



## MINUTES OF AN OFFICIAL MEETING:

Regular Meeting: Plan Commission

Date and Time: Monday, October 11, 2021 at 6:30 pm

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

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)

Members Excused: Citizen Commissioner Steve Petitt

Others Present: Director of Community Development Dan Ertl, City Engineer Jeff Chase, Fire Chief Dave Mason, Associate Planner Richard VanDerWal, 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, November 8, 2021 at 6:30 pm.

## 3. Meeting Minutes

### a. Minutes of the September 13, 2021 Plan Commission meeting.

***Motion by Citizen Member Lisa Chang, second by Alderman Rick Owen to approve the minutes of the September 13, 2021 Plan Commission meeting. Motion carried 6-0.***

### b. Approval of the actions, recommendations, and minutes of the September 23, 2021 Plan Review Board meeting.

***Motion by Alderman Rick Owen, second by Citizen Member Lisa Chang to approve the minutes of the September 13, 2021 Plan Commission meeting. Motion carried 6-0.***

## 4. Unfinished Business

### a. Request for a public hearing c/o City Attorney for an ordinance amending various sections of the Municipal Code including Sections 3, 12, 15, 16 and 17 related to subdivisions and platting, Official Maps, administrative fees, impact fees and related matters.

#### Report:

Due to staff recommending changes to the Code in the above-referenced sections, a public hearing is needed pursuant to statute for the amendment of Sections 12, 16, and 17. The basis for the recommendation is to update the Code due to statutory changes and conformance with statutory provisions, develop more detailed

procedures so that subdividers have clear expectations as to the City’s requirements, update design standards based on current practices, set forth an official map with planned streets so that developers are aware of their location, update administrative fees, add traffic impact analysis requirements to the Code for certain situations, and prohibit the ability to obtain a building permit until all requirements of Title 16 have been met, among other changes. A working draft of the code changes is attached to this memo. Staff will provide a full detailed analysis of the changes and the rationale behind them at the time of the public hearing.

Topics Discussed

- Chapters of Municipal Code to be amended include Fees, Official Map, Building, Subdivision, and Zoning
- Enhancement to traffic impact analyses, right-of-way dedication, and street improvements relative to case law and rationale nexus
- Preliminary surveys replaced with “preliminary concept map” per understanding of statutes
- Reaffirming context of sizes and widths of lots within existing neighborhoods when reviewing land reconfigurations, previously referred to as “land splits”
- Updates to code for conformity with current administrative practices, examples given include landscaping installation and review, public improvements, and City’s Public Infrastructure and Devolvement Handbook
- Requiring compliance with provisions of Chapter 16 prior to issuance of building permits
- Dedication requirements matching Official Map
- Presented language is a working draft with variance procedures needed in Chapter 16
- Tracked changes versions of proposed amendments to be distributed prior to the public hearing

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

***Motion by Alderman Gary Mahkorn, second by Citizen Member Austin Moore to approve the staff recommendation for scheduling a public hearing regarding the creation of an ordinance amending various sections of the Municipal Code, including Sections 3, 12, 15, 16 and 17, related to subdivisions and platting, Official Maps, administrative fees, impact fees and related matters. Motion carried 6-0.***

- b. Request for a public hearing c/o Director of Community Development for an ordinance amending Section 17.98.050. A.1. for minor edits for achieving internal consistency within the code. – DE  
\*\*Requires Common Council Approval\*\***

**Report:**

Staff uncovered a need to further refine the text in a recently created Modified Suburban Overlay District by adding maximum floor area ratio and building height for the Brookfield Square Modified Suburban Overlay District. See attached edits

**Recommendation:** Approve scheduling a public hearing.

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

***Motion by Alderman Mark Nelson, second by Alderman Rick Owen to approve staff recommendation to schedule a public hearing regarding the creation of an ordinance amending Section 17.98.050. A.1 for minor edits for achieving internal consistency within the code. Motion carried 6-0.***

- c. Plan Commission Discussion: Proposed rezoning of 12630 West Capitol Drive, property tax key BRC1012119, to Regional Business, Office and Limited Industry District (B, O&LI) and proposed code amendment of Zoning Code Section 17.98.050 “Specific zoning overlay areas” to create a new Modified Suburban Overlay area planning unit, the Parking Setback Overlay District, and to apply the proposed zoning overlay planning unit to properties, tax keys BRC1012112, BRC1012117, BRC1012118, BRC1012119, BRC1012120, and BRC1012121, along West Capitol Drive between 124th Street and 128th**

**Report:**

1. Refer to the following links to review the previous staff report and minutes related to the request:
  - [August 9, 2021 Plan Commission Packet](#)
  - [August 9, 2021 Plan Commission Minutes](#)
2. The City Attorney’s Office and Department of Community Development have been collaborating on the appropriate application of the MSO overlay initially proposed and recommended for advancement to a public hearing back in August of this year. In that time, staff has identified that additional opportunities are available with the proposed amendments to the B, O&LI zoning district that more thoroughly achieve the stated goals and objectives for the properties immediately identified for the MSO overlay rezoning. In particular, the amended B, O&LI district is more appropriate as the base zoning for the redevelopment of 12630 West Capitol Drive into a Panera restaurant, a casual dining restaurant with drive-thru.
3. The majority of dimensional and area requirements of the amended B, O&LI district align with the initially proposed MSO, allowing simplification of the MSO into a parking setback overlay. Simplifying the function of the MSO allows its application on other sites to become more straightforward by involving less change to site dimensional factors that would need to be considered in each instance.
4. Request for creating MSO overlay and rezoning of 12630 West Capitol Drive to include base zoning change from B-3 to B, O&LI have been amended and associated attachments are included with this report for your consideration.

**Recommendation:** Proposed new overlay zoning district and its immediate application to the properties along West Capitol Drive achieves the goals and objectives of the Comp Plan and Node Plans. If proposed amendments to B, O&LI are adopted, the base zoning district is more appropriate for 12630 West Capitol Drive. Staff recommends the Plan Commission provide staff direction as necessary and:

- Recommend approval to schedule a public hearing to rezone 12630 West Capitol Drive, tax key BRC1012119, to Business, Office and Limited Industry District subject to adoption of district amendments and conducting a neighborhood information meeting prior thereto.
- Recommend approval to schedule a public hearing on the proposed ordinance language of the “Parking Setback Overlay District” MSO and its application to properties, tax keys BRC1012112, BRC1012117, BRC1012118, BRC1012119, BRC1012120, and BRC1012121, along West Capitol Drive between 124th Street and 128th Street, subject to conducting a neighborhood information meeting and City Attorney review and approval of language prior thereto.

Topics Discussed

- Clarification on proposed amendments.

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

***Motion by Alderman Rick Owen, second by Alderman Gary Mahkorn to approve staff recommendation for:***

- ***approval to schedule a public hearing to rezone 12630 West Capitol Drive, tax key BRC1012119, to Business, Office and Limited Industry District subject to adoption of district amendments and conducting a neighborhood information meeting prior thereto; and,***
- ***approval to schedule a public hearing on the proposed ordinance language of the “Parking Setback Overlay District” MSO and its application to properties, tax keys BRC1012112, BRC1012117, BRC1012118, BRC1012119, BRC1012120, and BRC1012121, along West Capitol Drive between 124th Street and 128th Street, subject to conducting a neighborhood information meeting and City Attorney review and approval of language prior thereto. Motion carried 6-0.***

## 6. Adjournment

***Motion by Alderman Gary Mahkorn, second by Alderman Rick Owen to adjourn the meeting at 6:54 pm.***

***Motion carried unanimously.***

Respectfully Submitted:

Daniel F. Ertl

Director of Community Development