

**BROWN DEER PLAN COMMISSION
AUGUST 14, 2006 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 and Jeff Baker; Commissioners: Ryan Schmitz, John Raffensperger, Susan Bellehumeur, David Hinman, Roy Williams

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

Excused: Commissioner Rick Stone

II. PERSONS DESIRING TO BE HEARD

None.

III. CONSIDERATION OF MINUTES: July 10, 2006 - Regular Meeting

It was moved by Commissioner Raffensperger and seconded by Commissioner Stone to approve the regular meeting minutes of July 10, 2006. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Piotrowski discussed the pending development proposals at Roetger's Oil BP Amoco, Deerwood Offices, and the redevelopment of the Commerce Center site which are all scheduled to be brought forward at the September Plan Commission meeting. Mr. Piotrowski also discussed the purchase of a vacant parcel, adjacent to the Green Bay Road and Teutonia Avenue intersection, by the River Revitalization Foundation and the DNR.

President Jaberg asked if a construction trailer is to be used by Roetger's Oil. Mr. Piotrowski stated that the business will be closed during demolition and that a trailer will not be used.

Mr. Thyges reported that North Shore Audi will be holding a grand opening celebration, and provided a progress report on the Deerbrook Estates subdivision. Mr. Thyges also reported that a part-time electrical inspector will be starting at the end of the month.

Trustee Schilz asked about the demolition of the former Hearthside building. Mr. Van Gompel discussed the demolition schedule.

Mr. Van Gompel provided an update on the website video link, and stated that Lowe's is working with the Police Department to lower the new rooftop HVAC units onto the building using helicopters.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

- A) Public hearing for a Conditional Use Permit for an outdoor beer garden and amusement uses at Parkview Pub, 7651 N. Teutonia Avenue.**

President Jaberg opened the public hearing at 7:12 p.m.

Mr. Piotrowski reviewed the proposal and the draft Conditional Use Permit.

Daniel and Donna Taff, 3901 West Fountain Avenue, spoke favorably about the proposal and the new owners efforts to address the neighbor's concerns.

President Jaberg closed the public hearing at 7:18 p.m.

Trustee Schilz clarified with the neighboring property owners that if the CUP were to be issued the level of noise would increase. Both Mr. and Mrs. Taff stated that they understood what the permit is for and that they are in favor of the outdoor beer garden.

Trustee Baker asked for clarification of the fencing. Jill Wargolet, of Parkview Pub, discussed the fencing location and type. Mr. Piotrowski added that the Police Department has reviewed the fencing plan.

President Jaberg asked if there would be outdoor beverage sales and if the parking ratios were adequate. Attorney Boyle stated that the liquor license would have to be amended to allow for outdoor sales. Mr. Piotrowski stated that the code does not list a specific parking ration for either of the two uses being discussed.

Ms. Wargolet stated that Sterling True Value has offered to allow for overflow parking.

Trustee Schilz asked if any outdoor events have been planned. Ms. Wargolet stated that the business has been approached to host two events, but noting has been finalized.

A discussion ensued pertaining to the placement and maintenance of an outdoor toilet facility. Staff was directed to address the matter in the Conditional Use Permit.

It was moved by Commissioner Raffensperger and seconded by Commissioner Williams to recommend approval of the Conditional Use Permit for an outdoor beer garden and amusement uses at Parkview Pub, 7651 N. Teutonia Avenue. The motion carried unanimously.

B) Development Agreement with Cingular Wireless, located at Brown Deer Village Hall, 4800 W. Green Brook Drive.

Mr. Piotrowski provided a summary of the proposal and the need for the update to the agreement.

President Jaberg asked if a new shelter was to be constructed. Mr. Piotrowski indicated that the existing shelter will remain and that the proposal only calls for replacement antennas.

Trustee Schilz asked if the lease terms were going to be updated. Mr. Van Gompel stated that discussions were ongoing with Cingular.

Commissioner Raffensperger asked if the frequency would change. Mr. Van Gompel stated that it would not.

It was moved by Commissioner Raffensperger and seconded by Commissioner Williams to recommend approval of the Development Agreement with Cingular Wireless, located at Brown Deer Village Hall, 4800 W. Green Brook Drive. The motion carried unanimously.

C) Review of a Conditional Use Permit for Outdoor Seating issued to Habanero's, 3900 W. Brown Deer Road.

Mr. Piotrowski provided a summary of the businesses operation and stated that they are in compliance with the terms of the Conditional Use Permit.

It was moved by Commissioner Raffensperger and seconded by Commissioner Williams to recommend the Conditional Use Permit for Outdoor Seating issued to Habanero's, 3900 W. Brown Deer Road. be made continuous. The motion carried unanimously.

D) Review and Schedule a Public Hearing for a Conditional Use Permit for an accessory fast food establishment at the YMCA, 9250 West Schroeder Drive.

Mr. Piotrowski provided a summary of the proposal.

Trustee Schilz asked if there would be any exterior signage. Mr. Piotrowski stated that exterior signage would not be allowed.

Commissioner Hinman stated that the restaurant would be accessible to members of the public attending a swim meet. Mr. Van Gompel stated that staff will clarify the matter with the applicant prior to the public hearing.

Trustee Schilz asked about the tax exempt status of the restaurant. Mr. Van Gompel stated that the assessor will have to review the matter.

President Jaberg asked for clarification of the security camera installation and the proposed delivery service.

It was moved by Commissioner Hinman and seconded by Commissioner Bellehumeur to schedule a September 11, 2006 Public Hearing for a Conditional Use Permit for an accessory fast food establishment at the YMCA, 9250 West Schroeder Drive. The motion carried unanimously.

E) Review and Schedule a Public Hearing for a text amendment to address portable storage structures and donation drop-off boxes.

Mr. Piotrowski provided a summary of the proposal and discussed the need for the text amendments.

Commissioner Bellehumeur asked if the storage units would be grandfathered. Attorney Boyle stated that they would not fall under that exception.

Commissioner Raffensperger asked if size requirements for the drop boxes should be incorporated into the draft ordinance.

Trustee Schilz asked how the Village addressed drop off boxes in the past. Mr. Thyges discussed the code provisions that were utilized and how the proposal will make it easier for staff to regulate these matters.

Commissioner Bellehumeur stated that a differentiation between on-premise and off-premise locations of drop boxes may need to be incorporated into the ordinance.

President Jaberg asked if a portable storage device would conflict with subdivision deed restrictions. Mr. Van Gompel stated that the Village does not enforce deed restrictions. Mr. Thyges added that the ordinance would ensure that the placement of a storage device is temporary.

It was moved by Commissioner Raffensperger and seconded by Commissioner Williams to schedule a September 11, 2006 Public Hearing for a text amendment to address portable storage structures and donation drop-off boxes. The motion carried unanimously.

- F) **Review and Schedule a Public Hearing for a rezoning of property at 7942 - 7960 N. Sherman Blvd, 4141 W. Bradley Road and adjacent tax key numbers 086-8905-001, 086-8893-003 from B1-Commercial to PD- Planned Development.**

Mr. Piotrowski provided a summary of the proposal. Mr. Van Gompel added that the proposed rezoning is being initiated by Village Staff.

It was moved by Commissioner Raffensperger and seconded by Commissioner Williams to schedule a September 11, 2006 Public Hearing for a rezoning of property at 7942 - 7960 N. Sherman Blvd, 4141 W. Bradley Road and adjacent tax key numbers 086-8905-001, 086-8893-003 from B1-Commercial to PD- Planned Development. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Commissioner Raffensperger and seconded by Commissioner Bellehumeur to adjourn at 8:07 P.M. The motion carried unanimously.

Jesse Thyges
Assistant Village Manager/Community Services Director