



MINUTES OF AN OFFICIAL MEETING:

Regular Meeting: Plan Commission

Date and Time: Monday, June 12, 2023, at 6:30 pm

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

Members Present: Mayor Steven Ponto (Chairman), Alderman Mike Hallquist, 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, Zoning & Inspections Administrator Justin Drew, Deputy Fire Chief Nick Rogne, City Engineer Dan Erickson, Planning Administrator Richard VanDerWal, Associate Planner Emily Zandt

1. Roll Call

Mayor Steven Ponto noted a quorum present and called the Plan Commission to order at 6:32 pm

2. Announcements

- a. The Next Regularly Scheduled meeting will be held on Monday, July 10, 2023, at 6:30 pm.

3. Meeting Minutes

- a. **Minutes of the May 8, 2023, Plan Commission meeting.**

Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist to approve the minutes of the May 8, 2023, Plan Commission meeting. Motion carried 6-0.

4. New Business

- a) **755 Safer Court Sport Court**

Background: The applicant approached the Inspections Staff to ask if a permit was required in order to pour concrete and were informed that no permit from the City was required. It turned out that the owner installed a large concrete area that functions as a sport court, which does require a building permit and approval from Plan Commission. The owner subsequently submitted permit materials.

1. The sport court is 29' x 60'.
2. The court was constructed out of concrete and there is a basketball hoop.
3. The court is located in the northwest portion of the property in the rear yard.

4. Section 15.04.360 of the Code states that sport courts shall not be located within the 25' offset area. The proposed sport court meets the 25' offset requirement from both the west (25' proposed) and the north (63' proposed) property lines.
5. Per code, the court may not be used between 10:00 p.m. and 7:00 a.m.
6. The applicant does not propose fencing around the court. This requirement may be waived by the plan commission when significant foliage exists. The court is flanked by a dense foliage of tall trees to the east and south. Some landscaping is present along the north and west sides, and the owner is in the process of planting additional deciduous and coniferous trees on the west and north sides of the court. In addition, the court is 2-3 feet below the property to the west and more than 10 feet below the home to the west. Based on these factors, Staff believes that the request to waive the fencing requirement is warranted.

Staff's recommendation: Staff recommends APPROVAL of the court as it meets all Code requirements.

Zoning & Inspections Administrator Justin Drew summarized the proposal.

Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist to approve the sport court via resolution including language waiving the fence requirement as surrounding foliage provides substantial visual screening. Motion carried 6-0.

- b) **Request of Sawall Development, N63 W23217 Main Street, Suite 200, Sussex, WI 53089 – c/o Matt Bailey, Civil Engineer, Trio Engineering, for approval of: a preliminary concept map, final certified survey map, conditional use permit, temporary limited easement for landscaping, subdivider's agreement, and new plan and method of operation permitting new building construction of an approximate 40,000 square foot memory care and assisted living center, site modifications, and landscaping, in association with the development of Anita's Gardens, a 62-suite (up to 70 residents) Community Based Residential Facility (CBRF) to be located at the SW Corner of the intersection of W Lisbon Road and Pilgrim Road. (NE ¼ of Sec. 3) – EZ **Requires Common Council Approval****

Previously Reported:

1. The site consists of one lot 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 City of Brookfield 2050 Comprehensive Plan (Comp Plan) is "Shopping/Services Focused - Lower Density". The site is zoned B-1 Local Business District. The proposed development in association with the construction of a Residential care facility may be permitted as a conditional use in any zoning district except the conservancy and upland conservancy districts on a lot greater than one hundred twenty thousand (120,000) square feet in size.
2. Proposed Site Development Characteristics:

Lot Area:	138,943 sq. ft. (3.19 ac)
Building Setback:	104.5' West Lisbon Road (100' min.) 105.4' Pilgrim Road/C.T.H. YY (100' min.)
Pavement Setback:	25' West Lisbon Road (25' min.) 25' Pilgrim Road/C.T.H. YY (25' min.)
Building Offset:	27.6' south (25' min.) 26.4' west (25' min.)
Pavement Offset:	59.5' south 26.4' west
Building Height:	26'2.5" (35' max., 15' max. accessory buildings)
Building Size:	39,851 sq. ft.
Parking Spaces:	36 surface (29 req.)

Floor Area Ratio:	28.68% (30% max. including accessory buildings)
Impervious Surface Area:	67,556 sq. ft.
Lot Coverage:	48.6% (70% max., all buildings and impervious surfaces)
Landscape Area Ratio:	52.39% (30% min.)

3. Submitted site plan indicates one ingress/egress access point from West Lisbon Road and one ingress/egress access point to Pilgrim Road (right in and right out only). Trash and recycling receptacles are proposed to be stored in the northwest corner of the building, screened from view. Details will be provided by the applicant prior to the Neighborhood Information Meeting (NIM). A traffic impact analysis was not required for the request. The number of employees, patrons, and/or visitors identified in the applicant's peak traffic hour of proposed operation will generate less than the 100 vehicles per peak hour where the City requires a traffic analysis under §17.100.070.H. Waukesha County is requiring a westbound left turn lane along W. Lisbon Road as a part of the development.
3. Proposed architecture and building materials are consistent with the City's *Site Development Standards for Non-Residential Uses*. The proposed building façade includes LP Smartside treated engineered wood siding (tundra gray) and trim (quarry gray). The soffit will match the proposed trim color. Weathered wood-colored Landmark asphalt singles from CertainTEED will highlight the earth tones of the Everest Gray brick base. Vision glass on all facades of the building articulates the interior program. The building's main entrance is defined with a gable roof and covered porch area. Two interior courtyards will provide enclosed outdoor recreation space for residents.
4. Applicant has been informed that: **All vision glass is to remain vision glass and cannot be obstructed or modified with window film or other opaque techniques or substances except that operable window blinds, or shades are permitted.** All plans specifying the location and installation of vision glass shall memorialize this language into the associated plan set prior to Planning signing off to Inspection Services.
5. The applicant submitted a landscape plan for review and compliance with City standards. Street yard landscaping is required along West Lisbon Road and Pilgrim Road.
6. The applicant is in receipt of a missive *dated* February 13, 2023 by Fire Chief David Mason identifying preliminary fire alarm, suppression, and code compliance requirements.
7. Grading, drainage, erosion control, and SWMP have been submitted to the Engineering Division.
8. A preliminary concept map has been submitted to create a lot from the existing metes and bounds property description.
9. A standard form City of Brookfield development/subdivider agreement will secure necessary public improvements, access, grading, drainage, landscaping, and stormwater management in the project. A temporary limited easement for street yard landscaping using the City's standard form is necessary to secure installation and maintenance of such landscaping.
10. The standards for conditional use permit issuance, Section 17.108.050.I. of the Municipal Code, are attached to this report for Plan Commission reference.

Newly Reported:

11. A neighborhood information meeting was held on Wednesday, March 22, 2023 per code requirements. Representatives of the of the project team were in attendance along with Alderman Carnell (District 1) and Alderman Christianson (District 1). Two (2) citizens recorded their attendance on the meeting sign-in sheet. One (1) comment submitted via email was received following the neighborhood information meeting. The

comment was in regard to the location of the dumpster enclosure. Copies of these materials were included in the record for the plan commission and common council consideration and were distributed in the meeting packets of the conditional use permit public hearing.

12. A public hearing for the conditional use permit request was held on May 8, 2023, per code requirements. Project Engineer Matt Bailey of Trio Engineering; Kevin Sawall, Sawall Development; and Kris Aubrey, General Contractor for Sawall Development; presented the request to the plan commission and answered questions of clarification from the commission. No members of the public spoke at the hearing.
13. Municipal Code §16.12.040.B. enforces the following standards for land reconfigurations by certified survey maps (emphasis added):
 - All land reconfigurations shall adhere to the official map and the standards and requirements set forth in this code;
 - The land reconfiguration does not result in the deterioration of any natural environment such as a wetland or floodplain per an expert opinion procured and paid for by the subdivider if a wetland or floodplain exists on the parcel or is adjacent; and
 - If the land reconfiguration lies within a subdivision the following also apply:
 - e. The land reconfiguration should be in relationship to the average size and width of existing lots in the subdivision. If the average size and width of the lots contained within the subdivision exceed current minimum dimensions required in the subdivision and zoning codes, this subsection supersedes those provisions; and
 - f. The land reconfiguration does not create a material and detrimental departure from the prevailing lot configuration of the subdivision; and
 - g. The land reconfiguration does not unfavorably impact the public utilities in the subdivision or create drainage problems.

Staff Recommendation #1: The Plan Commission recommends that the Common Council approve the preliminary concept map to reestablish the boundaries of the property located at the southwest corner of the intersection of W. Lisbon Road and Pilgrim Road intersection for the purposes of constructing and operating a community-based residential facility, subject to:

1. Any technical corrections to the preliminary concept map required by the Engineering Division.
2. Execution of a subdivider's agreement and associated easements using the City's forms, subject to requirements and final approval of City Engineering and the City Attorney prior to recording.
3. Abandonment of the existing water service lateral from W. Lisbon Road prior to the execution of the Certified Survey Map or on a time frame as set forth in the subdivider's agreement.

Staff Recommendation #2: The Plan Commission recommends the Common Council approve the certified survey map, to reestablish the boundaries of the existing property located at the southwest corner of the intersection of W. Lisbon Road and Pilgrim Road for the purposes of constructing and operating a community-based residential facility, subject to:

1. Any technical corrections to the certified survey map required by the Engineering Division.

Staff Recommendation #3: The Plan Commission recommends that the Common Council approve the Conditional Use Permit for a 62-suite (up to 70 residents) Community-based Residential Facility, Anita's Gardens, at the southwest corner of the intersection of W. Lisbon Road and Pilgrim Road because the proposed use meets the criteria listed under §17.108.050 I.:

1. The use complies with the recommendations in the city of Brookfield comprehensive plan and any applicable neighborhood or neighborhood development, including design guidelines adopted as supplement to those plans.

2. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
3. The uses, values, and enjoyment of adjacent property for purposes already established will not be substantially impaired or substantially diminished in any foreseeable manner.
4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage, parking supply, internal traffic circulation improvements, including but not limited to vehicular and pedestrian traffic, and other necessary site improvements have been, will be, or are being provided.
6. Measures have been or will be taken to provide adequate ingress and egress to minimize traffic congestion and to ensure public safety and adequate traffic flow on the public streets.
7. The conditional use conforms to all applicable regulations of the district in which it is located.
8. The use does not create adverse impacts such as dust, lighting, air pollution, noise, odor, vibration, glare, heat, or hazardous materials.
9. The use is located in an area that will be adequately served by and will not impose an undue burden on any of the services provided by the city or other public agencies.
10. Meet the applicable standards of the site development standards for nonresidential uses except for those uses exempt from the provisions of these standards under the provisions of Section [17.100.020\(A\)](#).

Such findings, conclusions, and recommendation of the Plan Commission shall be submitted in writing to the Common Council.

Staff Recommendation #4: The Plan Commission recommends that the Common Council approve the new plan and method of operation and the temporary limited easement for street yard landscaping, for the 62-suite (up to 70 residents) residential care facility, Anita's Gardens, at the southwest corner of the intersection of W. Lisbon Road and Pilgrim Road subject to items 1-15 below, because it determines that the proposed improvements and use:

- a. Will not have a substantial adverse effect on traffic safety because the proposed use 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.
 - d. Will be substantially in conformance with the most current edition of the Site Development and Landscape Standards, dated April 19, 2022, where applicable, because, subject to minor corrections, the final proposed community-based residential facility and landscaping will fulfill the stated standards therein.
1. Application Letter by Sawall Development dated February 8, 2023
 2. Plan of Operations for Anita's Gardens submitted on February 6, 2023

3. Preliminary Concept Map dated February 6, 2023, subject to technical corrections required by the City Engineering Division Review and approval and abandonment of the existing water service lateral from W. Lisbon Road.
4. Certified Survey Map dated May 23, 2023 subject to technical corrections required by the City Engineering Division review.
5. Site Plan dated February 6, 2023 by Trio Engineering, subject to final approval of the City Engineering Division.
6. Building plans, elevations and material samples dated February 6, 2023, subject to final approval of the City Engineering Division.
7. Compliance with site access, fire suppression, and alarm requirements specified in a memorandum dated February 13, 2023 by Chief David Mason.
8. Site utility, grading, stormwater management and erosion control plans subject to final approval of the City Engineering Division prior to the issuance of building permits.
9. Payment of applicable fees to the Community Development Department prior to issuance of a building permit.
 - \$ TBD Engineering Review Fee
 - \$ TBD Subdividers Agreement
10. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield Municipal Code.
11. All signage subject to separate review by the Zoning and Building Administrator.
12. Landscape plan dated February 8, 2023 by Insite Landscape Design subject to City of Brookfield consultant review and technical corrections secured with a letter-of-credit or cash deposit (City forms available from the Department of Community Development).
13. Execution of a Subdividers Agreement subject to final approval by the City Engineering Department and City Attorney prior to the recording of the Certified Survey Map (CSM).
14. 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).
15. Plan and method of operation approval expires on June 20, 2025 unless a building permit is obtained prior thereto.

Motion by Alderman Mike Hallquist, second by Citizen Member Scott Thomas approving staff recommendation to approve the preliminary concept map to reestablish the boundaries of the property located in the southwest corner of the intersection of W. Lisbon Road and Pilgrim Road intersection for the purposes of constructing and operating a community-based residential facility, subject to three (3) conditions. Motion carried 6-0.

Motion by Alderman Mike Hallquist, second by Alderman Rick Owen approving staff recommendation to approve the Certified Survey Map to reestablish the boundaries of the property located in the southwest corner of the intersection of W. Lisbon Road and Pilgrim Road intersection for the purposes of constructing and operating a community-based residential facility, subject to 1 (one) condition. Motion carried 6-0.

Motion by Alderman Gary Mahkorn, second by Citizen Member Mike Franz approving staff recommendation to approve the Conditional Use Permit for a 62-suite (up to 70 residents) Community-based residential facility, Anita's Gardens, at the southwest corner of the intersection of W. Lisbon Road and Pilgrim Road intersection because the proposed use meets the criteria 1-10 listed under §17.108.050 I. The Plan Commission has read and agrees with the written Findings of Fact, Applicable Law, and Recommendation to the Common Council and forwards said document included with the June 12, 2023 Plan Commission packet as part of its recommendation to the Common Council. Motion carried 6-0.

Motion by Alderman Gary Mahkorn, second by Citizen Member Mike Franz approving staff recommendation to approve the new plan and method of operation and the temporary landscape easement for street yard landscaping, for a 62-suite (up to 70 residents) residential care facility, Anita's Gardens, at the southwest corner of the intersection of W. Lisbon Road and Pilgrim Road intersection subject to 15 conditions. Motion Carried 6-0.

Citizen Commissioner Scott Thomas recused himself from the next item as he works for EUA, the firm that designed the project (item c). Mr. Thomas left the room and returned before the beginning of the next agenda item.

- c) Request of Irgens and Shoppes at The Corridor, LLC, 833 E Michigan Street, Suite 400, Milwaukee, WI 53202 – c/o Rob Oldenburg, Senior Vice President, Development, to schedule a public hearing to amend the zoning district regulations “PDD Dimensional Standards” of “PDD” Planned Development District Commercial (Mixed Use) Number 20, ordinance no. 2423-15, and corresponding Planned Development District General Plan for The Corridor, in association with the proposed development of the remaining vacant commercial lot of the PDD at 350 Discovery Drive. (SE ¼ of Section 28) – RV**

Report:

1. The site of the proposed development is one lot located within the Bluemound Road/I-94 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 Calhoun Road South Neighborhood Plan – 2001 (Neighborhood Plan). The recommended land use of the Neighborhood Plan for the site is “Commercial/Office”. The adopted land use of the Comp Plan is “Mixed Use – Higher Density”. The site is zoned “PDD” Planned Development District Commercial (Mixed Use) Number 20 (PDD #20) via ordinance 2423-15. Ordinance 2423-15 amended ordinance 2392-14, establishing the “PDD Dimensional Standards” for the zoning district. A copy of the ordinance and Exhibit C, which lists the setback and offset regulations for each lot within the district, is attached to this report.
2. The applicant is seeking to amend the “NEIGHBORING EAST PARCEL OFFSETS” of “Lot 2 South” under “PARKING SETBACKS AND OFFSETS” in the table of dimensional requirements of Exhibit C from ten feet, “10’,” to five feet, “5’,” and to make corresponding text amendments to “The Corridor PDD / General Plan” document (General Plan). The five-foot reduction in parking offset requirement from the adjacent lot to the east, Swanson Elementary School, is requested to create site conditions that are more favorable and competitive in the market in securing high quality tenants. Specifically, the building footprint and lease spaces,

site accessibility for pedestrians and vehicles, and the configuration of parking spaces are improved by amending the east offset by five feet.

3. §17.08.070.B.2.b.ii. of the Municipal Code requires property owners seeking a zoning amendment to submit:
 - ii. A written explanation of how the proposed rezoning complies with the City’s comprehensive plan, including a general description of how the intended land use is in compliance with the comprehensive plan and citation to the comprehensive plan, neighborhood plan or other document incorporated into the comprehensive plan.

Property owner’s submitted letter with explanation and minor text amendment to the General Plan is attached to this report. The letter acknowledges the Comp Plan’s designation of the site as “Higher Density Mixed Use” and fulfillment of jobs and shopping goals. References to the Neighborhood Plan and how the proposal would fulfill development buildout of high quality retail, office, and other mixed-use such as medical wellness are unchanged in the General Plan document.

4. The development sought through the zoning amendment is a one-story retail and medical office building with approximately 21,500 square feet of total rentable space. Architecture of the proposed building is consistent with the design requirements established for PDD #20, featuring primarily brick facades with an upper area of fiber cement wall panels for signage, and cast stone sills, lintels, headers, and other detailing with prefinished metal copings and fascia. Overall building material color palette is earth tones consistent with the solutions of surrounding buildings in The Corridor. Building layout is designed for multiple tenants with flexibility in dividing spaces to accommodate leasing for a variety of business sizes and occupancies. Six tenant spaces are depicted in the submitted architectural plans. Proposed site layout is consistent with the original General Plan concepts depicted for the lot. The principal building is located in the northwest corner along Discovery Drive with site parking positioned behind the building to the east. A total of 107 surface parking spaces are depicted in the submitted site plan. Traffic impact analysis report is not required for the proposal, and preliminary plans demonstrate that, except for the requested zoning amendment, compliance with the municipal code could be achieved.
5. The proposed zoning amendment is consistent with the Comp Plan. Resultant site configuration and building ensures that high quality businesses already operating in Brookfield remain in the City with an environment that promotes their growth (Jobs and Shopping Objectives #4 pg.67) by providing sufficient business sites for the community to be competitive in attracting high quality enterprises, and in helping existing businesses grow if relocation is necessary (Jobs and Shopping Policies #2 pg.68).
6. In terms of procedure, the applicant will consider the comments and recommendations of the Plan Commission regarding the proposed zoning amendment and development. The applicant may alter the details of the proposed PDD zoning accordingly prior to noticing the public hearing and the required neighborhood information meeting (NIM). The Plan Commission’s recommendations regarding the rezoning are reported to the Common Council by the Community Development Department for consideration at the public hearing. After the public hearing, the applicant’s submitted application for Specific Plan of the development proposal can be reviewed by the Plan Commission and acted on concurrent with recommendation from the Plan Commission regarding the rezoning request. Both the rezoning and new plan and method of operation would proceed to the Common Council for action on an ordinance to amend the zoning of the site and a resolution on the development plan. Alternatively, the rezoning could be acted on by the Common Council the night of the scheduled hearing.

Staff Recommendation: The Plan Commission should discuss the proposed zoning amendment and associated development, providing direction to the applicant regarding any modifications the Commission recommends. Staff recommends that the Commission finds the requested zoning amendment is consistent with the objectives and land use recommendations stated in the Neighborhood Plan and 2050 Comprehensive Plan, directing the Plan Commission

Department of Community Development to schedule a public hearing regarding the request; recommends a neighborhood information meeting is held prior to the public hearing; and recommends the Common Council adopt an ordinance regarding the proposed amendment to "PDD" Planned Development District Commercial (Mixed Use) Number 20 with corresponding amendment to the General Plan, subject to the applicant providing evidence of consent from all property owners within the district on the applicant's proposed amendment. It is also recommended that the Mayor directs that the Common Council agenda be scheduled for action on the rezoning the night of the public hearing.

Planning Administrator VanDerWal summarized the proposal.

Mr. Rob Oldenburg of Irgens addressed the Plan Commission, speaking to the history of the project, and summarizing the current request.

Topics Discussed

- The city's definitions of high density and mixed use and how the current project and overall development meets those definitions
- Communication with the Elmbrook School District
- Onsite snow storage

Motion by Alderman Rick Owen, second by Alderman Mike Hallquist to approve staff recommendation to approve scheduling a public hearing regarding the proposed zoning amendment to "PDD" Planned Development District Commercial (Mixed Use) Number 20 with corresponding amendment to the General Plan, subject to the applicant providing evidence of consent from all property owners within the district on the applicant's proposed amendment and that the Mayor directs that the Common Council agenda be scheduled for action on the rezoning the night of the public hearing. Motion carried 5-0 (Thomas recused).

- d) Request of Sikh Religious Society of Wisconsin, Inc., 3625/3675 N. Calhoun Road, Brookfield, WI 53005 – c/o Nathan Remitz, Project Manager of Patera Architecture + Engineering, for approval of: a preliminary concept map to combine two existing lots of record into one lot; conditional use permit for religious use buildings and accessory buildings, including housing, temporary limited easement for landscaping, subdividers agreement, and revised plan and method of operation permitting construction of a new religious building, which includes living accommodations associated with the religious institution, and related site modifications, accessory building, and outdoor play space at 3625 N Calhoun as an extension of existing conditional use permit operations at earlier said address. (NE ¼ of Sec. 9) – EZ
****Application Withdrawn****

This item has been withdrawn by the applicant. Revised plans will be resubmitted.

- e) **Plan Commission Discussion: Report of the Department of Community Development to the Plan Commission, per 17.08.070.A. of the Municipal Code, to initiate an amendment to Chapter 17.88 Floodplain District and associated overlay zoning district boundaries for adopting the Revised Preliminary Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) issued by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) for compliance with Section 1361 of the National Flood Insurance (NFI) Act and 44 CFR 60.3(d) of the National Flood Insurance Program (NFIP), and scheduling a public hearing regarding proposed amendments. – RV**

Report:

1. The City has received notification of the final flood hazard determination for Waukesha County from FEMA. The statutory 90-day period for appeals has ended and the latest FIS report and FIRM are considered final. These will become effective on October 19, 2023, and Brookfield's community number and new suffix code for the

panels being revised on the FIRM must be used for all new policies and renewals of insurance through the NFIP. All standards specified in 44 CFR 60.3(d) of the NFIP must be enacted in a legally enforceable document, including adoption of the current effective FIS report and FIRM and other modifications made by this map revision (details of the above explanation can be found in the attached FEMA letter dated April 19, 2023). Most of the standard regulations necessary are already present in the City’s existing Municipal Code for current compliance and eligibility in the NFIP. The City has three options for meeting the additional requirements of the latest NFIP standards:

1. Amend existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d);
2. Adopting all the standards of 44 CFR Part 60.3(d) into one new, comprehensive set of regulations;
or
3. Show evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 44 CFR Part 60.3(d)

Of these options, only the first two could be met by the City. A comprehensive restructuring of the City’s environmental corridor regulations is not underway and such effort is not identified or deemed necessary in the City’s 2035 Park and Open Space Plan and 2050 Comprehensive Plan. For these reasons, City staff has proceeded toward accomplishing the first option of amending existing regulations to incorporate the additional requirements for compliance.

2. Counties, cities, and villages with designated flood hazard areas administer floodplain zoning ordinances under the authority of section 87.30, Wis. Stats. The Wisconsin Department of Natural Resources (DNR) is required by the State Legislature to review floodplain, shoreland, and shoreland-wetland zoning ordinances of local units of government and to oversee the administration of those locally administered ordinances. The City’s Stormwater Project Engineer, Theresa Caven, has been coordinating the text amendments, adoption procedures, and DNR review and approval on necessary updates to the Municipal Code with assistance from other pertinent City staff. The proposed amendments to the code for compliance with Federal and State regulations and policies are attached to this report for the Plan Commission to review and consider in making a recommendation to the Common Council.
3. Per §17.08.070.C.2.b., any property in which the zoning district classification is being amended, or the property owner qualifies for notification under Section 17.08.065, the City Clerk shall mail written notice at least 10 days before the hearing to all owners of the subject property and of lands lying within 300 feet within the City of the property proposed to be changed. Department of Community Development will arrange to host a neighborhood information meeting and invite the owners of property within 300 feet of any properties with zoning district classification change to answer questions and inform the owners on the matter prior to the public hearing.

Staff Recommendation: The Plan Commission recommends adoption of the proposed text amendments to Chapter 17.88 Floodplain District and associated district boundary changes to the Common Council and that the Common Council schedule the necessary public hearing on the amendments. It is also recommended that the Mayor directs the Common Council agenda be scheduled for action on the proposed amendments the night of the public hearing.

Planning Administrator VanDerWal summarized next steps for adopting the revised flood maps.

Topics Discussed

- Necessity of the Neighborhood Information Meeting
- October 19, 2023 deadline for ordinance adoption
- Details of notifications by FEMA/DNR
- Format of the public hearing before the Common Council

Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist to approve staff recommendation to recommend adoption of the proposed text amendments to Chapter 17.88 Floodplain District and associated district boundary changes to the Common Council and that the Common Council schedule the necessary public hearing on the amendments and recommends that the Mayor directs the Common Council agenda be schedule for action on the proposed amendments the night of the public hearing. Motion carried 6-0.

- f) Plan Commission Discussion: Report of the Department of Community Development to the Plan Commission on proposed amendments to the Site Development and Landscape Standards regarding landscaping requirements in the City, and Plan Commission review and comment regarding proposed amendments. – RV**

Report:

1. The Site Development and Landscape Standards (SDLS) were established on April 19, 2022, via ordinance 2793-22, as a result amending the City's design standards at the time, the Site Development Standards for Non-Residential Uses, for improved clarity, enforcement, and defensibility of regulations contained within the document. The updated language was an element of the Plan Commission's ongoing efforts with City staff to keep the City's design standards concurrent with best practices and desired results for development and redevelopment throughout the City. Particularly, the effort considers the regulatory balance of rigid, mathematical regulations (referred to by Commissioners as "paint by numbers"), which guarantee specific outcomes but stifle innovation and architectural expression, and the flexibility necessary in achieving redevelopment of dated and challenging properties in the City, which ensures new tax base creation but can slowly diminish overall quality through the abuse of the provided flexibility by developers/property owners for quicker return over long-term value and resiliency. Ultimately, the SDLS needs to provide a clear, fair, and defensible regulatory framework for City officials and staff to use in evaluating and approving projects. These regulations also need to balance costs not only to property owners and developers, but to the City by way of staffing necessary to review and provide recommendations. Many of the adopted City of Brookfield 2050 Comprehensive Plan (Comp Plan) goals, objectives, policies, programs, and initiatives are inherently tied to the regulations of the SDLS as a result. Land use, destinations, sustainability, natural resources & recreation, and community value chapters are all impacted by the outcomes of the built environment, and the process thereto, established through the SDLS.
2. In 2020, the Department of Community Development's hired planning consultant, Peter Bratt, began the work necessary for updating the portion of the design standards that regulate landscaping. Over the past year, Community Development secured the contractual services of Roger Dupler, who has qualified education and expertise in planning and landscaping design, to complete the remaining work on the landscape standards update. City staff and the hired consultants engaged with local landscape architects for their professional input on the condition of the landscaping standards, particularly regarding areas of poor functionality, clarity, design & maintenance practices, and outcomes contradictory to the intent of the standards. Parks & Forestry Superintendent, Gary Majeskie, also provided consultation on appropriate amendments to the standards, particularly regarding various plant species' hardiness, proneness to disease(s), pests, maintenance, and native habitat (i.e. preventing and controlling invasive species) alongside direction toward bringing the overall standards concurrent with industry standards and practices.
4. Roger Dupler and City staff, including Planning Administrator, Associate Planner, Assistant City Attorney, Engineering Project Manager, Project Engineer, and Stormwater Engineer, have drafted recommended amendments to the SDLS for the Plan Commission to consider. The attached amendments are representative of the collective work accomplished thus far between the consultants, City staff, and local practicing landscape architect professionals. For ease of tracking the proposed changes, the attachments are limited to the

regulatory content being updated within the landscape standards. Changes to the organization of the content within the document are not included for this purpose, and those changes are still being worked on by Mr. Dupler and City staff. Overall summary of proposed changes:

- Making the SDLS applicable in all zoning districts (including single family residential but retaining the exceptions from regulations for single family homes in those districts) and incorporating all related landscaping requirements in the City (Residential Development Landscaping Standards, Landscape Requirements & Maintenance Standards for Stormwater Detention/Retention Basins, etc.) to be contained within the SDLS so that all design requirements and regulations can be found in one document.
 - Updating language, requirements, review, and recommendations regarding landscape berming, street yard landscaping, vehicle use area landscaping, buffer strip landscaping, stormwater management, and easement plantings.
 - Updating language and requirements regarding plan preparation, sureties, plant species, and landscaping credit, replacement, and preservation.
5. Department of Community Development will coordinate additional amendments necessary with Mr. Dupler and the rest of the assigned City staff regarding the organization of the document. Other items that will be addressed include consistency with the Municipal Code (and any amendments therein), functionality of navigation, and overall formatting. A report and associated attachments regarding those matters will be presented to the Plan Commission at a later meeting when completed.

Staff Recommendation: Proposed amendments to the adopted Site Development and Landscape Standards are deemed necessary by City staff for improved clarity, enforcement, and defensibility of regulations. The amendments also support advancement of the progress measures in the adopted 2050 Comprehensive Plan’s vision statements for Sustainability, and Natural Resources and Recreation, alongside various objectives, policies, programs, and initiatives throughout the document’s chapters. The Plan Commission should discuss the proposed amendments and direct any further amendments desired by the Commission to City staff.

Planning Administrator VanDerWal summarized proposed amendments to the Site Development and Landscape Standards.

Topics Discussed:

- Updated sections of regulation in the proposed Site Development and Landscape Standards update.
- Updated terminology and definitions
- Landscape berming
- Landscape planting installation, measurements, requirements, and design solution flexibility.
- Landscape preservation, particularly with regard to mature trees
- Tree removal as associated with development related to utilities and/or stormwater management
- Coordination with City code
- Ensuring the standards promote bio-diversity in landscape plans vs. “Monoculture” of planting species

No Action Taken.

- g) Plan Commission Discussion: Report from the Department of Community Development to the Plan Commission, per 17.08.070. A. of the Municipal Code, to initiate Title 17 amendments as necessary to allow more than one principal building on a lot as part of Conditional Use approval and scheduling a public hearing regarding proposed amendments. – DE/JA**

Report:

As part of the SRS (Sikh Religious Society) conditional use application process, Staff realized there is an issue with

the City's Zoning Code that would not have allowed the applicant to keep the existing building as an auxiliary building and build a new gurdwara. If both buildings remained, they could not both be principal buildings but the existing building also could not be an "accessory building" because it is not the type listed in the permitted accessory buildings for the R-1 District at §17.28.010.F., nor does it meet the regulations for accessory buildings, such as maximum height (15') at §17.36.030.B.

To allow both buildings to remain on this parcel, should the applicants wish, or for other similarly situated conditional use requests, some adjustments to the Code are necessary. There are at least four other parcels with conditional uses that contain more than one principal building¹.

Staff's initial thoughts on ways to address this issue are: 1) to specifically allow certain types of conditional uses to have more than one principal building; and 2) authorize additional types of accessory buildings in residential districts for specific types of conditional uses. If changes are made to accessory uses, there would need to be some changes to accessory building regulations in Title 15 and in the residential zoning districts as well.

Our initial thoughts on language for the changes are as follows:

Create:

17.***²Number of principal and accessory buildings for conditional uses

In the R-2 and R-3 single-family residential zoning districts there shall be no more than one principal building on a lot, except for a religious, school, hospital, residential care facility, [parks and community centers]³ conditional use which may have more than one principal and one or more accessory buildings when the parcel is more than 120,000 square feet in size and in compliance with all other regulations such as lot coverage.

Amend:

17.104.010 Building must be on a lot.

Every building hereafter erected, structurally altered or moved from one location to another in the city shall be located on a lot.

To keep this process moving, Staff will schedule a public hearing for the July 18, 2023, Common Council meeting with the proposed text revisions on the July 10 Plan Commission meeting.

Director Ertl summarized the need for the proposed text amendment.

Motion by Alderman Gary Mahkorn, second by Citizen Member Scott Thomas to approve staff recommendation to schedule a public hearing on the proposed text amendment. Motion carried 6-0.

5. Adjournment

Motion by Alderman Mike Hallquist, second by Alderman Rick Owen to adjourn the meeting at 8:29 pm.

Motion carried unanimously.

Respectfully Submitted:

Daniel F. Ertl

Director of Community Development

¹ Brookfield Academy, Elmbrook Hospital, Azura Memory Care, Brookfield Lutheran Church and Grace Landing.

² Section number to be decided, could be numbered as §17.104.015. or placed in conditional use section at §17.108.050.**.

³ Staff needs to further study these uses.