

THESE ARE THE MINUTES OF THE PUBLIC HEARING HELD AT 7:45 P.M., TUESDAY, JUNE 21, 2011, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

COUNCIL PRESIDENT MARK NELSON WAS PRESIDING in the absence of MAYOR STEVEN PONTO.

**ALDERMEN PRESENT:** Gary Mahkorn, Buck Jurken, Dan Sutton, Rick Owen, Christopher Blackburn, James Garvens, Lisa Mellone, Ron Balzer, Mark Nelson, Scott Berg, Jerry Mellone, Renee Lowerr, Bob Reddin, Bill Carnell

**ALDERMEN ABSENT & EXCUSED:** None

**ALSO PRESENT:** City Attorney Karen Flaherty, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, City Clerk Kristine Schmidt, Director of Human Resources Jim Zwerlein, Neighborhood Planner Jason Williams, Assistant Chief of Police Dean Collins, Police Lt. Mark Millard

Alderman Nelson called the hearing to order at approximately 7:50 p.m. and read the notice as printed in the Common Council Agenda. The full notice as published is as follows:

The request of the City of Brookfield to adopt *The Development Plan for Brookfield's 124<sup>th</sup> Street Corridor*, to amend changes to the *2035 Comprehensive Plan* and to amend changes to the *Site Development Standards for Non-Residential Uses*.

In recognition of aging land uses and intergovernmental opportunities, Brookfield's *2035 Comprehensive Plan* has identified a need to establish a new and expanded *124<sup>th</sup> Street and Capitol Drive Neighborhood Plan* to consolidate past planning efforts in the area and to encompass the 124<sup>th</sup> Street corridor all the way from the north City limits to North Avenue. The new initiative is titled *The Development Plan for Brookfield's 124<sup>th</sup> Street Corridor*. This will set forth a standard for how the City approaches redevelopment opportunities in Brookfield.

A series of intergovernmental meetings have been held with the Village of Elm Grove, the City of Wauwatosa, and the Village of Butler. Further, a series of focus group meetings, business visits and neighborhood information meetings have been held to present this plan and obtain feedback from citizens, business and property owners and officials from neighboring communities.

On March 29, 2011, the Community Development Authority reviewed and endorsed the proposed plan. On April 11, 2011, the Economic Development Committee and Plan Commission reviewed and endorsed the proposed plan.

The following actions are required and will be discussed at the public hearing:

1. Adopt *The Development Plan for Brookfield's 124<sup>th</sup> Street Corridor*.
2. Amend the City of Brookfield's *2035 Comprehensive Plan*, as follows;
  - a. To incorporate *The Development Plan for Brookfield's 124<sup>th</sup> Street Corridor* into the *2035*

*Comprehensive Plan.*

- b. To revise the plan boundary area.
  - c. Change future land use classification of parcels along the west side of 124<sup>th</sup> Street south of Feerick Street to north side of North Avenue from Higher Density Employment and Lower Density Employment to High Density Shopping.
  - d. Change future land use classification of 12675 W. North Avenue from Lower Density Residential to Lower Density Shopping.
  - e. Modify street closure recommendations in the area located north of Lisbon Avenue, west of 124<sup>th</sup> Street.
3. Amend the City's *Site Development Standards for Non-Residential Uses*, as follows:
- a. To acknowledge, define and incorporate sustainable building practices and materials.
  - b. Develop a "stream lined" approval process for project proposals that include a permitted use and the building complies with code.

Dan Ertl, Director of Community Development, noted that the *2035 Comprehensive Plan* was developed in 2009. The Plan contained 10 Targeted Investment Areas, one of the areas was 124<sup>th</sup> Street Corridor from the north City limits to North Avenue, The *2035 Comprehensive Plan* identified a need to establish a new and expanded *124<sup>th</sup> Street and Capitol Drive Neighborhood Plan* to consolidate past planning efforts in the area and to encompass the 124<sup>th</sup> Street corridor all the way from the north City limits to North avenue. The new initiative is titled *the Development Plan for Brookfield's 124<sup>th</sup> Street Corridor*.

A public information meeting was held and comments received.

Jason Williams, Neighborhood Planner' discussed the plan areas and boundary modifications. He indicated that the purpose of this planning effort is consolidation of all previous efforts under one accessible document and to articulate a policy that sets forth a standard for how the City will approach redevelopment opportunities in this part of the City.

A summary of the Plan's goals and objectives can be found on page 5 under Executive Summary, as follows:

- Increase the City's tax base (approximately \$224 million est. real property value)
- Preserve and protect residential neighborhoods.
- Market this area to greater Milwaukee as an affordable, easily accessible location for new business start-ups or businesses looking to relocate closer to the center of the metropolitan area.
- Create the environment for existing and future property owners to want to improve buildings, expand operations and increase the employment base.

The last two goals will be accomplished by creating an incentive package that includes marketing of the area as single destination, pursuing CDBG façade improvement funds, confirming plans for storm water management improvements and looking at how the site development standards can be changed to encourage redevelopment and remodeling of older properties.

This is a public hearing. The next step is the presentation of a resolution and finalized draft of the plan at the July 11, 2011 Plan Commission. If recommended for approval by the Plan Commission, the plan would come back to the Common Council for adoption at the July 19, 2011 meeting.

After the plan is adopted, City staff will begin the implementation phase of the neighborhood plan, including the following top priorities.

1. Amend Site Development Standards for Non-Residential Uses to acknowledge, define and incorporate sustainable building practices and materials.
2. Develop a “streamlined” approval process for project proposals that include a permitted use and the building code compliance. Amend the Site Development Standards for Non-Residential Uses to include this revised development review process.
3. Create a façade improvement program using Community Development Block Grant funds, if available.
4. Promote the newly implemented Brookfield Development Loan Fund program and assist property owners in gaining access to these loans
5. Research, develop and support a branding and marketing campaign to give an identity and name to this area and market it to the greater Milwaukee area.

Alderman Lowerr asked about the vacancy numbers on map 4.1. Mr. Williams stated the vacancy rate was approximately 4%.

Alderman Berg noted that the \$55,000 set aside for renovations did not buy anything. Mr. Ertl stated the \$55,000 was only a part of the overall package that includes a revolving fund. Alderman Berg then noted that page 8 addresses some neighborhood stormwater issues. He remembered something in the past about the issues and believes that the Board of Public Works decided not to pursue the matter. He was wondering why. Tom Grisa, Director of Public Works, stated that the intent was to make this part of a long term plan. Considering the economic conditions, it is not the time to pursue the stormwater issue. That doesn't mean you shouldn't plan ahead. The question is how to finance.

Alderman Carnell stated he thought it was only a small number of people who had asked for the improvement. Mr. Williams stated it could have been a minority of individuals asking for the improvement. Alderman Carnell then stated he would like to remove Birch Drive from this planning area and wondered when this should be done. Attorney Flaherty stated that the more appropriate time would be when the Council debates the Plan prior to a vote to approve.

Mr. Ertl stated they wanted to empower the neighborhood to shape the plan. Nothing needs to be done, just indicate that it is not a priority. The south side of Burleigh was platted as residential therefore the lots are not as deep as a commercial lot would be. The depths of the lots make it difficult to make changes.

Alderman Carnell noted that map 2.2 notes a single family home. He supports it not being in the plan area. Does it make it more difficult to sell a home in the map area? This home was commercial and then became residential. What about the rezoning the properties on the North side of Burleigh? Sluggo's, Boulder Junction, and the property between are currently zoned Office and Limited Industry. The proposed zoning is for low density shopping. Alderman Carnell asked if the owner could ask for a zoning change. Mr. Ertl stated they could, it would take a separate rezoning hearing. Alderman Carnell asked if the City will rezone the properties without the owner requesting the change. Mr. Ertl stated the history of the neighborhood plans was that changes normally occurred with the owner's consent. He stated that if the land use plan indicated a particular zoning, the zoning should be consistent, however it doesn't have to be. Alderman Carnell asked how does the Planning Commission and Planning Department control what goes into an area. Mr. Ertl stated that zoning, FAR, Plan and Method and Parking are tools used to control how a parcel is used. Alderman Carnell stated that the residential areas

should be protected. Burleigh Road is a Gateway to Brookfield. There are nice residential areas adjacent to Burleigh Road. The area should say “welcome”. Some retail does not do that.

Alderman Sutton asked what low density retail was. Was it B & G Sports? Mr. Ertl stated it was. It is obvious that you can't have high intensity retail as there is not enough parking Mr. Ertl noted that on the South side of Burleigh the plan and the zoning is consistent.

Clarice Hochhaus, 2340 N. 128<sup>th</sup> Street, asked about the lot north of North Avenue which is now a dentist office. Is that low intensity? Mr. Williams pointed out the location on the map. The parcel is currently in Office zoning since it is the same as the proposed land use plan, it would stay the same.

Kurt Van Dyke, 12600 West Burleigh, is currently in Office and Light Industrial. Could the use be the same? The answer was that it needed to be low intensity zoning.

John Ebbe, 12540 Birch Drive, stated he was opposed to expansion of the plan to include Birch Drive. 124<sup>th</sup> and Birch Drive is residential and should stay residential. Mr. Ebbe presented a petition with 17 names on it that he stated expressed the resident's feelings on the expansion of the plan area. The petition read as follows: “The undersigned Brookfield residents request that their opposition to the portion of *The Development Plan for Brookfield's 124<sup>th</sup> Street Corridor* that addresses expansion of the “Plan” along the north side of Birch Drive, as well as any zoning changes from Low Density Residential housing on Birch Drive lots, be placed in record. It is our desire to maintain residential neighborhoods not to have them destroyed piece by piece.”

- Alderman Berg moved to adjourn the public hearing as there were no additional comments or questions. The motion was seconded by Alderman Garvens and carried unanimously. (8:27 p.m.)