



THESE ARE THE MINUTES OF THE **PUBLIC HEARING** HELD AT 7:45 P.M., TUESDAY, **JUNE 4, 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, Deputy City Clerk Renee Tadych, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein

Mayor Ponto introduced the public hearing at 7:55 pm and read the hearing notice regarding the request of the City of Brookfield to amend Chapter 17.50.030(A)(5) of the Zoning Code regulating Permitted Uses and Restrictions in the Village Area Business zoning district required for outdoor seating.

17.50.030 A.5. Permitted Uses and Restrictions is hereby amended to read as follows:

5. Up to a one hundred (100) seat restaurant with a state-of-the-art exhaust system for kitchen equipment and outdoor seating that does not exceed twenty-five (25) percent of the indoor capacity or an amount that fits the space designated for outdoor seating, including safety aisles, using restaurant industry seating standards, which is located on the restaurant’s property. Outdoor seating may not be located in any offset area required within this district when the use is adjacent to a residential district. Outdoor seating must cease at ten (10) p.m. even if the indoor operating hours are longer. All new restaurants must conduct a parking analysis as required under §17.120.010, regardless of whether they require construction, expansion or structural alteration.

Director of Community Development Dan Ertl stated the code amendment is to facilitate the introduction of restaurants, ice cream or custard establishments or bars/restaurants that need outdoor seating as a component of operation to compete in the highly competitive hospitality industry. It also adds vitality to the Village area. It adds some flexibility where outdoor seating can occur on the properties that categorize much of the Village – small, narrow or shallow lots.

- 1) Permit in sideyard where commercial abuts commercial.
- 2) 15’ offset required when next to a residential district, but it is very unlikely this would occur.
- 3) Rules for public safety – 5’ between tables, no seating direct in path to entrance/egress, 20 sq. ft. per seat, handicap access.
- 4) Parking analysis required.
- 5) Hours of operation cease at 10 p.m.
- 6) Fastfood, drive-in restaurants are not permitted. It goes against the Village area objectives.

No action is taken tonight. It goes back to the Plan Commission on July 8, and if completed, to the Common Council on July 16.

Alderman Lowerr asked how close can seating be from residential to commercial and to condominiums. Mr. Ertl replied 15’ but that is very unlikely to happen.

Alderman Berg asked if 100 seats were envisioned. Mr. Ertl replied is it not necessarily a goal in the Village. Vino Cappuccino may not reach that level. Alderman Berg added that public safety is important with Brookfield Road.

Alderman Nelson asked if music, tv, firepits, etc. would apply in this area. Mr. Ertl replied the nuisance ordinances still apply. However, we need to find a balance to promote vitality and success in the Village area.

Dawn Condon, 17965 Maple Tree Ln., spent a lot of time in the Village and she represents the Village Board tonight. It is a nice historic area and she wants to preserve that. It is meant for hominess of the area, not necessarily for 100 outdoor seats. She added that small businesses need support and the Board agrees to allow outdoor seating, more than currently 25%.

Alderman Nelson moved to adjourn the hearing. Seconded by Alderman Reddin and carried unanimously. 8:03 pm