



THESE ARE THE MINUTES OF THE **PUBLIC HEARING** HELD AT 7:45 P.M., TUESDAY, **JANUARY 15, 2019**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN RD, BROOKFIELD, WI

MAYOR STEVEN V. PONTO PRESIDING

ALDERMEN PRESENT: Dan Sutton, Bill Carnell, Bob Reddin, Rick Owen, Jeff McCarthy, Ron Balzer, Edward “Buck” Jurken, Mark Nelson, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Renee Lowerr, Brad Blumer

ALDERMEN EXCUSED: None

STAFF PRESENT: City Attorney Jenna Merten, Deputy City Clerk Renee Tadych, Director of Community Development Dan Ertl, Director of Finance and Administration Robert Scott, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein, Neighborhood Planner Richard VanDerWal, Economic Development Coordinator Todd Willis, Fire Chief Charlie Myers

Mayor Ponto introduced the public hearing at 7:49 pm and read the hearing notice regarding the request of the City of Brookfield to: (1) amend the *2035 Comprehensive Plan* through adoption of the Bishop’s Woods Neighborhood Plan; (2) amend Title 17 of the Municipal Code by creating a chapter entitled Office and Limited Residential/Commercial/Light Industrial District (“O&L R/CLI”) in Exhibit C; (3) amend the land use designation in Map 1 of the *2035 Comprehensive Plan* for the properties depicted in Exhibit A from Employment Focused-Lower Density to Mixed Use-Higher Density; and (4) rezone properties depicted in Exhibit B from Office and Limited Industry (O&LI) and Planned Development District #5 – Commercial (PDD #5 – Commercial) to Office and Limited Residential/Commercial/Light Industrial (O&LR/C/LI).

Director of Community Development Dan Ertl stated the City’s 2035 Comprehensive Plan, that applies city wide, suggests that the City take active steps to develop strategies to promote reinvestment in our older commercial centers. The Bishops Woods office park is one of our oldest office parks. It began in the 1970’s. It is over 40 years old. There has been significant research that there is a need for reinvestment in the valuable business park. Our research suggests a mixed use is the appropriate future for that office park. No action takes place this evening. It goes back to the Plan Commission on February 11th. If it moves on from the Plan Commission, it will be in front of the Common Council on February 19th. There has been significant community outreach to neighborhood meetings.

Neighborhood Planner Richard VanDerWal stated we had a lot of community outreach and neighborhood meetings. The property owners, residents, and stakeholders dedicated a lot of time and effort to participating in the meetings and making sure we had constructive feedback to create the vision for the neighborhood which is a consensus-based plan (everyone weighed in and generally supports it). The Bishops Woods Neighborhood is the 11th targeted investment area in the City of Brookfield. The Neighborhood Plan document follows the typical node plan template in the City. Mr. VanDerWal described each section of the plan. It has an overview section that gives background information. It provides the relevant comprehensive plan objectives that need to be implemented. It incorporates the process of listing all the neighborhood information meetings, the broker’s surveys, market analysis research that was done. It has a neighborhood vision section which outlines the recommended land uses for the neighborhood and why these elements are being proposed.

Mr. VanDerWal read aloud the vision statement: The Bishops Woods Neighborhood area will continue to support high quality employment institutions through exceptional aesthetic, zoning, and ecological

design standards (sustainable, it doesn't impose on the environment around it and its very site specific as a solution). The Node will create opportunities for development and redevelopment that allow for a mix of land uses that service one another at the neighborhood level. The node shall address additional options for circulation within the neighborhood, alongside improvements and connections with surrounding networks through multi-modal solutions (addition of bike paths, sidewalks for pedestrians, and making sure those networks link with other nearby transit systems such as the bus systems or future bus rapid system). The wooded environment of Bishops Woods remains a defining feature.

The last element of the neighborhood plan is the frame work and implementation strategies. It provides specific solutions or preferred development strategies for specific properties within Bishops Woods. All of the work in the Neighborhood Plan leads to the need to amend the 2035 Comprehensive Plan. In creating the Bishops Woods Neighborhood Plan, the Comprehensive Plan needs to match what the Bishops Woods Neighborhood Plan is recommending for changes. Mr. VanDerWal reviewed the changes to the pages of the Comprehensive Plan. Properties are switching from low density employment to high density mixed use. The difference though of low density employment to high density mixed use doesn't actually change the bulk/mass/size of the buildings. It's a differentiation between a regular office building and an office building that has a potential for a small coffee or donut shop at the lower level. There is one property that has not been implemented in an immediate rezoning which is 350 Bishops Way. Thru the neighborhood information meeting process, the nearby residents of that property and the property owner have basically come to a solution that that rezone can happen at a later date based on a market base solution or a market driven solution / need. That would also allow the residents and nearby property owners to weigh in on that rezone when it happens.

Mr. VanDerWal stated we need to change the Zoning Code adding a chapter to create the new mixed use zoning district for Bishops Woods. He showed slides that demonstrate what the differences between the existing land uses, which some properties will still have (Office and Limited Industry), to the new zoning which is Office and Limited Residential Commercial and Light Industrial. It means that the district goes from office-centered with limited amounts of light industrial to office-centered with limited amounts of residential light commercial uses (such as coffee shops) and the continuing of existing light industrial (though reducing further expansion). The proposed zoning adds permission of retail sales for print and copy (FedEx Office Print). It permits the businesses in the B-1 district (lighter retail/commercial uses) which are not like the businesses at Brookfield Square. It is more like the retail at the corner of your neighborhood. Hotel uses need to be in a mixed use project. It allows for parking structures and for multi-family. The multi-family is limited to 40% of the lot's total Floor Area Ratio. It means if you could develop half of your total lot, less than half of that could be developed for multi-family. From the existing zoning, it removes light industrial plants, electronic assembly plants, wholesale distribution, automobile service stations and automobile sales.

Mr. VanDerWal explained that in regards to setbacks and offsets, the proposed has 50 feet for the properties adjacent to more restrictive zoning districts in the City. So if there is a residential district on the other side that has more restrictive setbacks, that means these Bishops Woods properties need to have a 50 feet setback. Internally, they allow for 18 feet. The existing is 100 feet and 50 feet. That change is based on the zoning code requirements if you wish to achieve green neighborhood certification. Essentially, in order to achieve the LEED certification, these numbers must be met. Building height is going up to 60 feet, up from 35 feet, but it is still remaining 35 feet when it is across from residential districts. At the outer ring of the Bishops Woods neighborhood, none of the building heights will change. Only in the center of the office park will building heights change. Those changes

accommodate more contemporary office building layouts with higher floor plates (14 feet per floor in a four story building is 56 feet). For Floor Area Ratio, the increase is very small. It is currently 45% going up to 50%. That is a 5% increase to allow property owners who may be near their maximum floor area ratio, they could still add that small “coffee shop” on the corner and manage to stay underneath the floor area ratio maximums. Minimum lot area is just slightly down which is related to green neighborhood standards. Because there is residential multi-family, we are putting in a minimum dwelling size of 600 square feet. That is based on what we got back from the brokers and our market research on what is a typical smallest-sized studio apartment for an employee who would be interested in working and living in Bishops Woods. The landscaping surface ratio is unchanged. The only addition is that there is a tree replacement policy. Any development that is going in that removes a tree in Bishops Woods has to come back with a landscape plan that puts forth how they are going to replace the trees that were removed. Basically, there will never be a loss in the number of trees in Bishops Woods. Either it will stay the same or gain trees.

Mr. Ertl further added that the neighborhood plan concepts are based upon market research. We conducted research nationwide to see how suburban office parks are keeping economically viable in the future. They are moving across the country from pure office use to mixed use. This is a market based recommendation in the study. In order for Bishops Woods to remain competitive, it has been suggested to be mixed use. This is important because one-third of our tax base in the City of Brookfield and the Elmbrook School District is based in commercial development. Keeping the commercial values in Brookfield is very important for us as taxpayers and for keeping Brookfield solid.

Alderman Berg asked what would be a typical rent for those apartments. Mr. VanDerWal replied if we use the Reserve as an example, the rents would be around \$1,400/month for the smallest unit size. Alderman Berg stated of those people living in the apartments, is there an expectation of how many work in this park. Mr. VanDerWal replied based on overall nation-wide figures, you could expect 10%. Alderman Berg stated the other 90% are driving somewhere and asked if the roads are engineered to handle that volume as well as whoever visits the office building. Mr. Ertl stated the Reserve was built on a vacant parcel that was zoned for an office building. He added that it was either going to be an office building, or as the Common Council agreed to, a market rate apartment building. The fact that the peak travel times emanating from that housing unit is different in the afternoon than morning, it actually helps on traffic management. What we are proposing is substitution of buildings over a long period of time in which buildings that are over 40 years old might be viewed obsolete in the marketplace as an office building. They would be replaced by a mixed office and residential building. It might help in the afternoon peaks to assist in traffic management. In terms of the small commercial uses that might be introduced in Bishops Woods, that might very marginally help with traffic management. Mr. Ertl stated we did not look at a detailed traffic analysis because of those offsetting advantages of different uses. Alderman Berg stated today Bishops Woods doesn't look like an office park. It looks like a forest with a couple buildings tucked away in it. How much is that character going to change, for instance, for someone driving by. Mr. Ertl replied there is in-place conservancy sections of Bishops Woods that can't be touched by covenant on the land. Many of those trees and conservancy areas will remain untouched. The only suggestion this plan makes is that those areas would be a good spot for nature trails that would not impede on the tree cover/canopy. Where there is non-conservancy areas and there are trees, there is a tree replacement policy. Forty years from now, there will be the same amount of trees if not more.

Alderman Blumer stated the maximum amount of floor area ratio is 40%. He asked does that mean there could be a residential-only development on a parcel, assuming it doesn't exceed 40%. Mr. VanDerWal replied there is potential for that, however, in the zoning it requires that it be part of a mixed site solution. In the zoning code, there is a transfer of development rights opportunity. An MSO overlay zoning is a strategy for laying out how that particular property goes in. Thru that parcel, you have a full rezoning vetting process for something like that. We don't want immediate swapping of office properties for multi-family residential. The goal is that if you're going to do multi-family residential, it should be part of keeping the employment focus in the neighborhood. The only way to get around that fact is to work with the neighboring property owners to trade their development rights for residential. Alderman Blumer stated there is a part in the study for a potential allowably F.A.R. of 120%. He asked how would that be possible and what it would look like. Mr. VanDerWal replied that number was placed in so a site selector who is looking at Bishops Woods would understand what the bounds are. It is not to say that a project is going to get 120%. You start at 50% max and if you come up with the most amazing mixed use project, then the Plan Commission could consider the possibility of raising the FAR if needed to make the project viable for a large corporate headquarters, for example.

Alderman Blackburn stated he had a question for a Plan Commission members. He asked do you think this plan will make the neighborhood more attractive for the existing residents to remain and for new perspective residents to move in and if so, why. Mayor Ponto stated what we need now are points of clarification from Director Dan Ertl and from Neighborhood Planner Richard VanDerWal. Alderman Blackburn asked is there any reason why the question can't be answered. Alderman Reddin felt it was outside the scope of the public hearing. Mayor Ponto agreed and stated the question should be addressed to the Chair and not to address other Aldermen. Alderman Blackburn asked is this in Roberts Rules of Order? City Attorney Jenna Merten replied yes it is in the city ordinance and the questions are to be addressed to the Chair. She stated there is an option to suspend the rules or the question can be asked to the Chair. Then Alderman Blackburn asked Mayor Ponto if the members of the Plan Commission felt this neighborhood would make it more attractive for existing residents to remain in the neighborhood and for perspective residents to move in and if so, why. Mayor Ponto asked if any members of the Plan Commission or staff would care to respond to that. Mr. Ertl replied in addition to the research that was referenced on how we look at keeping our commercial business parks strong and economically viable, we also look at impacts on surrounding neighborhoods in terms of keeping areas viable and strong. If an adjacent business park deteriorates, there is a direct correlation to the deterioration over time of values in surrounding neighborhoods. He added a specific analysis was not done of what the impact of this neighborhood plan would have on the surrounding neighbors, but research throughout all of our planning studies and outreach to other committees, is that a strong commercial business park attracts employees, attracts people who have income, and people who care about properties. We think the housing markets surrounding strong viable business parks will grow and increase. Alderman Owen stated he doesn't wish to respond in part because it feels like a question that will start debate. It seems it is out of the scope of the public hearing. Alderman Mahkorn added that are his feelings too. It opens up the door to debate. He encourages those questions be asked when it's being debated by the Common Council. No one is trying to dodge the question.

Mayor Ponto asked if there were questions by the public.

An email was received from Jay Henrichs, Big Bend Development LLC dated January 14, 2019, in support of the City of Brookfield's plan to amend the 2035 Comprehensive Plan through the adoption of the Bishop's Woods Neighborhood Plan. For the record, Jay Henrich's and his partners own the

following properties in Bishops Woods: Pinnacle I @ Bishops Drive Office Par LLC, 13890 Bishops Drive, and Pinnacle Property Holdings LLC, 13935 & 13845 Bishops Drive. He believes this plan will go a long ways to keep Bishop’s Woods relevant and attract new businesses and other uses to the area.

Greg Tidmarsh, 345-B N. Elm Grove Rd., stated he supports Exhibit B, but he is concerned about the property at 350 Bishops Way. He supports the wait to rezone now but voiced he prefers no rezone happen at all and was concerned about the lack of residents not being able to use a protest petition for new zoning.

Mary Rau, 105-A N. Elm Grove Rd., was concerned about adding another noise level and traffic entering/exiting from Elm Grove Road. She stated they clear cut the trees for a water main already.

Don Adams, 180 N. Elm Grove Rd., was concerned with how much density was occurring on the land. Traffic is being added onto two residential streets – Sunny Slope Road and Elm Grove Road. It is unheard of. There is impact on the neighborhood.

Gary Zwerlein, 1110 Ridgeway Rd., manages a couple buildings within Bishops Woods, and spoke in favor the plan. Some buildings are very dated. He felt it was important to redevelopment several properties and enhance area.

Alderman Nelson moved to adjourn the hearing. Seconded by Alderman Reddin and carried unanimously. 8:29 pm