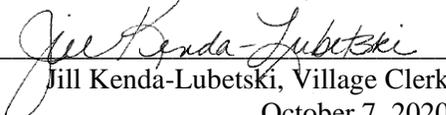


PLAN COMMISSION MEETING
Monday, October 12, 2020
Video/Conference
<https://us02web.zoom.us/j/81685313361>
1-312-626-6799 Meeting ID: **816 8531 3361**
6:30 P.M.



PLEASE TAKE NOTICE that a meeting of the Brown Deer Plan Commission will be held by phone due to the COVID-19 pandemic. The public can access this meeting of the Plan Commission meeting online at the following link <https://us02web.zoom.us/j/81685313361> or via phone by dialing **1-312-626-6799** with Meeting ID: **816 8531 3361**. The following items of business will be discussed and possibly acted upon:

- I. Roll Call
- II. **Persons Desiring to be Heard**: Please submit your full name, address, and your comment by 4:30pm October 12, 2020 to manager@browndeerwi.org
- III. Consideration of Minutes: August 17, 2020 – Special Meeting
- IV. Report of Staff/Commission Members
- V. Unfinished Business
- VI. Business Items
 - A) Review and Recommend making the conditional use permit for the BP gas station, 9051 N. Green Bay Road permanent and modifying the hours of operation.
 - B) Discussion of updates to the Comprehensive Plan in 2021
- VII. Adjournment



Jill Kenda-Lubetski, Village Clerk
October 7, 2020

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.

**SPECIAL BROWN DEER PLAN COMMISSION
AUGUST 17, 2020 MEETING MINUTES
HELD VIRTUALLY AT 1-312-626-6799 Meeting ID: 822 7401 0640**

The meeting was called to order by President Montgomery at 6:00 P.M.

I. ROLL CALL

Present: President Wanda Montgomery; Trustee Jeff Baker; Commissioners: Bill Hoffmann, Darryl Johnson, Al Walters, Amos Owens

Also Present: Michael Hall, Village Manager; John Fuchs, Village Attorney; Nate Piotrowski, Community Development Director

Excused: Trustee Renee Booker; Commissioners: Ryan Schmitz, Michael Emem

II. PERSONS DESIRING TO BE HEARD

None

III. CONSIDERATION OF MINUTES: August 10, 2020 – Regular Meeting

It was moved by Commissioner Hoffmann and seconded by Commissioner Owens to approve the meeting minutes of August 10, 2020. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

None

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

- A) Review and Action on a Resolution Approving the Amended Project Plan for Tax Incremental Financing District #3 to financially assist Tax Incremental District #4**

President Montgomery and Mr. Piotrowski reviewed both agenda items.

It was moved by Commissioner Hoffmann and seconded by Trustee Baker to approve the resolution. The motion carried unanimously.

- B) Review and Action on a Resolution Approving the extended duration of Tax Incremental Financing District #4**

It was moved by Commissioner Hoffmann and seconded by Commissioner Owens to approve the resolution. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by President Montgomery and seconded by Commissioner Owens to adjourn at 6:06 P.M. The motion carried unanimously.



Nate Piotrowski, Community Development Director



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION:Plan Commission
ITEM DESCRIPTION: Review and Recommend making the conditional use permit for the BP gas station, 9051 N. Green Bay Road permanent and modifying the hours of operation.
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: October 7, 2020
Applicable Land Use Regulations: Sec. 121-63
VILLAGE ATTORNEY REVIEW: <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.
COMPREHENSIVE PLAN REVIEW: <input checked="" type="checkbox"/> Staff has reviewed request for consistency with the Comprehensive Plan.

BACKGROUND INFORMATION:

Staff is bringing the BP gas station Conditional Use Permits 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 use was granted approval in 2016 but construction was not complete until September of 2019. Attached is the original conditional use permit.

Since occupancy was granted no issues have been identified.

As a part of this review Mr. Walia, the owner, has asked that his hours of operation be extended from 6am -11pm to **5am until 1am**. The request has been shared with staff and there have not been any concerns identified.

RECOMMENDATION:

Village Staff suggests the Plan Commission recommend to the Village Board that the Conditional Use Permit be made continuous and the hours of operation extended. Please contact Nate Piotrowski with any questions or comments at 371-3061.

DATE: SEPTEMBER 20, 2020.

WELCOME MART LLC
9051 N. GREEN BAY ROAD
BROWN DEER, WI 53209

VILLAGE OF BROWN DEER
4800 W. GREEN BROOK DRIVE
BROWN DEER, WI 53223

RE: REQUEST TO EXTEND HOURS OF OPERATION FOR WELCOME MART CONVENIENCE STORE.

I LIKE TO EXTEND HOUR OF OPERATION FOR WELCOME MART TO 5AM TO 1AM TO OPEN
INSIDE OF CONVENIENCE STORE AND PAY AT PUMPS REMAINS 24 HOURS. RIGHT NOW IT'S
OPEN INSIDE CONVENIENCE STORE FROM 6AM TO 11PM AND PAY AT PUMPS 24 HOURS.

THANK YOU.

(RICK) HARJEET WALIA
WELCOME MART LLC.

CONDITIONAL USE PERMIT

Automobile Service Station, Automobile Laundry, Convenience Store and Drive-Thru

Before the Village Board of the Village of Brown Deer, in regard to Premises at **9051 N. Green bay Road** located in the SW 1/4 of Section 1, 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 Rick Walia of World Mart 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 the property be used for the purpose of an **Automobile Service Station, Automobile Laundry, Convenience Store and Drive-Thru** subject to compliance with the terms and conditions hereinafter stated in this Conditional Use Permit (hereinafter the "Permit") and as depicted on **Exhibit "B"**

CONDITIONAL USE PERMIT
**Automobile Service Station,
Automobile Laundry, Convenience
Store and Drive-Thru**

Parcel Identification Number (PIN)

Document Title

THE CONDITIONS of this Permit are:

1. This Permit is granted to World Mart LLC, upon the representation that it is the owner of the Premises and shall become effective upon the execution of the acceptance hereof by World Mart 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: Automobile Service Station, Automobile Laundry, Convenience Store and Drive-Thru. The use of the Premises as a commercial dry cleaner 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. No use of the areas of the premises not identified in the application for the proposed use may be used without approval by the Village pursuant to its Village Code.

Hours during which operation is permitted:
 - b. Gas and Retail Sales: **6:00 a.m. – 11:00 p.m. daily**

Gas and the car wash shall be available 24 hours a day through a “pay at the pump” system. No attendant shall be on duty during hours which are not listed above.
 - 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

**Automobile Service Station,
Automobile Laundry, Convenience
Store and Drive-Thru**

Parcel Identification Number (PIN)

Document Title

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) Outside storage of merchandise, equipment or inventory is strictly prohibited on this site.
 - (2) The Owner shall provide private trash removal.
 - (3) The property shall be kept free and clear of litter and debris.
 - (4) The dumpster shall be covered and kept within a fenced enclosure. Said enclosure shall be constructed of noncombustible materials and maintained in a state of good maintenance and repair as determined by the Village.
 - (5) Waste products including but not limited to motor oil, fuel, transmission fluid and other materials used in conjunction with the service station operation shall be disposed of or recycled in accordance with Wisconsin State Statutes and the Village's recycling ordinance.
 - b. Finished topography and building grades, retaining walls, storm water run-off:
 - (1) Per the Village of Brown Deer Storm Water Management Ordinance.
 - c. Sign location, size, design:
 - (1) Any new signage or change in existing signage shall be reviewed and approved by the Village Building Board and shall be in conformance with Chapter 121 of the Village Zoning Code.
 - d. Exterior lighting of the site, location, design and power:
 - (1) Exterior lighting shall be sufficient to meet the business and safety needs of the site and shall be reviewed and approved by the Brown Deer Police Department. Security lighting shall be maintained for 24 hour "pay at the pump".
 - e. Parking:
 - (1) Overnight parking and/or storing of any vehicles, including fuel delivery or recreational vehicles on the site is strictly prohibited.
 - f. Other:
 - (1) All structures on the site shall meet the requirements of the Village of Brown Deer Fire Prevention Code.
 - (2) Any hazardous conditions or deficiencies identified by the Village shall be corrected by the owner to the satisfaction of the Village within 30 days of written notification.
 - (3) All landscaping on the premises shall be maintained in a state of good maintenance and repair as determined by the Village. Landscaping for this purpose shall mean bushes, shrubbery, trees, grass and other items or appurtenances necessary to maintain a pleasing and attractive appearance. Dead trees, bushes and shrubbery shall be immediately replaced in accordance with the landscaping plan approved by the Village Beautification Committee.
 - (4) The convenience store shall obtain all necessary licenses and permits for food display, preparation and sale, pursuant to the requirements of the North Shore Health Department.
 - (5) The parking lots shall not be used by rental agencies for parking of rental trailers, trucks, automobiles, or other vehicles.
 - (6) No significant vehicle repair shall take place on site.
 - (7) There shall be no automobile sales from this site.

- (8) All necessary permits and/or approvals shall be obtained for the establishment of the gas pumps and associated equipment. Copies of said permits/approvals shall be provided to the Village to be kept on file.
- (9) All heating, ventilating and air conditioning (HVAC) mechanical equipment, whether sited on the ground or on the roof of the building, shall be designed in such a way as to reduce its visual impact or to effectively screen it from public view. The design for the HVAC equipment shall be a part of the architectural plans submitted for approval to the Building Board, and said approval must be obtained prior to the issuance of a building permit.
- (10) A key box system, as specified by the North Shore Fire Department, shall be installed at the Owner's expense, to allow immediate entry of the fire department into the building.
- (11) Construction of the Development shall be in accord with the Board of Appeals decision, case #990 and #995
- (12) The Owner shall meet with the Village of Brown Deer Police Department to review security and crime prevention measures prior to occupancy and on a regular if crime prevention issues are identified by the Police Department.
- (13) This permit specifically allows the Developer to provide 13 less parking spaces than required under Village Code Section 121-299 (a) and (c).

Exhibit A
Legal Description

Parcel 1 of Certified Survey Map No. 8447, a division of Parcels 1 and 2 of Certified Survey Map No. 1196 and Parcel 1 of Certified Survey Map No. 856, being a part of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 1, Town 8 North, Range 21 east, in the Village of Brown Deer, Milwaukee County, Wisconsin.



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Discussion of updates to the Comprehensive Plan in 2021
PREPARED BY: Nathaniel Piotrowski, Community Development Director
REPORT DATE: October 8, 2020

BACKGROUND:

In February of this year staff provided a 10 year review of the Village's Comprehensive Plan. A summary of that review is listed below:

"The plan contained 70 recommendations of which 51 have been achieved, are in progress or are ongoing. This means we have tackled 73% of the plan's recommendations to some extent. Of the 20 recommendations that remain unattained:

12 (17%) now seem unrealistic/unlikely

4 (6%) waiting for market/development conditions

3 (4%) generally occurring but no specific accomplishments"

In February questions emerged from the Plan Commission and Village Board about possible updates. State Statute does request updates at 10 year intervals and Staff believes 2021 would be a good time to explore how well the plan's existing goals are being met while charting new objectives for the future.

A budget of 25,000 has been identified in the Capital Improvement Plan for an update. Staff has reached out to various private planning firms to discuss assisting with the project. Focus for the update will be on public outreach to help build new goals and objectives, a summary of achievements along with a review of relevant land use classifications and economic development tools.