

PLAN COMMISSION MEETING
Monday, January 14, 2013
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: December 10, 2012 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Public Hearing and review and recommendation for a conditional use permit for a medical laboratory at 9055 N. 51st Street, Unit E.
 - B) Possible Visioning Workshop for Lowe's Site
- VII. Adjournment

A handwritten signature in black ink that reads "Jill Kenda-Lubetski". The signature is written in a cursive, flowing style.

Jill Kenda-Lubetski, Village Clerk
January 10, 2013

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
DECEMBER 10, 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 7:03 P.M.

I. ROLL CALL

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

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

Excused: Commissioners: Susan Bellehumeur, Al Walters

II. PERSONS DESIRING TO BE HEARD

None.

III. CONSIDERATION OF MINUTES: November 12, 2012 – Regular Meeting

It was moved by Commissioner Schmitz and seconded by Commissioner Hoffmann to approve the regular meeting minutes of November 12, 2012. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Piotrowski indicated that a public meeting has been scheduled by the Wisconsin Department of Transportation for January 8th in the Village Hall Board Room from 4:30 p.m. until 6:30 p.m. to review plans for the reconstruction and resurfacing of Green Bay Road, State Highway 57, from Teutonia Avenue to County Line Road. Mr. Piotrowski also added that he has been contacted by Argon Industries who have advised that they are looking to consolidate operations and are seeking larger manufacturing spaces outside of the Village.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

A) Second review and recommendation for a conditional use permit for a day care center at 5600 W. Brown Deer Road

Mr. Piotrowski reviewed the previous questions and concerns of the Plan Commission and detailed the actions taken by the applicant to address the issues. He also introduced the applicant Ms. Jacqueline Williams and the building owner Bob Stein.

Trustee Baker asked why the plan for bollards, as depicted on the floor plan, was not what was requested in the conditional use permit. Mr. Piotrowski indicated that the floor plan came from the building owner who was not party to the discussion held between Staff, the day care operator and the Police Department and therefore drew up a plan that did not extend through the main entrance. Trustee Baker asked the building owner if he was prepared to add bollards past the main entrance per the conditional use permit. Mr. Stein replied that he would.

Trustee Baker asked why children needed to go out of the rear exit when it appeared in photos that there was direct access to the play area. Mr. Stein replied that what appeared as a door in the photos was actually a floor length window blocked by a play structure.

Trustee Baker asked about the fire exit plan for the day care. Ms. Williams replied that fire drill protocol would be posted in the facility and reviewed and approved by the State of Wisconsin inspector prior to licensing.

Commissioner Bednar stated that he felt the addition of bollards from the playground through the main entrance was unnecessary due to low traffic volume and speed. Mr. Piotrowski noted that this was requested as a condition of the permit from the Police Department because no physical barrier plan was initially provided.

Commissioner Jaroczynski stated that he was concerned about the proximity of the play area to the driveway to the east. Mr. Piotrowski noted that this driveway existed on another parcel and the playground had existed in this configuration without any issues to date.

It was moved by President Krueger and seconded by Commissioner Hoffmann to recommend approval of the conditional use permit for a day care at 5600 W. Brown Deer Road to the Village Board. The motion carried on a vote of 5-2 with Trustees Baker and Schilz opposed.

VII. ADJOURNMENT

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



Nate Piotrowski, Community Development Director



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review and recommendation for a conditional use permit for a medical laboratory at 9055 N. 51 st Street, Unit E
PREPARED BY: Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
REPORT DATE: January 8, 2013
MANAGER'S REVIEW/COMMENTS: <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
Applicant: Ken Jaglinski, Bayshore Clinical Labs
Existing Zoning: M-Manufacturing Applicable Code: Sec.121-220
VILLAGE ATTORNEY REVIEW: <input type="checkbox"/> Village Attorney has reviewed documents. <input type="checkbox"/> Village Attorney has not reviewed documents. <input type="checkbox"/> Documents provided to Village attorney.
COMPREHENSIVE PLAN REVIEW: <input type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

BACKGROUND:

Bayshore Clinical Labs is proposing to operate a medical laboratory at 9055 N. 51st Street Unit E. The subject property is located in the M - Manufacturing district where laboratories are conditionally permitted uses.

Attached is a draft conditional use permit along with supporting operational material and a simple site plan detailing the proposed location of the laboratory. The lab would be operated Monday- Friday from 8:00 a.m. until 6:00 p.m. The lab will analyze dried blood samples that arrive via US Mail. They propose to have two employees with no exterior storage and parking needs accommodated by the adjacent lot.

Staff has reviewed the proposal and has not identified any specific zoning related issues since the manufacturing district is the most logical and best suited zone for such a proposed land use.

RECOMMENDATION:

Staff suggests that the Plan Commission favorably recommend the conditional use permit to the Village Board. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

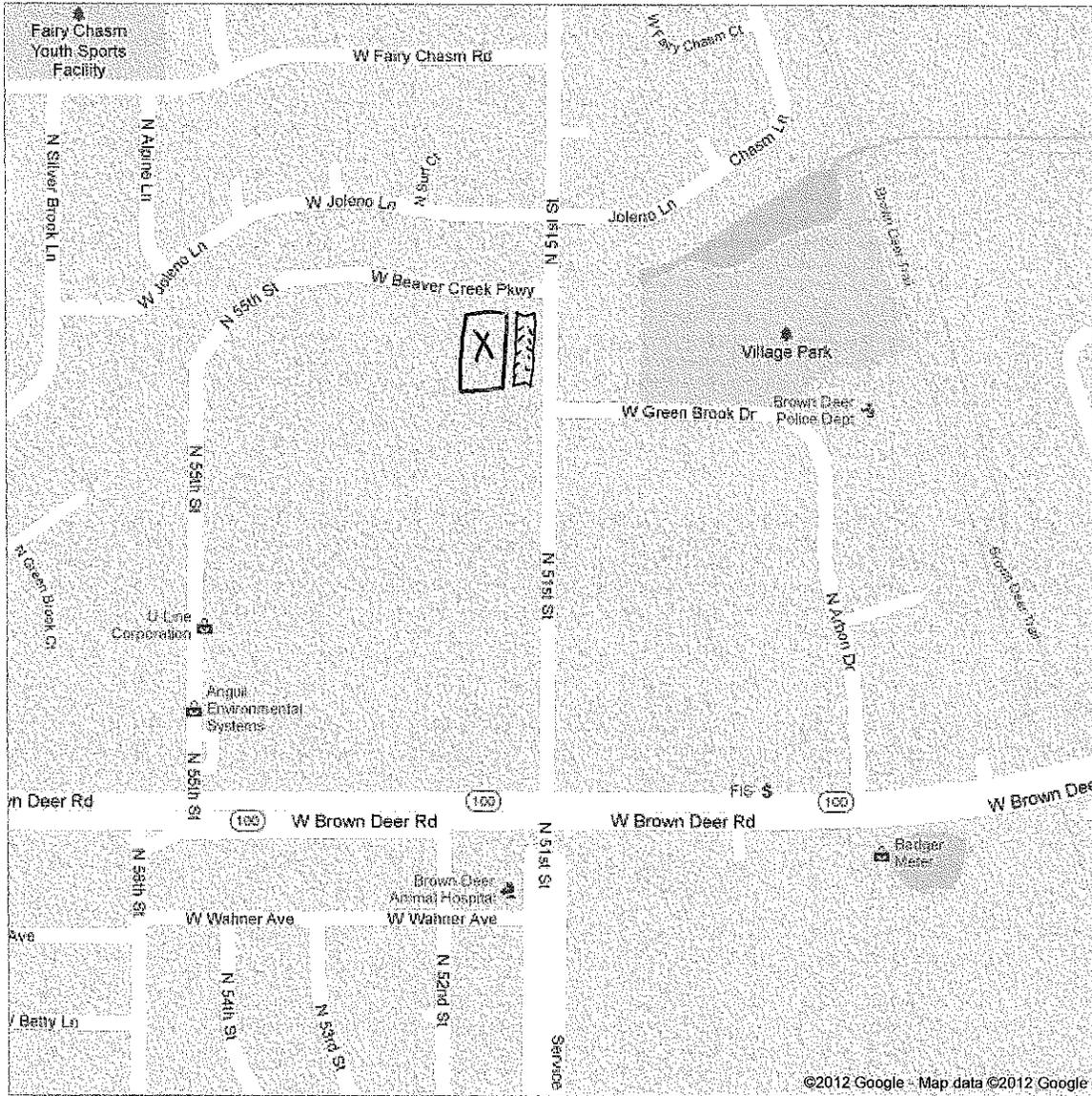
Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



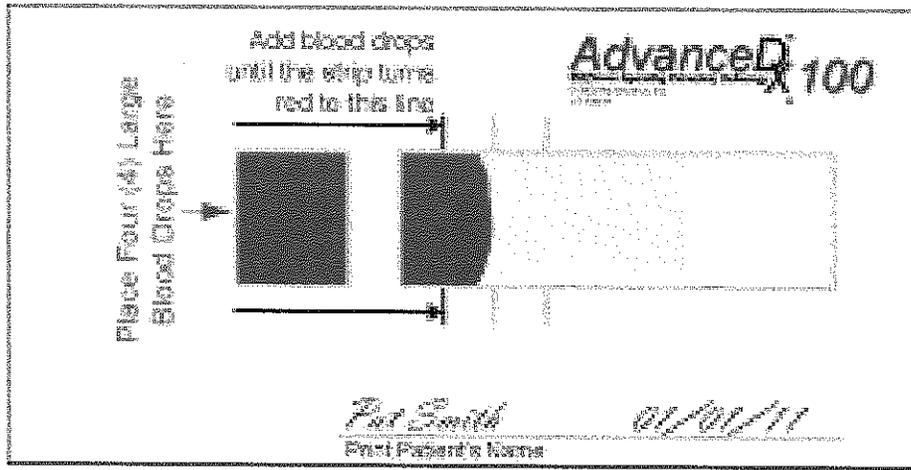


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Bayshore Clinical Laboratories LLC

Specializing in the analysis of dried blood samples collected with the patented ADX100 system.



BCL is nationally accredited under the Clinical Laboratory Improvement Act (CLIA) by the Federal Government

#1234567891

Our mission is to provide our clients with exceptional service, accurate testing technology and innovative reporting while being compassionate to our customers and patients.

Testing is performed by experienced medical technologists using state-of-the-art robotic instrumentation following strict quality standards. An extensive quality control program allows BCL to insure the precision and accuracy of laboratory results.

Our Staff

Ken Jaglinski - Laboratory Director

Ken is certified by the American Society of Clinical Pathologists as a medical technologist. He has his undergraduate degree from Valparaiso University in Biology and Chemistry and his Master in Business Administration from the University of Wisconsin – Milwaukee. He was the President of the Wisconsin Chapter of the Clinical Laboratory Management Association (CLMA) and has served as a member of the Medicare Advisory Council of WPS Insurance.

Mark Pankow Ph.D. – Technical Consultant

Mark has his undergraduate degree in Biology from DePaul University and he has a B.S. in Medical Technology, his M.S. in Clinical Pathology and his Ph.D. in Tumor Cell Biology from the Northwestern University Medical School in Chicago, Illinois. Mark has served as the Laboratory Director of several clinical laboratories. Mark is a proficient inventor and holds 10 US Patents in the medical field. Mark is also certified by the American Society of Clinical Pathologists as a medical technologist.

OPERATION M-F 8⁰⁰ - 6⁰⁰

SPECIMENS - MAIL TO PO BOX 53217

DELIVERIES - UPS SMALL TRUCK FEDEX

PARKING - EMPLOYEES ONLY

STORAGE - INTERNAL

**CONDITIONAL USE
PERMIT**

Medical Laboratory

Document Number

Document Title

Before the Village Board of the Village of Brown Deer, in regard to Premises at **9055 N. 51st Street, Unit E** located in the SW 1/4 of Section 2, 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 Ken Jaglinski of Bayshore Clinical Labs LLC, 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 Exhibits A and B to be used for the purpose of an **Medical Laboratory** 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**

029-0090-001

Parcel Identification Number (PIN)

CONDITIONAL USE PERMIT

Medical Laboratory

029-0090-001

Document Number

Document Title

Parcel Identification Number (PIN)

THE CONDITIONS of this Permit are:

1. This Permit is granted to Bayshore Clinical Labs LLC, upon the representation that it is the owner of the Premises and shall become effective upon the execution of the acceptance hereof by Bayshore Clinical Labs LLC 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: **Medical Laboratory**. The use of the Premises as a commercial dance school 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, 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 Village Code.
 - b. Hours during which operation is permitted: **Monday- Friday 7:00am – 8:00pm**.
 - 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

Medical Laboratory

029-0090-001

Parcel Identification Number (PIN)

Document Number

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) There shall be no exterior storage of building materials, supplies or equipment associated with the medical laboratory.**
 - (2) The property shall be kept free and clear of litter and debris.**
 - (3) Overnight parking of motor vehicles shall be prohibited.**
 - b. Finished topography and building grades, retaining walls, storm water run-off:
 - (1) None.**
 - c. Sign location, size, design:
 - (1) Per Section 121 of the Village Code and as approved by the Village of Brown Deer Building Board.**
 - d. Exterior lighting of the site, location, design and power:
 - (1) 24-hour security lighting of the medical laboratory shall be maintained.**
 - e. Other:
 - (1) Any hazardous conditions or deficiencies 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, 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.**
 - (3) The owner shall maintain up-to-date key holder information with the Brown Deer Police Department.**
 - (4) Crime prevention measures shall be adhered to pursuant to the Brown Deer Police Department. The owner shall meet with the Village of Brown Deer Police Department to review security and crime prevention measures prior to occupancy. If crime issues are identified after occupancy, additional meetings may be necessary at the discretion of the Brown Deer Police Department.**

Exhibit A
Legal Description

Exhibit B
Site/Building Plan



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Possible Visioning Workshop for Lowe's Site
PREPARED BY: Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
REPORT DATE: January 8, 2013
MANAGER'S REVIEW/COMMENTS: <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.

BACKGROUND:

The Lowe's property has been vacant since late 2011. Since that time the Village has been approached by several possible buyers seeking various re-uses of the site. To date there has been no formal land use application. In an effort to help guide and focus the Village's economic development efforts moving forward, Staff is proposing to hold a visioning workshop to discuss possible redevelopment ideas. The event would be open to the community at large as well as the Village Board and committee members. It would likely last no more than one hour and would be facilitated by Village Staff and could involve a short presentation, survey and hands-on brainstorming.

Staff is targeting a public workshop, held at Brown Deer Public Library during the 2nd or 3rd full week of February if the Plan Commission feels this is a positive approach.