



THESE ARE THE MINUTES OF THE **PUBLIC HEARING** HELD AT 7:45 P.M., TUESDAY, **FEBRUARY 5, 2019**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN RD, BROOKFIELD, WI

MAYOR STEVEN V. PONTO PRESIDING

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

**ALDERMEN EXCUSED:** None

**STAFF PRESENT:** City Attorney Jenna Merten, Director of Community Development Dan Ertl, Director of Finance and Administration Robert Scott, City Clerk Kelly Michaels, Fire Chief Charlie Myers

Mayor Ponto introduced the public hearing at 7:46 pm and read the hearing notice regarding the request of Boulder Venture LLC, owner, 311 E. Chicago St., Suite 210, Milwaukee, WI 53202, Robert E. Schmidt III, representative; c/o Haag Muller Inc., 101 E. Grand Ave., Suite 1, Port Washington WI 53074, Stephen L. Jeske, Registered Architect, to amend Modified Suburban Overlay (MSO) Ordinance #2454-16 adding free-standing restaurant, fast food with drive-thru to the Use Variations column of said ordinance in association with a proposed Taco Bell restaurant on a vacant lot at the southwest corner of Lisbon Road and 124<sup>th</sup> Street with Tax Key No. 1012-084-001. No outdoor seating is proposed.

Director of Community Development Dan Ertl stated the purpose of the public hearing is to permit a fast food restaurant with a drive-thru under the overlay zoning on this property. All other factors regarding zoning (setbacks, offsets, height, FAR, green space) are all adhered to. The only matter that is relevant to the public hearing is to permit the fast food and drive thru component of the restaurant. The city staff is supportive of the project for a variety of reasons. It is continued reinvestment in 124<sup>th</sup> Street and Capitol Drive area. This was a former Zeibart Auto service station. The redevelopment of the site is believed to be partly induced by the great employment growth from Milwaukee Tool. No action takes place this evening. It goes back to the Plan Commission on February 11<sup>th</sup> and on to the Common Council on February 19<sup>th</sup>.

Mr. Steve Jeske, Haag Muller Architects, is available to answer questions. Mr. Jeske stated it is a custom building for this location.

Alderman Sutton asked for the hours of operation. Mr. Jeske replied he doesn't have that information with him. He is the architect and not the business owner. He doesn't believe this is a 24 hour location. Mr. Ertl replied even if this was a 24 hour operation, it is not located next to residential but he doubts it is a 24 hour operation. He will have that information when it hits the Common Council on February 19<sup>th</sup>.

Alderman Blumer stated he wanted to make sure that the changes in the overlay would only be applicable to this parcel and not affect any other parcels or set precedent. Mr. Ertl replied there is precedent in this area. Chick-fil-A across the street garnered the same approval of a fast-food in this area. This would be the second permitted use of that type. Every action that the Common Council takes can set a precedent. In an effort to induce redevelopment in this area, it is felt this is a good use of the property. It has access to three arterial streets, either directly or thru easements. It has great traffic circulation opportunities.

Alderman Lowerr referred to the Starbucks on 124<sup>th</sup> Street and Capitol Drive and she stated it was quite busy. She asked do they have anything in the packet on signs. Mr. Ertl replied the building plans show building signage and that's why a tower is shown. This is a building that is behind Starbucks so visibility was a concern. The tower was recommended and encouraged because of that. We don't permit off-premise signage so any signage that would be on Starbucks would be off premise and wouldn't be permitted. There is no signage on the Starbucks site for Taco Bell. Alderman Lowerr stated there are visibility problems when leaving Starbucks because of their signage. Mr. Jeske added that they have a monument sign and a building sign. The monument sign is directly to the east of the property towards the south end of the building. It is away from the road access. Mr. Ertl stated in the quadrant of 124<sup>th</sup> Street and Capitol Drive, the platted commercial lots are very small. They were platted in the 1940's, 50's and 60's. It is a challenge to redevelop these properties but this is the first proposal to redevelop this property in 30 years.

Alderman Berg stated he had the same experience as Ald. Lowerr. He asked what the standards for managing traffic are. Mr. Ertl replied there are standards for minimum spaces for car queuing for drive-thru. There is a 5 car pick up area and 12 cars for picking up their order (total of 17). In this case, Taco Bell will have 6 queued up for order and 11 for pickup (total of 17). It meets the city standard. In terms of management, we encourage cross easements and that is what we have here. Alderman Berg asked if there is a standard for width of the road and turning radius. He stated there is no room to maneuver. He is concerned that we are creating a poorly managed parking along Capitol Drive. It makes Bluemound Road look "good". Mr. Ertl replied it meets the queuing standards. He believes the engineering department has look at access for fire management. Mr. Ertl added that if 17 people can be accommodated, the 18<sup>th</sup> person may not be patient to wait.

Mr. Jeske stated in terms of seeing standards throughout the state and states in the area as far as engineering requirements that the municipality puts on the owner, Brookfield is extremely thorough in their engineering reviewing standards. They do not skimp when it comes to requirements. Brookfield has very high standards.

Alderman Carnell stated that the traffic pattern that Alderman Lowerr mentioned will get worse. He gave examples of his experiences there. It's a mess. Mayor Ponto stated this is a public hearing and not really for the purpose of debating the merits of this project. It's meant for clarification of the public hearing presentation.

It was asked if there was a traffic study done on this project. Mr. Ertl replied that City Engineering Department reviewed the plan and a formal traffic study was not done. The number of trips did not hit the need for a traffic study.

Alderman Sutton stated that it is very easy to head east or west on Lisbon Road. He does it every day.

Alderman Nelson moved to adjourn the hearing. Seconded by Alderman Reddin and carried unanimously. 8:05 pm