



MINUTES OF AN OFFICIAL MEETING:

Regular Meeting: Plan Commission

Date and Time: Monday, September 13, 2021 at 6:30 pm

Location: City Hall Council Chambers, 2000 N. Calhoun Road, Brookfield WI53005

Members Present: Mayor Steven Ponto (Chairman), Alderman Gary Mahkorn, Alderman Rick Owen, Alderman Mark Nelson, Citizen Commissioner Austin Moore, Citizen Commissioner Lisa Chang (via teleconference), Citizen Commissioner Steve Petitt

Members Excused: N/A

Others Present: Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, City Engineer Jeff Chase, Fire Chief Dave Mason, Associate Planner Richard VanDerWal, Economic Development Coordinator Todd Willis, Alderman Jerry Mellone, Alderman Chris Blackburn,

2. Roll Call

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

Announcements

The Next Regularly Scheduled meeting will be held on Monday, October 11, 2021 at 6:30 pm.

3. Meeting Minutes

a. Minutes of the August 9, 2021 Plan Commission meeting.

Motion by Alderman Mark Nelson, second by Alderman Rick Owen to approve the minutes of the August 9, 2021 Plan Commission meeting. Motion carried 7-0.

4. Unfinished Business

a. & b. A public hearing and Resolution to amend the Tax Increment District No. 8 Project Plan to increase the allocation of funds to finance the costs of a Moorland Road sidewalk.

Director Ertl provided an introduction and summary of report regarding the matter of the public hearing.

No questions or comments were made by the Plan Commission.

The public hearing was opened to public comment. No comments were made by the public.

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

Report: TID No. 8 was created in 2018. Project Costs were utilized to acquire the land for a conference center,

among other City sources. Certificate of Occupancy for the 55,000 sq. ft. Brookfield Conference Center (BCC) occurred in January 2020. All building construction and landscaping is completed. COVID 19 pandemic group meeting restrictions prevented any rentals at the BCC except for relatively small gatherings until restrictions were relaxed in spring and summer 2021. Rental bookings for fall 2021 and into 2022 have reached or exceeded original projections. No Project Costs were utilized to pay for BCC site or building improvements. The TID No. 8 Project Plan also identified Project Costs to install a sidewalk on the western side of Moorland Road to connect with existing sidewalks north and south of the district boundary. Rather than the City constructing the sidewalk on its own, it was determined, that it would be preferable to include the sidewalk construction as part of the Waukesha County improvements to Moorland Road (County O) presently scheduled for 2022. The County expects the City to pay for sidewalk related costs that exceed federal funding limits on the Moorland Road project. The amount of TID No. 8 participation in funding the sidewalk costs is likely to exceed the original \$500,000 estimated in the Project Plan based upon more detailed cost estimates. See the original Project Costs table attached. A costly and substantial retaining wall with safety barrier/fence and utility relocations are required in association with the sidewalk construction. Final costs are dependent on actual contract costs. County consultants on the Moorland Road design team have recently suggested the local cost share could reach \$1.65 million in the worst-case scenario, but costs could be less. On July 27, 2021, the Common Council decided the City should proceed with funding the local cost share of the sidewalk construction. As a result, a request to amend TID No. 8 Project Costs to cover the new level of costs for the sidewalk and related items is sought.

Recommendation: Approve Resolution.

Topics Discussed

- Aspects related to the matter and the proposed amendment were previously reviewed by both the Plan Commission and Common Council.
- Relevant questions have been answered in previous Plan Commission and Common Council discussions.

Refer to video and audio recording of this item [here](#) for the discussion.

Motion by Alderman Gary Mahkorn, second by Alderman Mark Nelson to approve the staff recommendation to amend the Tax Increment District No. 8 Project Plan to increase the allocation of funds to finance the costs of a Moorland Road sidewalk. Motion carried 7-0.

- c. **Request of Brookfield Investors, LLC, 400 N Executive Drive, Brookfield, WI 53005 – c/o Mary Volz, Project Manager, for approval of a minor revision to plan and method of operation permitting exterior painting of Executive Center VI at said address. (SE ¼ of Sec. 27) – RV **Requires Common Council Action****

Report:

1. The site consists of one lot located in the Bluemound Road/I-94 Area Targeted Investment Area (TIA), one of eleven areas identified in the *City of Brookfield 2050 Comprehensive 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 adopted land use of the Neighborhood Plan for the site is “Commercial/Office”. The adopted land use of the *City of Brookfield 2050 Comprehensive Plan* is “Mixed Use – Higher Density”. The site is zoned “O&LR/C #2 – Office and Limited Residential/Commercial District Number 2” (O&LR/C #2) including adopted Modified Suburban Overlay Zoning District – Northern Brookfield Square Area Overlay Zoning District Ordinance 2593-20. The proposed exterior painting of building façade and landscape retaining walls is permitted.
2. Requested exterior building modifications are consistent with the City’s Site Development Design Standards for Non-Residential Uses. Existing precast concrete façade and concrete planter retaining walls are shown in

Loxon “Gauntlet Grey” (dark grey) paint. No changes to existing vision glass are being proposed. Requested color is consistent with recent approvals for office buildings by the plan commission.

Recommendation: The applicant’s proposal complies with the City’s Site Development Standards for Non-Residential Uses and exhibits a finish color for an office building the plan commission has found agreeable for such uses in recent approvals. Staff recommends the Plan Commission approve the minor revision to plan and method of operation permitting exterior painting of Executive Center VI at 400 N Executive Drive subject to:

1. Application Letter dated August 9, 2021 by Arthur Goldner & Associates, Inc. dba Brookfield Investors, LLC, c/o Mary Volz, Senior Property Manager.
2. Building elevation rendering and paint color samples dated July 7, 2021 by in. studio architecture, including technical corrections.
3. 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).
4. Minor revision to plan and method of operation approval expires on September 21, 2023 unless a building permit is obtained prior thereto.

Topics Discussed

- Proposal is straightforward and agreeable to the Plan Commission.

Refer to video and audio recording of this item [here](#) for the discussion.

Motion by Alderman Gary Mahkorn, second by Citizen Member Steve Petitt to approve staff recommendation for approval of the minor revision to plan and method of operation permitting exterior painting of Executive Center VI at 400 N Executive Drive. Motion carried 7-0.

- d. **Request of CC’s Elbow Room, Inc., 2850 N Brookfield Road, Brookfield, WI 53045 – Celia Ceman, Owner, for approval to schedule a public hearing for a discontinuance of a portion of public way, and for approval of a preliminary survey, merging two lots of record into one lot, in association with redevelopment of the site for CC's Elbow Room, a tavern re-occupancy, at said address. (NW ¼ of Sec. 16) – RV **Requires Common Council Action****

Report:

1. The site consists of two lots located in the Village 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 *Village Area Neighborhood Plan – 2006* and the *Update and Supplement to the Village Area Neighborhood Plan – 2012* (Neighborhood Plan). The adopted land use of the Neighborhood Plan for the site is “Mixed Retail, Office and Residential”. The adopted land use of the Comp Plan is “Mixed Use – Higher Density”. The site is zoned “VAB” – Village Area Business District (VAB). The proposed site redevelopment, remodeling, and re-occupancy of a tavern is a permitted use of the zoning district.
2. Applicant’s preliminary survey depicts the two lots, with addresses of 2850 N Brookfield Road and 18765 Hoffman Avenue, being merged to become one lot. Site redevelopment proposal seeks to construct a patio improvement up to the sidewalk along N Brookfield Road. The existing portion of N Brookfield Road right-of-

way (ROW) that abuts the site includes a depth of roughly twelve (12) feet east of the sidewalk along this frontage. Applicant is seeking Plan Commission direction on a discontinuance of this portion of ROW to transfer ownership of these lands into the reconfigured lot, permitting the applicant to request a revised plan and method of operation to construct the envisioned patio improvement up to the sidewalk. The existing portion of Hoffman Avenue ROW that abuts the site varies in width along the two lots. Applicant proposes, and staff advises, that the frontage along Hoffman Avenue is appropriately dedicated to achieve uniform width of ROW along this frontage. Such dedication would allow the City to construct additional public parking spaces, should the appropriate Boards/Commissions and Common Council endeavor to do so, along the southern edge of the ROW consistent with existing public parking at this location.

3. In compliance with City code and 66.1003 of the State Statutes, if the Plan Commission determines the public interest requires a discontinuance of the portion of ROW as depicted in the applicant's preliminary survey (described above), the Commission would accordingly recommend the Common Council introduce a resolution to discontinue such portion of ROW as part of approving the preliminary survey and schedule the necessary public hearing regarding such resolution. Approval of preliminary survey would be subject to discontinuance of the portion of ROW. If the ROW is discontinued, the applicant could proceed with request for final certified survey map and revised plan and method of operation at a Plan Commission meeting subsequent to successful adoption of discontinuance resolution.
4. The requested lot reconfiguration conforms to City code. Proposed patio improvement, however, would increase the required parking spaces for the site and preliminary site plan indicates parking lot improvement may not achieve the resultant required parking spaces of the envisioned redevelopment. Section 17.120.010 B. of the Municipal Code grants the Plan Commission authority to permit deviations from required parking spaces whenever it finds that such deviations are more likely to satisfy the standard that:

“2. 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.”

The applicant's proposal would allow for additional public parking spaces adjacent to the use. The site also benefits from immediate proximity (within ~200ft) to forty-eight (48) parking spaces of currently available public parking in the VAB. The Neighborhood Plan and Comp Plan list goals and objectives that encourage the creation of spaces that activate the street. Patio, porch, and/or outdoor dining space improvements exist up to the sidewalk elsewhere along this side of N Brookfield Road in the VAB, such as Biloba Brewing (2970 N Brookfield Road) and Vino Cappuccino at Brookfield Junction (2848 N Brookfield Road). The proposed patio improvement is designed to create an aesthetically pleasing activated space along the public way for patrons.
5. In staff's opinion, permitting the patio improvements to fully occupy the frontage up to the sidewalk, via private ownership of this land, is preferable to the City improving and/or maintaining the frontage between the sidewalk and a potential patio up to the existing lot line. No municipal utility is currently located, or planned to be located, within this portion of the public way. Discontinuing the eastern portion of ROW, without reservation of utility or access rights, and the applicant's requested dedication of the northern portion of the east parcel (18765 Hoffman Avenue) to align with the northern lot line of west parcel (2850 N Brookfield Road), which creates a uniform ROW width that will support public parking in the location that assists with parking requirements of such redevelopment, achieves a combined parcel more favorable to fully utilize the lands. Staff would also recommend the Plan Commission permit a deviation from required parking spaces of revised plan and method of operation if such request is made accordingly.

Recommendation: The applicant's proposal is consistent with the stated goals and objectives of the Neighborhood Plan and Comp Plan. Preliminary survey indicates lot reconfiguration through subsequent final certified survey map conforms to code, subject to discontinuance of ROW and technical corrections. Staff recommends the Plan Commission approve the preliminary survey combining two lots of record into one lot, lot 1 and 2 in block 1 of Hoffman's Assessment Plat #5, property tax keys BR C1070001 and BR C1070002, and recommend the Common Council introduce a resolution to discontinue the portion of ROW described therein, with approval to schedule a public hearing regarding discontinuance resolution, in association with Plan Commission

redevelopment of the site for CC's Elbow Room at 2850 N Brookfield Road subject to:

1. Engineering review and approval, including technical corrections, to preliminary survey and subsequent final certified survey map.
2. Preliminary survey approval subject to Common Council executing discontinuance of the portion of public way.
3. Provisions of Title 16 and 17 of the Municipal Code regarding dedication, discontinuance, and land reconfigurations.

Topics Discussed

- Questions related to process or any issues involving discontinuance of the portion of right-of-way.
- Soundness of the proposal and overall favorable use of the site.

Refer to video and audio recording of this item [here](#) for the discussion.

Motion by Alderman Gary Mahkorn, second by Alderman Rick Owen to approve staff recommendation for approval of a preliminary survey combining two lots of record into one lot, lot 1 and 2 in block 1 of Hoffman's Assessment Plat #5, property tax keys BR C1070001 and BR C1070002, and recommendation to the Common Council to introduce a resolution and schedule a public hearing to discontinue a portion of public way, in association with the redevelopment for CC's Elbow Room at 2850 N Brookfield Road. Motion carried 7-0.

- e. **Ordinance Amending §17.112.030 regarding the "Maintenance and use of setback and offset areas"; and §§17.120.040; 17.120.050 and 17.120.060 regarding "Off Street Parking and Loading"**

Report:

The zoning code would be amended to correct an inconsistency in the application of pavement offset rules on non-residential properties.

A public hearing on this item was held September 7, 2021. No public comments were made. Aldermen asked technical questions regarding what the amendment means to existing conditions.

Recommendation: Approve Ordinance

Topics Discussed

- Matter is straightforward.

Refer to video and audio recording of this item [here](#) for the discussion.

Motion by Alderman Gary Mahkorn, second by Citizen Member Steve Petitt to approve staff recommendation for approval of an ordinance to amend §17.112.030 regarding the "Maintenance and use of setback and offset areas"; and amend §17.120.040, 17.120.050 and 17.120.060 regarding "Off Street Parking and Loading". Motion carried 7-0.

6. Adjournment

Motion by Citizen Member Steve Petitt, second by Citizen Member Lisa Chang to adjourn the meeting at 6:57 pm. Motion carried unanimously.

Respectfully Submitted:
Daniel F. Ertl

