

**BROWN DEER PLAN COMMISSION
SEPTEMBER 10, 2007 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by Village President Krueger at 7:00 P.M.

I. ROLL CALL

Present: Village President Carl Krueger; Trustees Tim Schilz, Jeff Baker; Commissioners: Ryan Schmitz, Rick Stone, Susan Bellehumeur, David Hinman, Roy Williams, John Raffensperger.

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

Excused: Russell Van Gompel, Village Manager

II. PERSONS DESIRING TO BE HEARD

David Chase, 9232 North 51st Street stated his concern about the potential redevelopment of property at 5960 West Brown Deer Road into a CVS Pharmacy. He indicated that he was concerned by the misrepresentation of tenancy at last month's Plan Commission. Mr. Chase added that he was also concerned with the increased traffic that CVS might generate and indicated that he hoped the section of Brown Deer Road east of 60th Street would not become a major retail corridor like sections found nearby in Milwaukee.

III. CONSIDERATION OF MINUTES: August 13, 2007 - Regular Meeting

It was moved by Commissioner Schmitz and seconded by Commissioner Raffensperger to approve the regular meeting minutes of August 13, 2007. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Piotrowski reported that Candlewood Suites recently received Milwaukee Metropolitan Sewerage District (MMSD) approval for their stormwater management plan and that they are seeking construction bids for the project.

Mr. Thyges reported that the Village has begun a drainage ditch naturalization project in conjunction with the repaving of the pond parking lot. The pond lot, which is to be designed with porous pavement, along with the ditch work, is partially funded with a grant from MMSD.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

A) Second Conceptual review of a condominium development at 49th and Donges Lane.

Mr. Piotrowski reviewed the proposal and introduced the applicant.

Jennifer Busalacchi of B&N Development discussed the project and introduced the other members of the development team including B&N principal Michael Batzler, architect Doug Gallus, Attorney Bruce McIlnay and Engineer Fred Bonnie.

Mr. Gallus discussed the design and layout of the particular units. Mr. Bonnie discussed the engineering of the site and Mr. McIlnay elaborated about the establishment and benefits provided by a condominium association. He also discussed the benefits that the new development would provide to the local tax base.

James Modjewski, 9520 North 45th Street asked how big the units on the east side of 49th Street would be. Mr. Gallus replied that they would be between 2,200 and 2,500 square feet.

Mike Sullivan, 4691 West Donges Lane asked how many acres were on the east side of the project and on the site as a whole. Fred Bonnie replied there was approximately 1.9 acres on the east side of 49th Street and approximately 7.7 acres for the entire project. Mr. Sullivan stated that the layout, even the single family condominium area, was denser than the surrounding neighborhood and that such density would bring too much additional traffic.

Mike Cohen, 9452 North 47th Street stated that 49th Street and Donges Lane would be adversely impacted by additional traffic from this proposal. He added that he was concerned about new truck traffic. Mr. Cohen asked if there were going to be any common or party rooms as part of the condominium project. Mr. Gallus replied that there would be no such space.

Mr. Cohen asked what the size of the units in the four family buildings would be. Mr. Gallus replied that these units would range from 1,200 to 1,700 square feet.

Mr. Cohen also asked the price of the units and if there would be basements. Ms. Busalacchi replied that the units would be priced between \$200,000 and \$235,000 dollars. Mr. Gallus stated that there would be basements under the single family units but no basements in the four family buildings.

Mr. Cohen asked if there would be an opportunity to create berms to further separate the development from single family homes to the east. Mr. Gallus replied that smaller berms up to 3 feet in height were possible.

Kevin Hoppert, 4829 West County Line Road asked what was meant by new urbanism and if the revised plans could still be labeled new urbanist. Mr. Piotrowski replied that new urbanism was a community design philosophy that often features design elements that were common in the 1920's and 30's. He added that new urbanist design promotes buildings closer to the street, parking located in the rear, front porches, a variety of housing styles, multi use buildings and the promotion of pedestrian activity. Mr. Piotrowski stated that portions of the plan had some new urbanist principals in that the buildings were located closer to the street, parking was in the rear and there were ample pedestrian connections.

Mr. Hoppert asked why there was a Phase Two shown on the plan and if any units would be rental. Mr. McIlroy replied that there would be no rentals and that a Phase Two is shown because the developer has an interest in further development should the first units be well received. Mrs. Hoppert added that she has continuing concerns about the amount of additional traffic that would be generated by the project and stated that 49th Street should dead end in the new development.

Nick Germano, 4731 West Donges Lane, indicated his concern about the development potentially turning into rental units and he asked who owned the property. Mr. McIlroy replied that the owner was an LLC and not B&N Development.

Pat Mitten, 4780 West Donges Lane asked what the condominium association fee and reserve would be. Mr. McIlroy replied that \$150 per month would be a good initial estimate.

Mr. Mitten added that he felt that 49th Street would be used as a shortcut between Green Bay and County Line Roads and that this would be a negative for the subdivision. Mr. Piotrowski replied that the Village's Official Map has designated 49th Street as a "through street" on each revision since the 1960's and that this designation has had an impact on the land use of the surrounding area.

Tom Fischer, 4654 West Donges Lane stated that he was concerned about the demand for condos throughout the Village and questioned the need for more in this location. He stated that he was concerned that additional traffic would negatively affect the peace and quiet of his neighborhood.

Scott Balki, 5222 West Elmdale Court in Mequon, stated that he was in favor of the condo project and that he would like to live in such a development. He added that the control of a condominium association would help ensure the appropriate maintenance of the property.

Bob Petzhold, address was not provided, stated that that he would not have a problem with the project if the traffic issue could be resolved.

Mr. Modjewski stated that the land should not be rezoned for multi family and that the developer should try to devise a layout for single family lots in spite of the geometrical challenges presented by the current parcel of land.

Mary Kust, 9445 North 47th Street, stated her opposition to the condo proposal and its overall density. She added that the neighborhood fought hard to have the land rezoned to single family many years ago and that it should remain single family.

Bill Boyd, 5075 West County Line Road, asked if Staff could stop the developer from coming before the board with proposals that the residents would not support. Mr. Piotrowski replied that it is the right of any developer to submit plans to the Plan Commission for review. He added that Staff does its best to advise a developer as to how a proposal might be received so that they do not continue to receive negative recommendations. Mr. Piotrowski also stated that Staff would continue to notify residents in the area of proposals on the subject property.

Mr. Batzler spoke to the positives of the project. He stated that a change in the zoning could be ok and that the proposal provided a nice transition from single family to multi-family residential. He added that single family development, as witnessed in Deerbrook Estates, is challenging given the current market conditions.

Commissioner Bellehumeur asked what Staff meant when it said that the physical layout of the site for single family residential may result in an unsustainable land use pattern. Mr. Piotrowski replied that in some simple single family designs explored by Staff there would be more cul-de-sacs, irregular shaped parcels, more public infrastructure and a lack of connectivity with the street grid or sidewalks. Mr. Piotrowski added that large pockets of green space could be lost and that connections with the recreational trail may be difficult. Taken together these changes would diminish the physical, economic and environmental sustainability of the proposal.

Trustee Schilz stated that he could not support the proposal and that he had concerns with the extension of 49th Street due to the increased levels of activity along Schroeder Drive.

Trustee Baker added that also could not support the proposal due to the traffic concerns that had been discussed.

It was moved by Trustee Schilz and seconded by Commissioner Bellehumeur to reject the second conceptual proposal for a condominium development at 49th Street and Donges Lane. The motion carried by a 5-2 vote with Commissioner Williams and Hinman voting in opposition.

B) Certified Survey Map review for property located in the 4200 block of West Bradley Road.

Mr. Piotrowski reviewed the proposal.

It was moved by Commissioner Bellehumeur and seconded by Commissioner Raffensperger to recommend approval of the Certified Survey Map for property located in the 4200 block of West Bradley Road, to the Village Board. The motion carried unanimously.

C) Revised site plan approval for Rana Enterprises, 5091 W. Brown Deer Road.

Mr. Piotrowski reviewed the proposal and indicated that emergency situations prevented the applicant and his architect

from being in attendance.

Commissioner Stone asked if there would be additional noise as a result of the reconfiguration. Mr. Piotrowski replied that he did not believe there would be more noise since the car wash faced north towards Brown Deer Road and there would be fencing to block some of the noise to the south.

Commissioner Schmitz asked if the canopy was to be redesigned as previously proposed. Mr. Piotrowski replied that regrettably the canopy would not be redesigned but instead it would simply be “cleaned up” with new paint, lighting and side panels.

Trustee Schilz stated that he was dismayed with the significant downgrade in design from the previous proposal and stated that he wanted the applicant present to discuss his reasoning behind the changes.

It was moved by Commissioner Raffensperger and seconded by Commissioner Stone to table the review of the revised site plan until next month so that the applicant could be present to explain the proposal. The motion carried unanimously.

D) Discussion of proposed Recreational Trail Extension to AC Hanson Park and Brown Deer Park.

Mr. Piotrowski indicated that Milwaukee County was in a preliminary design phase currently conducting survey work to identify exact locations, grades and dimensions of a bike path extending from Brown Deer Park towards AC Hanson Park. The trail extension is being funded through a grant from the State of Wisconsin Department of Transportation. Mr. Piotrowski also noted that a bicycle path is considered a conditional permitted use in many zoning districts and that Milwaukee County would need to apply for such a permit prior to construction.

Mr. Thyges added that Staff wanted to bring this concept before the Plan Commission because several residents have become concerned about path locations and public safety issues.

President Krueger asked if the trail would have further connections beyond AC Hanson Park. Mr. Piotrowski replied that it was intended for the trail to continue west into the new Kohl Park and link with other sections of the Oak Leaf Trail.

Commissioner Schmitz asked if the east/west section would be on road. Mr. Piotrowski replied that much of this section is proposed to be located on Village streets and identified with signage.

There was no action taken on this matter.

VII. ADJOURNMENT

It was moved by Commissioner Raffensperger and seconded by Commissioner Schmitz to adjourn at 9:30 P.M. The motion carried unanimously.

Jesse Thyges
Assistant Village Manager/Community Services Director