit to Commerce State Bank for the operation of a drive-in bank, which conditional use permit shall be subject to the following conditions:

Recording Area

Name and Return Address

Village of Elm Grove
13600 Juneau Blvd.
Elm Grove, WI 53122

Parcel Identification Number
(PIN): EGV 1108984002

1. The conditional use permit granted hereunder is for the sole benefit of Commerce State Bank.
2. All business activities conducted on the Property shall conform to this CUP, the Plan of Operation attached hereto and incorporated herein by reference, and the Village of Elm Grove Code of Ordinances.
3. Changes subsequent to the initial issuance of this CUP shall require an amendment to this CUP.
4. This CUP shall terminate upon the occurrence of any of the following:
 - a. Upon Commerce State Bank failing to conduct business at the Property in substantial conformity with this CUP or the attached Plan of Operation; or
 - b. Upon the cessation of the operations permitted under this CUP.
5. This CUP shall be recorded by its holder with the Waukesha County Register of Deeds within fifteen (15) days of its full execution.

This conditional use permit is hereby issued this 22nd day of February, 2016 subject to the conditions provided herein.

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk

Casen J. Griffiths, Zoning Administrator

[VILLAGE SEAL]

VILLAGE OF ELM GROVE
Application for Plan of Operation and
Change in Use/Amendment to Existing Operation

This document is a matter of public record and may be reviewed upon request.

Business Contact Information

\$25.00 Application Fee due at time of submission

Property Information	Business/Tenant Information
Property Tax Key #: 1108984	Business Name: Commerce State Bank
Property Address: 12960 W. Bluemound Road Elm Grove	Business Owner: Commerce State Bank
Property Owner and Mailing Address (City/State/ZIP): Autumn Grovelli 710 N. Plankinton Ave. Milwaukee, WI 53203	Business Owner Mailing Address (City/State/ZIP): 1700 S. Silverbrook Dr. West Bend, WI 53095
Property Owner Business Phone and Fax #: Office 414-274-2544 Fax 414-274-2744	Business Owner Business Phone and Fax #: 262-247-2800 Fax: 262-247-2899
Property Owner Cell Phone #: Cell 414-349-1220	Business Owner Cell Phone #: Jim Hopp, Facilities Manager 262-343-1313
Property Owner E-mail Address: Brett.KING@Zilber.com	Business Owner E-mail Address:
After Hours Emergency Contact Name and Phone #: Zilber Property Group 414-274-2632 (24/7)	After Hours Emergency Contact Name and Phone #: Joshua Yamat 262-323-6259

Business Use Information (attach additional sheets if required)

1. Explanation of Proposed Business (e.g. use of building/property):
Commercial & retail banking

2. Total Number of Employees/Number of Employees on Largest Work Shift:
 Total Number of Employees: 6 (both full and part time)
 Total Number of Employees on Largest Work Shift: 6

APPROVED
VILLAGE OF ELM GROVE
ZONING ADMINISTRATOR
 DATE 6/5/15 INITIAL CTG

3. Hours of Operation (for each day of the week):
 Monday: 8:30-5 pm Tuesday: 8:30-5p Wednesday: 8:30-5p Thursday: 8:30-5:00 p
 Friday: 8:30-5p Saturday: --- Sunday: ---

4. Customer Load:
 Daily Average: 30
 Daily Peak: 40

5. Will you be submitting for signage? If yes, your proposal must meet Building Board specifications – see Zoning Administrator.
 Yes
 No

6. If a dumpster is located on the property, is it screened from the street and all neighboring properties? Dumpsters must be screened per Village Ordinance – see Zoning Administrator.
 Yes
 No

7. Expected Date of Occupancy:
June 8, 2015

- **Site Plan Information** (Provide representation of the following: ingress; egress; parking arrangement; landscaping; loading docks/stalls; refuse/recycling receptacle storage; equipment/materials storage; accessory structures. *If a site plan has been previously filed with the Village, please indicate below and reference the date of submittal.*)

- **Floor Plan Information** (Provide identification of offices, conference rooms, display areas and storage areas). List all other occupants within the building, their business and parking requirements (may be provided by building owner).

Approval of the Plan of Operation and Site Plan Review will NOT be granted without receipt of this completed form at least 20 business days prior to a regularly scheduled Plan Commission meeting (first Monday of each month).

*Applicant's Signature: Jim Hogg Date: 5-29-15

*Signature of Property Owner or Registered Agent: Matt B King Date: 5-29-15

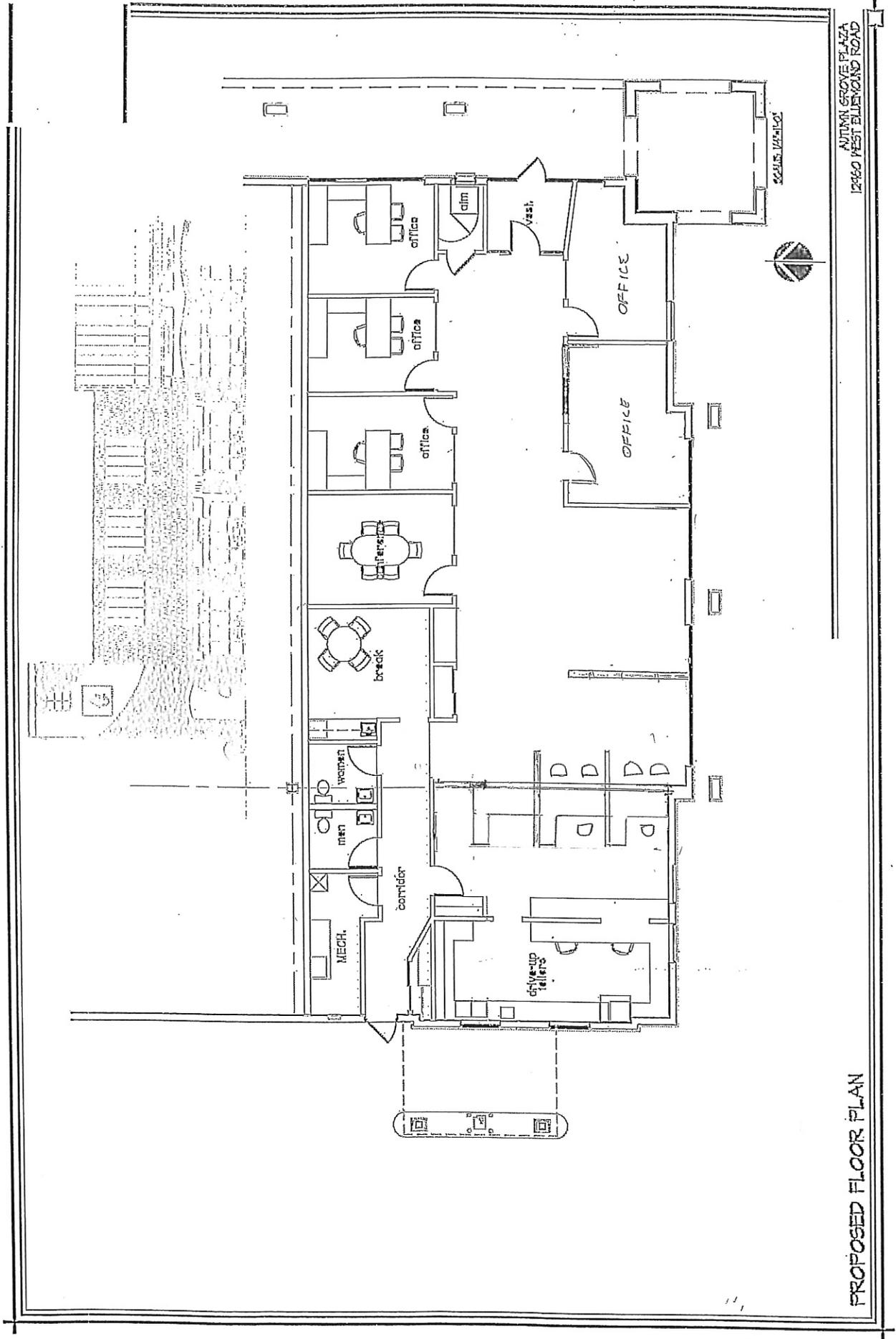
*Signature of this document denotes review of and agreement to the content of this form and the requirements of Section 335-85 – Plans of Operation.

Conditions of Approval:

Copies provided to:

- Building Inspector
- Police Chief
- Fire Chief
- Fire Inspector
- Assessor
- Village Clerk

EXHIBIT A
Plan of Premises (cont'd)



AUTUMN GROVE PLAZA
12460 WEST BLUEBOND ROAD

PROPOSED FLOOR PLAN

515 Schoenhart Dr.
West Bend, WI 53095



Salesperson- JDK

Scale: NTS

Date: 02/03/2015

Drawn: HW

Checked: xxx

Revisions:

Rev. 1 02/13/15

Rev. 2 03/11/15

Rev. 3 03/26/15

Elm Grove, WI



OWNERSHIP OF DOCUMENTS
This document, and the ideas and designs incorporated herein, as an instrument of service, are the property of J.L. Business Interiors, Inc. and it is to be used in whole or in part for any other project or purpose without the expressed written authorization of J.L. Business Interiors, Inc.

