

**SPECIAL PLAN COMMISSION MEETING**  
**Monday, September 30, 2013**  
**Earl McGovern Board Room, 7:00 P.M.**



**PLEASE TAKE NOTICE** that a special 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: September 9, 2013 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
  - A) Site Plan modification request to expand a parking lot at 9036 N. 51<sup>st</sup> Street
  - B) Review and Recommendation of a permanent Conditional Use Permit for a Commercial Dance School at 9036 N. 51<sup>st</sup> Street
- VII. Adjournment

A handwritten signature in black ink that reads "Jill Kenda-Lubetski". The signature is written in a cursive style with a horizontal line underneath it.

Jill Kenda-Lubetski, Village Clerk  
September 26, 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  
SEPTEMBER 9, 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, Jeff Jaroczynski, Bill Hoffmann, Al Walters

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

**II. PERSONS DESIRING TO BE HEARD**

None

**III. CONSIDERATION OF MINUTES: July 8, 2013 – Regular Meeting**

*It was moved by Commissioner Schmitz and seconded by Commissioner Hoffmann to approve the regular meeting minutes of July 8, 2013. The motion carried unanimously.*

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

Mr. Piotrowski provided an update as to site plan discussions with Walmart based upon Village Board approval conditions. He noted that all conditions were being adhered to by Walmart however the upgraded cart corrals were proving difficult for Walmart to provide due to cost and space constraints. Mr. Hoffmann asked about the design and height of the sound barrier. Mr. Piotrowski explained the length of the barrier but stated that he was unsure of final height and design characteristics. He added that this information would be reviewed by Village engineering consultants to make sure the barrier is an appropriate design. Mr. Piotrowski also describe the status of the Original Village construction project and stated that major roadway work was scheduled to be complete by the middle of October with landscaping lasting longer and perhaps into the spring.

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

- A) Development Agreement for a transportation company with World Transit Service, 4685 W. Bradley Road**

Mr. Piotrowski reviewed the proposal and introduced the applicant Siwan Tiwari.

Commissioner Jaroczynski asked about the hours of operation and if there should be a smaller restriction on the number of vehicles. Mr. Tiwari explained that most vehicles are returned by 6 or 7pm and parked and that they may leave the site as early as 5am. Mr. Piotrowski added that a variation of one or two vehicles would not alter the aesthetics or the functionality of the proposal significantly.

Commissioner Bellehumeur asked how many vehicles are typically parked on site. Mr. Tiwari replied that there were typically 10 transit vans.

President Krueger noted that the transit service was only identified by the police department and wondered when the company began operating. Mr. Tiwari stated that the company began last October.

Commissioner Hoffmann asked if Staff had received any complaints about the land use. Mr. Piotrowski replied that there were none.

Trustee Baker stated that he did not want the transit vehicles to overflow into customer parking on the north or west side of the building, because sometimes parking opportunities are limited. Mr. Piotrowski explained that the language of the development agreement clearly restricted such overflow parking.

*It was moved by Commissioner Bednar and seconded by Commissioner Hoffmann to recommend approval to the Village Board of the development agreement for a transportation company with World Transit Service, 4685 W. Bradley Road. The motion carried unanimously.*

**B) Review and Recommendation of a permanent Conditional Use Permit for a public utility tower at Badger Meter, 4545 W. Brown Deer Road**

Mr. Piotrowski reviewed the proposal and noted that the use was in place without complaint.

*It was moved by Commissioner Hoffmann and seconded by Commissioner Schmitz to recommend approval of making the conditional use permit permanent for an public utility tower at Badger Meter, 4545 W. Brown Deer 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 7:25P.M. The motion carried unanimously.*



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Nate Piotrowski, Community Development Director



# REQUEST FOR CONSIDERATION

<b>COMMITTEE CONSIDERATION: Plan Commission</b>
<b>ITEM DESCRIPTION:</b> Site Plan modification request to expand a parking lot at 9036 N. 51 <sup>st</sup> Street
<b>PREPARED BY:</b> Nathaniel Piotrowski, Community Development Director
<b>REPORT DATE:</b> September 25, 2013
<b>VILLAGE 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 Regulation:</b> Village Code Chapter 121-9
<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.

## ANALYSIS:

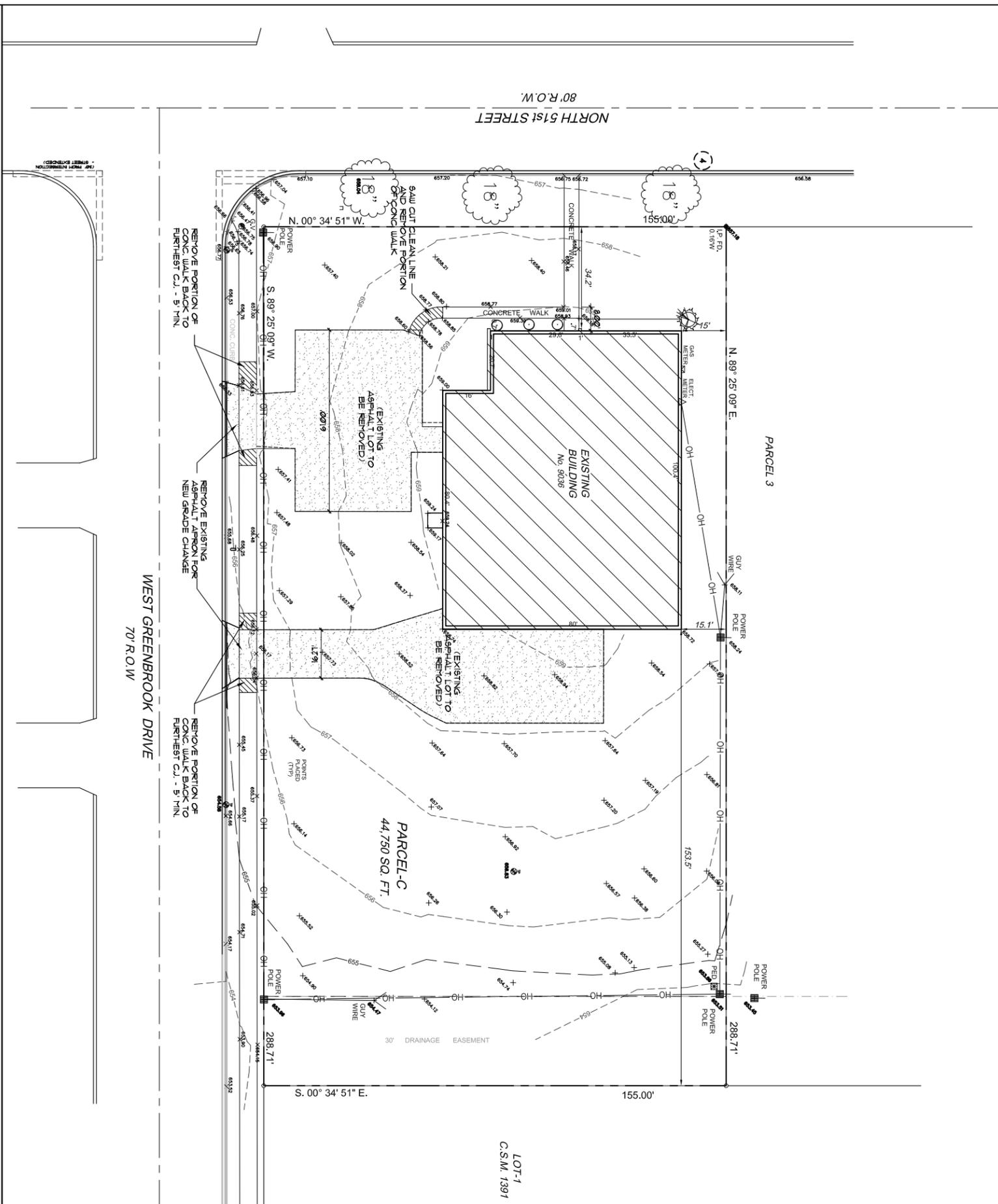
The Village Police, Public Works and Community Service Departments have been working with The Academy of Dance Arts to try and resolve on street parking issues that have led to complaints, safety concerns and patron unhappiness for many weeks. One of the solutions identified was the creation of additional off-street parking. This was also mandated in the conditional use permit (to be reviewed separately) which called for the creation of a parking area if deficiencies were noted.

Attached is a plan from property owner Jason Stammer which expands on the existing small and deteriorated lots. It maintains the existing driveway openings and connects the two while expanding parking to the east. Staff generally feels the proposal is acceptable and recommends only the following changes to conform to Village code standards:

- Driveway opening dimensions shall be in accord with Village standards of 40 feet
- The sidewalk should "carry through" the driveway
- Stormwater management should be handled on site through the creation of a bioswale(s) on the south/east side of lot
- Addition of 1 handicap parking stall

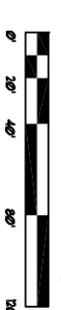
## RECOMMENDATION:

The proposed parking lot expansion conforms to Village standards with the recommendations above and will help deal with on-street parking problems. Therefore, staff suggests that the Plan Commission recommend approval of the site plan modification to the Village Board. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.



Existing/Demolition Parking Lot Plan

SCALE 1" = 40'



LEGEND

- ⊗ SANITARY MH
- INLET
- WATER MH
- ⊕ HYDRANT
- ⊗ WATER VALVE
- ⊕ TELEPHONE MH
- ⊕ TELEPHONE PEDESTAL
- ⊕ MARKED FIBER OPTIC
- ⊕ ELECTRIC MH
- ⊕ ELECTRIC METER
- ⊕ GAS METER
- ⊕ CABLE PEDESTAL
- ⊕ LIGHT POLE
- ⊕ UTILITY POLE
- ⊕ GUY
- ⊕ TRAFFIC LIGHT
- ⊕ CONTROL BOX
- ⊕ RR CROSSING SIGN
- ⊕ BOLLARD
- ⊕ WELL
- ⊕ EDGE OF WATER
- ⊕ EDGE OF MARSH
- ⊕ FLAGPOLE
- ⊕ SIGN
- ⊕ MAILBOX
- ⊕ MONITORING WELL / BORING
- ⊕ POLICE AND FIRE MANNHOLE
- ⊕ DECIDUOUS TREE
- ⊕ CONIFEROUS TREE
- ⊕ EDGE OF TREES
- WTR-MAIN — WATER MAIN
- WTR-HOT — WATER HOT
- ELEC — ELECTRIC BURIED
- DH ELEC — ELECTRIC OVERHEAD
- TELE — TELEPHONE BURIED
- DH TELE — TELEPHONE OVERHEAD
- SAN — SANITARY LINE
- GAS — GAS LINE

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Proposed Parking Lot for:  
**Academy of Dance Arts**

9036 N. 51st St. Brown Deer, Wisconsin



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

StammerDesign@wi.rr.com

DATE:	04-04-19
DESIGNER:	JLS
APPROVED BY:	
SCALE:	1" = 40'
SHEET:	SP1.0

**GENERAL SITE NOTES:**

TOPOGRAPHIC SURVEY FOR ACADEMY OF DANCE ARTS PROVIDED BY JAHNKE & JAHNKE  
 ELEVATIONS REFERENCED TO NAVD83. ALL SPOT ELEVATIONS ARE TO FINISHED GRADE UNLESS OTHERWISE NOTED.  
 REMOVALS: REMOVE ALL ASPHALT, CONCRETE, AND CURB AND GUTTER WITHIN THE CONSTRUCTION LIMITS AND AS SHOWN ON THE PLANS. REMOVE ALL DEBRIS AND TRASH PRIOR TO GRADING. TREE AND PLANT REMOVALS MUST BE MARKED AND VERIFIED WITH OWNER OR SITE MANAGER PRIOR TO CLEARING WHERE EXISTING ASPHALT OR CONCRETE IS TO REMAIN. SAW CUT CLEAN LINE OF SEPARATION  
 SAW CUTTING CURB AND GUTTER, WHERE REQUIRED, EXISTING CONCRETE GUTTER TO REMAIN AND SAWCUT BACK EDGE OF CURB TO MEET GUTTER AS NEEDED.  
 CONTRACTOR SHALL FOLLOW ALL CURRENT ADA STANDARDS.  
 UNDER NOTICE OF INTENT PERMIT IS NOT REQUIRED FOR LESS THAN 1/2 ACRE OF LAND DISTURBANCE  
 MSD REGULATORY OF STORM WATER MANAGEMENT IS NOT REQUIRED FOR IMPERVIOUS SURFACES OF SITES LESS THAN 1/2 ACRE IN ADDITIONAL OR INCREASED IMPERVIOUS SURFACES

**PAVEMENT:**

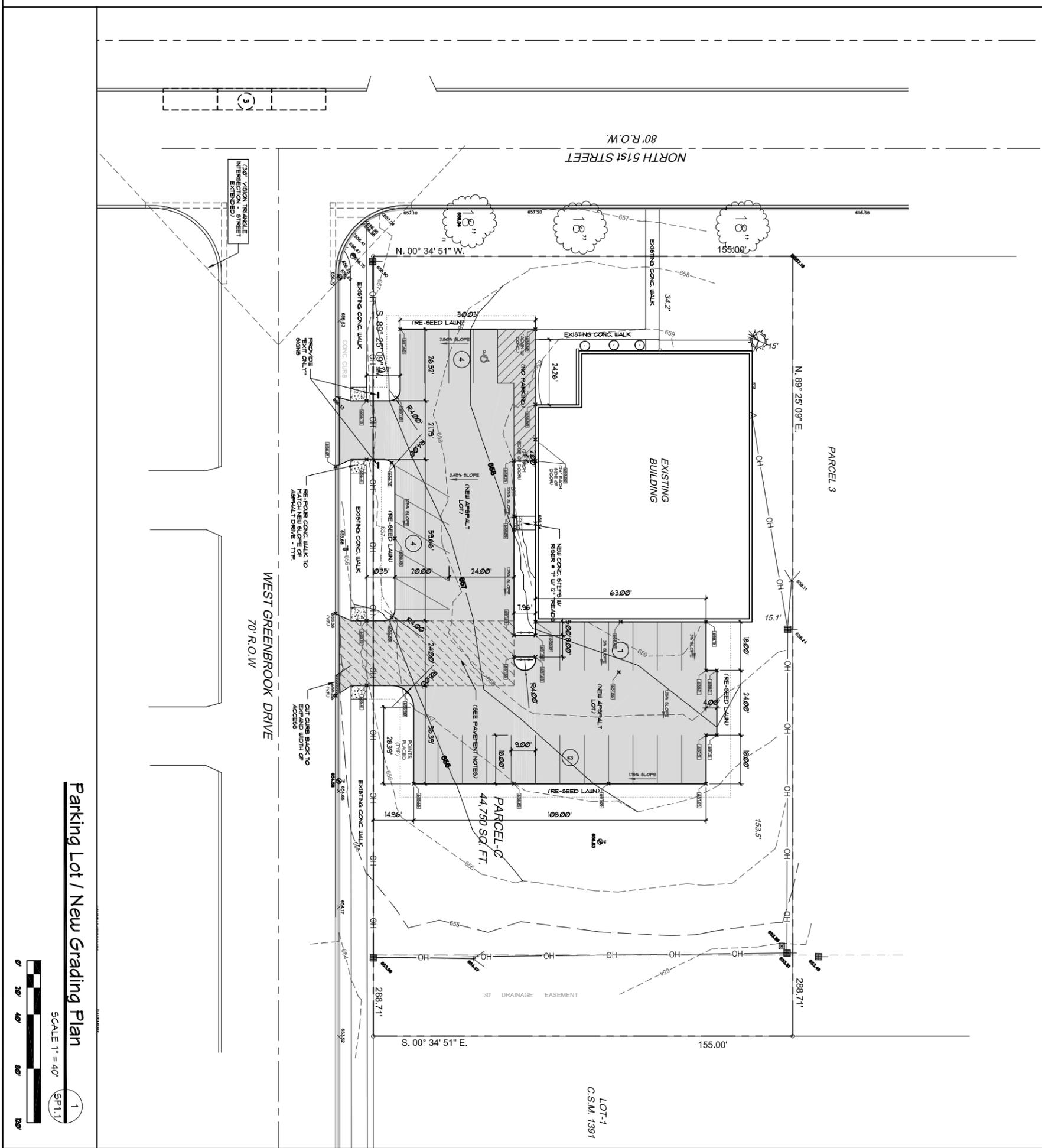
PROOF ROLL SUBGRADE PRIOR TO INSTALLING BASE COURSE MATERIAL. BASE COURSE SHALL BE BASE AGGREGATE DENSE 1 1/4-INCH, ASPHALT CONCRETE PAVEMENT SHALL BE ASPHALTIC SURFACE PAVED IN TWO LAYERS.  
 MAIN PARKING LOT  
 3" ASPHALTIC CONCRETE PAVEMENT  
 10" BASE AGGREGATE DENSE  
 TRUCK SERVICE DRIVE  
 4" ASPHALTIC CONCRETE PAVEMENT  
 12" BASE AGGREGATE DENSE

SIDEWALK: 4" (TYP) CONCRETE OVER 6" BASE AGGREGATE DENSE  
 PAVEMENT MARK PARKING STALL LIMITS, DRIVE AISLE DEMARCATION, AND ADA UNLOADING ZONES AS SHOWN ON THE PLANS. TYPICAL PARKING STALL IS 9 FEET WIDE BY 18 FEET DEEP. NOTE VARIATION OF STALL WIDTHS AT ADA STALLS AND ENDS OF PARKING AISLES.

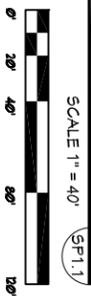
**LEGEND**

⊙ SANITARY MH	↑ CURB
⊙ STORM MH	⊙ TRAFFIC LIGHT
⊙ INLET	⊙ CONTROL BOX
⊙ WATER MH	⊙ RR CROSSING SIGN
⊙ HYDRANT	⊙ BOLLARD
⊙ WATER VALVE	⊙ WELL
⊙ GAS VALVE	⊙ EDGE OF WATER
⊙ TELEPHONE MH	⊙ FLAGPOLE
⊙ TELEPHONE PEDESTAL	⊙ MARKED FIBER OPTIC
⊙ MARKED FIBER OPTIC	⊙ SIGN
⊙ ELECTRIC MH	⊙ MAILBOX
⊙ ELECTRIC PEDESTAL	⊙ MONITORING WELL / BORING
⊙ ELECTRIC METER	⊙ POLICE AND FIRE MANDHOLE
⊙ CABLE PEDESTAL	⊙ DECIDUOUS TREE
⊙ LIGHT POLE	⊙ CONFERENTIAL TREE
⊙ UTILITY POLE	⊙ EDGE OF TREES

WTR-MAIN	WATER MAIN
WTR-HDT	WATER HOT
ELEC	ELECTRIC BURIED
DH ELEC	ELECTRIC OVERHEAD
TELE	TELEPHONE BURIED
DH TELE	TELEPHONE OVERHEAD
SAN	SANITARY LINE
GAS	GAS LINE



**Parking Lot / New Grading Plan**



DATE:	04-06-13
DESIGNER:	JLS
APPROVED BY:	
DATE:	
PROJECT NO.:	
SHEET:	SP1.1

Proposed Parking Lot for:

**Academy of Dance Arts**

9036 N. 51st St. Brown Deer, Wisconsin

**Stammer Design Group**

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

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# REQUEST FOR CONSIDERATION

<b>COMMITTEE CONSIDERATION: Plan Commission</b>
<b>ITEM DESCRIPTION:</b> Review and Recommendation of a permanent Conditional Use Permit for a for a Commercial Dance School at 9036 N. 51 <sup>st</sup> Street
<b>PREPARED BY:</b> Nathaniel Piotrowski, Community Development Director
<b>REPORT DATE:</b> September 25, 2013
<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:

Staff is bringing a Conditional Use Permit back to the Plan Commission for review pursuant to the first year review provision of said permit in order to decide whether or not the land use shall be made permanent.

The applicant, The Academy of Dance Arts, received a conditional use permit in in June 2012 (see attached) for the establishment of a commercial dance studio.

Since that time the dance studio has been established and there have not been any complaints about the dancing activity. However, there have been numerous complaints about parking, idling and dropping off of students attending the Academy. Staff believes that the proposed new off-street parking area along with on-street restrictions will now effectively handle the problem, while the use should largely remain compatible with the neighborhood.

## RECOMMENDATION:

Village Staff suggests the Plan Commission recommend to the Village Board that the Conditional Use Permit issued to The Academy of Dance Arts for a commercial dance studio be made continuous. Please contact Nate Piotrowski with any questions or comments at 371-3061.

**CONDITIONAL USE  
PERMIT**

**Commercial Dance School**

Document Number

Document Title

Before the Village Board of the Village of Brown Deer, in regard to Premises at **9036 N. 51<sup>st</sup> Street** located in the SE 1/4 of Section 2, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, further described in attached **Exhibit "A"**.

**WHEREAS**, the Village Code and Zoning District Map of the Village of Brown Deer, pursuant to State Statutes, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved as a Conditional Use in particular circumstances as defined by the zoning standards in the Village Code; and

**WHEREAS**, a Petition has been made by Lindsay Stammer of Academy of Dance Arts LLC, and public hearing held thereon, and the Village Board of the Village of Brown Deer having determined that by reason of the particular nature, character, and circumstances of the proposed use, the proposed use with the terms and conditions hereinafter prescribed would be consistent with the requirements of the Village Code.

**NOW, THEREFORE**, this Conditional Use Permit is granted authorizing that Exhibits A and B to be used for the purpose of an **Commercial Dance School** subject to compliance with the terms and conditions hereinafter stated in this Conditional Use Permit (hereinafter the "Permit").

**Recording Area**

Name and Return Address:

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

**029-0093-003**

**Parcel Identification Number (PIN)**

GRANTED, by action of the Village Board of the Village of Brown Deer this 18th day of June, 2012.

Russell V. Gempel  
Russell Van Gempel, Village Clerk

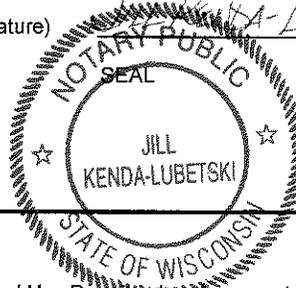
Carl Krueger  
Carl Krueger, Village President

STATE OF WISCONSIN )  
MILWAUKEE COUNTY ) ss

Personally came before me this 13<sup>th</sup> day of August, 2012, the above-named Carl Krueger, Village President and Russell Van Gempel, Village Clerk to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Jill Kenda-Lubetski (Notary Signature) Jill Kenda-Lubetski (Print name of Notary)

Notary Public, State of Wisconsin  
My commission: 10-23-2012



CONDITIONAL USE PERMIT ACCEPTANCE: This Conditional Use Permit was hereby accepted this 7 day of Aug, 2012.

Lindsay Stammer [Title]

STATE OF WISCONSIN )  
MILWAUKEE COUNTY ) ss

This Conditional Permitted Use Permit Acceptance was acknowledged before me this 7 day of August, 2012, by

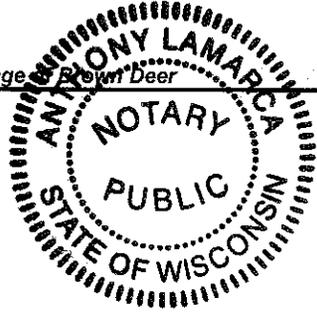
Lindsay Stammer [name] as owner [title] of Academy of Dance Arts

A. La Marca (Notary Signature) ANTHONY LAMARCA (Print name of Notary)

Notary Public, State of Wisconsin  
My commission expires Aug 30, 2015

SEAL

Original filed in the Community Services Department of the Village of Brown Deer



**CONDITIONAL USE PERMIT**

**Commercial Dance School**

**029-0093-003**

**Document Number**

**Document Title**

**Parcel Identification Number (PIN)**

**THE CONDITIONS of this Permit are:**

1. This Permit is granted to Academy of Dance Arts LLC, upon the representation that it is the owner of the Premises and shall become effective upon the execution of the acceptance hereof by Academy of Dance Arts LLC as owner of the Premises and upon recording shall constitute a covenant running with the land. The Permit may not be assigned until after it has become effective. No assignment of this Permit shall be effective until the assignee delivers written notice of the assignment to the Village Board, duly undertakes in writing to comply fully with the provisions of this Permit, satisfies any monetary security requirements of this Permit and cures any violations of this Permit. This Permit shall not be assignable to any person or entity that is not a tenant of the Premises.
2. The Permit shall be void unless, pursuant to the Village Code, the approved use commenced or the building permit is obtained within 12 months of the date of the Village Board approval noted above. Construction shall be completed within 12 months of the date the building permit is issued.
3. This Permit is subject to amendment and termination in accordance with the provisions of the Village Code of the Village of Brown Deer.
4. Operation of the use permitted shall be in strict conformity to the conditions set forth herein.
5. Conditions on the operation.
  - a. Type of operation permitted: **Commercial Dance School**. The use of the Premises as a commercial dance school shall be in substantial compliance consistent with the plans set forth and submitted to the Village of Brown Deer in support of its request for this Permit, which is attached as Exhibit B and made part of this Permit. No use of the areas of the premises not identified in the site plans for the proposed use may be used without approval by the Village pursuant to its Village Code.
  - b. Hours during which operation is permitted: **Monday- Sunday 9:00am – 10:00pm. After hours access and use is strictly prohibited.**
  - c. Performance standards relating to noise, vibration, odor, smoke, dust, etc., other than applicable Village Ordinances: **Per the Village Code.**
  - d. Duration of Conditional Use: **For an initial period of one year. To be reviewed one year from the date of approval. If there are no documented complaints about the permitted use, or if documented complaints have been resolved to the satisfaction of the Village Board, the Permit, upon petition of the tenant and upon recommendation of the Plan Commission and approval of the Village Board, may be continuous pursuant to Section 121 of the Village Code of Brown Deer.**
6. Conditions of the Building other than in accordance with the approved building plans.
  - (1) **Structural improvements and any new signage shall be reviewed and approved by the Village of Brown Deer Building Board.**
  - (2) **All interior modifications shall be subject to conditions of the Wisconsin Commercial Building Code and in compliance with fire protection requirements of the North Shore Fire Department.**

**CONDITIONAL USE PERMIT  
Commercial Dance School**

**029-0093-003**

**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 dance school.**
    - (2) **The property shall be kept free and clear of litter and debris.**
    - (3) **Overnight parking of motor vehicles shall be prohibited.**
  - b. Finished topography and building grades, retaining walls, storm water run-off:
    - (1) **None.**
  - c. Sign location, size, design:
    - (1) **Per Section 121 of the Village Code and as approved by the Village of Brown Deer Building Board.**
  - d. Exterior lighting of the site, location, design and power:
    - (1) **24-hour security lighting of the dance school shall be maintained.**
  - e. Other:
    - (1) **Any hazardous conditions or deficiencies identified by the Village shall be corrected by the owner to the satisfaction of the Village within thirty (30) days of written notification.**
    - (2) **The owner shall provide private trash removal service. All trash, storage and collection shall be within the building interior or within an enclosure that screens trash and removal system from public view. The trash removal system shall be rodent-proof, covered and maintained in accordance with the direction of the North Shore Health Department.**
    - (3) **The owner shall maintain up-to-date key holder information with the Brown Deer Police Department.**
    - (4) **Crime prevention measures shall be adhered to pursuant to the Brown Deer Police Department. The owner shall meet with the Village of Brown Deer Police Department to review security and crime prevention measures prior to occupancy. If crime issues are identified after occupancy, additional meetings may be necessary at the discretion of the Brown Deer Police Department.**
    - (5) **Off street parking areas shall be maintained in good condition. Currently deteriorated parking areas shall be resurfaced within 5 years. If off street parking shortfalls are identified the owner shall provide additional parking spaces at the Village's discretion to meet parking demand.**