

**PLAN COMMISSION MEETING**  
**Monday, November 12, 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: October 8, 2012 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
  - A) Public Hearing and review and recommendation for a conditional use permit for a day care center at 5600 W. Brown Deer Road
  - B) Review and Recommendation of a permanent development agreement for outdoor restaurant seating at Brown Deer Lanes, 4715 W. Bradley Road
- VII. Adjournment

A handwritten signature in black ink that reads "Russell Van Gompel". The signature is written in a cursive style and is positioned above a horizontal line.

Russell Van Gompel, Village Manager  
November 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  
OCTOBER 8, 2012 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 7:03 P.M.

**I. ROLL CALL**

Present: President Carl Krueger; Trustee: Tim Schilz; Commissioners: Ryan Schmitz, Bill Hoffmann, Jeff Jaroczynski, Dan Bednar, Susan Bellehumeur, Al Walters

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

Excused: Trustee: Jeff Baker

**II. PERSONS DESIRING TO BE HEARD**

None.

**III. CONSIDERATION OF MINUTES: August 13, 2012 – Regular Meeting**

*It was moved by Commissioner Schmitz and seconded by Commissioner Hoffmann to approve the regular meeting minutes of August 13, 2012. The motion carried unanimously.*

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

Mr. Piotrowski noted that Village Manager Russell Van Gompel accepted a new position as the city administrator for Eau Claire and he will be resigning from the Village at the start of November. He added that Bradley Crossing Apartments is nearing completion with a targeted opening date just prior to Thanksgiving. He also stated that despite the implication of approvals in published reports regarding the Beaver Creek condo project, the Village has not reviewed and approved any change in site plan or land use. Any such change would need to return to the Plan Commission, Community Development Authority and Village Board for review and approval. President Krueger asked about the ongoing litigation in the Original Village adverse possession lawsuit and the status of the Citgo gas station at 51<sup>st</sup> and Brown Deer Road. Mr. Piotrowski replied that Milwaukee County Circuit Court moved the Village's trial date up to Dec. 17<sup>th</sup> and he indicated that there has been no new movement on the former gas station property because of the high asking price.

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

**A) Review and Recommendation of a Supplemental Development Agreement for and addition to the multiple family development known as Deerwood Crossing, 4195 W. Bradley Road**

Mr. Piotrowski reviewed the proposal and introduced the developer, Sig Strautmanis of General Capital Group.

Mr. Strautmanis detailed the site planning and civil engineering for the project.

Commissioner Hoffmann asked if the stormwater areas were infiltration basins. Mr. Strautmanis replied that they were not designed as such but rather they would temporarily hold and slow the rate of runoff. He noted that Staff recommended additional landscaping for the basins that may provide some absorption capabilities.

Commissioner Schmitz asked if Jewish Family Services (JFS) is planning any future expansion as was previously shown in conceptual drawings. Mr. Strautmanis replied that no further expansion was currently planned.

Commissioner Bellehumeur asked about the need for the parking area shown on the Woodale lot. Mr. Strautmanis replied that there is currently not a demand for the parking but that future programming may drive higher parking needs and JFS wanted to be better prepared to accommodate such demand.

Commissioner Bellehumeur asked if anything was learned from the previous phase and if these lessons were being applied to phase two. Mr. Strautmanis replied that some lessons regarding space planning, and building materials were applied to phase two such as the inclusion of a balcony and patio for each unit as well as double hung windows.

Commissioner Jaroczynski asked if each unit would be provided a storage locker. Mr. Strautmanis replied that they would.

Commissioner Walters asked if the building would feature boilers and how residents were billed for utilities. Mr. Strautmanis replied that there would be a central boiler and that residents would pay only for their own electrical use.

Commissioner Jaroczynski asked about the number of ADA units. Mr. Strautmanis replied that there would be only two full ADA units but that all units incorporated universal design to meet the needs of elderly residents.

President Krueger asked about the property's grade change and noted that the building appeared to be four stories tall from the east elevation. Mr. Strautmanis replied that the building's underground parking was exposed because of the grade change from the center of the site. He noted that this made for easier construction but that it did add to a taller appearance. He stated that additional landscaping would be used to help screen the underground parking and offset the larger scale along Teutonia Avenue. Commissioner Schmitz asked if the Village Code contained any height restrictions for the site. Mr. Piotrowski replied that there were no restrictions because of the PD zoning and that each proposal within the PD district is approved on a case by case basis.

Commissioner Bellehumeur noted that the turn radius into the underground parking along Teutonia Avenue seemed sharp. Mr. Strautmanis stated that his engineer's will review the radius.

Commissioner Schmitz asked if a favorable motion also approved the parking area along Woodale Avenue. Mr. Piotrowski indicated that the development agreement stated that parking demand must be demonstrated to the Village Board prior to any future construction of the parking lot.

*It was moved by Commissioner Hoffmann and seconded by Commissioner Bellehumeur to recommend approval of the supplemental agreement for Deerwood Crossing to the Village Board. The motion carried unanimously.*

**B) Review and Recommendation of a Certified Survey Map for a land combination at 4195 W. Bradley Road**

Mr. Piotrowski reviewed the proposal and indicated that the land combination was legally necessary for the proposed addition to Deerwood Crossing.

*It was moved by Commissioner Schmitz and seconded by Commissioner Hoffmann to recommend approval of the Certified Survey Map at 4195 W. Bradley Road to the Village Board. The motion carried unanimously.*

**VII. ADJOURNMENT**

*It was moved by Commissioner Schmitz and seconded by Commissioner Bellehumeur to adjourn at 8:00P.M. The motion carried unanimously.*





# REQUEST FOR CONSIDERATION

<b>COMMITTEE CONSIDERATION:</b> Plan Commission
<b>ITEM DESCRIPTION:</b> Public Hearing and recommendation for a day car center at 5600 W. Brown Deer Road
<b>PREPARED BY:</b> Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
<b>REPORT DATE:</b> November 7, 2012
<b>MANAGER'S REVIEW/COMMENTS:</b> <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
<b>Existing Zoning:</b> B3
<b>Applicable Land Use Regulations:</b> Sec. 121-63
<b>VILLAGE ATTORNEY REVIEW:</b> <input type="checkbox"/> Village Attorney has reviewed documents. <input type="checkbox"/> Village Attorney has not reviewed documents. <input checked="" type="checkbox"/> Documents provided to Village attorney.
<b>COMPREHENSIVE PLAN REVIEW:</b> <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

## BACKGROUND INFORMATION:

Jacqueline Williams is proposing to reopen a day care at 5600 W. Brown Deer Road Suite G-4. This day care would replace the day care formerly operated by the Center for the Blind. The previous day care was granted a conditional use permit in 1995 but that permit expressly prohibited a transfer to a new owner. A day care was then proposed last November called Wondering Minds Child care and it was granted a conditional use permit but this permit was never recorded and the business never opened.

Now Ms. Williams is proposing to operate a facility for up to 52 children (state determines ultimate capacity) with ages ranging from infant to 12 years on site. The hours of operation are proposed to be 6:00 AM until 11:00 PM six days a week. Meals will be prepared on site (breakfast and lunch) in conjunction with a state supported food program. A transportation van would be parked on site overnight. Attached is a business and site plan for the day care.

Village Staff has reviewed the proposal which is very similar to the previously approved day care from 2011. No new issues have arisen regarding this proposal. Attached is the draft conditional use permit.

## RECOMMENDATION:

Staff believes that this location remains suitable for a day care and suggests that the Plan Commission recommend approval of the conditional use permit to the Village Board. Please contact Nate Piotrowski with any questions or comments at 371-3061.

## PLAN OF OPERATION

**Address:** 5600 W. Brown Deer Road- Suite G-4  
Brown Deer, WI 53223

**Building:** 3 Story Brick Building #5600  
(11, 865 SQ FT- Per. Floor)

**Name:** Transitional Development Child  
Learning Center, LLC

**Purpose:** State Licensed Group Childcare Facility

### Proposed Operation:

#### Arrival-

Our proposed plan of operation for the Child Care Center will open at 6:00 a.m. for preparation and an overview of the center prior to children arriving. Approximately at 7:00 a.m. we will expect parents to start dropping children off, while our transportation service is in route to various homes/schools for pick-up and/or drop-off. (Depending on the age of the child, some children will be dropped-off at school or brought to child care center). Transportation van is expected to arrive around 8:00/8:30 a.m. Attendance upon arrival.

By 8:30 a.m. routing and transportation has ended and children have now safely arrived. 8:30-8:50 a.m. Group/Circle Time- Infants and Children are in classroom and attendance is taken, per. class. Preparation for *breakfast/feeding* - 9:00-9:30 a.m. After breakfast time is given for diapering/toileting and hand washing is done. 9:30- 10:00 a.m. -Circle Time. 10:00-10:30 a.m. is Free Play. 10:30 - 11:00 a.m. is Group Activity (Lesson Plan or Activity -Developmental Age Appropriate). 11:00 a.m. -12:00 p.m. - Diapering/Toileting and Outside Play (Due to the size of play area, classes will go at various times). Hand washing is done and preparation for Lunch at 11:45 a.m. -12:45 p.m. Diapering/Toileting and Hand Washing for preparation of Nap Time at 12:30-2:30 p.m. Diapering/Toileting is done and preparation for Free Play/Outside Play til 3:30 p.m. Children will prepare for Snack Time at 3:30- 4:00 p.m. Group Activity/Homework Help/ Computer Time/Free Choice Activities are available. Circle Time /Reflection at 5:00- 5:15 p.m.

### *Departure for Home....*

The above is a General Routine of our schedule and times may vary slightly.

Throughout the day infants/children will be supervised at all times, embraced, education/observation of growth and potential, allowed time for fun/play napping and nutrition. All of these learning areas will be taught and supervised by our qualified team of professionals.

### **Land uses next to the property and on the same block:**

The proposed land faces East/West on Brown Deer Road. The building is located in a commercial area where other Businesses operate.

### **A discussion of any possible problems that your operation may cause:**

We are expecting a light increase of traffic created by our proposed operation but will not create a problem to other businesses within the area. This area is accustomed to high traffic volume. Our parents will be asked to drop-off/pick-up children, along with our transportation service **only** in the rear of the building. Parking is available.

Our child care is housed in a commercial building with various other professional businesses. We will operate our child care facility in a professional and operational manner at all times. Parents/Families will be expected to adhere to our center's rules and policies in order to maintain a professional environment.

### **Our customers, clients and where will they come from:**

In relocating our current child care facility to the proposed address will provide enough operational space to provide a complete child care service to parents/families with children. Our current client base will provide a moderate number of enrollment to maintain our expenses and over-head cost.

We look forward to welcoming and embracing new families with children within our surroundings and outside of the community as well.

### **Number of employess, if any:**

We currently have a small staff of teachers but we do have plans to hire

and increase our staffing team, immediately upon approval.

**Hours and days your business will be open:**

Monday - Saturday 6:00 a.m. - ~~12:00~~ p.m. 2 Shifts. Sunday-Closed.  
(eleven)

These hours of operation are requested for approval only in case of variances of work/school schedule. Extended hours and/or 2-Shifts are requested for flexibility and will be used only if needed for growth and marketing potential.

**An explanation of the traffic pattern:**

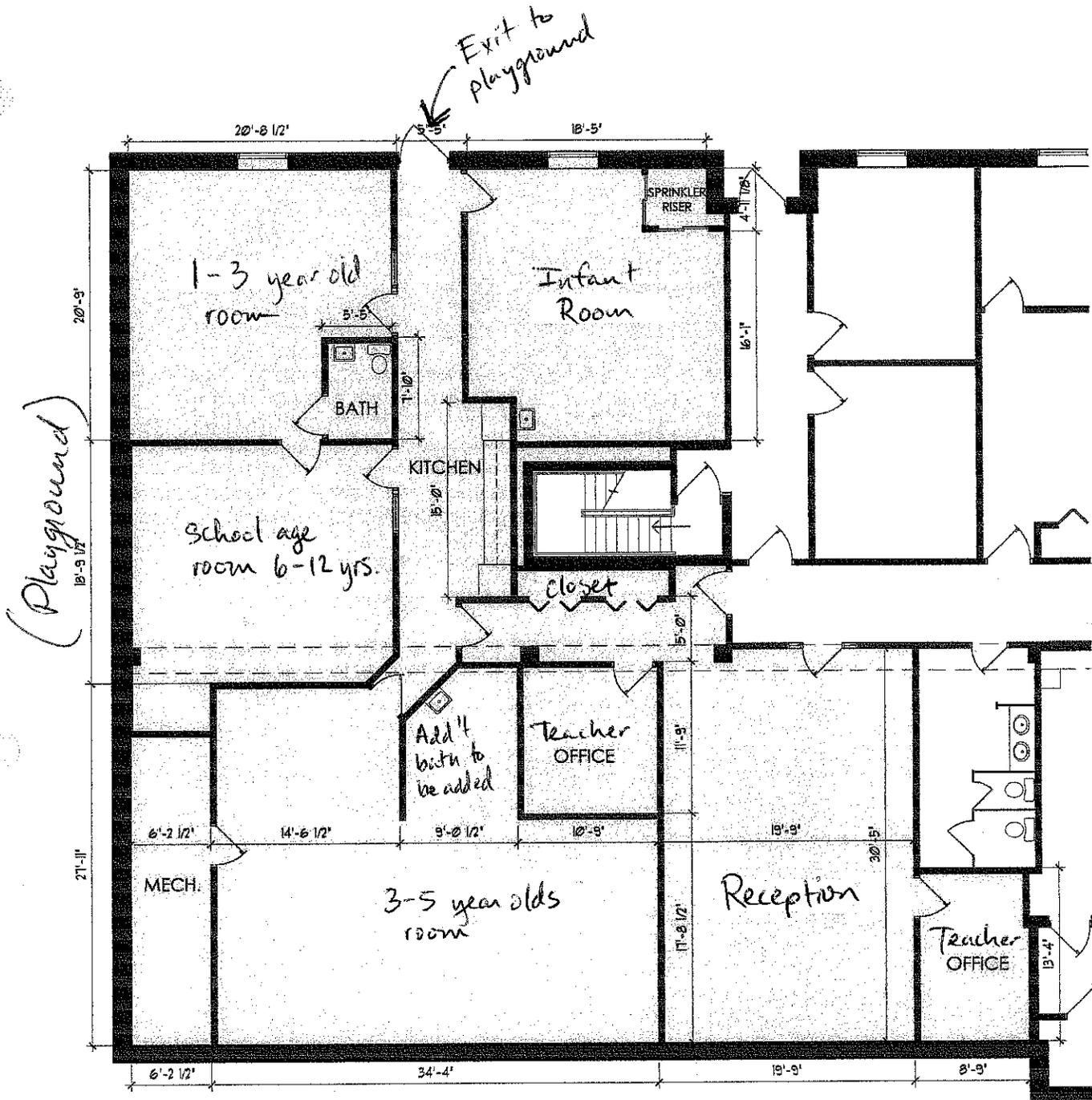
In the rear of the building parking is available for parents, visitors and employees.

**The number of any and all vehicles making deliveries or picking-up goods:**

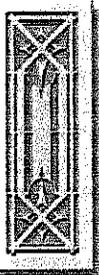
Currently we do not anticipate *many* deliveries for products, materials or supplies. There will be a few deliveries throughout the month for supplies. Currently we do the majority of shipping and receiving for materials, foods and supplies.

**Where delivery, loading, employee & customer vehicle will enter, leave, park:**

As entrepreneurs will are aware of the heavy and consistent traffic on Brown Deer Road. We are expecting all of our vistors, parents, families and employees to park in the available parking spaces in the rear of building.....



FLOOR PLAN



MADISEN ARCHITECTS

# 5600 W. BROWN DEER

SUITE G4  
 3/32"=1'-0"  
 MARCH 1, 2011

SUITE G4  
 5600 W. BROWN DEER  
 BROWN DEER, WI



THIS IS NOT A  
PUBLIC PLAYGROUND  
OR A PRIVATE PROPERTY  
PROPERTY OF THE CITY OF  
NEW YORK







**CONDITIONAL USE  
PERMIT**

**Day Care Center**

**Document Number**

**Document Title**

Before the Village Board of the Village of Brown Deer, in regard to Premises at **5600 W. Brown Deer Road, Suite G-4** located in the SW 1/4 of Section 2, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, further described in attached **Exhibit "A"**.

**WHEREAS**, the Village Code of Ordinances 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 of Ordinances; and

**WHEREAS**, a Petition has been made by Jacqueline Williams of Transitional Development Child Learning Center 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 of Ordinances.

**NOW, THEREFORE**, this Conditional Use Permit is granted authorizing that Exhibits A and B be used for the purpose of a **Day Care Center** 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**

**Parcel Identification Number (PIN)**



**CONDITIONAL USE PERMIT**  
**Day Care Center**

**Document Number**

**Document Title**

**Parcel Identification Number (PIN)**

**THE CONDITIONS** of this Permit are:

1. This Permit is granted to Transitional Development Child Learning Center LLC, upon the representation that it is a tenant of the Premises and shall become effective upon the execution and acceptance hereof by Transitional Development Child Learning Center LLC as a tenant 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. Any 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: **Day Care Center**. The use of the Premises as a day care center shall be in substantial compliance with the plans set forth and submitted to the Village of Brown Deer in support of the request for this Permit. Said plans shall be 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:  
**Day Care Center: Monday- Saturday 6 am – 11 pm**
  - 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 owner and upon recommendation of the Plan Commission and approval of the Village Board, may be made continuous pursuant to Section 121-63 of the Brown Deer Village Code.**
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 and exterior modifications shall be subject to conditions of the Wisconsin Commercial Building Code.**

**CONDITIONAL USE PERMIT**

**Day Care Center**

**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 building materials, supplies or equipment associated with the nursery school facility.**
    - (2) **There shall be no open storage of toys on the property.**
    - (3) **The property shall be kept free and clear of litter and debris.**
    - (4) **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 Zoning Code and as approved by the Village of Brown Deer Building Board.**
  - d. Exterior lighting of the site, location, design and power:
    - (1) **Changes to any exterior or parking lot lighting shall be reviewed and approved by the Brown Deer Police Department.**
  - 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 the 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) **Fire protection requirements and methods shall be reviewed and approved by the North Shore Fire Department.**
    - (6) **All appropriate licensure or approvals for the day care operation and food preparation shall be obtained from the State of Wisconsin and the North Shore Health Department as necessary. Any conditions set forth by these approvals shall be followed.**

**Exhibit A**

**Exhibit B**  
**Site Plan – Interior Layout, Operational Statement**



# REQUEST FOR CONSIDERATION

<b>COMMITTEE CONSIDERATION: Plan Commission</b>
<b>ITEM DESCRIPTION:</b> Review and Recommendation of a permanent development agreement for outdoor restaurant seating at Brown Deer Lanes, 4715 W. Bradley Road
<b>PREPARED BY:</b> Nathaniel Piotrowski, Community Development Director <i>Nathaniel Piotrowski</i>
<b>REPORT DATE:</b> November 6, 2012
<b>MANAGER'S REVIEW/COMMENTS:</b> <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
<b>Applicable Land Use Regulations:</b> Sec. 121-247
<b>VILLAGE ATTORNEY REVIEW:</b> <input type="checkbox"/> Village Attorney has reviewed documents. <input type="checkbox"/> Village Attorney has not reviewed documents. <input checked="" type="checkbox"/> Documents provided to Village attorney.
<b>COMPREHENSIVE PLAN REVIEW:</b> <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

## BACKGROUND INFORMATION:

Staff is bringing a Development Agreement to the Plan Commission for review pursuant to the first provision of said agreement, in order to decide whether or not the land use shall be made permanent.

The applicant, Kim Starz-Nicholas of Brown Deer Lanes, received a development agreement in November 2011 (see attached) for the establishment of outdoor restaurant seating.

Since that time the seating has been established and there have not been any complaints.

## RECOMMENDATION:

Village Staff suggests the Plan Commission recommend to the Village Board that the Development Agreement issued to Brown Deer Lanes outdoor restaurant seating be made continuous. Please contact Nate Piotrowski with any questions or comments at 371-3061.

**Agreement for Outdoor Restaurant Seating at  
4715 W. Bradley Road**

**THIS AGREEMENT** is entered into as of this 11 day of November, 2011, by and between **BROWN DEER LANES INC.**, an incorporated business hereinafter called "Operator" and the **VILLAGE OF BROWN DEER**, a municipal corporation in Milwaukee County, Wisconsin.

**WITNESSETH:**

**WHEREAS, BROWN DEER LANES INC.,** owns the property at 4715 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 of Brown Deer, Milwaukee County, Wisconsin, by the Operator for approval of a Development Agreement authorizing the establishment of outdoor restaurant seating at 4715 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 July 11, 2011 and after review and consideration by the Village Board of the Village of Brown Deer on July 18, 2011, the Brown Deer Lanes development agreement (parcel identification number: 085-9953) is hereby approved in accordance with Section 121-63 of the Village Code of the Village of Brown Deer, the attached Exhibit A and covenanted and agreed as follows:

1. Subject to review by the Brown Deer Plan Commission by Dec. 31, 2011 at the latest and then again after one year from the date of approval . 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 outdoor seating becomes continuous pursuant to Section 121-253 of the Village Code of the Village of Brown Deer.
2. Outside storage of merchandise, equipment or inventory (beyond the currently permitted volleyball court area) is strictly prohibited on this site.
3. Outdoor seating shall be permitted along the north side of the building under the veranda with furniture made of wood or wrought iron. The use of loud speakers or amplified sound in this seating area shall be prohibited.
4. All signs, banners and flags including location, size, and design shall be in accord with Section 121, 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. Outdoor sales shall be prohibited.
6. Food and drink service for the outdoor seating area is permitted from 10 a.m. - 12 a.m. It shall be prohibited to carry or consume any food or alcoholic beverages outside of the principal structure beyond said hours.

7. The property shall be kept free and clear of litter and debris.
8. All fencing and screening for the outdoor seating shall be kept in a state of good repair.
9. Umbrellas, if utilized, shall be made of a solid color cloth material free of any advertising.
10. 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.
11. The outdoor seating area shall be subject to review by the North Shore Health Department.
12. 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.
13. The invalidity of any of the covenants herein contained declared by any judgment or court order shall in no way affect any of the other provisions herein contained which shall remain in full force and effect.
14. Crime prevention measures shall be adhered to pursuant to the direction of 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 beginning operation of the outdoor seating and thereafter at minimum on an annual basis. If crime issues are identified, more frequent meetings may be necessary at the discretion of the Brown Deer Police Department.
15. Exhibit A, attached, is the legal description of the property.



