

**BROWN DEER PLAN COMMISSION
MAY 9, 2016 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:40 P.M.

I. ROLL CALL

Present: President Carl Krueger; Trustee: Jeff Baker; Commissioners: Jeff Jaroczynski, Ryan Schmitz, Al Walters

Also Present: Michael Hall, Village Manager; Nate Piotrowski, Community Development Director; Fernando Moreno, Zoning and Planning Specialist; Village Attorney Rebecca Boyle

Excused: Trustee: Tim Schilz; Commissioners: Dan Bednar, Bill Hoffmann

II. PERSONS DESIRING TO BE HEARD

John Buckley, from the 4th of July Committee distributed raffle tickets to the commissioners.

III. CONSIDERATION OF MINUTES: April 11, 2015 – Regular Meeting

It was moved by Commissioner Schmitz and seconded by Commissioner Walters to approve the regular meeting minutes of April 11, 2016. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

None

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

A) Public Hearing and Recommendation for a vacation of a portion of N. 42nd Street right of way adjacent to property located at 8520 N. 43rd Street

President Krueger opened the public hearing at 6:44 p.m.

Mr. Piotrowski reviewed the proposal and introduced the applicant Dale Galloway.

President Krueger asked Mr. Galloway if he intended to develop the right of way area. Mr. Galloway responded that his intent was to leave it as turf and maybe add some minor landscaping.

Trustee Baker asked about the small remnant parcel on the east side of the right of way. Mr. Galloway replied that this was a separately owned piece of property that he was in the process of acquiring from the out of state owner.

Trustee Baker asked if there was a possibility for Mr. Galloway to add a driveway opening onto N. Teutonia Avenue or N. Green Bay Road. Mr. Piotrowski replied that it would be physically possible if the right of way was vacated but he doubted the County or State of Wisconsin Department of Transportation would allow it.

President Krueger closed the public hearing at 6:50 p.m.

It was moved by Commissioner Schmitz and seconded by Commissioner Walters to recommend approval of the vacation to the Village Board. The motion carried unanimously.

B) Public Hearing and Recommendation for an automobile service station, convenience store, automobile laundry and drive-thru at 9001 N. Green Bay Road

Mr. Piotrowski reviewed the proposal and introduced the applicant Rick Walia, his architect Luis Barbosa and engineer Mark Seidl. Mr. Piotrowski noted that there were two changes to the plan that were not accounted for in the draft conditional use permit. The first item was the inclusion of two residential units above the convenience store. The second item was the request to operate the convenience store and gas station 24 hours a day.

President Krueger opened the public hearing at 6:55 p.m. There were no comments.

President Krueger closed the public hearing at 6:56 p.m.

Commissioner Schmitz asked about the logic of locating apartments above the convenience store. Mr. Walia replied that the original intent was to have additional office space but he felt that it would be too hard to lease.

Commissioner Jaroczynski asked about the traffic impacts on Deerwood Drive. Mr. Piotrowski replied that staff did not have major concerns about traffic impact as the development shouldn't generate an excessive traffic load. He noted that staff worked with the applicant to adjust driveway locations to avoid intersection conflict.

President Krueger asked if gasoline delivery vehicles could be accommodated on site. Mr. Seidl reported that his engineering firm analyzed the layout and found that even the largest semi-trailers could make all necessary turn movements on site.

President Krueger asked if there were any other examples of residential dwellings above commercial property in the Village. Mr. Piotrowski replied that there were several other examples including Schulz's Deli, Zi's, and Barley's Pet Grooming but noted that these buildings were historic duplexes.

Trustee Baker asked for a description of the drive-thru. Mr. Piotrowski explained the drive-thru location and traffic flow.

Commissioner Jaroczynski asked if the Fire Department had any life safety concerns with respect to the proposed dwelling units. Mr. Piotrowski replied that the dwelling unit concept was not known originally and therefore not shared with the North Shore Fire Department. He added that the applicant's architect would follow building and fire codes for appropriate life safety design. President Krueger asked how the apartments would be accessed. Mr. Barbosa replied that there would be two internal stairwells and an elevator to the second floor.

Commissioner Jaroczynski asked if the renters of the apartments would be assigned specific parking spaces. Mr. Walia replied that this could be done but he was not sure at this time.

Commissioner Walters asked if any of the other retail units would be open 24 hours. Mr. Walia replied no. Mr. Piotrowski replied that the conditional use permit, if amended to allow 24-hour operation, would only be for the convenience store and gas station.

President Krueger asked the Commission and staff if the plans should be held over until next month's meeting to allow for more internal review and information about the 24-hour operation and apartment units. Mr. Piotrowski replied that an alternative option would be for the Commission to recommend approval of the conditional use permit and site plan as currently drafted while requesting that the applicant return in June if they wish to amend the permit to include 24-hour operation and residential units.

It was moved by Commissioner Walters and seconded by Commissioner Schmitz to recommend approval of the conditional use permit as drafted to the Village Board and should the applicant seek 24-hour operation and apartments they return for review at a later date. The motion carried unanimously.

C) Review and Recommendation on revocation of a conditional use permit for an automobile service station, convenience store and automobile laundry at 4685 W. Bradley Road

Mr. Moreno and Mr. Piotrowski reviewed the issue and introduced the gas station operator Sawan Tiwari. They noted that the property owner has received numerous complaints and violation notices over the past several years for a wide variety of problems including junk vehicles, trash and debris, overweight vehicles and sign violations. The most recent notice required compliance by May 6th, 2016 or else the conditional use permit would be scheduled for a revocation review.

Trustee Baker asked about the condition of the transportation company vans and whether their parking was actually permitted. Mr. Moreno replied that the transportation van parking was permitted in 2013 and that since the final notice all junk vans were repaired or removed.

President Krueger asked about the dump truck parking violation. Mr. Moreno replied that this has ceased.

President Krueger noted that there were discrepancies in the hours of operation between an early conditional use permit and a later development agreement. Mr. Piotrowski stated that he believed the agreement was later amended to provide consistent hours but stated that he would check the files.

Commissioner Jaroczynski asked why staff recommended not revoking the conditional use permit at this time. Mr. Piotrowski replied that the threat of revocation led the applicant to comply with a majority of the violations except with respect to signage. Mr. Tiwari requested an additional 90 days to deal with the outstanding sign issues.

President Krueger stated that he was comfortable allowing 90 days for sign modifications and added that he would like to have the item return to the Plan Commission with a report from staff along with a clarification on the hours of operation.

It was consensus of the Commission to table the revocation, allowing the operator 90 days to come into compliance with Village sign requirements.

VII. ADJOURNMENT

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



Nate Piotrowski, Community Development Director