



MINUTES OF AN OFFICIAL MEETING

Regular Meeting of: Plan Commission

Date and Time: Monday, August 7, 2023, at 6:30 pm

Location: City Hall Council Chambers, 2000 North Calhoun Road, Brookfield WI

Members Present: Mayor Steven Ponto (Chairman), Alderman Gary Mahkorn, Alderman Mike Hallquist, Alderman Rick Owen, Commissioner Michael Franz, Commissioner Scott Thomas, Commissioner Austin Moore

Others Present: Director of Community Development Dan Ertl, Fire Chief Dave Mason, City Engineer Dan Erickson, Planning Administrator Richard VanDerWal, Associate Planner Emily Zandt, Alderman Jerry Mellone, Alderman Chris Blackburn

Members Absent/Excused: none.

8/7/2023 - Minutes

1. Roll Call

Mayor Steven Ponto noted a quorum present and called the Plan Commission to order at 6:33 pm.

2. Announcements

- a. The Next Regularly Scheduled meeting is September 11, 2023, 6:30 PM

3. Approval of Minutes

- a. Minutes of the July 10, 2023 meeting.

Motion by Alderman Gary Mahkorn, second by Alderman Rick Owen to approve the minutes of the July 10, 2023, Plan Commission meeting with technical corrections. Motion carried 7-0.

4. New Business

- a. 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, for approval of a PDD Specific Plan, new plan and method of operation, development agreement amendment, and temporary limited easement for street yard landscaping for construction of an approximate 22,000 square foot retail and medical office building, site improvements, and landscaping, in association with the proposed development of the remaining vacant commercial lot of The Corridor at 350 Discovery Drive. (SE ¼ of Section 28) – RV **Requires Common Council Action**

Citizen Commissioner Scott Thomas recused himself from Item 4.a. and left the Council Chambers. He returned after the vote on this item.

Report:

1. Refer to the following links to review the previous staff report related to the request:

- [June 12, 2023, Plan Commission Meeting Packet](#)

2. The site 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 2503-18. Ordinance 2503-18 is the second amendment, first amendment being ordinance 2423-15, of ordinance 2392-14, establishing the “PDD Dimensional Standards” for the zoning district.

3. Applicant received unanimous recommendation from the Plan Commission at its June 10, 2023, meeting for approval of a third zoning amendment to PDD #20, which would permit a reduction under “PARKING SETBACKS AND OFFSETS” for the site, in the table of dimensional requirements of Exhibit C, from ten feet, “10’,” to five feet, “5’,” permitting five-foot reduction in parking offset requirement from the adjacent lot to the east, Swanson Elementary School. A copy of the draft ordinance and Exhibit C for the requested zoning amendment is attached to this report for reference.

4. A neighborhood information meeting was held on July 13, 2023, in the Council Chambers regarding the zoning amendment. The applicant was in attendance alongside Alderman Blackburn, and one resident. No comments were submitted and no resident recorded attendance on the sign-in sheet. The public hearing on the zoning amendment was held on July 18, 2023, during the regularly scheduled Common Council meeting. No members of the public spoke or submitted a public speaking form on the matter. Council Members asked for confirmation on whether Swanson Elementary School representatives from the Elmbrook School District were in favor of the zoning amendment, and their support was confirmed by the applicant and a letter from the School District submitted into the record.

5. The Common Council postponed action on the zoning amendment until the applicant submits evidence that State Statutory requirements regarding consent of all property owners within PDD #20 have been fulfilled. This report addresses conformity of the requested Specific Plan and new plan and method of operation to that of the regulations for the proposed zoning amendment. All aspects of a Plan Commission recommendation for approval of the request shall be conditioned upon the Common Council adopting an ordinance enacting the proposed zoning amendment first.

6. Proposed Site Development Characteristics:

Lot Area: 84,550 sq. ft. (1.941 ac)

Building Setback: 24’ North (10’ min. Frontage Road), 10’ West & Southwest (10’ min. Discovery Dr.)

Pavement Setback: 10’ North (10’ min. Frontage Road), 10’ West & Southwest (10’ min. Discovery Dr.)

Building Offset: 10’ North (10’ min. Frontage Road), 117’ East (25’ min. East Parcel)

Pavement Offset: 32’ North (10’ min. Frontage Road), 8’ East (5’ min. East Parcel)

Building Height: 26’ new building, existing unchanged (35’ max.)

Building Size: 21,500 sq. ft.

Parking Spaces: 107 surface (107 req.)

Floor Area Ratio: 25.43% (30% max.)

Impervious Surface Area: 63,239 sq. ft.

Greenspace Area: 21,311 sq. ft.

Lot Coverage: 74.8%

Landscape Area Ratio: 15.2%

7. Submitted site plan indicates two ingress/egress access points are proposed, one connecting with the frontage road at the north end of the site and one connecting with Discovery Drive at the south end. Parking lot is located to the east behind the principal building, with the building situated along Discovery Drive. Trash and recycling bin storage is collectively located in an enclosure at the northeast corner of the site, constructed of materials consistent with principal building, and orientated with doors opening to the south and appropriately screened by landscaping from public view. A complete traffic impact analysis report was not required for the request as it does not create a change exceeding 100 vehicles in the peak hour where such analysis is required by code (§17.100.070.H). Site plan does not conform to section "III. Parking and Site Access" of the City's Site Development and Landscape Standards. "Parking Location" III.1.B. requires separation of parking lots from buildings with a minimum ten (10) foot wide space which accommodates landscape plantings and/or pedestrian circulation. Submitted plan has 7.5 foot wide sidewalk positioned between the building and the parking lot. Staff advises the Plan Commission to require the applicant modify plans to obtain ten feet of separation between the building and parking lot with sidewalk, landscape plantings, or a combination of both, per III.1.B. of the Site Development and Landscape Standards, as a condition in authorizing the applicant's request.

8. Proposed building architecture is consistent with Site Development and Landscape Standards (SDLS) and is unchanged from the submitted designs reviewed by the Plan Commission on June 12. The new building's mass and scale are appropriately designed, fenestration is appropriately positioned, and pedestrian scale elements enable recognition of its multiple potential entries for leasing spaces. Architecture, materials, and color are consistent with the design requirements established for PDD #20, featuring primarily brick facades with manufactured stone base, 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. No single material is utilized for more than sixty percent of the facade presentation. Overall, the proposal achieves a cohesive site design. Building materials used throughout are:

- Dark (coffee & dark brown earth tones) and light (caramel & brown earth tones) utility brick in running bond
- Manufactured stone in multi-colored earth tones
- Cast stone in light beige
- Fiber cement longboard siding in Western Cedar (stained red cedar-look finish)
- Prefinished metal in Sandstone (light beige)
- Storefront vision glass and door systems in clear anodized aluminum

9. Applicant submitted a landscape plan for review and compliance with City standards. Tree and shrub plantings along the eastern property line fulfill SDLS requirements and the intended landscape screen for the neighboring property to the east, Swanson Elementary School, of the PDD General Plan.

10. The applicant is in receipt of a missive dated May 30, 2023, by Fire Chief David Mason identifying fire prevention, alarm, suppression, and life safety code compliance requirements.

11. Grading, drainage, erosion control, and SWMP application and memo of conformance with the approved SWMP for The Corridor have been submitted to the Engineering Division.

12. Amendment to the Planned Development District development agreement will secure necessary public improvements, access, grading, drainage, landscaping, and stormwater management in the project. Accompanying temporary limited easement for landscaping will secure necessary access by the City and/or its agents to install and maintain street yard landscaping in the project per City ordinances and standards.

Staff Recommendation: The Plan Commission recommends the Common Council approves the PDD Specific Plan, new plan and method of operation, and authorize the Mayor to execute development agreement amendment and temporary limited easement for street yard landscaping on behalf of the City, permitting construction of an approximate 21,500 square foot retail and medical office building, site improvements, and landscaping, in association with the proposed development of the remaining vacant commercial lot of The Corridor at 350 Discovery Drive, subject to items 1-13 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 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, subject to the conditions for modifying plans in conformance with code directed to the applicant.

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 detrimentally 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, site improvements, and landscaping fulfill the stated standards therein subject to the conditions for modifying plans in conformance with the standards directed to the applicant.

1. Common Council adopting an ordinance enacting the proposed zoning amendment for “PDD” Planned Development District Commercial (Mixed Use) Number 20.
2. Statement of Operations/Application Letter dated June 7, 2023 by Irgens, Rob Oldenburg, Senior Vice President, Development.
3. Site plan dated May 5, 2023 by The Sigma Group, including modify plans to obtain ten feet of separation between the building and parking lot with sidewalk, landscape plantings, or a combination of both, and technical corrections presented by the City Engineering Division.
4. Building plans, elevations, renderings, and material samples dated May 8, 2023 by Eppstein Uhen Architects, subject to technical corrections presented by Department of Community Development and Inspections.
5. Compliance with site access, fire alarm, suppression, and life safety code compliance requirements specified in a missive dated May 30, 2023, by Fire Chief David Mason.
6. 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.
7. Payment of applicable fees to the Community Development Department prior to issuance of a building permit: \$ TBD Engineering Review Fee, \$ TBD Development Agreement Amendment
8. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
9. All signage subject to separate review by Zoning and Building Administrator, including warranted conditions for traffic and pedestrian sightlines from Chapter 11 Section 25 of the Facilities Development Manual of WisDOT alongside other corrections identified by Engineering Division, in review and approval of signage.
10. Submittal of final site landscape plan per 17.100.122 of the City of Brookfield municipal code, preliminary plan dated May 5, 2023 by The Sigma Group, prepared by registered landscape architect consistent with the requirements of the Site Development and Landscape Standards

subject to City of Brookfield consultant, Community Development, and Inspections Department review and approval, with technical corrections secured with a letter-of-credit (City forms available from the Department of Community Development) or cash escrow equal to \$37,383.00 (\$2,550 per 1,000 sq. ft. street yard) for installation, \$6,450.40 for four (4) years of maintenance (\$440 per 1,000 sq. ft. of street yard) and a four (4) year temporary landscape easement for street yard maintenance (using forms available from the Department of Community Development) all deposited with the Department of Community Development prior to issuance of a building permit (14,660 sq. ft. of street yard).

a. A recertification "as-built" survey must be performed by a licensed landscape architect indicating that all elements of the approved Streetyard Landscape Plan has been completed within tolerance as approved by staff per the approved plan. The recertification documents must be wet stamped and signed by said professional.

11.Planned Development District development agreement amendment securing necessary public improvements, access, grading, drainage, landscaping, and stormwater management in the project, and accompanying temporary limited easement for landscaping securing necessary access by the City and/or its agents to install and maintain street yard landscaping in the project per City ordinances and standards, all subject to City Attorney review and approval prior to recording.

12.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).

13.Plan and method of operation approval expires on August 15, 2025 unless a building permit is obtained prior thereto.

Alderman Mike Hallquist thanked the applicant for voluntarily reaching out to the school district to confirm support for the proposal. Alderman Gary Mahkorn asked if all signatures from the property owners in the PDD have been received. It was stated that they are still waiting on one landlord signature, which they anticipate having prior to the Common Council vote on Tuesday, August 15th. Director Ertl stated that this item will postponed if the signatures is not received prior to the Common Council Meeting.

Motion by Alderman Rick Owen, second by Alderman Gary Mahkorn to approve staff recommendation for approval of the PDD Specific Plan, new plan and method of operation, and authorizes the Mayor to execute development agreement amendment and temporary limited easement for street yard landscaping on behalf of the City, permitting construction of an approximate 21,500 square foot retail and medical office building, site improvements, and landscaping, in association with the proposed development of the remaining vacant commercial lot of The Corridor at 350 Discovery Drive, subject to A through D and items 1 through 13 listed in the staff recommendation. Motion carried 6-0 (Thomas recused).

- b. Request of Westmoor Country Club, 400 S. Moorland Road, Brookfield, WI 53005 – c/o Daniel Morn, General Manager and Kahler Slater Architects, for approval of a revised plan and method of operation in association with a 2,000 square foot building addition, a 2,700 square foot covered porch, and façade improvements on the existing club house at said address. (NW ¼ of Section 35) – EZ **Requires Common Council Action**

Citizen Commissioner Austin Moore and Citizen Commissioner Michael Franz recused themselves from Item 4.b. and left the Council Chambers. Both Commissioners returned after the vote on this item.

Report:

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 Comp Plan is "Nature, Recreation, & Community Facilities – Parks & Recreation". The property is zoned Rec – Recreation District with four Conditional Use Ordinances, previously approved. With the Conditional Use Ordinance Update in 2020 (Ord. 2606-20), the golf course and associated uses became a permitted use in the Recreational District.

2. The proposed project includes a 2,700 square foot covered patio on the south and east sides of the clubhouse, an interior addition of 2,000 square feet, interior remodel of the main floor of the club house, and a partial refacing of the west, south, and east facades of the building to match the existing tudor-inspired architecture of the rest of the building.

3. Site Development Characteristics:

Lot Area: 6,476,283 sq. ft. (148.675 ac)

Area of disturbance: 4,835 sq. ft.

Impervious Surface to be Added: 300 sq. ft.

Parking Stalls (existing surface): 225

4. The submitted site plan indicates no changes to ingress/egress access points. There will be no modifications to the existing parking lot. Section 17.120.010 Space Required does not list a specific number of spaces required for golf/country clubs, but states that the required number of parking spaces is "to be determined by the plan commission based upon report prepared by applicant." As indicated in the Statement of Operations, no additional parking stalls are needed as a result of this project. Club membership is already near capacity and there is no anticipated increase in vehicle trips because of the project. As such, a complete traffic impact analysis was not required for the request. The general operations and hours of operations of the Country Club will not change with this project application.

5. The proposed architecture and building materials are generally consistent with the City's Site Development Standards for Non-Residential Uses. The proposed façade improvements will update the south side of the building to better tie-in with the existing tudor-style architecture. The new materials will match the existing architecture and building materials for visual continuity. Roof pitches, massings, proportions, and details are consistent with the existing building, collectively establishing strong architectural motifs. The proposed covered porch addition is consistent with existing building colors and materials for a cohesive site design.

6. 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.

7. Remedial landscaping will be provided in the area of the improvements. No street yard or offset landscaping is required as a part of this project.

8. The applicant is in receipt of a missive dated July 11, 2023, by Fire Chief David Mason identifying preliminary fire alarm, suppression, and code compliance requirements.

9. Grading, drainage, erosion control, and SWMP application have been submitted to the Engineering Division.

10. The proposed addition will add 300 square feet of impervious surface to the site. This quantity does not require stormwater management improvements.

11. A premise extension application for the existing liquor license has been submitted to the City Clerk's Department to include the proposed covered porch area and building addition.

Staff Recommendation: The Plan Commission recommends that the Common Council approves the Revised Plan & Method of Operation application for 400 S Moorland Road to allow a 2,000 square foot building addition, 2,700 square foot covered porch, façade improvements, and associated site improvements, subject to items 1-10 below because it determines, as the Plan Commission has determined, that the proposed building addition and use:

A. Will not have a substantial adverse effect on traffic safety because the traffic demand of 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 – 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 submitted by Daniel Morn, General Manager of Westmoor Country Club.

2. Site and Civil Plans dated June 28, 2023 by Vierbicher, including technical corrections presented by the City Engineering Division.

3. Building plans, elevations, and renderings dated July 3, 2023 by Kahler Slater Architects, including technical corrections.

4. Compliance with site access and life safety code requirements specified in a missive dated July 11, 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. Payment of applicable fees to the Community Development Department prior to issuance of a building permit: \$ TBD Engineering Review Fee

7. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.

8. Il signage subject to separate review by Zoning and Building Administrator.

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 August 15, 2025 unless a building permit is obtained prior thereto.

Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist to approve staff recommendation for approving the Revised Plan & Method of Operation application for 400 S Moorland Road to allow a 2,000 square foot building addition, 2,700 square foot covered porch, façade improvements, and associated site improvements, subject to A-D and items 1-10

listed in the staff recommendation. Motion carried 5-0. (Moore, Franz recused.)

- c. Request of Brookfield Ventures LLC., 1005 S Moorland Road, Brookfield, WI 53005 – Gurpreet Dhillon, Managing Member of Brookfield Hotel and Suites, on behalf of IHOP for approval of a minor revision to plan and method of operation permitting application of trade dress in association with exterior building modifications at 1005 S. Moorland Road (SE ¼ of Section 34) EZ **Requires Common Council Action**

Report:

1. The site is located in the South Gateway 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 of the site is the South Gateway Neighborhood Plan. The adopted land use of the neighborhood plan is "Commercial". The adopted land use of the Comp Plan is "Shopping/Services Focused – Higher Density". The site is zoned "B-5" Gateway Business District. Proposed exterior building modifications applying trade dress to a building facade is a permitted use.

2. Applicant's building is located in a center characterized by uniform architecture. The City's Site Development Standards for Non-Residential Uses directs review and approval of trade dress to the Plan Commission under the following conditions (Ordinance No. 2296-12):

- The applicant can demonstrate investment in and commitment to a trade dress/branding program.
- The trade dress/branding is not a detriment from building form or architecture in centers characterized by uniform architecture.
- The trade dress/branding is consistent with or complimentary to the forms, colors and textures in use at the center or building cluster.
- The application of trade dress/branding is reserved to the anchor tenant spaces when applied in centers characterized by uniform architecture.
- The application of trade dress/branding is reserved to no more than two anchors tenant spaces when applied in centers characterized by uniform architecture.

3. Staff has reviewed the applicant's proposal and recommends the following determinations:

- IHOP exhibits strong and consistent application of requested trade dress/branding in its products, marketing, and stores. Condition "A." is met.
- Requested trade dress/branding is being applied to existing architectural elements without changing their form while also introducing vertical elements to the tenant space that are complementary to those in the rest of the center. The application of trade dress will emphasize the exterior restaurant entrance. Condition "B." is met.
- Requested trade dress/branding includes vertical wood-like panels, blue and red accents, and blue awnings which are complimentary to the existing forms and signage in use at the center. Condition "C." is met.
- Requested trade dress/branding is being applied to anchor tenant space of the building characterized by uniform architecture. Condition "D." is met.
- Requested trade dress/branding does not exceed the limit of two anchors tenant spaces having trade dress/branding applied in centers characterized by uniform architecture. Condition "E." is met.

4. Based upon these determinations, the request meets all applicable standards in requesting the application of trade dress in a center characterized by uniform architecture. The proposed strategy is designed to fit into the rest of the development as much as possible while still exhibiting the purpose of recognizable branding.

5. It should be noted that the signage branding package included the application materials indicates the restaurant will be open 24-hours. This is not the case. This sign will not be posted on the building and hours of operation will be consistent with those listed in the application letter (Sunday-Thursday 7am - 10pm and Friday-Saturday 7am-1pm).

Staff Recommendation: The Plan Commission determines the requested application of trade dress/branding in a center characterized by uniform architecture is appropriate and approve the minor revision to plan and method of operation permitting application of trade dress in association with exterior building modifications at 1005 S Moorland Road subject to items 1-6 below because it determines, as the Plan Commission has determined, that the proposed structure modifications and use:

A. Will not have a substantial adverse effect on traffic safety because the traffic demand of 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 – parcel is adequately served by existing City sewer and City water main and the proposed structure modifications and use 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. Application Letter received July 3, 2023 submitted by Gurpreet Dhillon, Managing Member of Brookfield Ventures, LLC.
2. Building elevations, IHOP Branding signage, exterior finishes, and color samples, including technical corrections.
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 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).
6. Minor revision to plan and method of operation approval expires on August 15, 2023 unless a building permit is obtained prior thereto.

Alderman Mike Hallquist requested a clean copy of the proposed trade dress for the Common Council final action.

Motion by Alderman Mike Hallquist, second by Citizen Commissioner Austin Moore to approve staff recommendation for approving approval of a minor revision to plan and method of operation permitting application of trade dress in association with exterior building modifications at 1005 S. Moorland Road, subject to A-D and items 1-6 listed in the staff recommendation. Motion carried 7-0.

- d. Request of SAAK Real Estate, LLC, 18200 W Capitol Drive, Brookfield, WI 53045 – c/o Michael Schaefer, Senior Project Manager – Senior Associate, for approval of a revised plan and method of operation and temporary limited easement for street yard landscaping in association with a 2,368 square foot building addition for a new Ambulatory Surgery Center (ASC) and medical office use at said address. (SW ¼ of Section 4) – EZ **Requires Common Council Approval**

Report:

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 Comp Plan is "Shopping/Services Focused – Lower Density". The property is zoned B-1 Local Business District with a Modified Suburban Overlay (MSO) which was established as a result of the 1999 Capitol Drive Corridor Study, No. 2. (ORD 1692). The MSO designates this parcel (and the two to the west) for cluster suburban/new suburban development pattern and limits building footprints to 20,000 square feet.

2. The proposed project includes the removal of the existing bank drive-thru and a building addition to accommodate a new Ambulatory Surgery Center (outpatient surgery) on the first floor, and medical offices on the second floor. The second floor also includes space for a future tenant of the medical office. The proposed hours of operation for the medical clinic and ambulatory surgery center are 6am to 7pm. These hours classify the use as an intensive use under Section 17.108.090 Intensive Uses. As such, additional setback and landscaping standards apply to adjacent residential districts. These requirements read:

B. For any intensive use, the minimum offset between any building and any adjacent residential district is one hundred (100) feet for the area adjacent to the residential district only. The minimum offset between any off-street parking, driveways or loading spaces or paving and any adjacent residential district is seventy-five (75) feet for the area adjacent to the residential district only. Within the offset areas, landscaping and berming shall be provided and maintained to a minimum height of sixteen (16) feet. The average height of berming along any site boundary shall not be less than four feet in height and the maximum height of berming shall be not more than six feet in height, except for special circumstances approved by the plan commission under Chapter 17.100. The maximum slope of any berming shall not be greater than a ratio of 4:1. Landscaping shall consist of a combination of deciduous and evergreen trees and shrubs to provide a continuous year-round screen for a depth of twenty (20) feet within the landscaped area; and appropriate ground cover and other plant material shall be in the remainder of the landscaped area.

3. Proposed Site Development Characteristics:

Lot Area: 94,199 sq. ft. (2.16 ac)

Building Setback: 105.9' West Capitol Drive (100' min.), 105' Imperial Drive (100' min.)

Pavement Setback: 25' West Capitol Drive (25' min.), 25' Imperial Drive (25' min.)

Building Offset: 31.4' West (10' min.), 103' North (25' min.)

Pavement Offset: 23' North (25' min.), 10' West (10' min.)

Building Height: 35' (35' max., 15' max. accessory buildings)

Building Size: 12,372 sq. ft. (10,004 sq. ft. existing)

Parking Spaces: 94 Surface (existing), 106 surface (proposed)

Floor Area Ratio: 26.3% (30% max. including accessory buildings)

Lot Coverage – Impervious: 59.5% (70% max.)

Landscape Area Ratio: 40.0%

4. The submitted site plan indicates no changes to ingress/egress access points. The existing building and proposed building addition meet the 100' setback requirement of Section 17.108.090.B. from the residential district to the north, except for proposed mechanical enclosure on the north side of the building addition. The existing parking stalls on the north side of the building do not meet the 75' setback requirement from the residential district to the north. New stalls proposed on the north side of the building are also within the 75' setback area. The existing landscaping within the 20' offset area meets the 16' foot height requirement. Berming in this location would impact the existing stormwater swale that runs along the north side of the property and would not be consistent with the rest of the existing landscape buffer. The applicant has worked with staff to increase the buffer on the northside of the property by adding additional shrubs (evergreen and deciduous), within the required 20' buffer. The existing stormwater drainage swale prohibits the landscaping to cover the full 20' but the applicant has increased the number of plantings where possible. Staff advises the Plan Commission authorize a reduction in the intensive use requirements for offsets and landscaping within offsets, under its authority granted in Section 17.108.090.C. "Intensive Uses," to:

1. allow six (6) new parking stalls to be installed consistent with existing stalls within the required 75' offset
2. waive the berming requirements in this location
3. accept the proposed landscaping within the 20' offset buffer
4. allow mechanical equipment enclosure within the 100' building offset to a residential district

Staff advises the Plan Commission authorize the requirement reductions for the following reasons:

- Limitations of existing site layout
- Limitations of existing reciprocal access easements
- Aesthetic, traffic, safety, and emergency services preferences for continuity of site redevelopment with existing site development conditions.
- Fulfilling overall site parking with preferred continuity of existing development conditions.
- The existing stormwater drainage swale prohibits the landscaping to cover the full 20' but the applicant has increased the number of plantings where possible.
- Mechanical equipment enclosure is located to conform with Site Development and Landscape Standards and to facilitate access to the interior mechanical space on the west elevation.

5. There are currently a total of 94 surface parking spaces on the site. The proposed building addition project will include an addition of 12 parking stalls, totaling 106 stalls. The parking calculations provided on the Site/Utility Plan (C200) shows that the proposed uses of the building addition and the current tenants will require a total of 119 spaces, per Section 17.120.010 Spaces Required. As stated in the submitted Parking Analysis attached to this report, the owner anticipates need for approximately 50% of the parking spaces on the site for operations of all tenants, however fifteen (15) future parking stalls have been shown on the site plan if additional stalls are needed for future operations. The four (4) stalls shown as "FUTURE PARKING IF REQUIRED" along the north side of the property would require a variance to Section 17.120.050 "Offset," variance to Section 17.98.030.B.1.c. "Overlay district requirements. Dimensional Standards.," and a Plan Commission authorized reduction in the intensive use requirements for offsets and landscaping within offsets under Section 17.108.090.C. "Intensive Uses", as the existing stalls are nonconforming in terms of offset from a residential district (25'/75' required). The applicant is not requesting approval from the Plan Commission for these four stalls at this time. A separate, future, minor revision to plan and method of operation application would be required for review and approval by the Plan Commission, coinciding with Board of Zoning Appeals determination of variances, for those spaces. The eleven (11) stalls depicted as "FUTURE PARKING IF REQUIRED" at the southeast corner of the site along Imperial Drive are not included in the applicant's current request for Plan Commission approval. These eleven stalls could be processed through future administrative approval through Department of Community Development and Inspection Services.

6. Section III.2 F. Parking Layout/Surface Treatment of the Site Development and Landscape Standards requires that there be no more than 20 spaces between islands per side. Although this modification will

result in the loss of one stall, the parking layout of the site plan will need to be modified to add a landscape island to break up the 23-spaces in a row. This has been added as a condition of approval.

7. Section 17.120.010 B.2. Modification to Required Spaces allows the Plan Commission to permit deviations from parking requirements listed in the code. 17.120.010 B.2. reads "A reduction in parking spaces can be required if it is determined that the prescribed requirement for a particular development would result in the wasteful use of property that could more desirably be used for additional building development, in the case of a land use or development which would produce less parking demand, or for environmentally useful or aesthetically pleasing open space." Staff recommends that the Plan Commission accepts the parking statement provided by the applicant indicating the proposed 105 parking stalls are sufficient to serve the existing and future needs of the building tenants and reduces the minimum parking stall requirement from 119 spaces to 105 spaces understanding that there is opportunity to add additional parking in the future, if needed. Adding the required parking stalls now would reduce the aesthetically pleasing open space along Imperial Drive.

8. The proposed architecture and building materials are consistent with the City's Site Development Standards for Non-Residential Uses. The proposed addition matches the existing architecture and building materials for visual continuity. Roof pitches, massing, proportions, and details are consistent with the existing building, collectively establishing strong architectural motifs. The same principal building materials will be used for the addition including the shingles, brick, EIFS, glass, and spandrel, where necessary for the interior programming of the building. Additional mechanicals will be located on the northside of the building and will be screened with brick walls on the east and west sides, and chain link gates with vinyl slats on the north side. The proposed building addition is consistent with existing building colors and materials for a cohesive site design.

9. 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.

10. The applicant submitted a landscape plan for review and compliance with City standards. The existing street yard landscaping is required to be brought into compliance with current standards along W Capitol Drive for the extent of the addition. Foundation plantings have also been provided around the building addition as well as a new shade tree in the northwest corner of the parking area.

11. The applicant is in receipt of a missive dated July 7, 2023, by Deputy Chief Nick Rogne identifying preliminary fire alarm, suppression, and code compliance requirements.

12. Grading, drainage, erosion control, and SWMP have been submitted to the Engineering Division.

13. The proposed addition will add 502 square feet of impervious surface to the site. This quantity does not require stormwater management improvements. A temporary limited easement for street yard landscaping using the City's standard form is necessary to secure installation and maintenance of such landscaping.

Staff Recommendation: The Plan Commission authorizes a reduction in the intensive use requirements for offsets and landscaping within offsets, under its authority granted in Section 17.108.090.C. "Intensive Uses," to:

1. allow six (6) new parking stalls to be installed consistent with existing stalls within the required 75' offset
2. waive the berming requirements in this location
3. accept the proposed landscaping within the 20' offset buffer
4. allow mechanical equipment enclosure within the 100' building offset to a residential district

Plan Commission authorizes the requirement reductions to Section 17.108.090. "Intensive Uses" for the

following reasons:

- Limitations of existing site layout
- Limitations of existing reciprocal access easements
- Aesthetic, traffic, safety, and emergency services preferences for continuity of site redevelopment with existing site development conditions.
- Fulfilling overall site parking with preferred continuity of existing development conditions.
- The existing stormwater drainage swale prohibits the landscaping to cover the full 20' but the applicant has increased the number of plantings where possible.
- Mechanical equipment enclosure is located to conform with Site Development and Landscape Standards and to facilitate access to the interior mechanical space on the west elevation.

Staff Recommendation: The Plan Commission approves the reduction of parking stalls required from 119 stalls to 105 under Section 17.120.010 B.2, modifies the buffering requirements for Intensive uses as permitted under Section 17.108.090 as listed herein, and recommends that the Common Council approves the Revised Plan & Method of Operation application for 18200 W. Capitol Drive to allow demolition of the former bank drive-thru, a 2,368 square-foot, two-story addition to the west side of the existing building, and associated site improvements, subject to items 1-11 below because it determines, as the Plan Commission has determined, that the proposed building addition and use:

A. Will not have a substantial adverse effect on traffic safety because the traffic demand of 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, subject to the conditions for modifying plans in conformance with code directed to the applicant.

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, site improvements, and landscaping fulfill the stated standards therein subject to the conditions for modifying plans in conformance with the standards directed to the applicant.

1. Statement of Operations/Application Letter dated July 1, 2023 by property owner, Ramagopal Tumuluri.
2. Site and Civil Plans dated August 3, 2023 by raSmith including technical corrections presented by the City Engineering Division and revisions to the layout to meet the maximum 20 stalls between landscaping islands per the Site Development and Landscape Standards.
3. Building plans, elevations, and renderings dated August 3, 2023 by Plunkett Raysich Architects, LLP including technical corrections.
4. Compliance with site access and life safety code requirements specified in a missive dated July 7, 2023, by Deputy Fire Chief Nicholas Rogne.
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. Payment of applicable fees to the Community Development Department prior to issuance of a building permit: \$ TBD Engineering Review Fee
7. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
8. All signage subject to separate review by Zoning and Building Administrator.
9. Landscape plan dated August 3, 2023 by raSmith., 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).

10. Once a building permit is issued by Inspection Services, the owner shall receive an occupancy permit within eighteen (18) months or the owner of the property may be subject to the penalty provisions of the Zoning Code, Section 17.100.130 or the owner shall remove construction equipment and debris from the site, fine grade and seed the site, and stabilize surface water drainage leaving the site to City Engineering Department specifications within four (4) months or the owner of the property may be subject to the penalty provisions of the Zoning Code – Section 17.100.130. (Ordinance #2134-08).

11. Revised plan and method of operation approval expires on August 15, 2025 unless a building permit is obtained prior thereto.

Alderman Mike Hallquist commented on the proposed mechanicals and the intent of the setback requirement. Alderman Mike Hallquist asked if the proposed landscaping aligns with the proposed amendments to the Site Development and Landscape Standards discussed at a previous meeting. Planning Administrator Richard VanDerWal confirmed that the proposed landscaping plan aligns with the intent to accommodate existing onsite stormwater drainage. Alderman Mike Hallquist expressed his support for the reduced parking count required.

Alderman Rick Owen confirmed that the increased setbacks are triggered due to the Intensive Use classification of the proposal. Alderman Rick Owen asked the property owner to provide additional detail on the required hours of operation and the operations of the business. Discussion regarding the building architecture and the proposed spandrel windows took place. Citizen Commissioner Mike Franz asked about the proposed spandrel on the first floor of the addition. Staff confirmed that the Site Development Standards allow for spandrel instead of vision glass in the case of an addition if it allows the architectural elements to be carried forth from the existing building. Staff confirmed that the applicant is no longer proposing a bulk oxygen tank onsite for the medical operations.

Motion Alderman Mike Hallquist, second Alderman Gary Mahkorn to approve staff recommendation to authorize a reduction in the intensive use requirements for offsets and landscaping within offsets, under its authority granted in Section 17.108.090.C. “Intensive Uses,” as listed in the staff recommendation. Motion carried 7-0.

Motion Alderman Mike Hallquist, second Alderman Rick Owen to approve staff recommendation to approve the reduction of parking stalls required from 119 stalls to 105 under Section 17.120.010 B.2, modifies the buffering requirements for Intensive uses as permitted under Section 17.108.090 as listed herein, and recommends that the Common Council approves the Revised Plan & Method of Operation application for 18200 W. Capitol Drive to allow demolition of the former bank drive-thru, a 2,368 square-foot, two-story addition to the west side of the existing building, and associated site improvements, subject to A-D and items 1-11 as listed in the staff recommendation. Motion carried 7-0.

- e. Consider changes to Section 17.88 Floodplain to recently enacted regulations based on review by Dept. of Natural Resources. (JA) ** Requires Common Council action**

In an effort to meet FEMA and DNR deadlines (October 2023), the City enacted updates to the Floodplain zoning regulations in July. As part of that process the City had sent the DNR a draft version back in early June. The DNR contacted the City on July 31, 2023, with their review and requested changes. Most changes they requested Staff had already made and are contained in the adopted version, but there are others where we missed matching the model or made shifts in language. While some could be considered similar to scrivener errors, such as the map dates (although FEMA only recently told us to use updated ones) and the spelling error others are related to an effort the City will be undertaking to be part of the Community Rated System which has higher standards. Therefore, I am asking the Plan Commission to review and make a recommendation to the Council as is done for any other zoning change, so as to prevent any question about the ordinance being properly adopted, which could endanger flood insurance rates. The proposed changes are below and on the following pages.

1. 17.88.010 Statutory authorization.

This chapter is adopted pursuant to the authorization in Section 62.23, Wisconsin Statutes and the requirements in s. 87.30, Stats..

2. 17.88.050 General provisions.

B. Official Maps and Revisions. Special Flood Hazard Areas (SFHA) are designated as zones ... shall apply.

1. Official Maps—Based on the FIS. (Contact your DNR office if you have questions, or go to <https://msc.fema.gov/portal/home> to access the FEMA Map Store.)

a. Flood insurance rate map (FIRM), panel numbers 55133C0206H, 55133C0207H, 55133C0208H, 55133C0209H, 55133C0216H, 55133C0217H, 55133C0218H, 55133C0219H, 55133C0226H, 55133C0227H, 55133C0228G, 55133C0229G, 55133C0236H, 55133C0237H, 55133C0238H, and 55133C0239H dated October 19, 2023; Flood Insurance Study (FIS) dated October 19, 2023. FIS 55133CV001D, 55133CV002D, 55133CV003D, 55133CV004D and 55133CV005D.

2. Official Maps—Based on Other Studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

a. ...

b. . Waukesha County and Incorporated Areas Flood Storage Districts Panel 8, dated 10/19/2023

3. 17.88.050 General provisions

H. Abrogation and Greater Restrictions.

1. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under Sections 62.23 or 87.30, Wisconsin Statutes, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

5. 17.88.170 Standards for development in the floodfringe.

Section 17.88.070 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article VI, Nonconforming Uses.

A. Residential Uses. ...

1....

2. Notwithstanding Section 17.88.170.A.1., the basement or crawlway floor may be placed one (1) foot above the regional flood elevation if the basement or crawlway are designed to make all portions of the...[no further changes];

7. 17.88.210 General (Nonconforming)

a. Residential structures:

i. Shall have the lowest floor, including basement, elevated to one (1) foot or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Section 17.88.300(B).

8. 17.88.310 Public information.

A. Where useful the City may place marks on structures to show the depth of inundation during the regional flood.

B. The City must make all maps, engineering data and regulations it has available and widely distributed.

C. The City must make all Floodplain district information available for any parcel in the Floodplain when requested.

9. "Floodplain management" means policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

10. 17.88.360 Definitions

"Violation" means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

17.88.350 Enforcement and penalties.

A. Any violation of the provisions of this chapter by any person is unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators.

11. 17.88.280.D. Variance

2. In addition to the criteria in subsection (D)(1) of this section, to qualify for a variance under FEMA regulations, the board must find that the following criteria have been met:

1. The variance shall not cause any increase in the regional flood elevation;
2. The applicant has shown good and sufficient cause for issuance of the variance;
3. Failure to grant the variance would result in exceptional hardship;
4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

Staff Recommendation: Staff asks that the Commission move to recommend that the Common Council approve the proposed changes attached to this Staff report or any proposed changes to Title 17.88 that the City Staff and DNR agree should be made to the Title to comply with the DNR model and FEMA requirements.

Motion by Alderman Gary Mahkorn, second by Citizen Commissioner Austin Moore, to approve staff recommendation to recommend that the Common Council approve the proposed changes attached to this Staff report or any proposed changes to Title 17.88 that the City Staff and DNR agree should be made to the Title to comply with the DNR model and FEMA requirements.

Alderman Mike Hallquist requested that any standards proposed above the minimum required by the DNR be clearly outlined at the public hearing.

Motion carried 7-0.

5. Adjournment

Motion by Alderman Mike Hallquist, second by Alderman Rick Owen to adjourn the meeting at 7:46 pm. Motion carried unanimously.

Respectfully Submitted: Daniel F. Ertl - Director of Community Development