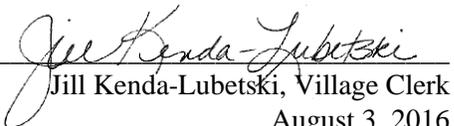


**PLAN COMMISSION MEETING**  
**Monday, August 8, 2016**  
**Earl McGovern Board Room, 6:30 P.M.**



**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: July 11, 2016 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
  - A) Review and Recommendation of a conditional use permit for a transportation company at 6051 W. Brown Deer Road.
- VII. Adjournment

  
Jill Kenda-Lubetski, Village Clerk  
August 3, 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  
JULY 11, 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 6:30 P.M.

**I. ROLL CALL**

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

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

Excused: Commissioners: Al Walters, Dan Bednar

**II. PERSONS DESIRING TO BE HEARD**

None

**III. CONSIDERATION OF MINUTES: June 13, 2016 – Regular Meeting**

*It was moved by Commissioner Schmitz and seconded by Commissioner Wagner to approve the regular meeting minutes of June 13, 2016. The motion carried unanimously.*

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

Mr. Piotrowski reported that the Village earned recognition as All-America City from the National Civic League. He also noted that the new Lighthouse will be holding an open house on July 28<sup>th</sup> and he welcomed Ted Wagner as the newest member of the Commission.

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

**A) Review and Recommendation of an amendment to the Brown Deer Business Park Development Agreement to allow recreational uses**

Mr. Piotrowski reviewed the proposal and introduced the applicants for the indoor rock climbing and trampoline park, Jim Thorpe and Neal Levin.

Trustee Baker asked if the building garage doors at 9009 N. Deerbrook Trail were to be modified. Mr. Piotrowski replied that only cosmetic changes were proposed. Trustee Baker asked if the doors would be open during operation. Mr. Thorpe replied that they would not.

Trustee Schilz asked if the park would have food service. Mr. Levin replied that it would have concessions.

Trustee Schilz asked if the development agreement was with the trampoline park. Mr. Piotrowski replied that the agreement was with the property owner, Hager Pacific. He added that the agreement was to change the business park

development agreement to broadly allow recreational uses such as the trampoline parks and any other such uses that may lease space in the future.

President Krueger asked whether the Village could control the hours of operation. Mr. Piotrowski replied that this was controlled by the main Village ordinance on business hours but it would not be controlled by separate agreement.

Commissioner Hoffmann asked about the structure of the proposed "Teen Night". Mr. Thorpe discussed the age limits, the special music and lighting as well as security protocols.

Trustee Schilz asked about the injury history at other locations. Mr. Thorpe replied that injuries have generally been limited and that most trampoline and rock climbing parks have experienced injury rates lower than club sports teams.

*It was moved by Commissioner Hoffmann and seconded by Commissioner Jaroczynski to recommend approval of the development agreement amendment to the Village Board. The motion carried unanimously.*

**VII. ADJOURNMENT**

*It was moved by Commissioner Schmitz and seconded by Commissioner Jaroczynski to adjourn at 6:55 P.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 Recommendation of a Conditional Use Permit with Great Lakes Management, for a transportation company at 6051 W. Brown Deer Rd.
<b>PREPARED BY:</b> Fernando Moreno, Zoning & Planning Specialist
<b>REPORT DATE:</b> August 8, 2016
<b>Applicable Land Use Regulation:</b> Village Code Chapter 121-194
<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.

## ANALYSIS:

Great Lakes Management owns a professional office building at 6051 W. Brown Deer Rd. The owner, Mr. Richard Ranicke, requests that he be allowed to rent 4 parking spaces on the parking lot of this property to the Cruiseline Transportation Company. He requests, specifically, that the transportation vehicles be allowed to park overnight along the southern side of the property.

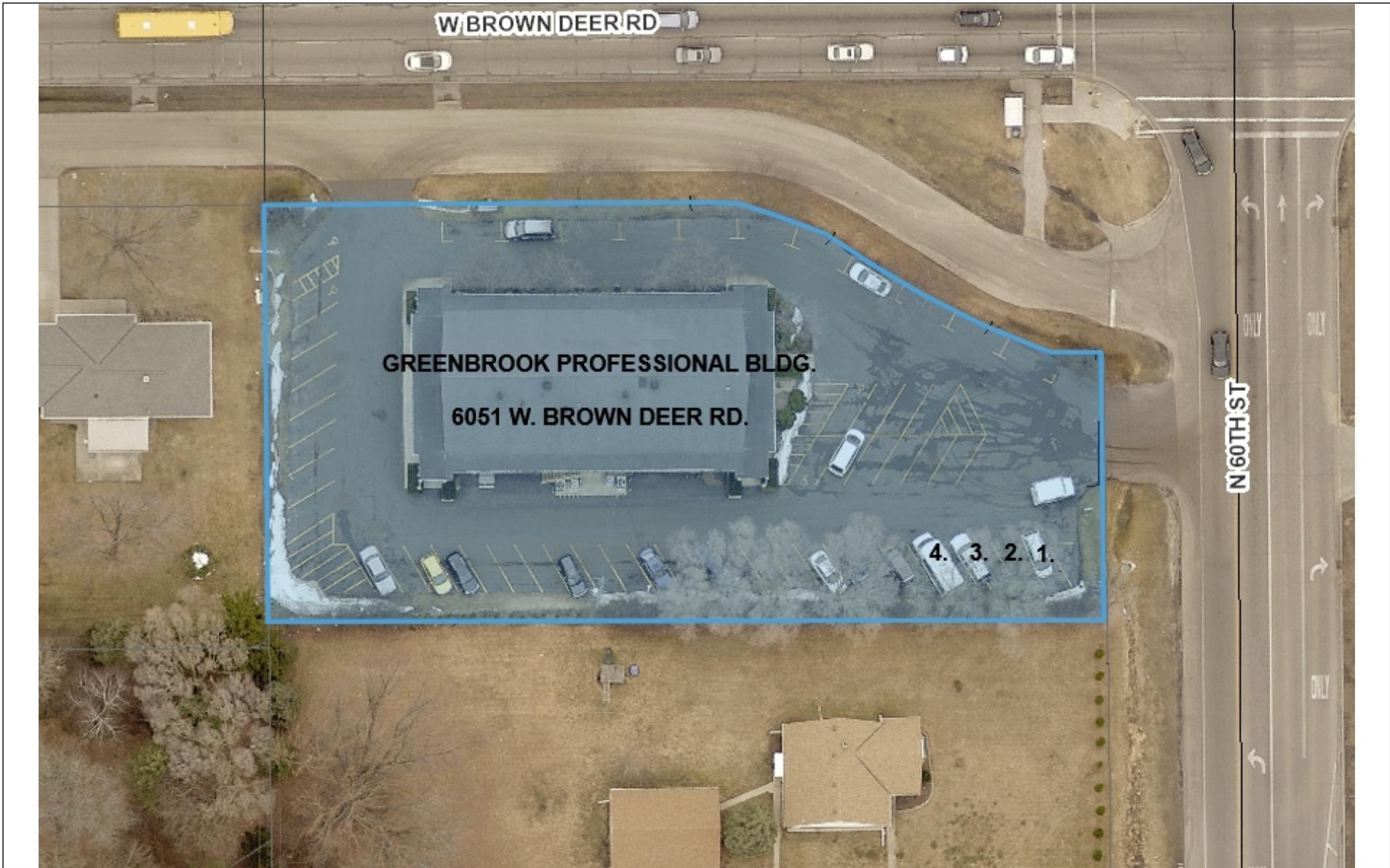
The Community Services Department has devoted a significant amount of time and energy, working to address problems specific to the renting of parking space to transportation companies by local business owners with excess parking capacity. It is the opinion of staff that many of the problems associative with these types of transactions can be traced to failures in five specific areas:

1. A tendency to allow an inexact or overly large number of vehicles to park onsite.
2. Failure to specify precise, exact spaces to park company vehicles.
3. Failure to restrict the number of companies using the parking space, and laxity regarding the number of logos and signage of the permitted transportation company.
4. Lax oversight of registration and licensing for each vehicle.
5. Lack of clarity on expectations for treatment of damaged vehicles.

The Conditional Use Permit to which Mr. Ranicke agreed contains specific guidelines to address each area of failure noted above. Only four transportation company vehicles will be allowed on the property at any one time, or overnight. The vehicles may only be parked within four designated parking spaces, marked in Exhibit "B". Any failure to maintain proper licensing and registration may result in *immediate* removal of the vehicles at Mr. Ranicke's expense. No vehicles bearing any signs of visible disrepair will be allowed for more than six hours, in line with current Village codes in residential areas.

## RECOMMENDATION:

Given the tightening of these rules, relative to previous agreements, we recommend that Mr. Ranicke be allowed to enter into an agreement with the Cruiseline Transportation Company to use three parking spaces on his property as specified in the Conditional Use Permit. Please feel free to contact Fernando Moreno at 414-371-3032, if you have any questions.



**Proposed Parking Spots**  
(Greenbrook Professional Bldg.)

DISCLAIMER: The Village of Brown Deer does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 47'



Village of Brown Deer  
4800 West Green Brook Drive  
Brown Deer, WI 53223  
(414) 371 - 3000

Print Date: 8/5/2016

**CONDITIONAL USE PERMIT**  
**Greenbrook Professional Building -**  
**Transportation Company/Cartage**

Before the Village Board of the Village of Brown Deer, in regard to Premises at **6051 W. Brown Deer Road** located in the NE 1/4 of Section 10, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, further described in attached **Exhibit "A"**.

**WHEREAS**, the Village 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 zoning standards in the Village Code; and

**WHEREAS**, a Petition has been made by Richard Ranicke of Great Lakes Management, 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 Village Code.

**NOW, THEREFORE**, this Conditional Use Permit is granted authorizing that the property be used for the purpose of a **Transportation Company/Cartage** subject to compliance with the terms and conditions hereinafter stated in this Conditional Use Permit (hereinafter the "Permit") and as depicted on **Exhibit "B"**

**CONDITIONAL USE PERMIT**  
**Greenbrook Professional Building**  
**Transportation Company/Cartage**

Parcel Identification Number (PIN)  
**045-9999**

Document Title

**THE CONDITIONS** of this Permit are:

1. This Permit is granted to Great Lakes Management, upon the representation that it is the owner of the Premises and shall become effective upon the execution of the acceptance hereof by Great Lakes Management as 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 Village Code, 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 Village 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: **Transportation Company/Cartage.** The use of the Premises as a parking lot for transportation company vehicles shall be in substantial compliance consistent with the plans set forth and submitted to the Village of Brown Deer in support of its request for this Permit. No use of the areas of the premises not identified in the application for the proposed use may be used without approval by the Village pursuant to its Village Code.
  - b. Hours during which transportation company operations are permitted: **6:00 a.m. – 9:00 p.m. daily**
  - c. Performance standards relating to noise, vibration, odor, smoke, dust, etc., other than applicable Village Ordinances: **Per the Village 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 Section 121 of the Village Code of Brown Deer.**
6. Conditions of the Building other than in accordance with the approved building plans.
  - (1) **Structural improvements and any new signage shall be reviewed and approved by the Village of Brown Deer Building Board.**
  - (2) **All interior modifications shall be subject to conditions of the Wisconsin Commercial Building Code and in compliance with fire protection requirements of the North Shore Fire Department.**

**CONDITIONAL USE PERMIT**  
**Greenbrook Professional Building**  
**Transportation Company/Cartage**

Parcel Identification Number (PIN)  
**045-9999**

Document Title

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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) **Outside storage of transportation company merchandise, equipment, signage, or inventory, other than transportation vehicles, is strictly prohibited on this site.**
    - (2) **The Owner shall provide private trash removal.**
    - (3) **The property shall be kept free and clear of litter and debris.**
    - (4) **The dumpster shall be covered and kept within a fenced enclosure. Said enclosure shall be constructed of noncombustible materials and maintained in a state of good maintenance and repair as determined by the Village.**
    - (5) **Waste products including but not limited to motor oil, fuel, transmission fluid and other materials used in conjunction with the transportation company operations on site shall be disposed of or recycled in accordance with Wisconsin State Statutes and the Village's recycling ordinance.**
  - b. Finished topography and building grades, retaining walls, storm water run-off:
    - (1) **Per the Village of Brown Deer Storm Water Management Ordinance.**
  - c. Sign location, size, design:
    - (1) **Any new signage or change in existing signage shall be reviewed and approved by the Village Building Board and shall be in conformance with Chapter 121 of the Village Zoning Code.**
  - d. Exterior lighting of the site, location, design and power:
    - (1) **Exterior lighting shall be sufficient to meet the business and safety needs of the site.**
  - e. Parking:
    - (1) **Transportation company vehicles shall not be parked on the street.**
    - (2) **Transportation company vehicles requiring repairs or exhibiting signs of visible disrepair shall not be stored at this property for a period of time exceeding 6 hours.**
    - (3) **Transportation company vehicles shall only be parked in the parking spaces designated as "1", "2", "3", and "4" in the map contained within Exhibit "B".**
    - (4) **The parking lot shall not be used by rental agencies or any other company for parking of rental trailers, trucks, automobiles, or other vehicles.**
    - (5) **No more than four transportation company vehicles may be parked on the property simultaneously, or overnight.**
    - (6) **The vehicle registration, license plate numbers, and make & model of the three permitted transportation company vehicles shall be kept on file with the Community Services Department. Any transportation company vehicles parked on the property that are found not to match these records, or to be operating without current registration documentation or license plates, shall be towed immediately at the owner's expense.**
    - (7) **Vehicles bearing the logo or signage of any other transportation companies are not permitted to use this property for storage or overnight parking at any time.**
    - (8) **There shall be no automobile sales from this site.**

**CONDITIONAL USE PERMIT**  
**Greenbrook Professional Building**  
**Transportation Company/Cartage**

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Document Title

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f. Other:

- (1) All structures on the site shall meet the requirements of the Village of Brown Deer Fire Prevention Code.
- (2) 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.
- (3) All landscaping on the premises shall be maintained in a state of good maintenance and repair as determined by the Village. Landscaping for this purpose shall mean bushes, shrubbery, trees, grass and other items or appurtenances necessary to maintain a pleasing and attractive appearance. Dead trees, bushes and shrubbery shall be immediately replaced in accordance with the landscaping plan approved by the Village Beautification Committee.



## Exhibit A

### Legal Description

Commencing at the Northeast corner of the Northeast  $\frac{1}{4}$  of Section 10, Township 8 North, Range 21 East; thence South  $00^{\circ} 34' 51''$  East along the East line of said  $\frac{1}{4}$  Section, a distance of 142.09 feet; thence South  $89^{\circ} 25' 09''$  West 45 feet to a point of curve and the point of beginning of the land to be described; thence along the arc of the curve, concave to the South with a radius of 17.00 feet and a long chord of 2.00 feet bearing North  $87^{\circ} 12' 10''$  West a distance of 2.00 feet to a point of tangency; thence South  $89^{\circ} 25' 09''$  West 7.00 feet to a point of curve; thence along the arc of curve, concave to the North with a radius of 62.00 feet and a long chord of 32.13 feet bearing North  $75^{\circ} 33' 52''$  West a distance of 32.50 feet to a point of tangency; thence North  $60^{\circ} 32' 52''$  West 62.74 feet to a point of curve; thence along the arc of curve, concave to the South with a radius of 92.00 feet and a long chord of 47.62 feet bearing North  $75^{\circ} 32' 52''$  West a distance of 48.17 feet to a point of tangency; thence South  $89^{\circ} 27' 08''$  East and parallel with the North line of said  $\frac{1}{4}$  Section, 144.66 feet to a point; thence South  $0^{\circ} 34' 51''$  West and parallel to the East line of said  $\frac{1}{4}$  Section, 143.0 feet to a point; thence North  $89^{\circ} 27' 08''$  East and parallel to the North line of said  $\frac{1}{4}$  Section, 285.0 feet to a point; thence North  $0^{\circ} 34' 51''$  West and parallel to the East line of said  $\frac{1}{4}$  Section, 90.9 feet to the point of beginning

**Exhibit B**  
**Site Plan**



**Proposed Parking Spots**  
(Greenbrook Professional Bldg.)

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SCALE: 1" = 47'



Village of Brown Deer  
4800 West Green Brook Drive  
Brown Deer, WI 53223  
(414) 371 - 3000

Print Date: 8/5/2016



June 27, 2016

GREENBROOK PROFESSIONAL BUILDING – 045-9999  
PERMIT MODIFICATION REQUEST – CRUISE LINE TRANSPORTATION  
STATEMENT OF USE

CruiseLine Transportation Company is running its transportation operations from an office suite in the Greenbrook professional building. Cruise Line provides contracted transportation to groups and individuals. They have 3-4 transportation vehicles that they are parking along the south side of the parking lot. Three spots have been designated for them to specifically park in at night. The designated spots are shown on the attached diagram. The vehicles are to be in running condition and in good exterior condition. When not in use, the vehicles are to be parked in the same front to back orientation in the designated parking spots.

Prepared by Richard Ranicke  
Owner – Greenbrook Professional Building