



## MINUTES OF AN OFFICIAL MEETING

Regular Meeting of: Plan Review Board

Date and Time: Thursday, May 20, 2021 at 4:30 pm

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

Members Present: Mayor Steve Ponto (Chair), Alderman Rick Owen, Commissioner Austin Moore

Members Excused: None

Others Present: Associate Planner Richard VanDerWal, Zoning and Building Administrator Larry Goudy, Deputy City Clerk Renee Tadych

### 1. **Roll Call**

Mayor Ponto called the Plan Review Board meeting to order at 4:57 p.m. A quorum was present.

### 2. **Announcements**

- a. Approval of these items must also be given at the regular Plan Commission meeting of June 7, 2021 and the Common Council meeting of June 15, 2021.
- b. The next regularly scheduled Plan Review Board meeting will be held on June 17, 2021.

### 3. **New Business**

#### a. **Tree-Ripe Fruit Co, 95 N. Moorland Rd.: Pop up Fruit and Nut Stand**

Request of Tree-Ripe Fruit Co. for approval of a temporary use permit to conduct a pop-up fruit and nut stand at Brookfield Square, 95 N. Moorland Road.

Mr. Goudy reported:

1. The proposed event will be held Saturday, June 26<sup>th</sup> and Saturday, July 18<sup>th</sup> from 2:30 to 5:00 pm.
2. Anticipated attendance is 350 for each event.
3. Set up involves a commercial truck and a pop up canopy tent with folding tables.
4. The event will be located east of the former Boston Store space in the parking lot.

5. Parking is available in the lot and will utilize existing drive aisles.
6. Sanitary facilities will not be required as the sale is very short. Average waiting time would be 15 minutes at most.

Staff recommends approval subject to Fire and Police recommendations.

Mr. Goudy stated that neither the Police nor the Fire Departments had concerns. Alderman Owen stated that it seems like an event that will not have a major impact.

**Motion by Alderman Owen, seconded by Commissioner Moore, to approve the staff recommendation to approve the event. Motion carried 3-0.**

b. **Backyard Butchers Community Food Drive, 95 N. Moorland Rd.**

Request of Backyard Butchers Community Food Drive for approval of a temporary use permit to conduct a drive thru canned good donation center at Brookfield Square, 95 N. Moorland Road.

Mr. Goudy reported:

1. The proposed event will take place June 18<sup>th</sup> thru July 18<sup>th</sup>.
2. Hours of operation are 9:00 am to 6:00 pm daily.
3. The event is a drive thru donation event in conjunction with small sale of frozen grocery products. Community members may donate canned goods and purchase frozen and prepackaged meat for their own consumption. At the conclusion of the event, unsold products and canned goods will be donated to a local food bank.
4. The drive thru event is proposed in the parking lot area adjacent to Moorland Road, between Chick-Fil-A and Uncle Julio's restaurants.
5. Products being sold include frozen and prepackaged steaks, chicken, seafood and pork. No food will be consumed on site.
6. Restrooms will not be needed.

Staff recommends approval subject to Fire and Police recommendations and locating in an area of the mall parking lot which is not has heavily parked on a daily basis.

There was a concern about the parking and not enough room in the chosen parking lot. Tim Moorehead stated he is working on getting a different location. His goal is to have a smooth operation as well as quick process for the donations. He stated this could potentially be a "brick and mortar" building in the future. He is looking for community feedback. Ivan Quinones stated he would like to make an impact in the community. They are looking at this with a marketing standpoint and positive word-of-mouth. It was stated they are not trying to be an "Omaha Steaks" but trying for something like that. If they have a positive outcome and feedback, they would consider moving into a brick and mortar building.

Tim Moorehead stated he is working with the mall on several locations.

**Motion by Commissioner Moore, seconded by Alderman Owen, to approve the staff recommendation to approve the temporary use with staff to identify a new location by the next Plan Commission on June 7th. Motion carried 3-0.**

c. **Noby Capitol, 12460 W. Capitol Dr., Minor revision to Plan and Method of operation**

The request of Noby Capitol LLC, 2360 N. 124<sup>th</sup> Street, for approval of a minor revision to plan and method of operation in association with exterior building modifications at 12460 W. Capitol Drive.

Mr. VanDerWal reported:

1. The site is located in the 124<sup>th</sup> – Capitol 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 redevelopment with sensitivity to surrounding neighborhoods. The adopted neighborhood plan is the *Development Plan for the 124<sup>th</sup> Street Corridor* (Neighborhood Plan). The adopted land use of the Neighborhood Plan for the site is “Higher Density Shopping”. The adopted land use of the Comp Plan is “Shopping/Services Focused – Higher Density”. The site is zoned “B-3” Regional Business District.
2. Proposed exterior building modifications are consistent with the City’s *Site Development Standards for Non-Residential Uses*. New materials and brick stain are consistent with the materials approved in recent development and redevelopment of nearby properties. Principal building materials used in building modifications are: Existing brick to be stained dark grey; PAC-CLAD metal wall panel siding in charcoal grey; and Nichiha horizontal cedar fiber cement siding in natural matte finish. Existing storefront vision glass and aluminum frame system remains unchanged. Parapet height ranges from sixteen and one-quarter (16.25) feet for the Nichiha siding areas, and eighteen and one-quarter (18.25) feet for the metal wall panel areas at the building’s corners.
3. 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 memorialize this language into the associated plan set prior to Planning signing off to Inspection Services.

The applicant’s proposal complies with the City’s Site Development Standards for Non-Residential Uses. Staff recommends the Plan Commission approve the minor revision to plan and method of operation in association with exterior building modifications at 12460 W. Capitol Drive subject to:

1. Statement of operations dated April 30, 2021 by Noby Capitol LLC, c/o Ram Subedi, member.
2. Building elevations and materials samples dated June 19, 2020 by Galbraith Carnahan Architects LLC, including technical corrections. 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.
3. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield Municipal Code.
4. All signage subject to separate review by Inspections Services.

5. Once a building permit is issued by Inspection Services, the owner shall receive an occupancy permit within 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 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)
6. Minor revision to plan and method of operation approval expires on June 15, 2023 unless a building permit is obtained prior thereto.

Alderman Owen felt that nothing was unusual with this application. The Plan Review Board is not approving signage today. Mr. VanDerWal clarified that rooftop mechanicals are fully screened by the height of the new parapets at the building's corners, but the parapet heights are shorter in the middle of each elevation allowing the units to be partially visible. Submitted drawings indicate the units will have screening applied to overcome this difference. The current building's architecture provides no screening, and the proposed solution with varying heights of parapet walls help to differentiate the building's entries, so overall it is a good architectural compromise. Mr. VanDerWal added that all site lighting must meet the Lighting Code which will be coordinated through review of the new signage.

**Motion by Alderman Owen, seconded by Commission Moore to approve the staff recommendation approving the minor revision to plan and method of operation in association with exterior building modifications at 12460 W. Capitol Drive. Motion carried unanimously.**

#### **4. Adjournment**

**Motion by Alderman Owen, seconded by Commissioner Moore to adjourn the Plan Review Board meeting at 5:20 p.m. Motion carried 3-0.**

MINUTES RESPECTFULLY SUBMITTED BY RENEE TADYCH, DEPUTY CITY CLERK