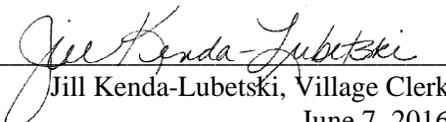


PLAN COMMISSION MEETING
Monday, June 12, 2017
Earl McGovern Board Room, 6:30 P.M.



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: March 13, 2017 – Regular Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Review and Recommendation of a Certified Survey Map for a land division at the southwest corner of 60th and County Line Road.
 - B) Review and Recommendation of a text amendment to the B4 Commercial zoning district to add “Beauty Salon” as a permitted use.
- VII. Adjournment



Jill Kenda-Lubetski, Village Clerk
June 7, 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
MARCH 13, 2017 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

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

I. ROLL CALL

Present: President Carl Krueger; Trustees: Tim Schilz, Jeff Baker; Commissioners: Jeff Jaroczynski, Ted Wagner, Ryan Schmitz, Al Walters

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

Excused: Commissioner Bill Hoffmann

II. PERSONS DESIRING TO BE HEARD

None

III. CONSIDERATION OF MINUTES: February 13, 2017 – Regular Meeting

It was moved by Trustee Baker and seconded by Trustee Schilz to approve the regular meeting minutes of February 13, 2017. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

None

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

A) Review and Recommendation of an amendment to a Development Agreement with Complete Transit for the parking of vehicles at 4715 W. Bradley Road

Mr. Piotrowski reviewed the proposal and indicated that the parking area in Exhibit B needed to change from the south side to the east side of the building.

Commissioner Schmitz asked what land uses existed across the street to the east. Mr. Piotrowski replied that an office building was directly east.

President Krueger asked if the owner and the tenant are on the same page as to the proposed new parking area. Mr. Piotrowski replied that they were.

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

B) Public hearing, review and recommendation of a Conditional Use Permit for a dry cleaning establishment at 5960 W. Brown Deer Road

Mr. Piotrowski reviewed the proposal and introduced the building owner Glenn Stalker and the agent for the applicant Lee Sherman.

President Krueger opened the public hearing at 6:40 p.m.

Commissioner Schmitz asked if there were any significant off gassing or dumping of chemicals associated with the dry cleaner. Mr. Sherman replied that chemicals are delivered by private contractors and that all venting is regulated by the State of Wisconsin.

Trustee Schilz asked whether this proposal would force the large sign on W. Brown Deer Road to come into compliance with new Village codes. Mr. Piotrowski replied that it would.

Commissioner Jaroczynski asked if there would be any traffic issues with the use. Mr. Piotrowski replied that the projected customer levels would not cause an issue.

Commissioner Wagner asked if the church to the east could continue to use the lot during services along with the dry cleaner. Mr. Stalker replied that this would not be an issue.

President Krueger closed the public hearing at 6:46 p.m.

It was moved by President Krueger and seconded by Trustee Schilz to recommend approval of the Conditional Use Permit to the Village Board. The motion carried unanimously.

C) Public hearing, review and recommendation of a Conditional Use Permit for a cellular communication tower and associated equipment at 5712 W. Fairy Chasm (Fairy Chasm Park)

Mr. Piotrowski reviewed the proposal and introduced the applicant Karol Fahey of Eco Site.

President Krueger opened the public hearing at 6:47 p.m.

Collette Petitt, 9295 N. Pearlette, commented that she was concerned about the unattractive nature of the cell tower in the park and stated that the tower should instead be located in a commercial area.

Leroy Fry, 5653 W. Silverleaf Lane, asked why the Village needed another cell tower and why it needed to go in a residential area. Ms. Fahey explained the poor coverage in the area for T-Mobile customers and stated that this was driving the need for a new tower. She also noted that engineers look very closely at signal strength and quality when deciding on locations and this site represented the best spot to address those needs.

Jeff Lillie, 9228 N. Pearlette, stated that the tower would look bad along the newly improved Fairy Chasm Road.

Bill Tobin, 8085 N. 44th Street, stated that he felt Fairy Chasm Park was an undesirable location and asked if the cellular equipment could be put on top of a building.

Monica Grudzinski, 5701 W. Silverleaf Lane, stated that she does not want to look at a cell tower from her back yard.

President Krueger closed the public hearing at 7:05 p.m.

Commissioner Jaroczynski asked about the height of the fenced enclosure. Mr. Piotrowski replied that it was 6 feet tall. Trustee Baker asked if equipment would exceed the fence height. Ms. Fahey replied that generally it would not but that there would be a bridge for cabling that would exceed the height. She stated that Eco-Site was willing to go with a higher fence, up to 8 feet tall, if desired by the Commission. In addition, she noted that netting to protect the enclosure from wayward balls could be added like what was done at the newly installed School District cell tower.

Commissioner Schmitz asked about the authority that the Village had in regulating the cell tower. Mr. Piotrowski replied that the Village had the ability to reject this particular proposal because it is on Village owned land. Attorney Boyle then generally explained the change in Wisconsin Statute that severely limits the Village's regulatory capabilities on any other private property. A discussion ensued as to the details of this legislation.

Commissioner Jaroczynski asked how this cell tower would benefit the Village. Mr. Hall replied that the Village

anticipates \$1,600 a month in rent for up to 30 years. This revenue would be directed to the Village's general fund and could be used to support a wide range of items from police to public works.

It was moved by Commissioner Walters to recommend denial of the Conditional Use Permit to the Village Board. There was no second and the motion failed.

It was moved by Commissioner Schmitz and seconded by President Krueger to recommend approval of the Conditional Use Permit to the Village Board subject to an 8 foot high fence and netting over the enclosure. The motion carried on a vote of 5 to 1 to 1 with Commissioner Walters against and Commissioner Wagner abstaining.

VII. ADJOURNMENT

It was moved by Commissioner Schmitz and seconded by Commissioner Jaroczynski to adjourn at 7:30 P.M. The motion carried unanimously.



Nate Piotrowski, Community Development Director



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review and Recommendation of a Certified Survey Map for a land division at the southwest corner of 60 th and County Line Road
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: June 7, 2017
Applicable Land Use Regulation: Village Code Sec. 117-52 and 121-157, R2- Resid.
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:

The owner of property located at the southwest corner of County Line Road and 60th Street is seeking to subdivide the parcel into two lots (see attached aerial for current condition). The land has been vacant since the owner's mother acquired the parcel in 1957. The attached CSM proposes to divide the parcel into one corner lot of 18,200 square feet and an interior lot of 16,750. Along with the division, 7.25 feet, per the request of the Village Engineer, will be dedicated to the Village for right of way purposes.

The land is zone R2 – Residential and the division conforms to all bulk requirements of that district for a division. However, the proposed Lot 2 will require a variance related to the buildable area/ front setback and this is scheduled for review on June 15th prior to final approval at the Village Board. It is the current owner's intent to sell the two parcels for residential development.

RECOMMENDATION:

Staff recommends approval of the land division to the Village Board. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

OZAUKEE COUNTY

CITY OF MEQUON

VILLAGE OF BROWN DEER

W COUNTY LINE RD

W COUNTY LINE ROAD

CSM 3304

DONGE

N 60TH ST

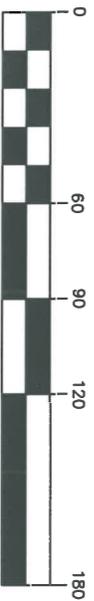
NORTH 60TH STREET

WEST DONGES LANE



CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3 AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, IN TOWNSHIP 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN.



SCALE 1" = 60'



OWNER & SUBDIVIDER:
 MARYANGELA ROMAN
 3401 S. 92 ND STREET
 MILWAUKEE, WI 53277

NORTH SHORE ENGINEERING, INC.
 Consulting Engineers & Land Surveyors
 11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
 (262) 241-9400 • FAX: (262) 241-5337
 www.northshoreengineering.net

NOTES:

1. THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.

SE. CORNER OF THE SE. 1/4 OF SECTION 34-9-21 BERTSEN ALUM. MONUMENT

N. 60TH STREET
 (R.O.W. VARIES)



NE. CORNER OF THE NE. 1/4 OF SECTION 3-8-21 CONC. MON. WITH BRASS CAP

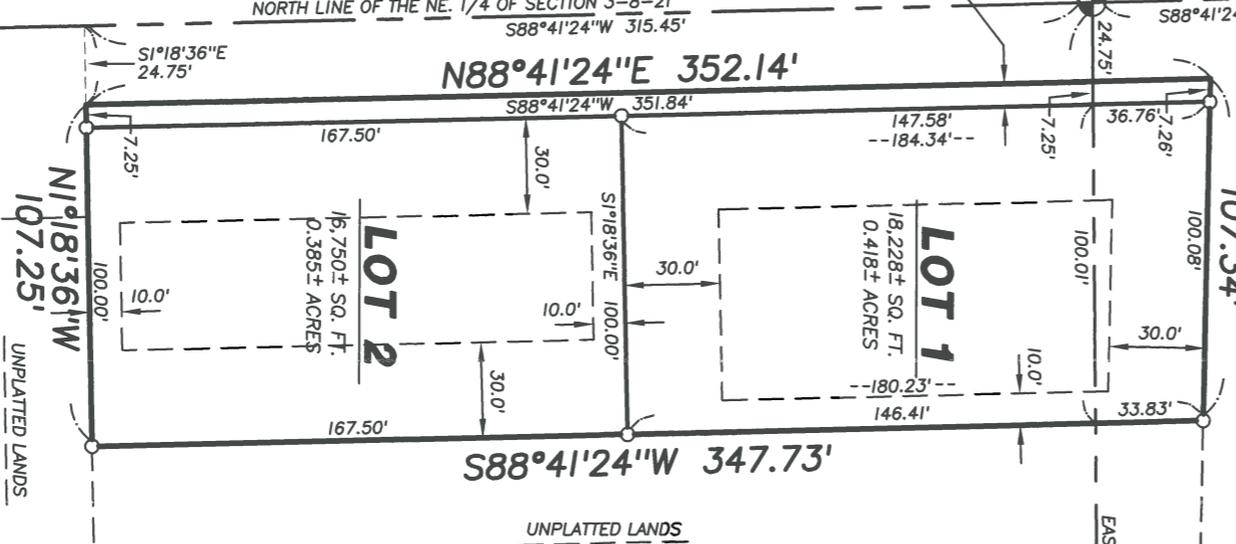
EAST LINE OF THE NE. 1/4 OF SECTION 3-8-21
 S0°38'26"E 2768.26' TOTAL

SE. CORNER OF THE NE. 1/4 OF SECTION 3-8-21 CONC. MON. WITH BRASS CAP

7.25' DEDICATED TO VILLAGE OF BROWN DEER FOR PUBLIC ROAD PURPOSES (2,552 sq. ft.)

W. COUNTY LINE RD.
 (R.O.W. VARIES)

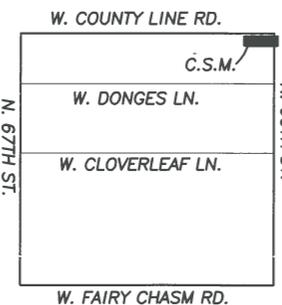
S88°41'24"W 2556.67' TOTAL
 NORTH LINE OF THE NE. 1/4 OF SECTION 3-8-21
 S88°41'24"W 315.45'



LEGEND

- - DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)
- - DENOTES 1" STEEL PIPE FOUND

ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NORTH LINE OF THE NE. 1/4 OF SECTION 3-8-21, WHICH BEARS S88°41'24"W) REVISION DATE, JANUARY, 2016



LOCATION MAP

NE. 1/4 SEC. 3-8-21
 (SCALE 1"=2000')

SW. CORNER OF THE SE. 1/4 OF SECTION 34-9-21 BERTSEN ALUM. MONUMENT

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3
AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, IN
TOWNSHIP 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER,
MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, James G. Schneider, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped the following parcel of land:

Part of the Northeast 1/4 of the Northeast 1/4 of Section 3 and the Northwest 1/4 of the Northwest 1/4 of Section 2, in Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of the Northeast 1/4 of said Section 3; thence S88°41'24"W along the North line of said Northeast 1/4 Section, 315.45 feet; thence S1°18'36"E, 24.75 feet to a point in the South right of way line of W. County Line Road, said point being the point of beginning of lands to be described; thence N88°41'24"E along said South right of way line, 352.14 feet to a point in the West right of way line of N. 60th Street; thence S1°02'24"W along said West right of way line, 107.34 feet; thence S88°41'24"W, 347.73 feet; thence N1°18'36"W, 107.25 feet to the point of beginning.

Said lands containing 0.862 acres of land, more or less.

And excepting the North 7.25 feet as depicted on the face of this map, dedicated to the Village of Brown Deer for public road purposes.

That I have made such survey, land division, and plat at the direction of Maryangela Roman, OWNER of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have complied with Chapter 236.34 of the Wisconsin Statutes and the requirements of the Village of Brown Deer.


James G. Schneider S-2127

4-13-2017

REV. 6-2-2017



This instrument was drafted by James G. Schneider

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3
AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, IN
TOWNSHIP 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER,
MILWAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

I, Maryangela Roman, OWNER, do hereby certify: THAT I have caused the lands described in the foregoing certificate of James G. Schneider, Surveyor, to be surveyed, divided, mapped and dedicated. I also certify that the plat is required by s236.10 or s236.12 to be submitted to the following for approval or objection: Village of Brown Deer.

WITNESS the hand and seal of said OWNER on this _____ day of _____, 20__.

Witness _____ Maryangela Roman _____

STATE OF WISCONSIN)
OZAUKEE COUNTY)^{ss}

PERSONALLY came before me on this _____ day of _____, 20__
the above named Maryangela Roman to me known to be the person who executed the foregoing certificate and acknowledged the same.

Notary Public _____ My Commission expires _____

4-13-2017



This instrument was drafted by James G. Schneider



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Review and Recommendation of a text amendment to the B4 Commercial zoning district to add “Beauty Salon” as a permitted use.
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: June 7, 2017
Applicable Land Use Regulation: Village Code Sec. 121-195- B4 Commercial.
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:

The B4 Commercial district is the Village’s lightest intensity commercial district. This zone primarily exists along the north side of Bradley Road between Sherman Boulevard and N. 47th Street and also at the northwest corner of 60th and Brown Deer Road. This zone is primarily intended for office use but there are laboratories, financial institutions and nail salons allowed as permitted uses (see attached code section for permitted and conditional uses).

A request has been received from the owner of 5960 W. Brown Deer Road to change the code to allow a “beauty salon” as a permitted use. Recently, this same property was granted a conditional use for a dry cleaning establishment.

The attached ordinance would add “Beauty Salon” to the list of permitted uses. Staff believes that a beauty salon is very similar in nature to a nail salon in terms of customer traffic and property impact and believe it to be a reasonable low intensity use, in keeping with the spirit of the zoning district.

RECOMMENDATION:

Staff recommends approval of the text amendment to the Village Board. Please feel free to contact Nate Piotrowski at (414) 371-3061, if you have any questions.

Sec. 121-195. - B4 Commercial district.

- (a) *Purpose.* The B4 commercial district classification is established to accommodate a limited range of specialized business uses appropriate for conducting their operation on small parcels of land so zoned which lie immediately adjacent to residentially zoned lands. It is intended that this district would accommodate business and professional uses, the operation of which, as well as the quality of building and land development, is made as harmonious and compatible with residential uses as is feasible.
- (b) *Permitted uses.*
- (1) Financial institutions, including drive-in facilities.
 - (2) Laboratories, medical, dental, optical.
 - (3) Medical or dental clinics or offices.
 - (4) Nail salons.
 - (5) Offices, professional, business, public or institutional.
 - (6) Temporary buildings for construction purposes for a period not to exceed the duration of construction.
 - (7) Accessory uses to the above permitted uses, including, but not limited to:
 - a. Off-street parking and off-street loading; and
 - b. Signs as regulated in article IX of this chapter.
- (c) *Conditional permitted uses.*
- (1) Dry cleaning establishment.
 - (2) High technological assembly.
 - (3) Public utility and governmental service uses: Lot areas and lot widths for the following uses shall be as recommended by the plan commission and approved by the village board and may be lesser or greater in area or width than herein required in the district regulations:
 - a. Electric distribution centers.
 - b. Fire stations.
 - c. Gas regulator stations.
 - d. Police stations.
 - e. Radio and television towers and antennas.
 - f. Railroad rights-of-way.
 - g. Transit and public transportation facilities, including passenger shelters.
 - h. Telephone exchange buildings, microwave towers and telephone exchange transmission equipment buildings.
 - i. Water filtration plants, pumping stations, reservoirs and towers and sanitary and storm sewer lift stations, public or community.
 - j. Bicycle paths.

- (4) Single-family detached dwelling.
- (d) *Plan of operations.* All uses in this district shall be designed to encourage safe and efficient traffic flow, and physical compatibility with uses existing on adjoining properties. The village shall review buildings and site development plans for conformance to these objectives. The village shall forward copies of all plans for such uses to the plan commission for review. Following its review, the plan commission shall advise that the proposed development scheme is in accord with foregoing standards and objectives of the B4 district, and that design changes, to be specified, must be made in the application prior to the issuance of a building permit. The plan commission may also require such additional plans or details from the applicant as may be necessary to adequately review the proposed development.
- (e) *Lot area, lot width, and lot depth.* Except as may herein otherwise be required for a specific permitted use, not less than 12,000 square feet in area, 80 feet in width, and 100 feet in depth.
- (f) *Setbacks and other open areas.*
- (1) Front, not less than 40 feet in depth.
 - (2) Side, as follows:
 - a. Interior lots, two side setbacks, neither of which is less than ten feet in width, except a side setback adjoining or across the alley from a residence district shall be not less than 20 feet in width.
 - b. Corner lots, a side setback along the interior lot line, as required in this subsection for interior lots, and a side setback adjoining a street as required for a front setback.
 - (3) Rear, not less than 25 feet.
- (g) *Floor area ratio.* Within the B4 district, floor area ratio shall not to exceed 0.8.
- (h) *Off-street parking and off-street loading.*
- (1) Within the B4 district, off-street parking and loading shall be conducted in accordance with applicable regulations herein set forth in article VIII of this chapter.
 - (2) All open off-street parking and drives shall be effectively screened on each side adjoining or fronting on any residence district by a wall or fence not less than five feet high, nor more than six feet high, or densely planted evergreen rows or a hedgerow not less than five feet in height. Such screening shall be contained as part of the landscape plan submitted for approval by the beautification/tree committee.
- (i) *Landscaping.*
- (1) All yards and abutting parkways except those used for driveway or parking purposes shall be landscaped in accordance with a plan approved by the village beautification/tree committee. There shall be provided a minimum ten-foot width of planting adjacent to all buildings.
 - (2) Where sidewalks are necessary immediately adjacent to the building, the ten feet shall be measured from the outer edge of the sidewalk. There shall be provided a minimum ten-foot width of planting immediately adjacent to all street right-of-way lines, except this shall not apply to driveway ingress and egress areas. Planting shall include grass, bushes, hedges, shrubbery, trees

An Ordinance to Amend Section 121-195 (b) of the Village of Brown Deer Code, to add “Beauty Salon” as a permitted use in the B4 Commercial zoning district

Ordinance No. 17-

THE VILLAGE BOARD OF THE VILLAGE OF BROWN DEER DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. AMENDMENT.

That Section 121-195 (b) of the Brown Deer Code of Ordinances, is hereby amended to read as follows:

- (1) Beauty Salon

All existing uses under subsection (b) shall be renumbered accordingly

SECTION II. EFFECTIVE DATE.

This Ordinance shall be in full force and effective after its passage and publication according to law.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this 19th day of June 2017.

Carl Krueger, Village President

Jill Kenda-Lubetski, Village Clerk