

**BROWN DEER PLAN COMMISSION  
JULY 11, 2011 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 7:45 P.M.

**I. ROLL CALL**

Present: President Carl Krueger; Trustee: Tim Schilz; Commissioners: Ryan Schmitz, Dan Bednar, Susan Bellehumeur, Bill Hoffmann, Jeff Jaroczynski, Lee Jones

Also Present: Russell Van Gompel, Village Manager; Nathaniel Piotrowski, Planning and Zoning Specialist; Rebecca Boyle, Village Attorney; Brad Caddock, Crime Prevention Officer

Excused: Trustee Jeff Baker; Jesse Thyges Community Service Director/Assistant Village Manager

**II. PERSONS DESIRING TO BE HEARD**

None

**III. CONSIDERATION OF MINUTES: June 13, 2011 – Regular Meeting**

*It was moved by Commissioner Schmitz and seconded by Commissioner Bellehumeur to approve the regular meeting minutes of June 13, 2011. The motion carried unanimously.*

**IV. REPORT OF STAFF/COMMISSION MEMBERS**

Mr. Van Gompel reported that work was beginning on the improvements at 51<sup>st</sup> and Brown Deer Road this week. He noted that traffic would be limited to 2 lanes along Brown Deer Road through the duration of the project which was scheduled for completion by September 1<sup>st</sup>. He also added that work was progressing on the recreational trail extension in multiple locations around the Village.

President Krueger inquired as to whether there was any news about the redevelopment of the former Citgo site at 51<sup>st</sup> and Brown Deer Road. Mr. Van Gompel reported that the current owner is seeking redevelopment opportunities but has not presented anything new.

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

- A) Review and Recommendation for a second modification to a Conditional Use Permit for a convenience store at 4685 W. Bradley Road**

Mr. Piotrowski reviewed the proposed location of the propane exchange and introduced the applicant Sawan Tiwari.

Mr. Hoffman asked why the propane exchange was not placed closer to the building. Mr. Tiwari replied that he felt the proposed location was safer and more visible. Mr. Van Gompel added that it was challenging to place the exchange along the front façade of the building because the adjacent sidewalk is used for handicap accessibility.

Trustee Schilz asked if the Police Department had reviewed the location. Mr. Piotrowski replied that only the North Shore Fire Department had reviewed the placement.

A discussion ensued as to the preferred site location, other exchanges in the Village and operational issues surrounding the exchange.

*It was moved by Commissioner Bellehumeur and seconded by Commissioner Hoffmann to table the review of the second modification to a Conditional Use Permit for a convenience store at 4685 W. Bradley Road until a more thorough site analysis and recommendation could be made by Village Staff regarding the propane exchange.*

*It was moved by Trustee Schilz and seconded by Commissioner Bednar to deny the second modification to a Conditional Use Permit for a convenience store at 4685 W. Bradley Road.*

*The Bellehumeur and Hoffmann motion was voted on and passed 5-2 with Schilz and Jones voting against. The second motion was rendered null by the vote.*

**B) Agreement for outdoor restaurant seating at Brown Deer Lanes, 4715 W. Bradley Road**

Mr. Piotrowski reviewed the proposal and introduced the applicant Ms. Kim Starz-Nicholas.

Ms. Starz-Nicholas described the proposed outdoor seating, her track record as a business operator and also asked that she be allowed to serve food and drink in the outdoor seating area until midnight. She provided information on the allowable hours of operation for other municipalities and noted longer allowable hours in Thiensville and Whitefish Bay. She also added that she would be willing to accept a shorter probationary period than 1 year in order to see if there were negative impacts from the extended hours.

Police Officer Brad Caddock indicated that the department did not endorse the extended hours and proposed that the operation be limited to 10 p.m. to remain consistent with other businesses and to limit the potential for noise complaints.

Commissioner Bellehumeur asked if there had been significant problems or complaints from the establishment in the past. Officer Caddock noted that there have not been significant problems at the property.

Commissioner Jaroczynski asked how many tables could locate in the outdoor seating area. Ms. Starz-Nicholas replied three “4 tops” and 1 “2 top” for a maximum capacity of 16 -20 people.

President Krueger asked about the hours of operation for the volleyball courts and beer garden. Mr. Piotrowski replied that the beer garden and volleyball courts were currently limited to 10 p.m.

*It was moved by Commissioner Bellehumeur and seconded by Commissioner Hoffmann to recommend approval to the Village Board of the Development Agreement for outdoor restaurant seating at Brown Deer Lanes, 4715 W. Bradley Road with hours of operation for food and drink until midnight and a review of the operation prior to Dec. 31, 2011. The motion carried unanimously.*

**VII. ADJOURNMENT**

*It was moved by Commissioner Schmitz and seconded by Commissioner Jones to adjourn at 8:30P.M. The motion carried unanimously.*

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Nathaniel Piotrowski, Planning and Zoning Specialist