



**OFFICIAL RECORD OF A REGULARLY SCHEDULED MEETING OF THE  
PLAN COMMISSION HELD ON OCTOBER 14, 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 Rick Owen, Alderman Gary Mahkorn, Alderman Mark Nelson, Commissioner Steve Petitt, Commissioner Lisa Chang, Commissioner Mike Smith

**MEMBERS ABSENT AND EXCUSED:** None

**OTHERS PRESENT:** Director of Community Development Dan Ertl, Planning Administrator Mike Theis, Fire Chief Charlie Myers, City Engineer Jeff Chase, Economic Development Coordinator Todd Willis, Alderman Christopher Blackburn,

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 November 11, 2019 at 6:30pm.

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**Item 1 September 9, 2019 Plan Commission Official Record / Meeting Minutes**

Approval of Official Record from the September 9, 2019 Plan Commission meeting.

*Motion to approve the September 9, 2019 Plan Commission Meeting Official Record.*

*Motion by Mark Nelson*

*Seconded by Gary Mahkorn*

*Motion carried 7-0*

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**Item 2 September 17, 2019 Special Plan Commission meeting minutes**

Approval of Official Record from the September 17, 2019 Special Plan Commission meeting minutes.

*Motion to approve the September 17, 2019 Plan Review Board Meeting Official Record.*

*Motion by Steve Petit*  
*Seconded by Mike Smith*  
*Motion carried 7-0*

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Item 3 September 19, 2019 Plan Review Board

*Meeting cancelled.*

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**Public Hearing** Request of St. Dominic Catholic Parish, 18255 W. Capitol Dr., Brookfield, WI 53045 - Michael Ricci, Managing Director to approve a conditional use permitting construction and operation of columbaria at 18255 W. Capitol Drive. Pursuant to Section 17.108.050 Conditional Uses A.4, Cemeteries, crematories or mausoleums may be permitted in any use district upon specific authorization by the council pursuant to consideration at a public hearing and authorization of the conditional use by ordinance. In addition, the proposed increase in impervious area in excess of 30% at a conditional use site of residentially zoned property requires a public hearing per section 17.108.050 B.1.c. of the Mun. Code.

Mike Theis, Planning Administrator gave a brief overview of the City's conditional use process and the aspects of the project that are subject to City review.

Michael Ricci, Managing Director of St. Dominic Catholic Parish, provided a summary of the operation and proposal for columbaria at 18255 W. Capitol Drive.

The public hearing was opened to comments from the public. No members of the public spoke at the hearing.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=bchZxIKk1CcB> for the discussion.

*Motion to close the public hearing.*

*Motion by Mark Nelson*  
*Seconded by Rick Owen*  
*Motion carried 7-0*

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Item 4 St Dominic Catholic Parish Columbaria Conditional Use

Request of St Dominic Catholic Parish, 18255 West Capitol Drive, Brookfield, WI – Michael Ricci, Managing Director for approval of a conditional use ordinance and minor revision to plan and method of operation permitting construction and operation of columbaria at said address. (NW ¼ of Sec. 9) – MT **\*\*Requires Common Council Approval\*\***

**Previously Reported:** 1. The applicant is requesting approval to schedule a conditional use public hearing for the purpose of constructing and operating columbaria in association with a prayer garden, church and school at 18255 West Capitol Drive, the location of Saint Dominic Congregation. The site is zoned "R-3" Single-family Residence District with "MSO-RC" Modified Suburban Overlay – Residential Cluster as well as conditional use ordinances number 369, 1657, 2050-06 and 2225-10.

2. The site is not located in a Targeted Investment Area (TIA), 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 corridor plan is the *Capitol Drive Corridor Plan Number Two* – 1999. The recommended land use upon abandonment of the site by the church is single-family residential cluster. The adopted land use of the *City of Brookfield 2035 Comprehensive Plan* is Community Facility.

3. Pursuant to Section 17.108.050 Conditional uses A. 4, Cemeteries, crematories or mausoleums may be permitted in any use district upon specific authorization by the council pursuant to consideration at a public hearing and authorization of the conditional use by ordinance. In addition, the proposed increase in impervious area in excess of 30% at a conditional use site of residentially zoned property requires a public hearing per section 17.108.050 B. 1. c. of the municipal code. Pursuant to section 17.108.050 B. the standards for evaluation of the conditional use are "...height and bulk of any structure or land so approved for conditional use as may be reasonable under the circumstances, provided such restrictions shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located."

4. The columbaria are integrated with a prayer garden located on the southwest corner of the site screened by trees and streetyard landscaping installed with the approved prayer garden. The columbaria consist of three structures in a semi-circular arrangement. Their height is 7' 7" (15' maximum for accessory buildings in the base-zoning district). They are located beyond the building setback (50' minimum) of the base-zoning district. Building material is granite.

5. Site Data:

Impervious Area (Ex.)	305,630 sq. ft. or 39.6%
Impervious Area (Prop.)	307,973 sq. ft. or 39.9%

**Newly Reported:** 6. The applicant has broken down the columbaria into three segmented arcs rather than the three continuous arcs initially presented to the Plan Commission.

7. A Neighborhood Information Meeting was conducted on September 25, 2019. No Aldermen attended. Three citizens signed the attendance sheet. No written comments were received.

8. A public hearing was conducted by the Plan Commission on October 14, 2019.

**RECOMMENDATION:** ~~Staff will deliver a recommendation pending results of the public hearing.~~

*With respect to conditional uses 2017 WISCONSIN ACT 67 states, "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit..."; "Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence." and "The city's decision to approve or deny the permit must be supported by substantial evidence."*

*The standard for evaluation of conditional use per 17.108.050 B. of the municipal code is, "The plan commission may recommend and the council may impose such restrictions upon the use, height and bulk of any structure or land so approved for conditional use as may be reasonable under the circumstances, provided such restrictions shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located."*

*Based upon the public hearing, staff recommends that the Plan Commission make the following Findings of Fact:*

- *The use is a conditional use as defined by 17.108.050 of the municipal code and permissible in the base-zoning district.*
- *The applicant is in compliance with the building location, height and area regulations of the base-zoning district.*

- The applicant has demonstrated that it will be able to comply with the "Public Infrastructure and Development Handbook".
- The applicant has demonstrated that it will be able to comply with Title 14 Stormwater Management of the municipal code
- The applicant has demonstrated that it will be able to comply with the Fire Code requirements articulated in a missive dated June 24, 2019 by the City of Brookfield Fire and Emergency Medical Services Department.

Staff recommends the Plan Commission approve a conditional use ordinance permitting construction and operation of columbaria and minor revision to plan and method of operation subject to the following conditions:

1. Statement of operations dated April 15, 2019 by Fr. Dennis Saran, Pastor.
2. Building Plans and material samples dated October 14, 2019.
3. Site Plan dated October 14, 2019 by One Source Consulting.
4. Grading, Drainage and Storm Water Management Plans approved by the City Engineering Department. The developer of the project will be required to submit items a, b, and c before issuance of a building permit.
  - a. Copy of the Grading and Drainage plan as approved by the Engineering Department, including storm water calculations, following criteria established by the Storm Water Management Guide.
  - 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 Inspection Services Department letter-of-credit format. The monetary amount of the letter-of-credit shall be equal to 110% of the bid submitted.
  - 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 tolerance as approved by staff per the approved plan. The recertification documents must be wet stamped and signed by said professional.
  - e. The letter-of-credit will be released after the recertification documents are submitted to and approved by the City of Brookfield. Approval of the grading, drainage, storm water, roadway and utility plans by the City of Brookfield Engineering Department.
5. Restoration of site landscaping per approved Landscape Plan dated February 23, 2006.
6. Compliance with regulations articulated in a missive dated June 24, 2019 by Fire Chief Charlie Myers.
7. Once a building permit is issued by Inspection Services, the owner shall receive a Phase I final commercial inspection within 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).
8. Signage to be approved separately by the Plan Review Board.
9. Payment of applicable fees to the Community Development Department prior to issuance of a building permit:

\$To Be Determined      Engineering Review Fee

10. Satisfaction of all taxes due, plan review fees, escrows, deposits, dedications and outstanding assessments.
11. Minor revision to plan and method of operation expires on October 22, 2021 unless the applicant obtains a building permit prior thereto.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=bchZxIKk1CcB> for the discussion.

*Motion to approve staff recommendation for approval of a conditional use ordinance and minor revision to plan and method of operation permitting construction and operation of columbaria at 18255 West Capitol Drive, with the following findings of fact:*

- *The use is a conditional use as defined by 17.108.050 of the municipal code and permissible in the base-zoning district.*
- *The applicant is in compliance with the building location, height and area regulations of the base-zoning district.*
- *The applicant has demonstrated that it will be able to comply with the “Public Infrastructure and Development Handbook”.*
- *The applicant has demonstrated that it will be able to comply with Title 14 Stormwater Management of the municipal code*
- *The applicant has demonstrated that it will be able to comply with the Fire Code requirements articulated in a missive dated June 24, 2019 by the City of Brookfield Fire and Emergency Medical Services Department.*

*Motion by Rick Owen  
Seconded by Lisa Chang  
Motion carried 7-0*

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#### Item 5 Milwaukee Tool Amendment to amendment of Development Agreement

Request of Milwaukee Tool, 13135 West Lisbon Road, Brookfield, WI 53005 – Jeremy A. Ferch, SVP, Business Operations for approval of a revision to the approved amendment of a development agreement extending the deadline for completion of roadway improvements in association with construction at 12930 Lisbon Road. (SE ¼ of Sec. 1) – MT **\*\*Requires Common Council Approval\*\***

**Previously Reported:** 1. The development agreement for Milwaukee Tool Corporation (MTC) Phase III at 12930 Lisbon Road contains the following provision:

*Within a period of twelve (12) months from the date the CITY Engineer authorizes site construction to proceed, the DEVELOPER shall improve Lisbon Road as part of the Project in accordance with the Chapter VI, Part A of the “Milwaukee Electric Tool Traffic Impact Analysis” report by TADI dated July 18, 2018, which includes performance of the following improvements:*

- ***Intersection of 128th Street & Lisbon Road***
  - *Provide for a westbound by-pass lane to accommodate through vehicles caught behind westbound left-turn vehicles onto 128th Street.*
  - *Provide for a dedicated eastbound to southbound right-turn lane on the west approach.*
- ***East Driveway and Lisbon Road***

- Provide a dedicated left-turn lane and a dedicated right-turn lane (currently a single shared lane) on the south approach for exiting traffic at this driveway.
- Extend the existing westbound by-pass lane to the east through this driveway to accommodate through vehicles caught behind westbound left-turn vehicles at this driveway.

2. An occupancy permit for the building is linked to the following provision:

OCCUPANCY PERMITS: *Occupancy permits shall not be issued by the CITY until the following conditions have been met: All conditions contained in Part A & B of this section have been met.*

*Adequate parking for each building to be occupied has been completed.*

*The entire site is finish graded and all excess spoil and/or topsoil is removed from the site.*

*Lisbon Road public roadway plans are completed and signed by the City and work is substantially completed (the "Lisbon Road Improvements").*

**Newly Reported:** 3. On July 8, 2019 the Plan Commission approved an amendment to the development agreement permitting building occupancy subject to initiation of Lisbon Road/128<sup>th</sup> Street improvements. The reason being, building construction and Lisbon Road/128<sup>th</sup> Street improvements were not on the same completion timeline. Execution of the agreement is pending.

4. Since the July 8, 2019 Plan Commission action it is determined that conditions, circumstances and current construction bidding conditions and construction calendars have led to abnormal construction costs. MTC is about to shift personnel from its current campus located on the south side of Lisbon to another building it recently acquired in another nearby community thereby reducing some peak hour traffic. The shift in MTC personnel from the south side to the Northside of Lisbon Road needs time to be evaluated regarding its impact on traffic flow.

**Recommendation:** Due to the conditions and circumstances cited in paragraph 4 of the staff report, staff recommends the Plan Commission revise the July 8, 2019 amendment of SECTION 27. C. of the development agreement dated September 21, 2018 to allow occupancy of 12930 Lisbon Road prior to completion of the Lisbon Road improvements and authorize the Mayor to execute the amendment to development agreement on behalf of the city pending approval of the final amendment language by the City Attorney.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=bchZxIKk1CcB> for the discussion.

*Motion to approve staff recommendation for approval of a revision to the July 8, 2019 amendment of SECTION 27. C. of the development agreement dated September 21, 2018 to allow occupancy of 12930 Lisbon Road prior to completion of the Lisbon Road improvements and authorize the Mayor to execute the amendment to development agreement on behalf of the city pending approval of the final amendment language by the City Attorney.*

*Motion by Mark Nelson*

*Seconded by Steve Petit*

*Motion carried 7-0*

## Item 6 Chick-fil-A Minor Revision to Plan and Method of Operation

Request of PMAT, 8 Trianon Plaza, New Orleans, LA – Ben Bolz, VP Acquisitions and Asset Management, c/o Esencia Architecture and Urban Design, 1743 East McNair Drive, Suite 200, Tempe, AZ 85263 – Kat Alvarez, Project Manager for approval of a minor revision to plan and method of operation permitting building and order station canopy installations at 12625 West Capitol Drive (Chick-fil-A). (NE ¼ of Sec. 12) – MT **\*\*Requires Common Council Approval\*\***



**Report:** 1. The site is zoned "B-3" Regional Business District. Ordinance No. 1692 zoned the site Modified Suburban Overlay with Cluster Suburban/New Suburban development pattern. Ordinance No. 2267-11 amended Ordinance No. 1692 allowing restaurants permitted in local business district, casual dining restaurants with pickup window, fast food restaurants with drive-thru and limited food establishments with a drive-thru, pickup window or delivery service. The site is located the 124<sup>th</sup> Street Corridor 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 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.

2. The applicant is requesting approval of a minor revision to plan and method of operation permitting construction of two canopies; one attached to the west building wall over the drive-thru aisle and the second a free-standing canopy over the outdoor order taker stations.

3. The *Development Plan for Brookfield's 124<sup>th</sup> Street Corridor – 2011*(Node Plan) modified an architectural standard for buildings on the Capitol Drive frontage. The Node Plan states, "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. To that end the applicant's bronze colored storefronts, canopies and trim was changed to clear anodized at the time of the building's approval, i.e. September 2013. (Clear anodized storefronts, sunscreens, canopies, etc. have become synonymous with "the industrial feel" of the Northeast Industrial Area.)

4. The applicant's building mounted and freestanding canopies are in clear anodized finish and located in conformance with base-zoning district and MSO ordinance building/structure setback and offsets. The canopies do not constitute floor area. The canopies cover existing impervious areas of the site. Consequently, there is no change to site data.

5. The applicant is in receipt of a missive dated August 27, 2019 from Fire Chief Charlie Myers regarding requirements of the fire code.

**Recommendation:** The proposed building mounted and freestanding canopies are in zoning code compliant locations and finish complimentary to that in use on the existing building. Staff recommends the Plan Commission approve a minor revision to plan and method of operation subject to:

1. Statement of Operations dated July 22, 2019 by Benedikt Bolz, VP Acquisitions and Asset Management - PMAT.

2. Site and building plans dated September 10, 2019.

3. Compliance with fire code requirements per a missive dated August 27, 2019 from Fire Chief Charlie Myers.

4. Restoration of site landscaping per the approved landscape plan dated May 31, 2013 by HR Green

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

6. Once a building permit is issued by Inspection Services, the owner shall receive a final commercial inspection within 12 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).

7. Minor revision to plan and method of operation approval shall expire on November 5, 2021 unless a building permit is obtained prior thereto.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=bchZxIKk1CcB> for the discussion.

*Motion to approve staff recommendation for approval of a minor revision to plan and method of operation permitting building and order station canopy installations at 12625 West Capitol Drive (Chick-fil-A).*

*Motion by Rick Owen*

*Seconded by Gary Mahkorn*

*Motion carried 7-0*

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## **Item 7 Brookfield Square Mall**

Request of CBL & Associates Properties, Inc. c/o Clay Whitfield, Project Manager, 2030 Hamilton Place, Chattanooga, TN for approval of a preliminary survey, Certified Survey Map, Declaration of Restrictions and Temporary Limited Easements for a portion of the lands encompassing the former Sears at Brookfield Square Mall, 115 S. Moorland Road.

### **Report:**

1. The owner of a portion of the former Sears lands- CBL & Associates Properties, requests approval of multiple instruments that will permit them to sell some of the outparcel developments at Brookfield Square. Previously, the property owner sold a portion of the Sears lands to the City of Brookfield for the Brookfield Conference Center and Hilton Garden Inn (HGI) and a Certified Survey Map (CSM) created two lots for said uses. Street access to said lots was established via a recorded public access easement along privately owned Brookfield Square Drive, not a public street. The Plan Commission approved a variation to City land division codes to permit lots being created without direct access to a public street. This is noted since three of the lots proposed by CBL will not have access to a public street either.
2. Access: In the proposed CSM - Lot 1 will be the main parcel containing the new Whirlyball and Movie Tavern uses and will have access to Moorland Road and Executive Drive – public streets. Lot 2 will be a future development site and obtain access to Brookfield Square Drive using the same access easement as the City and HGI lots. Lot 3 will locate Outback restaurant and Lot 4 Uncle Julio's restaurant. Lots 3 and 4 will rely upon a newly drafted and recorded Declaration of Restrictions ("Declaration"), attached, to obtain access to Moorland Road and Brookfield Square Drive, through Lot 1. This request includes a Plan Commission approval of this form of access under the provisions of Section 16.040(E) which states "Every lot shall front or abut on a public street. Lots with an access only to existing private streets shall be permitted only with plan commission approval". Staff recommends approval provided the Declaration is recorded at time of CSM recording.
3. Design of lots. This request also includes a Plan Commission approval of non-radial design of lot lines. Per Section 16.16.040 (G) states "Absent a public interest, side lot lines shall be at right angles or radial to street lines". Due to the unique operational characteristics and design of a regional shopping center and as stated in the September 11, 2019 narrative prepared by CBL, the lot design cannot necessarily achieve this design standard for Lots 1-4. Staff recommends approval of this request.
4. Maximum number of lot lines. This request also includes a Plan Commission approval of non-radial design of lot lines. Per Section 16.16.040(K) "Lots shall be comprised of the minimal number of lot lines practical and should generally not exceed four sides unless there is a public interest." Due to the unique operational characteristics and design of a regional shopping center and as stated in the September 11, 2019 narrative prepared by CBL, the lot design cannot necessarily achieve this design standard for Lots 1, 3 and 4. Staff recommends approval of this request.



5. Future Moorland Road Sidewalk. The long-range plans for the improvements to Moorland Road and adjacent lands include the construction of a Moorland Road sidewalk along the Brookfield Square frontage. To insure all future owners (heirs and assigns) of lands abutting Moorland Road will not obstruct this future construction, City staff asked that a Temporary Limited Easement document be drafted (TLE). See attached. This TLE will be reduced to permanent easement when more details are known about the specific location of the future sidewalk. Two TLEs will be recorded, as there are separate owners of the lands identified for a future sidewalk. See drawing below.

**Recommendation:** Since a case has been made that the operational characteristics and requisite design of a regional shopping center create needs for flexibility in the design of lots and provision for alternative access to public streets, as guided by Chapter 16 of the Municipal Code and as cited in a September 11, 2019 letter from CBL, a recommendation is made to approve the variations to sections 16.040 ( E),(G) and (K) of the Municipal Code and approve the Certified Survey Map (CSM) creating four lots at Brookfield Square subject to;

1. Version of CSM dated 10-07-19, subject to technical corrections requested by City staff.
2. Recording of Declaration of Restrictions immediately after recording CSM including revisions requested by City staff.
3. Recording of two Temporary Limited Easements immediately after recording CSM including revision's request by City staff.
4. Payment of recording fees over and beyond the \$25 paid.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=bchZxIKk1CcB> for the discussion.

*Motion to approve staff recommendation for approval of a, Certified Survey Map, Declaration of Restrictions and Temporary Limited Easements, including a preliminary survey map, for a portion of the lands encompassing the former Sears at Brookfield Square Mall, 115 S. Moorland Road.*

*Motion by Rick Owen  
Seconded by Steve Petit  
Motion carried 7-0*

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## Item 8 Industrial District Parking Regulations

Request of the Community Development Department for approval to amend the municipal code, 17.80.030, Industrial District Building and parking locations, reducing parking setbacks from 50 feet to 15 feet, and reducing parking offsets from 10 feet to 0 feet in instances of shared access and/or shared parking. – TW **\*\*Requires Common Council Approval\*\***

### Previously Reported:

1. In January 2017, the Community Development and Engineering departments reached out to the businesses along Enterprise Ave., Commerce Ave., and Industrial Ave. seeking input on the area's road resurfacing project planned for fiscal year 2018. Respondents from the initial outreach inquired the possibility for Enterprise Avenue to be widened due to parking concerns. Enterprise, Commerce, and Industry Avenues, in their current form, were not designed to accommodate on-street parking. The on-street parking that has occurred, mainly on Enterprise Ave., has caused the roads to deteriorate at a faster rate.

The Community Development Department and Engineering Department conducted a focus group meeting with the businesses in the area on November 28, 2017. The goal of the meeting was to explain the upcoming resurfacing project in detail and discuss how it will affect their businesses and the on-street parking issues that had been raised in the past. City staff informed the businesses that the intended scope of the project prohibits all on-street parking once the

resurfacing project is complete to prevent the rapid deterioration of the repaired road. If the property owners and businesses of the district desired on-street parking, the road would require upgrading to a widened urban section and the scope would exceed the planned budget of the allocated capital improvement funds.

2. Based upon the November 28, 2017 focus group meeting, it was determined that widening the road and converting its rural section to an urban section for suitable on-street parking was not desired. Three businesses are experiencing parking related issues for their employees, out of the eighteen property owners in the industrial park, limiting the number of businesses that would benefit from the application of a district wide, and property frontage assessment to fund the added costs in upgrading the scope of the road project. Businesses that relied on street parking to solve employee parking issues need a replacement solution.
3. The Community Development Department investigated the needs of the three (3) businesses that have parking issues to establish possible alternatives for alleviating the matter. Two (2) were identified as having minimal need. To meet their current demands, each requires adding six (6) parking spaces or less. The other business stated a demand of twenty (20) or more spaces based on both business and employee parking deficiencies.
4. In order to accommodate private, lot-based solutions for businesses to replace the lost street parking when it is no longer permitted, City staff proposes applying Modified Suburban Overlay (MSO). An MSO applied to the existing zoning district that incorporates less-restrictive regulations used in the Northeast Industrial area could afford property owners the site area necessary to make these improvements. The intended zoning overlay would reduce parking setbacks in the district from fifty (50) feet to fifteen (15) feet on all streets except for Barker Road to permit additional employee surface parking in the balance created.
5. City staff also proposes the MSO permit zero (0) feet offsets for pavement in instances where shared driveways and parking areas are utilized. The intent of this provision is improved functionality between properties and more efficient use of paved areas in the district. City staff has identified areas where the zero (0) feet offset would be beneficial. The proposed zero (0) feet offset would not apply to buildings or structures in the district.
6. The Modified Suburban Overlay (MSO) was passed by the Common Council on June 19, 2018. **(ATTACHMENT 1)** The MSO Ordinance that was adopted in June 2018 reduced the parking setbacks from 50' to 25' on Enterprise, Commerce, and Industry Avenues, and 0' offsets on shared driveways. With the reduction of the parking setback from 50' to 25', 6 of the total properties (24) within the district were brought into compliance of the Zoning Code.
7. If the parking setback was further reduced to 15', it would bring all but three (3) properties within compliance of the zoning code for the district. **(ATTACHMENT 2)** This modification would also create a more uniform zoning district with parking setbacks.
8. There are a number of properties that already have landscaping within the proposed 15' setback area. **(ATTACHMENT 2)**. Some of the locations identified by the City's GIS system as having landscaping within the proposed 15' setback are pictured in **(ATTACHMENT 3)**.
9. For reference of the Plan Commission **(ATTACHMENT 4)** shows the layout and dimensions required for various parking options.
10. The Plan Commission at its April 8, 2019 meeting asked City staff to identify those properties within the Industrial District (Enterprise Ave., Commerce Ave., and Industry Ave.) that would benefit from the proposed 15' parking setback. In an effort to layout some parking solutions within the district, City staff has prepared site plans of 4 properties. Each of the site plans prepared by City staff are to the scale of 1" = 50', and include an aerial for perspective beyond the site plans.

**21210 Enterprise Ave. (ATTACHMENT 5)**

The current parking stock for 21210 Enterprise Ave. is made up of about 11 parking stalls at a 45° angle layout with a one way aisle. The property owner has called in the past to see if it would be possible to get a circular drive in the front for easier access. Based on the City's code for lot width dimensions for dual access, it would not be allowed. Further preventing dual access to the property is that it would require an access point on City owned property (wastewater treatment plant). If the proposed 15' setback was put into place, it would allow for parking expansion in the front of the building with easier access flow, and create a more efficient use of the back of house for the business operations (dog kenneling).

**20865 Enterprise Ave. (ATTACHMENT 6)**

Currently the front of house has 14 parking stalls at 30° angle layout and 5 parallel parking stalls. Parking has been expanded in the back of house with a mixture for business operational vehicles and employee parking. If the proposed 15' parking setback was approved, the front of house would gain about 5' of parking setback space. This would allow for the installation of double row & one way aisle parking at 45°, adding the additional parking for its employee expansion.

**20520 Enterprise Ave. (ATTACHMENT 7)**

To date City staff is not aware of any parking challenges for this property, but it would have the benefit of improved parking options if the proposed changes were approved. A 15' parking setback would allow for double row & one way aisle parking in the front of house. This parking layout would potentially add about 5 parking spots.

**1625 N. Barker Rd. (ATTACHMENT 8)**

Parking was addressed as a concern by the tenant and property manager when the City reconstructed Enterprise Ave. and imposed no parking on the street within the district. With a 15' parking setback it would allow for a single row & one way parking aisle at 45°. This would increase the number of spaces by 3, and would create an easier flow and parking management than currently exists on the property.

11. In review of the specific application of the Modified Suburban Overlay (MSO) approved and adopted for parking setback measures in the Enterprise Industrial District, including the recent authorization to schedule a public hearing for additional measures by the Plan Commission on May 13<sup>th</sup> and the Common Council on May 21<sup>st</sup>, staff has determined this specific application of MSO was misapplied. The appropriate adoption of the desired parking measures would have been an amendment to the Industrial District zoning in entirety.
12. The City currently has three (3) main areas of Industrial District zoning to consider in applying the proposed parking regulation amendments. (SEE ATTACHMENT 9)
13. There are a total of 8 properties along Pheasant Drive Industrial District that would be affected by the potential zoning amendment being proposed. The industrial park is land-locked between two (2) active railroad lines, further constrained by the presence of Shoreland/Wetland overlay districts. (Properties are described from West to East on the provided map)

**2735 N. Calhoun Rd.**

Parking is currently located on the south side of the building, with no parking located in the front of the building along N. Calhoun Road. There is also parking located in the back of the building which is directly east of N. Calhoun Road. There is currently no potential for a shared vehicular entrance due to the lack of neighboring properties. The change in zoning would not benefit or burden the property based on its proximity to the Right-of-Way of N. Calhoun Road.

**17150 Pheasant Dr.**

The property has landscaping located up to the Right-of-Way of Pheasant Drive, and parking is setback 17 ft. from the lot line. Considering the current layout of parking (staggered), the zoning change would bring the property from legal non-conforming status into compliance with the zoning code. Depending on the uses of the building, and that of the neighboring property to the east, there could be an opportunity for a shared entrance in the future.

**17080 Pheasant Dr.**

The parking for this property is right up to the Right-of-Way along Pheasant Drive. Even with the proposed zoning change, the property would still be a legal non-conforming property. As mentioned for the previous property, there is a potential for a shared entrance point in the future. This would allow for the property to achieve greater optimization of available parking.

**17020 Pheasant Dr.**

Property is currently used for self-storage with little need for added parking or shared entrance access. The change in zoning would not benefit or burden the property based on its current use and buildout.

**16900 Pheasant Dr.**

The property is used to store a school bus fleet, and is mostly paved for parking. Employee parking is right up to the Right-of-Way for Pheasant Drive. The property already has two (2) access points, and would see very little need for a shared access entrance. With available space within the parcel for expansion, the zoning change has the potential to benefit the property as part of a future addition or redevelopment.

**16830 Pheasant Dr.**

The property appears to be completely built out, with parking located along the side of the building and in the freight docking area. If the zoning amendment were to be approved, there would be an opportunity for a more optimal parking arrangement on the property. The property has two (2) access points, and would likely not find use in a shared entrance with either of the neighboring properties.

**16670 Pheasant Dr.**

The property is currently adequately parked, with no real opportunity to have a shared entrance. The zoning change would not benefit or burden the property based on its current use and buildout.

**16470 – 16550 Pheasant Dr.**

Like 17020 Pheasant Drive, the property is being used for self-storage, requiring little need for parking. It is also located at the end of the street, preventing the opportunity for a shared vehicular entrance.

14. The 124<sup>th</sup> Street Industrial District is made up of 21 properties that would be affected by the potential zoning change being proposed. The industrial park is located between 124<sup>th</sup> Street to the East, and Wisconsin Memorial Park Cemetery to the West. The North and South boundaries are properties zoned Office and Limited Industry (O&LI), and Regional Business (B-3). Based on the age and compact nature of the district, there appears to be limited opportunity for the proposed zoning amendment to have any immediate effect on the district. The proposed zoning amendment to the district would benefit the area in the long term, providing opportunities for properties to redevelop without the need to reduce overall existing parking and creating a uniform parking setback more representative of the existing district's conditions.

**Newly Reported:**

15. A Public Hearing was held on October 1, 2019 with no public comments were received. A presentation was given by City Staff and is attached for reference **(ATTACHMENT 10)**.
16. Alderman Blackburn requested that a detailed list of current pavement/parking setbacks be created to determine the level of current non-conforming properties zoned Industrial. **(ATTACHMENT 11)**

**Staff Recommendation:** In order to optimize the use and opportunity of private property, and to enhance and preserve property rights in the Industrial Districts of the City, Staff recommends approval to amend 17.80.030 of the municipal code, reducing parking setbacks in Industrial District zoning to fifteen (15) feet, and permitting zero (0) foot offsets for parking in instances of shared vehicular access and/or shared parking.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=bchZxIKk1CcB> for the discussion.

*Motion to approve staff recommendation for approval to amend 17.80.030 of the municipal code, reducing parking setbacks in Industrial District zoning to fifteen (15) feet, and permitting zero (0) foot offsets for parking in instances of shared vehicular access and/or shared parking.*

*Motion by Lisa Chang  
Seconded by Mike Smith  
Motion carried 7-0*

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**Adjournment**

*Motion by Gary Mahkorn  
Seconded by Steve Petit  
Motion carried unanimously  
Meeting adjourned at 7:24pm*

*Record respectfully submitted by Carolyn Megal, Administrative Assistant*