



## MINUTES OF AN OFFICIAL MEETING:

Regular Meeting: Plan Commission

Date and Time: Monday, February 7, 2022 at 6:30 pm

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

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

Members Excused: Citizen Commissioner Austin Moore

Others Present: Director of Community Development Dan Ertl, City Engineer Jeff Chase, Fire Chief Dave Mason, Associate Planner Richard VanDerWal

## 2. Roll Call

Alderman Gary Mahkorn noted a quorum present and called the Plan Commission to order at 6:33 pm

## Announcements

The Next Regularly Scheduled meeting will be held on Monday, March 7, 2022 at 6:30 pm.

## 3. Meeting Minutes

### a. Minutes of the January 10, 2022 Plan Commission meeting.

***Motion by Alderman Rick Owen, second by Citizen Member Steve Petitt to approve the minutes of the January 10, 2022 Plan Commission meeting. Motion carried 6-0.***

## 4. Unfinished Business

### a. **Ordinance: Request of Hillcrest Builders, 124 South Swift Street, Glenbeulah, WI 53023 c/o Paul Apfelbach, Director of Development to rezone an approximate 10.18 acre site located at the eastern terminus of Carpenter Road and Franklin Drive (TKN BRC 1147999) to a Planned Development District (PDD) in order to create a sixteen (16) lot single-family subdivision.**

### Report:

1. A public hearing on this matter was held February 1, 2022. Public comments were:
  - A few less lots would be preferred. Subdivider should still be able to make economics work with larger lot prices.
  - Model this subdivision after Sunny Isle subdivision.
  - Concerned access to park is preserved.
2. A Neighborhood Information Meeting was held January 20, 2022; Comments received were and staff responses are attached and can be summarized as follows:
  - Concerns about tree loss

- Concerns about specific route of pedestrian path to Mary Koll Park
  - Concerns with stormwater management
  - Concerns about variation to lot sizes
  - Concerns that City plans to rebuild Carpenter Road and Franklin Drive at same time as subdivision
  - When will City water be available to Carpenter Road residents
3. The current action is limited to approving a rezoning of the 10 plus acre property to Planned Development District (PDD) for single-family residential development with variations on lot area, widths and setbacks /offsets.
  4. A draft ordinance is attached.

**Recommendation:** Since the PDD would permit development of a single-family subdivision in a manner that: 1) fits the constraints of an infill development site with achieving City objectives of securing neighborhood street connectivity by connecting the eastern terminus with the eastern terminus of Franklin Drive with the installation of a new connecting street the geometry thereof requires some adjustments to lot dimensions and adjustment to building setback and offset requirements; 2) respects the existence and preservation of the vast majority of a wetland area; that 3) permits the installation of a component of the City’s Greenway Recreational Trail system through a pedestrian trail that will connect to the City’s Mary Knoll Park and its existing trail system; and, 4) is consistent with the 2050 Comprehensive Plan for this area which is low density housing and wetland preservation, a recommendation is made to approve the rezoning.

Topics Discussed

- Lot sizes and configurations
- Clarification on the ownership and maintenance of the multi-use path
- Grading for home sites regarding driveway connections, building foundations, and retaining walls
- History of the area and past proposals for development
- Incorporation of the existing cul-de-sac pavement into the new road connection.

Refer to video and audio recording of this item [here](#) for the discussion.

***Motion by Alderman Mark Nelson, second by Citizen Member Steve Pettit to approve staff recommendation to rezone an approximate 10.18 acre site located at the eastern terminus of Carpenter Road and Franklin Drive (TKN BRC 1147999) to a Planned Development District (PDD) in order to create a sixteen (16) lot single-family subdivision. Motion carried 6-0.***

**b. Legislative Referral for Temporary Uses.**

Attached is a draft of changes to the temporary use process. A summary of the changes are moving the parades and street events permits to Title 12 as they involve streets and public ways; creating a more clear due process procedure for temporary use permits; limiting fairs, festivals, or carnivals to a maximum of four consecutive days and six total days; limiting fairs, festivals, and carnivals to a maximum of 12 total days per year on a property; providing for a summary suspension if the use causes a substantial hazard to the public health, safety, or welfare; and creating a revocation process. The Legislative and Licensing Committee approved this draft of the ordinance at its December 21, 2021 meeting.

In response to the comments at the public hearing, I have updated the special events to exclude events that occur within parks. Another concern is how this ordinance change in regard to limiting the amount of days of festivals would affect church festivals and other typical events in the City. Larry Goudy has advised that this change would not do so, as no church festivals last more than four days and do not occur more than 12 days in a year. The change would not affect the Farmer’s Market, either, as it runs generally from May-October and is within the 180-day time frame. The change would prevent a week-long festival; however, even Summerfest now takes a break on Mondays so it would generally be atypical to have a festival that runs for so many consecutive days.

One thing to consider for this ordinance is limiting the hours of special events. A possible option would be to  
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prohibit outdoor music/sound amplification at 10 p.m. on weeknights and 11 p.m. on weekends, with all outdoor events to be dispersed or taken inside within a half hour of the music ending. I have placed a provision in this regard in the ordinance; however, that can be altered as you see fit.

Topics Discussed

- Role of the Plan Commission on the matter
- Time and day limitations of the proposed changes
- Impetus of the matter
- Potential events affected by the proposed changes

Refer to video and audio recording of this item [here](#) for the discussion.

***Motion by Alderman Mark Nelson, second by Citizen Member Lisa Chang to approve staff recommendation to recommend the Common Council adopt an ordinance amending Section 17.108.040 of the Brookfield Municipal Code relating to temporary uses and moving parades and street events permits to Title 12 of the Brookfield Municipal Code. Motion carried 6-0.***

5. New Business

- a. **Request of FORCE America, Inc., 1601 Airport Road, Waukesha, WI 53188 – c/o Eric Holland, Vice President of Manufacturing, for approval of a revised plan and method of operation and temporary limited easement for landscaping permitting a building addition in association with FORCE America redevelopment of 3130 Intertech Drive. (SW ¼ of Sec. 7 & NW ¼ of Sec. 18) – RV \*\*Requires Common Council Action\*\***

Report:

1. The site consists of one lot located in the North Gateway Node 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 development with sensitivity to surrounding neighborhoods. The adopted land use of the Comp Plan is “Employment Focused—Lower Density”. The site is zoned “O&LI” Office and Limited Industry (Section 17.72). The proposed redevelopment for building addition and site landscaping in association with occupancy by a mobile hydraulics distribution and manufacturing company is a permitted use. The lot is also subject to the Declaration of Restrictions for Gateway West Commerce Center.

2. Proposed Site Development Characteristics:

Lot Area:	289,666 sq. ft. (6.65 ac)
Building Setback:	50’ West (50’ min.) 299’ South (50’ min.)
Pavement Setback:	72’ East (25’ min.) 200’ South (25’ min.)
Building Offset:	121’ North, (25’ min.) 30’ East, (25’ min.)
Pavement Offset:	10’ North (10’ min.) 10’ East (10’ min.)
Building Height:	20’ 8” (35’ max., 15’ max accessory buildings)
Building Size:	63,627 sq. ft. total (33,422 sq. ft. existing, 30,205 sq/ ft. addition)
Parking Spaces:	30 existing, 67 added, 97 total surface (97 req.)
Floor Area Ratio:	21.97% (30% max)
Lot Coverage:	58.95% (70% max)
Landscape Area Ratio:	41.05% (30% min)

3. Submitted site plan indicates the existing ingress/egress access point along Intertech Drive will remain and one new ingress/egress access point is proposed toward the east along Gateway Road for access to the proposed parking lot on the east side of the building. Trash and recycling receptacles to be stored within a gated enclosure at the northeast corner of the site with opening toward the west. ***Impervious areas and driveway connections denoted "future" are not included in this request and require separate plan and method of operation application for authorization.***
4. Proposed architecture and building materials used in the proposed addition are the same materials used in the existing building. The resulting building is consistent with the City's *Site Development Standards for Non-Residential Uses*. South facing wall is strategically designed to readily accommodate future building expansion while incorporating the detail aesthetic and clerestory windows used elsewhere on the building. ***Building areas denoted "future addition" or "phase 2 addition" are not included in this request and require separate plan and method of operation application for authorization.***
5. The applicant submitted a landscape plan for review and compliance with City standards. **All notes and illustrations regarding phasing of landscaping installation are not being sought. Entirety of plan will be executed in one phase. Landscape plans to be revised accordingly alongside other necessary technical corrections.**
6. The applicant is in receipt of a missive dated January 24, 2022, by Deputy Chief Nick Rogne identifying fire prevention, sprinkler, and life safety code compliance requirements.
7. Grading, drainage, erosion control, and SWMP report and application have been submitted to the Engineering Division. *Stormwater management in the request has been designed to manage development of the current request and of planned future building addition.* ***Authorization of requested stormwater management does not exempt future evaluation of stormwater management and associated documentation as part of application for plan and method of operation regarding planned building addition.***
8. Temporary limited easement for street yard landscaping is necessary to secure installation and maintenance of such landscaping.

**Recommendation:** The applicant's proposal is consistent with the land use and objectives of the Comp Plan and conforms to applicable zoning regulations for the site. Proposed building addition architecture matches existing building and is consistent with City design standards. Staff recommends the Plan Commission approve and recommend to the Common Council approval of the revised plan and method of operation in association with the construction of an approximate 30,205 square foot building addition at 3130 Intertech Drive, *denoted 40,122 square foot future building addition and associated future improvements are not included in authorization*, and authorize the Mayor to execute a temporary limited easement for street yard landscaping on behalf of the City, subject to:

1. Statement of operations dated January 3, 2022 by Eric Holland, Vice President of Manufacturing, FORCE America, Inc.
2. Site plan dated January 7, 2022 by JSD, Inc. including technical corrections. ***Impervious areas and driveway connections denoted "future" are not authorized.***
3. Building plans, elevations, and material samples dated January 5, 2022 by Gerald Nell Inc. 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 and cabinets are to be painted to match the building and are limited to the north, east, or west building elevations. If stainless steel meter boxes are used they will be etched and painted to match the building. ***Building areas denoted "future addition" or "phase 2 addition" are not authorized.***

4. Compliance with requirements specified in a missive dated January 24, 2022, including 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 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
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 Zoning and Building Administrator.
9. Landscape plan dated January 7, 2022 by JSD, Inc. 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 \$66,198.00 (\$2,550 per 1,000 sq. ft. street yard) for installation, \$11,422.40 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 (25,960) sq. ft. of street yard). **Plan will be executed in one phase. Landscape plans to be revised accordingly alongside other necessary technical corrections.**
  - 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.
10. 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).
11. Plan and method of operation approval expires on February 15, 2024 unless a building permit is obtained prior thereto.

Topics Discussed

- Clarification on landscaping installation

- Building architecture and expected timeline of future development
- Clarification on stormwater management regarding current proposal and future planned development

Refer to video and audio recording of this item [here](#) for the discussion.

***Motion by Citizen Member Steve Petit, second by Alderman Rick Owen to approve the staff recommendation for approval and recommendation to the Common Council approval of the revised plan and method of operation in association with the construction of an approximate 30,205 square foot building addition at 3130 Intertech Drive, denoted 40,122 square foot future building addition and associated future improvements are not included in authorization, and authorize the Mayor to execute a temporary limited easement for street yard landscaping on behalf of the City. Motion carried 6-0.***

- b. **Request of David Marcello – Owner, 3035 N. Brookfield Road, Brookfield, Wisconsin 53045, for approval of new plan and method of operation and temporary limited easement for landscaping in association with the redevelopment of 18720 Hoffman Avenue for 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:	16,806 sq. ft. (0.38581 ac.)
Building Setbacks:	15.46’ Hoffman Ave. (Min. 0’)
	23.22’ 186 <sup>th</sup> Street (Min. 15’)
Pavement Setbacks:	15.46’ Hoffman Ave. (Min. 0’)
	0’ 186 <sup>th</sup> Street (Min. 0’)
Building Offsets:	10.16’ North (Min. 0’)
	20’ West (Min. 0’)
Pavement Offsets:	10.16’ North (Min. 0’)
Building Heights:	29’ 0”
Building Sizes:	3,058 sq. ft. each (6,117 sq. ft. total)
Floor Area Ratio:	36.40% (no max.)
Landscape Area:	8,360 sq. ft.
Lot Coverage:	50.25 (Max. 95%)
Landscape Surface Ratio:	49.75% (Min. 5%)
Parking Spaces:	2 covered garage per dwelling, 8 covered total; 2 surface per dwelling, 8 surface total; 16 parking spaces total (12 req.)
3. Submitted site plan indicates each dwelling unit is served by an attached garage with driveway access east onto North 186<sup>th</sup> 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 which is inconsistent with 12.09.040 C. 2. of the driveway access management section of the municipal code. 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. In addition, neither driveway connection can meet 12.09.040 A. 1. which requires driveway connections be a minimum 100 feet distance from any street intersection. A code modification is underway to correct the limiting circumstances of the Village Area.

4. Proposed building architecture consists of two semidetached 2.5 story duplex townhomes using a repeated design. Pitched roofs featuring gables facing North 186<sup>th</sup> 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 dark grey, wood trim and garage doors in ivory, CertainTeed brown asphalt dimensional shingle roof, and entry doors/accents in dark red.
5. The applicant submitted a landscape plan for review and compliance with City standards. Several existing trees and shrubs are being preserved in the plan.
6. Applicant is in receipt of a missive dated December 30, 2021 by Deputy Chief Nick Rogne identifying Fire Code compliance requirements.
7. Grading, drainage, erosion control, and SWMP report and application 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.
8. Temporary limited easement for street yard landscaping is necessary to secure installation and maintenance of such landscaping.

**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 and recommend to the Common Council approval of the new plan and method of operation permitting construction of two duplex townhomes at 18720 Hoffman Avenue, and authorize the Mayor to execute a temporary limited easement for street yard landscaping on behalf of the City, subject to:

1. Statement of operations dated December 23, 2021 by David Marcello.
2. Site Plan dated December 9, 2021 by CBC Engineers including technical corrections. **Drive connections subject to adoption of necessary code amendments to 12.09 Driveway Access Management.**
3. Building plans, elevations, and material samples dated October 29, 2021 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 December 30, 2021 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:
  - A. 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
  - \$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 \$9,312.60 (\$2,550 per 1,000 sq. ft. street yard) for installation, \$1,606.88 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 (3,652 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 February 15, 2024 unless a permit is obtained prior thereto.

Topics Discussed

- Clarification regarding driveway access management

Refer to video and audio recording of this item [here](#) for the discussion.

***Motion by Citizen Member Steve Petitt, second by Alderman Mark Nelson to approve and recommend to the Common Council approval of the new plan and method of operation permitting construction of two duplex townhomes at 18720 Hoffman Avenue, and authorize the Mayor to execute a temporary limited easement for street yard landscaping on behalf of the City. Motion carried 6-0.***

- C. Request of the Department of Community Development to schedule a public hearing to amend the zoning of lands located at 13235 W. Burleigh Road (TKN BRC 1058996004) and 2980 Hidden Lake Drive (TKN BRC 1058996003) to permit a modification to previously approved plans

**Report:**

1. In August 2015, The Plan Commission approved a Planned Development District (PDD) Specific Plan dated August 2015 for Hidden Lake apartments - a one hundred twelve (112) unit apartment development plus

one residence located at 2980 Hidden Lake Drive (“Sileno Quarry”). Subsequently the Commission recommended approval of a certified survey map and Development Agreement associated with the project.

2. Prior to these actions the city created a PDD zoning district for the Hidden Lake project and the existing Regal Crest Village East apartments located directly east of the Hidden Lake project via Ord 2425-15. The PDD authorized the construction of the 112 units of apartments and one single family home.
3. Phase One of the project has been constructed consisting of 70 apartment units and the single family residence.
4. Phase Two of the project is proposed but is requested to be modified as to the location of previously approved buildings. The modification of one of the buildings would place the building closer to the associated lake and would utilize some of the lands of Regal Crest Village East. There would be no change in number of apartment units built - still 112 units, but the locations modified. Phase Two would remain 42 units contained in two 21 unit buildings.
5. In order to utilize a portion of the Regal Crest Village East lands the original PDD zoning needs to be replaced with new zoning in order that the Regal site does not become nonconforming and the new standards for both projects are memorialized.
6. An outline of the new zoning standards for the two sites would be:

**17.\*\*.020 Building and parking locations. SUBJECT TO CHANGE PRIOR TO PUBLIC HEARING**

**A. Setback.**

1. *Twenty-five feet minimum for buildings;*
2. *Fifteen feet minimum for parking;*
3. *Third place accessory structures with a foundation are permissible in the building setback no closer than five feet to the base setback line.*

**B. Offset.**

1. *Twenty feet minimum for principal buildings and zero feet for accessory structures;*
2. *Zero minimum for parking;*

**C. Between Buildings**

1. *Setback between buildings that are across private drives or streets 100 feet, if on a private drive, 50 feet from centerline;*
2. *Offset between buildings 40 feet.*

**17.\*\*.030 Height regulations.**

**A. Principal building: 50 feet maximum.**

**B. Accessory buildings: 30 feet maximum.**

**17.67.040 Area regulations.**

**A. Floor Area.**

1. *Minimum required: see Chapter [17.116](#).*

2. *Maximum FAR permitted: 45%.*

**B. Lot Size.**

1. *Minimum area: 20,000 square feet.*

2. *Minimum average width: 120 linear feet.*

**C. Lot Coverage and Landscape Surface Ratio (LSR).**

1. *Maximum lot coverage: 30% all buildings and impervious surfaces.*

2. *Minimum LSR: 55%.*

**D. Open Space: 2,700 sq. ft. required per dwelling unit.**

**F. Parking: per Ch. 17.120**

7. In order to proceed to modify Phase Two, two initial steps are needed:

a) Amending City zoning code to create a new zoning district permitting multiple family housing at a certain density, floor area ratio and other dimensional standards.

b) To rezone properties located at 13235 W. Burleigh Road (BRC TKN 1058996004) and 2980 Hidden Lake Road (BRC TKN 1058996003) the property located at to the new zoning district

8. Subsequent to these actions a new Plan and Method of Operation, Certified Survey Map and Development Agreement would need to be filed and acted upon.

**Recommendation:** Since the original intent of the Planned Development District(PDD) created for the subject lands via Ord 2425-15 remains unchanged and the modification in location of the Phase Two buildings for Hidden Lake seem appropriate, a recommendation is made to approve the attached resolution to schedule a public hearing to take the zoning actions needed to approve the modifications.

**Topics Discussed**

- Clarification regarding language and direction necessary for scheduling a public hearing
- Building heights and code requirements regarding proximity of buildings to nearby property lines
- Clarification on the existing PDD zoning

Refer to video and audio recording of this item [here](#) for the discussion.

***Motion by Alderman Mark Nelson, second by Citizen Member Steve Pettit to approve staff recommendation for approval to schedule a public hearing to amend the zoning of lands located at 13235 W. Burleigh Road (TKN BRC 1058996004) and 2980 Hidden Lake Drive (TKN BRC 1058996003) to permit a modification to previously approved plans subject to perfecting the language and numbers of proposed zoning prior to scheduling. Motion carried 6-0.***

**d. Resolution Authorizing Staff to Schedule Public Hearings without Plan Commission and Common Council Approval**

Attached is a resolution to eliminate the unwritten rule that staff needs to request approval from the Plan Commission and Common Council to hold a public hearing. Staff recommends that you adopt this resolution as requesting approval is not required by law and sometimes is contrary to law (e.g. conditional uses require a public hearing in front of the Common Council; the Council voting against scheduling that conditional use hearing would be an illegal denial of the use). Additionally, being required to request a public hearing delays projects by at least 3-4 weeks. In a state where winter months limit the amount of construction that can be done, those 3-4 weeks

can be crucial to the development timeline of a project. To ensure that staff does not overschedule public hearings, the Code contains a requirement that the Mayor or chairperson of the Committee has to approve the placing of an item on an agenda. As staff already are required to follow this rule, any further requests are superfluous.

#### Topics Discussed

- Potential concerns regarding process of public hearings resulting from the proposed changes
- Impacts on City staff

Refer to video and audio recording of this item [here](#) for the discussion.

***Motion by Citizen Member Steve Petitt, second by Mayor Steven Ponto to postpone authorization to schedule a public hearing regarding amendments permitting City staff to schedule public hearings without Plan Commission and Common Council approval until further clarification is made with the City Attorney on the matter. Motion carried 6-0.***

- e. **Request of the Department of Community Development to schedule a public hearing to amend Section 17.82.010 of the Municipal Code to delete Permitted Uses A. Section 22. Mini-storage centers or self-storage centers:**

#### Report:

1. A public hearing is requested to remove “Mini-storage centers or self-storage centers” as a permitted use within the Northeast Industrial zoning district (NEI). Staff views this as an oversight when the NEI was created.
2. Mini-storage centers or self-storage centers remain a permitted use in “I” Industrial.

**Recommendation:** Authorize public hearing

#### Topics Discussed

- Proposed amendment is straight forward

Refer to video and audio recording of this item [here](#) for the discussion.

***Motion by Alderman Mark Nelson, second by Citizen Member Steve Petitt to approve staff recommendation for approval to schedule a public hearing to amend Section 17.82.010 of the Municipal Code to delete Permitted Uses A. Section 22. Mini-storage centers or self-storage centers. Motion carried 6-0.***

- f. **Request of the Department of Community Development to schedule a public hearing to amend Chapter 17 of the Municipal Code in association with proposed update of the *Site Development Standards for Non-Residential Uses*. RV \*\*Requires Common Council Approval\*\***

#### Report:

1. The City Attorney directed the Department of Community Development to coordinate necessary amendments to the *Site Development Standards for Non-Residential Uses* (SDS) with her Office. Specifically, the SDS contains language that indicates the various standards within the document are identified as either “mandatory” or “recommended” but never establishes these classifications for any of the standards listed. The City Attorney also recommended that outdated sections of the document, such as the list of zoning districts, and any new policies not captured in the document are amended accordingly.
2. Community Development staff coordinated such efforts with the Office of the City Attorney. A draft update to the SDS is attached to this report for the Plan Commission to review and consider recommendation for advancing to public hearing the necessary amendments to the SDS and Chapter 17 of the municipal code.

3. The proposed amendments implement some of the previously discussed updates for the SDS that were presented to the Plan Commission, however, the effort for a more comprehensive overhaul of the SDS is not realized, nor sought, in this update. These amendments are considered urgent and satisfactory for the Plan Commission, Common Council, and City staff to enforce the regulations of the SDS in the manner they have been since 2016 (most recent version of SDS).

**Recommendation:** Proposed amendments to the adopted *Site Development Standards for Non-Residential Uses* are deemed necessary by City staff for improved clarity, enforcement, and defensibility of regulations. Staff recommends the Plan Commission discuss the proposed amendments, direct any further amendments desired by the Commission to City staff, and recommend the Common Council approve scheduling a public hearing to amend Chapter 17 of the Municipal Code in association with the proposed updates of the *Site Development Standards for Non-Residential Uses*, *subject to further refinement and approval of proposed amendments by the City Attorney prior to scheduling public hearing.*

#### Topics Discussed

- Regulations regarding reflective glass
- Desires for enforcing four-sided architecture and improved materials in trash enclosures

Refer to video and audio recording of this item [here](#) for the discussion.

***Motion by Alderman Rick Owen, second by Alderman Mark Nelson to approve staff recommendation for approval to schedule a public hearing to amend Chapter 17 of the Municipal Code in association with proposed update of the Site Development Standards for Non-Residential Uses subject to further refinement on the language of the proposed amendments by the City Attorney prior to scheduling public hearing. Motion carried 6-0.***

## 6. Adjournment

***Motion by Citizen Member Steve Petitt, second by Alderman Rick Owen to adjourn the meeting at 8:34 pm. Motion carried unanimously.***

Respectfully Submitted:

Daniel F. Ertl

Director of Community Development