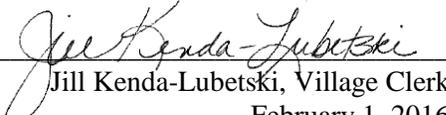


PLAN COMMISSION MEETING
Monday, February 8, 2016
Earl McGovern Board Room, 6:30 P.M.



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: October 12, 2015 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Public Hearing and Recommendation of a Conditional Use Permit with Westwood Cleaners, LLC for a dry cleaning establishment at 9055 N. 51st Street.
 - B) Public Hearing and Recommendation of a Conditional Use Permit with RND, LLC for a multiple family dwelling at 7732 and 7732A N. Sherman Blvd.
 - C) Review and Recommendation of a Development Agreement with CJB, LLC for offices and a fitness studio at 8655 N. 43rd Street
- VII. Adjournment


Jill Kenda-Lubetski, Village Clerk
February 1, 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
OCTOBER 12, 2015 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:43 P.M.

I. ROLL CALL

Present: President Carl Krueger; Trustee: Jeff Baker; Commissioners: Al Walters, Bill Hoffmann, Dan Bednar, Ryan Schmitz

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

Excused: Trustee: Tim Schilz; Commissioner: Jeff Jaroczynski

II. PERSONS DESIRING TO BE HEARD

None

III. CONSIDERATION OF MINUTES: July 13, 2015 – Regular Meeting

It was moved by Commissioner Hoffmann and seconded by Commissioner Walters to approve the regular meeting minutes of July 13, 2015. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Piotrowski reported that Staff was meeting with RFP Commercial to discuss progress in the marketing and sale of the former Lighthouse and Algonquin parcels and Michael Hall reported the Village Board's budgetary decision to begin the process of building a new Public Works yard adjacent to Village Hall.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

A) Review and Recommendation of a Development Agreement with Aldi, Inc. for a grocery store at 6720 W. Brown Deer Road.

Mr. Piotrowski reviewed the proposal and introduced Tom Howald from Aldi.

Commissioner Hoffmann asked how stormwater was being managed. Mr. Piotrowski replied that the Village was planning to create a regional stormwater management facility due west on land that it would retain for both Aldi and Pak Technologies to the north.

Commissioner Hoffmann asked about the proposed deviation from parking standards. Mr. Piotrowski replied that the deviation was small, totaling only 5 excess spaces and that precedent existed to the east at Walmart.

President Krueger asked if the existing store on W. Brown Deer Road was to remain. Mr. Howald replied that the proposed Brown Deer location is to replace the store further west.

Trustee Baker asked what improvements were made to the building architecture in light of the reduction in sale price. Mr. Piotrowski described the changes including the added glazing, higher parapet and new tower element in the southwest corner.

Trustee Baker asked if Aldi proposed any extra cart security measures. Mr. Howald replied that specific security

measures keeping the carts on site were not currently proposed and that the 25 cent cart deposit generally sufficed for ensuring cart security.

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

B) Review and Recommendation of a Development Agreement with Poco Loco Cantina at 4134 W. River Lane.

The applicant requested to withdraw the item and will resubmit for next month's meeting. No action was taken.

VII. ADJOURNMENT

It was moved by Commissioner Schmitz and seconded by President Krueger to adjourn at 7:05 P.M. The motion carried unanimously.



Nate Piotrowski, Community Development Director



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Public Hearing and Recommendation of a Conditional Use Permit with Westwood Cleaners, LLC for a dry cleaning establishment at 9055 N. 51 st Street.
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: February 3, 2016
Applicable Land Use Regulation: Village Code Sec. 121-63 and 220, Manufacturing
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:

Westwood Cleaners currently operates a retail dry cleaning establishment on Port Washington Road in Mequon. They are seeking to open a back office, commercial production facility at 9055 N. 51st Street. The operation would support the retail storefront and would have limited employee traffic and no retail traffic. The attached letter of operation describes the use.

There would be no physical changes to the site, however, since a dry cleaners is considered a conditional use in the Manufacturing zoning district a permit review is required. A draft conditional use permit is included along with an aerial photo of the property.

Westwood Cleaners has a lease in place subject to Village approval and would begin operation once occupancy was secured.

RECOMMENDATION:

Staff does not have concerns with this use as it will only be a location for bulk cleaning and processing without retail activity. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

CONDITIONAL USE PERMIT
Dry Cleaning Establishment

Before the Village Board of the Village of Brown Deer, in regard to Premises at **9055 N. 51st Street, Unit A** 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 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 Aleksandra Rahamim and Vladimir Krivoshein of Westwood Dry Cleaners 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 **Dry Cleaning Establishment** subject to compliance with the terms and conditions hereinafter stated in this Conditional Use Permit (hereinafter the "Permit"):

CONDITIONAL USE PERMIT
Dry Cleaning Establishment

029-0090-001

Document Title

Parcel Identification Number (PIN)

THE CONDITIONS of this Permit are:

1. This Permit is granted to Westwood Dry Cleaners LLC, upon the representation that it is the owner of the Premises and shall become effective upon the execution of the acceptance hereof by Westwood dry Cleaners LLC as 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. 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: **Dry Cleaning Establishment**. 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: **Monday- Saturday 7:00am – 8:00pm**.
 - c. Performance standards relating to noise, vibration, odor, smoke, dust, etc., other than applicable Village Ordinances: **Per the Village Code**.
 - d. Duration of Conditional Use: **For an initial period of one year. To be reviewed one year from the date of approval. If there are no documented complaints about the permitted use, or if documented complaints have been resolved to the satisfaction of the Village Board, the Permit, upon petition of the tenant and upon recommendation of the Plan Commission and approval of the Village Board, may be continuous pursuant to Section 121 of the Village Code of Brown Deer.**
6. Conditions of the Building other than in accordance with the approved building plans.
 - (1) **Structural improvements and any new signage shall be reviewed and approved by the Village of Brown Deer Building Board.**
 - (2) **All interior modifications shall be subject to conditions of the Wisconsin Commercial Building Code and in compliance with fire protection requirements of the North Shore Fire Department.**

**CONDITIONAL USE PERMIT
Dry Cleaning Establishment**

029-0090-001

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 dry cleaning establishment.**
 - (2) The property shall be kept free and clear of litter and debris.**
 - (3) Overnight parking of motor vehicles shall be prohibited.**
 - b. Finished topography and building grades, retaining walls, storm water run-off:
 - (1) None.**
 - c. Sign location, size, design:
 - (1) Per Section 121 of the Village Code and as approved by the Village of Brown Deer Building Board.**
 - d. Exterior lighting of the site, location, design and power:
 - (1) 24-hour security lighting of the tenant space shall be maintained.**
 - e. Other:
 - (1) Any hazardous conditions or deficiencies identified by the Village shall be corrected by the owner to the satisfaction of the Village within thirty (30) days of written notification.**
 - (2) The owner shall provide private trash removal service. All trash, storage and collection shall be within the building interior or within an enclosure that screens trash and removal system from public view. The trash removal system shall be rodent-proof, covered and maintained in accordance with the direction of the North Shore Health Department.**
 - (3) The owner shall maintain up-to-date key holder information with the Brown Deer Police Department.**
 - (4) Crime prevention measures shall be adhered to pursuant to the Brown Deer Police Department. The owner shall meet with the Village of Brown Deer Police Department to review security and crime prevention measures prior to occupancy. If crime issues are identified after occupancy, additional meetings may be necessary at the discretion of the Brown Deer Police Department.**
 - (5) No retail sales are allowed from the site.**

Exhibit A
Legal Description

To: Village of Brown Deer
Attention: Community Service Department
From: Westwood Dry Cleaners

The following plan is for the address: 9055 N 51st st unit A
Westwood Dry Cleaners is planning to install dry cleaning and laundry equipment such as dry cleaners machine, washer, dryer, boiler, shirt unit press on the above-mentioned property. All installation will be provided by license professionals and will take all necessary permits from the city of Brown Deer. This future plan will operate only as a plant and will not have any customer traffic. The hours of operation will be Monday through Friday 7am-5pm and Saturday 8am-3pm and Sunday off. This plant will have no more than four employees on the premises. No special parking requirements will be needed. There will be no special requirements for trash removal.

Sincerely,

Representatives of Westwood Dry Cleaners,
Vladimir Krivoshein and Aleksandra Rahamim

Vlad Krivoshein
Aleksandra Rahamim 01/12/16



W BEAVER CREEK PKWY

NOTE VACATED STREET

INDUSTRIAL PARK

N 51ST ST

DRAINAGE EASEMENT

W GREEN BROOK DR

Property and proposed tenant location

5333

5277

5221

9009

CSM 962

9090

CSM 962

9046

CSM 962

9036

CSM 826

9000

BROWN

DEER

4920

4900

184.25

133.38'

78.14'

39'

132.00'

330.00'

330.00'

110'

39'

132.00'

288.71'

150.88'

288.71'

134.47'

288.71'

155.00'

288.71'

121.67'

288.71'

288.71'

121.67'

60'

150.88'

134.47'

155.00'

121.67'

121.67'

8

4987

188.36'

1

460.18'

460.17'

5411

100.00'

5353

13

5329

100.00'

14

5261

114.99'

15

5235

114.99'

16

5167

100.00'

17

5113

110.00'

1

5069

141.86'

2

5043

141.86'

8

4987

188.36'

19



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Public Hearing and Recommendation of a Conditional Use Permit with RND, LLC for multi-family dwellings at 7332/7332A N. Sherman Blvd.
PREPARED BY: Fernando Moreno, Zoning & Planning Specialist
REPORT DATE: February 3, 2016
Applicable Land Use Regulation: Village Code Sec. 121-158(c)
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:

RND, LLC currently owns a 1-acre parcel of land on the eastern side of N. Sherman Blvd., between W. Parkland Avenue and W. Fountain Avenue. The property contains two single-family homes and a detached garage. The parcel lies within an R-3 Residential Zoning District (“Single-Family Detached Residence”). This type of Zoning District does not include multiple-family dwellings as a permitted use. However, R-3 Residential districts do permit multiple-family dwellings as a conditional permitted use, provided that the parcel contains no less than 8,000 square feet of lot area per dwelling.

The dwellings on site predate the inception of the Village and its zoning ordinances but are now considered legal non-conforming structures meaning that they could not be rebuilt if destroyed or damaged beyond 50%. RND, LLC, seeks a Conditional Use Permit in order to bring the property into alignment with Village zoning codes and provide some measure stability in case of catastrophe.

There would be no physical changes to the site. A draft conditional use permit is included along with an aerial photo of the property.

RECOMMENDATION:

Upon consultation with the Village Attorney, the Community Services Department staff has considered the issue and determined the two structures to constitute a single multi-family dwelling. Issuance of a Conditional Use Permit would allow the current owners (and any future ones) to remove the legal non-conforming status of having two homes on one lot. Village staff recommends that this conditional use be granted to the owners. Please feel free to contact Fernando Moreno at (414) 371-3032, if you have any questions.

CONDITIONAL USE PERMIT

Multiple-Family Dwelling at 7732/7732A N. Sherman Blvd.

Before the Village Board of the Village of Brown Deer, in regard to Premises at **7332/7332A N. Sherman Blvd.** located in Lot 39 of unrecorded plat "Fountain Acres" in the NW quarter of Section 13, Town 8, 21 East, thence N 132 ft. of S 1056 ft. OF W 330 ft., containing 1 acre, 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 Jon Nedeau and Kirk Radtke of RND 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 housing two multi-family dwellings subject to compliance with the terms and conditions hereinafter stated in this Conditional Use Permit (hereinafter the "Permit"):

CONDITIONAL USE PERMIT

**Multiple-Family Dwelling at
7732/7732A N. Sherman Blvd.**

Document Title

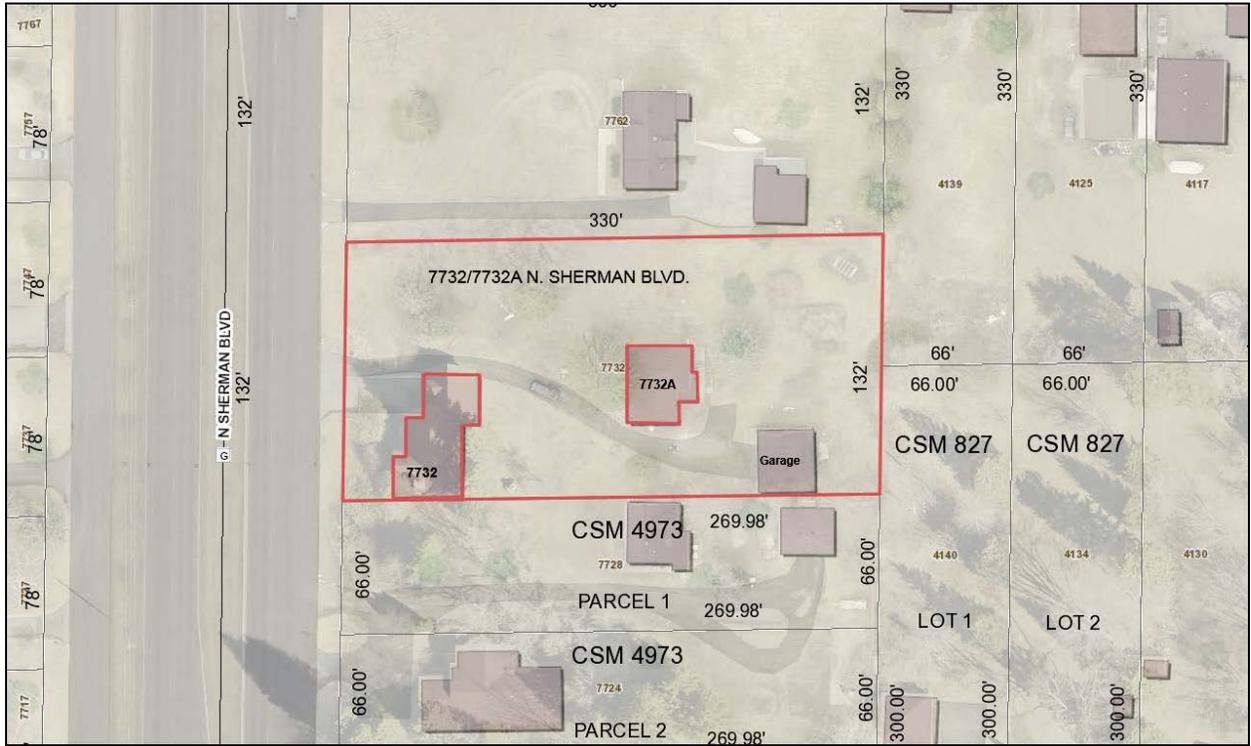
086-8941

Parcel Identification Number (PIN)

THE CONDITIONS of this Permit are:

1. This Permit is granted to RND, LLC, upon the representation that it is the owner of the Premises and 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. 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. 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 Site other than in accordance with the approved building plans.
 - (1) **Structural improvements shall be reviewed and approved by the Village of Brown Deer Building Board.**
 - (2) **Only the two existing single-family dwellings and detached as depicted in Exhibit B are permitted by this conditional use. No additional dwellings are permitted without further review and approval by the Village of Brown Deer.**

Exhibit B
Site Plan





REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review and Recommendation of a Development Agreement with CJB LLC for offices and a fitness studio at 8655 N. 43 rd Street
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: February 3, 2016
Applicable Land Use Regulation: Village Code Sec. 121-250, Orig. Vil. Planned Dev.
VILLAGE ATTORNEY REVIEW: <input checked="" type="checkbox"/> Village Attorney has reviewed documents. <input type="checkbox"/> Village Attorney has not reviewed documents. <input checked="" type="checkbox"/> Documents provided to Village attorney.
COMPREHENSIVE PLAN REVIEW: <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

ANALYSIS:

In late 2014 Milwaukee County foreclosed on the former Bella Landscaping property at 8655 N. 43rd Street due to unpaid taxes. The Village has been negotiating to acquire this property from the County since before the foreclosure was complete. Finally, the County is prepared to sell the land and has preliminarily agreed to a sale of the building and site for \$50,000. The sale price is discounted because of the property/building condition and the notice of contamination recorded against the land.

Jennifer Jambor-Raninen, who also owns Modus Design in the Original Village, has remained interested in this property since 2014 and is prepared to acquire it immediately from the Village while assuming building/site renovation and environmental remediation. Ms. Jambor Raninen would provide \$15,000 in equity towards the purchase from the County and guarantee an assessed value of no less than \$300,000 commencing in 2017.

The attached development agreement outlines those financial terms and also includes operational restrictions. Ms. Jambor-Raninen's proposal includes a fitness studio, Solful Fitness, as the primary tenant along with a smaller amount of additional office space which does not currently have a tenant. A basic site plan and building rendering is included for your information along with a statement of operation describing the proposed fitness studio use. Final site engineering and building plans are needed before permits would be issued.

Financial arrangements still must be reviewed by the Village Board with architectural plans to the Building Board and landscape plans to the Beautification Committee.

RECOMMENDATION:

Staff believes that the proposed use is complimentary to the area and the renovation and remediation of the property would be positives for the neighborhood and TIF particularly given the developer's existing track record in the community. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

March 24th, 2015 - 8655 N 43rd Street Property

It is understood that the partners of CJB LLC, Jennifer Jambor Raninen and William Raninen, will purchase the property located at 8655 N 43rd Street from Brown Deer Village. CJB LLC will conduct a review of the land contamination and will hire all necessary contractors needed to comply with DNR requirements. CJB LLC intends to lease all office/business space during the remediation stages.

Operational Plan –

It has been confirmed, upon the completion of renovations and obtaining appropriate permits and licensing, that Solful Fitness Inc. will immediately lease space on these premises. They will conduct a fitness business for independent and small group training. The areas which Solful Fitness will be leasing include the Central 'garage' space, the back storage room, the central office space and the warehouse. In addition there will be (3) additional professional offices which share a common space reception entry. These three offices were offered to Solful Fitness for lease but they declined. Upon renovation completion, those offices will be available for lease independently and at this time a tenant has not yet been identified. There is a common hall, accessed by locking doors, allowing all tenants access to the two restrooms.

Tenant information –

Solful Fitness

Solful Fitness is a fitness facility that focuses on both individual and small group fitness training. Each class consists of one trainer and from one to eight+ clients per class. No more than two classes are likely to occur at the same time. Owner Lisa Martin currently employs five trainers. 24 parking spaces will be allocated for all tenants with the opportunity for additional parking as needed.

The fitness facility does not operate as an all day facility but rather is only open at varied intervals during scheduled classes. Class schedules may change with the elimination or the addition of classes but currently the Solful Fitness class schedule is as follows;

Sundays 8:00a.m. – 10:30a.m.

Mondays 9:00a.m. – 10:00 a.m. and 5:30p.m. – 7:45p.m.

Tuesdays 5:00p.m. – 8:00p.m.

Wednesdays 7:30a.m.-8:30a.m. and 5:45p.m. – 7:45p.m.

Thursdays 6:45p.m.- 7:45p.m.

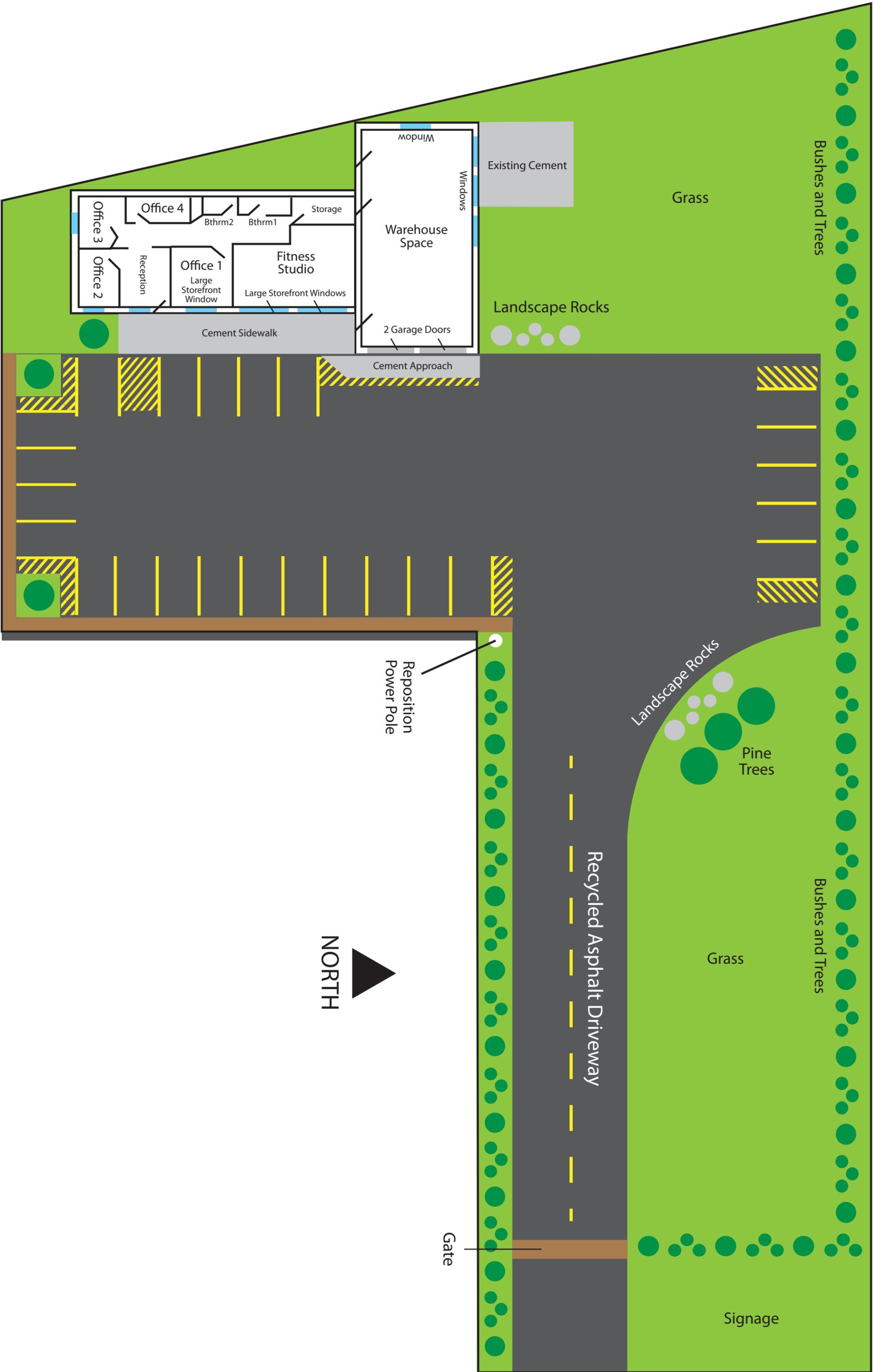
Fridays 12:00p.m. – 1:00p.m. and 5:30p.m. – 6:30p.m.

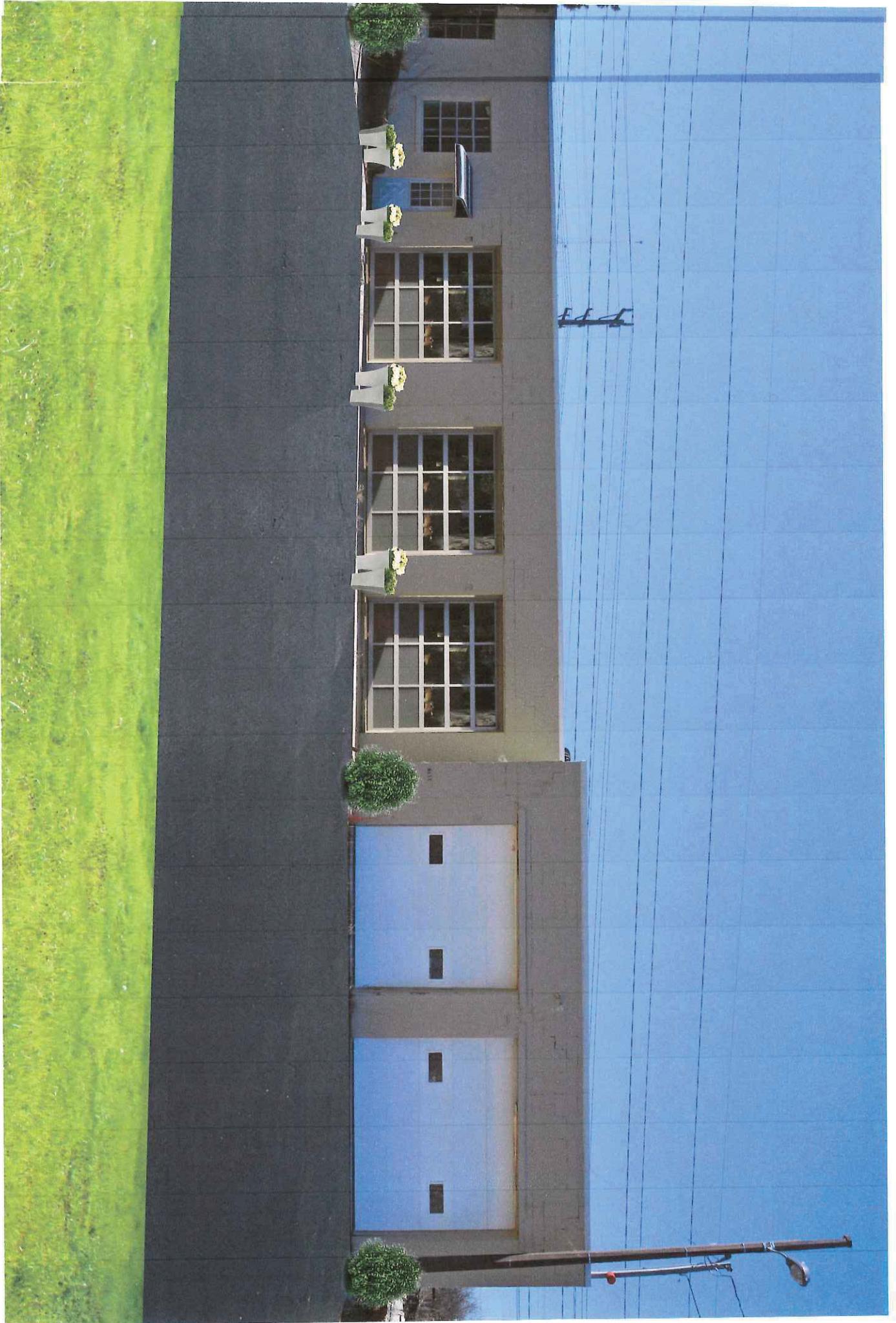
Saturdays 8:00a.m. – 10:15a.m.

All tenants and their clients/visitors will be expected to follow all Brown Deer Village rules and regulations while conducting their businesses in a professional manner. CJB LLC assumes all property management responsibilities.

Thank you for the opportunity to present this operation plan. Should you have additional questions or need additional information, please feel free to contact me to discuss in further detail.

Sincerely,
Jennifer Jambor Raninen
William Raninen





WISCONSIN ELECTRIC POWER COMPANY

66.21'

87.17'

Regraded and turf

333.86'

300.90'

CSM 2322

95.00'

173.90'

8655

PARCEL 1

8633

147.00'

New asphalt driveway/parking

211.71'

111.61'

N 43RD ST

100'

8636

104.26'

CSM 2322

206.61'

6000'

97.36'

PARCEL 2

95'

8624

