

**BROWN DEER PLAN COMMISSION  
OCTOBER 10, 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: Jeff Baker, Tim Schilz; Commissioners: Rick Stone, John Raffensperger, Roy Williams, Susan Bellehumeur, David Hinman

Excused: Commissioner Alan Nees

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; Nathaniel Piotrowski, Planning/Zoning Specialist

**II. PERSONS DESIRING TO BE HEARD**

None.

**III. CONSIDERATION OF MINUTES:      **September 12, 2005 - Regular Meeting****

*It was moved by Commissioner Bellehumeur and seconded by Commissioner Williams to approve the regular meeting minutes of September 12, 2005. The motion carried unanimously, with Commissioner Raffensperger abstaining.*

**IV. REPORT OF STAFF/COMMISSION MEMBERS**

Mr. Thyges provided updates on the environmental testing at 7600 North Teutonia Avenue, and the progress of North Shore Audi's construction and its decision to revise its landscape plan. Mr. Thyges added that staff was investigating the property boundaries at M & G's Bar and Grill to ascertain whether the sign and horseshoe pits extend into land belonging to the adjacent property.

Mr. Piotrowski added that staff has listed available property within the Village on the Wisconsin Department of Commerce's Location One (LOIS) database and that initial conversations were held with Historic Granville/Brown Deer Chamber Association representatives to forge an effective working relationship.

Mr. Van Gompel added that Country Market Food Store in the Brown Deer Commerce Center has closed and that other uses for the property are currently being evaluated.

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

**A) Review Final Plat and Plat Agreement for Deer Brook Estates**

Mr. Piotrowski reviewed the proposal.

Commissioner Stone asked how the Village can assure side entry garages on the various lots in the subdivision. Mr. Piotrowski responded that the Village is asking that 50% of the lots have side oriented garages.

Trustee Baker asked if specific lots would be designated. Mr. Thyges stated that the lots would be at the developer's discretion in order to allow for design flexibility.

President Jaberg asked if the Plat Agreement could be made clear with respect to when the Homeowner's Association would take over maintenance responsibilities and what should occur if members of the Association fail to properly fund the maintenance.

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2005**Page 2**

President Jaberg also asked if there would be a uniform design standard for the lampposts and lights for each property. Mr. Dave Stewart, developer of Deer Brook Estates, responded that his intention was to have a uniform design and was receptive to language in the plat agreement allowing for Village review and approval of his selection.

Trustee Schilz asked that carbon monoxide detectors be added as a requirement to the Plat Agreement. Mr. Thyes responded that such language would be added.

*It was moved by Commissioner Raffensperger and seconded by Commissioner Stone to recommend approval of the Final Plat and Plat Agreement for Deer Brook Estates to the Village Board. The motion carried unanimously.*

President Jaberg asked the Plan Commission if there were any objections to taking up agenda item "D" out of order.

*The consensus of the Plan Commission was to allow item "D" out of order from the agenda.*

**D) Reviews of the Conditional Use Permits issued to: Badger Automotive, Sterling True Value, Curves for Women, Hospitality Child Care, Concours Motors, and Badger Shell.**

Mr. Piotrowski reviewed the proposal to make the conditional use at Sterling True Value continuous and stated that there has only been one complaint about the use and that the issue was addressed quickly.

Trustee Schilz asked Mr. Sterling if there has been any problem with theft since that was a concern when granting the conditional use. Mr. Sterling stated that theft had not been a problem.

*It was moved by Commissioner Raffensperger and seconded by Commissioner Bellehumeur to recommend to the Village Board that the conditional use at Sterling True Value be made continuous. The motion carried unanimously.*

Mr. Piotrowski reviewed the proposal to table the review of Conditional Use Permits at Curves for Women and Hospitality Childcare.

Commissioner Bellehumeur asked if the redevelopment area building moratorium was reason to delay review. Mr. Van Gompel stated that this was not a correct reason. Mr. Piotrowski added that delaying review was due to the uncertain nature of future Commerce Center development.

Trustee Schilz stated that future review of the conditional use could be subject to a new development agreement being in place for the Brown Deer Commerce Center.

President Jaberg felt that it would not be wise to leave the potential time frame of review so ambiguous and asked that the proposal of extending the conditional use period be brought back to the Plan Commission next month as an action item.

*It was consensus of the Plan Commission to have the review of the Conditional Use Permits for Curves for Women and Hospitality Childcare return as an action item at the November Plan Commission meeting.*

Mr. Piotrowski then reviewed the proposal to table the review of Conditional Use Permits at Concours Motors and Badger Fuel due to the fact that construction has not yet begun at either site.

Trustee Schilz asked for more information on the progress of construction at Concours Motors. Concours Motors' architect, Lynn Bichler, presented the current plans for the site and provided an update.

Discussion ensued as to the construction timetable.

President Jaberg asked if six months would be a suitable amount of time to allow for construction to begin. Ms. Bichler

2005

Page 3

responded that it would be.

President Jaberg asked if six months would be a suitable amount of time to allow for construction to begin at Badger Fuel. Mr. Thyges responded that it would be.

*It was moved by Trustee Schilz and seconded Trustee Baker that the review of the Conditional Use Permits for Concours Motors and Badger Fuel be tabled for six months. The motion carried unanimously.*

Mr. Piotrowski then reviewed the proposal to make the conditional use at Badger Shell continuous and discussed the nature of a recent complaint.

President Jaberg asked if there was anything outstanding with Building Inspection staff. Mr. Thyges responded that there was not.

Commissioner Stone asked if the air compressor could be added to a list defining hours of operation at the property. Mr. Van Gompel replied that it could not be added at this time without a new review.

*It was moved by Commissioner Raffensperger and seconded by Commissioner Williams to recommend to the Village Board that the conditional use at Badger Shell be made continuous. The motion carried unanimously.*

#### **B) Certified Survey Map for 9407 North Pearlette Lane.**

Mr. Thyges reviewed the proposal and explained that this was a technical issue that arose from the Milwaukee County Register of Deeds office and staff tax record analysis.

Trustee Schilz asked if neighboring property owners were notified and if property owners objected to the new survey. Mr. Thyges responded that notification was given and the property owners at 9407 North Pearlette Lane were aware of the changes.

*It was moved by Commissioner Raffensperger and seconded by Commissioner Bellehumeur to recommend to the Village Board that the Certified Survey Map for 9407 North Pearlette Lane be approved. The motion carried unanimously.*

#### **C) Review and Schedule a public hearing for Text Amendments to the Floodplain Zoning Ordinance.**

Mr. Piotrowski reviewed the proposal and stated that a thorough review would be given at the public hearing.

President Jaberg asked that staff make sure that the most recent floodplain maps were referenced in the ordinance.

*It was moved by President Jaberg and seconded by Commissioner Raffensperger to schedule a public hearing at the November 14, 2005 Plan Commission meeting for text amendments to the Floodplain Zoning Ordinance. The motion carried unanimously.*

#### **VII. ADJOURNMENT**

*It was moved by Commissioner Raffensperger and seconded by Commissioner Stone to adjourn at 7:52 P.M. The motion carried unanimously.*

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Jesse Thyges  
Assistant Village Manager/Community Services Director