

PLAN COMMISSION MEETING
Monday, June 11, 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: May 14, 2012 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Public Hearing and review and recommendation of commercial dance school at 9036 N. 51st Street
 - B) Public Hearing and review and recommendation of a public utility tower at 4545 W. Brown Deer Road
 - C) Review of a Conditional Use Permit for an outdoor beer garden and recreational activities at 7651 N. Teutonia Avenue
- VII. Adjournment

A handwritten signature in black ink that reads "Russell Van Gompel". The signature is written in a cursive style and is contained within a thin black rectangular border.

Russell Van Gompel, Village Manager
June 7, 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
MAY 14, 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 7:02 P.M.

I. ROLL CALL

Present: President Carl Krueger; Trustees: Jeff Baker, Tim Schilz; Commissioners: Ryan Schmitz, Susan Bellehumeur

Also Present: Russell Van Gompel, Village Manager; Nate Piotrowski, Community Development Director

Excused: Commissioners Dan Bednar, Bill Hoffmann, Jeff Jaroczynski

II. PERSONS DESIRING TO BE HEARD

None.

III. CONSIDERATION OF MINUTES: April 9, 2012 – Regular Meeting and April 30, 2012 – Special Meeting

It was moved by Commissioner Schmitz and seconded by Commissioner Bellehumeur to approve both the regular meeting minutes of April 9, 2012 and the special meeting minutes of April 30, 2012. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Van Gompel reported that good progress was being made with new developments in the Village including the HHGregg, The Tile Shop and Bradley Crossing. He added that a court hearing was held last week related to the Original Village Streetscape adverse possession claim and noted that the Village is awaiting a ruling from the judge which was expected within the next seven days. Mr. Piotrowski reported that Shop on Sherman was now officially open for business.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

A) Conceptual Review of commercial dance school at 9036 N. 51st Street

Mr. Piotrowski reviewed the proposal and introduced the applicant Jason Stammer. Mr. Stammer added that the building and landscaping for the site would be refreshed and that the interior would be completely remodeled. He stated that most of dance school activity happened between 4 p.m. and 9 p.m. during the school year.

President Krueger asked if the doors on the south side of the building would be used. Mr. Stammer replied that two of the doors would be filled in with new brick.

Commissioner Bellehumeur asked if the parking lot was to be replaced or expanded. Mr. Stammer indicated that this would not happen immediately but rather as part of a five year capital plan. Trustee Schilz stated that shared parking at the Village Pond lot was possible, however it was noted that during winter months the west of the lot was not regularly plowed.

It was consensus of the Plan Commission that the proposed land use was compatible with the surrounding area. No action was taken as the item must have a public hearing in June before a recommendation can be made.

VII. ADJOURNMENT

It was moved by Commissioner Schmitz and seconded by Commissioner Bellehumeur to adjourn at 7:30P.M. The motion carried unanimously.



Nate Piotrowski, Community Development Director



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Public Hearing and review and recommendation of commercial dance school at 9036 N. 51st Street
PREPARED BY: Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
REPORT DATE: June 7, 2012
MANAGER'S REVIEW/COMMENTS: <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
Applicant: Jason Stammer, Academy of Dance Arts
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 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.

BACKGROUND:

The Academy of Dance Arts is currently operating in the Bradley West shopping center in the 4800 block of West Bradley Road. They are seeking to relocate their business to the Hepex property on the north east corner of 51st and Green Brook Drive. The existing zoning at this location is M-Manufacturing and a commercial dance school is considered a conditionally permitted use in the neighborhood.

Staff has reviewed the proposal and noted that there is precedent for a similar use in the zoning district, namely the gymnastics academy on 55th Street. Additionally, Staff has determined that the capacity of the building will be 49 persons based on fire and building code requirements. This capacity limit addresses a Staff concern about parking demands and neighborhood impact and it also means that the site would meet parking code requirements of 1 space per 2 employees and 1 space per 7 students. Additional parking if necessary could be found on the adjacent streets or even in the Village Pond parking lot. Attached is a statement of operation and floor and site plans for the space. Also attached is a draft conditional use permit.

RECOMMENDATION:

Staff suggests that the Plan commission recommend approval of the conditional use permit to the Village Board. Should you have any questions please contact Nate Piotrowski at 414-371-3061.

**CONDITIONAL USE
PERMIT**

Commercial Dance School

Document Number

Document Title

Before the Village Board of the Village of Brown Deer, in regard to Premises at **9036 N. 51st Street** located in the SE 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 Lindsay Stammer of Academy of Dance Arts 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 **Commercial Dance School** 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**

029-0093-003

Parcel Identification Number (PIN)

CONDITIONAL USE PERMIT
Commercial Dance School

029-0093-003

Document Number

Document Title

Parcel Identification Number (PIN)

THE CONDITIONS of this Permit are:

1. This Permit is granted to Academy of Dance Arts LLC, upon the representation that it is the owner of the Premises and shall become effective upon the execution of the acceptance hereof by Academy of Dance Arts 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: **Commercial Dance School**. 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- Sunday 9:00am – 10:00pm. After hours access and use is strictly prohibited.**
 - 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
Commercial Dance School

029-0093-003

Parcel Identification Number (PIN)

Document Number

Document Title

-
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 dance school.**
 - (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 dance school 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.**
 - (5) Off street parking areas shall be maintained in good condition. Currently deteriorated parking areas shall be resurfaced within 5 years. If off street parking shortfalls are identified the owner shall provide additional parking spaces at the Village's discretion to meet parking demand.**

Exhibit A

STAMMER DESIGN GROUP
DIVISION OF JADEN INDUSTRIES L.L.C.
6130 W. LILLY LANE
MEQUON, WISCONSIN 53092
PHONE: 414-313-4681 FAX: 262-242-7854
STAMMERDESIGN@WI.RR.COM

ACADEMY OF DANCE ARTS PLAN OF OPERATION

Project: Academy of Dance Arts

Location: 9035 N. 51st St., Brown Deer, Wi. 53092

The Academy of Dance Arts (ADA) has been in business for 11 years under the ownership and direction of Lindsay Stammer. ADA had been an established business for at least 8 years prior to Lindsay Stammer taking it over. ADA has had a 5 year plan to grow their business. They have found a great foundation within the Village of Brown Deer and with that came great patronage. ADA has earned not only a good reputation and respect within the Village of Brown Deer, but as well it is patronized from over 17 different zip codes. This sort of wide range of patronage brings a great value to ADA's immediate neighboring commerce. In order to grow their business, ADA needs to continue attract outside patrons from many different demographics. ADA has found it difficult to do so in its current location due to a number of reasons.

It has been a passive approach for ADA to locate to relocate. They have entertained the idea of relocating for a number of years, but they wish to maintain their business within the Village's boundaries. ADA has found a property located at 9036 N. 51st St. that fits their model for growth and currently have an approved offer to purchase.

The Academy of Dance Arts has 10 part time teachers and operate Monday-Thursday with classes starting at 4:00 pm to about 10 p.m. as well as Saturday starting at 9 a.m. to 3 p.m. As part of their growth model, ADA will provide daytime classes during the week, which they had not previously and potentially Friday as well.

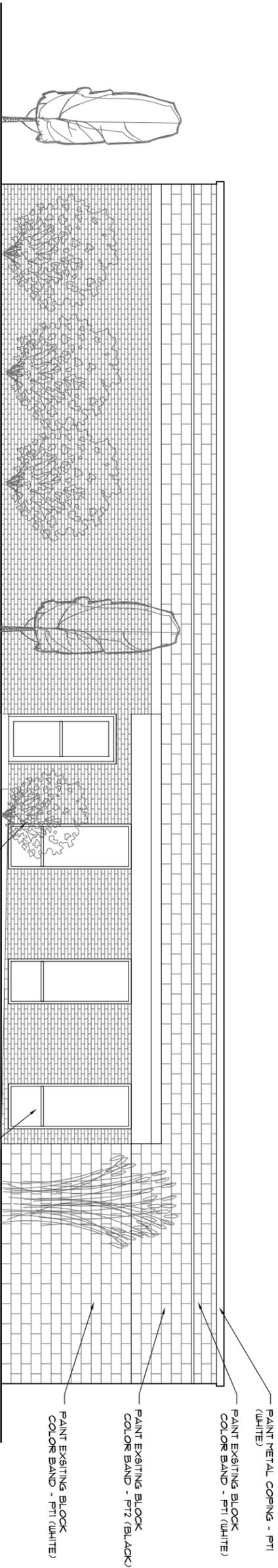
The existing location has limited parking lot for approx. 9 vehicles, with 3-5 additional staff parking to the rear of the building. However, the building is housed on the corner allowing for off-premise parking for ease of access for it patrons. ADA plans to construct a new walk connecting the front of the building to 51st street directly west. ADA wishes to construct additional parking on premise, but the budget does not allow for it at this time.

The building has existing landscaping that will remain. ADA will trim and spruce up the existing vegetation to make it more presentable. ADA if going to paint the exterior with it logo and name incorporated into the decor. The interior of the building will house (4) sizeable studios with a comfortable waiting areas, an office and dance wear boutique, and accessible toilet rooms.

The zoning classification for the Academy of Dance Arts is that of a business. It is looking to occupy a building that is currently within a manufacturing district. ADA is requesting an approval of a Conditional Use permit.

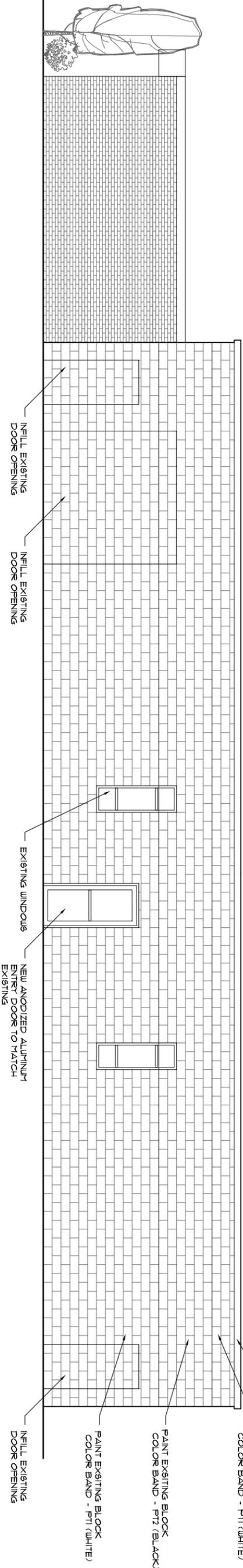
IMPORTANT – This message is intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmittal in error please notify the Stammer Design & Assoc./Jaden Industries L.L.C. immediately by telephone and return the original message to the Stammer Design Group/Jaden Industries L.L.C. via the U.S. Postal Service.

Thank You.



Front (West) Elevation - (51st St.)

1
A2.0



Side (South) Elevation (Green Brook Dr.)

2
A2.0

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DATE:	4.15
APPROVED BY:	
SUBMITAL DATE:	
LIST REL. DATE:	3-4-12
REVISION:	
SHEET:	
A2.0	

Proposed Alteration for:

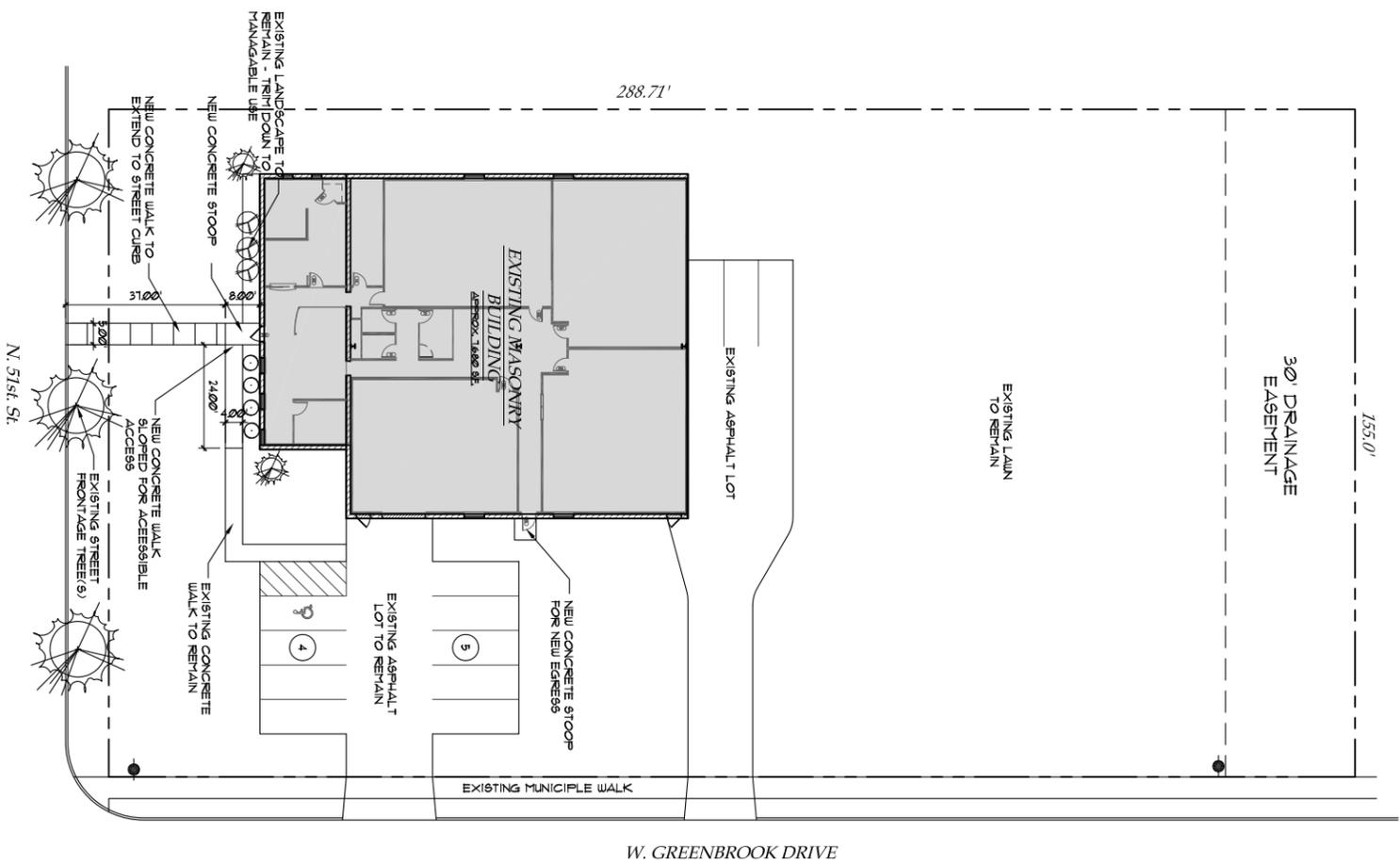
Academy of Dance Arts

9036 N. 51st St. Braum Deer, Wisconsin 53223

Stammer Design Group

6130 W. Lilly Lane
Mequon, Wisconsin 53092
Ph: 414-313-4681
Fax: 262-242-7854

StammerDesign@wi.rr.com



LEGEND

- ⊗ SANITARY MH
- ⊙ STORM MH
- INLET
- WATER MH
- HYDRANT
- WATER VALVE
- ⊕ GAS VALVE
- ⊕ TELEPHONE MH
- ⊕ TELEPHONE PEDESTAL
- ⊕ MARKED FIBER OPTIC
- ⊕ ELECTRIC MH
- ⊕ ELECTRIC PEDESTAL
- ⊕ ELECTRIC METER
- ⊕ GAS METER
- ⊕ CABLE PEDESTAL
- ⊕ LIGHT POLE
- ⊕ UTILITY POLE
- ⊕ GUY
- ⊕ TRAFFIC LIGHT
- ⊕ CONTROL BOX
- ⊕ RR CROSSING SIGN
- ⊕ BOLLARD
- ⊕ WELL
- ⊕ EDGE OF WATER
- ⊕ EDGE OF MARSH
- ⊕ FLAGPOLE
- ⊕ SIGN
- ⊕ MAILBOX
- ⊕ MONITORING WELL / BORING
- ⊕ POLICE AND FIRE MANNHOLE
- DECIDUOUS TREE
- CONIFEROUS TREE
- EDGE OF TREES
- WATERMAIN
- BURIED GAS MAIN
- BURIED ELECTRIC
- BURIED TELEPHONE
- SANITARY SEWER
- STORM SEWER
- OVERHEAD WRES.
- BURIED ELEC. SERV.

- VTR-MAIN — WATER MAIN
- VTR-HOT — WATER HOT
- ELEC — ELECTRIC BURIED
- DH ELEC — ELECTRIC OVERHEAD
- TELE — TELEPHONE BURIED
- DH TELE — TELEPHONE OVERHEAD
- SAN — SANITARY LINE
- GAS — GAS LINE

SITE PLAN



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Drawing Title:	Proposed Alteration for:
DATE:	4/15
DESIGNED BY:	
APPROVED BY:	
SHEET NO.:	1
LAST REVISION:	5-1-12
SHEET:	
SP1.0	

9036 N. 51st St. Braum Deer, Wisconsin 53223

Academy of Dance Arts

Stammer Design Group

6130 W. Lilly Lane
 Mequon, Wisconsin 53092
 Ph: 414-313-4681
 Fax: 262-242-7854

StammerDesign@wi.rr.com



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Public Hearing and review and recommendation of a public utility tower at 4545 W. Brown Deer Road
PREPARED BY: Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
REPORT DATE: June 7, 2012
MANAGER'S REVIEW/COMMENTS: <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
Applicant: Brian Rogers, Badger Meter Inc.
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 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.

BACKGROUND:

Badger Meter is looking to erect a 90 foot high lattice tower in the SE corner of their lot in order to install antennas to support wireless water meter reading systems. This system will be tested and run in conjunction with the Brown Deer Water Utility. The tower will be a matte aluminum finish that should resist rusting and or bleeding of color. The tower will also feature three small antennas at the top with cabling that will run internally. The base of the antenna will only feature a small 2 foot by 2 foot junction box for networking equipment and an additional 1 foot by 1 foot box for a wireless antenna. Attached are drawings of the tower, a site plan, renderings of the tower from north and south and a picture of the antennas. Also included is a draft conditional use permit which states that the tower is to be removed if no longer in service.

RECOMMENDATION:

Staff believes that the Badger Meter property has ample room with which to erect the tower and operate it safely without significant aesthetic issues for the neighbors. Therefore it is suggested that the Plan commission recommend approval of the conditional use permit to the Village Board. Should you have any questions please contact Nate Piotrowski at 414-371-3061.

**CONDITIONAL USE
PERMIT**

Public Utility Tower

Document Number

Document Title

Before the Village Board of the Village of Brown Deer, in regard to a public utility tower at **4545 W. Brown Deer Rd.**, located in the SW ¼ of the NE ¼ of Section 11, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, State of Wisconsin, 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 standards in the Village Code; and

WHEREAS, a Petition has been made by Badger Meter Inc., 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 a **Public Utility Tower** subject to compliance with the terms and conditions hereinafter stated in this Conditional Use Permit (hereinafter the "Permit").

Recording Area

Name and Return Address:

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

047-9980-002

Parcel Identification Number (PIN)

CONDITIONAL USE PERMIT
Public Utility Tower

047-9980-002

Document Number

Document Title

Parcel Identification Number (PIN)

THE CONDITIONS of this Permit are:

1. This Permit is granted to Badger Meter Inc., upon the representation that it is the owner of the Premises and shall become effective upon the execution of the acceptance hereof by Badger Meter 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 the owner 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: **Public Utility Tower.** The use of the Premises as a cellular antenna and equipment shelter location shall be in substantial compliance consistent with the plans set forth in the Site Plans and Elevations submitted to the Village of Brown Deer in support of its request for this Permit, which are 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: **24-hour continual operation. Public access is prohibited.**
 - 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 land owner and upon recommendation of the Plan Commission and approval of the Village Board, may be continuous pursuant to pursuant to Section 121 of the Village Code of Brown Deer.**
 - e. Other:
 - (1) **The applicant shall reimburse the Village for any legal, engineering and other administrative expenses required pursuant the Village Code.**
6. Conditions of the Building other than in accordance with the approved building plans.
 - (1) **The tower shall be constructed and erected to meet all Federal, State and local commercial building codes and requirements.**

CONDITIONAL USE PERMIT

Public Utility Tower

047-9980-002

Document Number

Document Title

Parcel Identification Number (PIN)

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 supplies, building materials or equipment related to the tower operation.**
 - (2) **The property shall be kept free and clear of litter and debris.**
 - (3) **Overnight parking of motor vehicles or maintenance equipment shall be prohibited.**
 - b. Finished topography and building grades, retaining walls, storm water run-off:
 - (1) **None.**
 - c. Sign location, size, design:
 - (1) **There shall be no signs of any kind on the tower or antenna. One identification decal with emergency contact information is allowed provided that it cover no more than ten percent (10%) of the surface area of the elevation on which it is located.**
 - d. Exterior lighting of the site, location, design and power:
 - (1) **None.**
 - 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 30 days of written notification.**
 - (2) **Perimeter fencing on the property shall be maintained in good repair so as to prevent unauthorized access to the tower.**
 - (3) **The tower shall meet or exceed any and all applicable Federal Aviation Administration requirements as well as any and all Federal Communication Commission standards or requirements.**
 - (4) **If the public utility tower is no longer in use, it is the responsibility of the owner to remove the tower and all equipment and support material and restore the site to its pre-construction condition.**

Exhibit A

Exhibit B- Site Plan



VIEW FROM BROWN DEER RD

TOWER LOCATION

VIEW FROM STONERIDGE CT

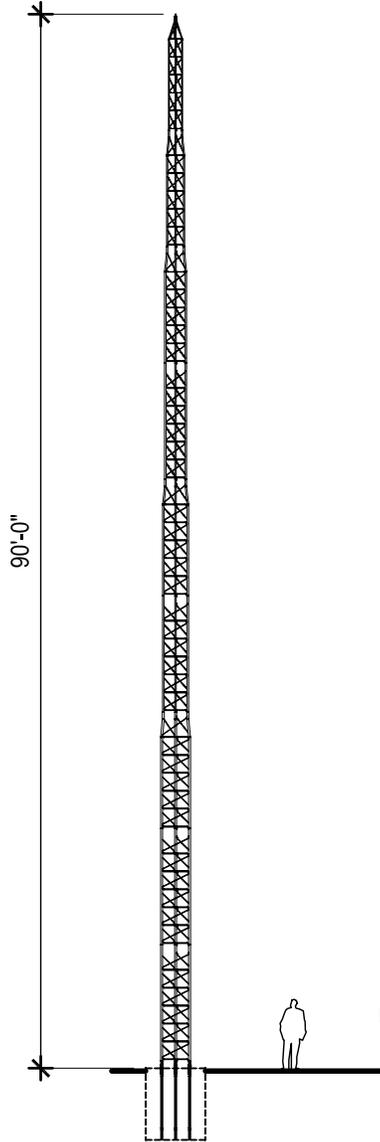






FREESTANDING ALUMINUM TOWER

MODEL #HD 11-90



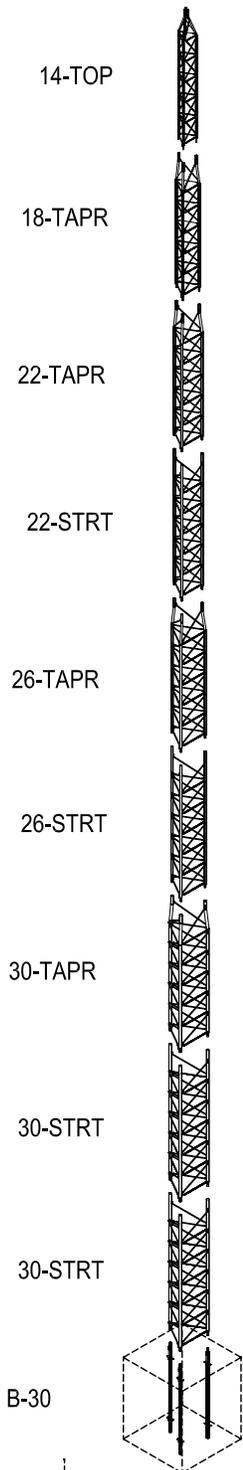
TOTAL WEIGHT: 403 LBS.

WIND LOADING:
10.79 Sq. Ft.

Contact Universal Towers to confirm
geographical location of your tower and
all wind load implications

WARRANTY

UNIVERSAL TOWERS ARE WARRANTED AGAINST DEFECTIVE MATERIAL OR WORKMANSHIP AND ARE SUBJECT TO REPAIR OR TO MATERIAL REPLACEMENT ONLY IF FAILURE RESULTS FROM THESE FACTORS WITHIN ONE YEAR FROM PURCHASE BY USER. THIS WARRANTY DOES NOT EXTEND TO ANY OF OUR PRODUCTS WHICH HAVE BEEN SUBJECTED TO MISUSE, NEGLIGENCE, ACCIDENT, IMPROPER INSTALLATION OR APPLICATION, NOR SHALL IT EXTEND TO UNITS WHICH HAVE BEEN REPAIRED OR SUBSTANTIALLY ALTERED OUTSIDE OF OUR FACTORY. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES EXPRESSED OR IMPLIED.



ELEVATION	2
SCALE: 1/16"=1'=0"	

ISOMETRIC	1
SCALE: N.T.S.	

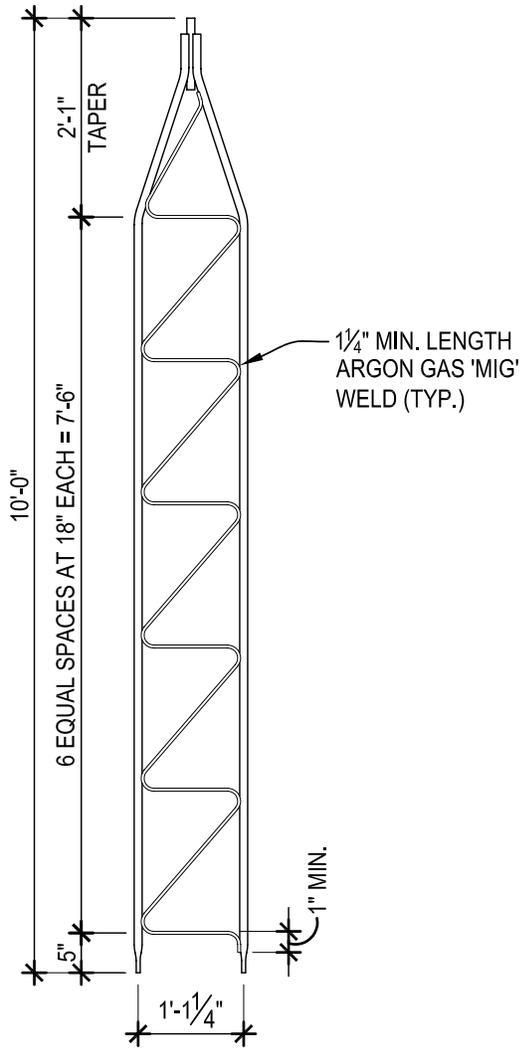
ALUMINUM TOWER



UNIVERSAL TOWERS
A DIVISION OF
 UNIVERSAL MANUFACTURING CORP.
 43900 GROESBECK HWY.
 CLINTON TOWNSHIP, MI 48036
 PH: (586) 463-2560
 FAX: (586) 463-2964

JOB NO.:

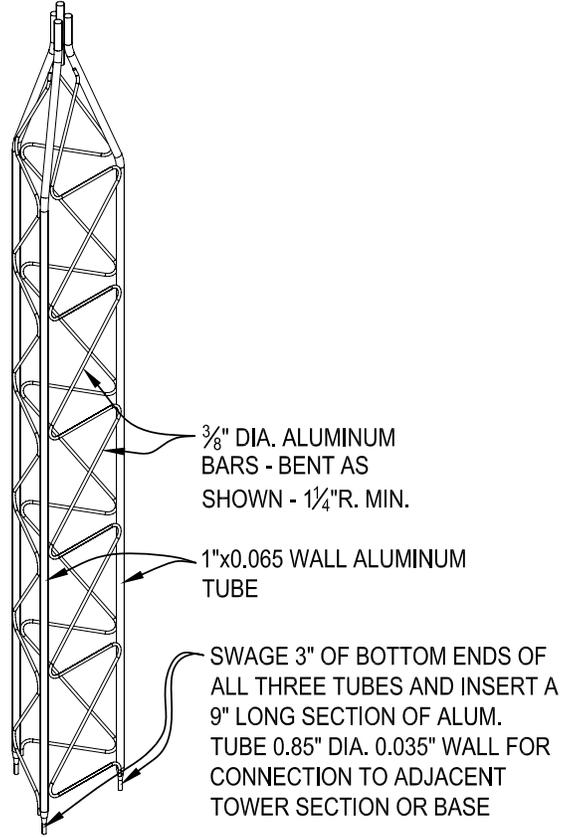
 COMPONENT:
 HD 11-90



ELEVATION

SCALE: 1/2"=1'-0"

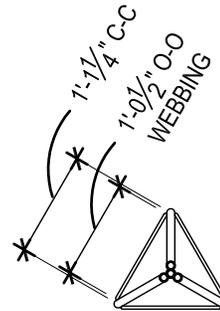
2



ISOMETRIC

SCALE: N.T.S.

3



PLAN VIEW

SCALE: 1/2"=1'-0"

1

TOP SECTION

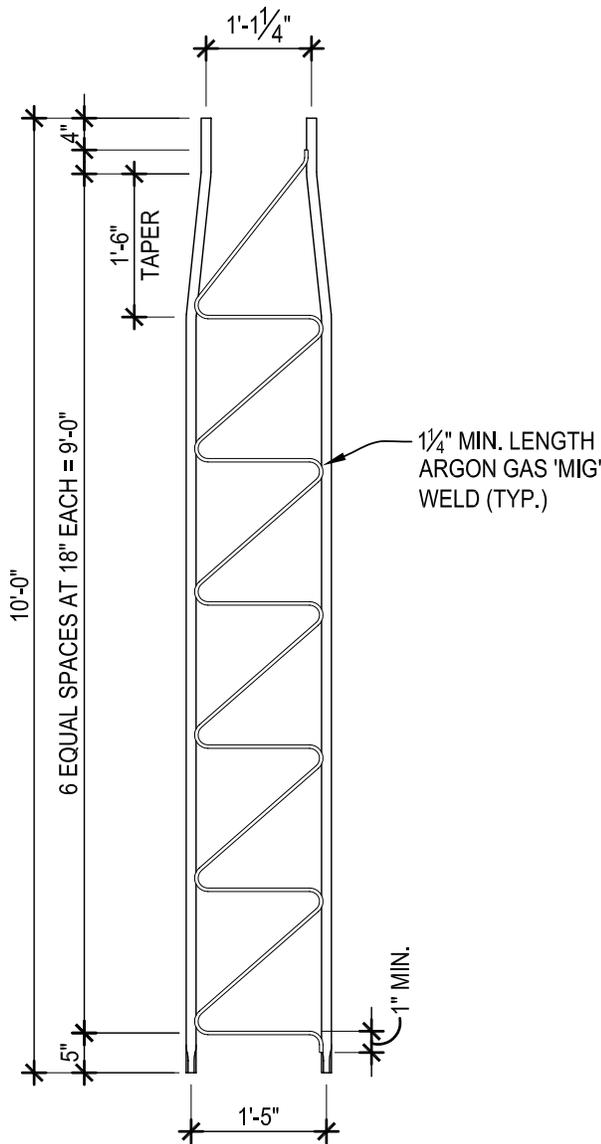


UNIVERSAL TOWERS
 A DIVISION OF
 UNIVERSAL MANUFACTURING CORP.
 43900 GROESBECK HWY.
 CLINTON TOWNSHIP, MI 48036
 PH: (586) 463-2560
 FAX: (586) 463-2964

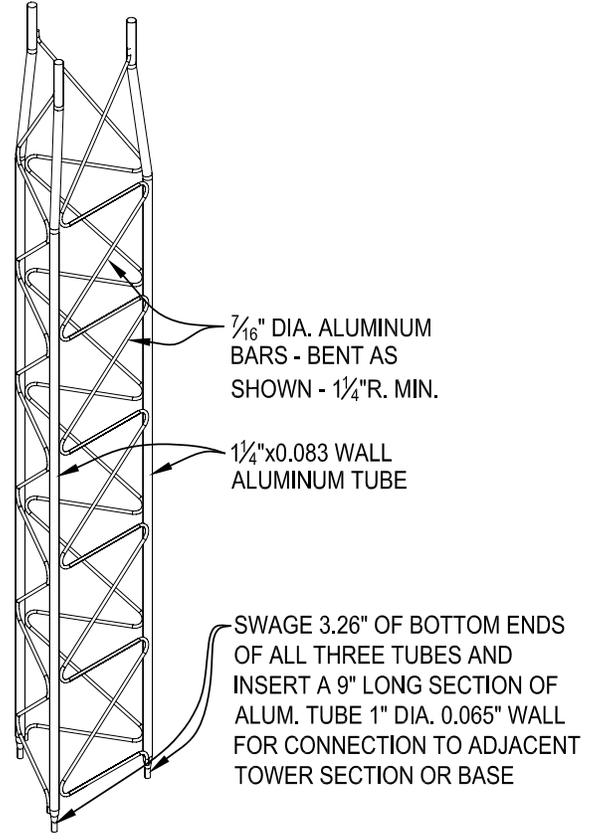
JOB NO.:

COMPONENT:

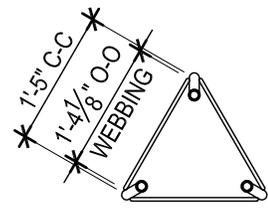
14-TOP



ELEVATION 2
SCALE: 1/2"=1'-0"



ISOMETRIC 3
SCALE: N.T.S.



PLAN VIEW 1
SCALE: 1/2"=1'-0"

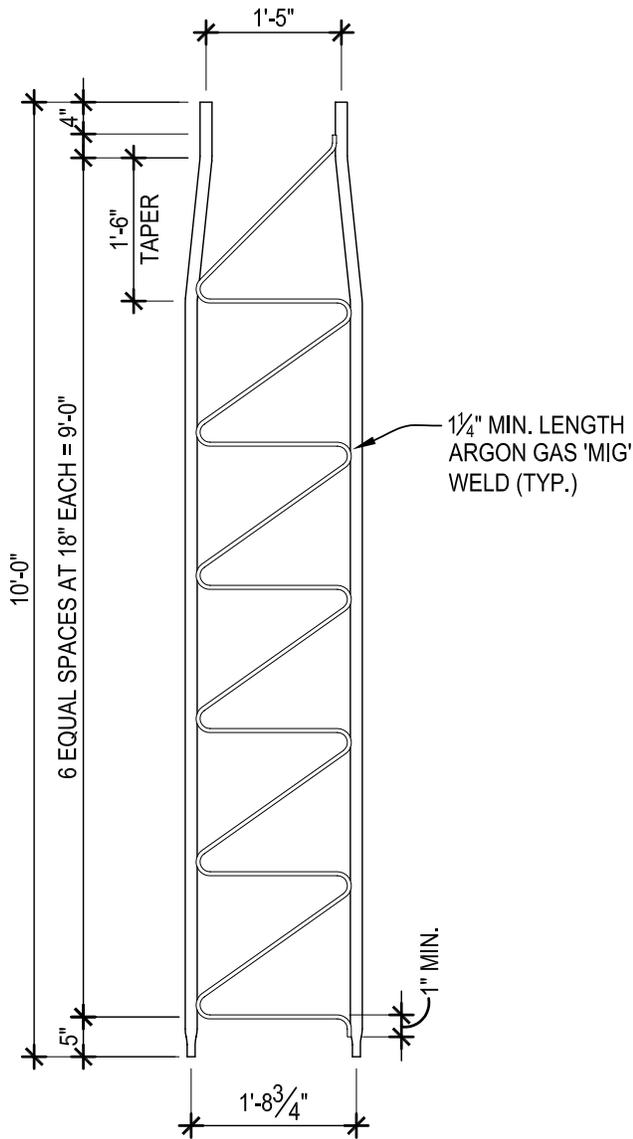
TAPERED SECTION



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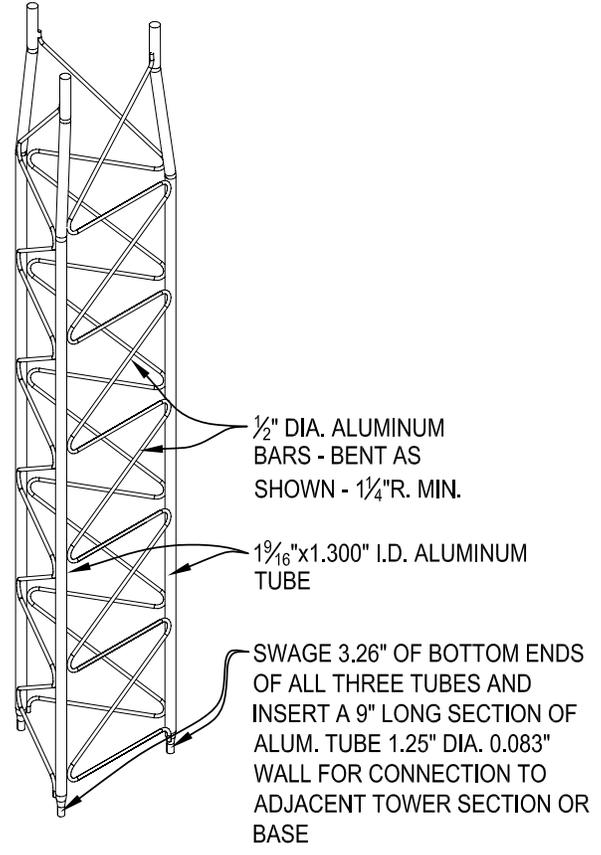
JOB NO.:

COMPONENT:
18-TAPR



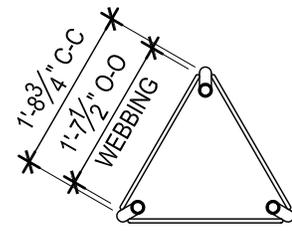
ELEVATION 2

SCALE: 1/2"=1'-0"



ISOMETRIC 3

SCALE: N.T.S.



PLAN VIEW 1

SCALE: 1/2"=1'-0"

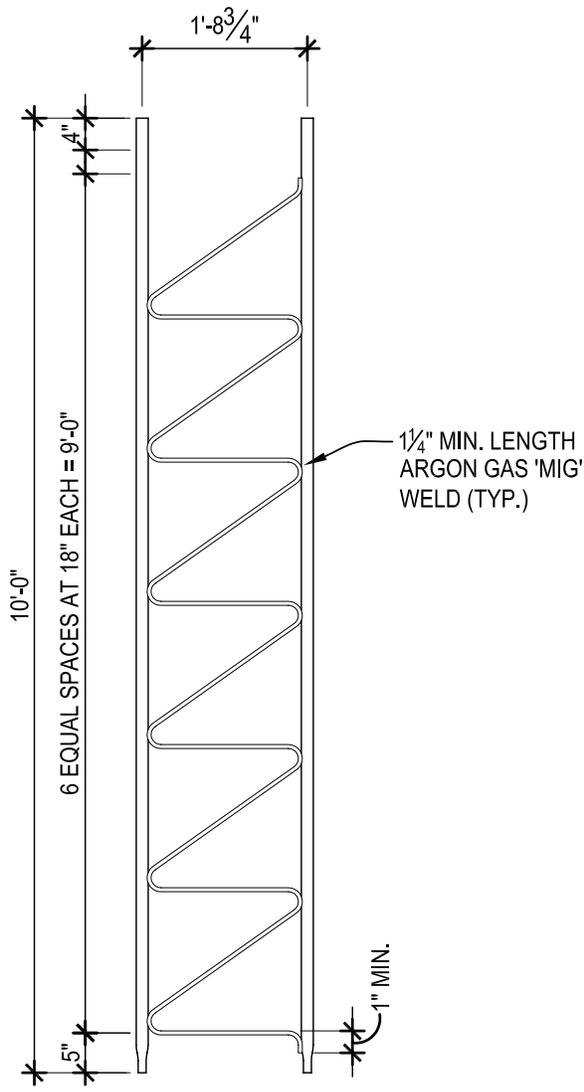
TAPERED SECTION



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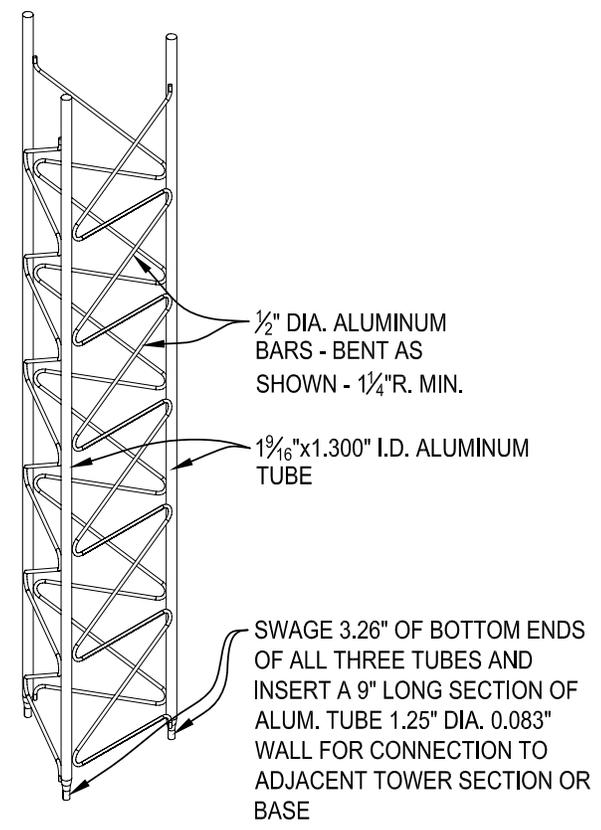
JOB NO.:

COMPONENT:
22-TAPR



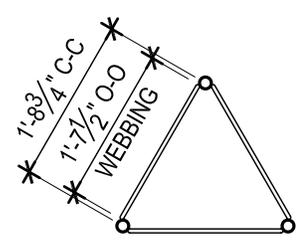
ELEVATION 2

SCALE: 1/2"=1'-0"



ISOMETRIC 3

SCALE: N.T.S.



PLAN VIEW 1

SCALE: 1/2"=1'-0"

STRAIGHT SECTION

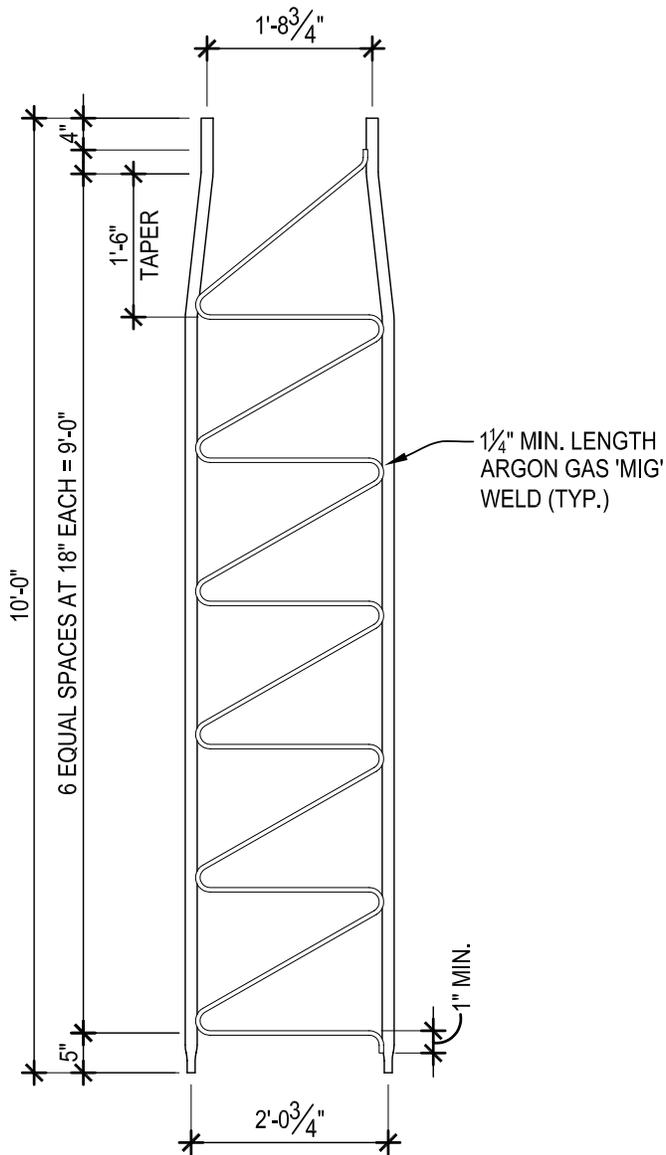


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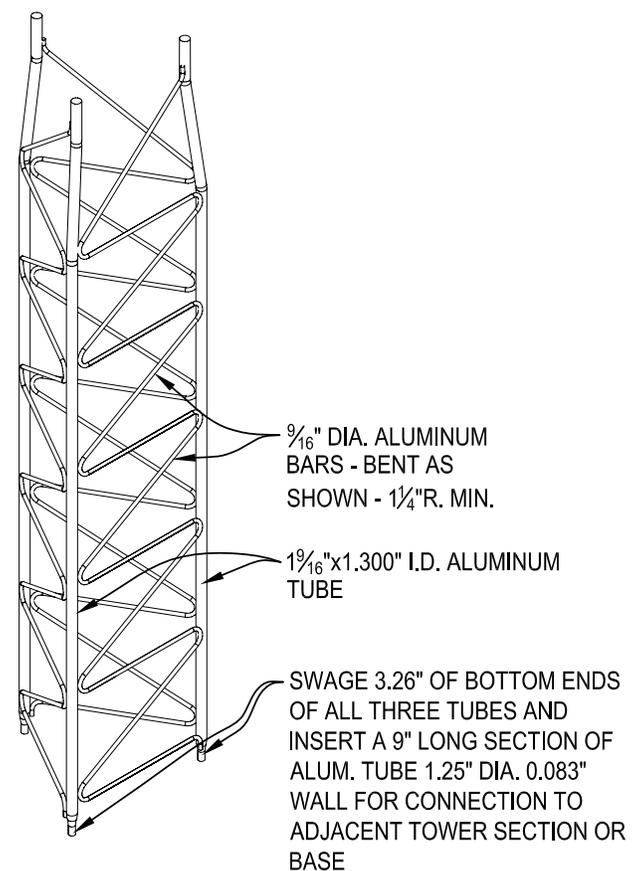
JOB NO.:

COMPONENT:

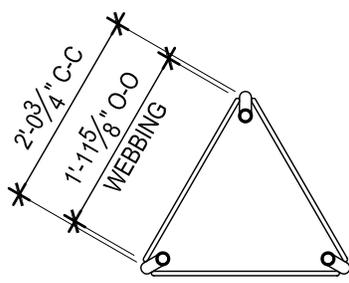
22-STRT



ELEVATION 2
 SCALE: 1/2"=1'-0"



ISOMETRIC 3
 SCALE: N.T.S.



PLAN VIEW 1
 SCALE: 1/2"=1'-0"

TAPERED SECTION

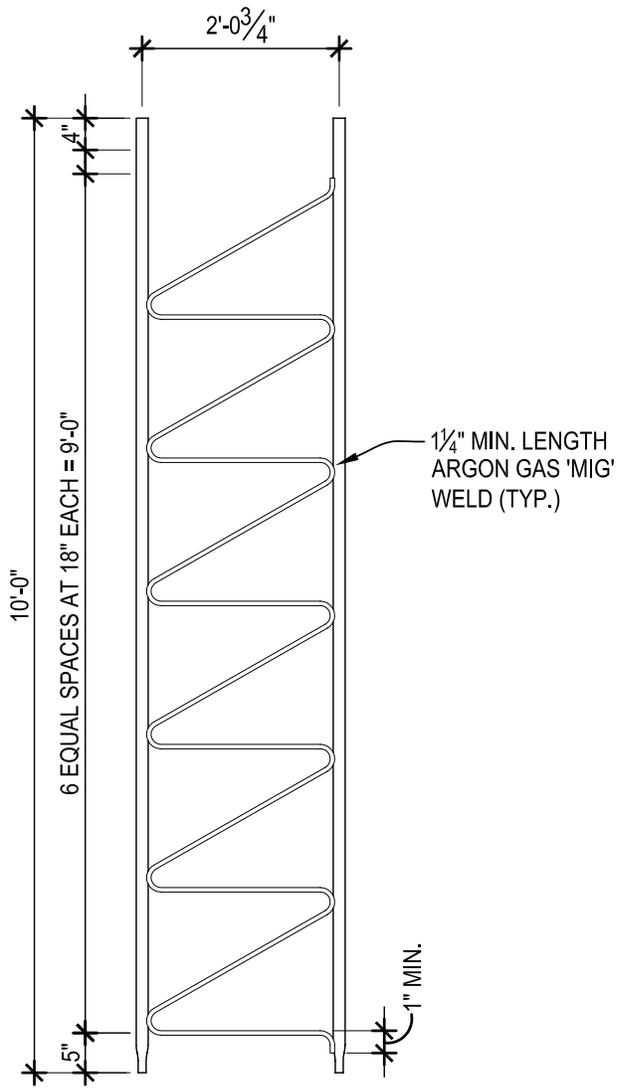


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JOB NO.:

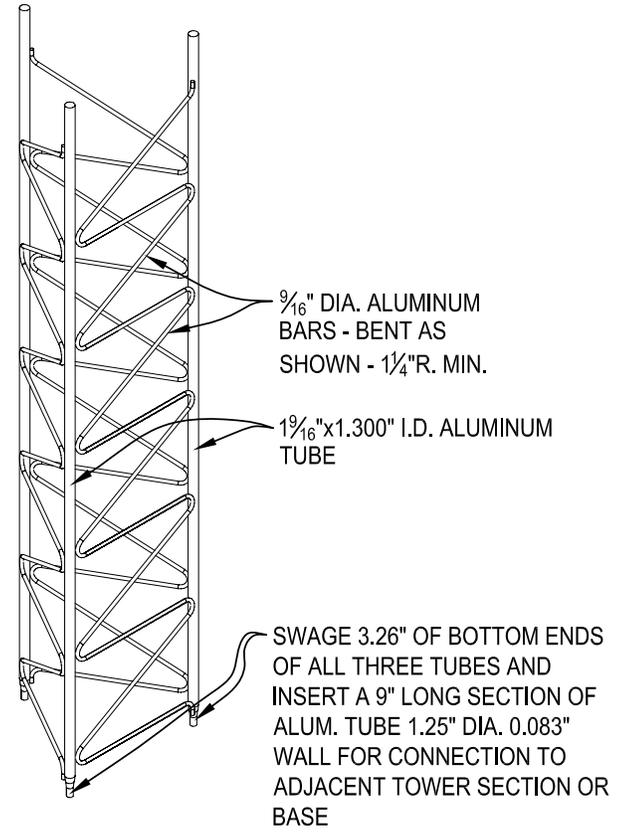
COMPONENT:

26-TAPR



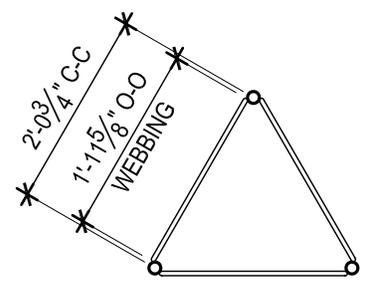
ELEVATION 2

SCALE: 1/2"=1'-0"



ISOMETRIC 3

SCALE: N.T.S.



PLAN VIEW 1

SCALE: 1/2"=1'-0"

STRAIGHT SECTION

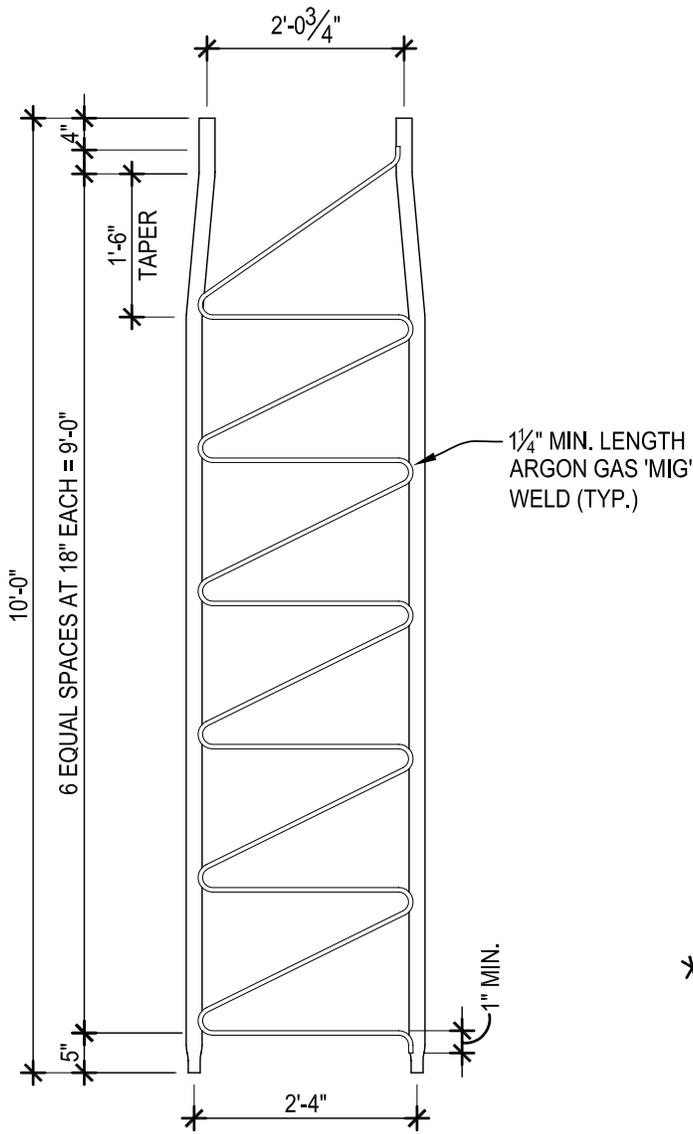


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JOB NO.:

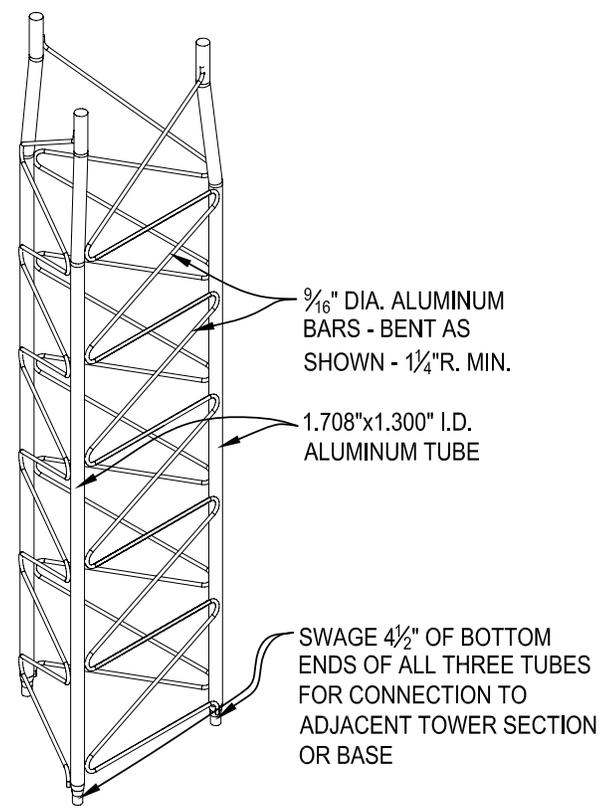
COMPONENT:

26-STRT



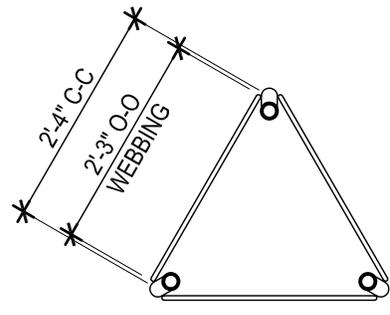
ELEVATION 2

SCALE: 1/2"=1'-0"



ISOMETRIC 3

SCALE: N.T.S.



PLAN VIEW 1

SCALE: 1/2"=1'-0"

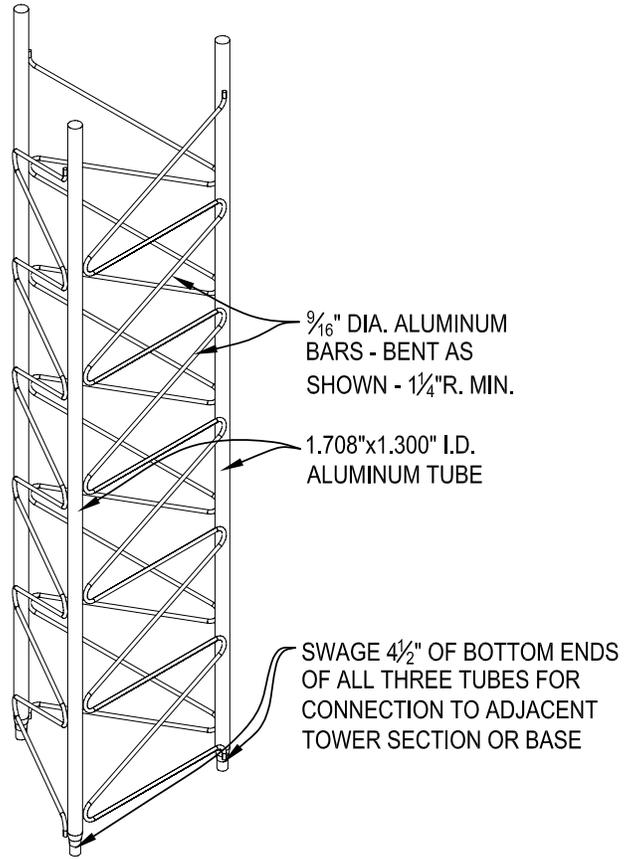
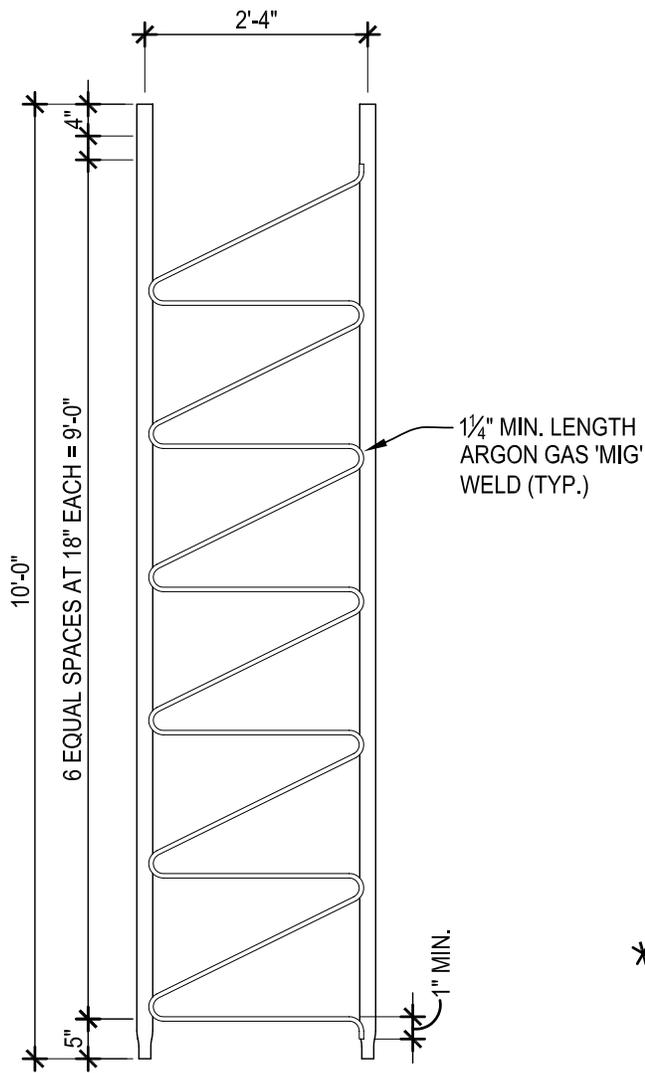
TAPERED SECTION



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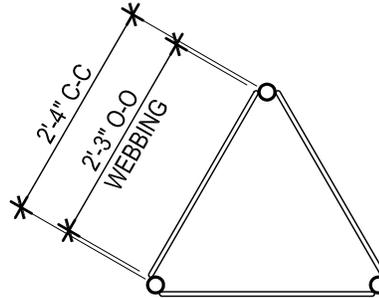
COMPONENT:
30-TAPR



ISOMETRIC

SCALE: N.T.S.

3



ELEVATION

SCALE: 1/2"=1'-0"

2

PLAN VIEW

SCALE: 1/2"=1'-0"

1

STRAIGHT SECTION

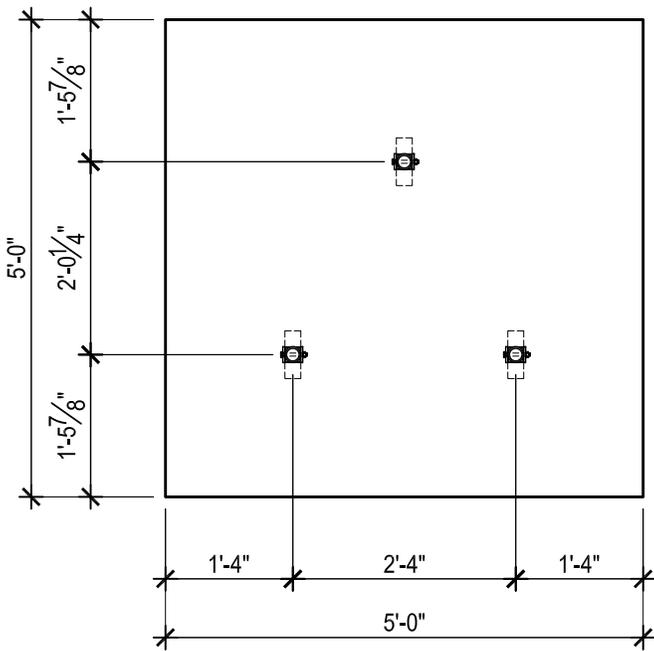


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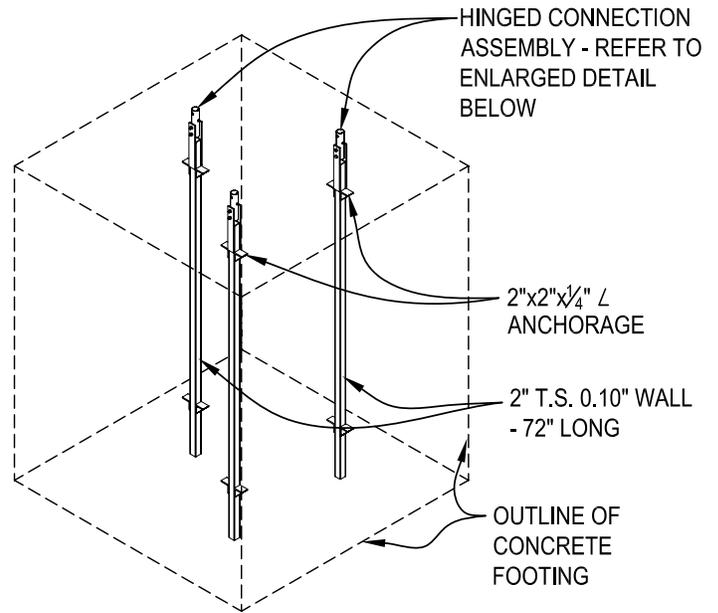
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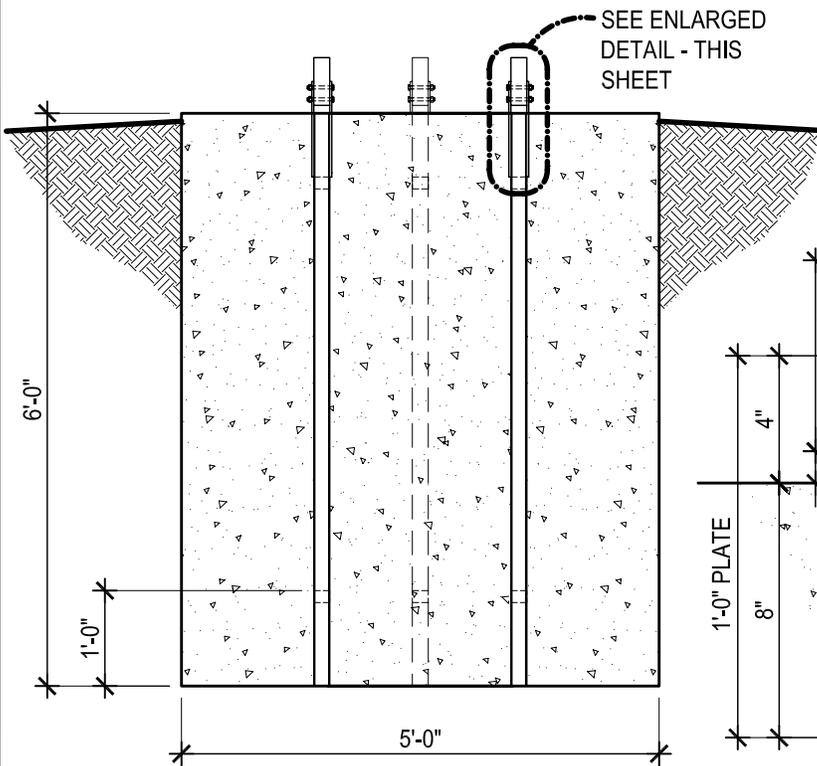
30-STRT



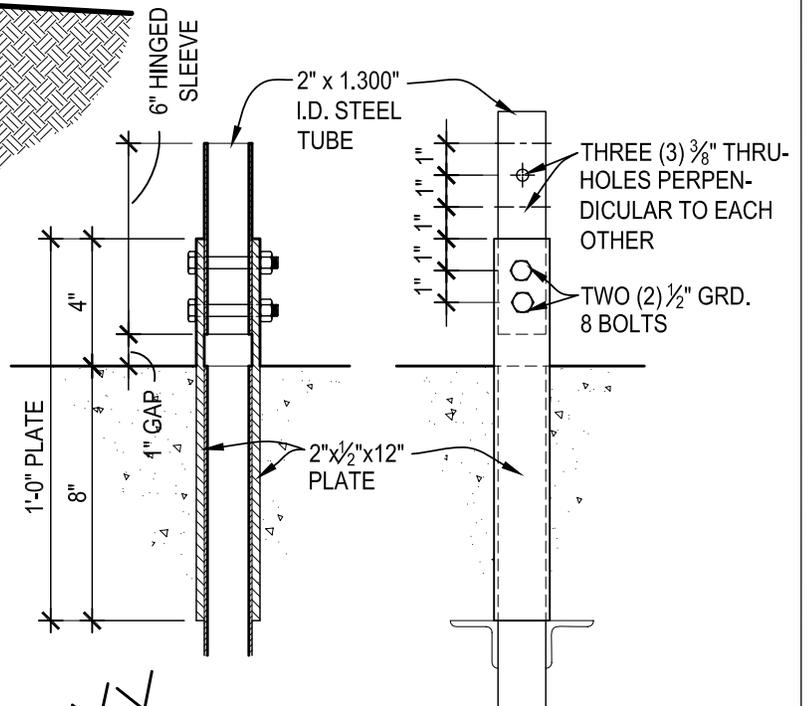
PLAN VIEW 1
SCALE: 1/2"=1'-0"



ISOMETRIC 3
SCALE: N.T.S.



ELEVATION 2
SCALE: 1/2"=1'-0"



NOTE: FOUNDATIONS ARE DESIGNED FOR FIRM BEARING SOIL.

BASE FOOTING



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FAX: (586) 463-2964

JOB NO.:

COMPONENT:

B-30



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review of a Conditional Use Permit for an outdoor beer garden and recreational activities at 7651 N. Teutonia Avenue
PREPARED BY: Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
REPORT DATE: June 7, 2012
MANAGER'S REVIEW/COMMENTS: <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
Applicant: Jill McNutt, Sons of Bob/Parkview Pub
Existing Zoning: B3-Commercial Applicable Code: Sec.121-63
VILLAGE ATTORNEY REVIEW: <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.

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. Since that time the beer garden has been established and in use. There have been a series of ongoing issues with regard to criminal activities within the bar and the associated parking lot. Additionally, there have been issues of noise complaints related to the conditional use and the parking areas. Most recently the Village Police Department reviewed the property for compliance with the conditional use permit and noted non-compliance with conditions 7(e)(9) and 7(e)(15). On several occasions patrons were noted drinking outside the principal structure and the premises has yet to secure an ID card reader as mandated in the permit. Because of these violations consideration should be given as to whether or not the conditional use should be revoked.

RECOMMENDATION:

Staff does not recommend revoking the conditional use immediately but rather revisiting the issue at July's Plan Commission meeting which would allow time for the operator to come in to compliance. Should you have any questions please contact Nate Piotrowski at 414-371-3061.

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
) ss
MILWAUKEE COUNTY)

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
) ss
MILWAUKEE COUNTY)

This Conditional Permitted Use Permit Acceptance was acknowledged before me this 23rd 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

Document Number	Document Title	Parcel Identification Number (PIN)
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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:

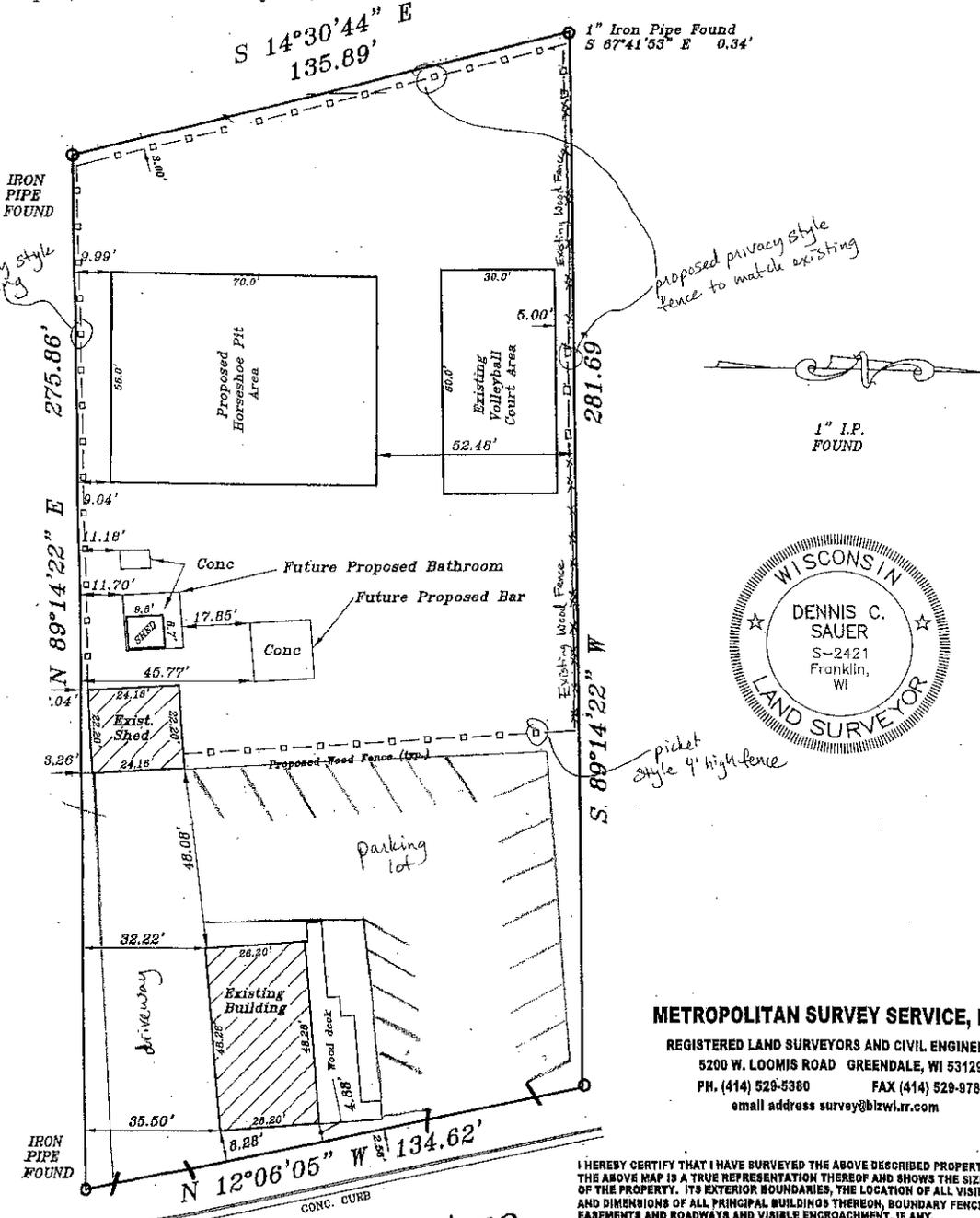
That part of the Northwest 1/4 of Section 13, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said 1/4 section; thence N 89°14'22" E along the South line of said 1/4 section 1340.00 feet 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.

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

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