



FREQUENTLY ASKED ORIGINAL VILLAGE STREETScape PROJECT QUESTIONS

What is the plan for improvements related to the Original Village Streetscape?

The Original Village area of Brown Deer is the historic center of the community and a unique mix of business and residential land uses. This area also features some of the oldest and most deteriorated infrastructure in the community. This deteriorated infrastructure led to a project that included street reconstruction, sanitary sewer system repairs and the creation of a stormwater management system to ensure long-term sustainability. As part of this project it was also identified that aesthetic enhancements (new street lights, signage and plantings, etc.) would help to promote the uniqueness of the area.

Are the current plans finalized and are the property owners satisfied with the plan?

The current plans are being finalized as we speak in preparation for bidding in January so they are 98% finalized.

The “Original Village Streetscape Project” has featured a very long design effort (over four years) with what we would characterize as extensive public outreach and involvement. This outreach has included multiple public meetings, a neighborhood survey, countless individual property owner meetings, group property owner meetings, Village committee meetings and Village Board meetings. Staff has also taken great pains to be accessible, meet with owners in the field and solicit feedback throughout.

We believe that a majority of the property owners in the neighborhood are now comfortable with the design after significant changes were made following a winter 2011 meeting and subsequent resident survey. Currently, 34 out of 51 property owners in the neighborhood have agreed to the dedication of right of way for the project and are in support of the project.

Why is it necessary for the Village to acquire property in the area and what methods were considered to complete the acquisition?

In preparing for this project, the Village discovered that 51 existing legal descriptions did not match current tax records and that ownership of private property extended to the center of adjacent roadways. This condition is in stark contrast to the rest of the community where public rights-of-way (containing streets and utilities) have been dedicated as part of the platting process. In this area, many lots were created before the Village was incorporated and the right of way was never dedicated. In order for the Village to perform the work in the public right-of-way, it was prudent to ensure that the Village obtained the legal right to do so. This legal right is also critical for the maintenance of the streets and utilities as well as eliminating any legal liability for a private property owner.

Originally, the Village attempted to negotiate the right of way acquisition with all property owners. This process was ongoing for over a year with multiple notices being sent. Individual meetings occurred both on site and at the Village Hall in an attempt to explain the need and rationale for the dedication of the right-of-way. This effort was taking a long time to complete, becoming increasingly costly, and was not producing results since only 21 of the 51 property owners signed the necessary agreements.

On November 21, 2011, the Village Board decided that the best way to legally acquire the necessary right-of-way was to seek a declaratory judgment for adverse possession. Before filing that judgment, letters were sent out to the remaining property owners. After the letters were sent, and with additional staff discussions, an additional 13 property owners signed the necessary agreements.

FREQUENTLY ASKED ORIGINAL VILLAGE STREETScape PROJECT QUESTIONS (CONTINUED)

Will the property owners receive written guarantees that no special assessments will be levied?

The Village financed the cost for the streetscape improvement by issuing long-term debt. Some of the long-term debt will be paid for by the utilities, the creation of a tax increment financing district, and by future tax levies. While the current Village Board is not considering the use of special assessments for this project, it would not be prudent to “hamstring” future boards from a funding mechanism that could offset public improvement costs down the line. For example, the Village currently does not special assess for any road repairs/reconstructions on a local street in the Village; however, we have not and will not send a letter out to every property owner in Brown Deer stating that there will never be special assessments for road repairs/reconstruction in 5, 10 or 1,000 years from now. We just cannot guarantee what may happen in the future.

What is the "vision" for this area - in 5 years? 10 years?

The vision for this neighborhood was outlined in the Village’s 20 year comprehensive plan which was adopted in 2009. It calls for the area to remain mixed use. It does *not* call for manufacturing, big box commercial or high density multiple family residential. The plan, designed around significant public feedback, identified that the area should maintain its “uniqueness” and “pedestrian scale” and recommended improved access (both pedestrian and vehicular) along with “design guidelines” to preserve the neighborhood’s historic aesthetic. Additionally, the plan suggested exploring the relocation of the Public Works facility and redevelopment of the property into a mixed use space over time.

The planning department does not foresee wholesale demolition and redevelopment in the neighborhood and, in fact, would generally discourage this since it is contrary to the call for preservation in the comprehensive plan. The department does see some opportunity for smaller scale private redevelopment of existing underutilized properties and/or infill on a few vacant parcels (or vacant portions of existing parcels). We would point to the Wade Weissmann/Peabody office building along Deerwood Drive as an example of an infill project that the Village would continue to encourage since the scale, massing, design and land use fit well within the existing context of the neighborhood.

It should also be noted that no use is permitted by “right” in this neighborhood so no one could simply buy a property and open a business or construct a building without Village Board approval. This additional layer of review will help to safeguard the land use in the neighborhood moving forward. Lastly, the existing zoning does prohibit a couple of new land uses (example: auto repair shops) from the neighborhood and suggests design guidelines (example: roof pitch, scale, number of windows, etc.) for use during project reviews.
