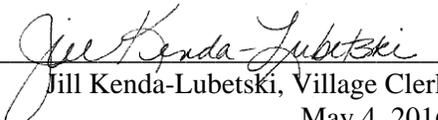


PLAN COMMISSION MEETING
Monday, May 9, 2016
Earl McGovern Board Room, 6:30 P.M.



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: April 11, 2016 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Public Hearing and Recommendation for a vacation of a portion of N. 42nd Street right of way adjacent to property located at 8520 N. 43rd Street
 - B) Public Hearing and Recommendation for an automobile service station, convenience store, automobile laundry and drive-thru at 9001 N. Green Bay Road
 - C) Review and Recommendation on revocation of a conditional use permit for an automobile service station, convenience store and automobile laundry at 4685 W. Bradley Road
- VII. Adjournment



Jill Kenda-Lubetski, Village Clerk
May 4, 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
APRIL 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; Trustee: Tim Schilz; Commissioners: Bill Hoffmann, Ryan Schmitz, Al Walters

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

Excused: Trustee: Jeff Baker Commissioner: Jeff Jaroczynski

II. PERSONS DESIRING TO BE HEARD

None

III. CONSIDERATION OF MINUTES: October 12, 2015 – Regular Meeting

It was moved by Commissioner Schmitz and seconded by Commissioner Hoffmann to approve the regular meeting minutes of February 8, 2016. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Piotrowski reported that Aldi was currently out to bid for construction, that Kohl's last day of operation would be June 19th and he reminded the Commissioners that they will all be invited to the volunteer appreciation dinner scheduled for May 20th.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

- A) Public Hearing and Recommendation for a rezoning of various parcels of land generally known as A.C. Hanson Park, Algonquin Park and Brown Deer Park to the P – Park zoning district**

President Krueger opened the public hearing at 6:36 p.m. President Krueger asked Attorney Boyle if he could include the two other rezoning public hearings under the existing open session. Attorney Boyle indicated that this was appropriate and President Krueger opened the public hearings for agenda items B and C at 6:37 p.m.

Mr. Piotrowski reviewed all three proposals. He indicated that the first agenda item was requested by Milwaukee County and that Staff saw fit to also seek the rezoning of Village Hall, the School Campus and Village parks to the new "Park" and "Institutional" zoning districts. He noted that the effort was more a matter of housekeeping to place existing uses into the most appropriate zone.

George Hanasko, 4804 W. Parkland Avenue stated that he was in favor of rezoning Algonquin Park and other park land to the new "Park" zoning district.

President Krueger asked if the zoning change impacted an owner's ability to sell the land. Mr. Piotrowski replied that it did not.

Commissioner Schmitz asked if Village Park was to be zoned “I-Institutional”. Mr. Piotrowski replied that it was to be zoned “P-Park” and only the adjacent Village Hall would be “I-Institutional”.

Trustee Schilz asked why other property such as the North Shore Fire Station, Tripoli Country Club and various churches were not being rezoned to “Park” or “Institutional”. Mr. Hall replied that staff wanted to rezone only the most obvious park and institutional properties and those that were least likely to change.

Commissioner Bednar asked if anyone could initiate a rezoning in the future. Mr. Piotrowski replied that the request could only be initiated by the property owner or the Village.

President Krueger closed the joint public hearings at 6:48 p.m.

It was moved by Commissioner Hoffmann and seconded by Commissioner Bednar to recommend approval of the rezoning to the Village Board. The motion carried unanimously.

- B) Public Hearing and Recommendation for a rezoning of various parcels of land generally known as Village Park, Fairy Chasm Park and Badger Meter River Park to P – Park zoning district**

It was moved by Commissioner Hoffmann and seconded by Commissioner Bednar to recommend approval of the rezoning to the Village Board. The motion carried unanimously.

- C) Review and Recommendation for a rezoning of various parcels of land generally known as Brown Deer Village Hall/Police Station and the Brown Deer School Campus, including the Brown Deer Library and Metropolitan Milwaukee Sewerage District Detention Basin to the I – Institutional zoning district**

It was moved by Commissioner Hoffmann and seconded by Commissioner Bednar to recommend approval of the rezoning to the Village Board. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Commissioner Schmitz and seconded by Commissioner Hoffmann to adjourn at 6:55 P.M. The motion carried unanimously.



Nate Piotrowski, Community Development Director



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION:	Plan Commission
ITEM DESCRIPTION: Public Hearing and Recommendation for a vacation of a portion of N. 42 nd Street right of way adjacent to property located at 8520 N. 43 rd Street	
PREPARED BY:	Nathaniel Piotrowski, Community Development Director
REPORT DATE:	May 3, 2016
Applicable Land Use Regulation: Village Code Sec. 121-92, 50-143	
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:

Mr. Dale Galloway owns property at 8520-22 N. 43rd Street. In the rear of his property the Village owns a portion of old N. 42nd Street right of way. This right of way area does contain a water and sewer line but has no other improvements such as a roadway surface. In fact the area is all turf grass which is maintained by Mr. Galloway.

The Village did not reconstruct any roadway in this area as a part of the recent Original Village construction project and does not plan to do so in the future. It is the opinion of Village staff that this area is unnecessary right of way and would be best served by reverting back to private property subject to easements for the underground utilities.

All owners fronting on this right of way have been notified and the directly adjoining neighbors have signed a letters stating that they do not object to the vacation. An aerial map of the property and neighborhood are included for your reference, along with a CSM that clearly depicts the right of way. An ordinance adopting the vacation is also included.

RECOMMENDATION:

Staff believes that this vacation makes sense since the Village does not anticipate further roadway construction here and the underground utilities can be accommodated via easement. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

CERTIFIED SURVEY MAP NO. 5872

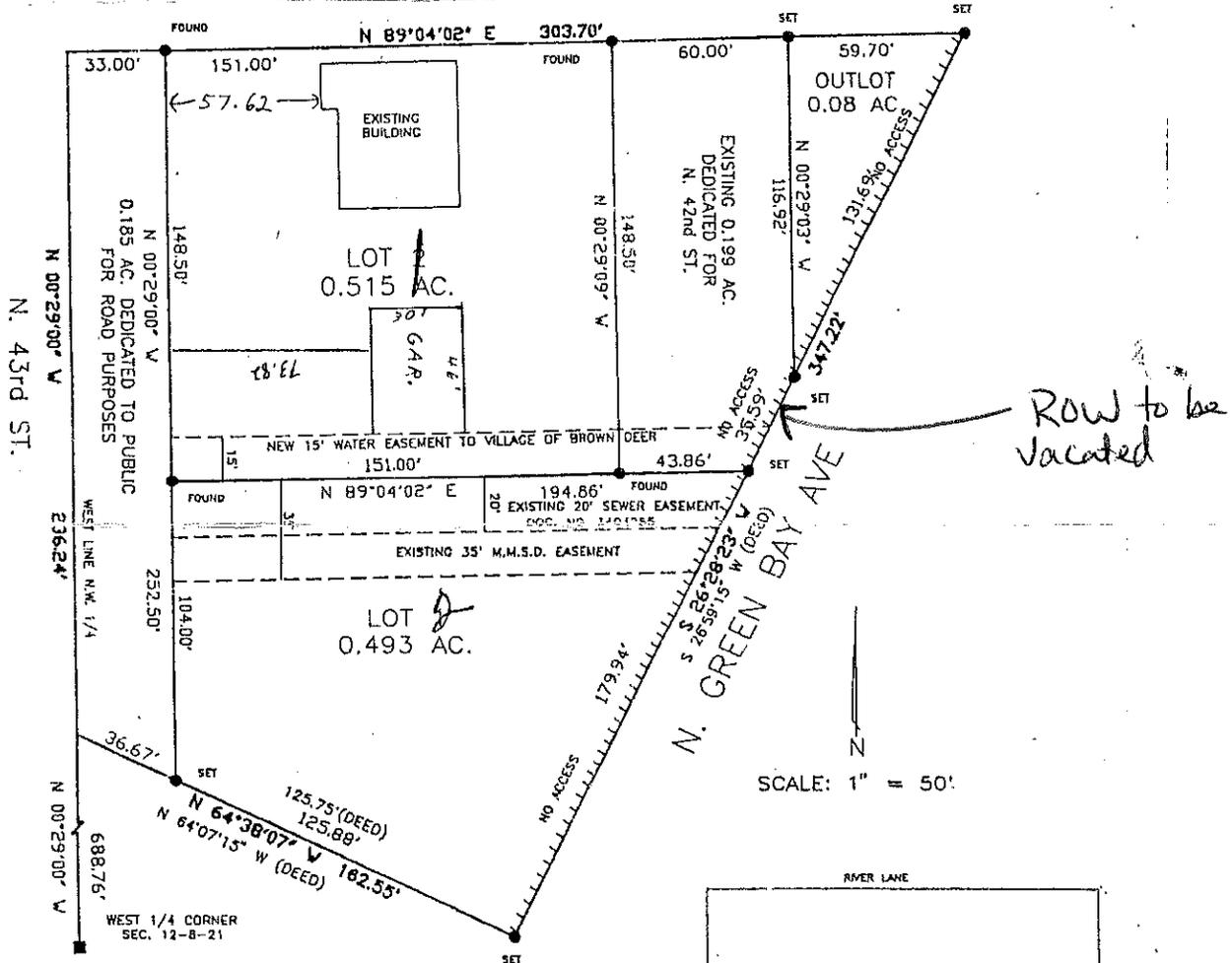
THAT PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN.

OWNER

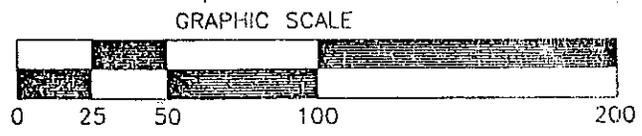
Richard G. Cook
321 Prospect Avenue
Pewaukee, Wisconsin 53072
(414) 691-4201

SURVEYOR

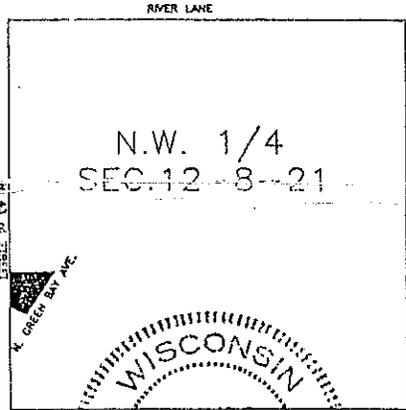
LARSEN ENGINEERS, S.C.
735 W. Wisconsin Ave. - #800
Milwaukee, WI 53233
(414) 271-0771



● DENOTES 1" X 24" IRON PIPE WEIGHT
1.175 LB/FT
ALL DIMENSIONS SHOWN ARE MEASURED
TO THE NEAREST HUNDREDTH OF A FOOT
ALL BEARINGS ARE REFERENCED TO GRID
NORTH, WISCONSIN STATE PLANE COORDINATE
SYSTEM, SOUTH ZONE



SCALE: 1" = 50'



This instrument was drafted by Phillip P. Dhein.

CSM 93-105

This is an original print only
If seal is imprinted in red.



DEERWOOD VIII
CO NDOMINIUM

DEERWOOD IX CONDO

DEERWOOD X-G
CONDOMINIUM

WRUTH PL

N DERWOOD DR

exit
OFRP
SB
STHS7
ONRP

exit OFRP

N GREEN BAY RD

N STONERIDGE CT

DEERWOOD CONDO

DEERWOOD II CONDO

N MEADOWSIDE CT

N 43RD ST

N 42ND ST

N TEUTONIA AVE

SB RP

N GREEN BAY CT

57

4545

8633

8624

8627

8633

8620

8629

8610

8611

8611

8606

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4475

8471

8460

W DONNA DR

BUNN CONDO

MEADOW COURT II CONDO

HARMON CONDOMINIUM
8502 8500

DEERWOOD V CONDO
8500 8502

DEERWOOD IV CONDOMINIUM
8492 8494

MEADOWSIDE DUPLEX CONDO

MEADOWSIDE COURT CONDO

MEADOWSIDE OF BROWN DEER CONDO

DEERWOOD IX CONDO

DEERWOOD X-G CONDOMINIUM

DEERWOOD CONDO

DEERWOOD II CONDO

DEERWOOD V CONDO

DEERWOOD IV CONDOMINIUM

HARMON CONDOMINIUM

57

In the Matter of the Vacation and Discontinuance of a portion of North 42nd Street Public Right of Way in the Northwest ¼ of Section 12, Town 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin adjacent to 8520 N. 43rd Street

Resolution No. 16 - _____

WHEREAS, the public interest requires that the following portion of North 42nd Street be discontinued and vacated; and

WHEREAS, the portion of Public Right of Way sought to be discontinued is further described as follows;

That part of the NW¼ of Section 12, Town 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the W 1/4 corner of Section 12; thence N 00°29'00" W, 925.00 feet along the west line of said Northwest 1/4, a portion of said line also being the centerline of N. 43rd Street; thence N 89°04'02" E, 184.00 feet, to the point of beginning; thence continuing N 89°04'02" E, 60.00 feet; thence S 00°29'03" E, 116.92 feet; thence S 26°28'23" W, 35.59 feet; thence S 89°04'02" W, 43.86 feet; thence N 00°29'09" W, 148.50 feet to the place of beginning. Said parcel contains 0.199 acres of land.

WHEREAS, this Resolution was introduced on May 9, 2016 and notice of hearing was published on April 7, 2016, April 14, 2016, April 21, 2016, and that no official written objections to said discontinuance were filed with the Village Clerk; and,

WHEREAS, the Plan Commission of the Village of Brown Deer held a public hearing and considered this matter on May 9, 2016, and has recommended the discontinuance of said portion of North 42nd Street; and,

NOW THEREFORE BE IT RESOLVED, by the Village Board of the Village of Brown Deer, Milwaukee County, Wisconsin, in accordance with the authority vested in the Village Board by Sections 66.1003 Wisconsin State Statutes, that the above-referenced roadway is hereby discontinued.

BE IT FURTHER RESOLVED that that portion of the vacated right of way described above and which is shown on the map attached hereto as Exhibit 1, is hereby attached to lands lying immediately West thereof identified as Tax Key No. _____.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this 16th day of May, 2016.

Carl Krueger, Village President

Jill Kenda-Lubetski, Village Clerk



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION:	Plan Commission
ITEM DESCRIPTION:	Public Hearing and Recommendation for an automobile service station, convenience store, automobile laundry and drive-thru at 9001 N. Green Bay Road
PREPARED BY:	Nathaniel Piotrowski, Community Development Director
REPORT DATE:	May 3, 2016
Applicable Land Use Regulation:	Village Code Sec.121-63 and 194, Commercial B3
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:

Mr. Rick Walia on behalf of Welcome Mart LLC is proposing to develop a gas station, car wash and mixed use building on the vacant land to the North of the Fox 6 studios. The mixed use building will feature a convenience store on the first floor and the option of up to two additional retail spaces. The second floor of the building will contain the corporate offices for Mr. Walia. He is currently considering options for two small residential units on the second floor. A residential mixed use is not permitted and Staff and the applicant would like feedback on the possibility of such a use for the site. If the Commission felt it was worthy, it would return at a later date for approval.

The plans as drawn generally conform to Village zoning and engineering standards. The car wash is located on the northern end of the lot with the pumps in the middle and the mixed use building to the south. Two stormwater ponds will sit to the north and east side of the site and will be contained by a retaining wall at a grade below the main development.

There are two deviations from typical development standards that are being requested by this development.

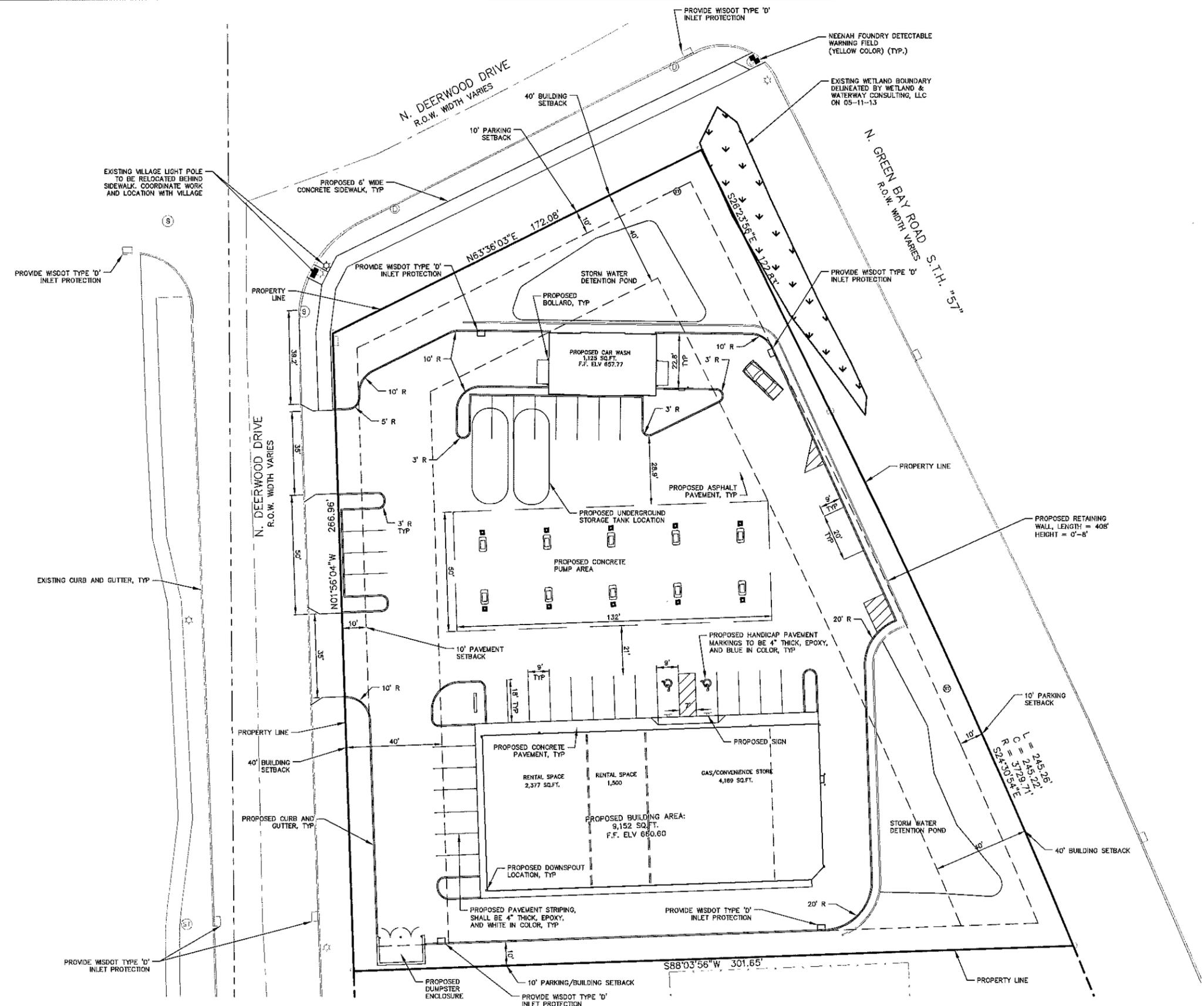
- 1) No parking or drives are allowed within 10 feet of property lines. On the east side of the lot there are several parking spaces which encroach. This would need Board of Appeals review and approval.
- 2) Based on Village Code the site would require 49 parking spaces (assuming 2 residential units). Currently they have proposed 36 spaces. This deviation can be granted through the conditional use permit (attached).

Included along with this memo is the proposed site plan and building elevations. Keep in mind that the plan still would require review by the Building Board, Beautification Committee and Board of Appeals.

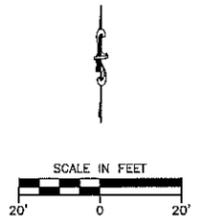
RECOMMENDATION:

Staff believes that this land use and site plan are reasonable uses of a property that has proved challenging to redevelop. Additionally, there is a market shortfall for gas stations in the Village. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

- NOTES:
- 1.) ALL EROSION CONTROL DEVICES SHALL BE IN PLACE PRIOR TO ANY LAND DISTURBANCE ACTIVITIES. DEVICES SHALL BE INSTALLED AND MAINTAINED PER WISCONSIN DEPARTMENT OF NATURAL RESOURCES BEST MANAGEMENT PRACTICES (BMPs), TECHNICAL STANDARDS.
 - 2.) ALL DIMENSIONS ARE TO FACE OF CURB OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
 - 3.) ALL WORK WITHIN PUBLIC RIGHT OF WAY SHALL BE COORDINATED WITH THE VILLAGE OF BROWN DEER.
 - 4.) CONTRACTOR SHALL COORDINATE ALL UTILITY WORK WITH APPROPRIATE PUBLIC UTILITY COMPANIES.
 - 5.) WETLAND AREA SHALL NOT BE DISTURBED DURING CONSTRUCTION.



- LEGEND**
- ⊕ STORM SEWER MANHOLE
 - STORM SEWER INLET
 - ⊙ SANITARY SEWER MANHOLE
 - ⊙ LIGHT POLE
 - ⊕ HYDRANT
 - ⊕ WATER VALVE



REVISION NO.	DESCRIPTION	DATE	BY	DESIGNED BY	DATE
1	REVISIONS BASED ON VILLAGE COMMENTS	4/21/16	MTS	MTS	04/11/16
				MTS	04/11/16
				JEM	04/11/16

CADFILE
XREF
LWMM

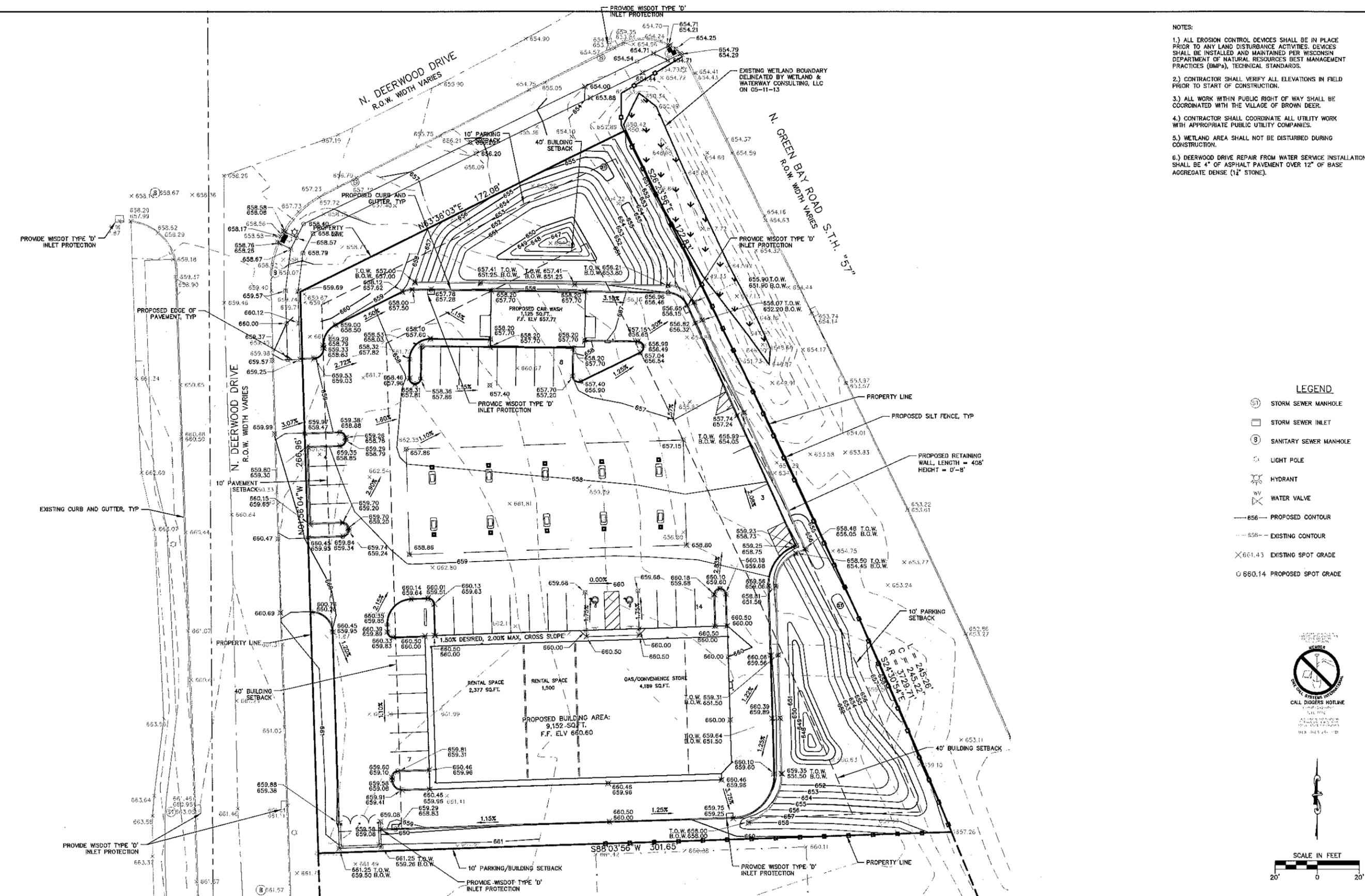
SITE PLAN
9001 NORTH GREEN BAY ROAD
RICK WALIA
BROWN DEER, WISCONSIN

"THE INFORMATION SHOWN ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATIONS AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THEREOF."
 © 2005 Key Engineering Group Ltd.



KEY PROJECT NUMBER	2603018
PROJECT SCALE	1" = 20'
SHEET NUMBER	C-1

- NOTES:
- 1.) ALL EROSION CONTROL DEVICES SHALL BE IN PLACE PRIOR TO ANY LAND DISTURBANCE ACTIVITIES. DEVICES SHALL BE INSTALLED AND MAINTAINED PER WISCONSIN DEPARTMENT OF NATURAL RESOURCES BEST MANAGEMENT PRACTICES (BMPs), TECHNICAL STANDARDS.
 - 2.) CONTRACTOR SHALL VERIFY ALL ELEVATIONS IN FIELD PRIOR TO START OF CONSTRUCTION.
 - 3.) ALL WORK WITHIN PUBLIC RIGHT OF WAY SHALL BE COORDINATED WITH THE VILLAGE OF BROWN DEER.
 - 4.) CONTRACTOR SHALL COORDINATE ALL UTILITY WORK WITH APPROPRIATE PUBLIC UTILITY COMPANIES.
 - 5.) WETLAND AREA SHALL NOT BE DISTURBED DURING CONSTRUCTION.
 - 6.) DEERWOOD DRIVE REPAIR FROM WATER SERVICE INSTALLATION SHALL BE 4" OF ASPHALT PAVEMENT OVER 12" OF BASE AGGREGATE DENSE (1 1/2" STONE).



- LEGEND
- ⊙ STORM SEWER MANHOLE
 - STORM SEWER INLET
 - ⊙ SANITARY SEWER MANHOLE
 - ⊙ LIGHT POLE
 - ⊙ HYDRANT
 - ⊙ WATER VALVE
 - 656 — PROPOSED CONTOUR
 - 656 --- EXISTING CONTOUR
 - ⊙ 661.43 EXISTING SPOT GRADE
 - ⊙ 660.14 PROPOSED SPOT GRADE



REVISION NO.	DESCRIPTION	DATE	BY	DESIGNED BY	DATE
1	REVISIONS BASED ON VILLAGE COMMENTS	4/21/16	MTS	MTS	04/11/16
				MTS	04/11/16
				SAO	04/11/16
				CADFILE XREF LMAN	

GRADING AND EROSION CONTROL PLAN
9001 NORTH GREEN BAY ROAD
RICK WALIA
BROWN DEER, WISCONSIN

"THE INFORMATION SHOWN ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATIONS AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO."
 © 2005 Key Engineering Group Ltd.

KEY ENGINEERING GROUP LTD.
 733 NORTH WATER STREET, SUITE 500
 MILWAUKEE, WI 53202
 414.224.8300 (cell) - 414.224.8383 (fax)

KEY PROJECT NUMBER	2803018
PROJECT SCALE	1" = 20'
SHEET NUMBER	C-2



Proposed New Site Development

Project # 2016-09
May 05, 2016

9001 N. Green Bay Rd
Brown Deer, WI





Proposed New Site Development

Project # 2016-09
May 05, 2016

9001 N. Green Bay Rd
Brown Deer, WI





Proposed New Site Development

Project # 2016-09
May 05, 2016

9001 N. Green Bay Rd
Brown Deer, WI





Proposed New Site Development

Project # 2016-09
May 05, 2016

9001 N. Green Bay Rd
Brown Deer, WI





Proposed New Site Development

Project # 2016-09
May 05, 2016

9001 N. Green Bay Rd
Brown Deer, WI





Proposed New Site Development

Project # 2016-09
May 05, 2016

9001 N. Green Bay Rd
Brown Deer, WI





Proposed New Site Development

Project # 2016-09
May 05, 2016

9001 N. Green Bay Rd
Brown Deer, WI





Proposed New Site Development

Project # 2016-09
May 05, 2016

9001 N. Green Bay Rd
Brown Deer, WI



PROJECT

Proposed Site
Development
9001 North
Green Bay Rd.
Brown Deer, WI

PROJECT NO. 16-09

DATE 05/05/16

REVISIONS

NO.	DESCRIPTION

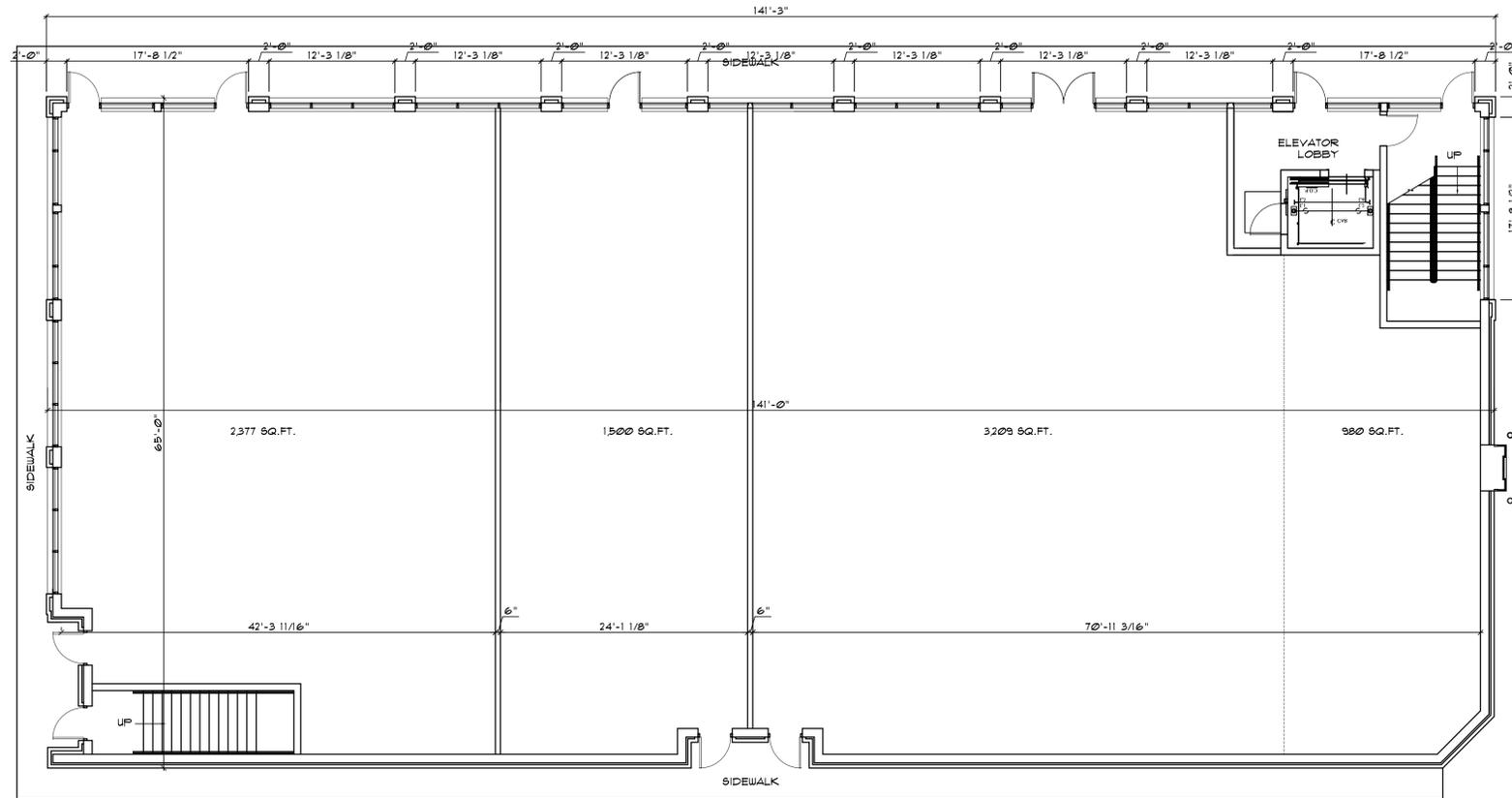
CHECKED BY L.B.

DRAWN BY M.N.

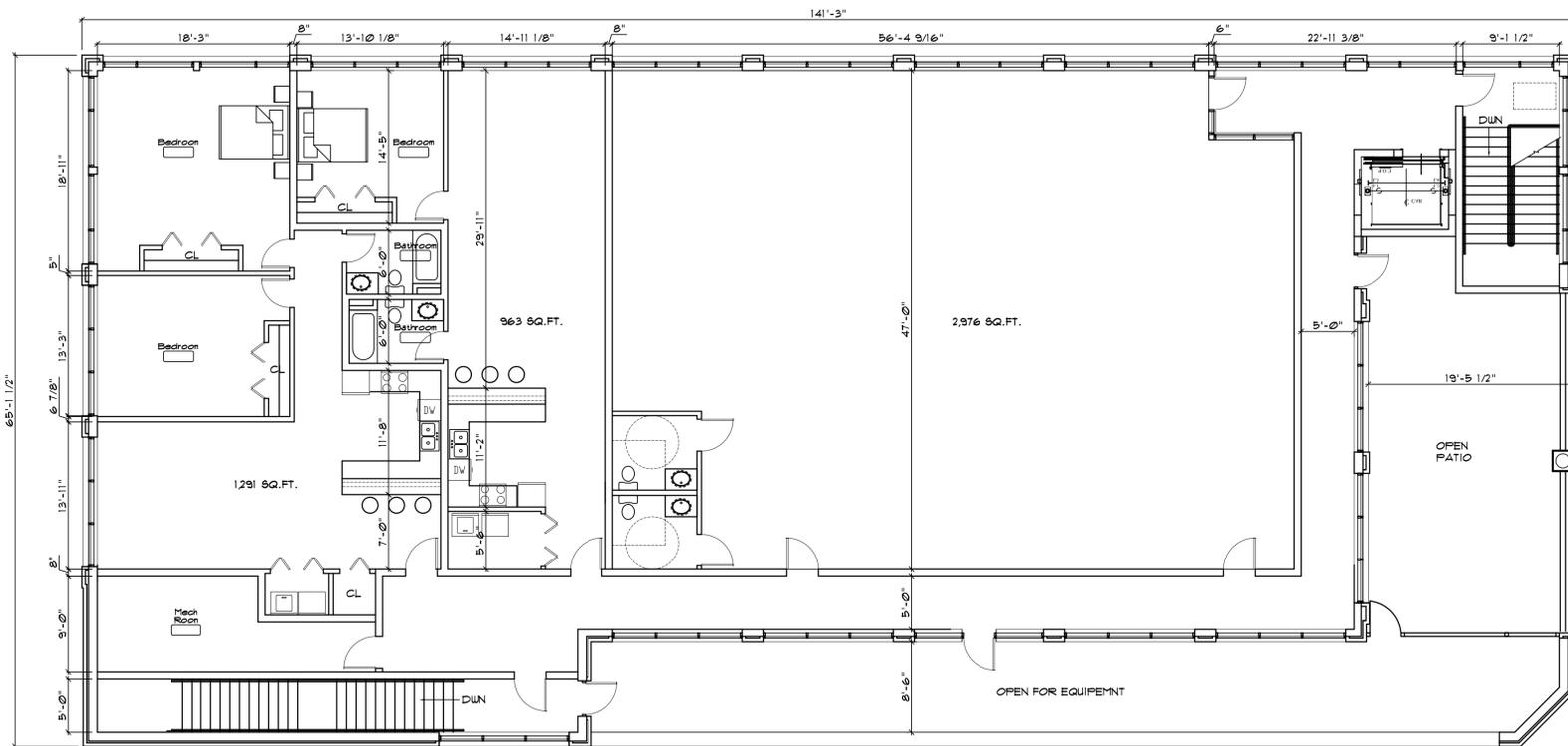
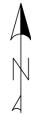
SCALE as noted

SHEET NO. A-1

SHEET TITLE



1 New First Floor Plan
A-1 Scale: 1/8" = 1'-0"



2 New Second Floor Plan
A-1 Scale: 1/8" = 1'-0"

CONDITIONAL USE PERMIT

Automobile Service Station, Automobile Laundry, Convenience Store and Drive-Thru

Before the Village Board of the Village of Brown Deer, in regard to Premises at **9001 N. Green bay Road** located in the SW 1/4 of Section 1, 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 Rick Walia of World Mart 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 the property be used for the purpose of an **Automobile Service Station, Automobile Laundry, Convenience Store and Drive-Thru** 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
**Automobile Service Station,
Automobile Laundry, Convenience
Store and Drive-Thru**

Parcel Identification Number (PIN)

Document Title

THE CONDITIONS of this Permit are:

1. This Permit is granted to World Mart LLC, upon the representation that it is the owner of the Premises and shall become effective upon the execution of the acceptance hereof by World Mart 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: **Automobile Service Station, Automobile Laundry, Convenience Store and Drive-Thru.** The use of the Premises as a commercial dry cleaner 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 operation is permitted:
 - c. Gas and Retail Sales: **6:00 a.m. – 11:00 p.m. daily**
Gas shall be available 24 hours a day through a “pay at the pump” system. No attendant shall be on duty during hours which are not listed above.
 - d. Performance standards relating to noise, vibration, odor, smoke, dust, etc., other than applicable Village Ordinances: **Per the Village Code.**
 - 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 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
**Automobile Service Station,
Automobile Laundry, Convenience
Store and Drive-Thru**

Parcel Identification Number (PIN)

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) **Outside storage of merchandise, equipment or inventory 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 service station operation 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 and shall be reviewed and approved by the Brown Deer Police Department. Security lighting shall be maintained for 24 hour "pay at the pump".**
 - e. Parking:
 - (1) **Overnight parking and/or storing of any vehicles, including fuel delivery or recreational vehicles on the site is strictly prohibited. This shall not apply to personal vehicles of the tenants of any residential units on site.**
 - 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.**
 - (4) **The convenience store shall obtain all necessary licenses and permits for food display, preparation and sale, pursuant to the requirements of the North Shore Health Department.**
 - (5) **The parking lots shall not be used by rental agencies for parking of rental trailers, trucks, automobiles, or other vehicles.**
 - (6) **No significant vehicle repair shall take place on site.**
 - (7) **There shall be no automobile sales from this site.**

- (8) All necessary permits and/or approvals shall be obtained for the establishment of the gas pumps and associated equipment. Copies of said permits/approvals shall be provided to the Village to be kept on file.**
- (9) All heating, ventilating and air conditioning (HVAC) mechanical equipment, whether sited on the ground or on the roof of the building, shall be designed in such a way as to reduce its visual impact or to effectively screen it from public view. The design for the HVAC equipment shall be a part of the architectural plans submitted for approval to the Building Board, and said approval must be obtained prior to the issuance of a building permit.**
- (10) A key box system, as specified by the North Shore Fire Department, shall be installed at the Owner's expense, to allow immediate entry of the fire department into the building.**
- (11) Construction of the Development shall be in accord with the Board of Appeals decision, case #_____.**
- (12) The Owner shall meet with the Village of Brown Deer Police Department to review security and crime prevention measures.**
- (13) This permit specifically allows the Developer to provide 13 less parking spaces than required under Village Code Section 121-299 (a) and (c).**

Exhibit A
Legal Description

Exhibit B
Site Plan



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION:	Plan Commission
ITEM DESCRIPTION: Review of the Conditional Use Permit for the gas station and convenience store at 4685 W. Bradley Road.	
PREPARED BY: Fernando Moreno, Zoning & Planning Specialist	
REPORT DATE: May 9, 2016	
Applicable Land Use Regulation: Village Code Chapters 121-329, 121-330	
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:	
X Staff has reviewed request for consistency with the Comprehensive Plan.	

ANALYSIS:

World Food and Petro Mart LLC operates a gas station and convenience store at 4685 W. Bradley Rd. The owner, Mr. Siwan Tiwari, cites difficulties with business partners and contractors as primary reasons for the delay in construction of signage specified in the Conditional Use Permit as well as several sign permits. Accordingly, he requests that he be given additional time to bring signage into compliance with Village codes and with the Conditional Use Permit on file.

The property has been inspected several times by the Zoning & Planning Specialist and various members of the Police Department, in response to a series of complaints received by the Village authorities since 2013. Most of the complaints have centered on the failure to maintain the integrity of the ground sign at the northwest corner of the property. However, over the last three years the Community Services Department has also received several complaints regarding the following issues:

1. Accumulations of trash and debris on the property, including discarded tires, rusting metal scrap, and dirty rags and oil containers left on the lawn.
2. Failure to keep the lawn at a length of eight inches or less, as well as a failure to address at least two dead trees on the property.
3. The overnight storage of several heavy trucks that violate the weight limits for this property.
4. Failure to maintain the license, registration, and/or roadworthiness of the transportation company fleet parked overnight at the property's southern and eastern parking spots.

Mr. Tiwari recently contacted the Community Services Department and indicated that he would be willing to remove the ground sign and replace with a smaller sign that would be less than ten feet tall. He requests that the Village Board grant him 30 days in which to erect a smaller sign that is in compliance with Village codes.

RECOMMENDATION:

Since the issuance of a final written notice outlining the possibility of Conditional Use Permit revocation, the Village staff has noted a dramatic improvement in response from the property owners. The Zoning & Planning Specialist re-inspected the property on May 3rd, 2016, and noted the following:

1. The accumulations of trash and debris have been removed.
2. The lawn has been trimmed.
3. No over-weight vehicles were observed at the property.
4. Two of the transportation company vehicles in visible disrepair remain on the property and must be repaired or removed.

Most of the “non-signage” violations have been directly addressed. The Community Services Department requests that the Village Board focus its attention upon the failure to implement plans and agreements concerning signage. Village staff believes that it is possible to work with Mr. Tiwari, but requests that the Board give it “final direction” on how flexible to be, concerning any extension of time for improvements. We recommend that Mr. Tiwari be allowed to keep the Conditional Use Permit for this property as long as he provides the Village with a clear timetable and plan for bringing signage into compliance in a timely manner. We also recommend that in the event that he does not adhere strictly to whatever timetable is reached, that the Conditional Use Permit be revoked. Please feel free to contact Fernando Moreno at 414-371-3032, if you have any questions.

CONDITIONAL USE PERMIT

**Badger Shell
Convenience Store, and Car Wash**

029-0091-004

Parcel Identification Number (PIN)

Document Number

Document Title

THE CONDITIONS of this Permit are:

1. This Permit is granted to Walter Koceja, and shall become effective upon the execution of the acceptance hereof by Walter Koceja 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 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: **Convenience Store and Carwash**. The uses of the Premises as a Convenience Store and Carwash shall be in substantial compliance consistent with the Site plans A-1, A-2, and A-3 (dated 2/2/04) which are attached as Exhibits and made part of this Permit. No use of the areas of the premises not identified in the site plans to be used for the proposed use at this time may be used without approval by the Village pursuant to its Zoning code.
 - b. Hours during which operation is permitted:
Gas and Retail Sales: 6:00 a.m. – 9:00 p.m. daily
Carwash and Vacuums: 7:00 a.m. – 9:00 p.m. daily
6am - 11pm
 - c. Performance standards relating to noise, vibration, odor, smoke, dust, etc., other than applicable Village Ordinances:
 - (1) **The blower for drying automobiles shall be timed to cycle off when the door on the east side of the building opens to admit the next automobile for a wash cycle.**
 - 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 Chapter 10-10.08 of the Village of Brown Deer Zoning Code.
 - e. Other:
 - (1) **Reimburse Village for any legal, engineering and other administrative expenses required pursuant Sec. 10-10.09 (A) of the Zoning Code.**
6. Conditions of the Building other than in accordance with the approved building plans.
 - (1) **Building elevations, materials, and color scheme shall be approved by the Village of Brown Deer Building Board.**
 - (2) **Any new signage shall be reviewed and approved by the Village of Brown Deer Building Board.**

CONDITIONAL USE PERMIT

**Badger Shell
Convenience Store, and Car Wash**

085-9995

Parcel Identification Number (PIN)

Document Number

Document Title

- (3) A landscaping plan shall be submitted for review and approval by the Village of Brown Deer Beautification Committee.
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 merchandise, equipment or inventory 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 state of good maintenance and repair as determined by the Village.
 - (5) Combustible materials shall not be stored within the dumpster enclosure.
 - 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) Per Chapter 7 of the Zoning Code and as approved by the Village of Brown Deer Building Board.
 - (2) There shall be no banners, flags, inflatable signs/advertising, and/or temporary signs placed on this site.
 - 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) Overnight parking and/or storing of any vehicles, including Fuel Delivery vehicles on the site is strictly prohibited.
 - 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 and ingress and egress drives 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 approved landscape plan.
 - (4) The parking lots shall not be used by rental agencies for parking of rental trailers, trucks, automobiles, or other vehicles.
 - (5) There shall be no motor vehicle sales from this site.

**Development Agreement
By and Between
World Food and Petro Mart
And
The Village of Brown Deer**

THIS AGREEMENT is entered into as of this ____ day of _____, 2011, by and between **World Food & Petro Mart LLC**, a limited liability corporation hereinafter called "Operator" and the **VILLAGE OF BROWN DEER**, a municipal corporation in Milwaukee County, Wisconsin.

WITNESSETH:

WHEREAS, **World Food & Petro Mart LLC**, owns the property at 4685 W. Bradley Road., located in the NE ¼, Section 14, T8N, R21E, Village of Brown Deer, Milwaukee County, Wisconsin.

Legally described as: (See Exhibit A)

WHEREAS, a request has been made to the Village Board of The Village of Brown Deer, Milwaukee County, Wisconsin, by Operator for approval of a Development Agreement authorizing the establishment of a transportation company and associated vehicle parking at 4685 W. Bradley Road (hereinafter referred to as the "Property"); and

WHEREAS, the covenants contained herein are necessary to provide for the harmonious, orderly and consistent development of the neighborhood involved.

NOW, THEREFORE, following review and consideration by the Plan Commission on August 9, 2013 and after review and consideration by the Village Board of the Village of Brown Deer on August 16, 2013, the World Food & Petro Mart LLC Development Agreement is hereby approved in accordance with Sections 121-246 through 121-247 of the Village Code of the Village of Brown Deer, the attached Exhibits A and B and covenanted and agreed as follows:

1. Subject to review by the Brown Deer Plan Commission after one year. If there are no documented complaints about the use, or if documented complaints have been resolved to the satisfaction of the Village Board, the approval of the specific project plan for a transportation company becomes continuous pursuant to Section 121-247 of the Village Code of the Village of Brown Deer.
2. Outside storage of merchandise, equipment or inventory beyond the transportation vehicles is strictly prohibited on this site.
3. The property shall be kept free and clear of litter and debris. All vehicles shall also be kept clear of litter, debris and snow.
4. All business signage shall be in accordance with Article IX of the Village Code of the Village of Brown Deer and shall be approved by the Village of Brown Deer Building Board if required.
5. Business activity is limited to the hours of 6:00 a.m. and 7:00 p.m., Monday through Saturday.

6. Any hazardous conditions or deficiencies identified by the Village of Brown Deer shall be corrected by the owner to the satisfaction of the Village within thirty (30) days of written notification.
7. There shall be no more than 11 transportation vehicles, belonging exclusively to World Food & Petro Mart LLC to be parked on site. The transportation vehicles shall be no larger than a minivan or standard cargo van type vehicle. Only transportation company vehicles may be parked on site overnight. Employee vehicles shall not be parked on site overnight.
8. The parking of the transportation vehicles shall be in the rear of the building as shown on Exhibit B. Should parking demand from the gas station cause conflict for these spaces, the Village reserves the right to review and potentially revoke this agreement.
9. All vehicles must be licensed, registered and in working condition.
10. No major vehicle maintenance (transmission, engine, etc.) shall be performed on site.
11. If crime prevention issues are identified a meeting with the Brown Deer Police Department shall be required to review security on site.
10. That as long as the property is used for the purposes that are authorized by this Agreement, all covenants, agreements, restrictions and provisions herein contained constitute covenants running with the land and shall be binding on all parties, their heirs, assigns and successors having an interest in the land affected hereby for a period of twenty-five (25) years from the date this instrument is recorded, after which time this instrument shall automatically be extended for successive periods of ten (10) years. However, upon a showing of reasonable cause, the Village Board of the Village of Brown Deer may relieve the Operator from such covenants, agreements, restrictions, or any of them, before the expiration of twenty-five (25) years or thereafter by the adoption of a resolution so doing. The covenants herein contained may be enforced by proceedings at law or in equity by the Village against any person or persons violating or attempting to violate the same.
11. Exhibit A, attached, is the legal description of the property.
12. Exhibit B, attached, contains the business operational plan, and site plan approved by the Plan Commission and the Village Board.









Regular 195 ⁹/₁₀

Plus 209 ⁹/₁₀

Premium 229 ⁹/₁₀

Diesel 199

Brushless Wash















Regular

20.9

Plus

23.9 ⁹/₁₀

Premium

26.5 ⁹/₁₀

Diesel

20.9

Brushless Wash

STOP



KELLY'S TIRES

