

**BROWN DEER PLAN COMMISSION
MAY 9, 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 7:00 P.M.

I. ROLL CALL

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

Excused: Commissioners Roy Williams, Susan Bellehumeur

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

II. PERSONS DESIRING TO BE HEARD

Michelle Wescher, representing the Fourth of July Committee, briefly discussed the fund-raising raffle that the committee is sponsoring to help support the Village festivities.

Helen Witte, 5836 West Green Brook Drive, requested to be heard during the presentation of the Bulk Retail Storage matter.

Karen Krolikowski, 4125 West River Lane, requested to be heard during the presentation of the agenda items pertaining to the Poco Loco restaurant.

It was the consensus of the Plan Commission to allow Ms. Witte and Ms. Krolikowski to be heard on the matters.

President Jaberg clarified that the Bulk Retail Storage issue is a scheduled public hearing which allows for citizen testimony.

III. CONSIDERATION OF MINUTES: **APRIL 11, 2004 - Regular Meeting**

It was moved by Commissioner Nees and seconded by Trustee Raffensperger to approve the regular meeting minutes of April 11, 2005. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Thyges discussed the rescheduling of the Drive-up ATM proposal at the Commerce Center until the June meeting and also provided a brief update on the plan review for Deerbrook Estates.

Mr. Van Gompel provided an update on the status of the Village newsletter, and discussed the search for a replacement Planning/Zoning Specialist.

V. UNFINISHED BUSINESS

- A) 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 reviewed the proposal.

Trustee Schilz asked if the Day Care Center use would be allowed in the Business Park. Attorney Dineen clarified the amendment, and stated that a Day Care Center could be established only after review by the Village.

It was moved by President Jaberg and seconded by Commissioner Raffensperger to recommend the 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” to the Village Board. The motion carried unanimously.

VI. NEW BUSINESS

A) Public Hearing for and Recommendation of a Conditional Use Permit application for a “Garden Center for the Retail Sale of Nursery Stock” and “Bulk Retail Storage” at 6300 West Brown Deer Road, requested by Lowe’s Home Center’s Inc

President Jaberg opened the public hearing at 7:22 p.m.

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

Robert Fiebig, Lowe’s representative, discussed the site plan and the proposed storage areas.

Commissioner Raffensperger asked if the typical display items were illustrated in the pictures that were provided. Mr. Fiebig stated that the pictures are consistent with the outdoor displays that are proposed.

Helen Witte, 5836 West Green Brook Drive, voiced concerns with the appearance of the seasonal display areas.

Donna McIntosh-Hopkins, 8215 North Edge O’ Woods Drive, voiced concerns over potential light pollution and excessive noise.

The public hearing was closed at 7:27 p.m.

Trustee Baker commented on the appearance of nearby Lowe’s store locations.

Commissioner Nees asked for clarification of the storage under the canopy by the lumber yard entrance. Mr. Fiebig discussed the Board of Appeals decision and the materials that are to be stored underneath the canopy.

President Jaberg asked for clarification of the “Garden Center for the Retail Sale of Nursery Stock” and “Bulk Retail Storage” uses. Mr. Thyges clarified the matter and explained that the two uses will be governed by one Conditional Use Permit.

Commissioner Nees asked about performance standards or training for store personnel to ensure the outdoor storage complies with the Village standards. Mr. Fiebig stated that their staff will be trained and provided a copy of the merchandising plan for the site.

Attorney Dineen asked that contact information for the store’s management team be provided. Mr. Fiebig stated that the information will be submitted to the village when it becomes available.

Mr. Van Gompel inquired about how the nursery stock displays will be organized. Mr. Fiebig stated that language could be included in the Conditional Use Permit to govern the layout.

Commissioner Stone asked about the maintenance of the nursery stock and potential issues with excessive water. Mr. Fiebig stated that the site is designed to allow for proper drainage after the nursery stock is watered. Mr. Van Gompel added that staff has worked with the applicant to address potential drainage issues.

President Jaberg voiced concerns over the dimensions of the proposed outdoor storage display areas.

It was moved by Commissioner Raffensperger and seconded by Commissioner Stone to recommend approval of the Conditional Use Permit application for a “Garden Center for the Retail Sale of Nursery Stock” and “Bulk Retail Storage” at 6300 West Brown Deer Road, requested by Lowe’s Home Center’s Incorporated, with the display of the nursery items limited to a designated area on the site plan. The motion carried 5 – 1, with President Jaberg voting in opposition.

B) Conceptual review of the establishment of Retail Tenant Spaces at 5100 West Brown Deer Road, requested by Concours Motors.

Mr. Thyes provided a brief overview of the proposal.

Lynn Bichler gave a brief presentation about the architectural styling of the proposal and discussed the site diagrams.

Commissioner Nees asked for clarification of the interior service areas. Ms. Bichler stated that the shared area is intended to internalize deliveries and dumpsters on the site.

Commissioner Stone inquired about the size of the tenant spaces. Ms. Bichler stated that the spaces could vary by tenant, however, the approximate width is between 30 and 40 feet, and the depth is approximately 200 feet.

President Jaberg asked if corporate approval from Mercedes would be necessary. Karl Wuesthoff stated that tenant selection was at the owner’s discretion, but that another automobile sales establishment would not be allowed.

President Jaberg asked for clarification on the type of action by the Plan Commission that staff recommended. Mr. Thyes clarified the type of action that was needed.

It was moved by Commissioner Raffensperger and seconded by Commissioner Nees to recommend approval of the conceptual review of the establishment of Retail Tenant Spaces at 5100 West Brown Deer Road, requested by Concours Motors. The motion carried unanimously.

C) Amendment to the Planned Development Agreement for Poco Loco Restaurant, 4134 West River Lane, to extend the hours of operation.

Mr. Thyes provided a brief overview of the proposal and discussed the concerns of both the Staff and the Police Department. Mr. Van Gompel reiterated the Staff’s negative recommendation.

Karen Krolikowski, 4125 West River Lane, voiced concerns with the extended hours.

It was moved by Commissioner Raffensperger and seconded by Commissioner Stone to recommend Denial of the Amendment to the Planned Development Agreement for Poco Loco Restaurant, 4134 West River Lane, to extend the hours of operation. The motion carried unanimously.

D) Review and Schedule a public hearing for a Conditional Use Permit application for “Outdoor Seating” at 4134 West River Lane, requested by Poco Loco Restaurant

Mr. Thyes provided a brief overview of the proposal.

Karen Krolikowski, 4125 West River Lane, voiced concerns with the extra traffic that would be produced due to additional seating being available.

Commissioner Raffensperger voiced concerns with the limited amount of parking that is provided on the site.

President Jaberg voiced concerns over the ability to gain access to the basement through the proposed gate, and stated that the dumpster needs to be properly screened.

It was moved by Commissioner Raffensperger and seconded by Commissioner Stone to schedule a public hearing for June 13, 2005 to consider a Conditional Use Permit application for “Outdoor Seating” at 4134 West River Lane, requested by Poco Loco Restaurant. The motion carried unanimously.

E) Review and Schedule a public hearing for a Conditional Use Permit application for “Outdoor Seating” at 3900 West Brown Deer Road, requested by Habanero’s Mexican Kitchen Restaurant

Mr. Thyes provided a brief overview of the proposal.

Ed Bushman, agent for the applicant, further discussed the proposal.

Trustee Baker asked for clarification of customer traffic in the outdoor seating area. Mr. Bushman indicated that a waiter or hostess would direct customers to the front entrance.

President Jaberg stated that if alcohol sales would occur on site, the outdoor seating area may be required to be gated.

It was moved by Commissioner Nees and seconded by Commissioner Raffensperger to schedule a public hearing for June 13, 2005 to consider a Conditional Use Permit application for “Outdoor Seating” 3900 West Brown Deer Road, requested by Habanero’s Mexican Kitchen Restaurant. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Commissioner Raffensperger and seconded by Commissioner Nees to adjourn at 8:25 P.M. The motion carried unanimously.

Jesse Thyes
Assistant Village Manager/Community Services Director