



**OFFICIAL RECORD OF A REGULARLY SCHEDULED MEETING OF THE  
PLAN COMMISSION HELD ON JANUARY 13, 2020, 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 Rick Owen, Alderman Mark Nelson, Commissioner Steve Petitt, Commissioner Mike Smith, Commissioner Lisa Chang

**MEMBERS ABSENT AND EXCUSED:** n/a

**OTHERS PRESENT:** Director of Community Development Dan Ertl, Planning Administrator Mike Theis, Fire Chief Charlie Myers, Director of Public Works Tom Grisa, Neighborhood Planning Coordinator Richard VanDerWal, Alderman Scott Berg, Alderman Chris Blackburn

Mayor Ponto noted a quorum present and called the Plan Commission to order at 6:37 pm.

**Announcements / Reports**

The next regularly scheduled meeting is February 10, 2020 at 6:30pm.

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

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

***Motion to approve the December 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            December 19, 2019 Plan Review Board**

Approval of the December 19, 2019 Plan Review Board actions and recommendations of meeting minutes.

***Motion to approve the December 19, 2019 Plan Review Board meeting actions and recommendations including change of reference to members present from "Gary Nelson" to read "Gary Mahkorn".***

### **Item 3 Fassett Preliminary Survey Map – Final Certified Survey Map**

Request of Bridget Fassett, CPA, MST - Owner, 1529 Upper Parkway South, Wauwatosa, WI 53213 c/o Schober and Mitchell, S.C. – Attorneys, 2835 S, Moorland Road, New Berlin, WI 53151 – T. Michael Schober, Attorney for approval of a preliminary survey map, final certified survey map and subdivider agreement depicting a three-lot landsplit at 15965 Gebhardt Road. Two new lots will be created. (SE ¼ of Sec. 22) – MT **\*\*Requires Common Council Approval\*\***

Commissioner Steve Petitt recused himself because his company is designing a project for MCFI of which Bridget Fassett is the Chief Financial Officer. He left for the duration of the item and returned for Item 4.

Commissioner Mike Smith recused himself because his company is the general contractor for a project for MCFI of which Bridget Fassett is the Chief Financial Officer. He left for the duration of the item and returned for Item 4.

**Report:** 1. The applicant's request for approval of a three-lot landsplit at 15965 Gebhardt Road first appeared on the Plan Commission agenda of January 8, 2018 (minutes attached). The request was accompanied by a public street connectivity determination from the Plan Commission. The Plan Commission postponed the request.

2. The applicant's request reappeared on the June 11, 2018 Plan Commission agenda (minutes attached). The Plan Commission recommended approval of the of a three-lot landsplit subject to:

- Installation of a public street connecting the two existing termini of Choctaw Trail.
- Submittal of a Certified Survey Map.
- Dedication of the ultimate street width of Gebhardt Road.
- Wetland dedication via outlot per Park and Recreation Commission.
- Execution of a subdivision agreement.
- Landsplit approval expires on June 19, 2020 unless the preceding requirements of staff recommendation are implemented.

3. At its January 6, 2020 meeting the Parks and Recreation Commission recommended dedication of 10,890 square feet of wetland for the Park and Open Space dedication (minutes attached). The applicant's preliminary survey map and final certified survey map illustrate wetlands delineated by Stantec on September 28, 2017 and depict a 10,890 square foot outlot comprised of wetlands and labeled for dedication to the City of Brookfield. Also depicted is dedication of the ultimate right of way for Gebhardt Road.

4. The applicant's preliminary survey map and final certified survey map do not depict installation of a public street connecting the two existing termini of Choctaw Trail; a condition of approval in the June 11, 2018 Plan Commission action. The applicant's cover letter dated December 2, 2019 contests the need for the road extension.

5. Section 16.16.030.G states that "Cul-de-sacs and deadend streets are to be minimized but may be approved when necessitated by topography or environmental features. No topography or environmental features are present at this location. The basis for the minimization of deadend streets and cul-de-sacs is to implement street connectivity in the City of Brookfield.

- Street connectivity reduces errors from public safety in locating addresses and leads to lower response times for emergencies. Lower response times lead to less property damage and improves patient outcomes. Furthermore, fire stations can serve more households at a lower per capita cost with higher street connectivity. (See *Emergency Response & Street Design, CNU Report, 2009*, [https://www.cnu.org/sites/default/files/CNUEmergency%20Response\\_FINAL\\_0.pdf](https://www.cnu.org/sites/default/files/CNUEmergency%20Response_FINAL_0.pdf). See also Snyder et al., *Best Practices Emergency Access in Healthy Streets, 2013*, <https://nacto.org/wp-content/uploads/2015/04/Best-Practices-Emergency-Access-in-Healthy-Streets.pdf>.)

- Street connectivity provides direct access and shortened distances from points of origin and destinations which makes walking and bicycling more convenient and safer. See Snyder et al. above;
- Street connectivity decreases the length of delivery trips and inefficient trip routes. (See Lehigh Valley Planning Commission, *Street Connectivity: Improving the Function and Performance of Your Local Streets*, 2011, <http://www.ci.kearney.mo.us/pdf/Attach-to-11-2-15-Agenda-Street-Connectivity.pdf>).
- Street connectivity improves snow plow operations as it lowers the amount of money spent in labor, gas, and materials; and lessens the amount of “doubling back” in exiting a subdivision. (See Lehigh Valley above).
- The American Society of Civil Engineers (ASCE) concluded that street networks heavy on cul-de-sac design increased travel demand on arterial streets by 75% and on collector streets by 80%, compared to a 43% lower vehicle miles traveled (VMT) with a gridded street design (Taylor 2001). The ASCE study also found that the connected network reduced travel times and speeds, factors that impact street safety. . (See Lehigh Valley above).

**Recommendation:** The Plan Commission in a prior action established installation of a public street connecting the two existing termini of Choctaw Trail as a condition of approval of a Certified Survey Map. The applicant refuses to comply. Staff recommends the Plan Commission deny the preliminary survey map and final certified survey map due to noncompliance with conditions of approval.

Attorney T. Michael Schober provided arguments on behalf of the applicant. Topics discussed include:

- The requirement for a street connection fulfilling a rational nexus.
- Whether the three lot land division creates the need for a street connection, referencing traffic study report, dated July 31, 2019, by traffic safety engineer John Bieberitz.
- The existing conditions of the site as they relate to conditions prior and after hypothetical fulfillment of the request.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=vRaYUo9VmkoQ> for the discussion prior to closed session, and at <https://cityofbrookfield.viebit.com/player.php?hash=fcMxM5LSzX9F> for the remainder of discussion after the close of the closed session and convening in open session.

***Motion to move, pursuant to Section 19.85(1)(g) of the Wisconsin Statutes, to consider Item 3 in closed session, for the purpose to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is likely to become involved as authorized under §19.85(1)(g), Stats. You are further notified that at the close of the Closed Session, the Plan Commission will convene in open session pursuant to §19.85(2), Stats. for possible additional discussion and action concerning any matter discussed in closed session and/or the remainder of the agenda.***

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

***Motion to close the closed session and move into open session.***

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

*Motion to accept staff recommendation to deny the request for preliminary survey map and final certified survey map. Upon deliberation and consideration of the request of Bridget Fassett presented at the Plan Commission meeting held on January 13, 2020, the Committee finds:*

**FINDINGS OF FACT:**

1. *This is a request that was made by Bridget Fassett, who is the spouse of the City Engineer Jeff Chase. Due to the City Engineer's Department reviewing such items, care was taken to make sure that the process was fair to the applicant and to other past and future applicants. Specifically, the City Attorney's Office reviewed the document and had outside counsel review it to eliminate potential bias, and the City Engineering Department took no part in the analysis. Instead, Director of Public Works Tom Grisa offered any engineering support necessary for this review.*
2. *The CSM as submitted to the City would create a temporary dead end that serves no properties into a permanent dead end that serves two properties. If this land split were to be approved as the applicant desired, the streets would never be able to connect.*
3. *The Brookfield Municipal Code states that dead end streets and cul-de-sacs are to be minimized except for topography or environmental features. No topography or environmental feature here, per the opinion of the Director of Public Works, would require a dead end or cul-de-sac at this location.*
4. *Specifically, per review from Mr. Grisa, a road at this location would comply with the City Standards for Public Infrastructure and Development, which is the set of guidelines that guides the City in determining design standards and specifications for public roads and may be altered or have requirements added through the review process. Specifically, this road could be put through at a smaller centerline radius than 200 feet and still be safe given the volume and speeds expected.*
5. *Studies have found that street connectivity are beneficial to this property and the City as a whole. These studies are on file with the Community Development Department and are cited in the Staff Report. Specifically, these studies state that connected streets can allow fire departments to serve more households. They reduce response time for public safety, which can be critical in matters of life and death or severe injuries, and lead to less error as to addressing. Street connectivity provides direct access and shortened distances for delivery trucks, school buses, mail trucks, and pedestrians and cyclists and makes walking and bicycling more convenient and safer. Furthermore, street connectivity improves snow plow operations as it lowers the amount of money spent in labor, gas, and materials, and lessens the amount of doubling back.*
6. *Both streets are named Choctaw Trail and were clearly designed to connect at some point.*
7. *Finally, the City believes that the tests outlined in the Supreme Court cases of Nollan v. California Coastal Comm'n and Dolan v. City of Tigard have been met and that an essential nexus furthering a legitimate municipal interest has been shown for the installation of the road and such installation is proportional to the impact on the land.*
8. *Therefore, the City finds that denial of the CSM is warranted.*

*Motion by Gary Mahkorn*

*Seconded by Rick Owen*

*Motion carried 5-0*

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#### **Item 4 18550 W Bluemound PDD General Plan Rezoning**

Request of 18550 W Bluemound, LLC, W5073 County Road O, Plymouth, WI 53073 – Randy Goll, Development Project Manager for approval of an ordinance rezoning 18550 West Bluemound Road from B-3 Regional Business District to Planned Development District No. \_\_\_\_ Commercial – General Plan in association with construction of a 3,000 sq. ft. commercial building at said address. (SW ¼ of Sec. 28) – MT **\*\*Requires Common Council Approval\*\***

**Previously reported:** 1. The site is located in The Calhoun Road South 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 corridor plan is *The Calhoun Road South Neighborhood Plan – 2001* (Node Plan). The recommended land use of the Node Plan is “Mixed Use – Ground Floor Retail, Residential/Office Above”. The adopted land use of the City of Brookfield 2035 Comprehensive Plan is “Shopping/Service Focused – Higher Density”.

2. The site is zoned “B-3” Regional Business District. The applicant is requesting approval of a Planned Development District public hearing, rezoning the site to Planned Development District No. General Plan - Commercial allowing infill development of the site with a single tenant, single story, 3,000 sq. ft. building delivering shopping/service focused use between the existing east/west reciprocal access drive aisle and Bluemound Road. The site is identified as District A, Macro Parcel 1 in the Node Plan, which states the following with respect to this site, “...It is intended that each parcel be allowed to infill primarily residential uses in the northern portions of each parcel fronting on Wisconsin Avenue and primary retail or small office uses fronting Bluemound...”

3. The standards for PDD rezoning are specified in 17.41.050 Standards for planned development districts by predominant land use - C. Commercial Planned Developments. All commercial planned developments shall demonstrate community benefits in aesthetics and construction to justify the PDD designation. The applicant provided the Plan Commission a list of community benefits in its statement of operations dated July 31, 2019. A partial recitation includes provision of a new building appropriately located per the Node Plan utilizing genuine architecture and contemporary thermal performance with floor plan and window systems coordinated for a proposed tenant, rooftop HVAC screened by building architecture, site landscape restoration and pedestrian connections.

4. Building architecture is contemporary commercial with rectangular forms and accent lighting. Windows are placed in coordination with a floor plan in anticipation of precluding shades, curtains or walls with murals behind unwanted window openings. A genuine storefront faces Bluemound Road. Principal building materials are Nichiha masonry panel, brick and vision glass.

5. Site landscaping will be installed per city Site Development Standards.

6. The applicant is in receipt of a missive dated August 14, 2019 by Fire Chief Charlie Myers identifying Fire Code compliance requirements.

7. PDD Ordinance Characteristics:

Permitted Uses:	Same as Section 17.64.010 (“B-3” Regional Business District)
New Building Setback:	25’
Pavement Setback:	25’
Building Offset:	10’
Pavement Offset:	10’ (East and West)
Pavement Offset:	25’ (North)
Height Regulation:	35’ - Same as Section 17.64.030 (“B-3” Regional Business District)
Minimum Lot Size:	120,000 sq. ft.
Area Regulation:	F.A.R. 30% Max. - Same as Section 17.64.040 (“B-3” Regional Business District) L.S.R. 25% Min. – 5% less than Section 17.64.040 (“B-3” Regional Business District)

8. New Building Development Characteristics:

Building Setback:	35’
Pavement Setback:	25’
Building Offset:	100’ east and 130’ west
Pavement Offset:	10’
Building Height:	12’ 8”
Building Size:	3,000 sq ft.
Floor Area Ratio:	24.2% (All buildings on the entire site)

Landscape Area Ratio: 27.2%  
Lot Size: 190,884 sq. ft.  
Parking: 177 (179 existing. 141 – 235 per municipal code)

9. While staff believes parking supply falls within the range of supply needed for the site based upon the uses disclosed in confidence to staff, the applicant should better describe/disclose the uses to the Plan Commission. The Plan Commission should consider requiring submittal of a parking study prior to scheduling the public hearing if authorized.

**Newly reported:** 10. At its September 9, 2019 meeting, the Plan Commission recommended scheduling a PDD – General Plan rezoning public hearing subject to:

- Reducing pavement and building setback from 25' to 15' in the PDD – General Plan ordinance
- Satisfying parking supply scenarios for future use of the existing building/site
- Improving the appearance of the new building's north, east and west walls

11. A public hearing was conducted at the Common Council meeting of December 17, 2019.

- No public comments were received at the public hearing. Aldermen expressed concern regarding reusability of buildings on the site and close proximity of the new building to Bluemound Road. The applicant's proposal depicts a reduced pavement setback of 15' from Bluemound Road but retains the building setback of 35'.
- The applicant modified its General Plan Statement to the satisfaction of city staff regarding future tenant scenarios. The General Plan Statement includes, "Once tenants are determined new building elevations along with tenant specific requirements will be submitted for Plan Commission approval. This is to ensure that the parking requirements don't exceed the available parking spaces."
- The applicant has modified east and west elevations of the new building to include down-lit brick recessed panels with potential for public art. The north-building wall has been heavily landscaped.

12. PDD Ordinance Characteristics:

Permitted Uses: Same as Section 17.64.010 ("B-3" Regional Business District)  
New Building Setback: 15'  
Pavement Setback: 15'  
Building Offset: 10'  
Pavement Offset: 10' (East and West)  
Pavement Offset: 25' (North)  
Height Regulation: 35' - Same as Section 17.64.030 ("B-3" Regional Business District)  
Minimum Lot Size: 120,000 sq. ft.  
Area Regulation: F.A.R. 30% Max. - Same as Section 17.64.040 ("B-3" Regional Business District)  
L.S.R. 25% Min. – 5% less than Section 17.64.040 ("B-3" Regional Business District)  
Parking : Tenant specific requirements will be submitted for Plan Commission approval prior to issuance of any occupancy permit to ensure that parking requirements don't exceed available parking spaces.

13. New Building Development Characteristics:

Building Setback: 35'  
Pavement Setback: 15'  
Building Offset: 100' east and 130' west  
Pavement Offset: 10'  
Building Height: 12' 8"  
Building Size: 3,000 sq ft.  
Floor Area Ratio: 24.2% (All buildings on the entire site)  
Landscape Area Ratio: 27.2%  
Lot Size: 190,884 sq. ft.  
Parking: 177 (179 existing. 141 – 235 per municipal code)

**Recommendation:** The proposed use is consistent with the land use recommendation of the adopted Node Plan and the 2035 Comprehensive Plan. Placement of the new building is consistent with the building location recommendation of the adopted Node Plan. The standard for PDD Commercial Planned Development approval is demonstration of community benefits in aesthetics and construction. The applicant proposes contemporary commercial architecture with accent lighting and windows placed in coordination with a floor plan anticipated to preclude shades, curtains or walls with murals behind unwanted window openings. A genuine storefront faces Bluemound Road. Staff recommends the Plan Commission provide the applicant direction regarding needed modifications to secure Specific Plan approval and approve an ordinance rezoning the site to Planned Development District No. \_\_\_\_ General Plan – Commercial subject to:

1. Compliance with requirements in a missive dated August 14, 2019 by Fire and Emergency Medical Services Department - Charlie Myers, Fire Chief
2. Approval of the rezoning to a PDD shall conditionally entitle the applicant to apply to the city for approval of a specific plan for the area in conformity with the general plan as previously approved by the common council, but all rights to commence development shall be conditioned upon city approval of the specific plan, and shall not make permissible any of the uses or developments until the specific plan is approved for all or a portion of the area included in the general plan.
3. If the approved general plan is not followed within six months of the date of approval by the common council by submittal of an application for approval of a specific plan, the approval shall be null and void and a new application and approval process shall be required to obtain general plan approval. The zoning of the property shall revert without hearing to the prior zoning classification. The six-month deadline may be extended for good cause for up to six additional months by the director of community development.

The Plan Commission discussed the following topics:

- Fenestration of the proposed building solution.
- Hours of operation.
- Parking counts relative to the potential intensity of use.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=fcMxM5LSzX9F> for the discussion.

***Motion to accept staff recommendation for approval of an ordinance rezoning 18550 West Bluemound Road from B-3 Regional Business District to Planned Development District No. \_\_\_\_ Commercial – General Plan in association with construction of a 3,000 sq. ft. commercial building at said address.***

***Motion by Mark Nelson***  
***Seconded by Mike Smith***  
***Motion carried 7-0***

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## **Item 5 Brookfield East Special Exception – Field/Track Lighting**

Request of Elmbrook School District, 13780 Hope Street, Brookfield, WI 53005 – Randal Johnston, Director of Facilities for approval to schedule a special exception public hearing amending special exception Ordinance No. 1757 allowing modifications to the football field/track lighting frequency of use and hours of operation at Brookfield East High School – 3305 North Lilly Road. (SE ¼ of Sec. 11) – MT **\*\*Requires Common Council Approval\*\***

**Report:** 1. Brookfield East High School is located at 3305 North Lilly Road. The site is zoned “R-2” Single-family Residence District. Special Exception Ordinance No. 1204 permits soccer field lighting. Conditional Use Ordinance No. 1757 permits track and football field/track lighting. Conditional Use Ordinance No. 1913-03 permits a soccer field. Conditional Use Ordinance 2142-08 permits a 53,012 sq. ft. building addition with parking lot alteration. There is no conditional use ordinance associated with the origination of the site for use as a high school.

2. The site is not located in a Targeted Investment Area (TIA) one of eleven areas identified in the *City of Brookfield 2035 Comprehensive Plan* (Comp Plan) that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The education goal of the Comp Plan states, "Brookfield is known for outstanding schools and lifetime learning to advance personal success, meet modern workforce demands, and support entrepreneurship."

3. Conditional Use Ordinance No. 1757 permits track and football field lighting with the following regulatory conditions:

- Poles not to exceed 80 feet in height
- Illumination is scheduled to coincide with first and second semester football and track seasons
- Field lighting will operate from 6:30 p.m. to 10:00 pm. not to exceed 20 times during the school year
- Use limited to Brookfield East functions e/vents

4. City Attorney Jenna Merten has opined field lighting is subject to regulation as a special exception due to the applicant's request to exceed the height limitations that are set forth in Section 17.120.010 of the Code. If the City decides to impose regulations on the lighting, the regulations must be related to the provisions of Subsection 17.08.060.B and be based on substantial evidence. Further, the regulations must be reasonable and measurable. Based on those requirements, the City regulatory control is likely limited to pole height, bulb wattage, frequency of use, and hours of operation, provided that substantial evidence exists to support the condition.

5. The applicant requests a special exception hearing and ordinance permitting the following:

- Pole height 80 feet
- Field lighting (LED) operated Monday thru Saturday to coincide with:
  - High School Athletic Programs
    - Football
    - Soccer (Boys & Girls)
    - Track & Field (Boys & Girls)
    - Lacrosse (Boys & Girls)
  - Co-Curricular Programs
    - Marching Band/Homecoming Events
  - Community Programs
    - Junior Sports (Soccer, Football, etc.)
    - Middle School Track & Field
    - Other Rec Department Uses
- Field lighting (LED) to operate to 10:00 pm.
- Max wattage (LED) 1500 watts

4. The lighting (LED) will operate from four poles. The lighting upgrade coincides with turf and track replacement. Staff recommends hours of illumination to coincide with twilight to 10:00 p.m. (Twilight is defined as the soft glowing light from the sky when the sun is below the horizon, caused by the refraction and scattering of the sun's rays from the atmosphere.) The twilight start time and 10:00 p.m. end time condition is supported by substantial evidence in that use of lighting during traditional hours of sleep have been linked to the human body producing lower melatonin rates, which may lead to decreased sleep quality and increased cancer risk; and disruption of animal habits. See Haim A, Zubidate AE. 2015. *Artificial Light at Night: Melatonin as a Mediator between the Environment and Epigenome*, *Phil Trans. R. Soc. B* 370: 20140121 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4375362/>; Haim et al. 2019. *Consequences of Artificial Light at Night: The Linkage between Chasing Darkness Away and Epigenetic Modifications*, <https://www.intechopen.com/books/epigenetics/consequences-of-artificial-light-at-night-the-linkage-between-chasing-darkness-away-and-epigenetic-m>; Kraus, Louis J. 2016. *Human and Environmental Effects of Light Emitting Diode (LED) Community Lighting*, Report of the Council on Science and Public Health, [https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/AMA\\_Report\\_2016\\_60.pdf](https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/AMA_Report_2016_60.pdf).

5. Site Data: N/A

6. No landscaping is proposed, nor can any be compelled in association with the request.

7. Photometric illumination summary, equipment layout, fixture specifications and environmental glare impact illustration accompany the applicant's submittal.

**RECOMMENDATION:** The programs listed by the applicant are consistent with the operation of a public school with athletic facilities. Pole height and the 10:00 p.m. termination of illumination are consistent with those established in ordinance no. 1757. The condition of a 10:00 p.m. termination time and twilight start time is supported by substantial evidence. Staff recommends the Plan Commission approve scheduling the requested special exception public hearing subject to conducting a neighborhood information meeting prior to.

The Plan Commission discussed the following topics:

- Whether the proposal for lighting decreases impact on neighboring properties.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=fcMxM5LSzX9F> for the discussion.

*Motion to accept staff recommendation for approval to schedule a special exception public hearing amending special exception Ordinance No. 1757 allowing modifications to the football field/track lighting frequency of use and hours of operation at Brookfield East High School – 3305 North Lilly Road subject to conducting a neighborhood information meeting prior to.*

*Motion by Gary Mahkorn*

*Seconded by Lisa Chang*

*Motion carried 7-0*

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## **Item 6 Brookfield Central Special Exception – Field/Track Lighting**

Request of Elmbrook School District, 13780 Hope Street, Brookfield, WI 53005 – Randal Johnston, Director of Facilities for approval to schedule a special exception public hearing amending special exception Ordinance No. 1010 and Conditional Use Ordinance No 2143-08 allowing modifications to the football/soccer field and track lighting pole height, frequency of use and hours of operation at Brookfield Central High School -16900 Gebhardt Road. (NW ¼ of Sec. 22) – MT **\*\*Requires Common Council Approval\*\***

**Report:** 1. Brookfield Central High School is located at 16900 Gebhardt Road. The site is zoned “R-2” Single-family Residence District. Special Exception Ordinances No. 1010 and 1305 permit football field lighting and a detached garage respectively. Conditional Use Ordinances No. 1514 and 2230-10 permit operation and expansion of a daycare in a detached administration building located on the site. Conditional Use Ordinance No. 2143-08 permits a 32,365 sq. ft. building addition with two-station gymnasium, additional class space and installation of a 213-stall parking lot with restatement of football field illumination hours of operation and frequency of use. Conditional Use Ordinance No. 2360-16 permits a concession stand. Conditional Use Ordinance No. 2506-18 permits baseball/tennis court alteration, expansion and illumination. There is no conditional use ordinance associated with the origination of the site for use as a high school.

2. The site is contained in the Civic Center Node, one of eleven areas identified as Targeted Investment Areas (TIA) in the *City of Brookfield 2035 Comprehensive Plan – 2009 (Comp Plan)*. The eleven TIAs of the Master Plan are those select areas in the city that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted node plan for the TIA is the *Ruby Isle / Civic Center Node Development Plan* with amendments. The adopted land use for the site is government and institutional with

recreation and public open space. The education goal of the Comp Plan states, "Brookfield is known for outstanding schools and lifetime learning to advance personal success, meet modern workforce demands, and support entrepreneurship."

3. Special Exception Ordinance No. 1010 and the public hearing minutes applicable to it permits football field lights with the following conditions:

- Poles not to exceed 75 feet in height
- Illumination is scheduled to coincide with the football season
- Field lighting will turn off at 10:00 pm. not to exceed 200 hours of operation per year or use in excess of 10-15 times per year
- No use other than football is acknowledged

4. Conditional Use Ordinance No. 2143-08 restated or established operational characteristics per a Brookfield Central Multi-Purpose Field Hours of Operation statement (Statement) dated August 4, 2008 by Robert C. F. Borch, Assistant Superintendent for Finance. The Statement (attached to Plan Commission exhibits) modified Special Exception Ordinance No. 1010 as follows:

- Field lighting will turn off at 10:00 pm. not to exceed 200 hours of operation per year
- Uses include Football Games and Practice – Boys Soccer – Band Practice – Girls Soccer – Club Lacrosse – Club Rugby

5. City Attorney Jenna Merten has opined field lighting is subject to regulation as a special exception due to the applicant's request to exceed the height limitations that are set forth in Section 17.120.010 of the Code. If the City decides to impose regulations on the lighting, the regulations must be related to the provisions of Subsection 17.08.060.B and be based on substantial evidence. Further, the regulations must be reasonable and measurable. Based on those requirements, the City regulatory control is likely limited to pole height, bulb wattage, frequency of use, and hours of operation, provided that substantial evidence exists to support the condition.

6. The applicant requests a special exception hearing and ordinance permitting the following:

- Pole height 80 feet
- Field lighting (LED) operated Monday thru Saturday to coincide with:
  - High School Athletic Programs
    - Football
    - Soccer (Boys & Girls)
    - Track & Field (Boys & Girls)
    - Lacrosse (Boys & Girls)
  - Co-Curricular Programs
    - Marching Band/Homecoming Events
  - Community Programs
    - Junior Sports (Soccer, Football, etc.)
    - Middle School Track & Field
    - Other Rec Department Uses
- Field lighting (LED) to operate to 10:00 pm.
- Max wattage (LED) 1500 watts

7. The lighting (LED) will operate from four poles. The lighting upgrade coincides with turf and track replacement. Staff recommends hours of illumination to coincide with twilight to 10:00 p.m. (Twilight is defined as the soft glowing light from the sky when the sun is below the horizon, caused by the refraction and scattering of the sun's rays from the atmosphere.) The twilight start time and 10:00 p.m. end time condition is supported by substantial evidence in that use of lighting during traditional hours of sleep have been linked to the human body producing lower melatonin rates, which may lead to decreased sleep quality and increased cancer risk; and disruption of animal habits. See Haim A, Zubidate AE. 2015. *Artificial Light at Night: Melatonin as a Mediator between the Environment and Epigenome*, Phil Trans. R. Soc. B 370: 20140121 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4375362/>; Haim et al. 2019. *Consequences of Artificial Light at Night: The Linkage between Chasing Darkness Away and Epigenetic Modifications*, <https://www.intechopen.com/books/epigenetics/consequences-of-artificial-light-at-night-the-linkage-between-chasing-darkness-away-and-epigenetic-m>; Kraus, Louis J. 2016. *Human and Environmental Effects of Light Emitting Diode (LED)*

8. Site Data: N/A

9. No landscaping is proposed, nor can any be compelled in association with the request.

10. Photometric illumination summary, equipment layout, fixture specifications and environmental glare impact illustration accompany the applicant's submittal.

**RECOMMENDATION:** The programs listed by the applicant are consistent with the operation of a public school with athletic facilities. Pole height at Brookfield Central is consistent with that approved at Brookfield East High School and the 10:00 p.m. termination of illumination is consistent with ordinances no. 1010 and 2143-08 and supported by substantial evidence. Additionally, a twilight start time is supported by substantial evidence. Staff recommends the Plan Commission approve scheduling the requested special exception public hearing subject to conducting a neighborhood information meeting prior to.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=fcMxM5LSzX9F> for the discussion.

***Motion to accept staff recommendation for approval to schedule a special exception public hearing amending special exception Ordinance No. 1010 and Conditional Use Ordinance No 2143-08 allowing modifications to the football/soccer field and track lighting pole height, frequency of use and hours of operation at Brookfield Central High School -16900 Gebhardt Road subject to conducting a neighborhood information meeting prior to.***

***Motion by Gary Mahkorn***

***Secoded by Mike Smith***

***Motion carried 7-0***

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## **Item 7 Orthopaedic Associates of Wisconsin**

Request of Orthopaedic Associates of Wisconsin, N15W28300 Golf Road, Pewaukee, WI 53072 – Mark Smith, Chief Administrative Officer, c/o Jeffrey Holzauer, Architect for approval of a new plan and method of operation in association with construction of an 18,600 sq. ft. orthopedic medical clinic at 117 South Moorland Road. (NE ¼ Sec 34) – RV **\*\*Requires Common Council Approval\*\***

Commissioner Lisa Chang recused herself because her firm is the hired architect for the proposal of the requested item. She left for the duration of the item and returned for Item 8.

Commissioner Mike Smith recused himself because his company is the general contractor for the proposal of the requested item. He left for the duration of the item and returned for Item 8.

### **Report:**

1. The site consists of one lot located in the Calhoun Road South 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 *Calhoun Road South Neighborhood Plan – 2001* (Node Plan). The adopted land use of the Node Plan for the site is "Mixed Use". The adopted land use of the *City of Brookfield 2035 Comprehensive Plan* is "Mixed Use – Higher Density". The site is zoned "O&LR/C #2 – Office and Limited Residential/Commercial District Number 2" (O&LR/C #2) including adopted Modified Suburban Overlay Zoning District Brookfield Square Area Overlay Ordinance 2577-19. Ordinance 2577-19 establishes the development pattern and zoning characteristics for the site entailing: minimum building setback to public street twenty-five feet (25'); building offset zero feet (0') or the distance required by the Fire Code, whichever is more restrictive; pavement setback and offsets zero feet (0'); Landscape/Surface ratio two percent (2%) and Lot Coverage ninety eight percent (98%) or the minimum area required to comply with Chapter 14,

whichever is more restrictive; dumpster setback twenty five feet (25'); and building placement shall create a sense of urban enclosure, such as a courtyard or defined corridor, that enhances the relationship between door and window openings and other entries and the public or private street to strengthen the pedestrian experience. The proposed development in association with the construction of an orthopedic medical clinic is a permitted use.

2. Site Data:

Lot Area:	33,462 sq. ft. (0.7682 ac)
Total Proposed Building Area:	18,453 sq. ft.
Floor Area Ratio:	55.15%
Total Impervious Area:	24,811 sq. ft.
Lot Coverage:	79.15%
Parking Provided:	30 (108 required – <i>Remainder covered under Mall REA</i> )
Building Setback:	0' Brookfield Square Drive (Min. N/A – Not a public street)
Pavement Setback:	0' Brookfield Square Drive (0' Min.)
Building Offset:	42' North (0' Min.) 74' East 6' West
Pavement Offset:	0' North, East, West (0' Min.)
Dumpster Setback:	25' Min.
Building Height:	33' (70' Max.)
Landscape Surface Ratio:	20.85% (2% min)

3. Submitted site plan indicates one internal vehicular/~~emergency services~~ access drive flanked by parking that provides ingress and egress to the north and egress to the south. A parking access drive for Brookfield Square Mall passes through the site at the West and North property lines, which also serves the proposed site trash enclosure for garbage and recycling pickup.
4. Proposed architecture is consistent with the City's Site Development Design Standards for Non-Residential Uses and the Brookfield Square / Executive Drive Redevelopment Area Design Guidelines. The overall building features a stone clad first story with wood-look metal second story above. A prominent glass curtain wall massing, framed with dark bronze-colored metal panel, sits at the primary entry corner of the site and building on the second story. This massing creates a sheltered overhang for the first story storefront glazing, and is highly articulated with vision glass, translucent glass, and light & dark-grey smoked spandrel glass. The architectural expression and palette of building forms and materials are complimentary to those of neighboring properties in the immediate area, particularly with the Brookfield Conference Center. The proposed building creates visual interest, emphasizes human scale, and exhibits dynamic variation of light, shadow, and texture on each elevation through cohesive design. Principal building materials are Halquist Stone in split face ashlar pattern of a tan and beige palette; wood-look aluminum panel arranged with vertical joints; and vision glass in both clear and translucent finishes. Accent materials are composite smooth metal panel in dark-bronze; spandrel glass in light and dark grey smoked panels; and dark bronze colored aluminum soffits, flashing, and glass framing.

Applicant has been informed that: **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.** All plans specifying the location and installation of vision glass shall memorialize this language into the associated plan set.

5. The applicant submitted a landscape plan for review and compliance with City standards.
6. The applicant is in receipt of a missive dated December 23, 2019 by Fire Chief Charlie Myers identifying Fire Code compliance requirements.
7. Grading, drainage, erosion control, and SWMP have been submitted to the Engineering Division.

**Recommendation:** The applicant's proposal is consistent with the land use and development objectives of the node plan, comprehensive plan, and MSO ordinance for the area. The architectural style, materials, and finishes are consistent with the existing surrounding context and comply with the City's Site Development Standards for Non-Residential Uses and the

Brookfield Square / Executive Drive Redevelopment Area Design Guidelines. Staff recommends the Plan Commission approve the new plan and method of operation subject to:

4. Statement of operations dated December 9, 2019 by Mark E. Smith, Orthopaedic Associates of Wisconsin.
5. Site Plan dated December 9, 2019 by raSmith including technical corrections.
6. Building plans, elevations, and material samples dated December 9, 2019 by Eppstein Uhen Architects including technical corrections. Roof top HVAC equipment screened by building architecture. Ground mounted HVAC equipment and transformers screened by landscaping. All wall mounted meter boxes are to be painted to match the building. If stainless steel meter boxes are used they will be etched and painted to match the building. *Buildings (including stoops, overhang, etc.) and footing/foundation shall not be located in utility easements.*
7. Compliance with requirements in a missive dated December 23, 2019 by Fire and Emergency Medical Services Department - Charlie Myers, Fire Chief
8. Site Utility, 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. *Buildings (including stoops, overhang, etc.) and footing/foundation shall not be located in utility easements, easement locations shall be provided on associated plans prior to approval.*
9. Payment of applicable fees to the Community Development Department prior to issuance of a building permit.  
\$TBD Engineering Review Fee
10. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
11. All signage subject to separate review by the Plan Review Board.
12. Provisions of the Brookfield Square Area Overlay MSO District – Ordinance 2577-19.
13. Landscape plan dated December 9, 2019 by raSmith subject to City of Brookfield consultant review and technical corrections.
14. 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).
15. Plan and method of operation approval expires on January 21, 2022 unless a building permit is obtained prior thereto.

The Plan Commission discussed the following topics:

- Building elevations, architecture, and materials.
- Proposed use and the diversity of uses at Brookfield Square Mall and near the Brookfield Conference Center.
- Parking.
- Location of the main entry.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=fcMxM5LSzX9F> for the discussion.

***Motion to accept staff recommendation for approval of a new plan and method of operation in association with construction of an 18,600 sq. ft. orthopedic medical clinic at 117 South Moorland Road.***

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

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## **Item 8 Comprehensive Plan Update**

Request of the Department of Community Development for scheduling a public hearing with recommendation and adoption of resolution regarding adoption of the City of Brookfield 2050 Comprehensive Plan. – RV **\*\*Requires Common Council Approval\*\***

### **Report:**

1. The consultants at Vandewalle & Associates have updated Appendix B in accordance with the Plan Commission direction provided at the December 9, 2019 meeting. In summary, the projected figures for population have been reduced from the previous report to correspond with past and current growth trends of the City. The resulting financial impact of these new figures has been calculated and demonstrates a net financial benefit remains. A copy of the consultant's memo regarding these updates is attached.
2. City staff and officials are in receipt of the Public Hearing Draft of the City of Brookfield 2050 Comprehensive Plan (Comp Plan) prepared for review to meet the statutory requirements for public hearing and adoption.
3. The draft Plan Commission resolution for adopting the Comp Plan, disseminated at the December 9, 2019 meeting, is reattached.

**Recommendation:** Staff recommends the Plan Commission approve and adopt a resolution and scheduling of a public hearing regarding adoption of the City of Brookfield 2050 Comprehensive Plan.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=fcMxM5LSzX9F> for the discussion.

*Motion to accept staff recommendation for approval to schedule a public hearing with recommendation and adoption of resolution regarding adoption of the City of Brookfield 2050 Comprehensive Plan.*

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

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## **Item 9 Conditional Use Code Amendment**

Request of Department of Community Development to approve scheduling a public hearing for the purpose of repealing and recreating Section 17.108.050 Conditional Uses of the Municipal code and amending Sections 17.04.020 Definitions, 17.28.050 "R-1" Residence District, 17.32.050 "R-2" Residence District, 17.36.050 "R-3" Residence District, 17.37.060 "R-4" Residence District, 17.44.040 "M-1" Residence District, 17.48.040 "R-2" Residence District, 17.50.030 "VAB" Village Area Business District, 17.52.010 "B-1" Local Business District, 17.56.020 "B-1R" Local Business-Restricted District, 17.60.010 "B-2" General Business District, 17.64.010 "B-3" Regional Business District, 17.68.020 "O&LB" Office and Limited Business District, 17.72.010 "O&LI" Office and Limited Industry District, 17.73.010 "O&LR/C #1" Office and Limited Residential/Commercial No. 1 District, 17.74.010 "O&LRC #2" Office and Limited Residential/Commercial No. 2 District, 17.75.020 "O&LR/C #3" Office and Limited Residential/Commercial No. 3 District, 17.76.010 "O" Office District, 17.77.020 "O&LR/C/LI" Office and Limited Residential/Commercial/Light Industrial District, 17.80.010 "I" Industrial District, 17.81.020 "LI&CM" Light Industrial/Commercial Mixed Use No. 1 District, 17.82.010 "NEI" Northeast Industrial District, 17.84.010 "REC" Recreation District, 17.100.010 and 17.100.020 Site Plan Approval Requirements. – JM/DE/MT **\*\*Requires common Council Approval\*\***

**Report:** 1. The August 7, 2019 legislative referral of Alderman Christopher Blackburn for, "Consideration of increased setback distances, distance requirements from residential housing for certain uses, locating particular uses in specific zoning districts, FAR and height limitations lower than the underlying zoning." was discussed at the Plan Commission meeting of September 9, 2019 (see attached minutes). The discussion was preceded by an August 6, 2019 email from Alderman Blackburn wherein his perspective regarding conditional use issues was outlined (see attached email). An email wherein Alderman Blackburn's perspective was refined was received on December 1, 2019. (see attached email)

2. Staff of the City Attorney Office and Community Development Department have since prepared initial code amendments pertaining to conditional use regulation for presentation to the Plan Commission on January 13, 2020 accompanied by a request to schedule a public hearing for the purpose of repealing and recreating Section 17.108.050 Conditional Uses of the Municipal code and amending other Sections of Title 17 Zoning.(see attached draft ordinance)

3. With regard to the draft ordinance, PART I defines new terms or previously undefined terms in use in Title 17 Zoning. PART II Sections E thru V address the procedural aspects of the re-codified conditional use regulatory section. PART II Section D lists the conditional uses remaining after deletion or re-assignment to base zoning districts.

4. Title 17 Zoning currently lists 26 discrete conditional uses or genres. (see attached Conditional Uses 2020 Exhibit). The number of conditional uses or genres in the draft ordinance permissible in any zoning district except Conservancy and Upland Conservancy is reduced to two, whereas the remaining uses, are proposed to be handled by different methods, outlined below or for other reasons- such as obsolescence are proposed to be deleted :

a. Police stations, fire stations and police and fire radio transmitters; places for storage of municipal equipment; public administration buildings; public utility facilities, such as filtration plant, pumping station, heat or power plant, transformer station, telephone exchange, or other similar facilities; city owned recycling centers, or city-owned parking lot.

b.. Wind energy systems.

5. The number of conditional uses or genres in the draft ordinance permissible in any zoning district except Conservancy and Upland Conservancy and provided a conditional use ordinance is in effect as of January 1, 2020 is one:

c. Cemeteries, columbaria, and mausoleums

6. The number of conditional uses or genres in the draft ordinance permissible where a conditional use ordinance for such use is in effect as of January 1, 2020 except as otherwise specifically designated a permitted use in this Code is nine:

1. Religious use buildings and accessory buildings, including housing, contingent on the buildings being solely used for activities run by the religious institution.
2. Hospitals.
3. Residential care facilities.
4. Adult day care and child care centers.
5. Public or private park or playground.
6. Schools.
7. Clubs.
8. Community centers.
9. Sports venues.

7. The number of conditional uses or genres in the draft ordinance that may be granted a conditional use permit after January 1, 2020 on a parcel 120,000 sq. ft. in area or greater except as otherwise specifically designated a permitted use in this Code is seven:

1. Religious use buildings and accessory buildings, including housing, contingent on the buildings being solely used for activities run by the religious institution.
2. Hospitals.
3. Residential care facilities.
4. Public or private parks or playgrounds.
5. Schools.

6. Clubs.
7. Sports venues.

8. Previous conditional uses proposed to no longer be permitted in the city include:

- Areas for the dumping or disposal of trash or garbage.
- Extraction of gravel, sand or other raw materials.

9. Previous conditional uses proposed to be designated permitted uses in certain non-residential zoning districts include:

- Airport, landing field, hangars, or landing strip. (LI&CM)
- Bus terminal, railroad passenger, or any other transportation terminal facility. (B-3, O&LRC#2, O&LB, O&LI, I, VAB)
- Religious buildings and accessory buildings to such use. (B-1, B-3, O&LB, O&LI, I, O&LRC#3, O, O&LR/C/LI, NEI)
- Hospitals. (B-3)
- Residential Care facilities. (B-3)
- Municipal or privately owned recreation buildings or community centers that are located on parcels greater than three (3) acres in size. (B-3)
- Preschools and child care centers with a minimum of one hundred (100) square feet of outdoor play area for every child in its care that is fenced and screened with plantings from adjoining lots in a residential districts. (B-1, B-2, B-3, VAB)
- Schools. (B-1, B-2, B-3)
- Clubs. (B-1, B-2, B-3, O&LI, I)
- Animal hospital and clinics in compliance with regulations. (O&LB)
- Adult day care. (O&LB, O&LI)
- Child care centers. (O&LB, O&LI)
- Crematorium. (I)
- Funeral homes which may include a crematorium. (B-1)
- Taverns. (VAB)

10. The draft ordinance proposes creating a minimum Landscape Surface Ratio of 50% and pavement setback/offset of 25 feet in the M-1, M-2, R-1, R-2, R-3 zoning districts where no such standard exists today for conditional uses.

11. The draft ordinance proposes amending 17.100.010 to make non-residential conditional use in all districts subject to plan and method of operation and amending 17.100.020 to make all buildings but single-family residences subject to plan and method of operation.

**Recommendation:** Staff recommends the Plan Commission:

- Discuss and provide direction regarding the procedural and regulatory aspects of PART II Sections E thru V of the draft ordinance.
- Discuss and provide direction regarding revisions to the list of uses proposed to be permitted in base zoning districts and as conditional uses
- Authorize scheduling a public hearing repealing and recreating Section 17.108.050 Conditional Uses of the Municipal code and amending the municipal code sections listed in the agenda language for this item.

The Plan Commission discussed the following topics:

- History of conditional use review by the Plan Commission
- Fairness of the draft ordinance to applicants.
- Revisions to the list of uses proposed to be permitted in base zoning districts and as conditional uses.
- Flexibility permitted to the Plan Commission in evaluating applicants with regard to the draft ordinance.
- Procedural and regulatory aspects of the draft ordinance.
- Creation of standards and parameters in addition to the proposed amendments in the draft ordinance.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=fcMxM5LSzX9F> for the discussion.

*Motion to accept staff recommendation to approve scheduling a public hearing for the purpose of repealing and recreating Section 17.108.050 Conditional Uses of the Municipal code and amending Sections 17.04.020 Definitions, 17.28.50 "R-1" Residence District, 17.32.050 "R-2" Residence District, 17.36.050 "R-3" Residence District, 17.37.060 "R-4" Residence District, 17.44.040 "M-1" Residence District, 17.48.040 "R-2" Residence District, 17.50.030 "VAB" Village Area Business District, 17.52.010 "B-1" Local Business District, 17.56.020 "B-1R" Local Business-Restricted District, 17.60.010 "B-2" General Business District, 17.64.010 "B-3" Regional Business District, 17.68.020 "O&LB" Office and Limited Business District, 17.72.010 "O&LI" Office and Limited Industry District, 17.73.010 "O&LR/C #1" Office and Limited Residential/Commercial No. 1 District, 17.74.010 "O&LRC #2" Office and Limited Residential/Commercial No. 2 District, 17.75.020 "O&LR/C #3" Office and Limited Residential/Commercial No. 3 District, 17.76.010 "O" Office District, 17.77.020 "O&LR/C/LI" Office and Limited Residential/Commercial/Light Industrial District, 17.80.010 "I" Industrial District, 17.81.020 "LI&CM" Light Industrial/Commercial Mixed Use No. 1 District, 17.82.010 "NEI" Northeast Industrial District, 17.84.010 "REC" Recreation District, 17.100.010 and 17.100.020 Site Plan Approval Requirements.*

*Motion by Mike Smith  
Seconded by Mark Nelson  
Motion carried 7-0*

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## **Adjournment**

*Motion by Gary Mahkorn  
Seconded by Steve Petitt  
Motion carried unanimously  
Meeting adjourned at 9:11pm*

*Record respectfully submitted by Richard VanDerWal, Neighborhood Planning Coordinator*

**RESOLUTION 2020-\_\_\_\_\_**

**RESOLUTION RECOMMENDING THE ADOPTION OF THE  
CITY OF BROOKFIELD 2050 COMPREHENSIVE PLAN**

**PLAN COMMISSION OF THE CITY OF BROOKFIELD, WISCONSIN**

**WHEREAS**, section 66.1001(4), Wisconsin Statutes, establishes the required procedure for a local government to adopt and update a comprehensive plan, and section 66.1001(2) identifies the required elements of a comprehensive plan; and

**WHEREAS**, the City of Brookfield Plan Commission has the authority to recommend that the City Council adopt a “comprehensive plan” under section 66.1001(4)(b); and

**WHEREAS**, the City of Brookfield adopted its first City Master Plan on April 6, 1960, by Resolution No. 70, entitled, “A Comprehensive Plan Report for the City of Brookfield,” dated November 24, 1959; and

**WHEREAS**, the City of Brookfield adopted a new Master Plan on December 7, 1999, entitled “Brookfield Year 2020 Master Plan, Phase Two: Master Plan Document, December 1999 via Resolution No.6469; and

**WHEREAS**, the City of Brookfield on December 1, 2009 adopted the City of Brookfield 2035 Comprehensive Plan as the City’s comprehensive plan under Section 66.1001(4), Wisconsin Statutes, via Ordinance No. 2193-09;

**WHEREAS**, the City of Brookfield has determined that a review and updated to the City’s Comprehensive Plan is necessary to ensure that the Comprehensive Plan goals and objectives are consistent with current needs and to meet the requirement of State legislation; and

**WHEREAS**, the City has prepared the *City of Brookfield 2050 Comprehensive Plan*, containing all required maps and other descriptive materials, to be the comprehensive plan for the City under section 66.1001, Wisconsin Statutes, combined with the other previously adopted detailed plans listed in Attachment A; and

**WHEREAS**, the Plan Commission recognizes the importance o the City’s existing land use, economic development, transportation, park and recreation, and housing planning documents as important tools to guide the City’s future.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Brookfield hereby recommends that, following a public hearing, the Common Council adopt an ordinance to constitute official City approval of the *City of Brookfield 2050 Comprehensive Plan* as the City’s comprehensive plan under section 66.001(4), Wisconsin Statutes.

**BE IT FURTHER RESOLVED** that the Plan Commission also recommends the City of Brookfield adoption of the City’s existing planning documents identified in Attachment A as detailed components of the City’s comprehensive plan under sections 62.23(2) and 66.1001, Wisconsin Statutes.

Adopted this 13<sup>th</sup> day of January, 2020.

**PLAN COMMISSION**

By: \_ Steven V. Ponto, Mayor/Plan  
Commission Chair

ATTEST:

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Kelly Michaels, City Clerk

**ATTACHMENT A: DETAILED PLANS ADOPTED AS COMPONENTS OF THE CITY  
OF BROOKFIELD 2050 COMPREHENSIVE PLAN**

1. Ruby Isle Development Plan and Civic Center Plan 1987-1989 (includes Summary - Ruby Isle Development Plan (1987) and Final Report - Civic Center Plan Conceptual Master Plan (1989)) – amended and updated 1999 & 2001
2. Wetlands Preservation Plan for the City of Brookfield (1991)
3. City of Brookfield Wetland Acquisition Plan (1992)
4. Non-Residential Development Landscape Standards (1996)
5. Residential Development Landscape Standards (1996)
6. Site Development Standards for Non-Residential Uses (1990 and 1997) – amended and updated 1997, 2007, 2010, 2014, 2015, & 2016
7. Capitol Drive Corridor Study Number Two (1999)
8. Brookfield Road and Capitol Drive Node Neighborhood Plan (1999)
9. Moorland Road Plan (1999 and 2000)
10. Wireless Study Update (2000)
11. The Calhoun Road and Capitol Drive Node Neighborhood Plan (2000) (includes The City of Brookfield Node Land Use and Transportation Plan – Supplemental Transportation Analysis Report (2002))
12. Flood Mitigation Plan for the City of Brookfield (2001)
13. Lilly Road and Capitol Drive Neighborhood Plan (2001)
14. The Calhoun Road South Neighborhood Plan (2001)
15. Brookfield Interchange Feasibility Study (2002)
16. Greenway Corridor Recreational Trail Plan (2002)
17. Revitalizing Brookfield’s Central Business District (2002)
18. Capitol Drive Corridor Infrastructure Analysis and Feasibility Study (2003)
19. Executive Summary of Market and Economic Analysis for Redevelopment Alternatives at the Brookfield Square Mall/Executive Drive Redevelopment Area (2003)
20. 124th Street and Capitol Drive Neighborhood Plan (2004) (includes Infrastructure and Cost or Investment/Benefit Analysis for the 124th Street and Capitol Drive Redevelopment Area (2007))
21. 124th Street and Lisbon Road Neighborhood Plan (2007)
22. 124th Street and Bluemound Road Neighborhood Plan (2007)
23. The Demand for Housing in the City of Brookfield (2008)
24. Economic Development Program (2008)
25. Brookfield Historic Inventory Update (2008)
26. Northwest Gateway Neighborhood Plan (2008)
27. South Gateway Neighborhood Plan (2009)
28. Village Area Neighborhood Plan (2012)
29. The Demand for Apartment Housing Units in Brookfield (2015)
30. Park and Open Space Plan for the City of Brookfield 2035 (2018)
31. Bishop’s Woods Neighborhood Plan (2019)

## CITY OF BROOKFIELD PLAN COMMISSION

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In the Matter of the  
Request of Bridget Fassett

### FINDINGS OF FACT

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Upon deliberation and consideration of the request of Bridget Fassett presented at the Plan Commission meeting held on January 13, 2020, the Committee finds:

#### **FINDINGS OF FACT:**

1. This is a request that was made by Bridget Fassett, who is the spouse of the City Engineer Jeff Chase. Due to the City Engineer's Department reviewing such items, care was taken to make sure that the process was fair to the applicant and to other past and future applicants. Specifically, the City Attorney's Office reviewed the document and had outside counsel review it to eliminate potential bias, and the City Engineering Department took no part in the analysis. Instead, Director of Public Works Tom Grisa offered any engineering support necessary for this review.
2. The CSM as submitted to the City would create a temporary dead end that serves no properties into a permanent dead end that serves two properties. If this land split were to be approved as the applicant desired, the streets would never be able to connect.
3. The Brookfield Municipal Code states that dead end streets and cul-de-sacs are to be minimized except for topography or environmental features. No topography or environmental feature here, per the opinion of the Director of Public Works, would require a dead end or cul-de-sac at this location.
4. Specifically, per review from Mr. Grisa, a road at this location would generally comply with the City Standards for Public Infrastructure and Development, which is the set of guidelines the City uses, establishing design standards and specifications for public roads and may be altered or have requirements added through the review process. Specifically, this road could be put through at a smaller centerline radius than 200 feet and still be safe given the volume and speeds expected.
5. Studies have found that street connectivity are beneficial to this property and the City as a whole. These studies are on file with the Community Development Department and are cited in the Staff Report. Specifically, these studies state that connected streets can allow fire departments to serve more households. They reduce response time for public safety, which can be critical in matters of life and death or severe injuries, and lead to less error as to addressing. Street connectivity provides direct access and shortened distances for delivery trucks, school buses, mail trucks, and pedestrians and cyclists and

makes walking and bicycling more convenient and safer. Furthermore, street connectivity improves snow plow operations as it lowers the amount of money spent in labor, gas, and materials, and lessens the amount of doubling back.

6. Both streets are named Choctaw Trail and were clearly designed to connect at some point.
7. Finally, the City believes that the tests outlined in the Supreme Court cases of *Nollan v. California Coastal Comm'n* and *Dolan v. City of Tigard* have been met and that an essential nexus furthering a legitimate municipal interest has been shown for the installation of the road and such installation is proportional to the impact on the land.
8. Therefore, the City finds that denial of the CSM is warranted.