

**BROWN DEER PLAN COMMISSION
JUNE 12, 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; Trustee Jeff Baker; Commissioners: Rick Stone, Ryan Schmitz, John Raffensperger

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

Excused: Trustee Tim Schilz; Commissioners David Hinman, Roy Williams and Susan Bellehumeur

II. PERSONS DESIRING TO BE HEARD

Michelle Wescher of the Fourth of July Committee asked those present to consider selling raffle tickets for the Village's Fourth of July festivities.

III. CONSIDERATION OF MINUTES: May 8, 2006 - Regular Meeting

It was moved by Trustee Baker and seconded by Commissioner Raffensperger to approve the regular meeting minutes of May 8, 2006. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Piotrowski stated that Village Staff and Lowe's Home Centers reached a mutual agreement about ground signs for the new home improvement center. The agreement strikes a compromise between Lowe's 31 foot high sign proposal by recommending two smaller signs that would conform to the restrictions of the new sign code. Mr. Piotrowski added that this proposal would still need to be reviewed by the Building Board and that the Board of Appeals would also need to grant a variance for the location of a second sign on the property.

Mr. Thyges reported that Staff is still working with Deerwood Offices, LLC. on their proposal for a new office building on Deerwood Drive and that current discussions center on potential TIF assistance. Mr. Thyges also stated that the US Bank Championship would be requesting use of 7600 North Teutonia Avenue site for the placement of a will call trailer for the upcoming golf tournament.

Trustee Baker asked if there was any new progress on the Hearthside property. Mr. Thyges replied that Staff intends to set up a pre-demolition meeting in the near future.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

- A) Public Hearing and Recommendation for the discontinuance of a portion of North 51st Street public right of way in the Northwest ¼ of Section 11, Town 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin.**

The public hearing opened at 7:11 p.m.

Mr. Piotrowski reviewed the proposal.

There was no public comment.

The public hearing closed at 7:14 p.m.

President Jaberg asked if the Water Department had any issues with the vacation of the right of way. Mr. Piotrowski replied that they did not.

Commissioner Stone asked if the Brown Deer Animal Hospital intended to use the vacated portion of the right of way for customer parking. Mr. Piotrowski replied that the additional space would offer the Animal Hospital opportunity to alter some aspects of their operation and additional parking may be something they would desire in the future. He also noted that they may wish to use the area for more green space in order to exercise the animals they treat.

It was moved by Commissioner Schmitz and seconded by Commissioner Stone to recommend approval of the resolution for the discontinuance of a portion of North 51st Street public right of way and the associated ordinance amending the Official Map of the Village, to the Village Board. The motion carried unanimously.

B) Public Hearing and Recommendation to Amend Section 6-6.02 to remove “Lot Area” requirements from the PD Zoning District and Sec. 6-6.06 to allow flexible sign criteria in Planned Development Districts.

The public hearing opened at 7:16 p.m.

Mr. Piotrowski reviewed the proposal.

There was no public comment.

The public hearing closed at 7:18 p.m.

President Jaberg asked if the Building Board had been briefed about the change to allow for flexibility in sign applications. Mr. Thyes indicated that the Building Board had not been consulted but he added that the proposed new zoning code language would not inhibit the Building Board’s ability to review the aesthetics of any sign.

It was moved by Commissioner Raffensperger and seconded by Trustee Baker to recommend approval of the ordinance to amend Section 6-6.02 to remove “Lot Area” requirements from the PD Zoning District and Sec. 6-6.06 to allow flexible sign criteria in Planned Development Districts to the Village Board. The motion carried unanimously.

C) Certified Survey Map 8226 North 44th Street, requested by Ellen Straubhhar.

Mr. Piotrowski reviewed the proposal. Mr. Piotrowski indicated that Staff preferred to move the proposed line of division to the north, approximately 25 feet, to more even balance out the two parcels. A revised drawing was submitted by Staff to illustrate this change.

It was moved by Commissioner Raffensperger and seconded by Commissioner Schmitz to recommend approval of Staff’s proposed Certified Survey Map for the division of land at 8226 North 44th Street, subject to the installation of a sewer lateral to the new lot within one year, to the Village Board. The motion carried unanimously.

D) Certified Survey Map 4536 West Woodale Avenue, requested by Dennis Fortuna.

Mr. Piotrowski reviewed the proposal. Mr. Piotrowski indicated that an on site inspection revealed a large masonry barbeque near the proposed line of division and that this should be removed as a condition of approval.

It was moved by Commissioner Raffensperger and seconded by Commissioner Stone to recommend approval of the Certified Survey Map for the division of land at 4536 West Woodale Avenue, subject to removal of the masonry structure and the installation of a sewer lateral to the new lot within one year, to the Village Board. The motion carried unanimously.

E) Review of a text amendment to a Development Agreement with Jacob Dean Enterprises LLC.

Mr. Piotrowski reviewed the proposal.

Commissioner Stone asked how long the business has been open and if there were any complaints from neighbors. Mr. Piotrowski replied that the business has been opened for a little more than a year and that there were no complaints from neighbors.

Commissioner Raffensperger asked if there would be an opportunity to bring the agreement back for review in one year. President Jaberg replied that the one year review of the Development Agreement was recently put on hold for 6 months by the Plan Commission and that this would afford the Plan Commission an additional 5 months to assess the impact of the current proposed change.

It was moved by Commissioner Raffensperger and seconded by Trustee Baker to recommend the text amendment to a Development Agreement with Jacob Dean Enterprises to extend the hours of operation and sales by thirty minutes to the Village Board. The motion carried unanimously.

F) Review of a text amendment to a Conditional Use Permit for an Automobile Service Station at 5125 West Brown Deer Road.

Mr. Piotrowski reviewed the proposal.

Trustee Baker asked if there was any opportunity to relocate the car wash to reduce some of the noise. Mr. Piotrowski replied that relocating the car wash would be difficult given the size constraints of the site.

President Jaberg noted that the hours of operation for the other recently approved car wash on Bradley Road was from 7:00 A.M. until 9:00 P.M.

It was moved by Commissioner Raffensperger and seconded by Trustee Baker to recommend the text amendment to a Conditional Use Permit for an Automobile Service Station at 5125 West Brown Deer Road to extend the hours of operation for a car wash and vacuum, to 7:00 A.M. to 9:00 P.M., to the Village Board. The motion carried unanimously.

VII. ADJOURNMENT

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

Jesse Thyges
Assistant Village Manager/Community Services Director