



MINUTES OF AN OFFICIAL MEETING:

Regular Meeting: Plan Commission

Date and Time: Monday, February 13, 2023 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 Rick Owen, Citizen Commissioner Mike Franz, Citizen Commissioner Scott Thomas

Members Excused: Citizen Commissioner Austin Moore

Others Present: Director of Community Development Dan Ertl, Fire Chief Dave Mason, Director of Public Works Tom Grisa, Planning Administrator Richard VanDerWal, Associate Planner Emily Zandt, Alderman Chris Blackburn

1. Roll Call

Mayor Steven Ponto noted a quorum present and called the Plan Commission to order at 6:31 pm

2. Announcements

- a. The Next Regularly Scheduled meeting will be held on Monday, March 13, 2023 at 6:30 pm.
- b. Check calendars for quorum for April 10th, 2023 Plan Commission

3. Meeting Minutes

- a. **Minutes of the January 9, 2023 Plan Commission meeting.**

Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist to approve the minutes of the January 9, 2023 Plan Commission meeting. Motion carried 6-0.

4. Unfinished Business

- a. **Request of GMEF Transition Trust, 320 N Bobolink Drive, Brookfield, WI 53005 – c/o Hildebrand Law Firm, LLC, Kirsten Hildebrand, Attorney, for approval of a certified survey map reconfiguring eight lots and portion of discontinued alley, Lots 13 through 20 of Block 5 within Columbia Gardens, property tax keys BRC1108050, BRC1108051, BRC1108053, and BRC1108054, to become two new lots. (SE ¼ of Section 25) – RV ****Requires Common Council Action******

Report:

1. Refer to the following links to review the previous staff reports, minutes, and meeting videos related to the request:
 - [December 12, 2022 Plan Commission Meeting Packet](#)
 - [December 12, 2022 Plan Commission Meeting Minutes](#)
 - [December 12, 2022 Plan Commission Meeting Video Recording \(Variance Public Hearing\)](#)

2. Restating from the previous reports, applicant is seeking a land reconfiguration which combines Lots 16, 17, 18, 19, and 20 of Block 5 in Columbia Gardens subdivision (and portion of vacated alley), which is a portion of address 320 and the entirety of 330 Bobolink Drive, into one lot (Lot 1); and combine Lots 13, 14, and 15 of Block 5 (and portion of vacated alley), addresses 13000 and 13020 Lewis Avenue and portion of 320 Bobolink Drive (parcel at 13030 Lewis Avenue), into one lot (Lot 2). Proposed land reconfiguration required a variance from 16.16.040.C.2. in order to permit a lot having depth less than one hundred thirty (130) feet.
3. The Plan Commission recommended, and the Common Council approved, the requested variance and preliminary concept map which consolidated the 8 lots into two (2) lots (per Resolution #10542-22) with the conditions that:
 - the existing shed located on proposed Lot 2 be razed prior to execution of certified survey map; and
 - the owner submit map, plan, and narrative indicating which sewer laterals shall remain active to service the interior buildings and which shall be abandoned per city requirements prior to execution of the certified survey map.
4. Applicant submitted certified survey map for review by Community Development and Engineering, alongside required map, plan, and narrative indicating which sewer laterals shall remain active to service the interior buildings and which shall be abandoned per city requirements. The certified survey map is consistent with the approved preliminary concept map and complies with code requirements.
5. Proposed Certified Survey Map Characteristics:
 - Lot 1
 Combined Lot Size: 25,879 sq. ft. (0.5941 ac.) (R-3 min. 20,000 sq. ft.)
 Lot Depth: 129.05' and 200.00' (Min. 130' §16.16.040.C.2)
 Lot Width: 200.00' (R-3 min. 130')
 - Lot 2
 Combined Lot Size: 20,121 sq. ft. (0.4619 ac.) (R-3 min. 20,000 sq. ft.)
 Lot Depth: 125.00' (Min. 130' §16.16.040.C.2)
 Lot Width: 161.00' (R-3 min. 130')
6. Restating from the previous report, public water utilities will be installed in the summer of 2023 within the public rights-of-way providing access to water for the lots. The applicant or subsequent owners will be responsible for the assessment fee that will be assessed in January of 2024 and required to connect to water within ten years as provided by the City of Brookfield Municipal Code.

Staff Recommendation: The Plan Commission recommends the Common Council approve the certified survey map reconfiguring eight lots, Lots 13 through 20 of Block 5 within Columbia Gardens, property tax keys BRC1108050, BRC1108051, BRC1108053, and BRC1108054, to become two new lots, subject to any technical corrections to the certified survey map required by the Engineering Division, and existing shed located on proposed Lot 2 be razed prior to execution.

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

Topics Discussed

- Clarification regarding subdivision code amendments underway with City staff on future lot reconfigurations (unrelated to the request).

Motion by Alderman Mike Hallquist, second by Alderman Gary Mahkorn to approve staff recommendation to recommend the Common Council approve the certified survey map reconfiguring eight lots, Lots 13 through 20 of Block 5 within Columbia Gardens, property tax keys BRC1108050, BRC1108051, BRC1108053, and BRC1108054, to become two new lots, subject to any technical corrections to the certified survey map required

by the Engineering Division, and existing shed located on proposed Lot 2 be razed prior to execution. Motion carried 6-0.

- b. Request of FNB Properties, LLC, N2494 Thunder Hills Road, Lodi, WI 53555 – Frederick Bachmann, Member, for approval of a revised plan and method of operation permitting exterior building architecture and site modifications at 14660 W Capitol Drive in association with renovations for two retail tenant spaces to be occupied by Bachmanns Pools, Spas & Saunas and undetermined future retail tenant. (SE ¼ of Section 2) – RV ****Requires Common Council Action****

Report:

1. The site consists of one lot which is not located in a 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 land use of the Comp Plan for the site is “Shopping/Services Focused – Lower Density”. The site is zoned “B-1” Local Business District ([§17.52](#)) with Modified Suburban Overlay District (MSO) ordinance 1693, which designates the development pattern for the site as Cluster Suburban. The proposed exterior building and site modifications in association with the continued operations for retail product store(s) use is permitted by the zoning.
2. Proposed Site Development Characteristics:

Lot Area:	44,973 sq. ft. (1.03 ac)
Building Setback:	unchanged
Pavement Setback:	unchanged
Building Offset:	unchanged
Pavement Offset:	unchanged
Building Height:	28’ (35’ max.)
Building Size:	unchanged
Parking Spaces:	34 surface (33 existing)
Floor Area Ratio:	unchanged
Impervious Surface Area:	47,400 sq. ft. (45,710 sq. ft. existing)
Greenspace Area:	21,948 sq. ft.
Lot Coverage:	68.35% (70% max)
Landscape Area Ratio:	31.65% (30% min)
3. Submitted site plan indicates existing ingress/egress of the site is unchanged. Proposed parking lot improvements are limited to updating parking stalls near building entrance regarding accessibility requirements, and one additional parking stall at the rear of the site. Location of collective site trash and recycling bins are unchanged. A traffic impact analysis was not required for the request as it does not exceed a change of 100 vehicles in the peak hour where such analysis is required by code ([§17.100.070.H](#)).
4. Proposed architecture and building material updates are consistent with the *Site Development and Landscape Standards* (SDLS). The modifications to building architecture and colors are complimentary to one another. Proposed areas of building renovation include appropriate compliance with vision glass and material consistency with regard to the SDLS. Overall, the proposal achieves a cohesive design. New building materials and colors used throughout are:
 - New Materials**
 - a. Corrugated steel panels in prefinished grey
 - b. Muza aluminum composite panel cladding in red and black
 - c. Wood-look aluminum cladding
 - d. Metal horizontal sun shades in red
 - e. Metal copings in “Charcoal” (black)
 - f. Clear vision glass bifold-overhead-storefront doors, windows, frames, and door systems in dark bronze aluminum (exceeds minimum 20% on public facing façade).

Existing Materials

- Brick stained in LimeLike “Dark Ash” (dark grey)
5. The applicant’s submitted plans depict existing landscaping conditions and identify which plants will be removed, alongside preliminary concepts for new site landscaping on the south side of the building. Applicant has provided a letter from Joe Smerko, JSS Consulting, LLC, regarding site landscaping strategy which is attached to this report. Street yard landscaping for the site is unchanged (resides within existing sanitary sewer easement and access easement), however, applicant shall coordinate landscape design of the “curb island” referenced in the attached letter with submittal of signage package for administrative review with City staff for overall compliance with the Municipal Code and SDLS.
 6. The applicant is in receipt of a missive dated January 18, 2023 by Fire Chief David Mason identifying fire prevention, suppression, and life safety code compliance requirements.
 7. Grading, drainage, erosion control, and SWMP application have been submitted to the Engineering Division.

Recommendation: The Plan Commission approves the revised plan and method of operation permitting exterior building architecture and site modifications of a retail product store in association with renovations for occupancy by two retail tenants, Bachmanns Pools, Spas & Saunas and undetermined future retail tenant, at 14660 W Capitol Drive, subject to items 1-10 below, because it determines, as the Plan Commission has determined, that the proposed structure and use:

- A. Will not have a substantial adverse effect on traffic safety because the proposed use is substantially similar to the previously approved business operation and the traffic demand will generate less than the 100 vehicles per peak hour where the City requires a traffic analysis under §17.100.070.H.
 - B. Will be consistent with the Municipal Code because it meets the requirements therein.
 - C. Will be adequately served with present or planned municipal services based upon demand for such services in comparison to existing conditions for the subject property – parcel is adequately served by existing City sewer and City water main and the proposed site improvement will not affect the use of such utilities.
 - D. Will be substantially in conformance with the Site Development and Landscape Standards, April 19, 2022, where applicable, because the proposed building architecture and site improvements fulfill the stated standards therein.
1. Statement of Operations/Application Letter dated January 9, 2023 by Bachmann Pools and Spas, LLC, Frederick Bachmann, Owner.
 2. Site plan dated January 4, 2023 by Drainage Doctor, LLC, including technical corrections presented by the City Engineering Division.
 3. Building plans, elevations, and material samples dated January 10, 2023 by Crested Crane Interiors, including technical corrections.
 4. Compliance with site access, fire suppression, and alarm requirements specified in a missive dated January 18, 2023, by Fire Chief David Mason.
 5. Site utility, grading, drainage, and erosion control plans are subject to final approval of the City of Brookfield Engineering Division prior to the issuance of building permits.
 6. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
 7. All signage subject to separate review by Zoning and Building Administrator.

8. Site landscape plan, consistent with submitted letter dated January 9, 2023, by Joe Smerko, JSS Consulting, LLC, to be submitted concurrent with signage application and subject to Community Development and Inspections Department review and approval.
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. Revised plan and method of operation approval expires on February 21, 2025 unless a building permit is obtained prior thereto.

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

Topics Discussed

- Clarification on access for delivery of emergency services by the Fire Department.
- Clarification on the two tenants to occupy the building and overall space.
- Clarification on the “roll-up” vision glass doors in the proposal and “third place” creation.
- Appreciation for the design of the proposal and improvement to the building.
- Clarification and confirmation that rooftop units will be appropriately concealed by building architecture.

Motion by Alderman Rick Owen, second by Alderman Mike Hallquist to approve staff recommendation for approval of a revised plan and method of operation permitting exterior building architecture and site modifications of a retail product store in association with renovations for occupancy by two retail tenants, Bachmanns Pools, Spas & Saunas and undetermined future retail tenant, at 14660 W Capitol Drive. Motion carried 6-0.

5. Adjournment

Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist to adjourn the meeting at 6:47 pm. Motion carried unanimously.

Respectfully Submitted:

Daniel F. Ertl

Director of Community Development