

**PLAN COMMISSION MEETING**  
**Monday, August 13, 2012**  
**Earl McGovern Board Room, 7:00 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: June 11, 2012 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
  - A) Public Hearing and review and recommendation of a rezoning at 3920 W. Parkland Avenue from B3-Commercial to R3-Residential
  - B) Public Hearing and review and recommendation of a text amendment to Sec.121-158 (c)(1) related to lot size requirements for multiple family dwellings in the R3-Residential zoning district
  - C) Review and Recommendation of a Development Agreement for a handbag retail store at 8742 N. Deerwood Drive
  - D) Second Review of a Conditional Use Permit for an outdoor beer garden and recreational activities at 7651 N. Teutonia Avenue
  - E) Review and Recommendation of a permanent Conditional Use Permit for a bicycle trail at various locations in the Village of Brown Deer
- VII. Adjournment

A handwritten signature in black ink that reads "Russell Van Gompel". The signature is written in a cursive style and is positioned above a horizontal line.

Russell Van Gompel, Village Manager  
August 9, 2012

**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  
JUNE 11, 2012 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

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

**I. ROLL CALL**

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

Also Present: Russell Van Gompel, Village Manager; Nate Piotrowski, Community Development Director; Rebecca Boyle, Village Attorney; Steven Rinzel, Police Chief

Excused: Commissioners: Dan Bednar, Susan Bellehumeur

**II. PERSONS DESIRING TO BE HEARD**

None.

**III. CONSIDERATION OF MINUTES: May 14, 2012 – Regular Meeting**

*It was moved by Commissioner Schmitz and seconded by Commissioner Jaroczynski to approve the regular meeting minutes of May 14, 2012. The motion carried unanimously.*

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

Mr. Van Gompel introduced Al Walters as the newest member of the Plan Commission.

Mr. Piotrowski reported that the Village Board recently recommended continuing with legal action regarding disputed rights of way in the Original Village neighborhood. This means that a trial will be scheduled in late summer and construction will be delayed until 2013. He also indicated that a groundbreaking ceremony for the School District campus remodel was scheduled for June 13<sup>th</sup> at 6:00 p.m.

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

**A) Public Hearing and review and recommendation of commercial dance school at 9036 N. 51st Street**

Mr. Piotrowski reviewed the proposal and introduced the applicant Jason Stammer.

President Krueger opened the public hearing at 7:05 p.m. There were no public comments.

President Krueger closed the public hearing at 7:06 p.m.

Commissioner Jaroczynski asked if capacity for the new facility is similar to the current facility and if it would be updated for ADA accessibility. Mr. Stammer replied that the capacity was similar and that the building would be updated for accessibility.

Trustee Baker asked for clarification as to the proposed parking lot repairs. Mr. Stammer replied that they would be pulling weeds and resealing the lot. Mr. Piotrowski replied that the conditional use permit requires the lots be resurfaced within five years.

*It was moved by Commissioner Schmitz and seconded by Commissioner Jarocyznski to recommend approval of the conditional use permit for a commercial dance studio at 9036 N 51<sup>st</sup> Street to the Village Board. The motion carried unanimously.*

**B) Public Hearing and review and recommendation of a public utility tower at 4545 W. Brown Deer Road**

Mr. Piotrowski reviewed the proposal and introduced the applicant Brian Rogers of Badger Meter, Inc.

President Krueger opened the public hearing at 7:11 p.m.

Commissioner Jarocyznski asked why the proposed location was chosen for the tower. Mr. Rogers replied that this site was already equipped with electric power and provided a shorter run for other support cabling.

Commissioner Hoffmann asked whether the tower, if it fell over, would be contained completely on Badger Meter property. Mr. Rodgers replied that the tower was set back sufficiently to accommodate such a situation.

Terry Boschert, 8581 N. 42<sup>nd</sup> Street asked if a location closer to the building and farther away from residential property to the south could be considered. Mr. Rogers replied that significant amounts of bedrock near the surface made it prohibitive to locate close to the building.

President Krueger closed the public hearing at 7:19 p.m.

*It was moved by Commissioner Hoffmann and seconded by Trustee Schilz to recommend approval of the conditional use permit for a public utility tower at 4545 W. Brown Deer Road to the Village Board. The motion carried unanimously.*

**C) Review of a Conditional Use Permit for an outdoor beer garden and recreational activities at 7651 N. Teutonia Avenue**

Mr. Piotrowski introduced the issue and indicated that the conditional use was returning to the Plan Commission for possible rescinding due to violations of two provisions of the permit including a lack of an ID card reader on site and the consumption of alcoholic beverages outside of the principal structure. He introduced the owner of Parkview Pub Jill McNutt and her attorney Emily McIntyre. Mr. Piotrowski added that Staff proposed a 60 day “hold open” period instead of immediately rescinding the permit.

Commissioner Jarocyznski asked why Staff recommended an additional 60 days when the permit has been in effect for four years. Mr. Van Gompel replied that Staff wanted to allow the applicant to become compliant and maintain compliance for an extended period of time. Ms. McIntyre added that Ms. McNutt only recently assumed full control of the bar from her estranged husband and was working to bring all issues under control.

Commissioner Hoffmann asked Chief Rinzel if he felt the issues at the bar could be corrected within 30-60 days. Chief Rinzel replied that it was possible. A discussion ensued as to ways in which to correct the violations.

Mr. Van Gompel and Attorney Boyle clarified that the conditional use permit must be reviewed separately from the liquor license and if the conditional use permit is rescinded only the beer garden use would be prohibited while the principal bar could continue serving alcohol pending the approval of their liquor license renewal.

Trustee Schilz asked about the number and type of recent violations at Parkview Pub. Chief Rinzel indicated that his department was compiling this information but he did not currently have it at his disposal.

Trustee Baker asked if the number of incidents at Parkview Pub was significantly higher than other establishments. Chief Rinzel replied that he could not provide numbers but he did note that his police force has responded to the site

quite a bit.

*It was moved by Commissioner Hoffmann and seconded by Commissioner Walters to table the review of the conditional use permit for an outdoor beer garden and recreational activities at 7651 N. Teutonia Avenue until the regularly scheduled Plan Commission meeting of August 13, 2012. The motion carried on a vote of 5-2 with Commissioner Jarocznski and Trustee Baker voting against.*

**VII. ADJOURNMENT**

*It was moved by Commissioner Schmitz and seconded by Commissioner Hoffmann to adjourn at 7:52P.M. The motion carried unanimously.*



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Nate Piotrowski, Community Development Director



# REQUEST FOR CONSIDERATION

<b>COMMITTEE CONSIDERATION:</b> Plan Commission
<b>ITEM DESCRIPTION:</b> Public hearing and review and recommendation of a rezoning at 3920 W. Parkland Avenue from B3-Commercial to R3-Residential
<b>PREPARED BY:</b> Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
<b>REPORT DATE:</b> August 8, 2012
<b>MANAGER'S REVIEW/COMMENTS:</b> <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
<b>Applicant:</b> Lawrence Pierce
<b>Existing Zoning:</b> B3-Commercial <b>Applicable Code:</b> Sec.121-63, Sec. 121-158
<b>VILLAGE ATTORNEY REVIEW:</b> <input 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.
<b>COMPREHENSIVE PLAN REVIEW:</b> <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

## BACKGROUND:

3920 W. Parkland Avenue features an existing duplex residential property. Currently the property is zoned B3-Commercial. This zoning dates to 1965, however the house predates this and it is therefore a legal non-confirming use. As a legal non-confirming use the dwelling cannot be expanded or enlarged, but it can continue to exist as a duplex.

The new owners of the property would like to expand the dwelling and refurbish the existing structure. In order to do this they would need to become a legal conforming use. The two options to become a legal use are: 1) allow a multiple family dwelling unit in the B3-Commercial District or 2) change the zoning to R3- Residential which allows multiple family dwellings as a conditional use.

Staff has reviewed the proposed zoning change and feels that it makes sense with the character of the neighborhood. Historically the Teutonia Avenue corridor was intended to be more commercial but over time this has not developed. Because of this lack of development, the Village's 2009 Comprehensive Plan identifies the future of the area as "mixed use" which would allow for residential uses to mix with commercial.

## RECOMMENDATION:

Staff suggests that the Plan Commission favorably recommend the rezoning to the Village Board. Please feel free to contact Nate Piotrowski at (414) 371-3061, with any questions.

In the Matter of Rezoning 3920 W. Parkland Avenue  
from B3-Commercial to R3-Residential

Ordinance No. 12-

**THE VILLAGE BOARD OF THE VILLAGE OF BROWN DEER DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I. AMENDMENT.**

The Zoning Code of the Village of Brown Deer, Section 121, and in particular, the Zoning Map thereunto appertaining, adopted by Section 121-7, is hereby amended to depict the following described real estate as being in the R3 single family detached residence district:

That part of the NW ¼ of Section 13, Town 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southwest corner of said ¼ Section; running thence North 00°41'08" East along the West line of said ¼ Section 1,5.00 ft. to a point; thence North 89°27'08" East 591.03 ft. to a point, said point being on the West line of Park Plaza Court; thence South 00°32'52" East 90.00 ft. along said West line to a point; thence North 89°27'08" East 1,483.72 ft. to a point; thence Northeasterly on an arc whose center lies to the Southeast, whose radius is 456.00 ft., and whose chord bears North 44°21'46" East 643.87 ft. to a point, said point being on the West line of North 60<sup>th</sup> Street; thence North 89°16'24" East 220.41 ft. to a point, said point being on the East line of North 60<sup>th</sup> Street; thence due South 409.27 ft. along said East line to a point; thence North 89°15'28" East 250.99 ft. to a point; thence North 69°25'39" East 384.74 ft. to a point; thence South 00°02'20" East 311.74 ft. to a point; thence North 89°15'28" East 334.28 ft. to a point; thence South 00°03'30" East 112.99 ft. to a point; thence North 89°15'28" East 334.25 ft. to a point, said point being on the East line of North 55<sup>th</sup> Street; thence South 00°03'30" East 361.99 ft. along said East line to a point, said point being on the South line of West Brown Deer Road; thence South 89°27'08" West 4,053.51 ft. along said South line to a point; thence North 00°37'40" West along the West line of said ¼ Section 75.00 ft. to the Point of Beginning.

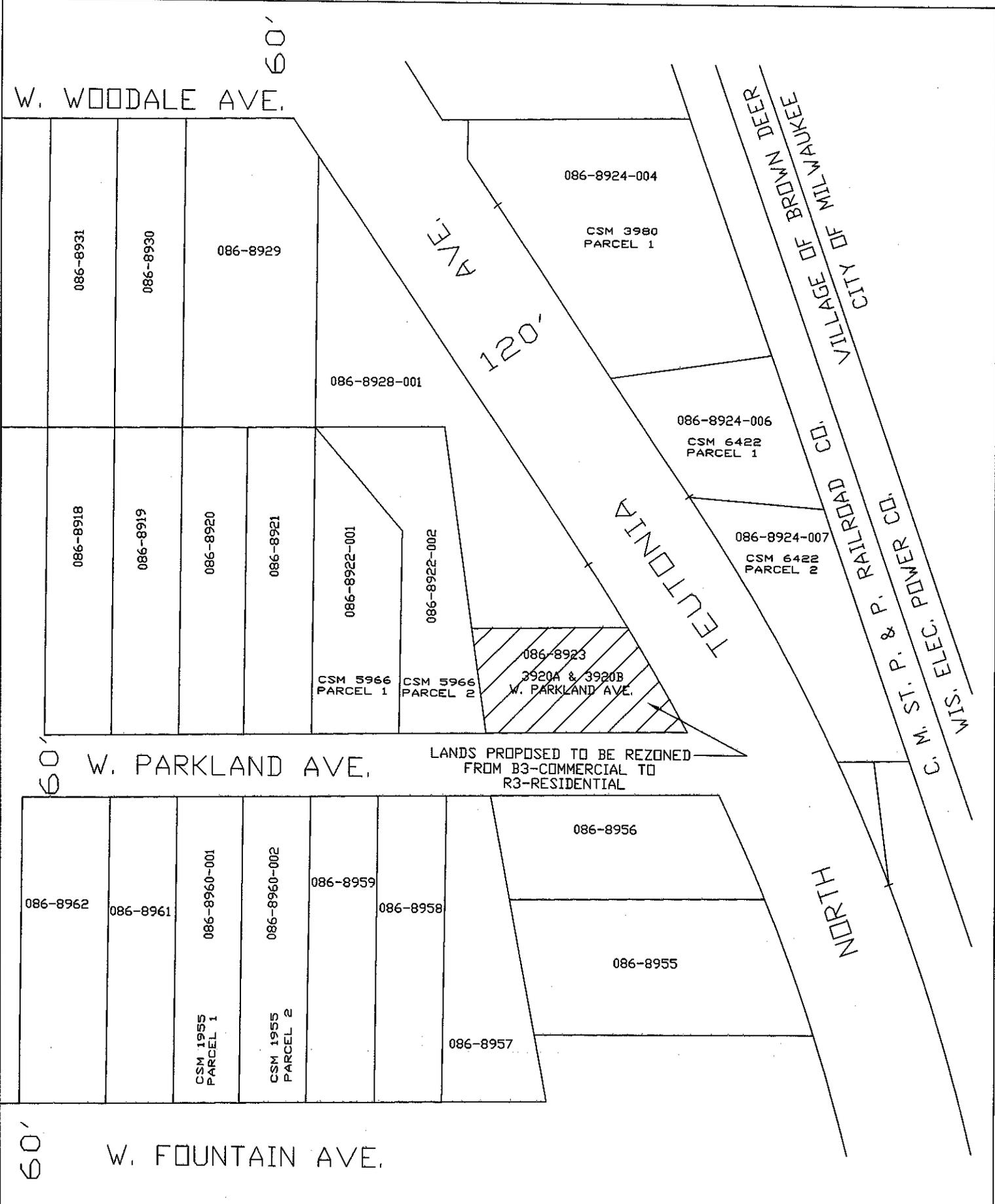
**SECTION II. EFFECTIVE DATE.**

This Ordinance shall be in full force and effective after its passage and publication according to law.

**PASSED AND ADOPTED** by the Village Board of the Village of Brown Deer this 20th day of August, 2012.

\_\_\_\_\_  
Carl Krueger, Village President

\_\_\_\_\_  
Russell Van Gompel, Village Manager/Clerk



W. WOODALE AVE.

60'

AVE.

120'

TEUTONIA

VILLAGE OF BROWN DEER

CITY OF MILWAUKEE

C.M. ST. P. & P. RAILROAD CO.  
C.M. ST. P. & P. ELEC. POWER CO.

NORTH

60'

W. PARKLAND AVE.

LANDS PROPOSED TO BE REZONED  
FROM B3-COMMERCIAL TO  
R3-RESIDENTIAL

086-8962

086-8961

086-8960-001

CSM 1955  
PARCEL 1

086-8960-002

CSM 1955  
PARCEL 2

086-8959

086-8958

086-8957

086-8956

086-8955

60'

W. FOUNTAIN AVE.



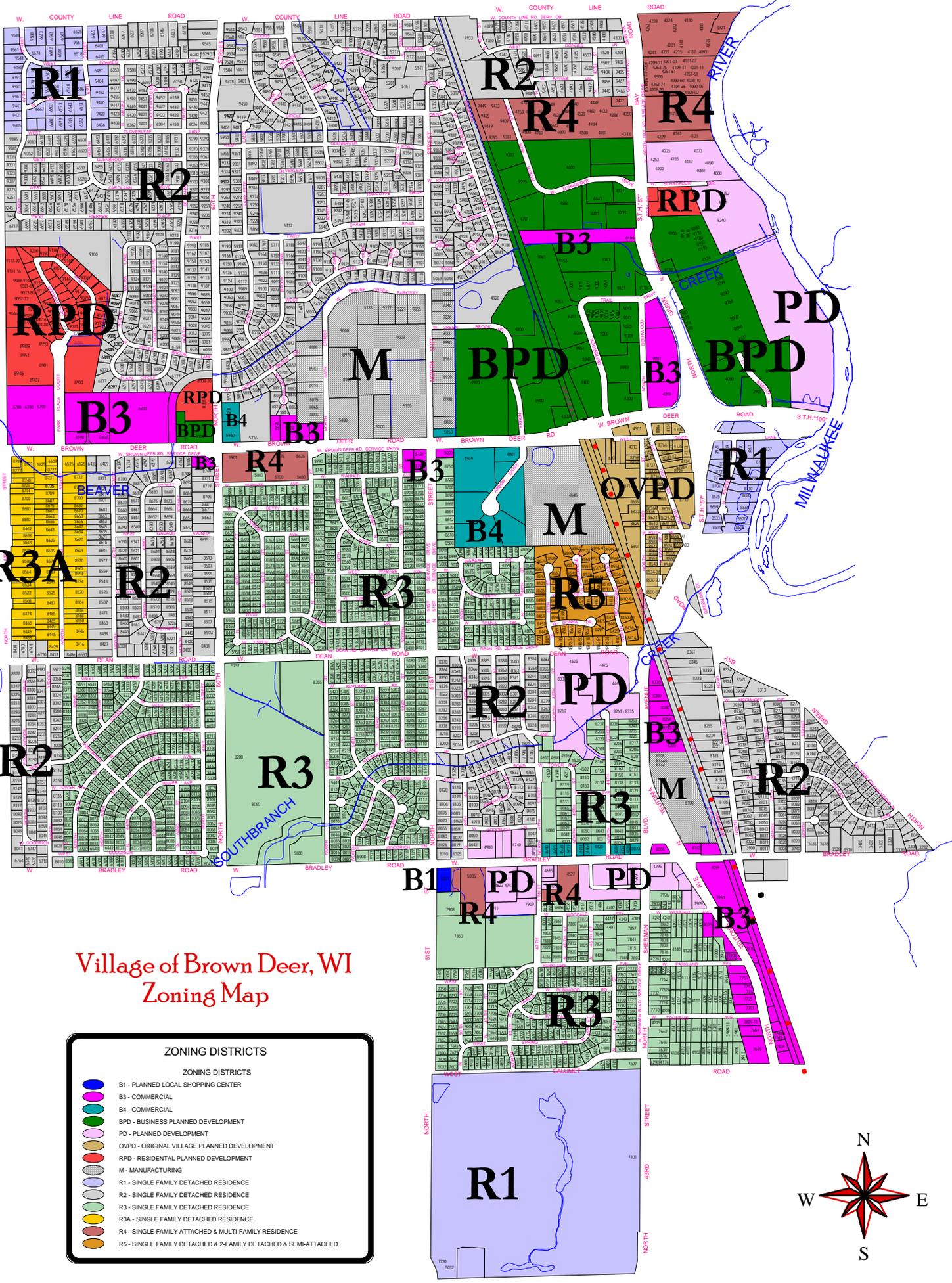
PROPOSED REZONING OF  
3920A & 3920B W. PARKLAND AVE.  
FROM B3-COMMERCIAL TO R3-RESIDENTIAL

MAP PREPARED BY  
VILLAGE OF BROWN DEER  
COMMUNITY SERVICES  
DEPARTMENT

08/08/12

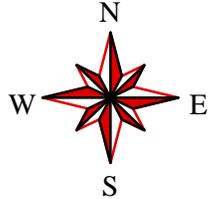
EXHIBIT "A"

1" = 120'



## Village of Brown Deer, WI Zoning Map

ZONING DISTRICTS	
	B1 - PLANNED LOCAL SHOPPING CENTER
	B3 - COMMERCIAL
	B4 - COMMERCIAL
	BPD - BUSINESS PLANNED DEVELOPMENT
	PD - PLANNED DEVELOPMENT
	OVPD - ORIGINAL VILLAGE PLANNED DEVELOPMENT
	RPD - RESIDENTIAL PLANNED DEVELOPMENT
	M - MANUFACTURING
	R1 - SINGLE FAMILY DETACHED RESIDENCE
	R2 - SINGLE FAMILY DETACHED RESIDENCE
	R3 - SINGLE FAMILY DETACHED RESIDENCE
	R3A - SINGLE FAMILY DETACHED RESIDENCE
	R4 - SINGLE FAMILY ATTACHED & MULTI-FAMILY RESIDENCE
	R5 - SINGLE FAMILY DETACHED & 2-FAMILY DETACHED & SEMI-ATTACHED





# REQUEST FOR CONSIDERATION

<b>COMMITTEE CONSIDERATION: Plan Commission</b>
<b>ITEM DESCRIPTION:</b> Public Hearing and review and recommendation of a text amendment to Sec.121-158 (c)(1) related to lot size requirements for multiple family dwellings in the R3-Residential zoning district
<b>PREPARED BY:</b> Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
<b>REPORT DATE:</b> August 8, 2012
<b>MANAGER'S REVIEW/COMMENTS:</b> <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
<b>Applicable Code:</b> Sec. 121-158
<b>VILLAGE ATTORNEY REVIEW:</b> <input 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.
<b>COMPREHENSIVE PLAN REVIEW:</b> <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

## BACKGROUND:

After reviewing the request for a duplex property at 3920 W. Parkland Ave., Staff noted that the R3-Residential zoning currently requires a minimum of 10,000 square feet of lot area for each dwelling unit in a multiple family development. The lot at 3920 W. Parkland Avenue is only 18,035 square feet. In order to have a legal conforming two family dwelling on this lot, the minimum lot area requirement needs to be reduced. At this point Staff is proposing a reduction in the requirement by 20% to 8,000 square feet per dwelling

This change would not affect a majority of lots in the R3-Residential district which are mostly in the 10,000-12,000 square foot range. However, it would provide flexibility for a variety of larger lots in the unplatted southeast corner of the Village (between Teutonia Ave. and Sherman Blvd.) that range between 17,500 and 19,500 square feet.

## RECOMMENDATION:

Staff suggests that the Plan Commission favorably recommend the text amendment to the Village Board. Please feel free to contact Nate Piotrowski at (414) 371-3061, with any questions.

An Ordinance Amending the Village of Brown Deer  
Village Code, Sec. 121-158 (c)(1) to reduce the  
minimum lot area per multiple family dwellings

**ORDINANCE NO. 12-**

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The Village President and the Board of the Village of Brown Deer, Milwaukee County, Wisconsin, do herewith ordain as follows, to-wit:

**SECTION I**

Section 121-158 (c)(1) of the Brown Deer Village Code is hereby amended to provide as follows:

*Conditional permitted uses.*

(1) As permitted in the R1 district and multiple-family dwellings having no less than ~~108~~,000 square feet of lot area per dwelling.

**SECTION II**

All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.

**SECTION III**

This Ordinance shall take effect upon passage and publication as provided by law, and the Village Clerk shall so amend the Brown Deer Code, and shall indicate the date and number of this amending ordinance therein.

**PASSED AND ADOPTED** by the Village Board of the Village of Brown Deer, this 20th day of August, 2012.

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Carl Krueger, Village President

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Russell Van Gompel, Village Manager/Clerk



# REQUEST FOR CONSIDERATION

<b>COMMITTEE CONSIDERATION: Plan Commission</b>
<b>ITEM DESCRIPTION:</b> Review and Recommendation of a Development Agreement for a for a handbag retail store at 8742 N. Deerwood Drive
<b>PREPARED BY:</b> Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
<b>REPORT DATE:</b> August 8, 2012
<b>MANAGER'S REVIEW/COMMENTS:</b> <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
<b>Applicant:</b> Patricia Rudolph
<b>Existing Zoning:</b> OVPD <b>Applicable Code:</b> Sec.121-250
<b>VILLAGE ATTORNEY REVIEW:</b> <input 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.
<b>COMPREHENSIVE PLAN REVIEW:</b> <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

## BACKGROUND:

Ms. Rudolph is proposing to rent space at 8742 N. Deerwood Drive for a small retail store that would specialize in selling handbags. Since the property is located in the Original Village Planned Development District a development agreement for the land use needs to be reviewed and approved (see attached).

The site location has been vacant for a couple of years and is adjacent to the existing hair salon and Schulz's deli. No major alteration or renovation to the space is described. Proposed hours of operation are generally from 10am – 6pm Wednesday through Saturday. Staff believes the land use is complimentary to the neighborhood and would not create noise or traffic related issues.

## RECOMMENDATION:

Staff suggests that the Plan Commission favorably recommend the Development Agreement to the Village Board. Please feel free to contact Nate Piotrowski at (414) 371-3061, with any questions.

**Development Agreement  
By and Between  
Tr'sh Anne Handbags, LLC.  
And  
The Village of Brown Deer**

**THIS AGREEMENT** is entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2006, by and between **TR'SH ANNE HANDBAGS, LLC.**, a Wisconsin Limited Liability Company hereinafter called "Operator" and the **VILLAGE OF BROWN DEER**, a municipal corporation in Milwaukee County, Wisconsin.

**WITNESSETH:**

**WHEREAS, TR'SH ANNE HANDBAGS, LLC.** pursuant to the Commercial Lease, with Mr. Anthony Reno, a sole proprietor, has the option to lease the property at 8742 N. Deerwood Dr., located in the NW ¼, Section 12, T8N, R21E, Village of Brown Deer, 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 Operator for approval of a Development Agreement authorizing the establishment of a business office at 8742 N. Deerwood Drive (hereinafter referred to as the "Property"); and

**WHEREAS,** on August 7, 1978, DAVID G. HICKEY and ELIZABETH M. HICKEY and BROWN DEER entered into a Development Agreement for a woman's boutique retail store and a business office on a certain property identified as 8742 N. Deerwood Drive, tax-key 048-8989-001, said Agreement being recorded in the office of the Register of Deeds, Milwaukee County, Wisconsin on September 11, 1978, as Document #5248917, in Reel 1144, Image 252; and

**WHEREAS,** the September 11, 1978 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 August 13, 2012 and after review and consideration by the Village Board of the Village of Brown Deer on August 20, 2012, the Tr'sh Anne Handbags, LLC. (parcel identification number: 048-8989-001) Planned Development Agreement is hereby approved in accordance with Sections 121-250 through 121-253 of the Village of Brown Deer Village 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 becomes continuous pursuant to the Village of Brown Deer Village 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 Village Code.**
- 5. All deliveries and pick-ups shall occur during the business hours of 12:00am- 6:00pm, Monday through Saturday.**
- 6. Outdoor sales shall be prohibited.**
- 7. 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.**
- 8. 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.**
- 9. 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.**
- 10. 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.**
- 11. Exhibit A, attached, is the legal description of the property.**
- 12. Exhibit B, attached, contains the business operational plan, and site plan approved by the Plan Commission and the Village Board.**





**Exhibit A**  
**Legal Description**

That part of the North ½ of the Northwest ¼ 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 said ¼ Section; thence East along the North line of said ¼ Section 506.22 feet; thence S 01°16'00" E 180.22 feet to the point of beginning; thence continuing S 01°16'00" E 94.78 feet; thence S 81°20' 13" W 92.97 feet; thence N 01°16'00" W 94.70 feet; thence N 81°17'30) E 92.98 feet to the point of beginning. And That part of the North ½ of the Northwest ¼ 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 said ¼ Section; thence East along the North line of said ¼ Section 506.22 feet; thence S 01°16'00" E 180.22 feet; thence S 81°17'30" W 92.98 feet to the point of beginning; thence S 01°16'00" E 94.70 feet; thence S 81°20'13" W 186.19 feet to a point on the Easterly Right-Of-Way line of N. deerwood Drive; thence N 18°00'00" W along the Easterly Right-Of-Way line of said Drive 95.00 feet; thence N 81°17'30) E 213.80 feet to the point of beginning.  
A/K/A 8742 N. Deerwood Drive.

**Exhibit B**  
**Proposed Operational and Site Plan**

August 6, 2012

Nate Piotrowski  
4800 W. Green Brook Drive  
Brown Deer, WI 53223

Dear Mr. Piotrowski;

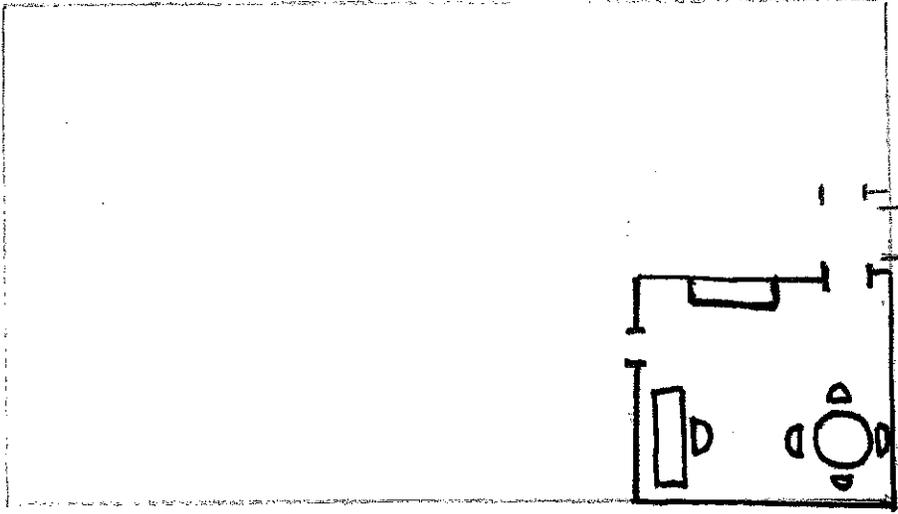
I am in contact with Mr. Anthony Reno to rent the retail space adjacent to his deli at the following address 8752 N. Deerwood Rd. The property is a small 300 sq.ft. retail space, I plan to use the space for my handbag business. I am president/founder of Tr'sh Anne Handbags; I design and sell my own line of handbags. I have owned and operated my business since 2004. In the past I have mainly sold my handbags at art fairs and through private showings, in an effort to grow and develop my line, I am looking to branch out into a retail space. My husband and I built our home over 18 years ago in Brown Deer, and have been residence of Brown Deer for over 23 years.

I love the Brown Deer area and feel that my business will enhance the quality of retail business in the area. The price points of my handbags range from \$75 to \$450, my business caters to the middle to upper middle class professional clientele, both male and female. My hours of operation will be Wednesday, Thursday 12:00-5:30 and Friday 12:00-6:00 and Saturday 10:00-5:30. I will have employing approximately 3 part-time people to start to assist in running the business.

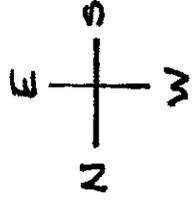
While I will not be making any major renovations at this time, I plan to paint and add personal internal touch to the property.

Thank You

Patricia Rudolph  
President/Designer  
5413 W. Donges Lane  
Brown Deer, WI 53223  
414-355-0020



PROPOSED SPACE →



8742 N. DEERWOOD DRIVE



# REQUEST FOR CONSIDERATION

<b>COMMITTEE CONSIDERATION: Plan Commission</b>
<b>ITEM DESCRIPTION:</b> Second Review of a Conditional Use Permit for an outdoor beer garden and recreational activities at 7651 N. Teutonia Avenue
<b>PREPARED BY:</b> Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
<b>REPORT DATE:</b> August 8, 2012
<b>MANAGER'S REVIEW/COMMENTS:</b> <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
<b>Applicant:</b> Jill McNutt, Sons of Bob/Parkview Pub
<b>Existing Zoning:</b> B3-Commercial <b>Applicable Code:</b> Sec.121-63
<b>VILLAGE ATTORNEY REVIEW:</b> <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.

**BACKGROUND:**

Sons of Bob LLC, doing business as Parkview Pub, at 7651 N. Teutonia Avenue was issued a conditional use permit in May of 2008 for an outdoor beer garden and recreational activities (see attached). At the June 2012 Plan Commission meeting Staff identified non-compliance with the "ID card reader" condition (#7e9 ) and the "consumption outside of the premises" condition (#7e15) of the conditional use permit. Sons of Bob LLC. was granted 60 days to come into compliance with the conditional use permit.

The Police Department has investigated the operation and has identified continued deficiencies. The deficiencies include the fact that the Pub has acquired an ID card reader but no employees of the Pub were familiar with the reader's operation.

**RECOMMENDATION:**

Staff will be meeting with the Village Attorney and Police Department prior to the meeting in order to finalize a recommendation which will be presented to the Plan Commission on Monday evening.

8



DOC.# 10015751

Document Number

~~Agreement~~  
Notice  
Document Title

RECORDED 07/21/2011 01:07PM  
JOHN LA FAVE  
REGISTER OF DEEDS  
Milwaukee County, WI  
AMOUNT: 30.00  
FEE EXEMPT #:

**Recording Area**

Name and Return Address

Planning and Zoning Specialist  
Village of Brown Deer  
4800 West Green Brook Drive  
Brown Deer, WI 53223

086-8983  
Parcel Identification Number (PIN)

**CONDITIONAL USE  
PERMIT**

**Outdoor Beer Garden and  
Recreational Activities**  
Document Title

Document Number

Before the Village Board of the Village of Brown Deer, in regard to Premises at **7651 N. Teutonia Ave.** located in the SE 1/4 of Section 13, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, further described in attached **Exhibit "A"**.

**WHEREAS**, the Zoning Code and Zoning District Map of the Village of Brown Deer, pursuant to State Statutes, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved as a Conditional Use in particular circumstances as defined by the standards in the Zoning Ordinance; and

**WHEREAS**, a Petition has been made by Parkview Pub, and public hearing held thereon, and the Village Board of the Village of Brown Deer having determined that by reason of the particular nature, character, and circumstances of the proposed use, the proposed use with the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

**NOW, THEREFORE**, this Conditional Use Permit is granted authorizing that Exhibits A and B be used for the purpose of an **Outdoor Beer Garden and Recreational Activities** subject to compliance with the terms and conditions hereinafter stated in this Conditional Use Permit (hereinafter the "Permit").

Recording Area

Name and Return Address:

**Village of Brown Deer  
4800 West Green Brook Drive  
Brown Deer, WI 53223**

**086-8983**

**Parcel Identification Number (PIN)**

GRANTED, by action of the Village Board of the Village of Brown Deer this 19th day of May, 2008.

Russell V. Gompel  
Russell Van Gompel, Village Clerk

Carl Krueger  
Carl Krueger, Village President

STATE OF WISCONSIN  
MILWAUKEE COUNTY ) ss

Personally came before me this 2nd day of June, 2008, the above-named Carl Krueger, Village President and Russell Van Gompel, Village Clerk to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Jill Kenda-Lubetski (Notary Signature) Jill Kenda-Lubetski (Print name of Notary)

Notary Public, State of WISCONSIN SEAL

My commission: 2-15-09

CONDITIONAL USE PERMIT ACCEPTANCE: This Conditional Use Permit is hereby accepted this 23 day of MAY, 2008.

Jill Wargolet (AGENT/OWNER) [Title] Brian Wargolet (MEMBER) [Title] Sons of Bob LLC

STATE OF WISCONSIN  
MILWAUKEE COUNTY ) SS

This Conditional Permitted Use Permit Acceptance was acknowledged before me this 23<sup>rd</sup> day of May, 2008, by

Jill Wargolet [name] as owner [title] of Sons of Bob LLC, and Brian Wargolet [name] as member [title] of Sons of Bob LLC respectively.

Elizabeth J. Bennett (Notary Signature) Elizabeth J. Bennett (Print name of Notary)

Notary Public, State of Wisconsin SEAL

My commission expires: 9-27-2009

Original filed in the Community Services Department of the Village of Brown Deer



**CONDITIONAL USE PERMIT**

**Outdoor Beer Garden and  
Recreational Activities**

**086-8983**

**Document Number**

**Document Title**

**Parcel Identification Number (PIN)**

**THE CONDITIONS** of this Permit are:

1. This Permit is granted to Sons of Bob, LLC, upon the representation that it is the owner of the Premises and shall become effective upon the execution of the acceptance hereof by Sons of Bob, LLC, as the owner of the Premises and upon recording shall constitute a covenant running with the land. The Permit may not be assigned until after it has become effective. No assignment of this Permit shall be effective until the assignee delivers written notice of the assignment to the Village Board, duly undertakes in writing to comply fully with the provisions of this Permit, satisfies any monetary security requirements of this Permit and cures any violations of this Permit. This Permit shall not be assignable to any person or entity that is not a tenant of the Premises.
2. The Permit shall be void unless, pursuant to the Building and Zoning Codes of the Village, the approved use commenced or the building permit is obtained within 12 months of the date of the Village Board approval noted above. Construction shall be completed within 12 months of the date the building permit is issued.
3. This Permit is subject to amendment and termination in accordance with the provisions of the Zoning Code of the Village of Brown Deer.
4. Operation of the use permitted shall be in strict conformity to the conditions set forth herein.
5. Conditions on the operation.
  - a. Type of operation permitted: **Outdoor Beer Garden and Recreational Activities**. The use of the Premises as an outdoor beer garden and recreational activities shall be in substantial compliance consistent with the plans set forth in the Site Plan and submitted to the Village of Brown Deer in support of the request for this Permit, which is attached as Exhibit B and made part of this Permit. No use of the areas of the premises not identified in the site plans for the proposed use may be used without approval by the Village pursuant to its Zoning Code.
  - b. Hours during which operation is permitted: **11:00 am to 9:30 pm Sunday- Thursday. 10:00 am to 9:30pm Friday and Saturday.**
  - c. Performance standards relating to noise, vibration, odor, smoke, dust, etc., other than applicable Village Ordinances: **Per the Village Zoning Code.**
  - d. Prior to the commencement of the Outdoor Beer Garden and Recreational Activities and/or improvements, the Plat of Survey of the Premises shall be updated to show the location of the horseshoe pits, volleyball court, and fencing. The updated Plat of Survey shall be submitted to the Village of Brown Deer and made part of this Conditional Use Permit as Exhibit B.
  - e. Duration of Conditional Use: **For an initial period of one year. To be reviewed one year from the date of approval. If there are no documented complaints about the permitted use, or if documented complaints have been resolved to the satisfaction of the Village Board, the Permit, upon petition of the land owner and upon recommendation of the Plan Commission and approval of the Village Board, may be continuous pursuant to Chapter 10-10.08 of the Village of Brown Deer Zoning Code.**
6. Conditions of the Building other than in accordance with the approved building plans.
  - (1) **Any new signage shall be reviewed and approved by the Village of Brown Deer Building Board.**

**CONDITIONAL USE PERMIT**

**Outdoor Beer Garden and  
Recreational Activities**

**086-8983**

<b>Document Number</b>	<b>Document Title</b>	<b>Parcel Identification Number (PIN)</b>
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7. Conditions on the Site other than in accordance with the approved site plan.
- a. Outside storage of Materials, Products or Refuse (location and screening thereof):
    - (1) There must be no exterior storage of supplies, building materials or equipment. All alcohol shall be kept inside the principal structure after beer garden operating hours.
    - (2) The property must be kept free and clear of litter and debris.
    - (3) The owner must provide a private rubbish removal system requiring no service by or cost to the Village. All rubbish, scrap, waste material, storage and collection shall be within interior or screened rodent-proof and covered facilities to be provided and maintained in accordance with the direction of the North Shore Health Department.
  - b. Finished topography and building grades, retaining walls, storm water run-off:
    - (1) None.
  - c. Sign location, size, design:
    - (1) Per Chapter 7 of the Zoning Code and as approved by the Village of Brown Deer Building Board.
  - d. Exterior lighting of the site, location, design and power:
    - (1) Adequate lighting for the outdoor beer garden must be provided. Said lighting must be down directed and shielded so as to prevent excessive light trespass onto adjacent property and must be approved by the Brown Deer Police Department. An electrical permit is required for the outdoor lighting.
  - e. Other:
    - (1) The number of patrons in the outdoor beer garden must not exceed one hundred (100). The owner shall have the ability to request, as part of a tavern entertainment permit, an expansion of permitted capacity up to one hundred and fifty (150) persons.
    - (2) Outdoor sales must be overseen by a licensed bartender.
    - (3) Furniture should be wood or wrought iron.
    - (4) Umbrellas, if utilized, must be made of a solid color cloth material and must not contain any advertising. All umbrellas must be secured in order to prevent them from dislodging during severe weather or other event which could cause damage or injury.
    - (5) The use of loud speakers and or amplified sound is prohibited unless utilized in conjunction with an event for which a special tavern entertainment permit is issued by the Village Manager per Volume 1 of the Brown Deer Village Code, Section 5-14.08. The use of portable radios, stereos or music players is permitted as long as the device is not connected to some type of separate sound amplifier. Noise emanating from the recreational uses and or beer garden shall be regulated per the Village Noise Ordinance, Article 35 of Chapter VI of Volume 1 of the Brown Deer Village Code.
    - (6) The Outdoor Beer Garden and Recreational Activities area of the Premises must be fully enclosed with fencing so as to prevent access to and from adjacent properties. The fencing may incorporate buildings, such as a garage to serve as a barrier to entry in place of continuous fencing. A fence permit from the Brown Deer Building Inspection Department is required.
      - a. Fencing along the west, north, and south property lines shall be a privacy style fence.
      - b. Fencing along the eastern portion of the outdoor beer garden shall allow for visual observation of the outdoor beer garden area by the Brown Deer Police Department.
      - c. Access gate shall only be permitted on the eastern-most portion of the fencing.
      - d. All fencing on the Premises shall be properly maintained.

- (7) The outdoor beer garden must be reviewed and approved by the North Shore Health Dept.
- (8) The horseshoe pits and all accessory structures including but not limited to lighting fixtures, trash cans and drink stands, must be fully contained on the owner's property within the fenced area.
- (9) An electronic identification card reader, which verifies the age, prints a receipt, tracks the clerk and prints a batch report, must be utilized at all locations where alcohol is served . This device must be approved by the Brown Deer Police Department.
- (10) Properly maintained outdoor toilet facilities with hand washing stations shall be provided on the Premises.
- (11) Customer parking for the Outdoor Beer Garden and Recreational Activities shall not interfere with the parking arrangements of other nearby businesses or residents.
- (12) Any hazardous conditions or deficiencies identified by the Village shall be corrected by the owner to the satisfaction of the Village within 30 days of written notification.
- (13) A sign, detailing that no alcoholic beverage can be carried outside the beer garden shall be posted at all exits.
- (14) A landline phone shall be installed in the beer garden area to facilitate emergency communication with the Brown Deer Police Department.
- (15) It is prohibited to carry or consume any alcoholic beverages outside of the fenced outdoor beer garden and it is prohibited to carry or consume any alcoholic beverages outside of the principal structure.

**Exhibit A**

That part of the Northwest  $\frac{1}{4}$  of Section 13, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin, bounded and described as follows: commencing at the southwest corner of said  $\frac{1}{4}$  section; thence N  $89^{\circ}14'22''$  E along the south line of said  $\frac{1}{4}$  section 1340.00 feet to a point; thence N  $14^{\circ}30'44''$  W on a line 407.67 feet to the point of beginning of the land to be described; thence continuing N  $14^{\circ}30'44''$  W on a line 135.89 feet to a point; thence N  $89^{\circ}14'22''$  E on a line parallel to the south line of said  $\frac{1}{4}$  section 281.69 feet to a point in the west line of North Teutonia Avenue; thence S  $12^{\circ}06'05''$  E along the west line of said North Teutonia Avenue 134.62 feet to a point; thence S  $89^{\circ}14'22''$  W on a line parallel to the south line of said  $\frac{1}{4}$  section 275.86 feet to the point of beginning.

PLAT OF SURVEY

Exhibit B

LOCATION: 7651 North Teutonia Avenue, Brown Deer, Wisconsin

LEGAL DESCRIPTION:

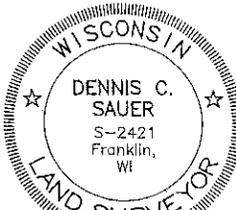
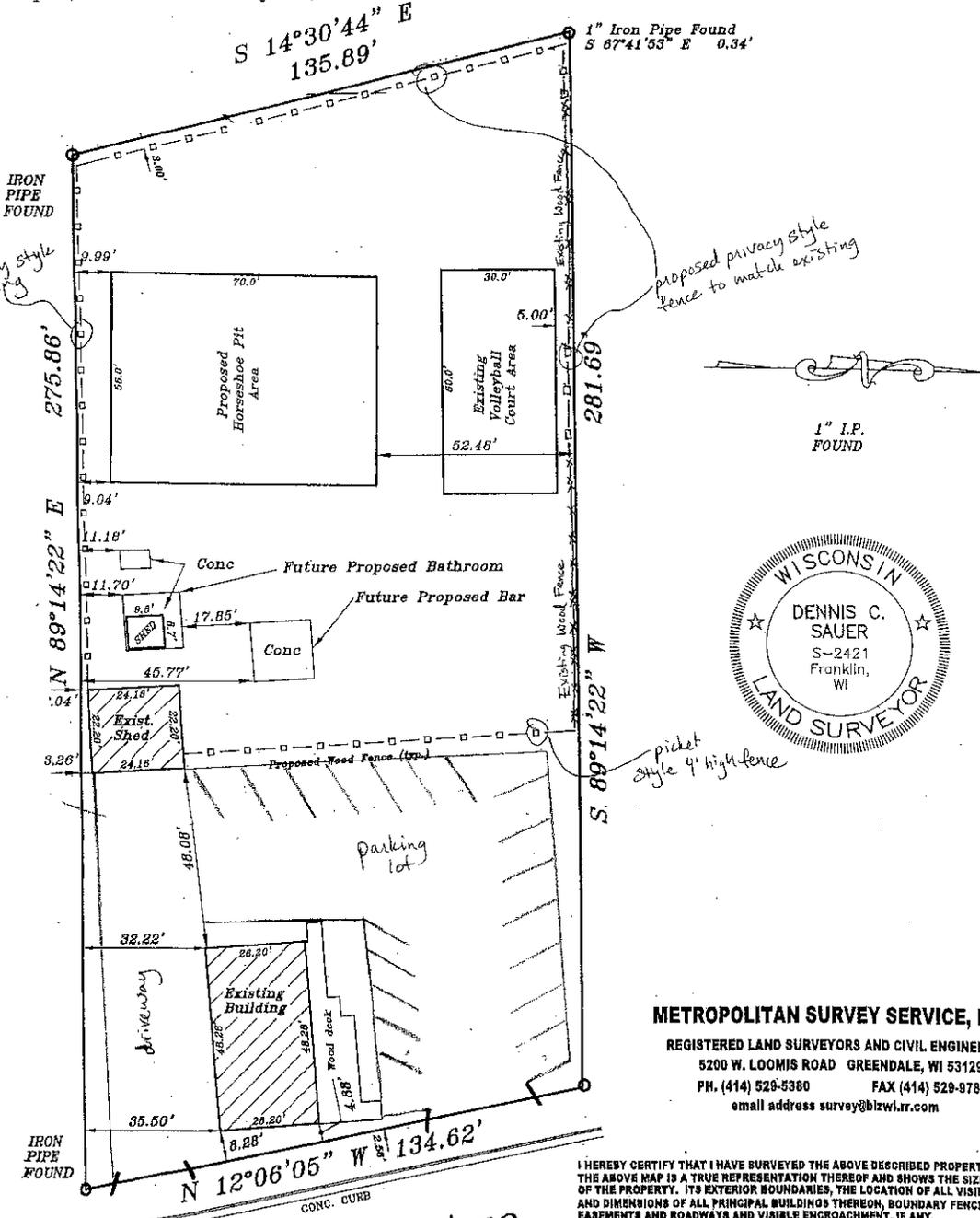
That part of the Northwest 1/4 of Section 13, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said 1/4 section; thence N 89°14'22" E along the South line of said 1/4 section 1340.00 feet to a point; thence N 14°30'44" W on a line 407.67 feet to the point of beginning of the land to be described; thence continuing N 14°30'44" on a line 135.89 feet to a point; thence N 89°14'22" E on a line parallel to the South line of said 1/4 section 281.69 feet to a point in the West line of North Teutonia Avenue; thence S 12°06'05" E along the West line of said North Teutonia Avenue 134.62 feet to a point; thence S 89°14'22" W on a line parallel to the South line of said 1/4 section 275.86 feet to the point of beginning.

September 12, 2006

Survey No. 99968

October 18, 2006 (Revised Drwg. per Villages Comments)

May 5, 2008 Concrete pads, deck, shed, volleyball and horseshoe areas added



**METROPOLITAN SURVEY SERVICE, INC.**  
 REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS  
 5200 W. LOOMIS ROAD GREENDALE, WI 53129  
 PH. (414) 529-5380 FAX (414) 529-8787  
 email address survey@bizwlrr.com

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED Dennis C. Sauer  
 Dennis C. Sauer  
 Registered Land Surveyor S-2421

N. Teutonia Ave.  
 (120' R.O.W.)



# REQUEST FOR CONSIDERATION

<b>COMMITTEE CONSIDERATION: Plan Commission</b>
<b>ITEM DESCRIPTION:</b> Review and Recommendation of a permanent Conditional Use Permit for a bicycle trail at various locations in the Village of Brown Deer
<b>PREPARED BY:</b> Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
<b>REPORT DATE:</b> August 8, 2012
<b>MANAGER'S REVIEW/COMMENTS:</b> <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
<b>Applicable Land Use Regulations:</b> Sec. 121-63
<b>VILLAGE ATTORNEY REVIEW:</b> <input 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.
<b>COMPREHENSIVE PLAN REVIEW:</b> <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

## BACKGROUND INFORMATION:

Staff is bringing a Conditional Use Permit (CUP) to the Plan Commission for review pursuant to Section 121-63 of the Village Code, in order to decide whether or not the conditional use shall be made permanent.

The applicant, Milwaukee County Parks, received a conditional use permit in October 2008 for the establishment of a bicycle trail (see attached) although the trail itself was not completed until 2011.

There have not been any complaints about the use and in fact response to the trail has been overwhelmingly positive.

## RECOMMENDATION:

Village Staff suggests the Plan Commission recommend to the Village Board that the Conditional Use Permit issued to Milwaukee County Parks for a bicycle trail be made continuous. Please contact Nate Piotrowski with any questions or comments at 371-3061.

**CONDITIONAL USE  
PERMIT**

**Bicycle Trail**

Document Number

Document Title

Before the Village Board of the Village of Brown Deer, in regard to a bicycle trail located within the We Energies right of way from West Bradley Road to West Brown Deer Road with additional off road segments through Brown Deer Village Park and Milwaukee County's AC Hanson Park located in the SE 1/4 of Section 3, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, further described in attached **Exhibit "A"**.

**WHEREAS**, the Zoning Code and Zoning District Map of the Village of Brown Deer, pursuant to State Statutes, provide that the property may not be used of right for the purpose hereinafter described but that upon petition such use may be approved as a Conditional Use in particular circumstances as defined by the standards in the Zoning Ordinance; and

**WHEREAS**, a Petition has been made by the Milwaukee County Parks Department, and public hearing held thereon, and the Village Board of the Village of Brown Deer having determined that by reason of the particular nature, character, and circumstances of the proposed use, the proposed use with the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

**NOW, THEREFORE**, this Conditional Use Permit is granted authorizing that Exhibits A and B be used for the purpose of a Bicycle Trail, without limitation to the use of the trail for other forms of non-motorized recreation such as jogging, walking or inline skating, subject to compliance with the terms and conditions hereinafter stated in this Conditional Use Permit (hereinafter the "Permit").

**Recording Area**

Name and Return Address:

**Village of Brown Deer  
4800 West Green Brook Drive  
Brown Deer, WI 53223**

048-8941, 047-9982,  
028-0022, 030-0108

**Parcel Identification Numbers (PIN)**

GRANTED, by action of the Village Board of the Village of Brown Deer this 21st day of April, 2008.

Russell Van Gompel  
Russell Van Gompel, Village Clerk

Carl Krueger  
Carl Krueger, Village President

STATE OF WISCONSIN )  
MILWAUKEE COUNTY ) ss

Personally came before me this 10th day of November, 2008, the above-named Carl Krueger, Village President and Russell Van Gompel, Village Clerk to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Jill Kenda-Lubetsek (Notary Signature) Jill Kenda-Lubetsek (Print name of Notary)

Notary Public, State of Wisconsin SEAL

My commission: 2-15-09

CONDITIONAL USE PERMIT ACCEPTANCE: This Conditional Use Permit is hereby accepted this 21 day of October, 2008.

Sue Black  
( Parks Director ) [Title]

STATE OF WISCONSIN )  
MILWAUKEE COUNTY ) ss

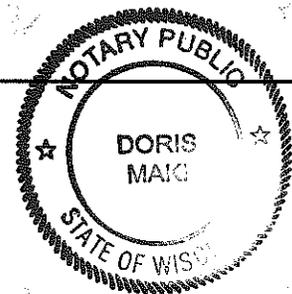
This Conditional Permitted Use Permit Acceptance was acknowledged before me this 21 day of October, 2008, by Sue Black [name] as Parks Director [title] of Milw. Cnty. Dept. of Parks, Recreation & Culture

Doris Maki (Notary Signature) Doris Maki (Print name of Notary)

Notary Public, State of Wisconsin SEAL

My commission expires: 9-11-2011

Original filed in the Community Services Department of the Village of Brown Deer



**CONDITIONAL USE PERMIT**  
**Bicycle Trail**

**Document Number**

**Document Title**

**Parcel Identification Number (PIN)**

**THE CONDITIONS** of this Permit are:

1. This Permit is granted to Milwaukee County Parks Department, upon the representation that it has easements or is the owner of said property described in Exhibit A and shall become effective upon the execution of and the acceptance hereof by Milwaukee County Parks and upon recording shall constitute a covenant running with the land. The Permit may not be assigned until after it has become effective. No assignment of this Permit shall be effective until the assignee delivers written notice of the assignment to the Village Board, duly undertakes in writing to comply fully with the provisions of this Permit, satisfies any monetary security requirements of this Permit and cures any violations of this Permit. This Permit shall not be assignable to any person or entity that is not a tenant of the Premises.
2. The Permit shall be void unless, pursuant to the Building and Zoning Codes of the Village, the approved use commenced or the building permit is obtained within 18 months of the date of the Village Board approval noted above. Construction shall be completed within 12 months of the date the building permit is issued.
3. This Permit is subject to amendment and termination in accordance with the provisions of the Zoning Code of the Village of Brown Deer.
4. Operation of the use permitted shall be in strict conformity to the conditions set forth herein.
5. Conditions on the operation.
  - a. Type of operation permitted: **Bicycle Trail**, without limitation to the use of the trail for other forms of non-motorized recreation such as jogging, walking or inline skating. The use of the described property as a bicycle trail shall be in substantial compliance consistent with the plans set forth and submitted to the Village of Brown Deer in support of the request for this Permit, which is attached as Exhibit B and made part of this Permit. No use of the areas not identified in the plans may be used without approval by the Village pursuant to its Zoning Code.
  - b. Hours during which operation is permitted: **6:00 am-10:00 pm**
  - c. Performance standards relating to noise, vibration, odor, smoke, dust, etc., other than applicable Village Ordinances: **Per the Village Zoning Code.**
  - d. Duration of Conditional Use: **For an initial period of one year. To be reviewed one year from the date of approval. If there are no documented complaints about the permitted use, or if documented complaints have been resolved to the satisfaction of the Village Board, the Permit, upon petition of the tenant and upon recommendation of the Plan Commission and approval of the Village Board, may be continuous pursuant to Chapter 10-10.08 of the Village of Brown Deer Zoning Code.**

**CONDITIONAL USE PERMIT**  
**Bicycle Trail**

**Document Number**

**Document Title**

**Parcel Identification Number (PIN)**

6. Conditions on the Site other than in accordance with the approved site plan.
- a. Outside storage of Materials, Products or Vehicles:
    - (1) **There shall be no exterior storage of building materials, supplies or equipment associated with the bike trail.**
    - (2) **Overnight parking of motor vehicles shall be prohibited.**
  - b. Finished topography and building grades, retaining walls, storm water run-off:
    - (1) **All necessary State of Wisconsin and/or Federal permits shall be obtained prior to the construction of the trail, the bridges and road crossings.**
  - c. Sign location, size, design:
    - (1) **Per Chapter 7 of the Zoning Code and as shown on the attached Exhibit B.**
  - d. Exterior lighting of the site, location, design and power:
    - (1) **The trail shall not be lighted unless directed to do so by the Brown Deer Police Department.**
  - e. Other:
    - (1) **Any hazardous conditions or deficiencies, including but not limited to paving, bridges or gravel shoulders, identified by the Village shall be corrected by the owner to the satisfaction of the Village within thirty (30) days of written notification.**
    - (2) **The owner shall provide private trash removal service. All trash and refuse on or adjacent to the trail shall be removed by the owner. Should conditions warrant the Village of Brown Deer may require the installation of trash receptacles.**
    - (3) **All warning lights, signage and traffic control markings and devices shall be kept in a state of good repair. Noted deficiencies shall be corrected by the owner to the satisfaction of the Village within thirty (30) days of written notification.**
    - (4) **Should conditions warrant the Village of Brown Deer may require additional warning lights, warning or directional signage and or traffic control markings and devices.**
    - (5) **All brush and vegetation shall be trimmed and maintained and kept clear of the trail.**

## Exhibit A

*We Energies Power Line Right of Way (adjacent to existing railroad) :*

*ROW section from Bradley Road to Teutonia Avenue, Tax ID 048-8941.*

Part of the SW  $\frac{1}{4}$  of Section 12, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin.

*ROW section from Teutonia Avenue to Brown Deer Road, Tax ID 047-9982.*

Part of the NE  $\frac{1}{4}$  of Section 11, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin.

*Parks:*

*Brown Deer Village Park, Tax ID 028-0022.*

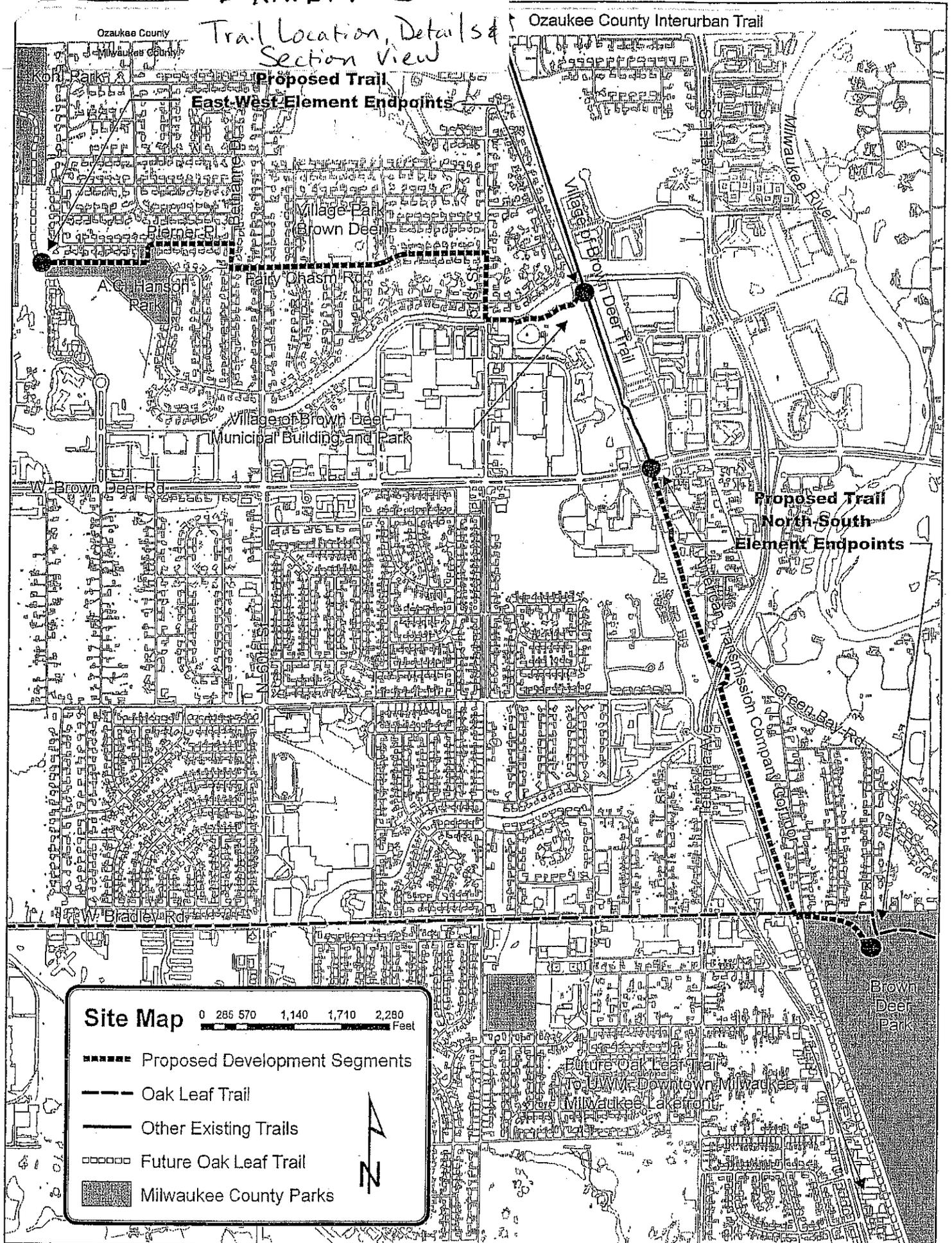
Lot 1 of Brown Deer Station subdivision. Part of the SE  $\frac{1}{4}$  of Section 2, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin

*AC Hanson County Park, 030-0108*

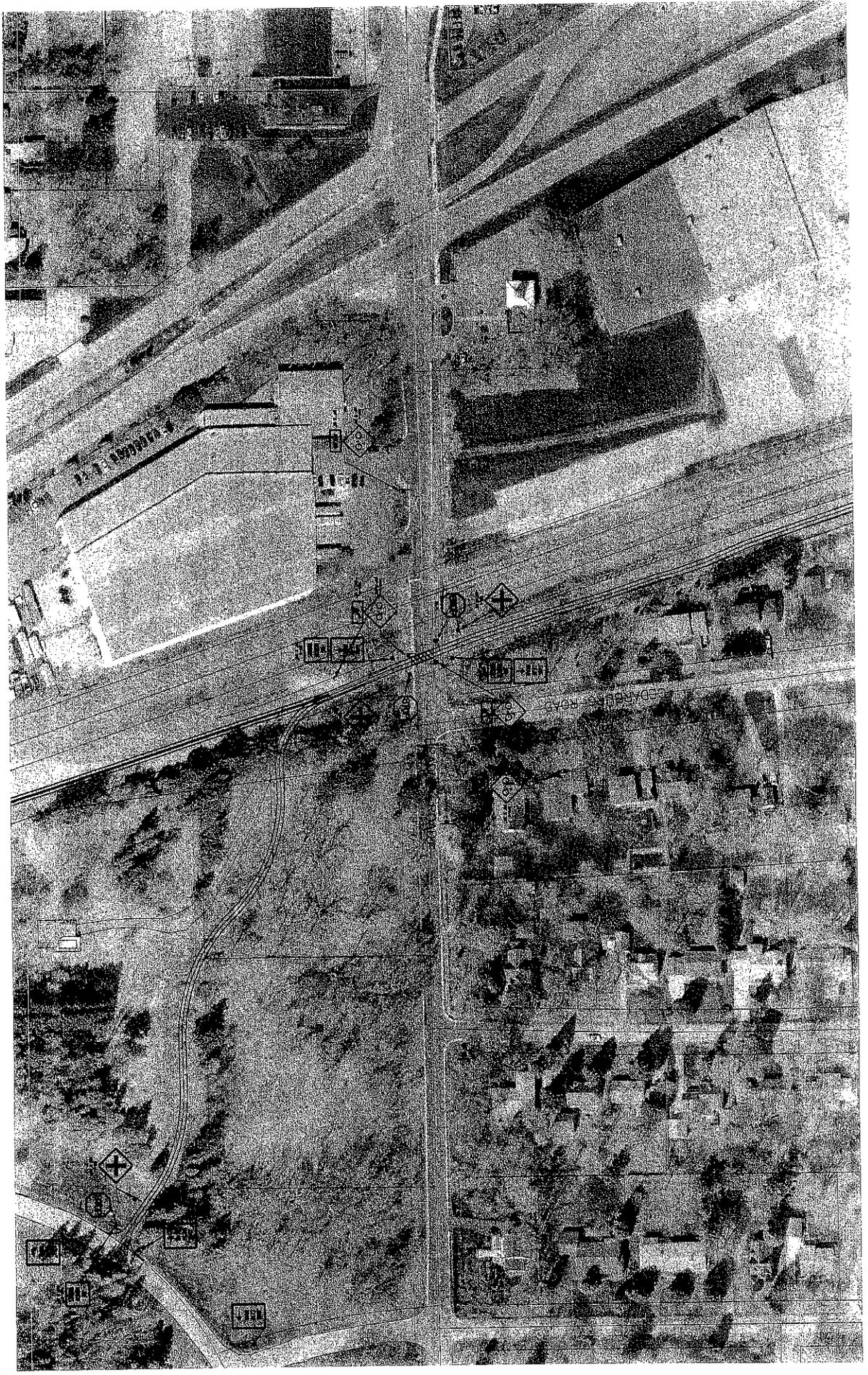
Outlot 1 of Park Plaza of Brown Deer Subdivision. Part of the SE  $\frac{1}{4}$  of Section 3, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin

# Exhibit B

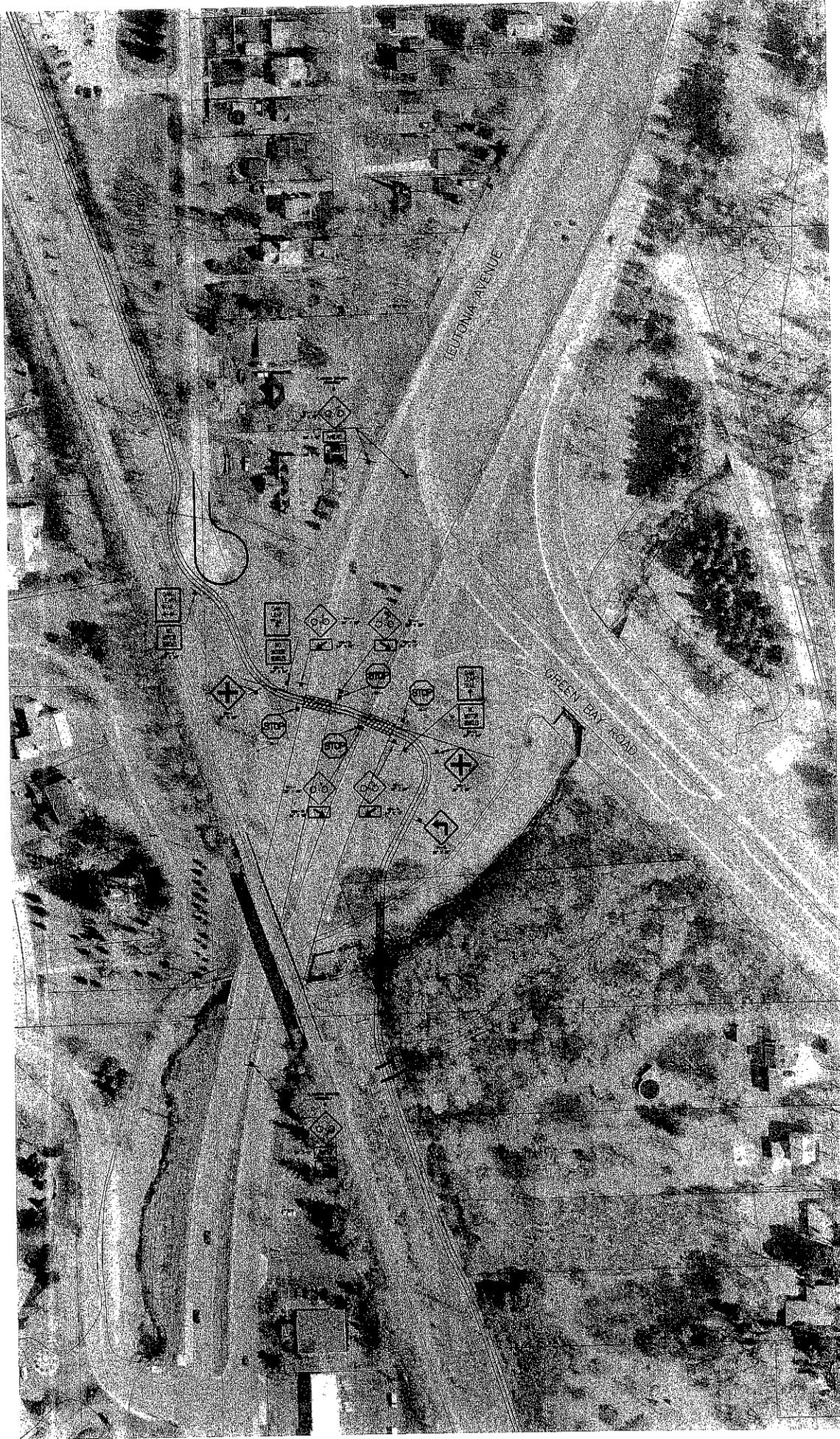
## Trail Location, Details & Section View





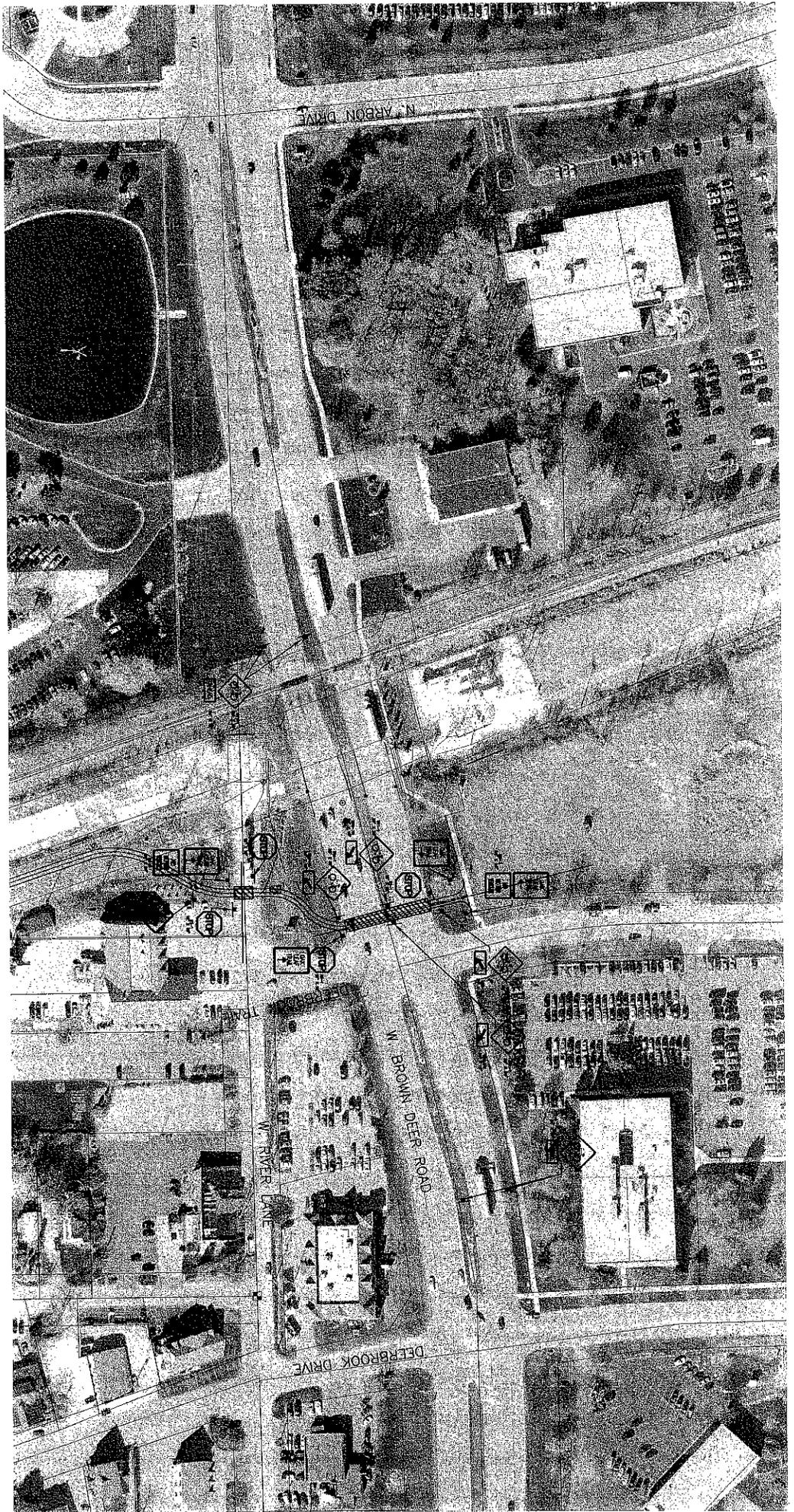


NT



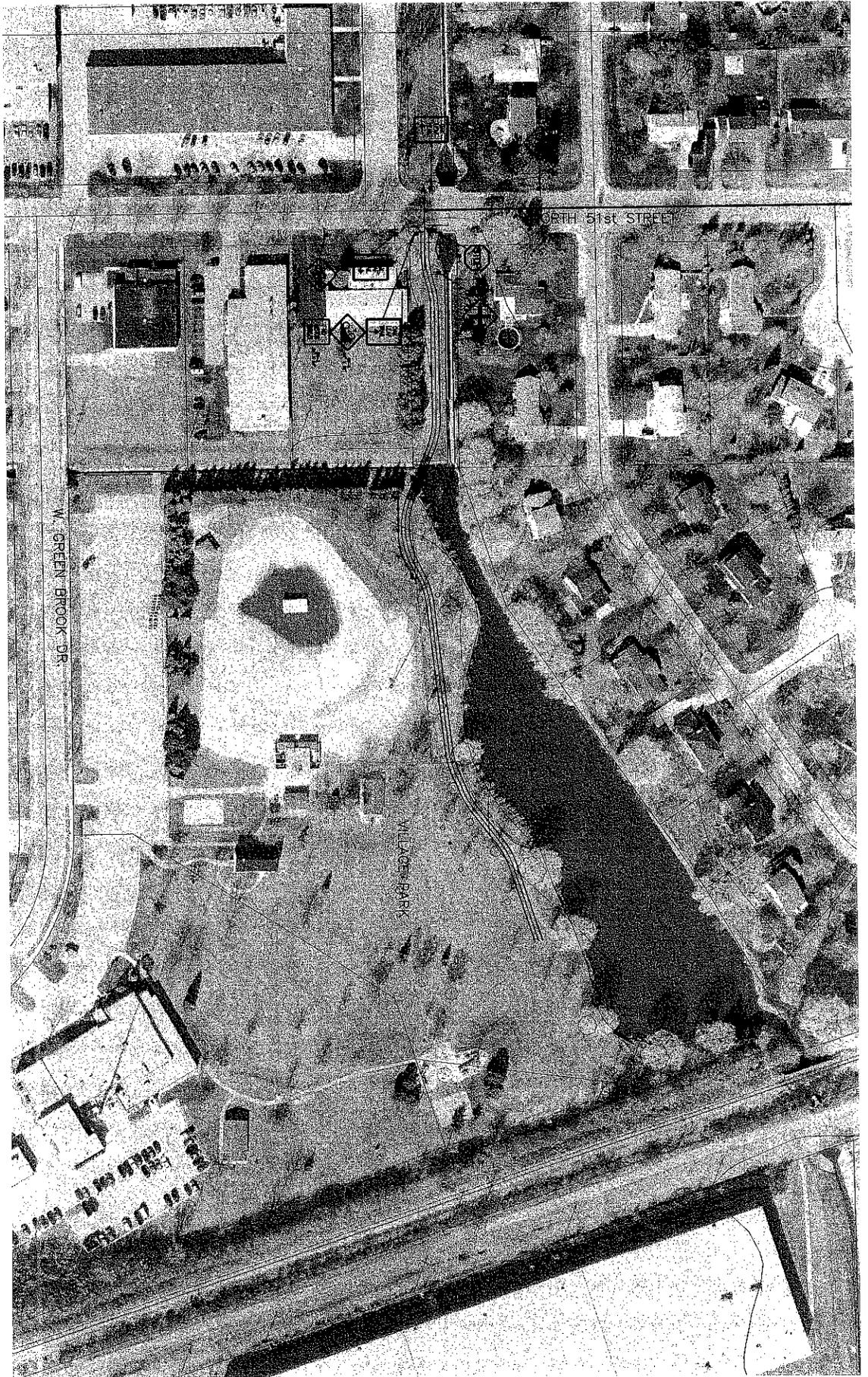
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SCALE: 1" = 120'



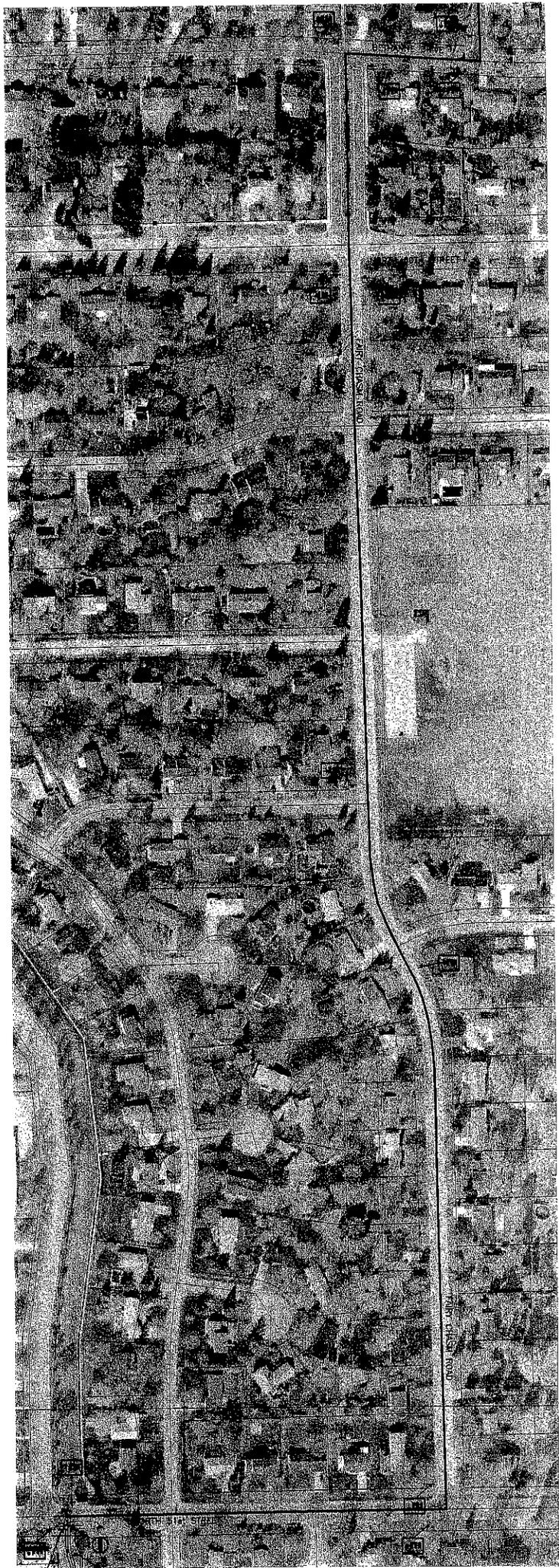
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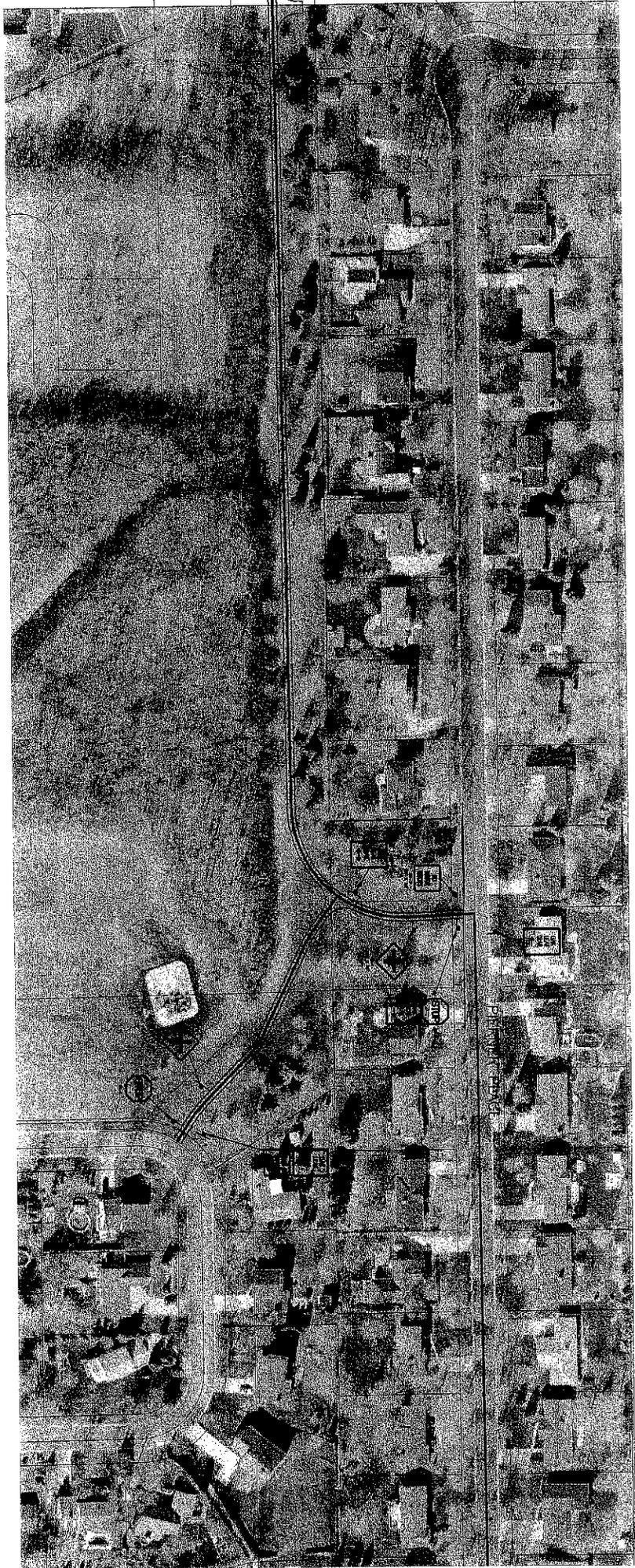
Scale: 1"=125'



N 1

N  
↑





N ↑