



**OFFICIAL RECORD OF A REGULARLY SCHEDULED MEETING OF THE
PLAN COMMISSION HELD ON APRIL 9, 2019, AT 6:30 PM IN THE
COUNCIL CHAMBERS OF CITY HALL, 2000 NORTH CALHOUN ROAD,
BROOKFIELD, WISCONSIN**

*Video recordings of Plan Commission meetings are available on the city website at
<https://cityofbrookfield.viebit.com>*

MAYOR STEVEN PONTO PRESIDING

OTHER MEMBERS PRESENT: Alderman Rick Owen, Commissioner Mike Smith, Alderman Gary Mahkorn

MEMBERS ABSENT AND EXCUSED: Alderman Mark Nelson, Commissioner Steve Pettitt, Commissioner Rich Tennessen

OTHERS PRESENT: Director of Community Development Dan Ertl, Planning Administrator Mike Theis, Fire Chief Charlie Myers, City Engineer Jeff Chase, Economic Development Coordinator Todd Willis, Neighborhood Planner Richard VanDerWal

Mayor Ponto noted a quorum present and called the Plan Commission to order at 6:37 pm.

Announcements / Reports

The next regularly scheduled meeting is May 13, 2019 at 6:30pm.

Item 1 March 11, 2019 Plan Commission Official Record / Meeting Minutes

Approval of Official Record from the March 11, 2019 Plan Commission meeting.

Motion to approve the March 11, 2019 Plan Commission Meeting Official Record.

Motion by Rick Owen

Seconded by Gary Mahkorn

Motion carried 4-0

Item 2 March 21, 2019 Plan Review Board

Approval of the March 21, 2019 Plan Review Board actions and recommendations of meeting minutes.

Motion to approve the March 21, 2019 Plan Review Board meeting actions and recommendations.

Motion by Mike Smith

Seconded by Rick Owen

Motion carried 4-0

Item 3 Comprehensive Plan Update

Update and discussion of the City's 2050 Comprehensive Plan led by Vandewalle & Associates. – RV

Report:

1. Vandewalle & Associates, Inc. ("Vandewalle") has scheduled key stakeholder meetings during the month of April in their effort to gather information and build consensus in preparing updates to the chapters and figures of the City's Comprehensive Plan. The stakeholder meetings include:

- a. City Department Heads
- b. SEWRPC
- c. Economic Development Committee (EDC) & Community Development Authority (CDA)
- d. Education, Civic, and Cultural Focus Group
- e. High School Students Focus Group
- f. Transportation Focus Group
- g. Commercial Real Estate Focus Group
- h. Residential Development Focus Group
- i. Corporate/Businesses and Business Parks Focus Group
- j. Intergovernmental Relations

To date, they have completed a joint meeting of the EDC and CDA and a meeting with SEWRPC. The joint meeting of the EDC and CDA focused on the trends and challenges facing the City and discussed possible economic and development strategies for responding to these local, regional, and national influences. The SEWRPC meeting prioritized future land use and transportation in the region.

2. Continuing the discussion made with the EDC and CDA, Vandewalle will address the trends and challenges facing the City to the Plan Commission, directing input as it pertains to the overall vision of the comprehensive plan. Topics will also focus on updating the priorities outlined in the existing plan related to the discussion, building off of the progress made at the previous Plan Commission meeting on February 11, 2019.
3. Vandewalle will brief the Plan Commission on their efforts to update the figures and maps contained in the comprehensive plan document and request guidance for revision where necessary.

Recommendation: The Plan Commission represents the primary source for project steering, feedback, general discussion, and past personal knowledge throughout the process of updating the City's Comprehensive Plan. Staff recommends the Plan Commission engage in the thoughtful discussion led by Vandewalle.

General discussion occurred regarding plan principles and 2035 Plan illustrations that need updating.

Refer to video recording of this item <https://cityofbrookfield.viebit.com/player.php?hash=uU3DXiHGH9cD> for the discussion.

No action

Item 4 Milwaukee Tool Revised Plan and Method of Operation

Request of Milwaukee Tool c/o Stephan Perry Smith Architects, Inc., 215 North Water Street, Suite 250, Milwaukee, WI 53202 – Matthew A. Mano, Architect, LEED AP, Vice President for approval of a revised plan and method of operation permitting 153-stall parking lot expansion at 13135 Lisbon Road. (SE ¼ of Sec. 1) – MT ****Requires Common Council Approval****

Report: 1. The site is zoned "O&LI" Office and Limited Industrial District with "MSO" Modified Suburban Overlay. The site is located in the 124th Street Corridor Targeted Investment Area (TIA), one of eleven areas identified in the *City of Brookfield 2035 Comprehensive Plan* that foster community reinvestment by supporting new economic development and sustainable,

mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted node plans are *124th Street and Lisbon Road Neighborhood Plan – 2007* and *The Development Plan for Brookfield's 124th Street Corridor – 2011* (Node Plans). The applicant requests approval of a revised plan and method of operation allowing code compliant parking lot expansion.

2. An additional 153 parking stalls will be added in code compliant locations. The proposed Landscape Surface Ratio of 27.09% for the site is not below the 25% minimum established in MSO ordinance 2449-16. The same ordinance allows the Plan Commission to waive the 5% green space inside parking fields. It has done so in past actions.

3. Site Data:

Impervious Area (Ex.):	17.77 Ac
Impervious Area (Addn.)	<u>1.55 Ac.</u>
Total Imp. Area:	19.32 Ac.
Lot Area:	26.5 Ac.
Landscape Surface Ratio:	27.09% (25% Min.)

4. Code compliant buffer strip landscaping will be installed bounding the area of new pavement.

5. The applicant submitted grading, drainage and stormwater plans/applications for Engineering Division review.

6. Receipt of a missive by Fire Chief Charlie Myers regarding fire code compliance is pending.

Recommendation: The proposed parking expansion is code compliant and permissible per ordinance no. 2449-16. Staff recommends approval of the revised plan and method of operation subject to:

1. Statement of operations dated April 1, 2019 by Stephen Perry Smith Architects, Inc. – Matthew A. Mano, Vice President and site plans attached thereto.
2. Grading, Drainage, Erosion Control Plans and Storm Water Management Application 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.
3. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
4. Receipt of a Site Development Standard compliant buffer strip landscape plan and installation thereof prior to September 1, 2019.
5. All signage subject to separate review by the Plan Review Board.

6. Compliance with requirements specified in a missive to be received from the City of Brookfield Fire and Emergency Services Department.
7. Payment of Engineering Review Fee – To Be Determined prior to issuance of a permit from Inspection Services.
8. Once a permit is issued by Inspection Services, the owner shall complete the paving within twelve (12) 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).
9. Revised plan and method of operation approval expires on April 16, 2021 unless a permit is obtained from the Inspection Services Department prior thereto.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=uU3DXiHGH9cD> for the discussion.

Motion to approve staff recommendation for approval of a revised plan and method of operation permitting 153-stall parking lot expansion at 13135 Lisbon Road.

Motion by Rick Owen

Seconded by Gary Mahkorn

Motion carried 4-0

Item 5 Poppert Preschool Conditional Use

Request of Poppert Preschool, 14665 Lisbon Road, Unit 1C, Brookfield, WI 53005 - Jessica Poppert, Owner/Operator for approval to schedule a conditional use public hearing permitting occupancy of 14665 Lisbon Road by a conditional use preschool. (NE ¼ of Sec. 2) – MT ****Requires Common Council Approval****

Report: 1. The site is zoned “B-1” Local Business District. The site is not located in a Targeted Investment Area; one of eleven areas identified in the *City of Brookfield 2035 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 City of Brookfield 2035 Comprehensive Plan is “Shopping/Services Focused – Lower Density”.

2. The applicant requests approval to schedule a conditional use public hearing for the purpose of occupying a tenant space at the site by Poppert Preschool – serving children 6 weeks to 6 years old with a capacity of 30 children. Section 17.108.050 of the Municipal Code classifies this and similar uses “conditional”, permissible in any zoning district but subject to a public hearing process and approval of a conditional use ordinance by the Common Council.

3. Hours of operation are listed in the applicant’s statement of operations. The site has formalized access, circulation and parking lot.

4. A 1,200 sq. ft. fenced and landscaped outdoor play area is located behind the building.

5. The applicant is in receipt of a missive dated March 18, 2019 by Fire Chief Charlie Myers regarding fire code requirements.

Recommendation: The conditional use is not prohibited in the base zoning district or inconsistent with the standards of evaluation for conditional uses. Staff recommends the Plan Commission approve scheduling a conditional use public hearing subject to conducting a Neighborhood Information Meeting prior to the hearing.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=uU3DXiHGH9cD> for the discussion.

Motion to approve staff recommendation for approval to schedule a conditional use public hearing permitting occupancy of 14665 Lisbon Road by a conditional use preschool subject to conducting a neighborhood information meeting prior to the hearing.

Motion by Gary Mahkorn

Seconded by Mike Smith

Motion carried 4-0

Item 6 Midwest Detox, LLC Conditional Use

Request of Midwest Detox, LLC 6633 Lincoln Avenue, Lincolnwood, IL 60712 - Aber Hollander, Development Project Manager c/o Husch Blackwell, 120 South Riverside Plaza, Suite 2200, Chicago, IL 60606 – Nida Shakir Ghaffar, Attorney for approval to schedule a conditional use public hearing permitting occupancy of 13850 Capitol Drive by a conditional use substance abuse treatment program. (SW ¼ of Sec. 1) – MT ****Requires Common Council Approval****

Report: 1. The site is located in the Lilly Road Capitol Drive Targeted Investment Area (TIA), one of eleven areas identified in the *City of Brookfield 2035 Comprehensive Plan* that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted node plan is *The Lilly Road and Capitol Drive Neighborhood Plan – 2001* (Node Plan). The recommended land use of the Node Plan is “Office and Local Business”. The adopted land use of the City of Brookfield 2035 Comprehensive Plan is “Mixed Use – Lower Density”.

2. The site is zoned “O&LB” Office and Limited Business District. Ordinance No. 1693 established “MSO” Modified Suburban Overlay zoning. The applicant is requesting approval of a conditional use ordinance allowing occupancy of the entire building by Midwest Detox, LLC, to operate two medical substance abuse programs from the premises. The program has inpatient and outpatient components.

3. The inpatient component offers 24 hour, 7 day a week detoxification treatment and nursing care delivered from 16 private rooms. The outpatient component offers substance abuse counseling from 8:00 a.m. thru 9:00 p.m. Per 17.108 of the municipal code, hospitals are conditional uses permitted in any zoning district unless expressly prohibited, subject to specific authorization by the Common Council preceded by a public hearing.

4. Exterior building alterations are limited to the installation of an ingress/egress door on the east building elevation with hardware to match existing doors on the building. No site alterations are proposed. The existing parking supply is 65 stalls.

5. Site landscaping will be restored to that previously approved by the Plan Commission.

6. The applicant is in receipt of a missive dated March 26, 2019 by Fire Chief Charlie Myers identifying Fire Code compliance requirements.

Recommendation: The applicant’s conditional use is not prohibited in the base-zoning district and does not exceed the thresholds for conditional use of a non-residentially zoned site. Staff recommends the Plan Commission approve scheduling a conditional use public hearing subject to conducting a neighborhood information meeting prior to the hearing.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=uU3DXiHGH9cD> for the discussion.

Motion to approve staff recommendation for approval to schedule a conditional use public hearing permitting occupancy of 13850 Capitol Drive by a conditional use substance abuse treatment program subject to conducting a neighborhood information meeting prior to the hearing.

Item 7 Brookfield Family Dentistry

Request of Dr. Thomas Tang, 17185 W North Avenue, Brookfield, WI 53005 – Owner for approval to schedule a public hearing to rezone 17185 W North Avenue with “MSO-NS” Modified Suburban Overlay – New Suburban and a portion of 17115 W North Avenue from “B-3” Regional Business District to “B-1” Local Business District with “MSO-NS” Modified Suburban Overlay – New Suburban in association with the redevelopment of site access, parking, landscaping, and building exterior of a health clinic. (NW ¼ of Sec. 22) – RV ****Requires Common Council Approval****

Report:

4. The site consists of two lots located in the *Civic Center Targeted Investment Area (TIA)*, one of eleven areas identified in the *City of Brookfield 2035 Comprehensive Plan* that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted node plan is the *Ruby Isle/Civic Center Node Development Plan – 1987 (Node Plan)*. The adopted land uses of the Node Plan for the two lots are “Local Business & Office” and “Mixed Use – Higher Density” respectively. The adopted land uses of the *City of Brookfield 2035 Comprehensive Plan (Comp Plan)* are “Shopping/Services Focus - Lower Density” and “Mixed Use – Higher Density”. The existing dentistry site is zoned “B-1” Local Business District (B-1). The adjacent vacant, City owned site is zoned “B-3” Regional Business District (B-3). The existing dentistry site is legal non-conforming; its building setback and offsets, pavement setbacks and offsets, lot area, landscape surface ratio, and streetyard landscaping do not conform to the zoning regulations of the B-1 zoning district and the Site Development Standards for Non-Residential Uses.
5. Waukesha County (County) is nearing completion on the design of the CTH-M road improvements, right-of-way improvements along North Avenue, which includes reconstruction and updates to the intersection of Calhoun Road and North Avenue. Due to the safety and operational needs of the design of the new intersection, the reconstruction will affect the existing dental building site of the applicant located at 17185 W North Avenue or the southeast corner of the intersection. More specifically, the intersection improvement will require modification of the points of street access to the dental building site. In order to assist the owner, Dr. Thomas Tang, to modify his access to the site, the City Administration has recommended that the City make City owned lands available to the owner to purchase from the City. The additional land would allow him to reconfigure the access to his site in anticipation of the intersection improvement. The portion of City owned land that would be made available to the owner is approximately 0.6591 acres (28,709 sq. ft.) in size. The size of the parcel for sale is approximate as the parcel would likely be slightly smaller after right-of-way needs for the intersection improvement are first subtracted from the parcel prior to sale. There may also be a need for the City to retain easements. The Plan Commission is not directly involved in the proposed land sale process. The Board of Public Works, by City code, will handle the process.
6. The applicant’s submitted proposal includes the acquisition of City owned lands, roughly the lands mapped on Exhibit “A” attached to this report, at 17115 W North Avenue for consideration in rezoning the entirety of the resulting lot to B-1 with “MSO-NS” Modified Suburban Overlay – New Suburban. Applying MSO-NS to the site with established special characteristics would result in a lot that achieves the City’s development objectives in the Node Plan and Comp Plan for improved building relationship with the street and overall site orientation toward pedestrian access with parking and vehicular uses placed behind the building. The special characteristics that achieve the proposed New Suburban development pattern of the applicant’s submitted request include reduced building setbacks and offsets, reduced pavement setbacks and offsets, *reduced average lot width*, and reduced streetyard landscaping of the Vehicle Use Areas along Calhoun Road from that of the base B-1 district.

7. Site Data: Existing

Zoning:	B-1 Local Business District
Lot Area:	7,232 Sq. Ft. (30,000 Sq. Ft. Min.)
Building Sq. Ft.:	1,764 Sq. Ft.

Building Setback – Calhoun Rd:	40' (100' Min.)
Building Setback – North Ave:	35' (100' Min.)
Building Offset – East:	2.5' (10' Min.)
Building Offset – South:	2' (10' Min.)
Pavement Setback – Calhoun Rd:	0' (25' Min.)
Pavement Setback – North Ave:	0' (25' Min.)
Pavement Offset – East:	5.5' (10' Min.)
Pavement Offset – South:	0' (10' Min.)
Impervious Area:	6,862 Sq. Ft.
Floor Area Ratio:	24.39% (30% Max.)
Landscape Surface Ratio:	5.22% (30% Min.)
Parking:	10 w/ additional 13 on adjacent lands (8 required)

8. The following rezoning is requested.

Site Data: Proposed – Professional Dentistry Site Including Land Acquisition

Zoning: Rezone from B-1 Local Business District and B-3 Regional Business District to B-1 Local Business District w/ MSO-NS (Modified Suburban Overlay – New Suburban)

Lot Area (Min.):	30,000 Sq. Ft. Min. (proposed site = 35,941 Sq. Ft.)
Lot Width (Min. Avg.):	150' Established in MSO-NS Special Characteristics*
Building Sq. Ft.:	1,764 Sq. Ft., 3,528 Sq. Ft. with future expansion
Building Setback:	Established in MSO-NS Special Characteristics* (15' Min.)
Building Offset:	Established in MSO-NS Special Characteristics* (10' Min.)
Pavement Setback:	Established in MSO-NS Special Characteristics* (0' Min.)
Pavement Offset:	Established in MSO-NS Special Characteristics* (0' Min.)
FAR:	30% max (proposed 4.91%, 9.82% with future expansion)
LSR:	Established in MSO-NS Special Characteristics*
Landscape Streetyard:	Established in MSO-NS Special Characteristics*
Parking:	Requirements of 17.120 (proposed = 24 stalls, 36 with future expansion)

expansion)

*MSO-RC Rezoning Special Characteristic

9. Proposed site plan indicates one right-in/right-out vehicular access drive on Calhoun Road and one right-out-only drive onto North Avenue. The existing building pad remains mostly unchanged in the immediate proposal with a potential future expansion planned for the south end of the building that doubles the overall footprint of the building. Immediate building pad changes are limited to a new outdoor patio space positioned along the east side of the building and paths to parking areas. Trash storage for the site has been moved from the southwest corner of the building to the southeast corner, accessed from the east off of the exit drive toward North Avenue and placed in an enclosure with double door privacy gate. All site parking is relocated south of the building, replacing the existing parking areas between the building and the street with new landscaping.
10. Preliminary architecture has been submitted that demonstrates sensitivity to the surrounding neighborhood context. The required building elevations, rendering, and material sample board for exterior building improvements are required as part of the request for Revised Plan and Method of Operation. Building elevations and rendering must be completed for viewing at a neighborhood information meeting and public hearing as part of the rezoning request. A concept drawing should be available at the Monday meeting.
11. Applicant has not submitted a landscape plan. Submittal of a qualifying landscape plan is required as part of the request for Revised Plan and Method of Operation for the redevelopment of the site.
12. Grading, drainage, erosion control, SWMP or preliminary survey/CSM have not been submitted to the Engineering Division. The required submittals shall be reviewed by Engineering before holding the public hearing.

Recommendation: The site is contained in a Targeted Investment Area (TIA), one of ten areas identified in the *City of Brookfield 2035 Comprehensive Plan* that foster community reinvestment by supporting new economic development and

sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The proposed development characteristics are consistent with the goals and objectives contained in the adopted Node and Comp Plans and the intersection updates at Calhoun Road and North Avenue. Staff recommends the Plan Commission approve scheduling a rezoning public hearing subject to:

1. Conducting a neighborhood information meeting prior to the hearing. Building elevations and rendering of the proposal are completed and submitted for viewing at the neighborhood information meeting and public hearing. Public hearing shall be postponed if required items are not completed.
2. Submittal of Grading, drainage, erosion control, SWMP and CSM to the Engineering Division and submittal of an emergency vehicle access plan that accommodates City's ladder truck and ambulance. The public hearing shall be postponed if required items have not been received in a timely manner for review by Engineering staff and the Fire Chief or the submitted items are unsatisfactory for review.

Vince La Barbera, Groth Design, represented the applicant on architectural concepts, but could not speak for Dr. Tang on other matters in any official capacity. The Plan Commission expressed displeasure with the architectural appeal, or lack thereof, of the preferred alternative presented. Mr. La Barbera agreed that the concept needs considerable work but, in his opinion, Dr. Tang has not come to terms with the financial impacts of the project components to date. Dr. Tang was not available to attend the meeting.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=uU3DXiHGH9cD> for the discussion.

Motion to approve staff recommendation for approval to schedule a public hearing, but withdrawing the requirement to conduct a neighborhood information meeting prior to the hearing (balance of the requirements of condition 1 are maintained), to rezone 17185 W North Avenue with "MSO-NS" Modified Suburban Overlay – New Suburban and a portion of 17115 W North Avenue from "B-3" Regional Business District to "B-1" Local Business District with "MSO-NS" Modified Suburban Overlay – New Suburban in association with the redevelopment of site access, parking, landscaping, and building exterior of a health clinic.

*Motion by Mike Smith
Seconded by Gary Mahkorn
Motion carried 4-0*

Item 8 Review and Recommendation on Village Area Outdoor Seating

PLAN COMMISSION REVIEW AND AUTHORIZE PUBLIC HEARING FOR: Chapter 17.50.030(A)(5) of the City Code which regulates Permitted uses and Restrictions in Village Area Business Zoning required for outdoor seating. ***REQUIRES COMMON COUNCIL APPROVAL***

1. Currently the City of Brookfield Zoning Code permitted uses for Village Area Business (VAB) reads "Up to a one hundred (100) seat restaurant and outdoor seating not exceeding twenty-five (25) percent of the indoor capacity and not located between the building and any adjacent residential district, measured from the nearest building wall to the residential lot line, and ceasing operating hours at ten p.m. even if indoor operating hours are longer, subject to the plan commission's approval of the plan and method of operation associated with the outdoor seating, including a parking analysis and the use of state-of-the-art exhaust controls for kitchen equipment."
2. The VAB has a unique aspect in that there are businesses located in the district that have size constraints on buildings and/or lot sizes. These specific restraints in most cases throughout the District, limit the opportunity for outdoor seating, either by specific use (restaurant) or available space within the building setback (0') from the public Right-of-Way.

3. The Village Area Neighborhood Plan encourages “unique uses” within the Business District like restaurants or similar uses (**Attachment 1**). In the modern age, restaurants and similar destination point businesses have looked to offer outdoor options when the weather permits. With the inclusion of greater opportunity for outdoor seating for businesses in the District with adequate space outside the public Right-of-Way, it will create a vibrancy for the VAB’s Business District. The 2035 Comprehensive Plan recognizes the VAB as a special place in Chapter 8, and calls for continue to encourage and focus redevelopment and new activity within the TIA’s to support continued economic, fiscal, and community vitality. (**See Attachment 2**)
4. There are *four* (4) identifiable properties that would immediately benefit from the use of outdoor seating along N. Brookfield Rd., and one (1) that has already had such outdoor seating approved. (**SEE ATTACHMENT 3**) The *four* (4) properties that would benefit in the future with the proposed ordinance amendment would require a change in use, but already have improved surfaces that would allow for street facing outdoor seating. The remaining properties along N. Brookfield Rd. would require redevelopment of the current existing because of their current zero (0’) foot offsets from the public Right-of-Way.
5. The proposed changes to 17.50.030(A)(5). (**SEE ATTACHMENT 4**)

Recommendation: City staff recommends the Plan Commission authorize a Public Hearing to amend Chapter 17.50.030(A)(5) of the City Code which regulates Permitted uses and Restrictions in Village Area Business Zoning required for outdoor seating.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=uU3DXiHGH9cD> for the discussion.

Motion to approve staff recommendation for approval to schedule a public hearing to amend Chapter 17.50.030(A)(5) of the Municipal Code which regulates outdoor seating in the Village Area Business zoning.

*Motion by Gary Mahkorn
Seconded by Mike Smith
Motion carried 4-0*

Item 9 Enterprise, Commerce & Industry Ave. Uniform District Parking Setback – Legislative Referral Requested

Request by Community Development Department to look at the current Zoning Code (17.80.030) with Modified Suburban Overlay (Ord. No. 2508-18) related to parking setbacks for the Enterprise, Commerce & Industrial Avenue Industrial District.

Previously Reported:

1. In January 2017, the Community Development and Engineering departments reached out to the businesses along Enterprise Ave., Commerce Ave., and Industrial Ave. seeking input on the area’s road resurfacing project planned for fiscal year 2018. Respondents from the initial outreach inquired the possibility for Enterprise Avenue to be widened due to parking concerns. Enterprise, Commerce, and Industry Avenues, in their current form, were not designed to accommodate on-street parking. The on-street parking that has occurred, mainly on Enterprise Ave., has caused the roads to deteriorate at a faster rate.

The Community Development Department and Engineering Department conducted a focus group meeting with the businesses in the area on November 28, 2017. The goal of the meeting was to explain the upcoming resurfacing project in detail and discuss how it will affect their businesses and the on-street parking issues that had been raised in the past. City staff informed

the businesses that the intended scope of the project prohibits all on-street parking once the resurfacing project is complete to prevent the rapid deterioration of the repaired road. If the property owners and businesses of the district desired on-street parking, the road would require upgrading to a widened urban section and the scope would exceed the planned budget of the allocated capital improvement funds.

2. Based upon the November 28, 2017 focus group meeting, it was determined that widening the road and converting its rural section to an urban section for suitable on-street parking was not desired. Three businesses are experiencing parking related issues for their employees, out of the eighteen property owners in the industrial park, limiting the number of businesses that would benefit from the application of a district wide, and property frontage assessment to fund the added costs in upgrading the scope of the road project. Businesses that relied on street parking to solve employee parking issues need a replacement solution.

3. The Community Development Department investigated the needs of the three (3) businesses that have parking issues to establish possible alternatives for alleviating the matter. Two (2) were identified as having minimal need. To meet their current demands, each requires adding six (6) parking spaces or less. The other business stated a demand of twenty (20) or more spaces based on both business and employee parking deficiencies.

4. In order to accommodate private, lot-based solutions for businesses to replace the lost street parking when it is no longer permitted, City staff proposes applying Modified Suburban Overlay (MSO). An MSO applied to the existing zoning district that incorporates less-restrictive regulations used in the Northeast Industrial area could afford property owners the site area necessary to make these improvements. The intended zoning overlay would reduce parking setbacks in the district from fifty (50) feet to fifteen (15) feet on all streets except for Barker Road to permit additional employee surface parking in the balance created.

5. City staff also proposes the MSO permit zero (0) feet offsets for pavement in instances where shared driveways and parking areas are utilized. The intent of this provision is improved functionality between properties and more efficient use of paved areas in the district. City staff has identified areas where the zero (0) feet offset would be beneficial. The proposed zero (0) feet offset would not apply to buildings or structures in the district.

Newly Reported:

6. The Modified Suburban Overlay (MSO) was passed by the Common Council on June 19, 2018. **(ATTACHMENT 1)** The MSO Ordinance that was adopted in June 2018 reduced the parking setbacks from 50' to 25' on Enterprise, Commerce, and Industry Avenues, and 0' offsets on shared driveways. With the reduction of the parking setback from 50' to 25', 6 of the total properties (24) within the district were brought into compliance of the Zoning Code.

7. If the parking setback was further reduced to 15', it would bring all but three (3) properties within compliance of the zoning code for the district. **(ATTACHMENT 2)** This modification would also create a more uniform zoning district with parking setbacks.

Staff Recommendation: Staff is recommending an Aldermanic member of the Plan Commission to seek a Legislative Referral from the Mayor to further discuss the request to reduce the parking setbacks to 15' if an Aldermanic Member finds such a request appropriate.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=uU3DXiHGH9cD> for the discussion.

Aldermanic Member Gary Mahkorn committed to submitting the Legislative Referral to further discuss the request for reducing parking setbacks to fifteen feet in the Enterprise, Commerce & Industrial Avenue Industrial District.

Item 10 Municipal Code Chapter 17 Definitions Amendments

Request of the Department of Community Development for approval to schedule a public hearing to amend Chapter 17 of the Municipal Code regarding the definitions of “Clinic”, “Health Clinic”, and “Professional Office” in 17.04.020. – RV ****Requires Common Council Approval****

Item was removed from the agenda.

Adjournment

Motion by Mike Smith

Seconded by Gary Mahkorn

Motion carried unanimously

Meeting adjourned at 8:39pm

Record respectfully submitted by Richard VanDerWal, Neighborhood Planner