

**BROWN DEER PLAN COMMISSION  
JANUARY 14, 2008 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, David Hinman, Susan Bellehumeur

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: Commissioners John Raffensperger, Roy Williams, Rick Stone

**II. PERSONS DESIRING TO BE HEARD**

None.

**III. CONSIDERATION OF MINUTES:      **December 10, 2007 – Regular Meeting  
December 17, 2007 - Special Meeting****

*It was moved by Commissioner Schmitz and seconded by Commissioner Hinman to approve the regular meeting minutes of December 10, 2007. The motion carried unanimously with Commissioner Bellehumeur abstaining.*

*It was moved by Commissioner Bellehumeur and seconded by Commissioner Schmitz to approve the special meeting minutes of December 17, 2007. The motion carried unanimously.*

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

Mr. Van Gompel reported that the Village closed on the sale of land to Tri City National Bank and also closed on the acquisition of the Dolan Office Building. He added that the Community Development Authority recommended approval of an option to purchase the Dolan Office Building to Jewish Family Services. Mr. Van Gompel also reported that the River Revitalization Foundation intended to hold a public information meeting on January 29<sup>th</sup> at 6pm at the Brown Deer Public Library to discuss their land preservation efforts near the intersection of Green Bay Road and Teutonia Avenue.

Mr. Thyges reported that both Wheaton Franciscan Healthcare and Walgreens were finalizing their construction plans which Staff would review. Construction was still targeted for spring. He also added that Jewish Family Services scheduled a public information meeting to be held at Village Hall on January 23<sup>rd</sup> at 7:00 pm.

Mr. Piotrowski reported that Village Staff was in the preliminary design phase for a streetscape project in the Original Village area. Staff intends to refine designs and hold a public informational meeting in February or March with projected construction in 2009. Mr. Piotrowski added that B&N Development planned a meeting with neighbors regarding their proposed condo project at 49<sup>th</sup> and Donges Lane on January 21<sup>st</sup> at 7:00 pm at the Courtyard by Marriott.

Commissioner Bellehumeur asked that Staff provide a summary email of all upcoming public informational meetings.

President Krueger asked if B&N requested Staff or Plan Commission attendance. Mr. Piotrowski replied that they did not make such a request.

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

**A) Public hearing for a zoning code text amendment to allow “Day Care Facility” as a conditional permitted use in the B4- Commercial District.**

Mr. Piotrowski reviewed the proposal and introduced the applicants.

President Krueger opened the public hearing at 7:10 p.m.

There was no public comment. The public hearing closed at 7:11 p.m.

Mr and Mrs. Tina Oliver, the applicants, added that they are former residents of Brown Deer and seek to add a high quality facility that would function more as a learning and tutoring center than a day care. Mrs. Oliver stated that the quality of the facility would make it a good fit with the professional offices in the area.

Commissioner Bellehumeur asked if a distinction could be made to specifically permit a learning center. Mr. Piotrowski replied that because there will be some level of licensed day care activity the Village would have to view the operation as a day care center first. Mr. Piotrowski added that if there was not a day care component, a learning center or tutoring facility might be able to simply be considered a professional office land use.

Trustee Baker asked how much traffic was anticipated for the day care use. Ms. Oliver replied the facility would be limited to a maximum of 20 students. There would be some small bus drop offs and some increased traffic from parents picking up children.

Trustee Baker asked if any homes are found in the B4 District. Mr. Piotrowski replied that there are a couple of single family homes in the district that have been permitted as conditional uses.

President Krueger noted that he is typically not in favor of changes to the zoning code because the current code has provided a consistent and well coordinated land use pattern.

Commissioner Hinman asked how the text amendment might “open up” the zoning code to other day care facilities. Mr. Piotrowski explained that if the text of the code was changed, applications for a day care facility could be made on any property that is zoned B4. He added that these applications could be for day care facilities larger in size and scope than what Mrs. Oliver is proposing.

Commissioner Bellehumeur stated her concern that the B4 District was designed as a low impact office type zoning district and that a change to allow a day care center would not be appropriate and could set a precedent for the acceptance of such a facility in other B4 locations.

Mrs. Oliver stated that by allowing a day care center as a conditional permitted use only, the Village would retain review authority over larger scale day care centers that may be incompatible with given neighborhoods.

Trustee Schilz stated that a day care center was not consistent with the other uses in the B4 District because of the greater opportunity for activity on site and traffic generation.

Mr. Van Gompel added that there are other locations in the Village where a day care center was allowed with a conditional use permit and that Staff would be happy to help the applicant find a suitable property in another location in the Village.

*It was moved by Commissioner Bellehumeur and seconded by Commissioner Hinman to recommend denial of the zoning code text amendment to allow “Day Care Facility” as a conditional permitted use in the B4- Commercial District to the Village Board. The motion carried unanimously.*

**B) CANCELLED- Public hearing for rezoning property at 5960 W. Brown Deer Road and 8890 N. 60<sup>th</sup> Street from B4- Commercial and R2- Residential to BPD- Business Planned Development.**

Mr. Piotrowski noted that the applicant had withdrawn their request therefore the hearing was cancelled.

**C) Certified Survey Map Review for 9250 N. Green Bay Road.**

Mr. Piotrowski reviewed the proposal and introduced the applicant.

President Krueger asked for clarification of the current parcel configurations. Mr. Piotrowski replied that there is a property line running north/south from Schroeder Drive to Beaver Creek on the western third of the current YMCA site.

President Krueger asked if the land to the south of Beaver Creek was being divided or combined. Mr. Van Gompel replied that only land north of Beaver Creek was being combined and that all land to the south of the creek would remain under YMCA ownership.

President Krueger asked if all combined land would be sold to Wheaton Franciscan Healthcare. Mr. Paul Hoffman, counsel for the applicant, replied that Wheaton would take ownership of the combined land and lease the land underneath the existing buildings to the YMCA and a new owner of the Aquatic Facility.

*It was moved by Trustee Schilz and seconded by Commissioner Bellehumeur to recommend approval to the Village Board the Certified Survey Map at 9250 N. Green Bay Road. The motion carried unanimously.*

**D) Discussion of Comprehensive Plan process.**

Mr. Piotrowski reviewed the current status of the comprehensive plan process. He indicated that a preferred candidate was selected and a final contract was to be reviewed by the Village Board next week. Mr. Piotrowski also discussed the budget and cost for the project, legal ramifications of the comprehensive plan legislation, required components of the comprehensive plan and reasons why URS was chosen as the preferred candidate. Mr. Piotrowski also added that the consultant and Staff felt it best to utilize the Plan Commission instead of a separate Steering Committee as the main review body of the various elements of the Comprehensive Plan. Mr. Piotrowski indicated that if the Plan Commission was open to accepting such responsibility it could result in approximately one additional meeting every other month for the next year. The meeting would be held separately from other Plan Commission agendas.

Commissioner Bellehumeur asked how long a typical comprehensive plan meeting would last. Mr. Piotrowski replied that he was not certain but that the meeting would be focused on generally one or two plan elements at once and Staff would work with the consultant to present the material in the most efficient manner possible.

Commissioner Bellehumeur asked if URS was working on other plans in the area. Mr. Piotrowski replied that the Milwaukee Office would be working solely on the Brown Deer plan however the office was experienced in developing plans elsewhere.

Trustee Baker asked if URS may accept other projects during their time employed by the Village. Mr. Piotrowski replied that this was a possibility.

Commissioner Bellehumeur asked if other Village committees or members could be a part of the comprehensive plan meeting. Mr. Thyges noted that other Village committee representatives could join some of the comprehensive plan meetings if pertinent issues related to that committee were being discussed.

Commissioner Bellehumeur asked if the School District was going to play a role in the comprehensive plan. Mr. Piotrowski replied that the School District would be invited to participate and that several plan elements such as land use, community facilities and intergovernmental cooperation required coordination with the School District.

Commissioner Bellehumeur asked about the length of the overall process and if the Village was ahead of schedule in comparison to other municipalities. Mr. Van Gompel replied that the process was to last between 12 and 18 months and that the Village was in the “middle of the pack” in terms of how far along Brown Deer was in comparison to other Southeast Wisconsin communities.

Trustee Schilz asked if the extra Plan Commission meeting would be noticed as a full public hearing. Mr. Van Gompel replied that it would.

*It was the general consensus of the Plan Commission that additional comprehensive plan related meetings during the course of 2008 would be acceptable to the members.*

## **VII. ADJOURNMENT**

*It was moved by Trustee Schilz and seconded by Commissioner Schmitz to adjourn at 8:09P.M. The motion carried unanimously.*

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Jesse Thyse  
Assistant Village Manager/Community Services Director