



**OFFICIAL RECORD OF A REGULARLY SCHEDULED MEETING OF THE PLAN COMMISSION HELD ON FEBRUARY 11, 2019, AT 6:30 PM IN THE COUNCIL CHAMBERS OF CITY HALL, 2000 NORTH CALHOUN ROAD, BROOKFIELD, WISCONSIN**

*Video recordings of Plan Commission meetings are available on the city website at <https://cityofbrookfield.viebit.com>*

**MAYOR STEVEN PONTO PRESIDING**

**OTHER MEMBERS PRESENT:** Alderman Gary Mahkorn, Alderman Mark Nelson, Alderman Rick Owen, Commissioner Steve Petitt, Commissioner Mike Smith

**MEMBERS ABSENT AND EXCUSED:** Commissioner Rich Tennessen

**OTHERS PRESENT:** Director of Community Development Dan Ertl, Planning Administrator Mike Theis, Fire Chief Charlie Myers, City Engineer Jeff Chase, Neighborhood Planner Richard VanDerWal, Alderman Chris Blackburn, Director of Parks, Recreation & Forestry Bill Kolstad

Mayor Ponto noted a quorum present and called the Plan Commission to order at 6:31 pm.

**Announcements / Reports**

The next regularly scheduled meeting is March 11, 2019 at 6:30pm.

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**Item 1                    January 14, 2019 Plan Commission Official Record / Meeting Minutes**

Approval of Official Record from the January 14, 2019 Plan Commission meeting.

***Motion to approve the January 14, 2019 Plan Commission Meeting Official Record.***

***Motion by Mark Nelson***

***Seconded by Gary Mahkorn***

***Motion carried 5-0***

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**Item 2                    January 24, 2019 Plan Review Board**

***Meeting cancelled.***

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**Public Hearing**

Request of CBL & Associates Properties, Inc., 2030 Hamilton Place Blvd., Chattanooga, TN 37421 c/o Herzing University, 555 S. Executive Drive, Brookfield, WI 53005 - Jarvis Racine, Campus President – Brookfield to approve a conditional use ordinance permitting occupancy of 15895 W. Bluemound Road for an accredited university. The site is zoned "O&LR/C #2" Office and Limited Residential/Commercial and "MSO" Modified Suburban Overlay. Per Section 17.108 of the Municipal Code, schools (public or private) are conditional uses that may be permitted in any use district upon specific authorization by the Council, subject to a public hearing and passage of a conditional use ordinance.

Jarvis Racine gave a brief presentation about Herzing University and the details of the request. He elaborated on the design of the project, including the specific building improvements and changes implemented as a result of the recommendations of the Plan Commission at the January 14, 2019 meeting.

No questions or comments from members of the Plan Commission.

No questions or comments from members of the public.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=JHHol814OkNI#> for the discussion.

***Motion to close the public hearing.***

***Motion by Mark Nelson***

***Seconded by Rick Owen***

***Motion carried 5-0***

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### **Item 3 Herzing University Conditional Use and New Plan and Method of Operation**

Request of CBL & Associates Properties, Inc., 2030 Hamilton Place Blvd., Chattanooga, TN 37421 c/o Herzing University, 555 S. Executive Drive, Brookfield, WI 53005 - Jarvis Racine, Campus President – Brookfield to approve a conditional use ordinance and new plan and method of operation permitting occupancy of 15895 W. Bluemound Road for an accredited university. (SE1/4 of Section 27) – MT **\*\*Requires Common Council Approval\*\***

**Previously Reported:** 1. The applicant is seeking approval of a conditional use permitting the remodeling and use of the former Fresh Market grocery building consisting of approximately 23,000 sq. ft. one-story located at the northwest corner of Brookfield Square mall- 15895 W. Bluemound Road. The new use would be the relocated home of the Herzing University campus from its current location at 555 South Executive Drive.

2. See the attached description of their statement of operations. In summary, Herzing has 45 fulltime staff and instructors and about 250 students attending classes from 7:30 .m. to 10p.m Monday- Friday7:30 a.m. to 4:30 p.m. Friday and Saturdays from 8:00 a.m. to 1 p.m.

3. Herzing plans to add windows and other elements to the exterior of the building making it more usable for educational use. Building plans were not available for viewing as of this writing but will be available at the meeting.

4. The relocation of Herzing to this Brookfield Square location is part of an accommodation to vacate the former Allstate Building located at 555 S. Executive Drive to facilitate the Landmark Credit Union corporate campus plans for Allstate that were reviewed by Plan Commsison recently. The staff has accommodated an accelerated process in order for the real estate transactional processes need for the Landmark to move forward on a timely basis. Herzing has a lease that permits theme to stay until August 2020, but the planned relocation under the current application would permit an earlier exit by Herzing

5. The Brookfield Square site is part of District J of the Calhoun Road South Land Use and transportation Plan defined by: "The general strategy for this District is the creation of fully mixed-use, interactive, urban infill district combining regional and service retail, entertainment, office, housing, hospitality, convention, medical, and public uses fronting an improved gridded street framework. This District is intended to become the primary commercial core for the city and the western metro area at

large, and should be positioned to accommodate higher density development defined by strict design controls established by the city. The mixed-use approach is intended to provide a mechanism to enhance the value of existing development and induce demand for additional development.....”

The applicant has made the case that the influx of staff, faculty and students into the mall property is consistent with the City’s goals of developing mixed-use and interactive uses adding to the vibrancy that is being re-established at Brookfield Square.

6. The new use would require compliance with fire codes.

7. The new use appears to not add traffic that was not accounted for in the previous traffic studies but this conclusion should be confirmed by the City Engineer and reports forthcoming from applicant if needed.

**Newly Reported:** 8. At its January 14, 2019 meeting the Plan Commission provided the applicant with direction regarding the conversion of spandrel window systems to vision glass and other architectural aesthetics. The applicant has revised building elevation to reflect conversion of clear-story glazing from spandrel to vision glass and re-lamping of tower element frosted window systems with blue LEDs.

9. Site landscaping will be restored as depicted on the approved Landscape Plan dated February 3, 2006 by KA Architects.

10. The applicant is in receipt of a missive dated January 22, 2019 by Charlie Myers, Fire Chief regarding code compliance.

11. A public hearing regarding this request was conducted by the Plan Commission on February 11, 2019.

**Recommendation:** ~~Staff will deliver a recommendation pending results of the public hearing.~~ *The conditional use is consistent with applicable standards of review and approval. Façade alterations are appropriate for the change of use. Staff recommends the Plan Commission approve the conditional use and new plan and method of operation subject to:*

1. *Statement of operations under cover of owner’s authorization letter - CBL and Associates, January 9, 2019.*
2. *Landscape restoration per the approved Landscape Plan dated February 3, 2006 by KA Architects.*
3. *Compliance with Fire Department purview and code requirements articulated in a missive dated January 22, 2019 by Charlie Myers, Fire Chief.*
4. *Building elevations, renderings and material samples dated February 4, 2019 by In Studio Architecture.*
5. *Signage review and approval by the Plan Review Board.*
6. *Once a building permit is issued by Inspection Services, the owner shall receive an occupancy permit within eighteen (18) months 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).*
7. *New Plan and method of operation approval expires on February 19, 2021 unless a building permit is obtained prior thereto.*

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=JHHol814OkNI#> for the discussion.

***Motion to approve staff recommendation for approval of a conditional use ordinance and new plan and method of operation permitting occupancy of 15895 W. Bluemound Road for an accredited university.***

***Motion by Gary Mahkorn***

***Seconded by Mike Smith***

***Motion carried 5-0***

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**Item 6                      Park & Open Space Plan Update: TAKEN OUT OF ORDER**

Request of the Park and Recreation Commission to approve scheduling a public hearing to amend the *2035 Comprehensive Plan* by revising Chapter Five: Natural Resources and Recreation through the consideration of an update to the City Park and Open Space Plan including any corresponding updates to the Greenway Corridor Plan.– RV **\*\*Requires Common Council Approval\*\***

**Report:**

1. The *2035 Comprehensive Plan* (the “Comp Plan”) includes Chapter Five: Natural Resources and Recreation. By reference the Comp Plan adopts the City’s *Park and Open Space Plan* (“Park Plan”) and the *Greenway Corridor Recreational Trail Plan* (“Trail Plan”), last updated in 2011. The Comp Plan also includes *Map 2 Parks, Recreation and Open Space Lands*. In 2018, the Parks and Recreation Commission engaged the Southeastern Wisconsin Regional Planning Commission to prepare an update to the Park Plan. A draft of the Park Plan update has been reviewed by the Parks and Recreation Commission which has endorsed the Park Plan for a public hearing.
2. The Plan Commission is tasked to review a summary of the Park Plan updates and recommend approval for scheduling a public hearing to amend the Comp Plan. If authorized by the Common Council, the public hearing would be scheduled to occur in April. After the hearing, the matter would return the Plan Commission for adoption of a Resolution amending the Comp Plan and to the Common Council for an ordinance amending the Comp Plan.
3. The attached exhibits summarize the updated Park Plan and include:
  - A. Updated inventory findings relative to population/demographics, land use, and park and open space acreage, sites, and facilities for the City and overall study area (City of Brookfield, Village of Elm Grove, and Town of Brookfield).
  - B. The framework utilized for development of the Park Plan including other relevant plans that were considered and incorporated to include the City’s *2035 Comprehensive Plan*; *Trail Plan*; *Waukesha County Comprehensive Plan*; and the updated natural areas plan for Southeastern Wisconsin.
  - C. Recommendations regarding the responsibilities of other governmental units relative to the implementation of the Park Plan, cost estimates, and funding strategies.
  - D. The Park Plan recommendations completed as of 2018 and remaining to be implemented by the City (Chapter III Status of Previous Plan Recommendations excerpt).

The exhibit Maps would replace Map 2 in the Comp Plan.

4. The Comp Plan amendments involve updating pages sixty seven through seventy one (67-71) to incorporate information and recommendations as contained in the updated Park Plan and Trail Plan summarized in the aforementioned exhibits.
5. Meeting minutes from the Park & Recreation Commission’s November 5, 2018 meeting, which approved the final draft of the preliminary Park Plan update and forwarding to the Plan Commission and Common Council for scheduling a public hearing to amend the Comp Plan and process for final adoption, are attached to this report. A copy of the Parks & Recreation Commission resolution approving the updates to the Park Plan are also attached.

**Recommendation:** Staff recommends the Plan Commission approve scheduling a public hearing to amend the *2035 Comprehensive Plan* by revising Chapter Five: Natural Resources and Recreation through adoption of updates to the City Park and Open Space Plan including any corresponding updates to the Greenway Corridor Plan.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=JHHo1814OkNI#> for the discussion.

**Motion to approve staff recommendation to approve scheduling a public hearing to amend the 2035 Comprehensive Plan by revising Chapter Five: Natural Resources and Recreation through adoption of updates to the City Park and Open Space Plan including any corresponding updates to the Greenway Corridor Plan.**

**Motion by Mark Nelson**  
**Seconded by Rick Owen**  
**Motion carried 5-0**

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**Item 4                    Boulder Venture - Taco Bell Rezoning, New Plan and Method of Operation and Development Agreement**

Request of Boulder Venture, LLC - Owner, 311 East Chicago Street, Suite 210, Milwaukee, WI 53202 – Robert E. Schmidt, III - Representative c/o Haag Muller, Inc. 101 East Grand Avenue, Suite 1, Port Washington, WI 53074 – Stephen L. Jeske, Registered Architect for approval of an ordinance amending Exhibit A of MSO Ordinance No. 2454-16 adding free-standing restaurant, fast food with drive-thru to the Use Variations column of said ordinance, a new plan and method of operation and development agreement in association with construction of a Taco Bell restaurant with drive-thru on a vacant lot at the SW corner of Lisbon Road and 124<sup>th</sup> Street with Tax Key No. 1012.084.001. (SE ¼ of Sec. 1) – MT **\*\*Requires Common Council Approval\*\***

**Previously Reported:** 1. The site is zoned “B-3” Regional Business District. Ordinance No. 2454-16 zoned the site Modified Suburban Overlay with Cluster Suburban/New Suburban/Context Suburban development pattern. The site is located the 124<sup>th</sup> Street Corridor Targeted Investment Area (TIA), one of ten areas identified in the *City of Brookfield 2035 Comprehensive Plan* that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted node plan is *The Development Plan for Brookfield’s 124<sup>th</sup> Street Corridor – 2011*(Node Plan). The recommended land use per the Node Plan is Higher Density Shopping. The adopted land use of the *City of Brookfield 2035 Comprehensive Plan* is Shopping/Services Focused – Higher Density.

1. Creation of the site was initiated at the January 11, 2016 Plan Commission whereat the applicant introduced and ultimately received approval of a redevelopment proposal for the northwest corner of the Capitol Drive/124<sup>th</sup> Street intersection that:
  - Converted five (5) legal nonconforming lots of record into three (3) lots made conforming via the MSO zoning process.
  - Razed two obsolete commercial buildings and one nonconforming use (a residence) in favor of replacement with two new commercial buildings.
  - Reconciled nonconforming pavement offsets via the MSO zoning process.
  - Reduced driveway openings on Capitol Drive, 124<sup>th</sup> Street and Lisbon Road from seven (7) access points to four (4).
  - Delivered a unified site circulation plan.
  - Addressed storm water management where none previously existed.
  
2. The applicant is requesting approval to schedule a rezoning public hearing amending Ordinance No. 2454-16 as it pertains to the site in question, permitting free-standing restaurant, fast food with drive-thru under the Use Variations column of said ordinance. Prior to Ordinance No. 2454-16, Ordinances No. 1692 and 1693 permitted fast food with drive-thru as a conditional use. When Ordinance No. 2454-16 passed there was no development proposal for the site in question. Absent an imperative land use regulation need, it is not the city’s practice to rezone properties in advance of a request accompanied by a plan and method of operation proposal. Sites to the south and southwest, 12400 and 12460 West Capitol Drive permit food service drive-thru via Ordinances No. 2202-10 and 2454-16. Other nearby sites (Culvers and Chick fil A) are occupied by fast food uses with drive-thru via MSO zoning.
  
3. Site Data: The applicant’s site plan is consistent with the development parameters (setback/offset/height) established by Ordinance No, 2454-16.

Lot Area:	43,620 sq. ft.
Building Sq. Ft.:	2,131 sq. ft.
Floor Area Ratio:	4.89 % (35% max. per Ord. No. 2454-16)
Landscape Surface Area:	42% (10% min. per Ord. No. 2454-16)
Parking Lot Green Space:	TBD
Parking:	29 Stalls (20 Required)

Drive Thru Queue: 11 and 6 Spaces (12 stacking spaces per drive-up window with 5 spaces minimum at ordering station required)

4. *The Development Plan for Brookfield's 124<sup>th</sup> Street Corridor – 2011* (Node Plan) modified architectural standards for buildings in this plan area of the city. The Node Plan encourages “higher quality design and building materials, and building on the modern industrial character of the Northeast Industrial Area” and “establish a new high-quality design aesthetic through structure and site development, building upon the industrial feel of an area commonly known as the Northeast Industrial Area.”

With this standard in mind, the applicant designed a custom building for the site. The flat roof building is broken into multiple roof planes. Finishes correspond with rectangular architectural elements and are finished in Nichiha brick wall panel, Western States rust wall and Nichiha rough-sawn wood. Corrugated metal shed awnings cover entrances and pick-up window. Coping and window systems are pre-finished aluminum. Gooseneck down lights illuminate the approach to pick-up window and side entry door. Horizontally shielded illumination adds evening color to the rear portion of the building in a fashion similar to that recently approved at Milwaukee Tool Phases II and III.

6. No outdoor seating is proposed. A dumpster enclosure is provided with correct door orientation not facing a public street.
7. Preliminary grading, drainage, erosion control and storm water management plans have been submitted to the city Engineering Division.
8. The preliminary landscape plan provided that is consistent with city standards for landscape street yards of reduced depth.
9. A standard City of Brookfield Commercial Development Agreement will secure installation of required improvements.

**Newly Reported:** 10. At its December 10, 2018, meeting the Plan Commission suggested the applicant adjust design to mitigate pavement staining associated with rust water falling from the rust wall. The Plan Commission suggested replacing natural anodized aluminum framing and coping with dark bronze framing and coping.

- The applicant modified the site to provide a gravel drainage plane below the rust wall.
- The applicant desires to retain the natural anodized aluminum framing and coping. (Note: In past actions in this neighborhood the Plan Commission has found the application of natural anodized aluminum framing and coping to be consistent with “...a new high-quality design aesthetic through structure and site development, building upon the industrial feel of an area commonly known as the Northeast Industrial Area.” and instructed Chick-Fil-A to replace proposed bronze framing and coping with natural anodized aluminum.

12. The applicant is in receipt of a missive dated November 28, 2018 by Fire Chief Charlie Myers regarding Fire Department purview and code requirements.

11. A public hearing regarding amending MSO Ordinance No. 2454-16 to permit a free-standing restaurant, fast food with drive-thru was conducted by the Common Council on February 5, 2019. *Questions regarding hours of operation, site circulation (interior and exterior) and Traffic Impact Analysis were raised.*

- *Per the statement of operation dated October 18, 2018 hours of operation are:  
Dining Room 7:00 a.m. – 1:00 a.m. Daily  
Drive Thru:  
7:00 a.m. to 3:00 a.m. Saturday to Thursday  
7:00 a.m. to 4:00 a.m. Friday and Saturday*
- *The site is designed in compliance with circulation requirements of the City of Brookfield Fire Department. The site has direct connectivity to three major streets - Lisbon Road, 124<sup>th</sup> Street and Capitol Drive as well as the frontage road/connected parking lots of Capitol Drive. Left-hand turns in and out of the site from major streets are precluded by the presence of medians.*
- *Per the City Engineering Division a TIA is required for proposed developments causing 100+ additional trips during the peak hour. The proposed Taco Bell = 2,131 SF building. Per ITE Trip Generation Rate (PM peak hour), Services 934: Fast Food Restaurant with Drive-Through Window = 33.84 Trips per 1,000 SF*

72 additional trips created - **Therefore, TIA is not required as the proposed trips are less than 100 additional new trips.**

**Recommendation:** The proposed use and architecture is consistent with the adopted 2035 Comprehensive and Node Plan. The redevelopment is appropriately located in a TIA. Previously approved/adopted MSO ordinances anticipated the use. Staff recommends the Plan Commission approve an ordinance amending MSO Ordinance No. 2454-16 adding free-standing restaurant, fast food with drive-thru to the Use Variations column, a new plan and method of operation and authorize the Mayor to execute a commercial development agreement on behalf of the City subject to:

1. Final approval of the commercial development agreement by the City Attorney prior to execution by the Mayor.
2. Compliance with Fire Department purview and code requirements articulated in a missive dated November 28, 2018 by Fire Chief Charlie Myers.
3. Statements of Operation dated October 18, 2018 and January 28, 2019 by hag muller, inc. – Stephen L. Jeske, Registered Architect.
4. Site Plan dated January 31, 2019 by hag muller, inc.
5. Building elevations, rendering and material samples dated January 28, 2019 by hag muller, inc. with building elevations labeled “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.” Meters and utility boxes will be located on non-street facing walls and painted to match the building.
6. Installation of fire protection measures as required by the Fire Department prior to issuance of a building permit. Fire lanes shall be provided prior to the placement of combustible materials at the building site, or the construction of any portion of a building or facility above the footing and foundation. Compliance with a missive dated November 28, 2018 by Fire Chief Charlie Myers regarding Fire Department purview and code requirements.
7. Landscape Plan dated January 21, 2019 by Heller and Associates subject to consultant plan review and technical corrections, secured with a letter-of-credit (City forms available from the Department of Community Development) equal to \$16,001.25 (\$2,550 per 1,000 sq. ft. street yard) for installation, \$2,761.00 for three (3) years of maintenance (\$440 per 1,000 sq. ft. of street yard) and a four (4) year temporary landscape easement for street yard maintenance (using forms available from the Department of Community Development) all deposited with the Department of Community Development prior to issuance of a building permit (6,275 sq. ft. of street yard).

Also:

- A. A landscape installation “as built” is required prior to release of the installation letters-of-credit.
8. Grading, Drainage, Erosion Control Plans and Storm Water Management Application subject to final approval of the city of Brookfield Engineering Division prior to the issuance of building permits. The developer of the project will be required to submit Items A, B, and C below before the issuance of a building permit:

A. A copy of the approved Grading and Drainage Plan, as approved by the city of Brookfield Engineering Division.

B. The bid from a contractor reflecting the cost of executing the work required on the Grading and Drainage Plan.

C. A letter-of-credit in compliance with the City letter-of-credit format deposited with the Department of Community Development. The monetary amount of the letter-of-credit shall be equal to 110% of the submitted bid. (City form available from the Department of Community Development)

**D. A recertification “as-built” survey must be performed by a licensed, professional engineer or surveyor indicating that all elements of the approved Grading and Drainage Plan have been completed within tolerances as approved by Staff per the approved plan. The recertification documents must be wet stamped and signed by the professional.**

E. The letter-of-credit will be released by the Department of Community Development after the recertification documents are submitted to the city of Brookfield Engineering Division and approved.

9. Payment of applicable fees to the Community Development Department prior to issuance of a building permit: 2,131 sq. ft. building area – 1,163 sq. ft. balance for razed bldgs. = 968 sq. ft. @ 35% F.A.R.

\$To Be Determined	Engineering Review Fee (\$70110/Hr.)
\$To Be Determined	Unpaid Assessment/s
\$900.00	New Development Agreement Fee
\$30.00	Development Agreement Recording Fee
\$350.00	Landscape Plan Review Fee
\$11.55	Wetland Fee (\$4.19/1,000 sq. ft. of lot area as a function of FAR)

- \$55.14 Bikeway Fee (\$20/1,000 sq. ft. of lot area as a function of FAR)
10. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
  11. Once a building permit is issued by Inspection Services, the owner shall receive an occupancy permit within eighteen (18) months 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).
  12. New Plan and method of operation approval expires on February 19, 2021 unless a building permit is obtained prior thereto.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=JHHol814OkNI#> for the discussion.

***Motion to approve staff recommendation for approval of an ordinance amending MSO Ordinance No. 2454-16 adding free-standing restaurant, fast food with drive-thru to the Use Variations column, a new plan and method of operation and authorizing the Mayor to execute a commercial development agreement on behalf of the City in association with construction of a Taco Bell restaurant with drive-thru on a vacant lot at the SW corner of Lisbon Road and 124<sup>th</sup> Street with Tax Key No. 1012.084.001.***

***Motion by Gary Mahkorn  
Seconded by Mark Nelson  
Motion carried 5-0***

**Item 5 Bishop’s Woods Neighborhood Plan**

Request of the Department of Community Development for approval of a resolution and ordinance to amend the 2035 *Comprehensive Plan* through adoption of the Bishop’s Woods Neighborhood Plan: amending Figure 4 on page 13 depicted in Exhibit “D” and Figure 6 on page 25 depicted in Exhibit “E” to portray the Bishop’s Woods Neighborhood Targeted Investment Area (TIA), amending Figure 11 on page 107 summarizing the Bishop’s Woods Neighborhood TIA as depicted in Exhibit “F”, amending the text of Chapter Eight: Special Places increasing the number of TIAs from 10 to 11 on page 94 and describing the Bishop’s Woods Neighborhood TIA as contained in Exhibit “G”, and 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”; amend Title 17 of the Municipal Code by creating a chapter entitled Office and Limited Residential/Commercial/Light Industrial District (“O&L R/C/LI”) with the proposed amendments enumerated in Exhibit “C”; and 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 District (“O&L R/C/LI”). – RV  
**\*\*Requires Common Council Approval\*\***

**Previously reported:**

6. The Plan Commission minutes containing materials and staff reports demonstrating the overall progress of this planning effort can be found at the links provided below:  
 January 8, 2018 Plan Commission: <http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Agenda/ 01082018-146>  
 April 9, 2018 Plan Commission: <http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Agenda/ 04092018-207>  
 November 12, 2018 Plan Commission: <http://wi-brookfield2.civicplus.com/AgendaCenter/ViewFile/Agenda/ 11122018-342>

**Newly reported:**

7. A public hearing on this topic was conducted by the Common Council on January 15, 2019. The details of the hearing are contained in the minutes attached to this report.
8. The current draft of the Bishop’s Woods Neighborhood Plan is located at the plan’s homepage on the City’s website: <http://wi-brookfield2.civicplus.com/945/Bishops-Woods-Neighborhood-Plan>



9. The legal descriptions of properties subject to land use designation amendment are as follows:

PARCEL 1 CSM 1854, PARCEL 2 CSM 1855, PARCEL 4 CSM 1856, PARCEL 12 CSM 1954, PARCEL 13 CSM 1936, PARCEL 15 CSM 1962, PARCEL 16 CSM 1910, PARCEL 14 CSM 2892, PARCEL 8 & 23 UNRECORDED BISHOPS WOODS CSM 3636 & 3637, PARCEL 11 CSM 2966, PARCEL 9 CSM 3066, City of Brookfield, Waukesha County, Wisconsin

And

Being that part of Lot 1 of Certified Survey Map No. 9414, recorded on August 7, 2002 in Volume 85 of Certified Survey Maps on pages 343-348 inclusive, as document no. 2829733, being that part of the Northeast 1/4, Northwest 1/4, Southeast 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 36, Township 7 North, range 20 East, in the City of Brookfield, County of Waukesha, State of Wisconsin, being more particularly described below:

Beginning at the southeast corner of Lot 1 of said Certified Survey Map No. 9414, said corner lies on the northerly right-of-way of Interstate 94 and the west line of Certified Survey Map No. 3066;  
thence South 74°51'18" West, along the south line of said Lot 1, 457.64 feet;  
thence South 80°33'56" West, along the south line of said Lot 1, 106.37 feet;  
thence North 9°26'4" West, 273.07 feet to the south line of vacated Bishops Woods Court; thence 125.06 feet along the south line of said vacated court and a curve to the left, having a radius of 75.00, a delta angle of 95° 32' 21", and whose long chord bears North 32°47'46" East, 111.07 feet to the south line of Parcel 1 of Certified Survey Map No. 9173;  
thence North 75°1'20" East, along the south line of said Parcel 1, 378.41 feet to the east line of Lot 1 of said Certified Survey Map No. 9414;  
thence South 27°7'21" East, along said east line, 363.51 to the point of beginning

10. The legal descriptions of properties subject to rezoning are as follows:

PARCEL 1 CSM 1854, PARCEL 2 CSM 1855, PARCEL 12 CSM 1954, PARCEL 13 CSM 1936, PARCEL 15 CSM 1962, PARCEL 16 CSM 1910, PARCEL 14 CSM 2892, PARCEL 8 & 23 UNRECORDED BISHOPS WOODS CSM 3636 & 3637, PARCEL 11 CSM 2966, PARCEL 9 CSM 3066, City of Brookfield, Waukesha County, Wisconsin

And

Being that part of Lot 1 of Certified Survey Map No. 9414, recorded on August 7, 2002 in Volume 85 of Certified Survey Maps on pages 343-348 inclusive, as document no. 2829733, being that part of the Northeast 1/4, Northwest 1/4, Southeast 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 36, Township 7 North, range 20 East, in the City of Brookfield, County of Waukesha, State of Wisconsin, being more particularly described below:

Beginning at the southeast corner of Lot 1 of said Certified Survey Map No. 9414, said corner lies on the northerly right-of-way of Interstate 94 and the west line of Certified Survey Map No. 3066;  
thence South 74°51'18" West, along the south line of said Lot 1, 457.64 feet;  
thence South 80°33'56" West, along the south line of said Lot 1, 106.37 feet;  
thence North 9°26'4" West, 273.07 feet to the south line of vacated Bishops Woods Court; thence 125.06 feet along the south line of said vacated court and a curve to the left, having a radius of 75.00, a delta angle of 95° 32' 21", and whose long chord bears North 32°47'46" East, 111.07 feet to the south line of Parcel 1 of Certified Survey Map No. 9173;  
thence North 75°1'20" East, along the south line of said Parcel 1, 378.41 feet to the east line of Lot 1 of said Certified Survey Map No. 9414;  
thence South 27°7'21" East, along said east line, 363.51 to the point of beginning

**Recommendation:** Staff recommends the Plan Commission approve a resolution and ordinance amending the 2035 *Comprehensive Plan* through adoption of the Bishop's Woods Neighborhood Plan: amending Figure 4 on page 13 depicted in Exhibit "D" and Figure 6 on page 25 depicted in Exhibit "E" to portray the Bishop's Woods Neighborhood Targeted Investment Area (TIA), amending Figure 11 on page 107 summarizing the Bishop's Woods Neighborhood TIA as depicted in Exhibit "F", amending the text of Chapter Eight: Special Places increasing the number of TIAs from 10 to 11 on page 94 and describing the Bishop's Woods Neighborhood TIA as contained in Exhibit "G", and 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”; amend Title 17 of the Municipal Code by creating a chapter entitled Office and Limited Residential/Commercial/Light Industrial District (“O&L R/C/LI”) with the proposed amendments enumerated in Exhibit “C”; and 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 District (“O&L R/C/LI”).

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=JHHol814OkNI#> for the discussion.

*Motion to approve staff recommendation approve a resolution and ordinance amending the 2035 Comprehensive Plan through adoption of the Bishop’s Woods Neighborhood Plan: amending Figure 4 on page 13 depicted in Exhibit “D” and Figure 6 on page 25 depicted in Exhibit “E” to portray the Bishop’s Woods Neighborhood Targeted Investment Area (TIA), amending Figure 11 on page 107 summarizing the Bishop’s Woods Neighborhood TIA as depicted in Exhibit “F”, amending the text of Chapter Eight: Special Places increasing the number of TIAs from 10 to 11 on page 94 and describing the Bishop’s Woods Neighborhood TIA as contained in Exhibit “G”, and 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”; amend Title 17 of the Municipal Code by creating a chapter entitled Office and Limited Residential/Commercial/Light Industrial District (“O&L R/C/LI”) with the proposed amendments enumerated in Exhibit “C”; and 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 District (“O&L R/C/LI”).*

*Motion by Rick Owen*

*Seconded by Mike Smith*

*Motion carried 5-0*

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## **Item 7                    Comprehensive Plan Update**

Introduction of Brookfield’s comprehensive plan update and the consulting team aiding City staff by Vandewalle & Associates and request of the Department of Community Development for approval of a resolution to adopt the Public Participation Plan for the comprehensive plan update. – RV **\*\*Requires Common Council Approval\*\***

### **Report:**

11. The City is obligated to revisit and update its Comprehensive Plan (“Comp Plan”) every ten (10) years per the comprehensive planning legislation, Section 66.1001, of the Wisconsin Statutes. Brookfield previously updated its Comp Plan on December 1, 2009, the *2035 Comprehensive Plan*, and must now prepare and adopt a new update to remain in conformance with the State’s Statutes.
12. Vandewalle & Associates, Inc. (“Vandewalle”) has been awarded the contract to aid the City in updating the Comp Plan to produce an effective guiding document for Brookfield while meeting the requirements of the State of Wisconsin. A personnel summary of the project team members and qualifications are attached to this report. The representatives of Vandewalle will provide an introduction and brief presentation on the City’s Comp Plan update at the February 11, 2019 Plan Commission meeting.
13. In order to fulfill the requirements in Section 66.1001(4)(a) of the state statutes, Vandewalle has drafted a public participation strategy and procedures plan for the Comp Plan update for review and adoption by resolution of the Plan Commission and Common Council. A copy of the Public Participation Plan and draft adopting resolutions are attached to this report for review.
14. Vandewalle has prepared a recommended timeline of the Comp Plan update for consideration in scheduling upcoming necessary elements of the comprehensive plan update process. It includes:
  - Project kick-off meeting with City staff

- 4 City staff coordination meetings for successful project completion
- 8 project steering meetings with the Plan Commission
- 2 City committee and targeted stakeholder meetings
- Ongoing web-based communication and exposure
- 1 Comp Plan survey on draft plan initiatives
- 1 public community meeting to present and obtain input on a draft updated Comp Plan document
- Analysis, maps, inventory, appendix, and other necessary tasks for completing an updated Comp Plan document
- 3 drafts of the updated Comp Plan
- A 30 day review period of the final updated Comp Plan draft
- Final City adoption meetings

The current target for completion of the comprehensive plan update is March 2020. A draft copy of the recommended timeline is attached to this report.

**Recommendation:** The Plan Commission will represent the primary source for project steering, feedback, general discussion, and past personal knowledge throughout the process of updating the City's Comprehensive Plan. Vandewalle team members and City staff will frequently call upon the Plan Commission for their input regarding the elements of this overall planning effort. Staff recommends the Plan Commission approve a resolution adopting the Public Participation Plan for the City of Brookfield Comprehensive Plan Update and recommend the Common Council adopt the same.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=JHHol814OkNI#> for the discussion.

*Motion to approve staff recommendation for approval of a resolution adopting the Public Participation Plan for the City of Brookfield Comprehensive Plan Update and recommending the Common Council to adopt the same with an introductory presentation on the upcoming planning process to be prepared and delivered to the Common Council.*

*Motion by Mark Nelson  
Seconded by Gary Mahkorn  
Motion carried 5-0*

## **Adjournment**

*Motion by Gary Mahkorn  
Seconded by Rick Owen  
Motion carried unanimously  
Meeting adjourned at 8:04pm*

*Record respectfully submitted by Richard VanDerWal, Neighborhood Planner*