



MINUTES OF AN OFFICIAL MEETING

Regular Meeting of: Plan Commission

Date and Time: Monday, October 9, 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, Assistant City Attorney Julie Aquavia, Alderman Christopher Blackburn

Members Absent/Excused: None

10/9/2023 - Minutes

1. Roll Call

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

2. Announcements

- a. The Next Regularly Scheduled meeting is November 13, 2023, 6:30 PM

3. Approval of Minutes

- a. Minutes of the September 11, 2023 meeting.

**Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist to approve the minutes of the September 11, 2023, Plan Commission meeting with technical corrections.
Motion carried 7-0.**

4. New Business

- a. Request of Sikh Religious Society of Wisconsin, Inc., 3675 N. Calhoun Road, Brookfield, WI 53005 – c/o Nathan Remitz, Project Manager at Patera Architecture + Engineering, for approval of: a preliminary concept map, certified survey map, conditional use permit, temporary limited easement for landscaping, subdivider/development agreement, and revised plan and method of operation permitting demolition of an existing building, the construction of a new religious building with living accommodations associated with the religious institution, and site improvements, in association with the operation of a Sikh gurdwara at 3625 N Calhoun Road. (NE ¼ of Sec. 9) – EZ **Requires Common Council Action**

Report:

1. The site consists of two lots not located in a Targeted Investment Area (TIA), one of eleven areas identified in the City of Brookfield 2050 Comprehensive Plan (Comp Plan) that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted land use of the City of Brookfield 2050 Comprehensive Plan (Comp Plan) is "Community Facility" and "Housing Focused – Lower Density". The site is zoned R-3 Residence District. One lot, which contains the existing religious-use building, also has three approved conditional use permits (Ord. 329, 416, & 613), which allow for the construction and operation of a religious-use building. The proposed request would require the combination of the two lots, both owned by Sikh Religious Society of Wisconsin, via Certified Survey Map (CSM). Further, the request will require the expansion of the Conditional Use Permit (CUP) boundary to cover the entirety of the enlarged lot. The new lot will be 441,841 square feet in area. The proposed development in association with the construction of a new religious use building and accessory building may be permitted as a conditional use in any zoning district, except the conservancy and upland conservancy districts, on a lot greater than one hundred twenty thousand (120,000) square feet in size. The existing religious-use building will be demolished following construction and occupancy of the new building. The applicant has requested one year to demolish the existing building following occupancy of the new building. This timeline will be finalized as a requirement in the development agreement.

2. Proposed Site Development Characteristics:

Combined lot Area: 441,841 sq. ft. (10.143 ac)

Building Setback: 119' N. Calhoun Road (50' min.)

Pavement Setback: 119' N. Calhoun Road (25' min.)

Building Offset: 265' north (25' min.), 160' south (25' min.), 450' west (50' min.)

Pavement Offset: Unchanged north (25' min.), 75' south (25' min.), 250' west (25' min.)

Building Height: 34' 5.5" (35' max., 15' max. accessory buildings), Spire (gumbad) height 73' 3" (see report below)

Existing Building Size: 9,445 sq. ft.

Proposed Building Size: 20,352 sq. ft.

Proposed Accessory Building Size: 1,500 sq. ft.

Parking Spaces: 160 surface + 56 future = 216 (187 req.)

Floor Area Ratio: 7.08% (30% max. including accessory buildings)

Impervious Surface Area: 164,116 ft.

Lot Coverage: 37.14% (50% max., all buildings and impervious surfaces)

Landscape Area Ratio: 62.86% (50% min.)

3. The submitted site plan indicates two ingress/egress access points from N. Calhoun Road. The northern most driveway is existing and would continue to be full access. The existing south access would be removed and repositioned south of the proposed building. This would also be a right-in/right-out only access, due to the existing medians on N. Calhoun Road. Trash and recycling receptacles are proposed to be stored in the southwest corner of the building, screened from view. A traffic impact analysis was not required for the request. The number of employees, patrons, and/or visitors identified in the applicant's peak traffic hour of proposed operation will generate less than the 100 vehicles per

peak hour where the City requires a traffic analysis under §17.100.070.H.

Note: The applicant did request a variance to §12.09, which requires the minimum number of driveways necessary, to allow for a third driveway access to N. Calhoun Road on the property. This variance was denied by the City Engineer. The site plan has been revised to show only two access points to the property.

4. The existing site plan shows the existing parking lot to be pulverized, regraded, and repaved. With this extent of work being completed, the Site Development Standards require bringing the parking lot into compliance with the current code, including a 25' setback from the north property line, curbing, and landscaping. This has been added as a condition of approval.

5. There is a retaining wall on the north and south side of the new building that exceeds the 5' maximum height under Section 15.04.370 Retaining wall. This should be modified to meet the 5' maximum height requirement.

6. The proposed architecture and building materials are consistent with more traditional elements of Sikh architecture. The new building will include a brick and marble exterior with various clerestories and domes. The north and south sides of the proposed building feature covered entrances to greet guests and provide a covered drop off location. A band of brick wraps around the bottom portion of the façade to protect the more delicate marble from snow and salt. An outdoor patio and play area will be provided in the northwest corner of the building as well as a garden on the west end of the lot. A 50' x 30' (1,500 square feet) accessory building will be constructed on the west side of the building with a brick façade that matches the base of the main building. The Plan Commission may approve a detached garage under Section 17.136.050 D. when the design and location of the detached garage preserves the architectural character and integrity of the principal building and is consistent with the architectural character and integrity of the neighborhood. The proposed architecture and building materials are consistent with the City's Site Development Standards for Non-Residential Uses.

7. The maximum height of buildings in the R-3 Residence District is 35'. "Height of Building" as defined in Section 17.01.020 of the Municipal Code "means the vertical distance from the average established street grade in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable or a gambrel, hip or pitch roof." The height of the parapet wall on the flat roof of the proposed building is 34' 5.5".

8. Additional height is proposed as a part of the architectural details of the building which include gumbads (domes) and spires. Section 17.136.030 B. lists exceptions from height regulations in all districts. B.4. states that "subject to the approval of the Plan Commission, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers and spires." The overall height to the peak of the main gumbad is 73'3". There is no habitable space within these features. The City of Brookfield has previously allowed architectural features to exceed the maximum height in the various zoning districts for a variety of building types. A list of the heights of some existing buildings and features has been included in the packet for reference.

9. The 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. Street yard landscaping is required along N. Calhoun Road.

11. The applicant is in receipt of a missive July 13, 2023, revised October 5, 2023, by Fire Chief David Mason identifying fire access road requirements and preliminary fire alarm, suppression, and fire

protection code compliance requirements.

12. Site utility, grading, stormwater management and erosion control plans including public improvements have been submitted to the Engineering Division.

13. A preliminary concept map and Certified Survey Map have been submitted to combine two parcels into one lot.

14. A standard form City of Brookfield commercial development agreement will secure necessary public improvements, access, grading, drainage, landscaping, and stormwater management in the project. A temporary limited easement for street yard landscaping using the City's standard form is necessary to secure installation and maintenance of such landscaping.

15. The standards for conditional use permit issuance, Section 17.108.050.I. of the Municipal Code, are attached to this report for Plan Commission reference.

16. A neighborhood information meeting was held on Thursday, July 20, 2023, per code requirements. Representatives from the project team were in attendance. One (1) citizen recorded their attendance on the meeting sign-in sheet. One (1) comment submitted via mail was received following the neighborhood information meeting. Copies of these materials were included in the record for the plan commission and common council consideration and were distributed in the meeting packets of the conditional use permit public hearing.

17. A public hearing for the conditional use permit request was held on September 11, 2023, per code requirements. Project Manager/Architect Nathan Remitz of Patera Architecture and Engineering spoke on behalf of the project team and answered questions of clarification from the commission. Three members of the public spoke during the public hearing. The following was copied and pasted from the draft minutes of the September 11, 2023, Plan Commission Meeting:

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.

18. The proposal is consistent with the 2050 Comprehensive Plan, which states that existing

institutional uses located in residential areas at the time of plan adoption (January 2020) are intended to be grandfathered or protected under contemplated amendments to the City Zoning Code (pg. 40). In June 2020, the City updated the conditional use regulations. This included requiring a larger property (120,000 sq.ft) for institutional uses like religious uses, listing ten standards for addressing the impacts of such use. Conditional Uses. Section 66.1001(2m)(b) of the Wisconsin Statutes states that conditional use approval is not required to be consistent with the City's Comprehensive Plan. Local ordinances can nevertheless include consistency with the comprehensive plan as a standard for evaluating applications for conditional uses. Figure 7: City of Brookfield Future Land Use Categories and Policies Matrix states that schools and churches are allowed in the Housing Focused areas of the City.

19. Municipal Code §16.12.040.B. enforces the following standards for land reconfigurations by certified survey maps (**emphasis added**):

All land reconfigurations **shall adhere to the official map and** the standards and requirements set forth **in this code**;

The land reconfiguration **does not result in the deterioration of** any natural environment such as a **wetland or floodplain** per an expert opinion procured and paid for by the subdivider **if a wetland or floodplain exists on the parcel or is adjacent**; and

If the land reconfiguration lies within a subdivision the following also apply:

1. The land reconfiguration **should be in relationship to the average size and width of existing lots in the subdivision**. If the average size and width of the lots contained within the subdivision exceed current minimum dimensions required in the subdivision and zoning codes, this subsection supersedes those provisions; and
2. The land reconfiguration **does not create a material and detrimental departure from the prevailing lot configuration** of the subdivision; and
3. The land reconfiguration **does not unfavorably impact the public utilities in the subdivision or create drainage problems**.

Associate Planner Zandt summarized the proposal and read through the Staff Recommendations and the Plan Commission commented and asked questions.

Alderman Mike Hallquist inquired about the phased parking lot and whether expansion was included in the currently proposed stormwater management calculations. Associate Planner Zandt noted that the proposed stormwater retention pond was designed to accommodate the future parking shown on the site plan.

Alderman Rick Owen stated that a resident and former Alderwoman contacted him with concerns about the height of the proposed building. Alderman Owen stated that the input from the public on this project was minimal compared to a recent project that he considered to have had huge public opposition. This is a 10+ acre site, much larger than the minimum lot size for Conditional Uses of 120,000 square feet (2.75 acres). Alderman Owen referenced the list of existing buildings that have ornamental features that exceed the maximum height in the district, under Section 17.136.030 B. He does not anticipate the City will make a decision to stop allowing religious use buildings to have these features.

Alderman Gary Mahkorn commended Alderman Owen and Planning Staff for spending the time necessary to address resident concerns related to this project.

Citizen Commissioner Scott Thomas asked if the project is dependent on the two lots being combined. Associate Planner Zandt commented that even though both parcels meet the minimum lot size of 120,000 square feet for a conditional use, the stormwater management features of the project cannot be contained to just one lot, thus the combination is required.

Nathan Remitz of Patera Architecture and Engineering, project architect, introduced himself and stated he is available for any questions from the Plan Commission.

Staff Recommendation #1: The Plan Commission recommends that the Common Council approve the preliminary concept map to combine two parcels of property located at 3625 and 3675 N Calhoun Road BRC1041987 and BRC1041988 for the purposes of constructing a building and operating a religious use, subject to the following:

1. Any technical corrections to the preliminary concept map required by the Engineering Division.
2. Execution of a subdivider's agreement and associated easements using the City's forms, subject to requirements and final approval of City Engineering and the City Attorney prior to recording.

Motion by Alderman Mike Hallquist, second by Alderman Gary Mahkorn, to approve staff recommendation #1 to approve the preliminary concept map to combine two parcels 3625 and 3675 N Calhoun Road BRC1041987 and BRC1041988 for the purposes of constructing a building and operating a religious use, subject to items 1 & 2. Motion carried 7-0.

Staff Recommendation #2: The Plan Commission recommends the Common Council approve the certified survey map to combine two parcels of property located at 3625 and 3675 N Calhoun Road BRC1041987 and BRC1041988 for the purposes of constructing a building and operating a religious-use, subject to:

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

Motion by Alderman Gary Mahkorn, second by Alderman Rick Owen, to approve staff recommendation #2 to approve the certified survey map to combine two parcels of property located at 3625 and 3675 N Calhoun Road BRC1041987 and BRC1041988 for the purposes of constructing a building and operating a religious-use, subject to one condition. Motion carried 7-0.

Staff Recommendation #3a: The Plan Commission recommends that the Common Council approve the Conditional Use Permit for a religious use building and accessory building on the property located at 3625 & 3675 N Calhoun Road because the proposed use meets the criteria listed under §17.108.050 I.:

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

except for those uses exempt from the provisions of these standards under the provisions of Section 17.100.020(A).

Staff Recommendation #3b: The Plan Commission makes no recommendations or conditions regarding proposed height of decorative aspects of the building in the plans dated June 22, 2023 as allowed under §17.108.050.J. No conditions are needed because their height meets the Site Development Standards regarding proportions in Section II.2. and II.6.; they reflect traditional Sikh gurdwara design; and the City has authorized height deviations for other decorative elements of both religious and non-religious uses. Further, there has been no evidence that the height would be detrimental to or endanger public health, safety or general welfare as the decorative elements are not habitable and are well within the Fire Department's apparatus capacity.

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

Assistant City Attorney Julie Aquavia read through the draft Findings of Fact, Applicable Law and Recommendation to the Common Council.

Motion Alderman Gary Mahkorn, second Alderman Mike Hallquist to accept Staff Recommendation #3a to approve the Conditional Use Permit for a religious use building and accessory building on the property located at 3625 & 3675 N Calhoun Road because the proposed use meets the criteria listed under §17.108.050 I. Motion carried 7-0.

Citizen Commissioner Scott Thomas expressed concern about using the terminology "decorative aspects" because there is no definition included for the term. The language should specify the domes and spires. Planning Administrator Richard VanDerWal commented that he would also add "supporting structural elements" to the language. The maker of the motion will need to modify the motion to amend the applicable language on page 6 of 7 in the Findings of Fact, Applicable Law, and Recommendation to the Common Council as well as in Staff Recommendation #3b.

Motion by Alderman Gary Mahkorn, seconded by Alderman Rick Owen, to approve Staff Recommendation #3b, modifying the language as discussed to specify domes, spires, and structural support elements. Motion reads:

The Plan Commission makes no recommendations or conditions regarding proposed height of the decorative aspects domes, spires, and supporting structural elements of the building in the plans dated June 22, 2023 as allowed under §17.108.050.J. No conditions are needed because their height meets the Site Development Standards regarding proportions in Section II.2. and II.6.; they reflect traditional Sikh gurdwara design; and the City has authorized height deviations for other decorative architectural elements of both religious and non-religious uses. Further, there has been no evidence that the height would be detrimental to or endanger public health, safety or general welfare as the decorative domes, spires, and supporting structural elements are not habitable and are well within the Fire Department's apparatus capacity.

Motion carried 7-0.

The intent of the above motion was to amend the language of both recommendation #3a and #3b and to update the language in the Findings of Fact, Applicable Law and Recommendation to the Common Council document, which will be forwarded to the Common Council as the official recommendation from the Plan Commission.

Staff Recommendation #4: The Plan Commission approves the 1,500 square foot accessory building under Section 17.136.050 D. The Plan Commission recommends that the Common Council approve the revised plan and method of operation and the temporary limited easement for street yard landscaping, and authorizes the mayor to enter into a development agreement for the construction of a new religious

use building at 3625 N Calhoun Road and 3675 N Calhoun Road subject to items 1-15 below, because it determines that the proposed improvements and use:

- Will not have a substantial adverse effect on traffic safety because the proposed use will generate less than the 100 vehicles per peak hour where the City requires a traffic analysis under §17.100.070.H.
- Will be consistent with the Municipal Code because, subject to technical corrections, it will meet the requirements therein.
- 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.
- Will be substantially in conformance with the most current edition of the Site Development and Landscape Standards, dated April 19, 2022, where applicable, subject to bringing the existing parking lot into conformance with current standards, because the final proposed religious use building and site improvements will fulfill the stated standards therein.

1. Staff Report dated October 9, 2023.
2. Plan of Operations for Sikh Religious Society of WI Inc. dated July 26, 2023.
3. Preliminary Concept Map dated March 16, 2023, subject to technical corrections required by the City Engineering Division Review.
4. Certified Survey Map dated March 6, 2023 subject to technical corrections required by the City Engineering Division review.
5. Site Plan dated July 10, 2023 by Parish Survey & Engineering, subject to technical corrections including bringing the existing parking lot into compliance with current Site Development and Landscaping standards (setback, curb, & landscaping) and final approval of the City Engineering Division.
6. Building plans, elevations and material samples dated June 22, 2023 subject to final approval of the City Engineering Division.
7. Compliance with site access, fire suppression, and alarm requirements specified in a memorandum dated July 13, 2023 and revised October 5, 2023 by Chief David Mason.
8. Site utility, grading, stormwater management and erosion control plans including public improvements subject to technical corrections and final approval of the City Engineering Division prior to the issuance of building permits.
9. Payment of applicable fees to the Community Development Department prior to issuance of a building permit. \$ TBD Engineering Review Fee, \$ TBD Subdivider's Agreement
10. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield Municipal Code.
11. All signage subject to separate review by the Zoning and Building Administrator.
12. Landscape plan dated June 20, 2023 by Parish Engineering subject to City of Brookfield consultant review and technical corrections secured with a letter-of-credit or cash deposit (City forms available from the Department of Community Development).
13. Execution of a Development Agreement, including a requirement to demolish the existing building following construction and occupancy of the new building, subject to final approval by the City Engineering Department and City Attorney prior to the recording of the Certified Survey Map (CSM).
14. Once a building permit is issued by Inspection Services, the owner shall receive an occupancy permit within eighteen (18) months or the owner of the property may be subject to the penalty provisions of the Zoning Code, Section 17.100.130 or the owner shall remove construction equipment and debris from the site, fine grade and seed the site, and stabilize surface water drainage leaving the site to City Engineering Department specifications within four (4) months or the owner of the property may be subject to the penalty provisions of the Zoning Code – Section 17.100.130. (Ordinance #2134-08).
15. Plan and method of operation approval expires October 17, 2025 unless a building permit is obtained prior thereto.

Motion by Alderman Mike Hallquist, second by Citizen Commissioner Austin Moore, to approve staff recommendation #4 to approve the 1,500 square foot accessory building under Section 17.136.050 D. and recommend that the common council approve the revised plan and method of operation and the temporary limited easement for street yard landscaping, and

authorizes the mayor to enter into a development agreement for the construction of a new religious use building at 3625 N Calhoun Road and 3675 N Calhoun Road subject to items 1-15, because it determines as the Plan Commission has determined that the proposed improvements and use:

1. Will not have a substantial adverse effect on traffic safety because the proposed use will generate less than the 100 vehicles per peak hour where the City requires a traffic analysis under §17.100.070.H.
2. Will be consistent with the Municipal Code because, subject to technical corrections, it will meet the requirements therein.
3. 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.
4. Will be substantially in conformance with the most current edition of the Site Development and Landscape Standards, dated April 19, 2022, where applicable, subject to bringing the existing parking lot into conformance with current standards, because the final proposed religious use building and site improvements will fulfill the stated standards therein.

Motion carried 7-0.

- b. Request of Everest Brookfield, LLC, 731 N Jackson Street, Suite 502, Milwaukee, WI 53202 and Twain GL IX, LLC, 2200 Washington Ave, St. Louis, MO 63105, to schedule a public hearing to amend the zoning of 375 S Moorland Road (Tax Key BRC1141998002) to be Office and Limited Residential/Commercial District No. 2 with existing Modified Suburban Overlay District – Southern Brookfield Square Area Overlay zoning to remain, in association with proposed development on the north portion of the lot. (NE ¼ of Section 34) – EZ

Report:

1. The site consists of 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 "Mixed Use". The adopted land use of the Comp Plan is "Mixed Use – Higher Density". The site is currently split-zoned "O&LR/C #2 Office & Limited Residential/Commercial #2 and B-3 Regional Business District" with a modified suburban overlay (MSO Ord. 2594-20 – Southern Brookfield Square Area Overlay) which established regulations and design standards for this area.

2. The applicant is seeking a rezoning of the site to the O&LR/C #2 district to bring the entire property into one zoning district, consistent with the properties to the north and west. The existing MSO District would continue to apply to this property as previously approved. The portion of the property that is zoned B-3 is only one of two remaining B-3 zoned properties within the Brookfield Square area from the era before the new zoning concepts were created. The other B-3 site is US Bank located along Moorland Road. Having consistent zoning in the area will aid in future development/redevelopment of the area.

3. The applicant is negotiating with the property owner (Twain GL IX, LLC Sheraton Hotel) to purchase the northern approximately 2 acres of the property for a financial services user and a first-to-Wisconsin restaurant. The applicant has filed a controlling interest in the property. See the conceptual site plan included in the packet.

4. §17.08.070.B.2.b.ii. of the Municipal Code requires property owners seeking a zoning amendment to submit:

- ii. A written explanation of how the proposed rezoning complies with the City's comprehensive plan,

including a general description of how the intended land use is in compliance with the comprehensive plan and citation to the comprehensive plan, neighborhood plan or other document incorporated into the comprehensive plan.

The applicant has submitted a letter of explanation, which is included in the application materials. The letter acknowledges the proposed land use and zoning is consistent with the Comprehensive Plan and neighborhood plan.

5. The proposed zoning amendment is consistent with the Comprehensive Plan. The Mixed Use Land Use Category is "intended for a carefully planned, deliberately designed mix of compatible uses within the same site, building, and/ or development, including housing, shopping, employment, and recreation uses, with a range of densities and formats depending on the subcategory and zoning." The future project would be consistent with the requested zoning, however it may not be able to meet the objectives of a more robust density and residential uses. The higher-density designation calls for a Floor Area Ratio (FAR) of greater than 0.4 and/or greater than 6 dwelling units/acre, however existing sanitary sewer constraints limits the ability for additional residential units in this area without a sanitary sewer system upgrade. A parking deck would also be necessary to achieve a higher, fuller density.

6. The proposed zoning amendment is consistent with the Calhoun Road South Neighborhood Plan. The Neighborhood Plan states that the parcel "is encouraged to have added density through mixed use development approach combining hotel, conference, office, and restaurant uses" (pg. 69-70). The plan also calls for the use of structured parking, however, as previously mentioned, the intensity of the proposed uses is limited on the existing sanitary sewer capacity. Existing surface parking on the property is anticipated to be sufficient for the project and the existing hotel will have sufficient remaining parking per the parking analysis that was submitted by the applicant.

7. The O&LR/C #2 District calls for mixed-use infill development. Permitted uses include:

1. Office. Those uses allowed as permitted uses in the office district;
2. Multiple-family dwellings;
3. Any retail or customer service uses allowed as a permitted use in the B-1 local business district;
4. Uses allowed in the B-3 regional district limited to shopping centers, hotels, theaters, and restaurants with outdoor seating not exceeding twenty-five (25) percent of the indoor seating capacity, excluding fast food and drive-thru. The location and operating hours for the outdoor seating and adequacy of parking will be subject to plan commission approval. Excluding kennels, animal hospice, animal hospital/clinic, veterinary hospital/clinic, emergency animal hospital/clinic and emergency veterinary hospital/clinic;
5. Parking structures;
6. Bus terminal, railroad passenger, or any other transportation terminal facility;
7. Mixed-use buildings.

Dimensional Standards are dictated by the MSO district that applies to the property. These can be found under Section II of Ordinance No 2594-20 attached.

8. In terms of procedure, the applicant will consider the comments and recommendations of the Plan Commission regarding the proposed zoning amendment and development. The applicant may alter the details of the request accordingly prior to noticing the public hearing and the required Neighborhood Information Meeting (NIM). The Community Development Department will schedule a Neighborhood Information Meeting (NIM) and a public hearing before the Common Council. It is anticipated that the public hearing will be held on November 7. The rezoning request would then be back before the Plan Commission for recommendation to the Common Council at the November 13th meeting. Final action is anticipated to be taken by the Common Council on November 21st.

Staff Recommendation: The Plan Commission should discuss the proposed zoning amendment and associated development, providing direction to the applicant regarding any modifications the Commission recommends. Staff recommends that the Commission finds the requested zoning

amendment is consistent with the objectives and land use recommendations stated in the Neighborhood Plan and 2050 Comprehensive Plan, directing the Department of Community Development to schedule a public hearing regarding the request and recommends a neighborhood information meeting is held prior to the public hearing.

Topics Discussed:

- Consistency of the proposed development with the 2050 Comprehensive Plan.
- Consistency of the proposed rezoning with the 2050 Comprehensive Plan.
- Preferences for the proposed development to include a multi-family component.
- Impacts of sanitary sewer capacity on the proposed development.
- Inquiry and request for the Department of Community Development on methods for increasing Common Council and Plan Commission transparency on, or exposure to, potential developments that do not move forward as a result of, or are limited by, existing infrastructure. It was stated that this may need a legislative referral.

Motion by Alderman Rick Owen, second by Citizen Member Scott Thomas, to approve staff recommendation to find the requested zoning amendment is consistent with the objectives and land use recommendations stated in the Neighborhood Plan and 2050 Comprehensive Plan, direct the Department of Community Development to schedule a public hearing regarding the request, and recommend a neighborhood information meeting is held prior to the public hearing. Motion carried 7-0

c. Discussion on Electrical Vehicle Charging Stations. – RV/EZ

Report:

1. The electric vehicle (EV) has steadily increased in total number of registered vehicles in the state of Wisconsin since 2016, roughly increasing from 2,600 vehicles to 15,700 vehicles in 2022 (U.S. Department of Energy, October 2023). EVs are also more prevalent in communities with higher per capita incomes, with higher per capita levels of EV ownership in Dane, Ozaukee, Waukesha, Door, and Bayfield Counties (Wisconsin Policy Forum, September 2022). The increase in EVs has led to an increase in the demand for EV charging stations to be built in the City of Brookfield. Department of Community Development staff and the Mayor have fielded inquiries from private businesses seeking potential sites for EV charging use over the past two years. However, the Municipal Code does not permit EV charging as a principle use in any zoning district. Charging stations permitted in the City have been limited to ancillary use by commercial property owners, typically providing no more than ten charging spaces in a parking lot/structure for executive employees of a business, or residents of an apartment building.

2. Community Development staff have been researching the topic and engaging with other pertinent City staff to collectively inform and advise the elected and appointed officials on appropriate code amendments to permit EV charging station use in the City. A presentation will be given by staff to assist the Plan Commission in discussing the desired outcomes for regulation of EV charging facilities in the City. Critical items for discussion include:

- Regulation of scale and operations of the use
- Setbacks, offsets, and other dimensional standard regulations
- Site aesthetics, landscaping, signage, and trade dress regulations
- Regulatory approaches and potential outcomes
- Minimizing negative impacts
- Degree of Plan Commission and Common Council oversight

3. City staff will consider the direction given by the Plan Commission throughout the discussion of the topic. Noted preferences will be used by staff in drafting suitable code amendments for the Plan

Commission and Common Council to consider in future meetings.

Staff Recommendation: A demand currently exists for electrical vehicle charging stations to be built in the City of Brookfield. The Municipal Code does not list EV charging stations as a permitted use in any zoning district. Code amendments are necessary to prepare the City for the implementation of electrical vehicle charging infrastructure. The Plan Commission should discuss the topic and provide direction to City staff for suitable code amendments to be drafted for future consideration.

Topics Discussed:

- Regulation of scale and operations.
- Setbacks, offsets, and other dimensional standard regulations.
- Site aesthetics, landscaping, signage, and trade dress regulations.
- Regulatory approaches and potential outcomes.
- Minimizing negative impacts.
- Degree of Plan Commission and Common Council oversight.
- Plan Commission direction for City staff to draft code amendments in a timely manner to respond to the existing demand of businesses pursuing installation of EV charging equipment including the Open Pantry located on Bluemound Road.

No Action.

5. Adjournment

Motion by Alderman Mike Hallquist, second by Citizen Member Austin Moore, to adjourn the meeting at 8:30 pm. Motion carried unanimously.

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