



MINUTES OF AN OFFICIAL MEETING

Regular Meeting of: Plan Commission

Date and Time: Monday, September 11, 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 Chris Blackburn

Members Absent/Excused: None.

9/11/2023 - Minutes

1. Roll Call

Mayor Steven Ponto noted a quorum present and called the Plan Commission to order at 6:30 pm.

2. Announcements

- a. The Next Regularly Scheduled meeting is October 9, 2023, 6:30

3. Approval of Minutes

- a. Minutes of the August 7, 2023 meeting.

Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist to approve the minutes of the August 7, 2023, Plan Commission meeting. Motion carried 7-0.

4. New Business

Alderman Rick Owen made a motion to move item 5. Public Hearing to before 4. New Business. Seconded by Alderman Gary Mahkorn. Motion carried 7-0.

- a. Temporary Use Permit for WI Memorial Park – Fall Car Show on October 8, 2023 10am-3pm - JD

Background: Wisconsin Memorial Park submitted a Temporary Use Permit Application to allow a Fall Car Show at its location (12875 W Capitol Drive) on Sunday October 8, 2023 from 10:00 AM – 3:00 PM. The car show would also include food service, a disc jockey (DJ) and a bounce house. All the activities would take place around the Family Center, which is located near Capitol Drive.

Municipal Code requires that new Temporary Use Permit Applications be recommended for approval at

Plan Commission prior to Council action on the application. The City has approved similar temporary use permits for auto shows (Pistol Pete's Classic Car and Bike Show at 16755 W Lisbon). The property is zoned Conservancy and the Memorial Park operates under numerous conditional use permits.

1. The applicant projects attendance of approximately 300 people.
2. Vehicles would be displayed in the parking areas around the Family Center
3. Food service and restrooms would take place inside the Family Center.
4. The DJ would play outside the Family Center with amplified sound from 12:00 – 2:00 PM.
5. According to the applicant, on-site parking would be available for 400 - 500 vehicles. Though there are not that many spaces within parking lots, the extensive road network through the Memorial Park allows for parking at least that many vehicles along the edges of the roads.

Deputy Fire Chief Rogne requested that the following conditions be attached to the permit:

1. Emergency vehicle access is required along Capitol Drive and all other area roadways, including the south frontage road of Capitol Drive.
2. Ensure main drive off Capitol Drive remains open for large emergency vehicles.
3. Ensure all driveways into area businesses, which may be used for ancillary parking, will be accessible by emergency vehicles.
4. Ensure access to fire hydrants remain unobstructed and unobscured.

The police department, "Approve of this temp use event on the law enforcement aspects. Our plan will be to have an area officer monitor the event to see if there were any specific issues that could be planned for if a renewal is sought."

Staff's recommendation: Given that the City has approved similar temporary uses, the proposed time and location of the event, ample parking, and Police Department approval of the operational characteristics of the proposed event, Staff recommends APPROVAL of the temporary use permit application for a Fall Car Show at the Wisconsin Memorial Park on Sunday October 8, 2023 from 10:00 AM – 3:00 PM subject to the conditions requested by the Fire department.

Motion by Alderman Mike Hallquist, second by Alderman Gary Mahkorn to approve staff recommendation to approve the Temporary Use Permit for WI Memorial Park -Fall Car Show on October 8, 2023 10am-3pm. Motion carried 7-0.

- b. Request for Annexation and Temporary Zoning Assignment for the Annexation Petition submitted to the City of Brookfield by Rupesh Agrawal, owner, for the 19.1165-acre property located at 4785 Lannon Road in the Town of Brookfield – Tax Key BKFT1029999001 (NE ¼ of Sec. 6) – EZ **Requires Common Council Approval**

1. A petition for annexation has been submitted to the City of Brookfield by Rupesh Agrawal, owner of a parcel of land, 19.11655 acres in size, located at 4785 Lannon Road in NE ¼ of Section 6 in the Town of Brookfield. The property is on the west side of Lannon Road, approximately 700' south of the intersection with W Lisbon Road, directly adjacent to the city limits.

2. The Southeast Wisconsin Regional Planning Commission (SEWRPC) prepared a Sanitary Sewer Service Plan, which recommends the subject property for access to municipal sanitary sewer. As such, the development of this land is suitable for residential lot sizes that are served by public sewer and it does not need to be reserved for development with onsite sanitary systems. Both City of Brookfield municipal water service, and sanitary sewer system are located on the east side of Lannon Road and has capacity to serve lots approximately ½ acre in size or the minimum lot size in the R-2 Single-Family Residence District (25,000 square feet). This is consistent with the base zoning of the adjacent lands (on the east side of Lisbon Road in the Northern Oaks Subdivision).

3. Environmentally sensitive lands, including floodplain and wetlands, exist on the western approximately one half of the subject property. As such, the number of potential lots on this site meeting the 25,000-square foot minimum in the R-2 District would be about nine (9).

4. The role of the Plan Commission in processing Annexation Petitions is to make a recommendation to the Common Council regarding a suitable temporary zoning district with which to designate the land if an annexation should be approved. If annexed, the Plan Commission would make a recommendation on a permanent zoning district for the property, following a public hearing and associated notification requirements as required by Section 17.08.070 of the Municipal Code.

5. Based on the City of Brookfield's sanitary sewer capacity and infrastructure location, adjacent land use and zoning, and environmentally sensitive area, the R-2 Single-family Residence District with Floodway, Flood Fringe, and Wetland Preservation overlay districts, would be suitable zoning for the subject property should the annexation be approved. Due to the upcoming adoption of new floodplain maps by FEMA in October 2023, the final boundary of the floodplain and flood fringe overlay districts would be set when or if permanent zoning is established.

6. The Wisconsin Department of Administration reviewed the annexation petition and found it to be in the public interest as stated in the letter dated August 31, 2023, attached.

7. The City Attorney's office has reviewed the petition for annexation and it appears to comply with statutory requirements.

1. Staff Recommendation: The plan commission recommends that the common council accepts the annexation petition for the 19.1165-acre property owned by Rupesh Agrawal filed with the City Clerk on August 7, 2023.

2. Staff Recommendation: The Plan Commission recommends that the common council assigns temporary zoning of the R-2 Single-family Residence District with Floodway, Flood Fringe, and Wetland Preservation Overlay Districts, as appropriate, for the 19.1165-acre property owned by Rupesh Agrawal.

Motion by Alderman Rick Owen, second by Citizen Member Scott Thomas approving staff recommendation to recommend that the Common Council accepts the annexation petition for the 19.1165-acre property owned by Rupesh Agrawal filed with the City Clerk on August 7, 2023. Motion carried 7-0.

Motion by Alderman Rick Owen, second by Alderman Mike Hallquist to approve staff recommendation to recommend the Common Council assigns temporary zoning of the R-2 Single-family Residence District with Floodway, Flood Fringe, and Wetland Preservation Overlay Districts, as appropriate, for the 19.1165-acre property owned by Rupesh Agrawal. Motion carried 7-0.

- c. Request of Heritage Brookfield, LLC, and Crest Cadillac, Inc., 12800 W Capitol Drive, Brookfield, WI 53005 – c/o Luke Sebald, Project Manager, Keller, Inc., for approval of a revised plan and method of operation, development agreement, and easements for public water main and site landscaping permitting approximate 4,290 square foot building reconstruction, architectural modifications, landscaping, and site modifications in association with showroom improvements of an existing automobile dealership use at said address. (SE ¼ of Section 1) – RV **Requires Common Council Approval**

Report:

1. The site consists of one lot located in the 124th - Capitol Node (TIA), one of eleven areas identified in the City of Brookfield 2050 Comprehensive Plan (Comp Plan) that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted neighborhood plan is the Development Plan for the 124th

Street Corridor (Neighborhood Plan). The adopted land use strategy of the Neighborhood Plan applicable to the site is "Higher Density Shopping." The adopted land use of the Comp Plan is "Shopping/Services Focused – Higher Density". The site is zoned "O&LI" Office & Limited Industry District with Modified Suburban Overlay district zoning (MSO) ordinance 1693 and conditional use ordinance 487. MSO establishes Cluster Suburban and New Suburban development pattern regulations for the site. The proposed site redevelopment and associated continued operation of an automobile dealership with automobile servicing operations is permitted by the zoning.

2. Proposed Site Development Characteristics:

Lot Area: 222,925 sq. ft. (5.12 ac)

Building Setback: 79.86' (75' min.)

Pavement Setback: Unchanged

Building Offset: Unchanged

Pavement Offset: Unchanged

Building Height: 25' (35' max.)

Building Size: 41,754 sq. ft. (41,754 sq. ft. existing req.)

Parking Spaces: 12 additional surface (existing = min. req.)

Floor Area Ratio: 18.7% (18.7% max.)

Impervious Surface Area: 202,351 sq. ft. (204,982 sq. ft. existing)

Greenspace Area: 20,574 sq. ft. (17,943 sq. ft. existing)

Lot Coverage: 90.8% (92% existing, 92% max.)

Landscape Area Ratio: 9.2% (8.0% existing, 8.0% min.)

3. Submitted site plan indicates existing ingress/egress of the site is unchanged. Requested plan reconfigures parking, drive aisles, and site pavement functionality around the new showroom space. The modifications create additional greenspace and twelve (12) new parking spaces. Site trash and recycling storage is unchanged. A traffic impact analysis was not required for the request as it does not exceed a change of 100 vehicles in the peak hour where such analysis is required by code (§17.100.070.H).

4. Proposed architecture and building materials conform to most of the applicable design requirements of the Site Development and Landscape Standards (SDLS). Submitted elevations achieve consistent application of materials and colors for existing building and new building addition architecture. The new showroom features vision glass storefront windows throughout each façade alongside new contemporary metal composite panels. The resulting building form suits the nearby industrial-heritage architectural character established for the neighborhood. The requested new building color scheme achieves a limited palette of coordinated colors throughout the exterior of the building. However, the degree to which these colors achieve a range of earth tones that provide sufficient variety (i.e. not monochromatic) is insufficient in City staff's opinion. Additionally, the SDLS mandates that colors be integral rather than applied (i.e. painted) to exterior building materials. Past Plan Commission actions establish brick stain as the accepted alternative to painting existing building masonry. Staff recommends the Plan Commission condition approval on the applicant revising elevations to prescribe a stain solution instead of paint for the existing building brick, and the color of the stain to not be white,

black, or grey as a condition of approval. Overall, the proposal achieves a cohesive design.

Existing Building Portion

- Building brick painted to match "CPW WHITE" (white)
- Replacement vision glass windows in clear anodized aluminum

New Building Portion

- Prefinished metal composite panels in "CPW WHITE" (white)
- Prefinished metal composite trim and copings in "MICA MNC" (light grey)
 - Storefront vision glass, roll-up overhead vision glass doors, and regular door systems in clear anodized aluminum

5. The applicant submitted a preliminary landscape plan for review and compliance with City standards. The opportunity for street yard landscaping adjacent to the new showroom along W Capitol Drive is limited by a twenty-five (25) foot municipal utility easement and overhead utilities along the south property line. A landscape encroachment agreement is also in place for the existing street yard plantings along Capitol Drive. However, the SDLS provides a list of alternative plants that can be accommodated within municipal utility easements for fulfilling street yard landscaping requirements. It is City staff's opinion that additional shrubs, perennial grasses, and decorative trees with shallow roots, per the requirements of the SDLS, can be accommodated in the street yard along Capitol Drive. Staff recommends the Plan Commission condition approval on the applicant submitting a revised landscape plan which includes additional plantings, per the Site Development and Landscape Standards, located in the Capitol Drive street yard area bounded by the westerly most property line and the westerly back-of-curb for driveway access onto Capitol Drive, and subject to City of Brookfield landscaping review consultant.

6. The applicant is in receipt of a missive dated August 16, 2023, by Fire Chief David Mason identifying fire prevention, suppression, and life safety code compliance requirements.

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

8. A development agreement in the City's standard form will secure public water main improvements, grading, drainage, landscaping, and stormwater management in the project. Accompanying temporary limited easement for landscaping and amendment to landscape encroachment agreement will secure necessary landscape installation, maintenance, and 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 revised plan and method of operation, and authorize the Mayor to execute a development agreement, easement for public water main, amendment to landscape encroachment agreement, and temporary limited easement for street yard landscaping, permitting approximate 4,290 square foot building reconstruction, architectural modifications, landscaping, and site modifications in association with showroom improvements of an automobile dealership at 12800 W Capitol 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 – the applicant has submitted

plans for the extension of City water main and the parcel is adequately served by existing City sewer, and the proposed site improvements 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, and site improvements, and landscaping fulfill the stated standards therein subject to the conditions for modifying building color and landscaping plans in conformance with the standards directed to the applicant.

1. Statement of Operations/Application Letter dated August 7, 2023 by Crest Cadillac, Inc., Wayne Balogh, Controller.
2. Site plan dated August 7, 2023 by Keller, Inc., including technical corrections presented by the City Engineering Division.
3. Building plans, elevations, and material samples dated August 7, 2023, by Keller, Inc., subject to revising documents to prescribe a stain solution instead of paint for the existing building brick, the color of the stain to not be white, black, or grey, including technical corrections presented by Department of Community Development and Inspections.
4. Compliance with site access, fire suppression, and alarm requirements specified in a missive dated August 16, 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, \$ TBD Development Agreement
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. Submittal of final site landscape plan per 17.100.122 of the City of Brookfield municipal code, preliminary plan dated August 4, 2023, by Keller, Inc., prepared by registered landscape architect consistent with the requirements of the Site Development and Landscape Standards subject to the applicant revising landscape plan to include additional plantings for the Capitol Drive street yard area bounded by the westerly most property line and the westerly back-of-curb for driveway access onto Capitol Drive, and 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 \$21,420.00 (\$2,550 per 1,000 sq. ft. of street yard) for installation, \$3,696.00 for four (4) years of maintenance (\$440 per 1,000 sq. ft. of street yard) and a four (4) year temporary limited easement for street yard landscape 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 (8,400 sq. ft. of street yard improvement).
 1. A recertification "as-built" survey must be performed by a licensed landscape architect indicating that all elements of the approved street yard 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.
10. Development agreement securing public water main improvements, access, grading, drainage, landscaping, and stormwater management in the project subject to City Attorney review and approval prior execution.
11. Amendment to recorded landscape encroachment agreement for the property subject to City Attorney review and approval prior execution.
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. Revised plan and method of operation approval expires on September 19, 2025 unless a building permit is obtained prior thereto.

Project Manager Luke Sebald, Keller Inc. answered questions from the Plan Commission regarding color palette and landscaping. The application is willing to work with City Staff or the Plan Commission, if needed, to come to consensus on the final color palette and landscaping.

Motion by Alderman Mike Hallquist, second by Alderman Rick Owen to approve staff recommendation to approve the revised plan and method of operation, and authorize the Mayor to execute a development agreement, easement for public water main, amendment to landscape encroachment agreement, and temporary limited easement for street yard landscaping, permitting approximate 4,290 square foot building reconstruction, architectural modifications, landscaping, and site modifications in association with showroom improvements of an automobile dealership at 12800 W Capitol Drive, subject to items 1-13. Motion carried 7-0.

- d. Recommendation regarding an amendment to Chapter 16.16.060 to remove landscaping requirements in association with a land reconfiguration for non-single-family residential properties. – EZ ** Requires Common Council action**

As part of requested recent parcel-combination requests, it was brought to staff's attention that Chapter 16 of the Municipal Code requires street-yard landscaping be installed and maintained following any land reconfiguration. Except for single-family residential subdivisions (or CSMs), all site improvement/development requires a Plan and Method of Operation (PMO) to be reviewed by the Plan Commission and approved by the Common Council. Planning Staff is of the opinion that landscaping requirements should be tied to the PMO rather than the land reconfiguration. There are certain circumstances in which the CSM or lot combination is requested and approved in advance of a PMO. It is unnecessary to require street-yard landscaping before site development plans are finalized. The proposed text amendment is as follows:

16.16.060 Landscaping requirements.

A. Findings. The Common Council hereby finds that street-yard landscaping of all new residential subdivisions and land reconfigurations which abut upon major or secondary streets ~~and for all new multifamily and nonresidential subdivisions and development which abut upon any street~~ is for the good of the public health and safety and, therefore, is an improvement required from the subdivider.

Title 17.100.122 Landscaping required. will continue to require street-yard landscaping as a part of all new multifamily, two-family, and nonresidential development.

Planning Staff is seeking direction from the Plan Commission on whether to pursue a proposed text amendment to remove the landscaping requirements tied to the Certified Survey Map (CSM) for multifamily, two-family, and non-residential developments. Landscaping would still be required as a part of a Plan & Method of Operation (PMO) approval.

Discussion ensued on how this would impact timing of landscape improvements with different project types. It is anticipated that in most cases a PMO application would be submitted at the same time or shortly after a CSM application. Requiring landscaping at the time of a CSM could be an unnecessary cost burden on property owners before development plans are finalized.

Motion by Alderman Mike Hallquist, second by Alderman Rick Owen to direct staff to pursue a proposed text amendment to Chapter 16 to remove the landscaping requirement tied to the Certified Survey Map (CSM) for multifamily, two-family, and non-residential developments. Motion carried 7-0.

- e. Recommendation regarding amendments to Chapter 17.82 Northeast Industrial District to add "parking lots for a period not to exceed 5 years", an exception to the Site Development and Landscape Standards for said parking lots, and technical corrections. – EZ ** Requires Common Council action**

The Northeast Industrial District, located immediately west of N 124th Street, north of Lisbon Road, and south of the City's border with the Village of Butler, is the oldest industrial area in the city. Much of the district is made up of small parcel sizes which will likely require reconfiguration (combination) for larger scale redevelopment in the near future. The Current City Code is more appropriate for suburban industrial development and lacks some of the flexibility needed to accommodate redevelopment in this area. An update to the 124th Street and Lisbon Road Neighborhood Plan is needed in the near future. However, to aid in the combination and redevelopment of properties today, Community Development staff are proposing the following text amendment in the Northeast Industrial District only:

Chapter 17.82
NORTHEAST INDUSTRIAL DISTRICT

Sections:

- 17.82.010 Permitted uses.
- 17.82.020 General restrictions.
- 17.82.030 Building and parking locations.
- 17.82.040 Height regulations.
- 17.82.050 Area regulations.
- 17.82.060 *Repealed.*
- 17.82.070 Site development standards.

17.82.010 Permitted uses.

A. Subject to all approvals and conditions required by Chapter 17.100 and the provisions of this district, the permitted uses shall be:

- 1. General or clerical offices;
- ...
- 24. Retail sales and service as an ancillary use to the primary permitted use;
- 25. Religious uses. (Ord. 2792-22 § 1, 2022; Ord. 2606-20 § 24, 2020; Ord. 2284-12 § 1 (part), 2012)
- 26. Parking lots for a period not to exceed five (5) years.

17.82.070 Site development standards.

A. ~~Except as specifically identified in this chapter,~~ the site development standards for nonresidential uses as regulated by Chapter 17.100 shall apply to all properties in this district, except as identified below:

- 1. Parking lots for a period not to exceed five (5) years under 17.82.010 (26). As part of a phased plan for the redevelopment of contiguous properties, parking lots may be exempted from the full requirements of the Site Development Standards and from Title 17.100.122 Landscaping, subject to approval by the Plan Commission.

While making amendments to Section 17.82, the City Attorney's office also recommends the following

amendments to clean-up the code:

17.82.010 Permitted uses.

A. Subject to all approvals and conditions required by Chapter 17.100 and the provisions of this district, the permitted uses shall be:

1. General ~~or~~ and clerical offices;
2. Professional offices, ~~including interior decorators with retail sales;~~
3. Research laboratories;
4. Schools and training centers;
5. Storing, cleaning, testing, repairing or servicing establishments as determined by operations conforming with performance standards set forth in this title;
6. Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication and similar small industries;
7. Radio, television and electronics assembly, but not within five hundred (500) feet of any residential district;
8. Printing, lithographing, blueprinting and photocopying establishments, including retail sales;
9. Wholesalers and distributors;
10. Food and milk processing and soft drinks bottling plants;
11. Dry cleaning and dyeing establishments, including retail laundry services;
12. Restaurants dine-in without drive-up or drive-through service, ~~motels and hotels;~~ provided, that in the opinion of the plan commission they will provide a service needed by the employees of, customers of and visitors to the offices and plants in this district;
13. Automobile car washes;
14. Automobile service stations with accessory retail sales not including automobile sales subject to the regulations set forth in Chapter 17.60;
15. Automobile and truck rental or leasing;
16. ~~An establishment engaged in the business of selling auto~~ Auto parts sales, except not including auto salvage yards or operations;
17. Building supply store or warehouse;
18. Office supply store or warehouse;
19. ~~An establishment engaged in the business of performing~~ Landscaping services;
20. ~~An establishment engaged in the business of operating a plant~~ Plant nursery for the sale, retail or otherwise, of such plants, flowers and shrubbery;

21. An adult-oriented establishment, as defined and regulated in Chapters 5.04 and 17.132;
22. Parking structures;
23. Animal hospice, animal shelter, animal rescue and humane society;
24. Retail sales and service as an ancillary use to the primary permitted use;
25. Religious uses. (Ord. 2792-22 § 1, 2022; Ord. 2606-20 § 24, 2020; Ord. 2284-12 § 1 (part), 2012)
27. Motels and hotels.

Planning Staff is seeking direction from the Plan Commission on whether to pursue a proposed text amendment to the Northeast Industrial District related to parking lots and temporarily exempting the parking lots from Site Development and Landscaping Standards for a period not to exceed 5 years.

Associate Planner Zandt summarized the proposal and gave the example of Milwaukee Tool's temporary parking lot. Citizen Commissioner Austin Moore supports any flexibility in the Northeast industrial area would that could help in the redevelopment of the area. Commissioner Moore asked about the temporary nature of the approval, verifying that if at the end of 5 years there is no progress on the redevelopment, the property owner would be responsible for modifying the site to meet the site development and landscape standards. Staff confirmed that was the intent.

Alderman Hallquist supports the amendment if it supports redevelopment in the area and doesn't negatively impact adjacent properties, however he does not support changing the code for a specific business.

Director Ertl proposed that staff develop a list of potential properties and/or other areas of the City that could benefit from the code amendment and bring that back to the Plan Commission. The Plan Commission supported the idea.

Citizen Commissioner Mike Franz asked about the reason behind the 5-year timeframe and brought up

Alderman Rick Owen summarized some of the history of the area related to a former proposal for urban street sections. Alderman Gary Mahkorn stated that he supports opening up opportunity for redevelopment to make the area more appealing to developers. Alderman Mahkorn questioned if 5 years is a long enough time.

Citizen Commissioner Scott Thomas asked if it makes sense to require some amount of plantings that is less than the full standard that might improve the overall aesthetic of the area.

Planning Administrator Richard VanDerWal highlighted a couple additional examples of where phased development has been previously allowed, stating that this amendment or something similar would help make it more specifically allowed through the zoning code.

This item was discussion only.

- f. Update on Legislative Referral by Alderman Reddin on high density maximums. - EZ

On June 8, 2023, Alderman Bob Reddin submitted a Legislative Referral to suggest that the City of Brookfield add a "maximum density" for areas labeled as potential sites for Higher Density Development in the 2050 Comprehensive Plan. Staff discussions and preliminary review of the work necessary to address the interrelated matters to this request have conveyed to Staff that a protracted and complex effort is necessary to fulfill the request. Staff could not support prescribing a short, blanket text amendment on the request for legislative action. Considerations that may impact future conclusions include:

- City's success in fulfilling State comprehensive planning law requirements
- Size of lots available in Targeted Investment Areas (TIAs), outside TIAs
- Proximity to public amenities (parks, schools, transportation)
- Impact on police, fire, and schools
- Sanitary Sewer, Water, Roads Level of Service - Is existing infrastructure a constraint? What measures should be taken to increase capacity if desired or warranted?
- Should redevelopment be privately initiated in all circumstances, or is the city willing to engage the process to ensure desired outcomes?
- Requirements for remediation of environmental contamination
- Current market conditions – cost and housing-type demand
- Consideration of current parking requirements based on location and proximity to transit

Currently, the GIS Department is assisting Planning Staff in mapping the existing developments in the City that meet the criteria of High Density (6 dwelling units/acre or greater) in the 2050 Comprehensive Plan. Once finalized, Staff will present the map(s) to the Plan Commission for further discussion on what factors should help determine maximum density numbers across the City.

This update is informational only. No action by the Plan Commission is requested, however if any preliminary thoughts from the Plan Commission on this topic are welcome during the meeting or via phone/email at a later date. Staff anticipates bringing a full discussion to the Plan Commission in late 2023 or early 2024.

Citizen Commissioner Austin Moore asked if this request came as a response to the Wheel and Sprocket project that was denied earlier this year. Director Ertl said that only Alderman Bob Reddin would know that answer, but the outcome of this request has the potential to impact similar projects. Alderman Gary Mahkorn agreed the topic is not straight forward and that much discussion will be needed on this topic.

Alderman Hallquist commented that one thing that would be helpful for this discussion is comparisons to similarly sized communities and a look at studies and comparisons already completed by other groups and agencies.

Citizen Commissioner Mike Franz commented that there is already some limitation on density built into the code through floor area ratio, lot coverage, maximum building height. Alderman Rick Owen stated that the concern may be related to planned development districts, which opens those requirements up for potential modification. Alderman Owen stated that he agreed with Alderman Hallquist that updating specific neighborhood plans will be important to determine areas suitable for higher density.

5. Public Hearing:

Item taken before item 4.

Public Hearing: Request of The Sikh Religious Society of WI Inc, c/o Nathan Remitz, Patera Architecture + Engineering, is requesting approval of a conditional use permit concurrent with a certified survey map (CSM) application to combine the two lots at 3625 & 3675 N. Calhoun Road, property tax keys BR C1041987 & BR C1041988 respectively. The conditional use permit would allow the construction of a new religious-use building (20,352 sq. ft.), an accessory structure (1,500 sq. ft.), and associated site improvements. The new religious-use building, including living accommodations associated with the religious-use institution, and an outdoor play area will be located to the south of the existing building. The existing building will be removed following completion and occupancy of the new building. Individuals wishing to address the Plan Commission shall complete a speaker form and limit their remarks to 3 minutes.

Background: The conditional use permit would allow the construction of a new religious-use building (20,352 sq. ft.), an accessory structure (1,500 sq. ft.), and associated site improvements. The new religious-use

building, including living accommodations associated with the religious-use institution, and an outdoor play area will be located to the south of the existing building. A public hearing was previously held on May 8, 2023. Since then, the applicant has resubmitted. The application materials have been revised stating that the existing building will be demolished following construction and occupancy of the new building. The garage façade will be full brick and the color of the center dome (largest dome) is now proposed to be gold in color, rather than white.

Associate Planner Zandt summarized the process of the public hearing. It is anticipated that Conditional Use Permit, the Plan & Method of Operation, the Preliminary Concept Map and Certified Survey Map will be before the Plan Commission for action on October 9th, 2023 (Common Council on October 17th, 2023).

Associate Planner Zandt summarized the proposal. Nathan Remitz, Patera Architecture & Engineering, introduced the project. Alderman Mike Hallquist asked if the future parking on the site plan was included in the stormwater calculations. Associate Zandt and City Engineer Erickson confirmed it was included in the stormwater calculations. Alderman Rick Owen requested confirmation that the height of the proposed structure meets code requirements. Associate Planner Zandt confirmed that per the definition of building height in the code, the proposed building meets the height requirements. Further, the zoning code allows for ornamental towers and spires to exceed the maximum building height in any zoning district when approved by the Plan Commission. Alderman Rick Owen asked the applicant to discuss the grade of the site and how the proposed building's location and base elevation compares to the existing building's location and base elevation. Citizen Commissioner Mike Franz asked if a tree inventory has been done on the site. Nathan Remitz stated no, but there is not a feasible way to save any of the trees on the east side of the lot where the new building will be constructed. Citizen Commissioner Scott Thomas asked about the materiality of the gold dome. Nathan Remitz stated that the domes are fiber glass. The gold dome will be painted, not gilded. The paint will be a shinier sheen in order to appear more like real gold. It will not patina.

Mayor Steven Ponto opened the public hearing at 6:49pm, asking if any members of the public would like to speak on this matter.

- Gene and Irene Brunner – 3680 N. Calhoun Road - oppose the project but did not wish to speak.
- Paul Leow – 3660 N Calhoun Road – Opposes the project. Mr. Leow shared concerns about tree removal, lack of consistency with the 2050 Comprehensive Plan, and the removal of the original farmstead house previously located on the property. Mr. Leow stated he would not want any church located across the street from his home. He moved here to be in a residential area, not in a partially commercial area. Mr. Leow also commented on the size of the structure, which he feels is too big for the area. Mr. Leow also expressed concerns about the traffic on Calhoun Road.
- Jumaane Cheatham – 3700 N Calhoun Road- Supports the project. He appreciates the diversity of uses in the neighborhood and the members of the Sikh Religious Society are great neighbors. Mr. Cheatham commented that he agrees with the traffic concerns his neighbor shared. Mr. Cheatham stated he supports the exceptions to the rules for religious artifacts. Mr. Cheatham ended by asking if there has been any reduction in speed or traffic studies following the Calhoun Road reconstruction project.

Director Dan Ertl commented that there are sections in the 2050 Comprehensive Plan and Wisconsin Statutes that address the particular nature of religious-uses and where they can be located relative to the Future Land Use Map. Staff will cite the 2050 Plan when this project is brought back to the Plan Commission for action.

Motion by Alderman Mahkorn, second by Alderman Hallquist to close the public hearing. Motion carried 7-0.

6. Adjournment

Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist to adjourn the meeting at 8:06 pm. Motion carried unanimously.

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