

BROWN DEER PLAN COMMISSION
JANUARY 10, 2022 MEETING MINUTES
HELD VIRTUALLY AT 1-312-626-6799 Meeting ID: 816 8531 3361
<https://us02web.zoom.us/j/81685313361>

The meeting was called to order by President Montgomery at 6:30 P.M.

I. ROLL CALL

Present: President Wanda Montgomery; Trustees Jeff Baker, Renee Booker; Commissioners: Darryl Johnson, Al Walters, Ryan Schmitz, Bill Hoffmann

Also Present: Charles Polk, Village Attorney; Nate Piotrowski, Community Development Director

Excused: Commissioner Michael Emem

II. PERSONS DESIRING TO BE HEARD

None

III. CONSIDERATION OF MINUTES: December 13, 2021 – Regular Meeting

It was moved by Commissioner Schmitz and seconded by Trustee Booker to approve the regular meeting minutes of December 13, 2021. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

None

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

A) Public Hearing, Review and Recommendation on a rezoning of property at 5960 W. Brown Deer Road from B4 Commercial to B3 Commercial

Mr. Piotrowski reviewed the proposed rezoning and advised how it related but was a required separate action from the second agenda item.

President Montgomery opened the public hearing at 6:34 p.m.

Commissioner Schmitz asked if the change in zoning would create a conflict with existing users of the building. Mr. Piotrowski replied that the current uses would be permitted in the new zoning district or if conditional, the existing permits would remain in effect.

President Montgomery closed the public hearing at 6:39 p.m.

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

B) Public Hearing, Review and Recommendation of a conditional use permit with Alrig USA for outdoor restaurant seating, special accessory patio and a drive thru at 5960 W. Brown Deer Road

Mr. Piotrowski reviewed the proposal and introduced the developer, Rachel Miller from Alrig USA.

Commissioner Schmitz asked why the connecting sidewalks were not straight. Mr. Piotrowski replied that this was due to grading but that plans were updated to straighten the walks.

President Montgomery asked about the size of the other tenant spaces in the proposed building. Ms. Miller replied that 1,700 square feet would be occupied by another food user and a 2,400 square foot space would be occupied by a service provider.

Commissioner Hoffmann asked if the drive thru queuing design was final and if it was sufficient. Mr. Piotrowski replied that the design was final and that staff requested more queuing that the developer was unable to provide. Ms. Miller added that the queuing of 10 cars meets the Starbucks requirement and they believe it to be sufficient.

Commissioner Hoffmann asked if the traffic impact analysis was complete. Ms. Miller stated that it was not, however, preliminary findings suggest that there will be no modifications needed to the site or adjacent roadways to accommodate the new development.

Commissioner Hoffmann asked if signage could be added to state that drive thru customers should not back up into adjacent roadways. Ms. Miller stated this was something they would be open to doing.

Commissioner Hoffmann asked if more pickup parking spots could be added to the plan. Ms. Miller indicated they will make this change.

President Montgomery opened the public hearing at 6:55 p.m.

Reverend Ellen Rasmussen, 5736 W. Brown Deer Road stated that the adjacent Brown Deer Methodist Church continues to work on a cross access easement with the developer but it is not yet finalized. Mr. Piotrowski added that the Village can take action on the land use and zoning regardless of the easement issue but that this vested right of the church must be resolved in order for the project to proceed.

Clinton Wray, 9132 Surf Court, stated that he was in support of the project

President Montgomery closed the public hearing at 6:58 p.m.

It was moved by Commissioner Hoffmann and seconded by Commissioner Johnson to recommend approval of the conditional use permit to the Village Board subject to final review of the traffic impact analysis. The motion carried unanimously.

C) Public Hearing, Review and Recommendation on a conditional use permit with Car Group Holdings, LLC for a motor vehicle sales establishment at 9055 N. 51st Street, Suite B

Mr. Piotrowski introduced the proposal and stated that the use was more akin to an office since all sales activity occurred online with only administrative activity conducted from the site. Mr. Piotrowski also introduced Bonnie Zingler, the applicant, from CarGroup Holdings.

Trustee Baker asked what type of cars the business buys. Ms. Zingler replied that they buy used vehicles of all types but they must be in working/drivable condition and licensed. No salvage or disabled vehicles.

Trustee Baker asked about the permit provision to allow 5 purchased cars parked on the exterior of the building. Ms. Zingler replied that she was ok changing this provision to “no exterior parking or storage” as their unit has overhead doors and roughly 2,000 square feet of vacant interior space for storage.

President Montgomery opened the public hearing at 7:00 p.m.

Mr. Oscar Johnson, 5113 W. Joleno Lane, stated that he was concerned about the development becoming a used

car lot and would not support the proposal if that was the case.

Mr. Kendall Polster, 9090 N. 51st Street, stated that he and his neighbors were opposed to an auto dealer but that the proposal did seem different from traditional “car lots”. He added that he would provide letters reiterating the concern about the concept of a “car lot”.

Mr. Clinton Wray, 9132 Surf Court, stated that his concerns about the proposal were generally addressed but added that the user needs to remain compliant with the permit.

President Montgomery asked if the business had other locations in the area. Ms. Zingler replied that they operated in other states and were in the process of approvals in Butler and Waukesha. Mr. Piotrowski added that staff will contact other municipalities where the business currently operates to see if there were any complaints or issues.

Trustee Booker asked to whom CarGroup Holdings sells the vehicles they buy. Ms. Zingler replied that they contract with an auction house to sell exclusively to other dealers.

Commissioner Schmitz asked how vehicles were loaded and transported off site and if there was room to handle this. Ms. Zingler replied that they were taken away on a flat bed or semi trailer and that loading would need to take place on the adjacent roadway.

Commissioner Johnson asked about the other businesses in the building. Mr. Piotrowski and Ms. Montgomery noted that there were other users in the building such as a printing company and florist.

Commissioner Johnson asked about any proposed signage. Ms. Zingler replied that the only proposed signage was a name and logo for the door.

President Montgomery closed the public hearing at 7:24 p.m.

It was moved by Trustee Baker and seconded by Commissioner Walters to recommend approval of the conditional use permit to the Village Board. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by President Montgomery and seconded by Commissioner Schmitz to adjourn at 7:25 P.M. The motion carried unanimously.



Nate Piotrowski, Community Development Director