

**BROWN DEER PLAN COMMISSION
OCTOBER 11, 2004 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by Village President Jaberg at 7:00 P.M.

I. ROLL CALL

Present: Village President Margaret Jaberg; Trustees Tim Schilz and Jeff Baker; Commissioners: John Raffensperger, Alan Nees, Rick Stone, Susan Bellehumeur, Roy Williams (7:25 p.m.)

Excused: Commissioner Gunnar Prawitz

Also Present: Russell Van Gompel, Village Manager; Andy Pederson, Assistant Village Manager/Community Services Director; Jesse Thyes, Planning/Zoning Specialist

II. PERSONS DESIRING TO BE HEARD

None

**III. CONSIDERATION OF MINUTES: September 13th, 2004 - Regular Meeting and
September 28th, 2004 Joint Meeting with the
Community Development Authority**

It was moved by Commissioner Raffensperger and seconded by Trustee Schilz to approve the regular meeting minutes of September 13th, 2004. The motion carried unanimously, with Commissioner Nees abstaining.

It was moved by Commissioner Nees and seconded by Commissioner Bellehumeur to approve the joint meeting minutes of September 28th, 2004, as amended. The motion carried unanimously, with Trustee Schilz and Commissioner Raffensperger abstaining.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Pederson provided an update on the demolition of the 7600 North Teutonia Avenue building. Mr. Pederson also discussed the creation of a Supplemental Development Agreement for the Country Market, USA grocery store, and the intentions of a developer to submit a conceptual proposal for the redevelopment of the former Hearthsides Nursing Home site.

Commissioner Stone inquired about the extent of the environmental issues at the 7600 North Teutonia Avenue site. Mr. Pederson discussed the potential for additional testing as well as remediation measures once the Village receives a final report.

Mr. Thyes updated the Plan Commission on several property maintenance issues that Staff has been addressing.

President Jaberg inquired about progress of the recodification efforts. Mr. Pederson stated that updated information will be provided to the Plan Commission for their review in the coming months.

V. UNFINISHED BUSINESS

- A) Ordinance amending Section 2-7.04 of Volume 1, Chapter 2, Article 7, of the Brown Deer Village Code to change the meeting time for the Plan Commission.**

President Jaberg briefly discussed the matter to provide an update for the members of the Plan Commission.

Commissioner Nees stated that a 6:30 p.m. meeting time may be difficult for some members to make.

Mr. Van Gompel asked for a motion and recommendation.

President Jaberg discussed changing the ordinance so that it does not reference a specific meeting time. President Jaberg stated that the preferred meeting time would be 7 p.m., and this would allow flexibility should meeting times need to be altered.

It was moved by Commissioner Raffensperger and seconded by Commissioner Nees to recommend the Village Board adopt the Ordinance amending Section 2-7.04 of Volume 1, Chapter 2, Article 7, of the Brown Deer Village Code to change the meeting time for the Plan Commission with the removal of the reference to a specific time from the Ordinance. The motion carried unanimously.

B) Ordinance amending Chapter 7, Article 7, of the Brown Deer Village Code, to update the Off-street Parking and Off-street Loading requirements.

Mr. Thyges provided an update on the progress of drafting an updated ordinance.

No action was taken.

VI. NEW BUSINESS

A) Rezoning parcels located at 5506 and 5530 W. Brown Deer Road from the (M) Manufacturing to the (B3) Commercial Zoning District.

Mr. Thyges provided a brief summary of the proposal.

Commissioner Raffensperger asked about the consistency of the zoning along the Brown Deer Road corridor. Mr. Thyges discussed the potential for existing uses that would become non-conforming, if the parcels on which they are located would be rezoned. Mr. Pederson stated that the zoning would be examined as part of the tax increment district and redevelopment plan process.

Trustee Schilz inquired about the nature of the proposed development. David Barry stated that their company is trying to obtain a pharmacy for the site; however there are not any definite plans at this time.

It was moved by Commissioner Nees and seconded by Trustee Schilz to recommend the Village Board proceed with the rezoning of the parcels located at 5506 and 5530 W. Brown Deer Road from the (M) Manufacturing to the (B3) Commercial Zoning District, and schedule a public hearing for November 15, 2004. The motion carried unanimously.

B) Certified Survey Map for 9406 N. 60th Street

Mr. Thyges provided a brief summary of the proposal.

Curt Bruning, agent for the property owner, stated that sewer and water is available for the proposed parcel and that a sale of the property is pending subject to final approval of the Certified Survey Map.

Mr. Van Gompel asked if the Garage would comply with the setbacks from the proposed lot line. Mr. Thyges stated that the applicant has been working with Bob Premo, Village Building Inspector, to ensure compliance with all setbacks.

Trustee Schilz asked if the new parcel would have an address on Pearlette Lane. Mr. Bruning stated that it would.

It was moved by Commissioner Raffensperger and seconded by Trustee Schilz to approve and recommend the Certified Survey Map for 9406 N. 60th Street to the Village Board. The motion carried unanimously.

C) Review of a Conditional Use Permit issued to Chris Smerz for a single-family home in the (B4) Commercial Zoning District.

Mr. Thyges provided a summary of the report that was prepared for the Plan Commission, and stated that the use is in compliance with the conditions of the CUP that was issued.

President Jaberg stated that the homes on the north side of Bradley Road are in the process of being excluded from the Redevelopment Plan; however there is a resident concerned with the (B4) zoning classification of the properties.

Mr. Van Gompel discussed the mixed-use nature of commercial and residences in the area and how the (B4) district is appropriate for these parcels.

It was moved by Commissioner Raffensperger and seconded by Commissioner Bellehumeur to approve and recommend the Conditional Use Permit issued to Chris Smerz for a single-family home in the (B4) Commercial Zoning District. The motion carried unanimously.

D) Rezoning Parcel 2 – CSM 3873 (Park Plaza Development) from the (R4) Residential to the (RPD) Residential Planned Development Zoning District.

Mr. Pederson provided a summary of the proposal.

Commissioner Nees inquired if the proposed zoning district would exclude any of the proposals that are being considered. Mr. Pederson stated that the RPD zoning district can accommodate each of the proposals.

President Jaberg stated that development agreements that are drafted for uses within planned development zoning districts are more inclusive and specific than Conditional Use Permits. President Jaberg also stated that a public hearing is not required for development agreements.

Commissioner Nees asked if the Plan Commission could hold a public hearing if needed. Mr. Van Gompel stated that the Plan Commission could hold an informational meeting about a future development proposal.

Commissioner Bellehumeur asked if an informational meeting would be noticed in the same way a public hearing. Mr. Van Gompel stated that the notification requirements for a public hearing are set by State Law whereas notification for an informational meeting would not have to meet those same requirements.

Trustee Schilz inquired about rezoning the adjacent properties on Park Plaza Court as well. Mr. Van Gompel stated that rezoning the other properties may have adverse effects, but would look into the matter.

It was moved by Commissioner Raffensperger and seconded by Commissioner Bellehumeur to recommend the rezoning of Parcel 2 – CSM 3873 to the Village Board for final review and directed Staff to research the potential for rezoning the adjacent properties in conjunction with this request, and schedule a public hearing for November 15, 2004. The motion carried unanimously.

E) Scheduling of a joint meeting with Community Development Authority on Monday October 25, 2004 at 7:30 p.m.

Mr. Pederson briefly discussed the need for a joint meeting.

Staff was directed to schedule a joint meeting with the Community Development Authority on October 25, 2004, with the time to be determined prior to the meeting.

Commissioner Bellehumeur asked to be excused from the October 25th meeting.

VII. Recess into Closed Session pursuant § 19.85 (1)(e) Wisconsin Statutes for the following reasons:

- (e) Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

There was no closed session.

VIII. Reconvene into Open Session for Possible Action on Closed Session Deliberations

There was no closed session.

IX. ADJOURNMENT

It was moved by Commissioner Raffensperger and seconded by Commissioner Nees to adjourn at 7:45 P.M. The motion carried unanimously.

Andrew K. Pederson,
Assistant Village Manager/Community Services Director