



**OFFICIAL RECORD OF A REGULARLY SCHEDULED MEETING OF THE
PLAN COMMISSION HELD ON MARCH 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 Mark Nelson, Alderman Rick Owen, Commissioner Mike Smith, Commissioner Steve Petitt, Commissioner Rich Tennessen

MEMBERS ABSENT AND EXCUSED: Alderman Gary Mahkorn

OTHERS PRESENT: Director of Community Development Dan Ertl, Planning Administrator Mike Theis, Fire Chief Charlie Myers, City Engineer Jeff Chase, Neighborhood Planner Richard VanDerWal, School Board Member Glen Allgaier, Alderman Jerry Mellone

Mayor Ponto noted a quorum present and called the Plan Commission to order at 6:33 pm.

Announcements / Reports

The next regularly scheduled meeting is April 8, 2019 at 6:30pm.

Item 1 February 11, 2019 Plan Commission Official Record / Meeting Minutes

Approval of Official Record from the February 11, 2019 Plan Commission meeting.

Motion to approve the February 11, 2019 Plan Commission Meeting Official Record.

Motion by Mark Nelson

Seconded by Rick Owen

Motion carried 5-0

Item 2 February 21, 2019 Plan Review Board

Meeting cancelled.

Item 3 Landmark Credit Union Modified Suburban Overlay Zoning - Public Hearing Request

Request of Landmark Credit Union, 5445 South Westridge Drive, New Berlin, WI 53151 c/o Eppstein Uhen Architects, 533 East Chicago Street, Milwaukee, WI 53202 – Peter Kucha, Senior Project Manager for approval to schedule a public hearing for the purpose of establishing “MSO” – Modified Suburban Overlay zoning designation and dimensional standards at 555 South Executive Drive in association with construction of a 158,000 sq. ft. Phase One and 148,000 sq. ft. Phase Two office building. (NE ¼ of Sec. 34) – MT ****Requires Common Council Approval****

Previously reported: 1. The site is located the Calhoun Road South 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 Calhoun Road South Neighborhood Plan – 2001*(Node Plan). The site is located in District J Macro Parcel 26. The general strategy for Macro Parcel 26 is “...to have added density through infill mixed-use development. This mixed-use land use should allow the horizontal mixing and vertical layering of high density residential, loft office, and retail development. It is intended that each parcel be allowed to infill with primarily office uses in the eastern portions of each parcel fronting Executive Drive, and primarily residential uses fronting Dechant Road.” This site does not front on Dechant Road so the residential expectations are not applicable, whereas office uses are applicable. Importantly, the site fronts on I-94- “Brookfield’s exposure to the regional marketplace” The land use designation of the *City Of Brookfield 2035 Comprehensive Plan* is Mixed Use – Higher Density.

2. The applicant requires Plan Commission direction regarding the dimensional standards to apply to the site’s design. The site was zoned “O” Office District prior to being rezoned “O&LR/C #2” Office and Limited Residential/Commercial District No. 2. The O&LR/C #2 district when established on a property has no dimensional standards but provides for a process to establish standards via Modified Suburban Overlay (MSO) zoning at time of new or revised plan and method of operation on a per site basis. Now is the time with this request. There has been no revised or new plan and method applied for at the site since its rezoning to O&LR/C #2 in about 2001. The Plan Commission must establish building and paving setbacks/offsets and landscape surface ratio in order for the applicant to make application for an MSO rezoning public hearing.

3. The plausibility of the applicant's two-phase office proposal (initially it is anticipated that the building will house over 300 associates with room for future associate growth) is dependent upon establishment of dimensional standards in the following way – Municipal Code Section 17.136.030 Height regulations C. Increase Permitted. The maximum height of any structure may be increased by not more than ten feet; provided, all required offsets and setbacks are increased by one foot for each foot which such building exceeds the height limit of the district in which it is located. The maximum building height in the O&LR/C #2 district is 70'. The applicant proposes a building 77' in height based upon increases in setback/offset from those established by the Plan Commission.

4. Furthermore, Municipal Code Section 17.136.030 B. Exceptions. The following shall be excepted from the height regulations of all districts

4. 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 applicant proposes a 13' tall mechanical penthouse/screen atop the 77' tall building.

5. Lastly, Municipal Code Section 17.74.030 Layout and dimensional standards sets out a process to establish Floor Area Ratio in relation to the goals of the TIA. Floor area ratio (FAR) maximums for individual properties are initially set at 0.3. FAR increases above 0.3 must be approved by the plan commission as a condition of zoning approval of plan and method of operation. The plan commission will make a written determination that the increase in FAR achieves the intent and provisions of this district and the Calhoun Road South Neighborhood Plan. The applicant proposes a Phase I FAR of 25.8% and Phase II FAR of 48.4% after excluding wetlands and floodplain from the FAR calculation. Staff concludes these FAR values are consistent with the goals and objectives of the TIA.

6. The adopted Node Plan identifies transportation opportunities affecting the site in addition to the land use recommendations. A northbound off ramp from Moorland Road to Executive Drive is postulated. Although not officially mapped, setback and offset established from Executive Drive or Executive Drive extended should not preclude future implementation of the transportation improvement. To that end, the City Engineering division recommends a minimum 30' setback from the westerly r/w of Executive Drive and a corresponding offset from the westerly boundary of an existing municipal sanitary sewer easement coincident with the width of Executive Drive. In other words, a 90' offset from the site's existing easterly sideyard.

7. The setbacks, offsets, FAR and LSR are proposed as:

Given the site's location in a TIA and the development objectives associated with such locations staff recommends the Plan Commission endorse the following setbacks, offsets, Landscape Surface Ratio (LSR) and Floor Area Ratio (FAR).

Setback – Building and pavement: 30'

Offset – Building and Pavement from East Property Line: 90'

Offset – Building from West Property Line: 50'

Offset – Pavement from West Property Line: 50'

Offset – Building and Pavement from North Property Line: 10'

LSR: - 30%

FAR: - 50%

8. Site Data (Net):

Phase I:

FAR = 25.8%

LSR = 63%

Phase II:

FAR = 48.4%

LSR = 44.9%

9. The Plan Commission should inform the applicant of the acceptability of the penthouse and the appearance standards for approval thereof. For purposes of comparison, the maximum building height in The Corridor along I-94 is 80' excluding penthouse. The applicant has provided a massing model representative of the proposed building and its location on the site. A line of sight illustration from I-94 is provided depicting penthouse visibility from that perspective.

10. The applicant's proposal will merge two existing parcels into one lot. There will be no placement of wetlands in an outlot because no subdivision of land is occurring; the standard for requiring wetland outlots. The applicant will dedicate r/w for Executive Drive and terminate the road in a cul de sac constructed in accordance with the city Public Infrastructure and Development Handbook. A landscape berm will be installed along the west property line to screen parking from adjacent residential land use.

11. Section 17.74.020 General restrictions of the "O&LR/C #2" zoning district requires the plan commission make written determinations that the proposed development is consistent with the land use intent identified for District J in the Calhoun Road South Neighborhood Plan-TIA plan. Historically the staff report serves that purpose. Per the Node Plan, in-fill of the site with primarily office uses in the eastern portions of each parcel fronting Executive Drive is consistent with the applicant's proposal, including higher densities.. The Node Plan does not acknowledge the value of a presence along I-94. However, that relationship is valued by the city as evidenced in land use and building mass decisions at "The Corridor" along I-94. Residential uses fronting Dechant Road and its related objectives do not pertain to this site as it does not abut Dechant Road. Ground level retail uses at this site do not have a relationship with Brookfield Square. The land use objectives of other parcels in District J are not shared by this parcel and the specific land use recommendations of the Node Plan do not apply. Given that, the Node Plan regarding this site concludes by acknowledging single use developments should not be precluded so long as they follow [these] landscape requirements and design controls discussed previously. The metric for evaluation is the larger objective of the Targeted Investment Area concept which is supporting growth and reinvestment at higher densities in the city's TIAs.

Newly reported: 12. At its December 10, 2018 meeting, staff recommended the Plan Commission inform the applicant of the acceptability of the penthouse and the appearance standards for approval thereof, acknowledge the combined building and penthouse height attributable thereto and endorse the setbacks, offsets, building height, Landscape Surface Ratio (LSR) and Floor Area Ratio (FAR). The Plan Commission endorsed the building height with penthouse and dimensional standards articulated in paragraphs 4, 7 and 8 of the staff report.

13. The applicant has completed its Plan Commission application, supplementing it with civil plans, CSM and building elevations-rendering-material samples and requests approval to schedule an MSO rezoning public hearing. The building

height has increased 2' (79' vs 77') attributable to aesthetic and functional considerations but still less than the 80' height permissible due to increased setback. Penthouse height (13') has not changed. Building materials are clear low-E glass, spandrel glass (obscuring view of structural building elements), terra cotta, aluminum panel and brick. The roof screen is metal panel. Materials are applied in linear and horizontal planes of consistent finish in a convex and concave motif on the overall building planes.

14. The setbacks, offsets, FAR and LSR of the MSO rezoning are:

Setback – Building and pavement: 30'

Offset – Building and Pavement from East Property Line: 90'

Offset – Building *and Pavement* from West Property Line: 50'

~~Offset – Pavement from West Property Line: 50'~~

Offset – Building and Pavement from North Property Line: 10'

LSR: - 30% (*Min.*)

FAR: - 50% (*Max.*)

15. A landscape plan accompanies the application. Site development standards are adhered to but for the I-94 streetyard where the applicant requests relief given the expansive building setback as well as the presence of floodplain, wetland and native vegetation.

Recommendation: The application is consistent with the site development characteristics endorsed by the Plan Commission at its December 10, 2018 meeting. Staff recommends the Plan Commission approve scheduling an MSO rezoning public hearing subject to conducting a Neighborhood Information Meeting prior to the hearing.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=6POxfkONNTUD> for the discussion.

Motion to approve staff recommendation for approval to schedule a public hearing for the purpose of establishing “MSO” – Modified Suburban Overlay zoning designation and dimensional standards at 555 South Executive Drive in association with construction of a 158,000 sq. ft. Phase One and 148,000 sq. ft. Phase Two office building, with amendment requiring receipt of a Traffic Impact Analysis of the proposal by April 2, 2019.

Motion by Mark Nelson

Seconded by Steve Petitt

Motion carried 5-0

Commissioner Tennesen was not in attendance for this item

Commissioner Tennesen joined the meeting

Item 4 Preliminary Survey Map/Final Certified Survey Map for The Glen at Woodside Creek

Request of The Glen at Woodside Creek, LLC N27 W 24025 Paul Court, Suite 100, Pewaukee, WI 53072 – Steve DeCleene, Managing Member for approval of a preliminary survey map and final certified survey map for The Glen at Woodside Creek, a 76 dwelling-unit, single-story condominium development with clubhouse. (W ½ of Sec. 1) – MT ****Requires Common Council Approval****

Report: 1. The certified survey map (CSM) recorded for The Glen at Woodside Creek (approved by the Plan Commission on March 12, 2018) depicted the Greenway Corridor Trail in an easement vs. an outlet as required by city code and failed to distinguish between wetlands dedicated to the city vs excess wetlands. This preliminary survey map and final certified survey map correct those deficiencies.

Recommendation: Staff recommends the Plan Commission approve the preliminary survey map and final certified survey map.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=6POxfkONNTUD> for the discussion.

Motion to approve staff recommendation for approval of a preliminary survey map and final certified survey map for The Glen at Woodside Creek, a 76 dwelling-unit, single-story condominium development with clubhouse.

Motion by Rick Owen

Seconded by Mike Smith

Motion carried 6-0

Item 5 Revision to approval for Taco Bell development

Request of City Attorney's office to relieve applicant (Boulder Venture, LLC – Taco Bell) of a condition of approval adopted by the Plan Commission on February 11, 2019. (SE ¼ of SEC 1) – JA/MT ****Requires Common Council Approval****

Report: 1. The City Attorney's office, with input from the Engineering Department, has determined that a development agreement is not necessary for this project as there are no public improvements required to be installed. Because the Plan Commission's approval authorized the Mayor to execute the agreement and the Common Council adopted those requirements, the approval should be amended to reflect that the agreement is unnecessary.

Recommendation: Staff recommends the Plan Commission amend its prior approval to relieve the applicant from the obligation to enter into a developer's agreement with the City.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=6POxfkONNTUD> for the discussion.

Motion to approve staff recommendation for approval to amend the Plan Commission's previously adopted condition of approval on February 11, 2019, by relieving the applicant from the obligation to enter into a developer's agreement with the City.

Motion by Mark Nelson

Seconded by Rick Owen

Motion carried 6-0

Commissioner Tenneson exited the meeting

Item 6 Elmbrook School District Official Map/Conditional Use Public Hearing Request

Request of the Elmbrook School District, 13780 Hope Street, Brookfield, WI 53005 – Kristin Sobocinski, Assistant Superintendent for Business Services for approval to schedule a public hearing for the purpose of amending the Official Map, discontinuing a road reservation depicted upon 3525 and 3555 North Calhoun Road and approving a conditional use at 3555 North Calhoun Road in association with construction of a 15,000 sq. ft. Central Administration Office building at 3555 South Calhoun Road. (NE ¼ of Sec. 9) – MT ****Requires Common Council Approval****

Report: 1. The site is zoned "R-3" Residence District with "FP" Floodplain Fringe overlay zoning. The site is not located in a Targeted Investment Area (TIA), one of eleven 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 land use of the City of Brookfield 2035 Comprehensive Plan is Housing Focused

– Lower Density. The applicant proposes discontinuing a road reservation depicted upon 3525 and 3555 North Calhoun Road and constructing a 15,000 sq. ft. school district administration building. Pursuant to Chapter 17.108 of the city municipal code, “public administration building, auditorium, gymnasium or any other publicly owned structure including health clinics supporting the public uses” are conditional uses, that may be permitted in any use district upon specific authorization by the council permitted (unless expressly prohibited) subject to a public hearing process.

2. A road reservation on upon 3525 and 3555 North Calhoun Road is depicted on the City of Brookfield Official Map. Per Wis. Stat. 66.1024 any reservation shall not be effective until it is accepted by a resolution of the governing body having jurisdiction over such street or highway. No resolution has been discovered. Technically the reservation does not exist. For purposes of transparency an amendment of the Official Map discontinuing the reservation is recommended.

3. Primary access to 3555 North Calhoun Road is proposed via driveway connection to Calhoun Road. Secondary access is proposed via Bermuda Boulevard. No site improvement is proposed in the “FP” Other Flood Fringe overlay zoning area.

4. A statement of operations dated January 31, 2019 states, “Typical hour of operation for the CAO will be Monday – Friday 7:30AM -4:30 PM. The building will also be used for school board meetings which are typically held the 2nd and 4th Tuesdays of the month at 6:00 PM.”

5. Site Data:

Site Area (Gross):	274,668 sq. ft.
Site Area (Net):	271,894 sq. ft.
Building Area:	15,000 sq. ft.
Floor Area Ratio:	5.5% (25% Maximum)
Landscape Surface Ratio:	75% (50% Minimum)
Parking Provided:	60 stalls (60 Required)

6. The flat-roof building is one-story in height. Building materials consist of brick, wood-look metal panel, architectural precast stone, clear glazing and architectural sun shade. HVAC equipment is roof mounted and screened with MCM Panel. A matching dumpster enclosure is proposed at 3525 North Calhoun Road.

7. A stand-by generator in enclosure is proposed. The applicant submitted sound level and generation data in a missive dated January 31, 2019 demonstrating compliance with city standards for noise generating equipment. A generator exercise schedule is included.

8. Preliminary grading, drainage, erosion control and storm water management plan have been submitted to the city Engineering Division.

9. A preliminary landscape plan has been submitted and incorporates existing vegetation into the tabulation of overall plant quantities.

10. The applicant is in receipt of a missive dated February 18, 2019 by Fire Chief Charlie Myers regarding Fire Code compliance requirements.

11. The applicant submitted a Traffic Impact Analysis of sufficient scope to be satisfactory to the City Engineering Division. The applicant concludes its January 31, 2019 Statement of Operations with the following, “Due to the above future development outlined relative to replacing Fairview South School the District is requesting that full access be allowed from Calhoun Road (both right and left traffic). The School District and the City have had conversations about creating full access and both are working towards that goal.” The applicant and Plan Commission should be made aware that the proposed Calhoun Road cross section at the location of the applicant’s Calhoun Road driveway access incorporates a grade-divided median allowing only right-in and right-out turn movements to/from the site.

Recommendation: The applicant’s proposal is consistent with the development thresholds associated with conditional use of a residentially zoned parcel. Building materials are consistent with Site Development Standards for Non-residential Uses. Staff

recommends the Plan Commission approve scheduling an Official Map Amendment/conditional use public hearing subject to conducting a Neighborhood Information Meeting prior thereto.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=6POxfkONNTUD> for the discussion.

Commissioner Rich Tennessen excused himself from the meeting during the duration and did not participate in any discussion or action on the item.

Motion to approve staff recommendation for approval to schedule a public hearing for the purpose of amending the Official Map, discontinuing a road reservation depicted upon 3525 and 3555 North Calhoun Road, and approving a conditional use at 3555 North Calhoun Road in association with construction of a 15,000 sq. ft. Central Administration Office building at 3555 South Calhoun Road, with an amendment requiring receipt of an affirmation letter from the applicant acknowledging acceptance with the conditions of site access to North Calhoun Road as outlined by the staff report before scheduling the public hearing.

Motion by Mark Nelson

Seconded by Rick Owen

Motion carried 5-0

Commissioner Tennessen was not in attendance for this item

Commissioner Tenneseon joined the meeting

Item 7 Noby Lily LLC/ Noby Wisconsin Real Estate LLC Revised Plan and Method of Operation

Request of Noby Lily LLC and Noby Wisconsin Real Estate LLC, 2505 North 124th Street, Suite 215, Brookfield, WI 53005 – Ramkrishna Subedi, Sole Member for approval of a revised plan and method of operation permitting façade alterations, 443 sq. ft. building addition and site alterations at 14040 West Capitol Drive. (SE ¼ of Sec. 2) – MT ****Requires Common Council Approval****

Report: 1. The site is located the Lilly Road Capitol Drive Targeted Investment Area (TIA), one of eleven 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 Lilly Road and Capitol Drive Neighborhood Plan – 2001*(Node Plan). The recommended land use of the Node plan is Office and Local Business. The adopted land use of the City of Brookfield 2035 Comprehensive Plan is “Mixed Use – Lower Density”.

2. The site is zoned “B-1” Local Business District. The applicant is requesting approval of a revised plan and method of operation permitting a 443 sq. ft. building addition, bank drive-thru addition, façade and site alteration in association with occupancy by a bank with drive-thru, a permitted use in the base-zoning district.

3. Building materials include painted brick to match existing in the location of building additions, vision-glass window systems with concrete sills to match existing. Aluminum trim and wall panels in black. The shingled roof with ridge will be replaced with a flat roof. A clear aluminum roof screen will shield rooftop mounted HVAC equipment. A brick dumpster enclosure with doors screened from view by the principal building will be installed.

4. Site Data:

Site Area:	42,507 sq. ft.
Building Size (Ex):	2,193 sq. ft.
Building Add'n:	443 sq. ft.
Drive-Thru Canopy:	442 sq. ft.
Floor Area Ratio (Ex.):	5.16% (25% Maximum)

Floor Area Ratio (Prop.):	7.24% (25% Maximum)
Landscape Surface Ratio:	44.1% (30% Minimum)
Parking:	30 stalls (12 Required)
Drive-Thru Que:	12-18 Cars (10 Required)

5. Preliminary grading, drainage, erosion control and storm water management plan have been submitted to the city Engineering Division.

6. A landscape plan with narrative consistent with city landscape standard objectives has been submitted.

7. The applicant is in receipt of a missive dated February 18, 2019 by Fire Chief Charlie Myers identifying Fire Code compliance requirements.

Recommendation: The applicant's proposed use is permitted in the base-zoning district. Building materials are consistent with City Site Development Standards and recent Plan Commission approvals of revised plan and method of operation. Staff recommends the Plan Commission approve a revised plan and method of operation permitting façade and site alterations subject to:

1. Statement of Operations dated February 4, 2019 by Ramkrishna Subedi.

2. Site Plan dated January 31, 2019 by Galbrath Carnahan Architects, LLC.

3. Building elevations, rendering and material samples dated February 4, 2019 by Galbrath Carnahan Architects, LLC with all building elevation plan pages inscribed as follows, "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."

4. Compliance with Fire Code requirements per a missive dated February 18, 2019 by Fire Chief Charlie Myers. 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.

5. Landscape Plan dated February 4, 2019 by Heller and Associates LLC 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 \$10,291 (\$2,550 per 1,000 sq. ft. street yard) for installation, \$1,776 for three (3) years of maintenance (\$440 per 1,000 sq. ft. of street yard) and a three (3) 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 (4,036 sq. ft. of street yard).

Also:

a. A landscape installation "as built" is required prior to release of the installation letters-of-credit.

6. ~~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.~~

7. Payment of applicable fees to the Community Development Department prior to issuance of a building permit:

885 sq. ft. building area @ 30% F.A.R.

\$To Be Determined	Engineering Review Fee (\$110/Hr.)
\$To Be Determined	Unpaid Assessment/s
PAID	Stormwater Management Review Fee
PAID	Landscape Plan Review Fee
\$12.36	Wetland Fee (\$4.19/1,000 sq. ft. of lot area as a function of FAR)
\$59.00	Bikeway Fee (\$20/1,000 sq. ft. of lot area as a function of FAR)

8. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.

9. 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).

10. Plan and method of operation approval expires on March 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=6POxfkONNTUD> for the discussion.

Motion to approve staff recommendation to approve a revised plan and method of operation permitting façade alterations, 443 sq. ft. building addition, and site alterations at 14040 West Capitol Drive.

Motion by Mark Nelson

Seconded by Mike Smith

Motion carried 6-0

Item 8 Current Electric Revised Plan and Method of Operation

Request of Current Electric Co., 12625 West Burleigh Road, Brookfield, WI 53005 – Charles R. Smith, President for approval of a revised plan and method of operation permitting parking lot expansion, dock and dock door at 3240 Gateway Drive. (SW ¼ of Sec. 7) – MT ****Requires Common Council Approval****

Applicant withdrew its request. No action taken.

Item 9 Permanent Zoning of Tax Key Number 1034.996.002

Request of the Department of Community Development for approval of an ordinance to establish permanent zoning of vacant land detached from the City of Pewaukee and attached to the City of Brookfield. Said land fronts upon Gumina Road with tax key number 1034.996.002. (NW ¼ of Sec. 7) – MT ****Requires Common Council Approval****

Previously reported: 1. Land with tax key number 1034.996.002 was detached from the City of Pewaukee and attached to the City of Brookfield via ordinances no. 2139-08 or 2477-17. State Statute 66.0227 (4) states the regulations imposed by the zoning ordinance of the community the land is detached from continue in effect and shall be enforced by the attaching city, village or town until changed by “official action” of the governing body of the municipality to which the land is attached.

2. “Official action” means a public hearing and ordinance adoption process.

3. The land is located in the Northwest Gateway 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 *Northwest Gateway Neighborhood Plan – 2008* (Node Plan). The land use designation of the Node Plan is Mixed Use – Retail and Office. The adopted land use of the City of Brookfield 2035 Comprehensive Plan is Employment Focused – Lower Density.

4. The zoning of land adjacent to the parcel, all land located north of Gumina Road and north of Capitol Drive contained in the Node Plan is Light Industrial / Commercial Mixed Use No. One (LI&CM#1). Staff recommends the permanent zoning of tax key number 1034.996.002 should be Light Industrial / Commercial Mixed Use No. One (LI&CM#1).

Newly reported: 5. A public hearing was conducted by the Common Council on February 19, 2019.

Recommendation: Staff recommends the Plan Commission approve on ordinance establishing permanent zoning of tax key number 1034.996.002. Said permanent zoning being Light Industrial / Commercial Mixed Use No. One (LI&CM#1).

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=6POxfkONNTUD> for the discussion.

Motion to approve staff recommendation for approval of an ordinance establishing permanent zoning of vacant land detached from the City of Pewaukee and attached to the City of Brookfield, property tax key number 1034.996.002, with Light Industrial / Commercial Mixed Use No. One (LI&CM#1) zoning.

Motion by Mark Nelson

Seconded by Rick Owen

Motion carried 6-0

Adjournment

Motion by Steve Pettit

Seconded by Rick Owen

Motion carried unanimously

Meeting adjourned at 7:46pm

Record respectfully submitted by Richard VanDerWal, Neighborhood Planner