

**BROWN DEER PLAN COMMISSION
APRIL 11, 2005 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 7:02 P.M.

I. ROLL CALL

Present: Village President Margaret Jaberg; Trustees Tim Schilz, Jeff Baker; Commissioners: Alan Nees, Rick Stone, Roy Williams, Susan Bellehumeur, John Raffensperger

Excused: Commissioner Gunnar Prawitz

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; Village Attorney Bill Dineen; Trustee Kunding

II. PERSONS DESIRING TO BE HEARD

Galyn Bennett, 6209 West Plaza Circle, requested to be heard during the presentation of a Lowe's Home Improvement Store.

Nate Rudman, 8900 North Park Plaza Court, requested to be heard during the presentation of the Alcohol and Tobacco Store.

Frances Jones, 8732 North 66th Street, requested to be heard during the presentation of the Alcohol and Tobacco Store.

It was the consensus of the Plan Commission to allow Mr. Bennett, Mr. Rudman, and Ms. Jones to be heard on the matters.

President Jaberg clarified that the Alcohol and Tobacco store matter is a scheduled public hearing which allows for citizen testimony.

III. CONSIDERATION OF MINUTES: **March 14, 2004 - Regular Meeting**

It was moved by Commissioner Nees and seconded by Trustee Schilz to approve the regular meeting minutes of March 14, 2005. The motion carried unanimously with Commissioner Raffensperger abstaining.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Thyges discussed the improvements at the Brown Deer Center and provided a brief update on the planning and zoning issues within the Village.

Mr. Van Gompel provided an update on the status of the new Tax Incremental Financing Districts that were established through action by the Joint Review Board, and discussed the search for a replacement Planning/Zoning Specialist.

President Jaberg introduced Attorney Dineen to the Plan Commission members.

V. UNFINISHED BUSINESS

- A) Review and Schedule a public hearing for a Conditional Use Permit application for a Drive-up Facility (automatic teller machine) at 4485 W. Bradley Road.**

Mr. Thyges reviewed the proposal.

Trustee Schilz voiced concerns with the aesthetics of the proposal.

2005**Page 2**

President Jaberg requested a clarified site plan that better illustrates the traffic flow and voiced concerns with the lighting and aesthetics.

Commissioner Raffensperger spoke in favor of a sloped roof being included in the design of the automatic teller machine.

It was moved by Commissioner Raffensperger and seconded by Commissioner Bellehumeur to schedule a public hearing for May 9, 2005 to consider a Conditional Use Permit application for a Drive-up Facility (automatic teller machine) at 4485 W. Bradley Road. The motion carried unanimously.

VI. NEW BUSINESS**A) Public Hearing for and Recommendation of a Conditional Use Permit application for an Alcohol and Tobacco Store at 6530 W. Brown Deer Road.**

President Jaberg opened the public hearing at 7:08 p.m.

Mr. Thyges reviewed the staff report that was prepared about the proposal.

Nate Rudman, 8900 North Park Plaza Court, discussed the location of Tudor Park Condominiums in relation to that of the proposed alcohol and tobacco store, and stated that it was the consensus of the condo owners that the proposal would be a negative addition to the area. Mr. Rudman also voiced concerns with safety, security, and litter that would be generated by a business of this type.

Frances Jones, 8732 North 66th Street, stated opposition to the proposed alcohol and tobacco store due to the existing number of similar establishments. Ms. Jones also voiced concerns with safety and security issues involved with such a small operation.

The public hearing was closed at 7:22 p.m.

It was moved by Commissioner Stone and seconded by Commissioner Bellehumeur to forward a negative recommendation to the Village Board regarding the Conditional Use Permit application for an Alcohol and Tobacco Store at 6530 W. Brown Deer Road, due to concerns with compatibility with existing businesses, and safety and security issues. The motion carried unanimously.

B) Amendment to the Business Planned Development Agreement for the Brown Deer Business Park to list "Children's Daycare Center" as a permitted use under Exhibit "I".

Mr. Thyges provided a brief overview of the proposal.

Dion Watton, the property manager for the business park, discussed the differences in the workforce and the need for day care facilities, along with the fact that day care facilities would be considered an amenity for the park. Mr. Watton also stated that several tenants expressed interest in utilizing day care facilities if located within the park.

Commissioner Raffensperger asked about the number of children that would be on site. Mr. Watton explained that there would be a maximum of 100 children enrolled, and discussed the transportation arrangements for the children. Mr. Watton also stated that the State of Wisconsin has endorsed the site for a day care center.

Trustee Baker asked for clarification of the bus traffic. Mr. Watton stated that the buses are stored off-site and only pick-up and drop off the children.

Commissioner Bellehumeur asked about the current location of the business. Mr. Watton explained that the business is looking to relocate from Milwaukee due to the expiration of the lease.

Alicia Pacheco, Commercial Real Estate Agent for the Brown Deer Business Park, reiterated the point of the day care center being an amenity for the business park and that many tenants are in favor of the proposal. Ms. Pacheco stated that the business owner is very qualified, runs a quality operation and has been in the day care business for many years.

Trustee Schilz asked for clarification of the location of the business. Mr. Watton stated that the building is located directly west of the Fox 6 television site, and that the tenant space is on the south end of the building.

President Jaberg expressed concerns with the amount of green space available for a play area. Mr. Watton reiterated that the State has reviewed and approved the site.

Attorney Dineen asked if the applicant was aware of the staff's recommendation to the Plan Commission. Mr. Watton stated that the recommendation was forwarded to him prior to the meeting.

Attorney Dineen asked for clarification of the name of the managing partner of the business park. Mr. Watton stated that Brown Deer, LLC is the managing partner that purchased the business park in May of 2004.

President Jaberg voiced concerns with the suitability of the site for a day care center, and asked for revision of the language within the proposed amendment to allow for a review of all day care center proposals within the business park.

The Plan Commission discussed various options to ensure the review of day care centers within the business park so that there can be a way to govern the hours of operation along with other operational details.

It was the consensus of the Plan Commission to lay the matter over for one month and to direct Staff to revise the wording of the proposal to clarify the approval process for the establishment of a Children's Day Care Center within the Brown Deer Business Park.

C) Development Agreement with Lowe's Home Centers, Inc. for a Home Improvement Store to be located at 6300 W. Brown Deer Road.

Mr. Thyes provided a brief overview of the proposal.

President Jaberg clarified the separate matters of the Development Agreement, the Conditional Use Permit, and the Certified Survey Map, and also briefly discussed the Tax Incremental Financing District agreement being drafted through the Community Development Authority (CDA).

Commissioner Bellehumeur asked for clarification of the Community Development Authority's involvement with the proposal. Mr. Van Gompel stated that the CDA has directed staff to draft an agreement outlining the financial terms of the project.

Commissioner Raffensperger stated that all types of vending machines, and not just those selling publications, be prohibited from the site and asked for clarification of the language regarding an access easement from the east. Mr. Van Gompel discussed the potential for redevelopment of the properties located to the east of the site, and the potential for vehicle access between the sites.

Commissioner Nees recommended clarification of the language pertaining to the hours of operation.

President Jaberg invited comments from the citizens who had previously asked permission to speak during the presentation.

Galyn Bennett, 6209 West Plaza Circle, inquired about the style of the fence along the north property line. Mr. Thyes stated that the fence is to be a solid lock-board style cedar fence, with a maximum height of ten feet.

Robert Fiebig, Lowe's Home Centers Incorporated, discussed the minor site plan revisions that include preservation of the evergreens along the east property line, and the small fenced areas for display of products.

President Jaberg asked if any sales would occur within the fenced areas. Mr. Fiebig stated there would not be any sales in the fenced enclosures.

Trustee Baker questioned the size of the turning radii within the parking lot. Chris Perry, Woolpert Engineering, representing Lowe's, discussed the size of the turn areas, and clarified traffic flow patterns.

Commissioner Bellehumeur asked about the response time from the Wisconsin Department of Transportation in regards to the driveway relocation and installation of the turn lane along Brown Deer Road. Mr. Fiebig stated that the requests are in the process of being reviewed, and expects a short response time.

Commissioner Williams asked if any trucks would be parked on the site overnight. Mr. Fiebig stated that the only truck on site over night would be a small pick-up truck that the store rents to customers.

Commissioner Bellehumeur asked about the number of rental trucks that would be stored onsite and where they would be parked. Mr. Fiebig indicated that there is only one rental truck per store and that truck would be parked near the lumber canopy on the southeast corner of the building.

President Jaberg discussed recommended revisions to the draft development agreement.

It was moved by Commissioner Raffensperger and seconded by Commissioner Williams to recommend the Development Agreement with Lowe's Home Centers, Inc. for a Home Improvement Store to be located at 6300 W. Brown Deer Road to the Village Board, subject to the suggested amendments. The motion carried unanimously.

D) Certified Survey Map for 6300 W. Brown Deer Road, requested by Lowe's Home Centers, Inc.

Mr. Thyes provided a brief overview of the proposal.

It was moved by Commissioner Raffensperger and seconded by Commissioner Stone to recommend the Certified Survey Map for 6300 W. Brown Deer Road, requested by Lowe's Home Centers, Inc. to the Village Board subject to review by the Village Attorney. The motion carried unanimously.

E) Review and Schedule a public hearing for a Conditional Use Permit application for a "Garden Center for the Retail Sale of Nursery Stock" and "Bulk Retail Storage" at 6300 W. Brown Deer Road requested by Lowe's Home Center's Inc.

Mr. Thyes provided a brief overview of the proposal.

Robert Fiebig, Lowe's Home Centers, Incorporated, discussed the types of products that are to be displayed. President Jaberg asked if the nursery stock would remain outside over night. Mr. Fiebig stated that it would unless any concerns arose.

Commissioner Stone inquired about security measures. Mr. Fiebig discussed the company's policies and the measures that will be taken at this site.

Commissioner Bellehumeur asked about the location of nearby cash registers. Mr. Fiebig stated that the registers would be located indoors.

Trustee Schilz inquired about the security of the fenced areas and the propane tank cabinet. Mr. Fiebig stated that both the fenced areas and the cabinet would be locked and secured after hours.

Commissioner Bellehumeur voiced concerns over the location of the propane tank exchange cabinet and potential conflicts with vehicular traffic. Mr. Fiebig indicated that the cabinet could be relocated down by the lumber yard canopy.

Trustee Schilz asked if the applicant was aware of the bulk retail storage ordinance. Mr. Thyges discussed the ordinance provisions and stated that they were provided to the applicant prior to the meeting. Mr. Fiebig discussed the building material pallet sizes and the application to the Board of Appeals.

Mr. Van Gompel stated that the issues regarding outside storage of bulk material and retail sales of nursery stock will be addressed at the public hearing for the Conditional Use Permit application.

It was moved by Commissioner Bellehumeur and seconded by Commissioner Raffensperger to schedule a public hearing for May 9, 2005 to consider a Conditional Use Permit application for a "Garden Center for the Retail Sale of Nursery Stock" and "Bulk Retail Storage" at 6300 W. Brown Deer Road requested by Lowe's Home Center's Inc. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Commissioner Raffensperger and seconded by Commissioner Nees to adjourn at 8:40 P.M. The motion carried unanimously.

Jesse Thyges
Assistant Village Manager/Community Services Director