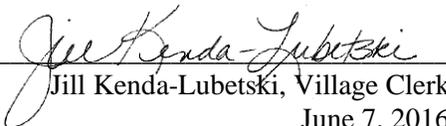


PLAN COMMISSION MEETING
Monday, July 11, 2016
Earl McGovern Board Room, 6:30 P.M.



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: June 13, 2016 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Review and Recommendation of an amendment to the Brown Deer Business Park Development Agreement to allow recreational uses.
- VII. Adjournment


Jill Kenda-Lubetski, Village Clerk
June 7, 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
JUNE 13, 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, Dan Bednar

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

Excused: Commissioners: Al Walters, Bill Hoffmann

II. PERSONS DESIRING TO BE HEARD

Rob Gilbert, 8041 N. Cedarburg Road stated that he was opposed to the 24-hour gas station proposal and stated that he had hoped for a better use than a gas station.

Jim Farmer, 8041 N. Cedarburg stated that a 24-hour gas station and convenience store would not be a positive for the community.

III. CONSIDERATION OF MINUTES: May 9, 2016 – Regular Meeting

It was moved by Commissioner Schmitz and seconded by Commissioner Jaroczynski to approve the regular meeting minutes of May 9, 2016. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Piotrowski reported that the Farmer's Market opens on Wednesday, June 15th from 9am -6pm and that the first Community Vibes was also that evening from 6-8:30pm.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

A) Review and Recommendation of a permanent Conditional Use Permit for a commercial dance studio at 9036 N. 51st Street

Mr. Piotrowski reviewed the proposal and also discussed the three other conditional use permit reviews that were on the agenda.

Commissioner Schmitz asked if a separate motion was required for each. Mr. Piotrowski replied that a separate motion was required.

It was moved by President Krueger and seconded by Trustee Schilz to recommend approval of the permanent conditional use to the Village Board. The motion carried unanimously.

B) Review and Recommendation of a permanent Conditional Use Permit for a self-service storage warehouse at 4059 W. Bradley Road

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

C) Review and Recommendation of a permanent Conditional Use Permit for a cellular tower, antennas and equipment shelter at 5600 W. Bradley Road

It was moved by Commissioner Bednar and seconded by Trustee Schilz to recommend approval of the permanent conditional use to the Village Board. The motion carried unanimously.

D) Review and Recommendation of a permanent Conditional Use Permit for a cellular tower, antennas and equipment shelter at 8200 N. 60th Street

It was moved by Trustee Baker and seconded by Commissioner Schmitz to recommend approval of the permanent conditional use to the Village Board. The motion carried unanimously.

E) Review and Recommendation of a conditional use permit for an automobile service station, convenience store, automobile laundry and drive-thru at 9001 N. Green Bay Road

Mr. Piotrowski reviewed the proposal and introduced the applicant Rick Walia. He noted that the applicant was now requesting the convenience store, gas station and car wash to be open 24 hours.

Captain Halverson presented the finding of the Police Department with respect to public safety concerns with other 24 hour operations in surrounding communities. He noted that the Police Department did not find significant increases in criminal activity during the hours currently disallowed by Village ordinance at locations outside Brown Deer.

Trustee Schilz asked the applicant if liquor sales were to be requested. Mr. Walia replied that he was not requesting liquor sales at this time. Trustee Schilz stated that he was not comfortable with the proposed 24 hour request and the deviation from Village ordinance.

Commissioner Schmitz asked what the second floor was to be used for if the apartments were eliminated. Mr. Walia replied that this would be used as office space for his business. Commissioner Schmitz added that he was not comfortable with the deviation from the Village's prohibition on 24 hour business operation.

Trustee Baker stated that he was concerned about the lack of a national tenant for the retail space. Mr. Walia replied that his company proposed to operate a fast food concept in the retail space that he has already brought to another location and which he felt could be successful.

Mr. Hall asked if there would be a diesel pump. Mr. Walia replied that there would be diesel.

Trustee Schilz asked if police squads fueled overnight. Captain Halverson replied that they do. Trustee Schilz suggested allowing the option of 24 hour pay at the pump in the conditional use permit.

It was moved by President Krueger and seconded by Commissioner Schmitz to recommend approval of the conditional use permit with the allowance only for 24 hour "pay at the pump" to the Village Board. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Commissioner Schmitz and seconded by Commissioner Jaroczynski to adjourn at 7:06 P.M. The motion carried unanimously.





REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review and Recommendation of an amendment to the Brown Deer Business Park Development Agreement to allow recreational uses.
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: July 7, 2016
Applicable Land Use Regulation: Village Code Sec. 121-249 – BPD Business Plan. Dev.
VILLAGE ATTORNEY REVIEW: <input checked="" type="checkbox"/> Village Attorney has reviewed documents. <input type="checkbox"/> Village Attorney has not reviewed documents. <input checked="" type="checkbox"/> Documents provided to Village attorney.
COMPREHENSIVE PLAN REVIEW: <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

ANALYSIS:

Rockin Jump, an indoor rock climbing and trampoline park is seeking to locate in 33,000 square feet of the Brown Deer Business Park at 9009 N. Deerbrook Trail. This southern portion of the approximate 95,000 square foot building is currently vacant. It is located south of Pitney Bowes and two properties north of the Audi dealership. See attached aerial map.

The details of the Rockin Jump operation are explained in the attached executive summary and site/floor plan. A franchise informational packet will be distributed at the meeting.

Currently the Brown Deer Business Park development agreement allows over 80 different types of land uses including retail, office and manufacturing but it does not allow recreational uses. Included in the packet is a development agreement amendment that would add the following to the list of permitted uses:

“Recreational Uses, such as but not limited to: rock climbing, fitness gyms, trampoline park, paintball, athletic training and competition facilities or similar indoor recreational pursuits that do not create noise beyond the confines of the premises”

With the proposal there would be no major physical changes to the site or building, just cosmetic updates to the exterior and new signage. The site parking lot would be sealed and restriped. In all other zoning respects such as hours and parking for recreational areas the use conforms to requirements.

RECOMMENDATION:

Staff does not have concerns with this use and feels that added recreational opportunities would be a positive benefit for the community in a currently vacant space. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

Executive Summary:

It is with great optimism that we present this plan for the development and operation of a franchised owned and operated an indoor trampoline and rock climbing park, Rockin' Jump.

Rockin' Jump's trampoline parks are built on the premise that many families like to seek a healthy and active destination where they and their children can play, get exercise and socialize with other families. The facility will offer a variety of activity centers, including a large arena for jumping and playing, a foam pit and air bags for flips and other acrobatics and other specialized areas for trampoline basketball and dodge ball.

Rockin' Jump's top notch event facility will make it the go-to destination for birthday parties, special events, dodge ball leagues, exercise classes, teen and tween nights and more, providing people with an opportunity for a healthy, fun and active lifestyle.

Address:

9009 N. Deerbrook Trail Brown Deer, WI 53223

Tax Key:

0280017, Brown Deer Business Park

Hours of Operation:

Summer Hours– Monday through Sunday 10am-9pm

School Year Hours– Monday (closed for private parties) Tuesday-Friday 3pm-11pm, Saturday 10am-11pm and Sunday 11am-9pm

Number of Employees:

Full Time Employees: 2

Part Time Employees: 80-110

Traffic Pattern & Parking:

Most traffic will take Green Bay Road or Brown Deer Road to Deerbrook Trail and into the parking lot. There will be some increase in traffic entering Deerbrook Trail. We do not believe this will pose a problem for any other businesses in that we will be providing sufficient parking spaces for our participants and our employees on our own premises.

Trash Removal:

There will be a garbage and recycling truck coming to the site on a weekly basis to pick up trash and waste. The dumpsters will be located on the west corner of the parking lot.



PARCEL 2

CSM 3899
PARC 9071

9101

CSM 4569
LOT 1

9133
CSM
LOT

9051

N DEERBROOK TRL

4800

9009

9088
PARCEL 1

9091

CSM 4041
LOT 1
9000

2

CSM 4153
8949

N DEERBROOK TRL

CSM 8108
PARCEL 1

CSM 4041
8989
LOT 1

N DEERWOOD DR

8900

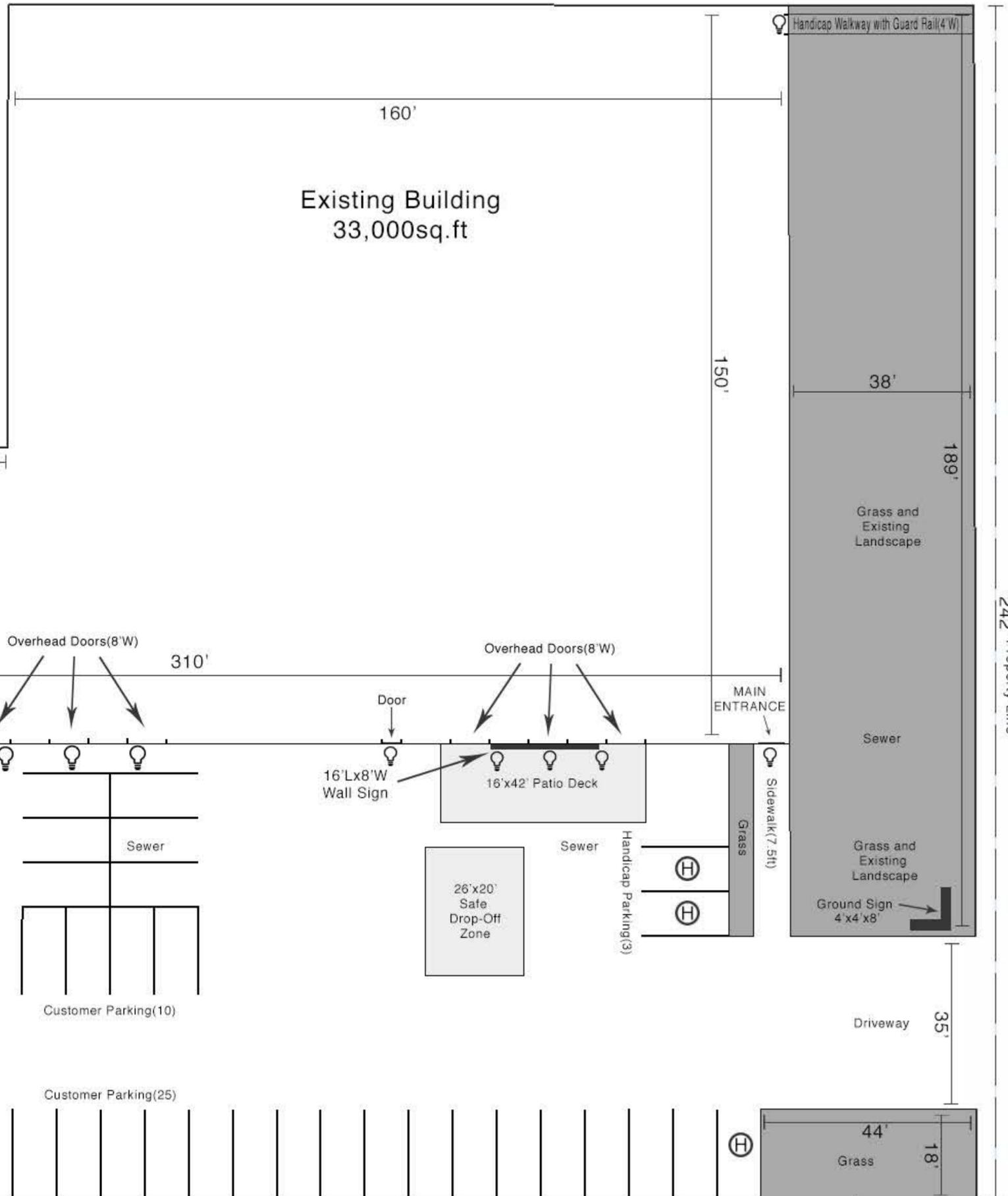
4400
CSM 4153
LOT 2

4300

CSM 3736



9009 N Deerbrook Trail
Brown Deer, WI 53223



Deerbrook Trail Road

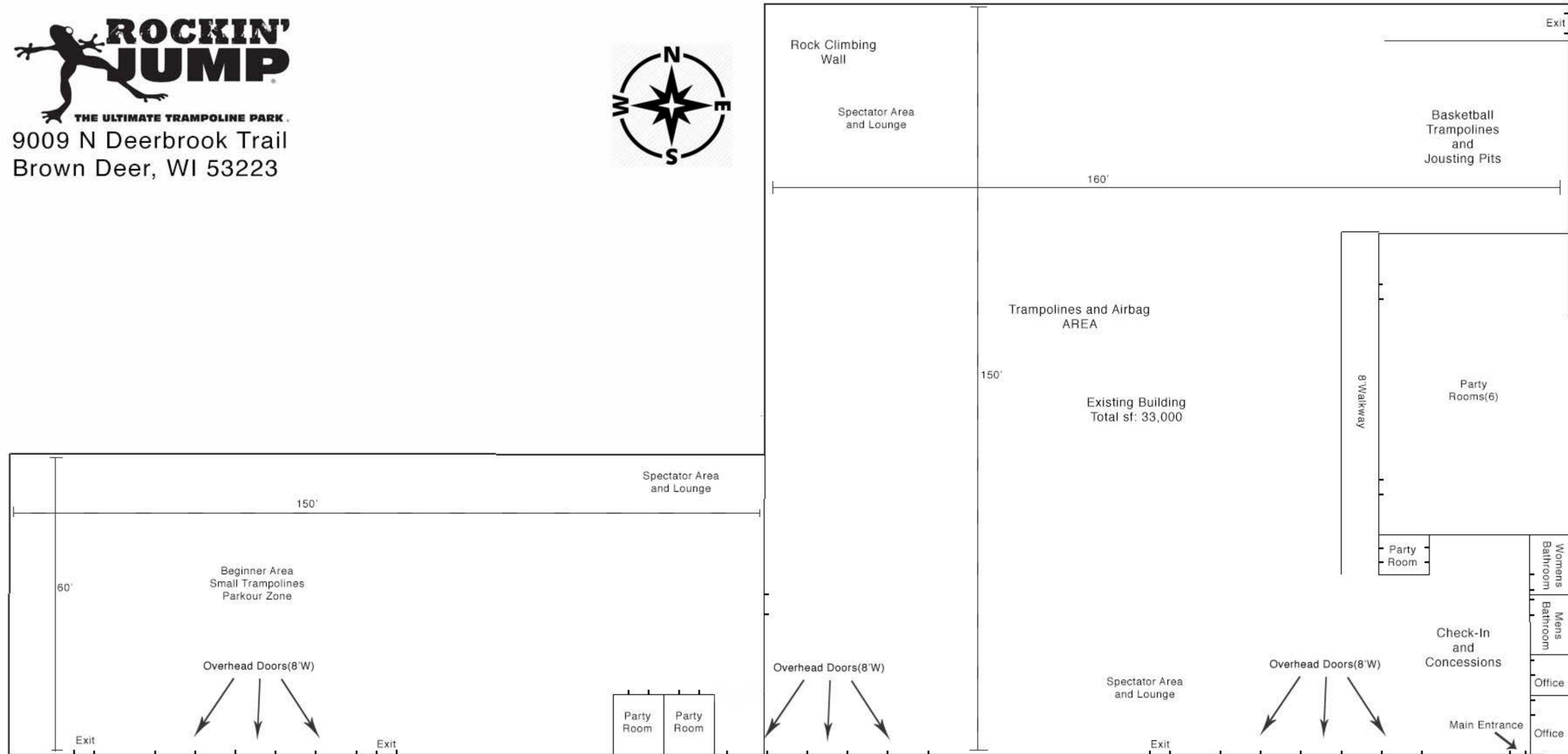
242' Property Line

381' Property Line

SITE PLAN

SCALE: 1" = 35'

ROCKIN' JUMP
 THE ULTIMATE TRAMPOLINE PARK.
 9009 N Deerbrook Trail
 Brown Deer, WI 53223



FLOOR PLAN

Scale: 1" = 35'

**BROWN DEER BUSINESS PARK
NINTH AMENDMENT TO THE DEVELOPMENT AGREEMENT**

WHEREAS, on November 1, 1977 **BROWN DEER BUSINESS PARK LIMITED PARTNERSHIP**, a Wisconsin Limited Partnership, and the **VILLAGE OF BROWN DEER** entered into an agreement for the development of Brown Deer Business Park, said Agreement being recorded in the office of the Register of Deeds, Milwaukee County, Wisconsin on November 2, 1977, as Document #5157672, in Reel 1063, Images 1-56, inclusive, said Agreement appertaining to the following described real estate:

Brown Deer Business Park, being a Subdivision of a part of the NW ¼, NE ¼ and SE¼ of the SE ¼ of Section 2, also part of the SW ¼ of the SW ¼ of Section 1, Town 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin; and

WHEREAS, the Parties entered into a contract for the development of the Brown Deer Business Park as a Business Planned Development District; and,

WHEREAS, the Development Agreement stated that Exhibit "I" was attached thereto, made a part thereof, said Exhibit "I" indicating permitted uses for the development of said Brown Deer Business Park; and

WHEREAS, a request has been made to the Village Board of The Village of Brown Deer, Milwaukee County, Wisconsin, by Hager Pacific (heretofore known as "DEVELOPER") for amendment of Exhibit "I" the Development Agreement to list "Recreational Uses, such as but not limited to: rock climbing, fitness gyms, trampoline park, paintball, athletic training and competition facilities or similar indoor recreational pursuits that do not create noise beyond the confines of the premises" as a permitted use within the Brown Deer Business Park;

WHEREAS, the Brown Deer Village Board did agree to such amendment on July 18, 2016, subject to appropriate documentation;

NOW, THEREFORE, in consideration of the mutual promises and covenants of the parties hereto, it is hereby covenanted and agreed as follows:

1. The Village does hereby approve and authorize the amendment of Exhibit "I" to add: "Recreational Uses, such as but not limited to: rock climbing, fitness gyms, trampoline park, paintball, athletic training and competition facilities or similar indoor recreational pursuits that do not create noise beyond the confines of the premises" as an allowable use, and this amendment to the Brown Deer Business Park Development Agreement is hereby adopted to that effect. Said Amendment is attached hereto.
2. In all other respects, the Brown Deer Business Park Development Agreement dated November 1, 1977, as amended shall remain in full force and effect.
3. The 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 from the date of the execution of this document.

