



MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: Plan Commission

Date and Time: Monday, September 14, 2020 at 6:30 pm

Location: City Hall Council Chambers, 2000 N. Calhoun Road, Brookfield WI 53005

Members Present: Mayor Steven Ponto (Chairman), Alderman Gary Mahkorn, Alderman Mark Nelson, Alderman Rick Owen, Commissioner Lisa Chang (via teleconference), Commissioner Mike Smith

Members Excused: Commissioner Steve Petitt

Others Present: Director of Community Development Dan Ertl, City Engineer Jeffrey M. Chase, Fire Chief Charlie Myers, Neighborhood Planning Coordinator Richard VanDerWal, Alderman Chris Blackburn, Alderman Mike Hallquist, Zoning and Building Administrator Larry Goudy, Carolyn Megal, Administrative Assistant

1. Roll Call

Mayor Steven Ponto noted a quorum present and called the Plan Commission to order at 6:38 pm

2. Announcements

The Next Regularly Scheduled meeting will be held on Monday, October 12, 2020 at 6:30 pm

3. Meeting Minutes

- a. Minutes of the August 10, 2020 meeting.

Motion by Alderman Gary Mahkorn, second by Alderman Rick Owen to approve the minutes of the August 10, 2020 Plan Commission meeting. Motion carried 6-0.

- b. Minutes of the Plan Review Board meeting- cancelled

No motion.

Public Hearing - Request of Brookfield Lutheran Church 18500 West Burleigh Road, Brookfield, WI 53045 c/o Gary Kilvinger, Chair – Strategic Planning Committee to approve a conditional use permitting recreational use of 18290 and 18330 West Burleigh Road in association with the church's ministry.

Michael Claysen, 18630B Estate Circle, Brookfield, is concerned with likely increased traffic on estate circle which is a private road. He stated once a vehicle turns onto Estate Circle and exit via Brookfield Road. The road has no shoulder. On evenings and Saturday when parents are looking for drop off and pick up locations their road would be a likely choice due to it's location and privacy. He is requesting Brookfield Lutheran Church be required to inform all groups that vehicular use is prohibited by all participants.

Jeff Harris, 18234 W. Burleigh Road, Brookfield is the owner of Lot 5 which is East and adjacent to Lot 6 is supportive of the project but is concerned about the use of lot 6 since it is to be used for residential purposes only. He understands the fields are not on the lot, they are to the west. He expects that the covenants would need to be amended and they are willing to work with the Church to accomplish that and come to a negotiated settlement.

Dave Biocek, 18680B Estate Circle, asked for a better understanding of conditional use with regards to noise, use, lights, speakers, activity, wash rooms, the washroom building and location, hours of operation.

Citizen Member Lisa Chang asked for thoughts from the applicant on the traffic flow and pick up/ drop off process. The church currently runs the program on a separate parcel of the property with no issues. Participants use the parking lot of the church.

Alderman Nelson questioned if they expect participants to utilize the private road. The applicant stated they would notify participants to utilize the existing church parking lot and use the City's bike path to walk to the new fields.

***Motion by Alderman Mark Nelson, second by Alderman Rick Owen to close the public hearing.
Motion carried 6-0.***

4. Unfinished Business

- a. Request of Brookfield Lutheran Church 18500 West Burleigh Road, Brookfield, WI 53045 c/o Gary Kilvinger, Chair – Strategic Planning Committee to approve a conditional use permitting recreational use of 18290 and 18330 West Burleigh Road in association with the church's ministry. SW1/4 Section 9 – DE ****Requires Common Council Approval****

Report: The church has acquired one lot located with the Hill Parks Estates subdivision and the former Mitchell home site with the intent to secure approval of a conditional use ordinance permitting recreational use of the two lots- 18290 and 18330 West Burleigh Road -in association with the church's ministry per their application dated February 22, 2020. The request for conditional use was received prior to the amendment of Section 17.108.050.A that the Common Council approved on June 16, 2020. The church's ministry is delivered via conditional use ordinances no. 370, 434, 461, 1611, 1884 and 2063-06 permitting operation of a religious and educational use at a neighboring site with address of 18500 West Burleigh Road. At the time of application, the requested conditional use was permitted in any zoning district upon specific authorization by the Council, subject to a public hearing. The site is zoned "R-3" Residence District.

A Neighborhood Informational Meeting was held on September 2, 2020. About five neighbors attended and asked questions about the long-term use of fields by the church and if their private road- Estate Circle – located adjacent to the fields would be utilized by the church. The representative of the church stated that the long-term plans for the fields remain as stated in their letter and these new fields may lessen the use of the churches existing fields located closer to the condominium neighbors. They will not trespass on Estate Circle except with whatever rights they may have already.

The City Attorney will draft an ordinance that will replace all previous ordinances for the Church properties and convert such into a conditional use permit with legal description for the October 6 Council meeting.

All existing sanitary sewer and water service laterals not to be reused shall be abandoned at the main per City standards.

Recreational use plans shall include submittal of site erosion control, grading and drainage, utility and storm water management plans prepared per City standards for Engineering review and approval prior to Inspections issuance of permits, as applicable.

A public hearing will be held on September 14, 2020. Based upon the laws governing how the City must review a conditional use, staff is not recommending any conditions be placed on this conditional use request. Further, staff has proposed the following language to be used as findings of fact, conclusions of law, and a recommendation:

Findings of Fact for Conditional Use Approval:

1. Brookfield Lutheran Church possesses religious and educational conditional use permits per Ordinances No. 370, 434, 461, 1611, 1647, 1884 and 2063-06 at 18500 West Burleigh Road and is located in the R-3 single-family residence district.
2. The sites that are the subject of this conditional use request, 18290, 18330 W. Burleigh Road and an outlot without address are zoned R-3 single-family residence district.
3. Religious use of any residentially zoned land is a permissible conditional uses per Section 17.108.050.A.¹
4. Institutional, conditional use of residentially zoned land is exempt from plan and method of operation per Section 17.108.050.A.²
5. Brookfield Lutheran Church is not proposing a modification of height or bulk to any existing structure.
6. But for construction of an accessory building and striping of play fields, Brookfield Lutheran Church is not proposing any other changes to the site.

CONCLUSIONS OF LAW:

1. Brookfield Lutheran Church's request complies with the criteria of Section 17.108.050 of the Municipal Code and is not contrary to the public health, safety, or general welfare.
2. No substantial evidence exists to place any conditions on the use.

RECOMMENDATION: The Plan Commission recommends approval of Brookfield Lutheran Church's application for a conditional use for religious outdoor activity per their Statement of Operations dated February 22, 2020.

Attachments: Plan of Operation 2.22.2020

¹ The applicant's request for conditional use permit was received prior to the amendment of Section 17.108.050.A that the Common Council approved on June 16, 2020. Therefore, the applicable Code provision is the one that was one in force at the time of the application.

² The applicant's request for conditional use permit was received prior to the amendment of Section 17.100.010 that the Common Council approved on June 16, 2020. Therefore, the applicable Code provision is the one that was one in force at the time of the application.

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Citizen Member Mike Smith, second by Alderman Gary Mahkorn to approve staff recommendation for approval of Brookfield Lutheran Church's application for a conditional use for religious outdoor activity per their Statement of Operations dated February 22, 2020. Motion carried 6-0.

- b. Request of Congregational Home Residence and Rehabilitation, 13900 W. Burleigh Rd. Brookfield, WI 53005, c/o Kris Sprtel, BS, NHA, President/Chief Executive Officer to approve a Resolution amending Map 3 of the City of Brookfield 2050 *Comprehensive Plan* changing the land use recommendation of 3220 and 3230 Lilly Road from Housing Focused – Lower Density to Nature, Recreation and Community Facility – Community Facility and rezone 13900 W. Burleigh Road from “R-2” Residence District to “PDD-M” Planned Development District – Mixed Use General Plan in association with a 21 bed (21,044 sq. ft. CBRF (Community Based Residential Facility) addition and wellness center at 13900 W. Burleigh Road. Southwest ¼ of Section 12- DE ****Requires Common Council Approval****

Previously Reported: 1. Congregational Home, located at 13900 West Burleigh Road has a base zoning of “R-2” Single-family Residence District. Conditional Use Ordinances No. 446, 542, 543, 1064, 1105, 1503 and 2328-13 approved and adopted from 1968 thru 2013 allow for operation of a nursing home, a subsequent 26 unit apartment addition, a 32% Floor Area Ratio, CBRF, assisted living, chapel, multi-purpose room and parking lot expansions. At the time of the conditional use ordinances passage, the terms hospital, sanitarium, nursing home, rest home and facility for senior citizens were listed as conditional uses in Chapter 17.108.050 of the municipal code. The site is not located in a Targeted Investment Area (TIA) one of eleven areas identified in the City of Brookfield 2050 Comprehensive Plan that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted land use of the existing Congregational Home site per the 2050 City of Brookfield Comprehensive Plan is Nature, Recreation and Community Facilities - “Community Facility”.

2. The applicant is requesting approval to schedule a public hearing to amend Map 3 of the City of Brookfield 2050 Comprehensive Plan changing the land use recommendation of 3220 and 3230 Lilly Road from Housing Focused – Lower Density to Nature, Recreation and Community Facility – Community Facility and rezone 13900 West Burleigh Road from “R-2” Residence District to “PDD-M” Planned Development District – Mixed Use General Plan. Congregational Home owns 13900 West Burleigh Road, 3230 Lilly Road and is negotiating purchase of 3220 Lilly Road.

3. PDD Ordinance Characteristics:

Permitted Uses: Continuing Care Retirement Community (CCRC) with independent living apartments, assisted living apartments/suites registered as a Residential Care Apartment Complex (RCAC), Community Based Residential Facility - memory care (CBRF) and wellness center offering goods, entertainment, fitness and personal service delivery to residents of the CCRC

Building Setback: 50' Fiebrantz Drive - Same as 17.32.020 A. (“R-2” Residence District)
50' Burleigh Road

50' Lilly Road

Building Offset: 25' Minimum – 20' for lots created by CSM in 17.32.020 B. ("R-2" Residence District)

Pavement Setback (Paths): 10' Fiebrantz Drive – 25' for Cond. Use in 17.32 ("R-2" Residence District)
10' Burleigh Road
10' Lilly Road

Pavement Setback (Parking): 25' Fiebrantz Drive - 25' for Cond. Use in 17.32 ("R-2" Residence District)
25' Burleigh Road
25' Lilly Road

Pavement Setback (Service Area): 15' Lilly Road – 25' for Cond. Use in 17.32 ("R-2" Residence District)

Pavement Offset (All) 25' Minimum - Same as Cond. Use in 17.32 ("R-2" Residence District)

Building Height (Principal): 35' – 45' Max. - Same as 17.32.030 ("R-2" Residence District) and 17.136.030C.

Building Height (Accessory): 15' Max. - Same as 17.32.030 ("R-2" Residence District)

Floor Area Ratio: 32% Max. - Same as Ordinance No. 1064

Landscape Surface Ratio: 50% Min. - Same as Cond. Use in 17.32 ("R-2" Residence District)

4. Site Development Characteristics:

Building Setback: 160' Fiebrantz Drive
53' Burleigh Road
70' Lilly Road

Building Offset: 45'

Pavement Setback (Paths): 60' Fiebrantz Drive
10' Burleigh Road
20' Lilly Road

Pavement Setback (Parking): 80' Fiebrantz Drive
30' Burleigh Road
105' Lilly Road

Pavement Setback (Service Area): 15' Lilly Road

Pavement Offset (All) 45'

Building Height (Principal): 27'

Building Height (Accessory): 12'

Floor Area Ratio: 29.9 %

Landscape Surface Ratio: 60.8%

Parking: 93 Stalls

5. Per 17.41.050 The standards for PDD Mixed- Use are:

- All PDD districts shall be related to nearby uses different from the dominant uses in the PDD district, through planning unit analysis.
- Particular attention shall be placed upon careful and creative interrelationship of uses mixed within a PDD-M district.

The site is situated at the intersection of two major streets bounded by existing PDD-Residential, Conditional Use-Institutional and Commercial zoning. Like the subject site, the PDD and Conditional Use sites are in excess of 4.0 acres in area as is one of the commercially zoned sites on the south side of Burleigh Road. The proposed development will create a life-cycle facility on a proportionally sized lot that is not duplicative of adjacent land uses.

6. Building architecture matches the existing building as do building materials in composition, color, texture and application resulting in a seamless building expansion.
7. The Engineering Division is in receipt of preliminary grading drainage, erosion control and stormwater management plans.
8. The applicant is in receipt of a missive dated June 23, 2020 by Fire Chief Charlie Myers identifying Fire Code compliance requirements.
9. Site landscaping of the streetyard, north property line and stormwater basins will be performed in compliance with city development standards in the areas affected by the building addition.

Newly reported:

1. A Neighborhood Information Meeting was held on August 19, 2002. No written comments were received. A Public hearing was held on September 2, 2020. One neighbor questioned the impacts that the project will have on flooding in the area. The submitted civil engineering plan set includes a stormwater management plan that is under review by the City Engineering Department and must meet the standards of the City Code.
2. The status of the project has not progressed for the staff to recommend approval of the PDD Specific Plan or Development Agreement. Such would follow at later Plan Commission.
3. The Plan Commission would adopt a Resolution amending the *2050 Comprehensive Plan* as noted for the two subject properties located on Lilly Road.

Recommendation:

1. Since the area on the opposite side of Lilly road from 3220 and 3230 Lilly Road is institutional in character- Brookfield East High School and the Lilly Heights Apartments, a recommendation is made to approve a Resolution amending the land use for 3220 and 3330 Lilly Road from “Housing Focused – Lower Density” to “Nature, Recreation and Community Facility – Community Facility”.
2. Since the proposed addition to the facility for a Community Based Residential Facility beds adds to the Congregational Home’s mission to provide a continuum of care to their residents, since the existing facility already exceeds the underlying zoning district floor area ratio(FAR) standards through previous City approvals and since the applicable zoning tool needed to perfect the maximum floor area ratio for the facility is the Planned Development District(PDD), a recommendation is made to approve a rezoning of 13900 West Burleigh Road from “R-2” Residence District to “PDD-M” Planned Development District – Mixed Use General Plan.

3. The Standards for the PDD- General Plan will be:

Permitted Uses: Continuing Care Retirement Community (CCRC) with independent living apartments, assisted living apartments/suites, registered as a Residential Care Apartment Complex (RCAC), Community Based Residential Facility – memory care (CBRF) and wellness center offering goods, entertainment, fitness and personal service delivery to residents of the CCRC.

Dimensional Standards for the PDD:

Building Setback: 50' Fiebrantz Drive – Same as 17.32.020 A. (“R-2” Residence District)
50' Burleigh Road
50' Lilly Road

Building Offset: 25' Minimum – 20' for lots created by CSM in 17.32.020 B. (“R-2” Residence District)

Pavement Setback (Paths): 10' Fiebrantz Drive – 25' for Cond. Use in 17.32 (“R-2” Residence District)
10' Burleigh Road
10' Lilly Road

Pavement Setback (Parking): 25' Fiebrantz Drive – 25' for Cond. Use in 17.32 (“R-2” Residence District)
25' Burleigh Road
25' Lilly Road

Pavement Setback (Service Area): 15' Lilly Road – 25' for Cond. Use in 17.32 (“R-2” Residence District)

Pavement Offset (All): 25' Minimum – Same as Cond. Use in 17.32 (“R-2” Residence District)

Building Height (Principal): 35' – 45' Max.– Same as 17.32.030 (“R-2” Residence District) and 17.136.030 C.

Building Height (Accessory): 15' Max. – Same as 17.32.030 (“R-2” Residence District)

Floor Area Ratio: 32% Max. – Same as Ordinance No. 1064

Landscape Surface Ratio: 50% Min. – Same as Cond. Use in 17.32 (“R-2” Residence District)

PDD Specific Plan Standards will be established, as noted in the September 2, 2020 published hearing notice and as listed above, once the Plan Commission endorses the Specific Plan, provided the applicant files such within six months of the approval of the PDD General Plan, unless extended as stated by code.

Attachments: Plan of Operation 6.22.2020

Civil Engineering Plan set dated 8-24-20 Trio Engineering

Landscape Plan set dated 8-18-20 Insight landscape Design

Building Plan set dated June 8, 2020 AG Architecture

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Citizen Member Mike Smith, second by Alderman Gary Mahkorn to approve staff recommendation to approve a resolution amending the land use for 3220 and 3330 Lilly Road from Housing Focused – Lower Density to Nature, Recreation and Community Facility and to approve a

rezoning of 13900 West Burleigh Road from R-2 Residence District to PDD-M Planned Development District – Mixed Use General Plan. Motion carried 6-0.

- c. Request of Capitol Midpoint – Mishkaat Investment, LLC – Owner c/o JAKnetter Architects, N16 W23217 Stone Ridge Drive, Suite 300, Waukesha, WI 53188 for approval of a resolution and ordinance for the purpose of amending the land use and access management recommendations of the *Neighborhood Plan for the Calhoun Road & Capitol Drive Node – 2000* (Node Plan) and the corresponding land use recommendations of the *City of Brookfield 2050 Comprehensive Plan*, rezoning of 3920 Sunnycrest Drive and 17065, 17135, and 17165 West Capitol Drive to Planned Development District – Commercial General Plan, and approval of a resolution for discontinuance of a highway/public way (an unnamed public alley) in association with remodeling/re-occupancy of 17065 West Capitol Drive, development of 17135 and 17165 West Capitol Drive and redevelopment of 3920 Sunnycrest Drive. (NW ¼ of Sec. 10) – RV ****Requires Common Council Approval****

Report:

1. Refer to the following links to review the previous staff report and minutes related to the request:
 - May 11, 2020 Plan Commission Packet
http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Agenda/_05112020-624
 - May 11, 2020 Plan Commission Minutes
http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Minutes/_05112020-624
2. A neighborhood information meeting was held on July 1, 2020 at City Hall. Seven (7) citizens signed the attendance sheet including Alderman Owen and Alderman Blackburn. Four comments were received. Copies of the sign-in sheet and comments collected at the meeting are attached to this report.
3. A public hearing was held at the common council meeting on August 18, 2020. One citizen spoke at the hearing, neighboring property owner Lyle Lemens, 17130 Sunnycrest Drive. Mr. Lemens asked that provisions be made that he can still secure access to his backyard after the alley located adjacent to his backyard is discontinued (vacated). Providing such accommodation is a private matter to be resolved between the Capitol Midpoint developer and Mr. Lemens. If an accommodation for access to Mr. Lemens' property is reached, it shall meet all applicable City code and design standards and account for impacts to project stormwater management plans and other site planning impacts as a condition for PDD Specific Plan approval.
4. Proposed architecture and building materials remain unchanged from the previous iteration which received favorable comments by the plan commission. Building materials consist of a mixture of modular brick, architectural resin panels, prefinished break metal trim and canopy fascia, aluminum framing systems and insulated glazing :

Stonewood Architectural Resin Panels, colors: Mambo and Solid Gray.

Modular Brick, Common Bond, Hebron Brick Co., colors: Champagne and Ashton.

Kawneer storefront aluminum window frames and door systems, colors: Dark Bronze and Clear Anodized.

Glazing to be a 1" insulated PPG, Solarbronze, light bronze tinted low-e glass.

Canopies and brow elements to be prefinished architectural metal in clear anodized finish.

The existing Pepinos Building will also incorporate some painted areas within the existing exterior facades. It will retain its hipped roof.

5. PDD Ordinance Characteristics:

Permitted Uses:	Those permitted in the “B-3” Regional Business District
Building Setback:	0’ Min.
Pavement Setback (Capitol Dr.):	7’ Min.
Pavement Setback (Calhoun Rd.):	10’ Min.
Building Offset (East):	18’ Min.
Building Offset (South):	75’ Min.
Pavement Offset (East):	5’ Min.
Pavement Offset (South):	20’ Min.
Height Regulation:	35’ Max.
Area Regulation:	F.A.R. 25% Max. L.S.R. 30% Min.

6. Proposed Site Development Characteristics restated:

Lot Area:	104,065 sq. ft.
Landscape Surface Ratio:	36%
Floor Area Ratio:	16.4%
Parking:	103 Stalls
New Building:	12,300 sq. ft.
Retained Building:	5,290 sq. ft.
Retained Pavement Offset (East):	0’
Retained Building Offset (East):	18’
New Pavement Offset (East):	6’
New Pavement Offset (South):	20’
Retained Building Setback:	10’
New Building Setback (Capitol Dr. New Bldg.):	Varies between 1’ and 19’
New Building Setback (Calhoun Rd. New Bldg.):	3’
Retained Pavement Setback (Capitol Dr.):	7’
New Pavement Setback (Calhoun Rd.):	10’

7. A draft resolution and ordinance accomplishing the necessary Comp Plan and Node Plan amendments and PDD Commercial General Plan rezoning are attached to this report for plan commission consideration. A resolution for discontinuance of the unnamed public alley is also attached. The City will reserve access, operation, maintenance, ownership, and reconstruction rights within the same boundaries for sanitary sewer.

Recommendation: The development proposal closely matches the goals and objectives of the adopted Node Plan and Comp Plan, and it is consistent with the direction and endorsements given by the plan commission. Staff recommends the plan commission approve a resolution and ordinance for the purpose of amending the land use and access management recommendations of the Node Plan, amending the corresponding land use recommendations of the Comp Plan, and rezoning four lots, property tax keys BRC1046054, BRC1046055, BRC1046056, and BRC1046059, to Planned Development District General Plan – Commercial No. ___ ; and approve a resolution for discontinuance of a public

way in association with the Capitol Midpoint development at 17065, 17135, and 17165 West Capitol Drive and 3920 Sunnycrest Drive subject to:

1. Compliance with requirements in a missive dated June 17, 2020 by Fire and Emergency Medical Services Department – Charlie Myers, Fire Chief.
2. Approval of the rezoning to a PDD shall conditionally entitle the applicant to apply to the city for approval of a specific plan for the area in conformity with the general plan as previously approved by the common council, but all rights to commence development shall be conditioned upon city approval of the specific plan, and shall not make permissible any of the uses or developments until the specific plan is approved for all or a portion of the area included in the general plan.
3. If the approved general plan is not followed within six months of the date of approval by the common council by submittal of an application for approval of a specific plan, the approval shall be null and void and a new application and approval process shall be required to obtain general plan approval. The zoning of the property shall revert without hearing to the prior zoning classification. The six-month deadline may be extended for good cause for up to six additional months by the director of community development.

Attachments:

1. 2020 0831 Capitol Midpoint Cover Letter.pdf
2. Capitol Midpoint PC Dwgs JAK Arch 2020 0831.pdf
3. 09-08-2020 FIRE Comments 17065 Capitol Drive Capitol Midpointe.pdf
4. NIM Comment 1.pdf
5. NIM Comment 2.pdf
6. NIM Comment 3.pdf
7. NIM Comment 4.pdf
8. Signed Attendance Sheet.pdf
9. Draft PC RESOLUTION Capitol Midpointe LUA.pdf
10. Draft ORDINANCE Capitol Midpointe LUA.pdf
11. Resolution. SunnyCrest. Sept15.pdf
12. Draft ORDINANCE Capitol Midpointe Rezoning.pdf

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Alderman Gary Mahkorn, second by Citizen Member Lisa Chang to approve staff recommendation for approval of a resolution and ordinance for the purpose of amending the land use and access management recommendations of the Node Plan, amending the corresponding land use recommendations of the Comp Plan, and rezoning four lots, property tax keys BRC1046054, BRC1046055, BRC1046056, and BRC1046059, to Planned Development District General Plan – Commercial No. ___ ; and approve a resolution for discontinuance of a public way in association with the Capitol Midpointe development at 17065, 17135, and 17165 West Capitol Drive and 3920 Sunnycrest Drive subject to the listed conditions in the staff report. Motion carried 6-0.

- d. Request of Capitol Midpoint – Mishkaat Investment, LLC – Owner c/o JAKnetter Architects, N16 W23217 Stone Ridge Drive, Suite 300, Waukesha, WI 53188 for approval of a PDD Specific Plan,

development agreement, preliminary survey map, and final Certified Survey Map in association with remodeling/re-occupancy of 17065 West Capitol Drive, development of 17135 and 17165 West Capitol Drive and redevelopment of 3920 Sunnycrest Drive and merging the four lots of record into one lot. (NW ¼ of Sec. 10) – RV ****Requires Common Council Approval****

Report:

Refer to the following links to review the previous staff report and minutes related to the request:

- May 11, 2020 Plan Commission Packet
http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Agenda/_05112020-624
- May 11, 2020 Plan Commission Minutes
http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Minutes/_05112020-624

Applicant is requesting PDD Specific Plan approval concurrent with PDD General Plan approval. Refer to the staff report for Item 4-c of the plan commission agenda for details pertaining to the Commercial General Plan approval. Proposed site development characteristics match those of the General Plan and are restated below for reference.

Proposed Site Development Characteristics:

Lot Area:	104,065 sq. ft.
Landscape Surface Ratio:	36%
Floor Area Ratio:	16.4%
Parking:	103 Stalls
New Building:	12,300 sq. ft.
Retained Building:	5,290 sq. ft.
Retained Pavement Offset (East):	0'
Retained Building Offset (East):	18'
New Pavement Offset (East)	6'
New Pavement Offset (South)	20'
Retained Building Setback:	10'
New Building Setback (Capitol Dr. New Bldg.):	Varies between 1' and 19'
New Building Setback (Calhoun Rd. New Bldg.):	3'
Retained Pavement Setback (Capitol Dr.)	7'
New Pavement Setback (Calhoun Rd.)	10'

Proposed architecture and building materials are consistent with the City's *Site Development Standards for Non-Residential Uses*. Building materials consist of a mixture of modular brick, architectural resin panels, prefinished break metal trim and canopy fascia, aluminum framing systems and insulated glazing:

Stonewood Architectural Resin Panels, colors: Mambo and Solid Gray.

Modular Brick, Common Bond, Hebron Brick Co., colors: Champagne and Ashton.

Kawneer storefront aluminum window frames and door systems, colors: Dark Bronze and Clear Anodized.

Glazing to be a 1" insulated PPG, Solarbronze, light bronze tinted low-e glass.

Canopies and brow elements to be prefinished architectural metal in clear anodized finish.

The existing Pepinos Building will also incorporate some painted areas within the existing exterior facades. It will retain its hipped roof.

Applicant has been informed that: **All vision glass is to remain vision glass and cannot be obstructed or modified with window film or other opaque techniques or substances except that operable window blinds, or shades are permitted.** All plans specifying the location and installation of vision glass shall memorialize this language into the associated plan set prior to Planning signing off to Inspection Services.

The applicant submitted a landscape plan for review and compliance with City standards.

Applicant is in receipt of a missive dated September 8, 2020 by Fire Chief Charlie Myers identifying Fire Code compliance requirements.

A certified survey map has been submitted that combines four lots of record into one lot.

Grading, drainage, erosion control, and stormwater management plan (SWMP) have been submitted to the Engineering Division. Plans submitted do not depict private access for 17130 Sunnycrest Drive. Such accommodation can be accomplished through this Specific Plan request, however updated civils detailing such accommodation need to be submitted for approval by Engineering. Applicant to work with Community Development and Engineering staff on revising documents if the private access is agreed upon. Access shall meet all applicable City code and design standards.

A Planned Development District development agreement will secure necessary public improvements, access, grading, drainage, landscaping, and stormwater management in the project.

Recommendation: The development proposal closely matches the goals and objectives of the adopted Node Plan and Comp Plan. Requested Specific Plan is consistent with the General Plan and meets the standards of the City's design guidelines. Staff recommends the plan commission approve the preliminary and final certified survey map, PDD Specific Plan, and authorization for the Mayor to execute a development agreement on behalf of the City subject to:

1. Statement of operations dated August 31, 2020 by Mishkaat, LLC, c/o Jay Knetter.
2. Site plan dated August 31, 2020 by Harwood Engineering Consultants including technical corrections. Applicant to work with Community Development and Engineering staff on revising documents if the private access for 17130 Sunnycrest Drive is agreed upon. Access shall meet all applicable City code and design standards.
3. Building plans, elevations, and material samples dated August 31, 2020 by JAKnetter Architects including technical corrections. Roof top HVAC equipment screened by building architecture. All wall mounted meter boxes are to be painted to match the building. If stainless steel meter boxes are used they will be etched and painted to match the building.
4. Compliance with site access, fire suppression, and alarm requirements specified in a missive dated September 8, 2020 by Fire Chief Charlie Myers.
5. Site utility, grading, drainage, and erosion control plans subject to final approval of the city of Brookfield Engineering Division prior to the issuance of building permits. The developer of the project will be required to submit Items A, B, and C below before the issuance of a building permit:

- A. A copy of the approved Grading and Drainage Plan, as approved by the city of Brookfield Engineering Division.
 - B. The bid from a contractor reflecting the cost of executing the work required on the Grading and Drainage Plan.
 - C. A letter-of-credit in compliance with the City letter-of-credit format deposited with the Department of Community Development. The monetary amount of the letter-of-credit shall be equal to 110% of the submitted bid. (City form available from the Department of Community Development)
 - D. **A recertification "as-built" survey must be performed by a licensed, professional engineer or surveyor indicating that all elements of the approved Grading and Drainage Plan have been completed within tolerances as approved by Staff per the approved plan. The recertification documents must be wet stamped and signed by the professional.**
 - E. The letter-of-credit will be released by the Department of Community Development after the recertification documents are submitted to the city of Brookfield Engineering Division and approved.
6. Payment of applicable fees to the Community Development Department prior to issuance of a building permit.
 - \$ TBD Engineering Review Fee
 - \$186.35 Wetland Fee
 - \$ TBD Development Agreement
 7. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
 8. All signage subject to separate review by the Plan Review Board.
 9. Provisions of the PDD General Plan approval for Capitol Midpointe and its resulting ordinance.
 10. Landscape plan dated October 17, 2019 by Harwood Engineering Consultants subject to City of Brookfield consultant review and technical corrections secured with a letter-of-credit (City forms available from the Department of Community Development) equal to \$34,782.00 (\$2,550 per 1,000 sq. ft. street yard) for installation, \$6,001.00 for four (4) years of maintenance (\$440 per 1,000 sq. ft. of street yard) and a four (4) year temporary landscape easement for street yard maintenance (using forms available from the Department of Community Development) all deposited with the Department of Community Development prior to issuance of a building permit (13,640 sq. ft. of street yard).
 - a. A recertification "as-built" survey must be performed by a licensed landscape architect indicating that all elements of the approved Streetyard Landscape Plan has been completed within tolerance as approved by staff per the approved plan. The recertification documents must be wet stamped and signed by said professional.

11. Execution of a Development Agreement subject to final approval by the City Attorney prior to execution.
12. Once a building permit is issued by Inspection Services, the owner shall receive an occupancy permit within eighteen (18) months or the owner of the property may be subject to the penalty provisions of the Zoning Code, Section 17.100.130 or the owner shall remove construction equipment and debris from the site, fine grade and seed the site, and stabilize surface water drainage leaving the site to City Engineering Department specifications within four (4) months or the owner of the property may be subject to the penalty provisions of the Zoning Code – Section 17.100.130. (Ordinance #2134-08).
13. PDD Specific Plan shall revert to General Plan approval status on October 6, 2022 unless a building permit is obtained prior thereto.

Attachments:

13. 2020 0831 Capitol Midpointe Cover Letter.pdf
14. Capitol Midpointe PC Dwgs JAK Arch 2020 0831.pdf
15. 09-08-2020 FIRE Comments 17065 Capitol Drive Capitol Midpointe.pdf

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Citizen Member Mike Smith, second by Alderman Rick Owen to approve staff recommendation for approval of the preliminary and final certified survey map, PDD Specific Plan, and authorization for the Mayor to execute a development agreement on behalf of the City subject to conditions listed in the staff report. Motion carried 6-0.

- e. Recommendation for plan commission approval of a resolution and ordinance to amend the land use recommendation of the 2050 Comprehensive Plan from Shopping/Services Focused – Lower Density to Shopping/Services Focused – Higher Density; amend Title 17 of the Municipal Code in creating the “124th Street Regional Business, Office, and Limited Industry District” including amendments to off-street parking requirements; and amend the City Zoning Map from “O&LI” Office and Limited Industry District to “B, O&LI” 124th Street Regional Business, Office, and Limited Industry District zoning district for 3313 N 124th Street, property tax key BRC1056995, in accordance with the adopted Development Plan for Brookfield’s 124th Street Corridor. (SE¼ of Sec. 12) – RV
****Requires Common Council Approval****

Report:

Refer to the following links to review the previous staff reports and minutes related to the request:

- May 11, 2020 Plan Commission Packet
<http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Agenda/05112020-624>
- May 11, 2020 Plan Commission Minutes
<http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Minutes/05112020-624>
- June 8, 2020 Plan Commission Packet
<http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Agenda/06082020-642>
- June 8, 2020 Plan Commission Minutes
<http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Minutes/06082020-642>

A neighborhood information meeting was held on July 22, 2020 at City Hall. No citizens were in attendance and no comments were received. A public hearing was held at the common council meeting on August 18, 2020.

A draft resolution and ordinance are attached to this report for plan commission consideration.

Recommendation: The land use amendment and rezoning are consistent with the goals and objectives of 2050 Comprehensive Plan and Development Plan for Brookfield's 124th Street Corridor. Amendments to the off-street parking requirements apply suitable regulation to the proposed use for the site and such use elsewhere in the City. Staff recommends the Plan Commission approve a resolution and ordinance to amend the land use recommendation of the 2050 Comprehensive Plan from Shopping/Services Focused – Lower Density to Shopping/Services Focused – Higher Density; amend Title 17 of the Municipal Code in creating the "124th Street Regional Business, Office, and Limited Industry District" including amendments to off-street parking requirements; and amend the City Zoning Map from "O&LI" Office and Limited Industry District to "B,O&LI" 124th Street Regional Business, Office, and Limited Industry District zoning district for 3313 N 124th Street, property tax key BRC1056995, in accordance with the adopted Development Plan for Brookfield's 124th Street Corridor.

Attachments:

1. Draft Plan Commission Resolution 124th BOLI District.pdf
2. Draft Plan Commission Ordinance 124th BOLI District.pdf

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Alderman Gary Mahkorn, second by Citizen Member Lisa Chang to approve staff recommendation for approval of a resolution and ordinance to amend the land use recommendation of the 2050 Comprehensive Plan from Shopping/Services Focused – Lower Density to Shopping/Services Focused – Higher Density; amend Title 17 of the Municipal Code in creating the "124th Street Regional Business, Office, and Limited Industry District" including amendments to off-street parking requirements; and amend the City Zoning Map from "O&LI" Office and Limited Industry District to "B, O&LI" 124th Street Regional Business, Office, and Limited Industry District zoning district for 3313 N 124th Street, property tax key BRC1056995, in accordance with the adopted Development Plan for Brookfield's 124th Street Corridor. Motion carried 6-0.

- f. Request of Tracy Posnanski – Owner, W296 N515 Blodwen Drive, Waukesha, WI 53188, for re-approval of a two-lot Certified Survey Map re-dividing Lots 1, 2, 3, 4, 5, & 23 Block 4 & the east and west halves of a vacated alley abutting Lot 23 Columbia Gardens, i.e. collectively- the southwest corner of Kent Avenue and Columbia Boulevard. (SE ¼ of Sec. 25) – RV ****Requires Common Council Approval****

Report:

Refer to the following links to review the previous staff reports and minutes related to the request:

- August 13, 2018 Plan Commission Packet
<http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Agenda/08132018-279>
- August 13, 2018 Plan Commission Minutes
<http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Minutes/08132018-279>

- October 8, 2018 Plan Commission Packet
<http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Agenda/ 10082018-315>
- October 8, 2018 Plan Commission Minutes
<http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Minutes/ 10082018-315>

The plan commission and common council previously approved the two-lot Certified Survey Map (CSM) on October 8, 2018 and October 16, 2018 respectively. The CSM must be submitted for recording with the register of deeds within twelve (12) months of local government approval. Because the 12 month timeline has passed, the CSM needs to be re-approved so that it can be recorded.

Sanitary sewer and water laterals have been installed as required. The work, meeting City standards, was completed on August 20th, 2020 by Scott's Excavating. Applicant is aware that restoration must be completed and that the City is holding a deposit for restoration as required by permit.

Recommendation: Required improvements have been completed and meet City standards. There are no grounds to deny the request. Staff recommends the plan commission re-approve the Certified Survey Map.

Attachments:

1. Posnanski Certified Survey Map.pdf

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Alderman Gary Mahkorn, second by Citizen Member Mike Smith to approve staff recommendation for approval of an ordinance re-approval of a two-lot Certified Survey Map re-dividing Lots 1, 2, 3, 4, 5, & 23 Block 4 & the east and west halves of a vacated alley abutting Lot 23 Columbia Gardens, i.e. collectively- the southwest corner of Kent Avenue and Columbia Boulevard. Motion carried 6-0.

5. New Business

- a. Request of David Marcello – Owner, 18140 Hoffman Ave. # B, Brookfield, Wisconsin 53045, for approval of new plan and method of operation in association with the Waverly Place redevelopment of 18665 Pleasant Street; a residential construction involving two townhomes, each containing 2 three bedroom dwellings of approximately 2,000 square feet, for a total of four new dwelling units replacing one existing dwelling unit at said address. (NW ¼ of Sec. 16) – RV ****Requires Common Council Approval****

Report:

1. The site consists of one lot located in the Village Area Targeted Investment Area (TIA), one of eleven areas identified in the *City of Brookfield 2050 Comprehensive Plan* (Comp Plan) that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted neighborhood plan is the *Village Area Neighborhood Plan – 2006* (Neighborhood Plan). The adopted land use of the Neighborhood Plan for the site is “Mixed Retail, Office and Residential”. The adopted land use of

the *City of Brookfield 2050 Comprehensive Plan* is “Mixed Use – Higher Density”. The site is zoned “VAB – Village Area Business District” (VAB). It restricts the lot to either mixed-use buildings of office and multiple-family residential, buildings of office-only use, or buildings of multiple-family residential-only use. The request to redevelop the lot with two semidetached duplex townhomes is a permitted use.

2. Proposed Site Development Characteristics:

Lot Area:	16,553 sq. ft. (0.38 ac.)
Building Setbacks:	15’ Pleasant Street (Min. 15’) 20’ 186 th Street (Min. 15’)
Building Offsets:	21’ West (Min. 0’) 7.5’ South (Min. 0’)
Pavement Offsets:	24’ North 0’ East 15’ South
Building Heights:	29’ 0”
Building Sizes:	3,440 sq. ft. each (6,880 sq. ft. total)
Floor Area Ratio:	41.56% (no max.)
Landscape Area:	8,869 sq. ft.
Landscape Surface Ratio:	53.57% (Min. 5%)
Parking Spaces:	2 covered garage per dwelling, 8 total provided. Public parking lot available on Pleasant Street for visitors (Min. req. = 1 covered of 3.0 per dwelling, 12 total + 2 visitor spaces). By City Code, 10% of required parking can be public parking, 1.4 spaces can be deleted from requirement. 12.6 required. A variation of 4.6 spaces is sought under the provisions of Sec. 17.120.010. B.

3. Submitted site plan indicates each dwelling unit is served by an attached garage with driveway access east onto North 186th Street. No area or enclosure has been designated for collective site trash and recycling pickup, each dwelling unit to have personal collection bins. The two proposed driveway connections to the street exceed thirty (30) feet in width, however applicant requests that flexibility be given in this circumstance, as described in the Neighborhood Plan supplement and implementation plan, to deviate from the City’s typical suburban design given the higher density mixed use character of the area and the common occurrence of closely spaced driveways with wide flares on the smaller lots in the Village area. Engineering Department does not recommend approval of driveways exceeding 30 feet in width or setting precedent for further redevelopment in the VAB to use similar driveway connections. Planning Department commented previously that when the proposed access management ordinance comes back to the Plan Commission for comment, Planning will again suggest that a different set of standards are needed for the Village as lands within the Village were platted before the City’s suburban models of design and right-of-way dimensions suitable were not established that fit the “suburban model” envisioned by access management. The VAB does not permit parking between the buildings and the street, so the driveways are limited to access only. This provision was strictly intended to apply to Brookfield Road and not 186th Street under the neighborhood plan. Nevertheless, a code modification is underway to correct this nuance.

4. Proposed building architecture consists of two semidetached 2.5 story duplex townhomes using a repeated design. Pitched roofs featuring gables facing North 186th Street and Pleasant Street are prominent as required by the VAB. The overall aesthetic is consistent with the architectural objectives and design intent for quaint, wood frame style, historically sensitive, and pedestrian-scaled building features and materials. Street facing façades adequately balance horizontal and vertical elements. Small entry porches feature wood columns at the corners. Building materials consist of simulated clapboard fiber-cement siding in Sherwin Williams Grayish (light grey), wood trim in Sherwin Williams Toque White (ivory), and CertainTeed dark grey asphalt dimensional shingle roof.
5. The applicant submitted a landscape plan for review and compliance with City standards. Several existing trees are being preserved in the plan. VAB exempts development from vision corner requirements, however, staff recommends the applicant maintain the City's landscape standards with regard to vision corners as can be accomplished.
6. Applicant is in receipt of a missive dated August 18, 2020 by Deputy Chief Nick Rogne identifying Fire Code compliance requirements.
7. Grading, drainage, erosion control, and stormwater management plan (SWMP) have been submitted to the Engineering Division. Existing water and sanitary service laterals that are not being reused shall be abandoned at the main per City standards. Applicant has been instructed to provide roof downspout and basement sump storm sewer connection to existing storm sewer on Pleasant Street to convey and divert increased runoff from property that could adversely impact downslope neighbors.

In response to a series of questions from Commissioners, Mr. Ertl stated that the number of driveways proposed to connect to 186th Street (four) are clearly not acceptable to City Engineering, however, there is no City Code provision in place to prohibit them. Mr. Chase concurred that Engineering does not support the driveways. Mr. Ertl added that when the proposed street access management ordinance comes back for Plan Commission comment after Board of Public Works review, Community Development will again state that special recognition of existing, dated conditions of undersized platting and right-of-way within the Village will be noted.

Community Development staff noted the nuances associated with calculating parking supply and locational requirements for projects located within the Village Area Business District. The Commission seemed to understand the unique nature of parking within the Village.

Recommendation: The applicant's proposal is consistent with the applicable land use and zoning regulations. Building architecture, materials, and finishes are consistent with the design standards for the Village Area. Staff recommends the plan commission approve the new plan and method of operation permitting a reduction of required parking supply of 4.6 spaces under §17.120.010 .B of the municipal code subject to:

1. Statement of operations dated June 1, 2020 by David Marcello.

2. Site Plan dated August 11, 2020 by Payne + Dolan including technical corrections.
3. Building plans, elevations, and material samples dated August 11, 2020 by Jeff Hibbard Design Services and David Marcello including technical corrections. Roof top HVAC equipment screened by building architecture. Ground mounted HVAC equipment and transformers screened by landscaping. All wall mounted meter boxes are to be painted to match the building. If stainless steel meter boxes are used they will be etched and painted to match the building.
4. Compliance with site access, fire suppression, and alarm requirements specified in a missive dated August 18, 2020 by Deputy Chief Nick Rogne.
5. Site utility, grading, drainage, and erosion control plans subject to final approval of the city of Brookfield Engineering Division prior to the issuance of building permits. The developer of the project will be required to submit Item A below before the issuance of a building permit:
 - F. A copy of the approved Grading and Drainage Plan, as approved by the city of Brookfield Engineering Division.
6. Payment of applicable fees to the Community Development Department prior to issuance of a building permit.
 - \$ TBD Engineering Review Fee
 - \$288.00 Wetland Fee
 - \$1,563.00 Park and Recreational Transportation Trail Fee
7. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
8. Landscape plan dated August 26, 2020 by raSmith subject to City of Brookfield consultant review and technical corrections secured with a letter-of-credit (City forms available from the Department of Community Development) equal to \$10,513.00 (\$2,550 per 1,000 sq. ft. street yard) for installation, \$1,814.00 for four (4) years of maintenance (\$440 per 1,000 sq. ft. of street yard) and a four (4) year temporary landscape easement for street yard maintenance (using forms available from the Department of Community Development) all deposited with the Department of Community Development prior to issuance of a building permit (4,123 sq. ft. of street yard).
 - a. A recertification "as-built" survey must be performed by a licensed landscape architect indicating that all elements of the approved Streetyard Landscape Plan has been completed within tolerance as approved by staff per the approved plan. The recertification documents must be wet stamped and signed by said professional.
9. Once a building permit is issued by Inspection Services, the owner shall receive an occupancy permit within eighteen (18) months or the owner of the property may be subject to the penalty provisions of the Zoning Code, Section 17.100.130 or the owner shall remove construction equipment and debris from the site, fine grade and seed the site, and stabilize surface water drainage leaving the site to City Engineering Department specifications within four (4) months or the owner of the property may be subject to the penalty provisions of the Zoning Code – Section 17.100.130. (Ordinance #2134-08).

10. Plan and method of operation expires on October 8, 2022 unless a permit is obtained prior thereto.

Attachments:

1. Statement of Operations.pdf
2. Proof of Ownership.pdf
3. Area Study Map.pdf
4. Pleasant Street Preliminary Plans 07-16-2020.pdf
5. NO CUPOLA UNIT 1 AND 2 SHEET 1 ELEVATIONS.pdf
6. NO CUPOLA UNIT 1 AND 2 SHEET 2 ELEVATIONS.pdf
7. RENDERING NO CUPOLA.pdf
8. Landscape Plan Sheet L100.pdf
9. Landscape Plan Sheet L200.pdf
10. Building Material Board
11. 8-17-2020 FIRE Comments Waverly Place 18665 Pleasant Street.pdf

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Alderman Gary Mahkorn, second by Alderman Mark Nelson to approve staff recommendation for approval of the new plan and method of operation permitting a reduction of required parking supply of 4.6 spaces under §17.120.010 .B of the municipal code subject to staff recommendation for redevelopment of 18665 Pleasant Street. Motion carried 6-0.

- b. Plan Commission review of a Community Based Residential Facility Identification of Hazards Request of the State of Wisconsin, for Azura Homes located at 16010, 20 30 and 40 Washington Drive, Brookfield, WI. (SE ¼ of Sec. 3) – LG

Plan Commission description of specific hazards affecting the health and safety of residents of a Community Based Residential Facility located at 16010 to 40 Washington Drive 18535 Bonnie Lane. - (SE ¼ of Sec. 21) - LG

Report: 1. In a missive dated August 13, 2020 The State of Wisconsin Department of Health Services – Division of Quality Assurance – Bureau of Assisted Living invited the Plan Commission to describe any specific hazards which may affect the health and safety of residents in a community living arrangement located at 16010 to 40 Washington Drive- the Azura Care facility. The address is the location of a proposed Community Based Residential Facility (CBRF) for twenty four(24) residents with memory loss and similar afflictions. 2. Examples of potential hazards are listed on Page 2 of Division of Quality Assurance Form OQA-290. City staff is unaware of the presence of any of the listed hazards. The Plan Commission approached the Azura facility on November 12, 2018

Recommendation: Staff recommends the Plan Commission instruct staff to check-off “B. NO Hazards Identified” on Form OQA-290 and return same to the State of Wisconsin Department of Health Services – Division of Quality Assurance – Bureau of Assisted Living.

Attachments: State of Wisconsin Department of Health Services – Division of Quality Assurance – Bureau of Assisted Living missive dated August 13, 2020

Form OQA-290 - Division of Quality Assurance

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Alderman Gary Mahkorn, second by Citizen Member Mike Smith to approve staff recommendation for authorization of staff to check-off “B. NO Hazards Identified” on Form OQA-290 and return same to the State of Wisconsin Department of Health Services – Division of Quality Assurance – Bureau of Assisted Living. Motion carried 6-0.

- c. Plan Commission discussion of request to authorize the Zoning and Building Administrator to issue responses to Community Based Residential Facility Identification of Hazards Request of the State of Wisconsin when such find no hazards on behalf of the Plan Commission. – LG

Report: Under Wisconsin Statutes 50.03(4)(a)(3) the city of Brookfield Plan Commission is sent a standard form to complete if “hazards” exist for the residents occupying a Community Based Residential Facility (as defined in s. 46.03(22)). To be clear the hazards to be identified are those for the residents of the facility.

In most cases, City staff finds no hazards to identify and if we did, we question if City staff are effectively trained to justifiably identify such hazards. Nevertheless, the State agency sends the City forms to have the Plan Commission complete within 30 days of the date of the State letter. Timing of the date the City Clerk receives does not always permit the Plan Commission comment to occur in the specified 30 days.

Recommendation: Staff is recommending that the Plan Commission direct the City Zoning and Building Administrator to complete the requested form if no hazards are found. In the rare circumstance that City staff would find a hazard, then the staff would place the matter on a Plan Commission agenda. Even then we will take guidance from the Legal Department how to advise the Plan Commission to respond to the State of Wisconsin.

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Alderman Rick Owen, second by Alderman Mark Nelson to approve staff recommendation directing the City Zoning and Building Administrator to complete the requested form Under Wisconsin Statutes 50.03(4)(a)(3) if no hazards are found for the residents occupying a Community Based Residential Facility (as defined in s. 46.03(22)). Motion carried 6-0.

- d. Legislative referral of Alderman Hallquist to, “Amend the Code to establish a set of building code and potential permitting process for tree houses that exceed 30 sq. ft. size. Explore explicit regulations (permit, size, allowable, offset, etc.) for tree house structures.” – LG

Alderman Hallquist has made a legislative referral to potentially create legislation that would regulate children’s treehouses/playhouses.

Currently, the code is silent on treehouses and playhouses. The code does permit accessory structures under 30 square feet without the requirement of a permit. Those structures must be located outside of setback and offset areas. Residents who are interesting in constructing a treehouse consider that size too small.

Treehouses can be constructed in varying degrees of quality. The focus of this legislative referral is children's play areas and not ornate, living areas for adults.

Staff has begun researching other communities and have found very little information regarding regulations. If the commission determines they would like legislation to be created, staff believes that it should be done without a permit process. These structures are not regulated by local or State of Wisconsin building codes.

A potential amendment would limit the structure to no more than 100 square feet, no more than 20' in height, and outside of setback and offset areas. This would apply to both treehouses and playhouses.

Items to consider include: Should these be considered residential accessory buildings, and therefore be counted in the limit of 2 on a property? Should a permit be required and if so, what inspection would take place? If playhouses were a permitted use, would they be required to be built on a permanent base like the other residential accessory buildings? Should electrical service be permitted to be run to these structures?

Recommendation: Staff requests comments and direction from the Plan Commission on a potential code amendment.

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

No Motion.

- e. Plan Commission discussion of the goals and objectives for the proposed Moorland Road (County Highway O) sidewalk that would be part of the Waukesha County reconstruction project of County O, located between Bluemound Road and Interstate 94.

Report:

1. The City staff has identified a need for policy makers to decide if Waukesha County's plan to reconstruct Moorland Road in 2022 between Bluemound Road and Interstate 94 should include the construction of a sidewalk along the west side of the road, along the Brookfield Square Shopping Center frontage. The issues include the significant costs associated with retaining walls required to construct this identified segment of sidewalk including potential utility conflicts (i.e. costs to relocate) balanced with considering the community goals and desires of facilitating pedestrian needs and connectivity. These needs include connections from the City's only connecting route of mass transit- the Waukesha Metro to Milwaukee County Transit connecting lines- and the number of retail and service based businesses located in and around Brookfield Square Mall. These destinations including hotels, restaurants, retail stores and other uses that, in part, rely upon service workers for base employment. Some of these service workers arrive on foot from bus routes although the utility of this specific sidewalk from existing bus stops is not great considering the current bus stop locations, which are not directly related to Moorland Road. i.e. currently not all service workers will use this sidewalk. That may change if Bus Rapid Transit (BRT) is implemented, as those stops would be limited to Bluemound Road and there would be service workers using the sidewalk to arrive at the restaurants located along Moorland Road.

2. The usefulness of the proposed sidewalk also is to provide a sidewalk that benefits the larger community, connecting paths north and south of the Brookfield Square area and the associated Target Investment Area(TIA).
3. The unknown benefit of the sidewalk that we cannot predict is how this TIA will evolve over time and more land uses relying upon pedestrian flow that may evolve and benefit from the sidewalk. CBL- mall managing partner- states they hope to further convert the mall into a “suburban town center”.
4. The role of the Plan Commission is to advise on issues as such relate to the City’s *Comprehensive Plan* and components thereof, including the *Bikeway and Pedestrian Path Master Plan*. The role of the Plan Commission does not include advising on the financial aspects of community issues, at least, not direct financial aspects.
5. The *2050 Comprehensive Plan* Map 6 illustrates a variety of interrelated community-wide needs that would call for the installation of a pedestrian route to be located along Moorland Road- such as a “Potential Future Bus Rapid Transit” line, connections to the “Greenway Corridor” and “Regional Recreational Trails”.
6. The *City’s Bikeway and Pedestrian Path Master Plan* , although dated- 1988- illustrates that Moorland Road would include a six(6) foot wide separated path or sidewalk along Moorland Road. Since that time, Moorland Road has become a County facility. While dated (1988), an associated origination and destination survey of priority routes in the City listed Brookfield Square as the most sought after destination for bicyclists and pedestrians.
7. The *2050 Comprehensive Plan* includes various statements that the City should encourage pedestrian connectivity within the City’s Targeted Investment Areas (TIA) as Moorland Road serves a TIA.

Recommendation: Separating the financial aspects of the costs to construct a sidewalk along the west side of Moorland Road between Bluemound Road and Interstate 94, the Plan Commission should find that multiple goals, objectives and intents of the *City’s 2050 Comprehensive Plan* encourage the installation of the sidewalk. The financial aspect of the cost-benefit of the sidewalk is better placed with the Common Council.

Refer to audio recording of this item at <http://www.ci.brookfield.wi.us/DocumentCenter/View/16716/PC-91420> for the discussion.

Motion by Citizen Member Mike Smith, second by Alderman Gary Mahkorn to approve staff recommendation for approval of the proposed Moorland Road (County Highway O) sidewalk that would be part of the Waukesha County reconstruction project of County O, located between Bluemound Road and Interstate 94. The financial aspect of the cost-benefit of the sidewalk is to be determined by the Common Council. Motion carried 6-0.

6. Adjournment

Motion by Alderman Gary Mahkorn, second by Citizen Member Mike Smith to adjourn the meeting at 8:46pm. Motion carried unanimously.

Respectfully Submitted:

Daniel F. Ertl

Director of Community Development