

PLAN COMMISSION MEETING
Monday, February 11, 2013
Earl McGovern Board Room, 7:00 P.M.



PLEASE TAKE NOTICE that a meeting of the Brown Deer Plan Commission will be held in the Earl McGovern Board Room at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon:

- I. Roll Call
- II. Persons Desiring to be Heard
- III. Consideration of Minutes: January 14, 2013 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Review and Recommendation of a development agreement for a professional office at 8759 N. Deerwood Drive
 - B) Review and Recommendation of a proposed land division via Certified Survey Map at 8759 N. Deerwood Drive
- VII. Adjournment

A handwritten signature in black ink that reads "Jill Kenda-Lubetski". The signature is written in a cursive style and is positioned above a horizontal line.

Jill Kenda-Lubetski, Village Clerk
February 7, 2013

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.

**BROWN DEER PLAN COMMISSION
JANUARY 14, 2013 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 7:00 P.M.

I. ROLL CALL

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

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

Excused: Commissioner: Jeff Jaroczynski, Bill Hoffmann

II. PERSONS DESIRING TO BE HEARD

None.

III. CONSIDERATION OF MINUTES: December 10, 2012 – Regular Meeting

It was moved by Commissioner Bellehumeur and seconded by Commissioner Bednar to approve the regular meeting minutes of December 10, 2012. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Piotrowski stated that the Village was largely successful in its Original Village lawsuit related to street right of way. He indicated that some additional legal questions still needed to be briefed but that the results to date were positive and legal counsel has recommended proceed with construction preparation.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

A) Public Hearing and review and recommendation for a conditional use permit for a medical laboratory at 9055 N. 51st Street

Mr. Piotrowski reviewed the proposal and introduced the applicant Ken Jaglinski from Bayshore Clinical Labs.

President Krueger opened the public hearing at 7:05 p.m.

There were no public comments.

President Krueger closed the public hearing at 7:06 p.m.

It was moved by Commissioner Bellehumeur and seconded by Commissioner Schmitz to recommend approval of the conditional use permit for a medical laboratory at 9055 N. 51st Street to the Village Board. The motion carried unanimously.

B) Possible Vision Workshop for Lowe's Site

Mr. Piotrowski reviewed the workshop idea and indicated that Staff was hoping to utilize community feedback to help better focus economic development efforts and understand what land use might be the best fit for the community.

President Krueger asked if the property was listed for sale. Mr. Piotrowski replied that the property was listed by a national broker with a local representative however marketing has been limited.

Commissioner Bellehumeur asked how the results of the workshop could be used to help influence the real estate or business community. Mr. Piotrowski replied that the feedback could be used in several ways including; direct outreach to particular companies or certain business sectors, referenced in marketing materials or draw attention and publicity to a unique opportunity through media outlets.

Trustee Schilz stated that any attention that could be brought to the property would likely be a good thing but noted that Staff must make it clear that the property is not owned by the Village and that the Village cannot dictate the real estate market and force redevelopment.

Commissioner Bellehumeur stated that pictures or video of the interior might also help potential users better envision the space.

Commissioner Bednar added that contact should be made with the local press to advertise and promote the event much like the news coverage of the Northridge Mall open house.

It was consensus of the Plan Commission to have Staff program a visioning workshop for the Lowe's site in February at the new Brown Deer Community Center.

VII. ADJOURNMENT

It was moved by Commissioner Schmitz and seconded by Commissioner Bednar to adjourn at 7:26P.M. The motion carried unanimously.



Nate Piotrowski, Community Development Director



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review and Recommendation of a development agreement for a professional office at 8759 N. Deerwood Drive
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: February 7, 2013
VILLAGE MANAGER'S REVIEW/COMMENTS: <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
Applicable Land Use Regulation: Village Code Chapter 121, Article VII
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.

ANALYSIS:

Modus Design, a graphic design and marketing firm, is seeking to purchase and occupy the former auto garage at 8759 N. Deerwood Drive. They would operate a business office on the site. Modus employs six professionals and typically has office hours from 7am-6pm. The majority of business activity would be handled within the building and the garage door is proposed to be renovated to provide a unique indoor/outdoor work environment.

As part of the streetscape project, the Village plans to pave the current gravel lot to the north as well as the gravel area behind the building. The area to the north will remain as a public parking lot while the area behind the building will contain at least three private parking stalls for Modus. Between the private stalls and the adjacent spaces, the parking needs of Modus should be easily handled.

Because the property is located in the Original Village neighborhood, a development agreement is required to govern the land use. A draft agreement is attached for review, along with a proposed floor plan for the business and building renderings.

RECOMMENDATION:

The proposed use of the building for a professional office is a good fit for the neighborhood and staff suggests that the Plan Commission recommend approval of the Development Agreement to the Village Board. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

**Development Agreement
By and Between
Modus Design, Inc.
And
The Village of Brown Deer**

THIS AGREEMENT is entered into as of this ____ day of _____, 2013, by and between **Modus Design Inc.**, a Wisconsin Limited Liability Company hereinafter called "Operator" and the **VILLAGE OF BROWN DEER**, a municipal corporation in Milwaukee County, Wisconsin.

WITNESSETH:

WHEREAS, Modus Design Inc. is the owner of property at 8759 N. Deerwood Dr., located in the NW ¼, Section 12, 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 business office at 8759 N. Deerwood Drive (hereinafter referred to as the "Property"); and

WHEREAS, on _____, JAMES JAGODZINSKI and BROWN DEER entered into a Development Agreement for a automobile service garage at 8759 N. Deerwood Drive, said Agreement being recorded in the office of the Register of Deeds, Milwaukee County, Wisconsin on _____, as Document _____, in Reel_____, Image _____; and amended by Document #'s _____

WHEREAS, the _____, 19__ Agreement, and subsequent amendments as Document #'s _____ shall be released and replaced by this Agreement; 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 February 11, 2013 and after review and consideration by the Village Board of the Village of Brown Deer on February 18, 2013, the Modus Design Inc. (parcel identification number: _____) Planned Development Agreement is hereby approved in accordance with Sections 121-250 through 121-253 of the Village of Brown Deer Village Code, the attached Exhibits A and B and covenanted and agreed as follows:

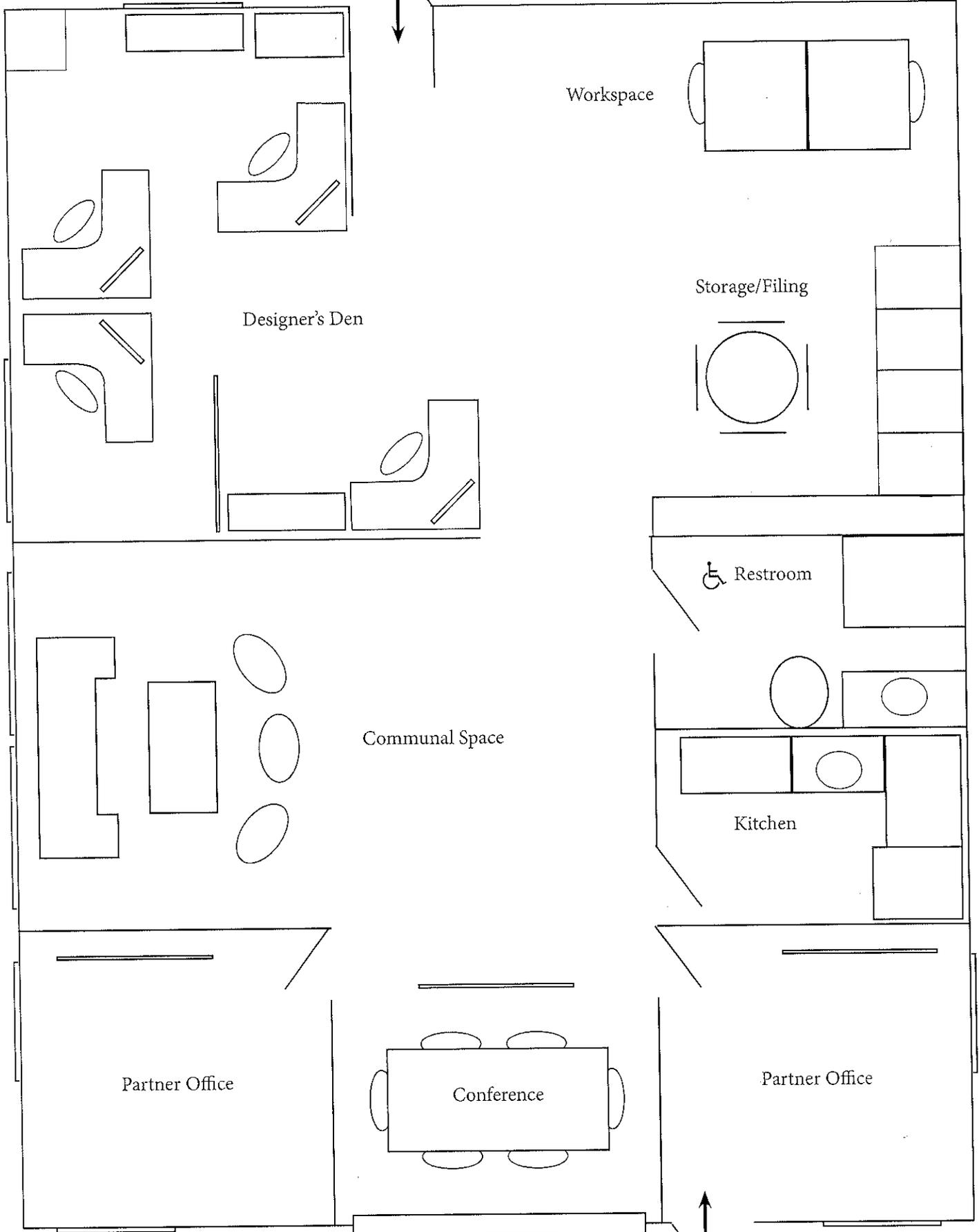
- 1. Subject to review by the Brown Deer Plan Commission after one year. If there are no documented complaints about the use, or if documented complaints have been resolved to the satisfaction of the Village Board, the approval of the specific project plan for a business office becomes continuous pursuant to the Village of Brown Deer Village Code.**
- 2. Outside storage of merchandise, equipment or inventory is strictly prohibited on this site.**
- 3. The property shall be kept free and clear of litter and debris.**

4. **Sign location, size, design shall be in accord with Chapter 121 of the Village of Brown Deer Village Code.**
5. **All deliveries and pick-ups shall occur during the business hours of 7:00am- 6:00pm, Monday through Saturday.**
6. **Outdoor sales shall be prohibited.**
7. **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.**
8. **Any significant modifications to the site or existing building and/or expansion of the business, shall be reviewed and approved by the Plan Commission and Village Board.**
9. **Owner shall provide a private trash removal system requiring no service by or cost to the Village. 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.**
10. **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 occupancy and then as necessary at the discretion of the Brown Deer Police Department.**
11. **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.**
12. **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.**
13. **Exhibit A, attached is the legal description of the property.**
14. **Exhibit B, attached contains the floor plan for the property.**

Exhibit A
Legal Description

Exhibit B
Proposed Operational and Floor Plan

43rd Street



Designer's Den

Workspace

Storage/Filing

Restroom

Kitchen

Communal Space

Conference

Partner Office

Partner Office

Deerwood Drive





MODUS DESIGN





REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review and Recommendation of a proposed land division via Certified Survey Map at 8759 N. Deerwood Drive
PREPARED BY: Nathaniel Piotrowski, Planning and Zoning Specialist
REPORT DATE: February 7, 2013
VILLAGE MANAGER'S REVIEW/COMMENTS: <input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached.
Applicable Land Use Regulation: Village Code Chapter 117, Article V
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.

ANALYSIS:

The Village currently owns the garage building at 8759 N. Deerwood Drive. This lot was purchase in late 2011 in order to utilize the north side of the site for a public parking facility related to the streetscape project. While the streetscape project was delayed the Community Development Authority was approached by several interested parties seeking to purchase and remodel the garage building. The CDA has progressed to a point of recommending an offer to purchase from Modus Design to the Village Board

In order to appropriately complete a sale of the building while retaining the land to the north for public parking, a land division is necessary. The attached draft CSM accomplishes this and also includes a cross access easement for the benefit of both lots. Also attached is an aerial of the site with the streetscape project plans overlaid for reference (left side of attachment).

Staff has reviewed the measurements and coordinates on the CSM and has found them to be accurate and that the proposed lot conforms to the standards of the Village Code for the OVPD- Original Village Planned Development zoning district.

RECOMMENDATION:

This CSM is necessary for the redevelopment of the property and it meets all zoning criteria. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

CERTIFIED SURVEY MAP NO. _____

PART OF THE NW ¼ OF THE NW ¼ OF SECTION 12, TOWNSHIP 8 NORTH,
RANGE 21 EAST, VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN



NORTH



Bearings are referenced to the West line of Section 12, Township 8 North, Range 21 East, as S00°57'42"W Wisconsin County Coordinate System, Milwaukee County Zone NAD83 (2007)

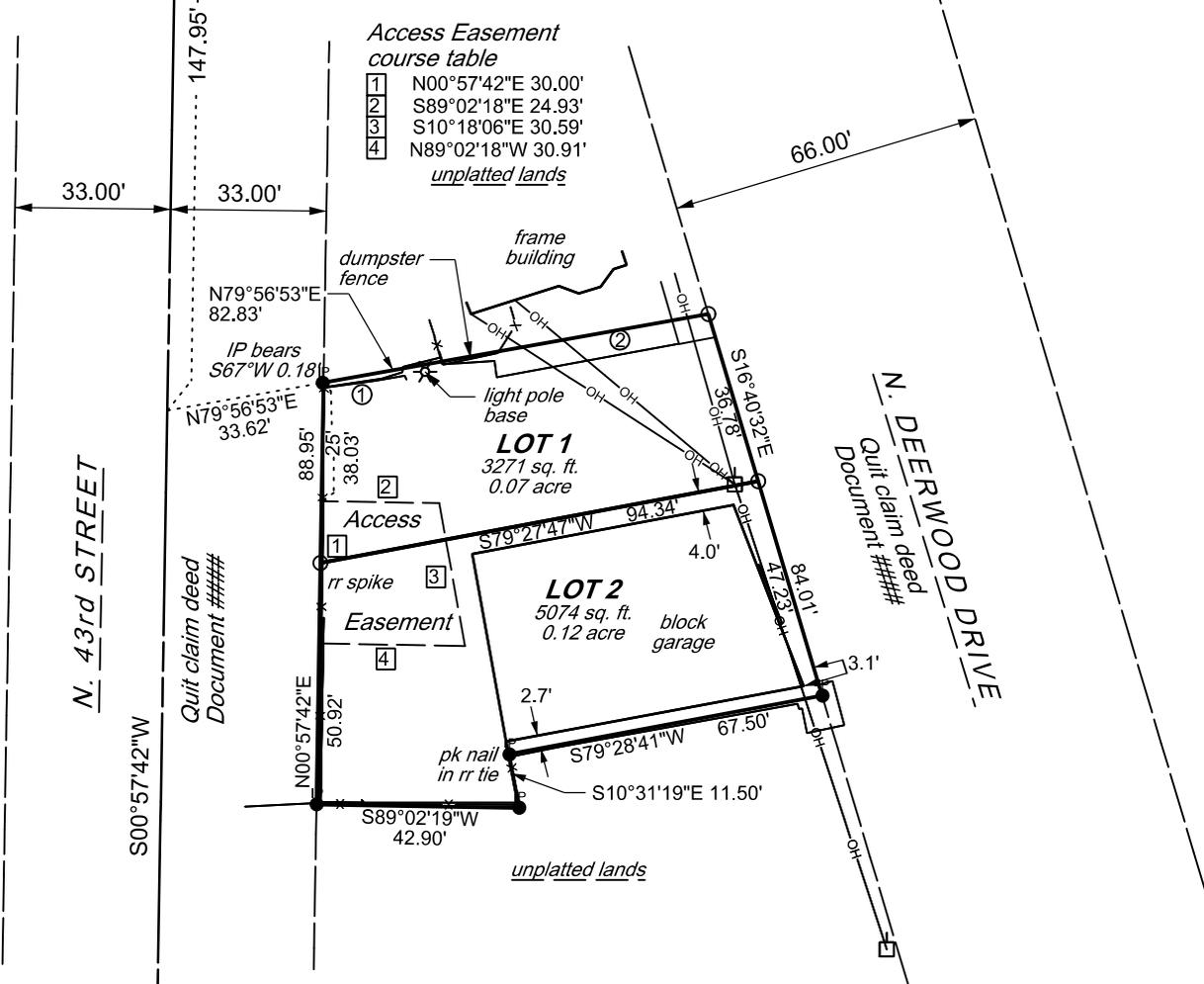
Found brass cap monument
NW corner Sec 12, T8N, R21E



LEGEND

- FOUND 1" DIA. IRON PIPE ●
- FOUND IRON BAR ● (SIZE)
- SET 3/4" X 18" SOLID, ROUND IRON STAKE WEIGHING 1.50 LBS. PER LINEAL FOOT UNLESS OTHERWISE NOTED ○
- SECTION LINE _____
- PROPERTY LINE _____
- RECORDED AS DATA (N90°00'00"E 123.87')
- RIGHT OF WAY LINE _____
- OVERHEAD UTILITY — OH — OH
- FENCE — X — X — X
- POWER POLE □

Notes:
 ① edge of asphalt parking lot to the north 1.5' south of property line
 ② edge of concrete slab to the north 5.2' south of property line.
 The Owner's of Lots 1 and 2 grant a reciprocating access easement from N. 43rd Street as depicted to benefit the Owner's of Lot 1 and 2



Access Easement course table

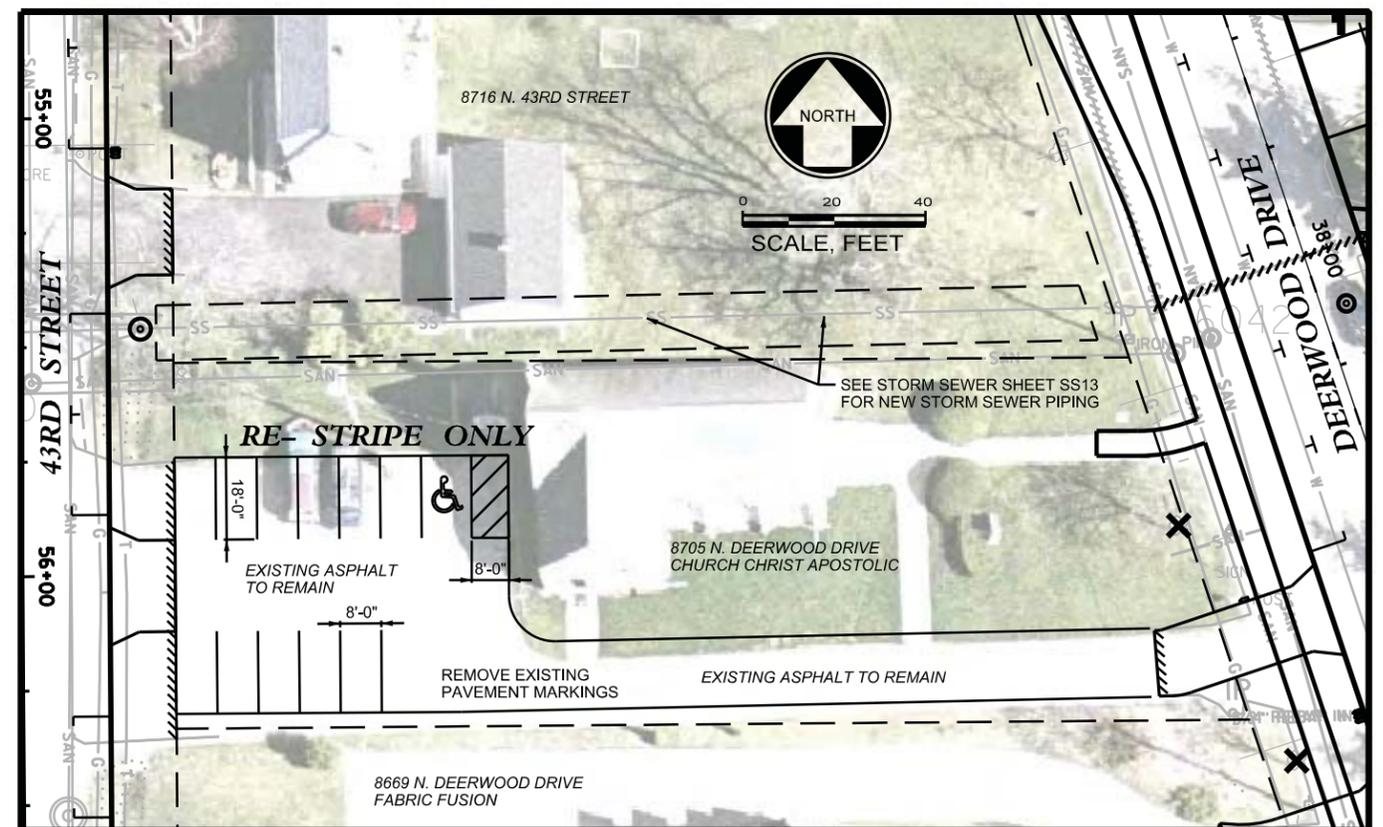
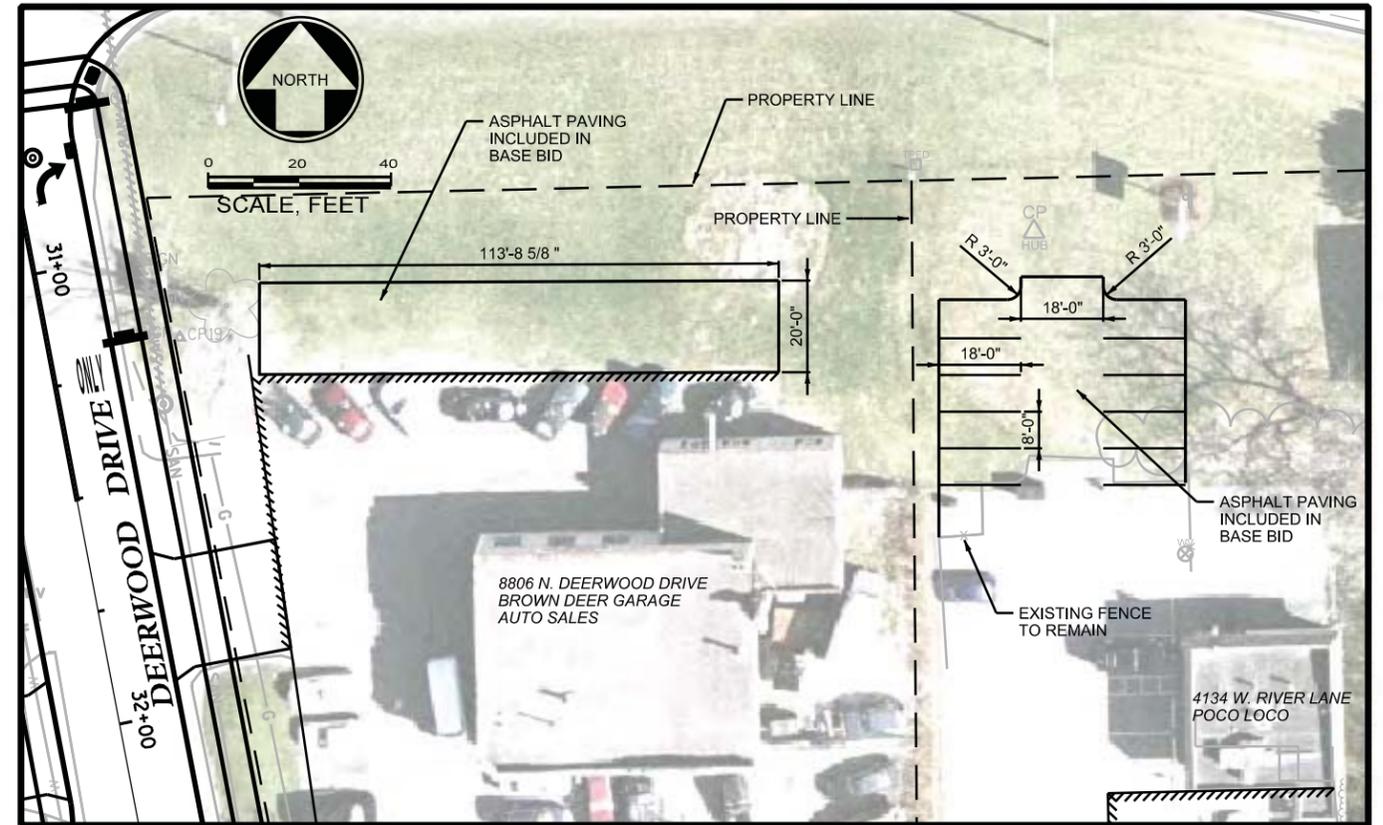
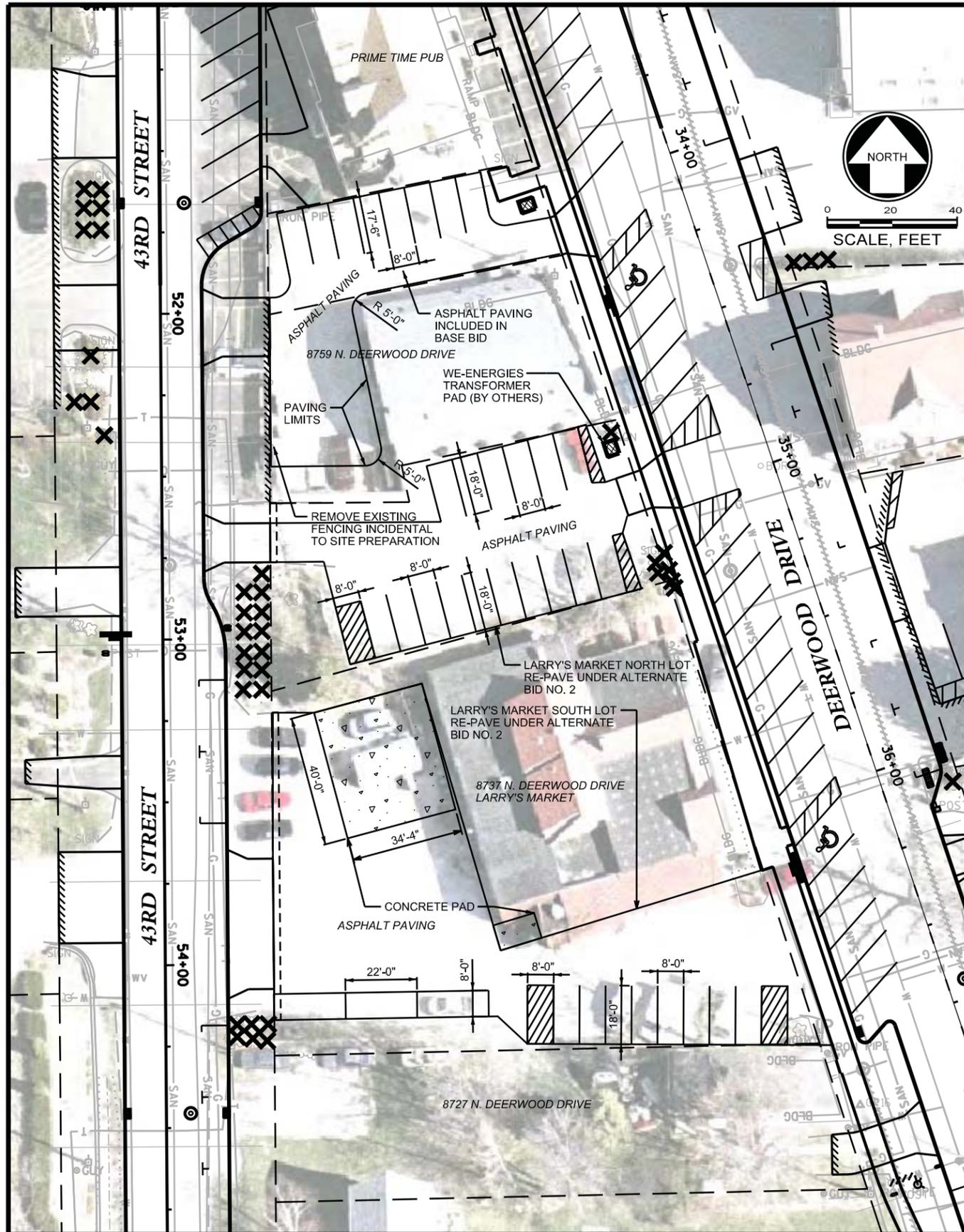
1	N00°57'42"E 30.00'
2	S89°02'18"E 24.93'
3	S10°18'06"E 30.59'
4	N89°02'18"W 30.91'

unplatted lands

Found brass cap monument
W 1/4 corner Sec 12, T8N, R21E



AYRES ASSOCIATES
 1802 PANKRATZ STREET
 MADISON, WISCONSIN 53704
 (608) 443-1200



DATE REVISION

NO.	DATE	REVISION
1	09/15/10	PRELIMINARY PLANS
2	01/04/11	WISDOT PERMITS
3	01/21/11	FINAL PLANS
4	05/30/11	FINAL REVISIONS
5	12/20/11	FINAL PLANS
6	02/01/12	BIDDING DOCUMENTS

VILLAGE OF BROWN DEER
4800 WEST GREEN BROOK DRIVE
BROWN DEER, WI 53223

AYRES
ASSOCIATES
Waukesha, Wisconsin

ORIGINAL VILLAGE STREETSCAPE
PARKING LOTS
LARRY'S MARKET & POCO LOCO & ETC.

DRAWING NO.
PP16
SHEET NO.