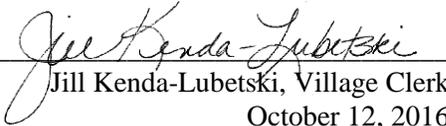


PLAN COMMISSION MEETING
Monday, December 12, 2016
Earl McGovern Board Room, 6:30 P.M.



PLEASE TAKE NOTICE that a meeting of the Brown Deer Plan Commission will be held in the Earl McGovern Board Room at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon:

- I. Roll Call
- II. Persons Desiring to be Heard
- III. Consideration of Minutes: November 14, 2016 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Review and Recommendation of a Certified Survey Map at 8740, 8742 and 8750 N. Deerwood Drive
 - B) Review and Recommendation of a Development Agreement with Critical Room Control for an office at 8601 N. 43rd Street
- VII. Adjournment


Jill Kenda-Lubetski, Village Clerk
October 12, 2016

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.

**BROWN DEER PLAN COMMISSION
NOVEMBER 14, 2016 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:32 P.M.

I. ROLL CALL

Present: President Carl Krueger; Trustees: Tim Schilz, Jeff Baker; Commissioners: Bill Hoffmann, Jeff Jaroczynski, Ryan Schmitz, Al Walters

Also Present: Michael Hall, Village Manager; Nate Piotrowski, Community Development Director; Rebecca Boyle, Village Attorney

Excused: Commissioners: Ted Wagner

II. PERSONS DESIRING TO BE HEARD

None

III. CONSIDERATION OF MINUTES: October 17, 2016 – Special Meeting

Commissioner Jaroczynski noted a correction of the adjournment time to 5:49 pm

It was moved by Commissioner Schmitz and seconded by Commissioner Hoffmann to approve the special meeting minutes of October 17, 2016, with the noted correction. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

None

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

- A) Public Hearing and Recommendation on a rezoning of multiple properties including; 8411 and 8406 N. 66th Street, 6720 and 6550 W. Dean Road and Lot 26 of the Elm Springs Subdivision (vacant parcel at NE corner of N. 64th Street and W. Dean Rd.) from R2 Single Family Residential to R3A Single Family Residential**

Mr. Piotrowski reviewed the proposal and introduced Fred Bersch of Bonnilake Real Estate, agent for the applicant, Charlene Smith.

President Krueger opened the public hearing at 6:40 p.m.

Dan Jones, 8406 N. 66th Street, asked if the rezoning would impact the conformity of his garage. Mr. Piotrowski replied that the zoning would not change the status of his garage but would make the dimensions of the lot conforming, meaning that the principal structure could be rebuilt on the lot if totally destroyed.

President Krueger asked if this would allow the currently vacant lot to be subdivided. Mr. Piotrowski replied that it would allow for a one lot subdivision if approved via Certified Survey Map.

Trustee Baker asked for more information on how the lot could be divided. Mr. Bersch discussed the possible dimensions of a future land division but added that there was only the intention to build a single home at this time.

Dan Jones asked why the rezoning did not extend all the way to 67th Street. Mr. Piotrowski replied that the remaining lots along Dean Road are zoned R2 and conform to zoning.

Trustee Schilz asked what was happening on the vacant lot since he noticed a lot of activity. Mr. Bersch replied that there was ongoing clearing and grubbing of trees and vegetation. Mr. Piotrowski noted that this was allowed and that the owner was proceeding at their own risk since a plan for the new house was not yet approved.

President Krueger closed the public hearing at 6:50 p.m.

It was moved by Commissioner Schmitz and seconded by Commissioner Jaroczynski to recommend approval of the rezoning to the Village Board. The motion carried unanimously.

B) Review and Approval of a special accessory use permit for front yard playground equipment at 4835 W. Parkland Avenue.

Mr. Piotrowski reviewed the proposal and introduced the applicants Elizabeth Blas and Thomas Henk.

Commissioner Hoffmann asked how many other properties had similar situations with playgrounds in front yards. Mr. Piotrowski replied that he did not know of a specific number but noted that there are multiple other properties with playground equipment in a similar position on lots. He added that while they were in similar positions they may not be defined as front yards.

President Krueger asked where the southern lot line was located in relation to the swing set. Mr. Piotrowski replied that it was estimated between 3.5' and 4.0' south of the swing set but that there was no official survey pinpointing the exact dimension.

Trustee Baker asked if the swing set could be moved to the north away from the southern property line. Michael Ganzer, attorney, representing the applicants, stated that it would be difficult because of an existing tree to the north and the fact that the swing set has poured concrete footings.

Commissioner Jaroczynski asked how many children used the playground equipment. Ms. Blas replied that there were two children ages 2 and 5.

Pam Deeds, 4813 W. Parkland Ave. stated that she supported the special accessory use request. Ray Dahms, 4821 W. Parkland Ave. stated that he supported the special accessory use request. Ms. Fessenbecker, 4925 W. Parkland Ave. stated that the aesthetics of the neighborhood were enhanced by the swing set and associated landscaping and she supported the request.

Trustee Schilz stated that he had safety concerns related to the type of decorative fencing surrounding the swing set. A discussion ensued as to the type of fencing and ability to regulate. No change to the fencing type was proposed.

It was moved by Commissioner Hoffmann and seconded by Commissioner Walters to approve the special accessory use permit. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Commissioner Jaroczynski and seconded by Commissioner Schmitz to adjourn at 7:25 P.M. The motion carried unanimously.





REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review and Recommendation of a Certified Survey Map at 8740, 8742 and 8750 N. Deerwood Drive
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: December 8, 2016
Applicable Land Use Regulation: Village Code Sec. 117-52 and 121-250, Orig. Vil. Planned Dev.
VILLAGE ATTORNEY REVIEW: <input checked="" type="checkbox"/> Village Attorney has reviewed documents. <input type="checkbox"/> Village Attorney has not reviewed documents. <input checked="" type="checkbox"/> Documents provided to Village attorney.
COMPREHENSIVE PLAN REVIEW: <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

ANALYSIS:

Tony Reno owns two parcels with three buildings in the Original Village; the Schulz deli building at 8750 N. Deerwood Drive, a multi-tenant building at 8740 N. Deerwood Dr. (currently occupied by Studio Salon) and a 4 family unit at 8742 N. Deerwood Dr.

He has prepared the attached certified Survey Map (CSM) to adjust the line that divides the two parcels (see attached). The intent is to shift the location of the property line between the two properties so that there is a clear access path and a majority of the parking stalls on the northern (deli) parcel. Attached is an aerial photo from the Village's GIS so that a comparison can be made to the current configuration. The new CSM shifts the property angle more southwesterly and brings it closer to the southern buildings along for a majority of the parking to be located on the deli parcel.

While the line shift accommodates most of the parking it is understood that the properties will create a cross access and parking agreement for the benefit of each lot and the owner has agreed to include this as part of the CSM.

All bearings and measurements have been reviewed by Village engineering staff and found to be accurate.

RECOMMENDATION:

Staff believes this proposed reconfiguration makes sense and would recommend approval subject to the addition of a cross access and parking easement. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

4313

8759

8707

8739

8717

N 43RD ST

8777

8759

8759

8737

8727

N DEERWOOD DR

8766

4133

4125

4113



8752

8740

8734

8726

SB ST 1ST 57 ONRP

N GREEN BAY RD

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWN 8
NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY,
WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
MILWAUKEE COUNTY } SS

I, MARK L. WERTZ, A REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWN 8
NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS
FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE N88°42'55"E ALONG THE
NORTH LINE OF SAID 1/4 SECTION 142.97 FEET TO THE EAST LINE OF N. DEERWOOD DRIVE EXPENDED; THENCE S18°07'15"E
ALONG THE EASTERLY LINE OF SAID DRIVE 169.59 FEET TO THE POINT OF BEGINNING; THENCE N88°42'55"E 317.72 FEET; THENCE
S02°33'05"E 112.64 FEET; THENCE S80°03'03"W 276.67 FEET TO A POINT ON THE EASTERLY LINE OF SAID DRIVE; THENCE
N18°07'15"W ALONG THE EASTERLY LINE OF SAID DRIVE 94.73 FEET; THENCE S80°00'25"W 5.05 FEET TO A POINT ON THE EASTERLY
LINE OF SAID DRIVE; THENCE N18°07'15"W ALONG THE EASTERLY LINE OF SAID DRIVE 38.00 FEET; THENCE S71°52'45"E 5.00 FEET
TO A POINT ON THE EASTERLY LINE OF SAID DRIVE; THENCE N18°07'15"W ALONG THE EASTERLY LINE OF SAID DRIVE 27.76 FEET
TO THE POINT OF BEGINNING.

CONTAINING 40,155 SQUARE FEET / 0.922 ACRES

THAT I HAVE MADE SUCH SURVEY AND MAP BY THE DIRECTION OF ANTHONY T. RENO AND JULIE L. RENO, HIS WIFE, OWNER'S OF
SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE STATUTES OF THE STATE OF WISCONSIN AND THE
VILLAGE OF BROWN DEER THE SAME.

DATED THIS _____ DAY OF _____, 2016.

MARK L. WERTZ
REGISTERED LAND SURVEYOR, S-1915
STATE OF WISCONSIN

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWN 8
NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY,
WISCONSIN.

OWNER'S CERTIFICATE

STATE OF WISCONSIN }
MILWAUKEE COUNTY } SS

AS OWNERS, ANTHONY T. RENO AND JULIE L RENO, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON; IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCES OF THE VILLAGE OF BROWN DEER.

ANTHONY T. RENO AND JULIE L RENO, DO FURTHER CERTIFY THAT THIS MAP IS REQUIRED BY S.236.10 OR 236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: VILLAGE OF BROWN DEER

WITNESS THE HAND OF ANTHONY T. RENO AND JULIE L RENO ON THIS _____ DAY OF _____, 2016.

ANTHONY T. RENO

JULIE L. RENO

STATE OF WISCONSIN }
MILWAUKEE COUNTY } SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2016, ANTHONY T. RENO AND JULIE L RENO KNOWN AS THE PERSON'S WHO EXECUTED THE FOREGOING INSTRUMENT AND TO ME KNOWN TO BE OWNER'S OF SAID LAND AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OWNER'S BY AUTHORITY.

PRINT

(SEAL)
NOTARY PUBLIC, STATE OF
MY COMMISSION EXPIRES
MY COMMISSION IS PERMANENT.

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWN 8
NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY,
WISCONSIN.

PLANNING COMMISSION CERTIFICATE

Approved by the Planning commission of the Village of Brown Deed this _____ day of _____, 2016.

Carl Krueger, Chairperson

Jill Kenda-Lubetski, Village Clerk

VILLAGE BOARD APPROVAL

Approved by the Village Board of the Village of Brown Deer this _____ day of _____, 2016.

Carl Krueger, Chairperson

Jill Kenda-Lubetski, Village Clerk

REGISTER OF DEEDS

Received for record this _____ day of _____, 2016, at _____ o'clock __M, and record in Volume _____ of
Certified Survey Maps of Milwaukee County, on Pages _____, as Document No. _____

Milwaukee County Register of Deeds



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review and Recommendation of a Development Agreement with Critical Room Control for an office at 8601 N. 43 rd Street
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: December 8, 2016
Applicable Land Use Regulation: Village Code Sec. 121-250, Orig. Vil. Planned Dev.
VILLAGE ATTORNEY REVIEW: <input checked="" type="checkbox"/> Village Attorney has reviewed documents. <input type="checkbox"/> Village Attorney has not reviewed documents. <input checked="" type="checkbox"/> Documents provided to Village attorney.
COMPREHENSIVE PLAN REVIEW: <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

ANALYSIS:

Kieran Donahue, owner of Critical Room Control recently agreed to purchase the former Ruvn Bros. office building at 8601 N. 43rd Street. Mr. Donahue proposes to relocate his business headquarters from 66th and Mill Road in Milwaukee to this location.

Critical Room Control sells room control monitors that are mostly used in the health care industry. The attached operational statement provides more details on the business which can also be found at www.criticalroom.com. The owner has indicated that the use of the property would be primarily as an office and warehouse with some light assembly of mostly finished products.

In the packet there is also an aerial photo of the site along with a draft development agreement that would govern the use.

RECOMMENDATION:

Staff believes that the proposed use is complimentary to the area and the reuse of the long vacant building would be positives for the neighborhood. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

8 December 2016

Mr. Michael Hall
Village Manager
4800 West Green Brook drive
Brown Deer, WI 53223

Dear Mr. Hall

I am in the process of purchasing the property located at 8601 North 43rd Street in the village of Brown Deer. I would like to obtain a development agreement and ultimately seeking occupancy for our intended use.

I am the owner of Critical Room Control (CRC) is a technology company that manufactures touch screen monitors and environmental control systems for the healthcare and laboratory market. The Brown Deer location will be used for office space and warehousing. The building is well suited for our Milwaukee operation and will not require any new construction. Our intended use and impact for the property includes:

1. Daily offices for 8-12 employees
2. 1-3 employees for Light assembly and warehousing
3. Daily UPS pickup and occasional LTL pickup/delivery
4. Company operating hours are 7am – 5 pm, Monday thru Friday
5. Limited visitors
6. We host occasional training sessions for visiting engineers and architects
7. exterior alterations would include modest signage of CRC

CRC looks forward to moving our office to the Brown Deer location. If there is any additional information that is required, please feel free to contact me direct at my office. My direct line is 414.324.8968.

Kieran Donohue
Critical Room Control
Office: 414.324.8978
Direct: 414.324.8968
Email: kdonohue@criticalroom.com



N STONERIDGE CT

N MEADOWSIDE CT

N 43RD ST

N 42ND ST

N TEUTONIA AVE

N GREEN BAY CT

W RUTH PL

W TERRY AVE

57

exit OFRP SB 57 ONRP

exit OFRP

SB RP

8633

8629

8601

8636

8639

8624

8627

8610

8611

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**Development Agreement
By and Between
Critical Room Control, LLC.
And
The Village of Brown Deer**

THIS AGREEMENT is entered into as of this ____ day of _____, 2016, by and between **Critical Room Control, LLC.** a Wisconsin Limited Liability Company hereinafter called "Owner" and the **VILLAGE OF BROWN DEER**, a municipal corporation in Milwaukee County, Wisconsin.

WITNESSETH:

WHEREAS, Critical Room Control, LLC. owns the property at 8601 N. 43rd Street located in the East ½ of the Northeast ¼ of Section 11, T8N, R21E Milwaukee County Wisconsin.

Legally described as: (See Exhibit A)

WHEREAS, a request has been made to the Village Board of the Village of Brown Deer, Milwaukee County, Wisconsin, by Owner for approval of a Development Agreement authorizing the establishment of a business office with associated warehousing and light assembly on said property at 8601 N. 43rd Street (hereinafter referred to as the "Property"); and

This proposal embodies the attributes of coordinated area site planning which is central to the Original Village Planned Development District in that it:

- Insures substantial compliance with the intent of the regulations of the various business districts.
- Allows diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in a comprehensive and cohesive unified project.
- Encourages rational economic development in proper relationship to public services.

WHEREAS, on December 1, 2005, SILVER BULLET PROPERTIES, LLC and BROWN DEER entered into a Development Agreement for a manufacturing facility on a certain property identified as 8601 N. 43rd Street, tax-key 047-9984-001, said Agreement being recorded in the office of the Register of Deeds, Milwaukee County, Wisconsin on January 20, 2016, as Document #09169449; and

WHEREAS, the December 1, 2005 Agreement, shall be released and replaced by this Agreement; and

WHEREAS, the covenants contained herein are necessary to provide for the harmonious, orderly and consistent development of the neighborhood involved.

NOW, THEREFORE, following review and consideration by the Plan Commission on December 12, 2016 and after review and consideration by the Village Board of the Village of Brown Deer on December 19, 2016, the Critical Room Control, LLC. (parcel identification number: 047-9984-001) Planned Development Agreement is hereby approved in accordance with Section 121 of the Village of Brown Deer Code, the attached Exhibits A and B and covenanted

and agreed as follows:

- 1. Subject to review by the Brown Deer Plan Commission after one year. If there are no documented complaints about the use, or if documented complaints have been resolved to the satisfaction of the Village Board, the approval of the specific project plan for a business office with associated home building material storage becomes continuous pursuant to Section 121 of the Village of Brown Deer Code.**
- 2. Outside storage of merchandise, equipment or inventory is strictly prohibited on this site.**
- 3. The property shall be kept free and clear of litter and debris.**
- 4. Sign location, size, design shall be in accord with Chapter 121 of the Village of Brown Deer Code and shall be approved by the Village of Brown Deer Building Board.**
- 5. Off street parking and loading shall conform to the requirements of the Village of Brown Deer Code. All drives and parking areas shall be paved by the Owner at its expense with asphaltic concrete and maintained free of holes, substantial alligator cracks or other deficiencies. Parking on landscaped areas is prohibited.**
- 6. Parking and/or storing of any vehicles, other than those needed for the approved use, is strictly prohibited on the site.**
- 7. All deliveries and pick-ups shall occur during the proposed business hours of 7:00am- 5:00pm, Monday through Friday.**
- 8. Outdoor sales shall be prohibited.**
- 9. The use shall obtain all required permits and/or licenses prior to occupancy.**
- 10. Any hazardous conditions or deficiencies identified by the Village of Brown Deer shall be corrected by the owner to the satisfaction of the Village within thirty (30) days of written notification.**
- 11. Owner shall provide a private trash removal system requiring no service by or cost to the Village. All trash, storage and collection shall be within the building interior or within an enclosure that screens trash and removal system from public view. The trash removal system shall be rodent-proof, covered and maintained in accordance with the direction of the North Shore Health Department. Trash removal services shall not violate the Village of Brown Deer's Noise Ordinance, where no loud or sharp noises between the hours of 11:00pm and 6:00am are allowed.**
- 12. Any significant modifications to the site or existing building and/or expansion of the business, shall be reviewed and approved by the Plan Commission and Village Board pursuant to section 121 of the Village of Brown Deer code.**
- 13. Illumination of off-street parking and loading areas shall be arranged to shield the adjacent properties and streets from direct rays of light and glare. All lighting, except security lighting which is governed by Paragraph 14, shall be extinguished no later than thirty (30) minutes**

after the close of business, except as may otherwise be authorized by the Village Board.

14. Changes to exterior dusk to dawn building security lighting systems must be submitted to the Brown Deer Police Department for review and approval. These security lights must be shielded to prevent light or glare from being directed toward adjacent properties.
15. Entry keys must be provided to the North Shore Fire Department for placement in the building's Knox Box. In addition, an accurate key holder list should be provided and maintained with the Brown Deer Police Department for emergency contact information.
16. Provide the North Shore Fire Department with a complete list of "combustible goods" that are to be stored at the facility. If deemed necessary by the fire department an automatic sprinkler system connected to a central alarm system shall be installed in all buildings in conformity with NFPA standards.
17. That as long as the property is used for the purposes that are authorized by this Agreement, all covenants, agreements, restrictions and provisions herein contained constitute covenants running with the land and shall be binding on all parties, their heirs, assigns and successors having an interest in the land affected hereby for a period of twenty-five (25) years from the date this instrument is recorded, after which time this instrument shall automatically be extended for successive periods of ten (10) years. However, upon a showing of reasonable cause, the Village Board of the Village of Brown Deer may relieve the Operator from such covenants, agreements, restrictions, or any of them, before the expiration of twenty-five (25) years or thereafter by the adoption of a resolution so doing. The covenants herein contained may be enforced by proceedings at law or in equity by the Village against any person or persons violating or attempting to violate the same.
18. The invalidity of any of the covenants herein contained declared by any judgment or court order shall in no way affect any of the other provisions herein contained which shall remain in full force and effect.
19. Exhibit A, attached, is the legal description of the property.
20. Exhibit B, attached, contains the business operational statement plans as approved by the Plan Commission and the Village Board.

Exhibit A
Legal Description

That part of the South 1/2 of the Northeast ¼ of Section 11, Town 8 North, Range 21 East, in the
Village of Brown Deer, County of Milwaukee, State of Wisconsin,
ALSO that part of the North ½ of the Northeast ¼ of Section 11, Town 8 North, Range 21 East in
the Village of Brown Deer, County of Milwaukee, State of Wisconsin, also known as 8601 N.
43rd Street, tax-key number 047-9984-001.

Exhibit B
Proposed Operational Plans