

The meeting was called to order at 6:30 p.m. by Chair D. Besson.

- 1.0 **Roll Call** – Present: Commissioners: N. Brody, S. Bigler, T. Brinkmeier, A. Dunning, A. Fritz, C. Stipe and Chair D. Besson. Staff: Village Administrator S. Kulik, Village Planner M. Shapiro and B. Wiedenfeld. Audience (16).
- 2.0 **Minutes – June 17, 2025 - Motion** (Fritz, Stipe) to approve minutes as presented; motion passes 7-0.
- 3.0 **Site Plan Review – 10330 W Forest Home Ave, All American Beauty** – Andrea Rosencutter, 7195 S. Ballpark Drive, Apt. 311, Franklin, WI, 53212 addressed the Commission regarding the request for site plan approval to operate a salon. The applicant provided pictures and samples of the proposed siding material. D. Besson inquired if the windows will be white, the applicant stated the windows will be black. D. Besson inquired if the roof will be redone, applicant stated that the roof will be redone to match existing material. D. Besson stated that sign code requirements will require them to come to the Commission again, the applicant stated they would not be making any changes to the signage. N. Brody inquired if this is a historical property, the applicant stated that it is not.
Motion (Brinkmeier, Fritz) to approve building exterior changes; motion passes 7-0.
- 4.0 **[Public Hearing—7:00 p.m. or immediately following item 2.0]: Conditional Use Permit – 11931 W Janesville Rd, BD Real Estate & Convenience Store, LLC** – Basudeu Adhikari, 1710 Indiana Ave, Sheboygan, WI 54081 addressed the Commission regarding the request for conditional use permit to operate a Grab-and-Go Restaurant in place of an existing use as a carwash in B-2 General Business District. D. Besson inquired if the existing carwash driveway will be utilized, the applicant stated it will not be utilized. D. Besson inquired what type of food would be served, the applicant stated that Indian food would be served. T. Brinkmeier inquired if the food is pre-packaged or made to order, the applicant stated that food will be made to order at the counter or called in for pick up. T. Brinkmeier inquired what the legal non-conforming consideration was, S. Kulik stated that has been grandfathered in as B-3 district use operating within B-2 district. C. Stipe inquired if it is operating as a drive-in, M Shapiro read the code definition for “Drive-in” in the code. C. Stipe inquired if the similar gas station/eatery Jetz has seating, S. Kulik confirmed that Jetz gas station has seating. S. Bigler inquired if a door was marked in the serving area next to the kitchen, S. Kulik stated that this will be address during the building inspection process. A. Dunning inquired where grease storage from the fryer will be located. C. Stipe stated that grease interceptors depend on the building. S. Kulik stated this will be addressed through the health inspection. A. Fritz inquired if there will be additional employees working in both gas the station and the restaurant, the applicant stated there will be separate employees for the gas station and the restaurant. T. Brinkmeier inquired where the employees will park, S. Kulik stated they meet the parking requirements. M. Shapiro confirmed that parking requirements are met. T. Brinkmeier inquired about the hours of operations, the applicant stated that the restaurant will operate from 9 a.m. to 9 p.m. and the gas station will operate from 6 a.m. to 9 p.m. T. Brinkmeier inquired about the issue of restaurant odors, S. Kulik stated the notification was sent to neighboring properties and no comments were received. T. Brinkmeier inquired if there will be parking on Janesville Rd. next to the restaurant. S Kulik stated that parking is not allowed there currently. D. Besson

opened the Public Hearing at 6:55 p.m. No public comments were received. D. Besson closed the Public Hearing at 7 p.m.

Motion (Brinkmeier, Stipe) to approve conditional use application and site plan as presented subject to the following requirements:

- 1) The Grab-and-Go business hours of operation be 9 a.m. to 9 p.m.

Motion passes 7-0.

5.0 Site Plan Review – 5146 S 116 St, Edgerton Elementary School, 11320 W Janesville RD, Hales Corners Elementary School, Whitnall School District – C. Stipe recused himself from this application and did not participate in voting and discussion. Ryan Sands of Bray Architects 829 S 1st St Milwaukee, WI 53204 and Ryan Birschbach of Kapur 7711 N Port Washington Rd. Milwaukee, WI 53217 presented site plans for Hales Corners and Edgerton Elementary schools.

Edgerton Elementary School

D. Besson inquired if the DPW required berm near the south property line and fencing would meet the requirements, the applicant stated the berm was proposed to help drainage into the public storm sewer. The berm will be 6 in. and has been verified by the engineering consultant. The existing fencing is 6 ft. stockade fence and will remain in that location. D. Besson inquired if the fencing runs the whole length of the berm, the applicant noted that it did not the full length of the berm. S. Bigler inquired if the 3 existing fences and will remain, the applicant stated that these would all remain as existing. D. Besson inquired about neighbor concerns regarding a drainage area near the school. The applicant stated that drainage runoff will be directed to the drainage basin retention pond and then to the public storm sewer. The applicant stated the retention pond is designed to enhance the drainage beyond what it currently provides today. D. Besson inquired about screening for the generator on the property. The applicant stated that they believe the height is 6 ft. of a composite wooden decking. D. Besson inquired if the school is looking at parking spots. The applicant stated that the traffic pattern is not changed. D. Besson inquired if there is a staggered pick-up and drop-off time for the school. The applicant stated there is not and that is unchanged from current conditions.

Motion (Brinkmeier, Fritz) to approve the site plan as presented subject to the following requirements:

- 1) WDNR and building code requirements are met.
- 2) The height of the fencing meets the code requirements.

Motion passes 6-0-1.

Hales Corners Elementary School

M. Shapiro stated that the assumed maximum allowable height for the screening of the proposed chiller will follow the maximum height of fencing of 8 ft. Applicant stated that the 8 ft. maximum height for screening will be met. N. Brody inquired what part of the property the chiller will be on, the applicant stated it will be in the NE corner of the property off Drexel Ave. D. Besson inquired at what level of decibels of the chiller will be, the applicant stated they will verify that number, but they are specifying the chiller with noise reduction equipment.

Motion (Brinkmeier, Dunning) to approve the site plan as presented; motion passes 6-0-1.

6.0 Site Plan Review – 5708 S 108th St, Genesee Community Services - Mike Roller, Ashley Pollox, Kelly Flashko, 1746 Executive Drive Oconomowoc, WI 53066 addressed the Commission regarding the request for site plan approval to operate a facility for counseling and behavior analysis therapy for individuals with Autism. In M. Shapiro's staff report, she stated that the play area is considered an accessory structure. General office use is considered the use for parking requirements. The parking requirements are 30 parking stalls. The learning

center provides 70 parking stalls. S. Kulik stated that one resident comment was placed with concern about traffic flow on 107th St. D. Besson inquired when the play area will be utilized. The applicant stated that the learning center will be operated between 9 a.m. and 3:30 p.m. It has not been determined when exactly the play area will be utilized. Typical play area use will consist in increments of 15-20 minutes at a time in smaller groups. There will no large playground structure installed. D. Besson inquired what color the exterior will be painted. The applicant stated it would be repainted the off-white cream color it is painted right now. T. Brinkmeier inquired if the backside of the building will be utilized. Applicant stated that part of the building will be leased out to someone else. T. Brinkmeier inquired about the signage. The applicant stated they will utilize the existing monument signage. S Kulik stated it will be a like-for-like replacement on the monument sign which is allowed by code. T. Brinkmeier inquired about the intention of the use as a learning center for disabilities rather than a regular daycare. Applicant stated each child who will attend has been diagnosed with Autism and each parent will schedule their appointment with the learning center. N. Brody inquired if the pick-up time is the same for everybody. The applicant stated that pick-up time depends on the client but will be between 3-4 p.m. T. Brinkmeier inquired if there will be signage. Applicant stated there will be signage on the glass door of the building and on the monument. The glass door signage will be lettering only.

Motion (Brinkmeier, Stipe) to approve the site plan as presented; motion passes 7-0.

- 7.0 Site Plan Review – 5601 S 108th St, Vatika Real Estate, LLC – Manish Upadhyay** 14200 W. Osprey Way, New Berlin, WI 53151 and Owen Lavin 4040 N. Calhoun Road, Brookfield, WI 53005 addressed the Commission regarding the request for site plan approval to operate a multi-tenant salon. M. Shapiro stated within her staff report the proposed improvements for the building and site area. D. Besson inquired if there are any major changes to the exterior lighting, the applicant stated there will be no major lighting changes at this time aside from additional lighting will be provided for walkways and near the ADA parking stalls. D. Besson stated that the lighting should not go over the property line. S. Kulik stated that the lighted signage is required have a dial setting to control the lighting. D. Besson inquired about the hours of operations. Applicant stated the hours of operation may be open as early as 9 a.m. and closed by 9 p.m. D. Besson inquired if individual tenants will be able to open operate after the hours of operations. S. Kulik stated that each tenant will need to receive an operating license and state hours of operation to PC. D. Besson inquired about the building cladding on the N, S, and W side. Applicant stated there is another raised roofing on the west side. D. Besson has inquired that the utilities to be enclosed by roofing as a condition. D. Besson stated that any proposed signage and lighting that is not code compliant will have to return to PC. N. Brody stated that the roof parapet is not visually appealing. D. Besson stated that additional roofing to enclose the utilities may resolve this. N. Brody inquired about the awning color. Applicant stated that the awnings will be metal and copper color. N. Brody inquired if there could be additional design elements added to the building. S Kulik stated that this design follows the code and matches adjacent property aesthetic. T. Brinkmeier clarified that signage brought forward will have to be code compliant. T. Brinkmeier inquired how many salon units there will be, the applicant stated there will be 17 salon units with about 1 salon space in each unit. T. Brinkmeier inquired how many parking spots there are. S. Kulik stated there is 24 parking stalls. M Shapiro stated that the general salon requires 1 parking stall per 300 sq. ft. of building area which would require 16 parking stall. The proposed parking conforms to the code.

Motion (Brinkmeier, Stipe) to approve site plan as presented subject to the following requirements:

- 1) The salon business hours of operation be 8 a.m. to 9 p.m.
- 2) Proposed lighting does not go over the property line.

- 3) Roofing to be altered to completely enclose the utilities.
- 4) An occupancy permit be obtained for each salon.

Motion passes 7-0.

The applicant inquired if changes to window size is made if they would have to return to the PC. S. Kulik stated it is up to the PC if they would like to review the window changes. D. Besson stated that applicant will have to return if proposed changes to windows are made.

- 8.0 Site Plan Review –9400 Boerner Drive, Boerner Botanical Gardens- Milwaukee County Parks** - A. Dunning has recused herself from participating in voting and discussion on this application. Ellen Hayward, Friends of Boerner Botanical Gardens, 9400 Boerner Dr., Hales Corners, WI and Andrea Wallace, Mike Marlin, Milwaukee County Parks, 9480 Watertown Plank Road, Wauwatosa, WI 53224 and Tim Detzer, 600 N. Plankington Ave., Suite 600, Milwaukee, WI 53203, addressed the Commission regarding the request for site plan approval to install permanent fencing in Boerner Botanical Gardens. D. Besson asked if the Friends of Boerner Botanical Gardens could clarify the funding for the fencing project if the Friends group will be sponsoring this project. The applicant stated the Friends group is ready to fundraise for the project but can't guarantee that all the funds will be raised by the Friends group. D. Besson stated there is a 1-year process to raise funds and complete the project.

The applicant addressed the questions asked of the applicant following the last meeting:

1. The applicant confirmed that WDNR will not require a permit for the fencing. WDNR was sent the submitted plans to PC and stated that no further information was needed. T. Brinkmeier asked about the email language. The applicant confirmed that the WDNR did not need any more information regarding the project and permit was not required. T. Brinkmeier and D. Besson noted that the email did not show an attachment being sent and inquired on if the DNR email was based on project description or site plan review. Applicant could not state definitively if DNR had reviewed site plan but stated that he believed email was correct and no further DNR review was needed.
2. The applicant stated there is a firm estimate for the project of \$1,049,610.83 stated in the packet. This estimate is based on the originally proposed fence of 9 ft fence. It is assumed pricing would be less for the 8 ft fence. D. Besson asked about the clarification of the plan completeness. The applicant stated that the plans would be considered 100% complete by Milwaukee County Parks with approval from the PC, as of now they are considered 90% complete.
3. The applicant stated that \$50,000 of park trust funds from the Park People will be used to kickstart the fundraising effort for the project. The funds will be approved for release upon approval of the application by PC. The applicant has stated there is confirmation from the County Parks director to utilize the funds for the project. D. Besson wants to ensure there is meeting minutes that have approved the funds will be utilized for the project. D. Besson stated that project must be completed within 1-year.
4. The applicant stated there is an approved recommendation for the footings proposed by the manufacturer. D. Besson asked if there is any other type of footing that may be used. The applicant stated that a different manufacturer of the footing may be used, but the same method of footing would be used for all products.
5. The applicant stated there is an estimated time of completion in the packet. D. Besson stated that if approved, there would be 6 months to start the project and then 6 months to complete it. The applicant has stated there is an estimated start date of April. D. Besson asked if there will be funding secured by that date. Applicant stated they will try their hardest to have funding.

6. The applicant stated they will not be putting an ornamental fence along that fence line. The applicant stated that 60% of tree line are conifers and would not lose their leaves in the fall. The applicant provided pictures of tree line to show that there is significant screening of the proposed deer fence already provided from the trees. D. Besson also submitted pictures of the area. D. Besson stated that the fencing is visible through the trees at this current time. T. Brinkmeier asked what color the deer fencing would look like. Applicant stated it would be darker than the fencing near the experimental gardens. T. Brinkmeier asked if there is a verified distance from the Garden Court to the park fencing. Applicant stated they do not believe the deer fencing obstructs view of the garden.
7. The applicant has stated they will reduce the fence height to 8 feet. D. Besson has stated that all drawings submitted for the packet have shown 9 feet for proposed fencing. The applicant has stated that the packet includes a memo from Sarah Toomsen conceding to reduce fencing to 8 feet.

D. Besson stated he is happy to hear the Milwaukee County has agreed to reduce the fence height to 8 feet but is concerned about the funding required to complete the project. D. Besson stated that the County would be given 1-year to complete the fencing project. T. Brinkmeier asked about the estimate for the proposed fencing. The estimate is \$1,049,610. T. Brinkmeier asked if the Park People Director has authority to release the \$50,000 to Milwaukee County Parks. The applicant stated that the Milwaukee County Parks would make the request to the Park People to release the funds for the project. T. Brinkmeier has asked that meeting minutes or official documentation be provided from Park People to show that the funds will be provided. The applicant stated they reached out to the Park People because the PC asked at previous meeting if they the Parks group intended to raise all the money internally.

T. Brinkmeier asked if \$1,000,000 was ever raised in 1-years' time by the Friends group. Applicant has stated this has been done in the past for an education center. T. Brinkmeier asked if the Friends group thinks they can raise \$1 million in 1 year period. The applicant says that this will be very difficult as they have no pledges yet as they typically happen when there is an approved plan and timeline.

T. Brinkmeier asked Milwaukee County Parks if there is someone accountable for raising this \$1 million for the project. The applicant has stated the capital campaign will be run by the Friends group. The County will support that campaign however they can (providing additional funding, promoting the campaign, etc.). The applicant stated the Friends of Borner Botanical Gardens is responsible for the capital campaign. Ellen is the leader for Friends group. D. Besson asked who else is on the fundraising team. Applicant stated that "team" is referred to as the Milwaukee County Parks staff. D. Besson asked if there is additional funds identified aside from the \$100,000 from the Park People and Friends group. The applicant stated there is no other funding identified in the capital budget.

T. Brinkmeier asked if the funding goals were not met, would the project start. The applicant stated that project construction would not start if the funding wasn't secured and that they cannot start raising funds unless the plans are approved at this meeting.

D. Besson asked if the applicant prefer to have extra time to raise funds and postpone the decision on the plan or would the applicant like to have a decision at the meeting tonight with understanding that the project must start within 6 months and be completed in another 6

months. D. Besson stated that additional conditions for approval include that the plans would have to be redone to state the proposed fence is 8 ft. and that the plans read as 100% complete.

The applicant (Ellen) stated the Friends group has to have the plan approved before they start raising money. D. Besson asked if the PC gave Friends group understanding that the plan would be approved if sufficient funds were identified to complete the project within 1 year, could they begin raising money. The applicant (Ellen) stated that she will be asked what the conditions are and when would it be approved. D. Besson stated that that the plans will need to resubmitted as a condition of approval.

S Kulik stated from code that the conditional approval or approval of plan will be invalidated if project is not completed within at maximum 1 year + 90 days.

The applicant (Andrea) asked if the deer fence can be seen through the trees. D. Besson said from the pictures provided, that the deer fence can be seen. The applicant (Andrea) stated that she doesn't believe the deer fence can be seen from 50 ft. from Garden Court properties. D. Besson is concerned that the trees will not last forever and will allow more of the fence to be seen. The applicant (Tim) has stated that the ornamental fence will be more costly and be more of an obstruction to the view of the gardens than a deer fence. T. Brinkmeier is concerned that the neighbors will have look at a deer fence from their window. T. Brinkmeier asked how much an additional ornamental fence cost in difference than the presented plan. The applicant asked that if they contacted the property owners for feedback on the proposed fencing and received positive feedback if the PC would allow the proposed deer fence to remain in the plan as presented. Plan commissioners agreed with this.

A. Fritz asked about the distances between the fence and property owners and the road. Applicant has stated that it is roughly 200-300 feet. M Shapiro agreed with this measurement.

N. Brody asked what length the ornamental fence was originally requested. M. Shapiro stated that it would have stretched along most of the Garden Ct properties.

S. Kulik asked that the plan could be approved as is with condition of resubmitting plans with proposed fencing reduced to 8 ft. in height and written approval by property owners on Garden Ct that they are not opposed to the proposed fencing.

N. Brody asked if the ornamental fencing length could be reduced. The applicant stated that the additional ornamental fencing would require an additional \$260,000. The applicant stated that one of the properties has a privacy fence and another property as a chain link fence that run near to the park proposed deer fence. N. Brody stated that she believes that the 2 property owners off 92nd St and property that borders the forest near to the trial garden should be asked if they oppose the proposed deer fence.

The applicant stated that it would be a burden to get property owner approval by January 15th and asked for January 30th extension. D. Besson stated that they have been given enough time already and that January 15th is the date that these materials and conditions be met.

T. Brinkmeier asked Ellen of the Friends group if the Village can help the Friends group with this process. Ellen stated that she will not receive a tangible check unless the project is approved by PC. D. Besson stated the Friends group would be given the start date of the fundraising by January 15th and have 1 year to complete the project.

Ellen stated that the temporary fence that went up in April accomplished what was intended to steer people into the park to pay admission, is there some reason that the temporary fence not be allowed extension. D. Besson said that this temporary fencing was only allowed to be up for 60 days and extended numerous times.

Ellen has stated that people will not respond to email or phone calls during the winter and it is very hard to get funding during this time of year. Friend's group treasurer said that 1 year for fundraising is fine.

S. Kulik stated that there only 19 business days until January 15th deadline and it would be very burdensome on Village staff for review. Friday, January 30th as a deadline would be more realistic for Village and consultant staff.

D. Besson stated that WDNR submit letter informing County that a permit is not required. S. Kulik stated an email with the plans attached and response back from WDNR confirming receipt of the plans and that the permit is not required would be sufficient.

C. Stipe asked how long it would take to construct the fence. Applicant stated it will take 42 days. From approval, the project could have at maximum 1 year and 3 months of planning process. D Besson stated this would require PC approved extension, otherwise the deadline is 1 year for completion and a building permit to start the project or "diligently pursuing the project" within 6 months. S. Kulik stated that fundraising efforts could be interpreted as "diligently pursuing the project."

T. Brinkmeier asked who the one "pursuing the project" if the Friends group is raising the funds, then it is not the County. D. Besson stated that the Friends group has been put in a tough decision and that the PC has tried to work with the County.

Motion (Brinkmeier, Stipe) to allow staff approval of the site plan, with the condition that the Applicant provide the following supporting items and conditions to Village staff no later than Friday, January 30th, 2025:

- 1) Resubmittal of the plan set written as 100% complete and showing reduced 8 ft. fencing.
- 2) Survey of 7 residents (6 on Garden Ct and 1 on 92nd St) with a majority of support for the fencing.
- 3) A written email from WDNR confirming receipt of plan set and not requiring a wetland permit for the project.
- 4) Official written confirmation that \$50,000 from the Park People would be released to County.
- 5) Payment of outstanding planning invoice fees.

9.0 Adjournment – Motion (Stipe, Brinkmeier) to adjourn at 9:28 p.m.; motion passes 7-0.

Sandra M. Kulik, Administrator/Clerk