



OFFICIAL RECORD OF A REGULARLY SCHEDULED MEETING OF THE PLAN COMMISSION HELD ON AUGUST 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

MEMBERS ABSENT AND EXCUSED: Commissioner Mike Smith

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, Neighborhood Planner Richard VanDerWal, Alderman Christopher Blackburn, Alderman Jeffery McCarthy

Mayor Ponto noted a quorum present and called the Plan Commission to order at 6:31 pm.

Announcements / Reports

The next regularly scheduled meeting is September 9, 2019 at 6:30pm.

Item 1 July 8, 2019 Plan Commission Official Record / Meeting Minutes

Approval of Official Record from the July 8, 2019 Plan Commission meeting.

Motion to approve the July 8, 2019 Plan Commission Meeting Official Record.

Motion by Mark Nelson

Seconded by Rick Owen

Motion carried 5-0

Item 2 July 18, 2019 Plan Review Board

Meeting Canceled.

No Action

Public Hearing Request of Bright Future of America LLC, 7 Douglas Drive, Little Falls, NJ 07424 - Kuldeep Gupta, Member for approval of a conditional use at 15435 W. Capitol Drive permitting construction and operation of Kiddie Academy, an 11,080 sq. ft. childcare facility

Kuldeep Gupta, owner, provided a summary of the requested proposal for a childcare facility with educational services and outdoor recreation at 15435 West Capitol Drive.

Chris Carr, civil engineer on the project, detailed the specific adjustments made to the site plan, building location, and landscaping to address concerns of nearby residential neighbors.

Commissioner Mark Nelson asked questions related to vehicle access, fire and emergency services, lighting, landscaping, hours of operation in the project, and the City's limitations in regulating conditional use.

Planning Administrator Mike Theis elaborated on the physical site constraints and City ordinances related to vehicular access of the property. He stated that it is not the applicant's intent to connect the property to the cul de sac on Glen Echo Drive. The applicant worked with the Wisconsin Department of Transportation to locate access onto Capitol Drive which is intended to be the entirety of access for the site in this iteration of development and future development. He later stated that all sites have to comply with the City's lighting standards.

Fire Chief Charlie Myers confirmed that having only one point of access, located on Capitol Drive, is acceptable for delivering fire and life safety services based on the development's occupancy.

Director of Community Development Dan Ertl explained the streetyard landscaping is secured through a fiscal security that ensures the project's landscaping, designed to meet the City's standards, are installed per the approved plans and healthy. He noted that this does not secure all of the project's landscaping but there are measures in the City code for addressing issues with landscaping that does not conform to the approved plan and method of operation for development.

Joe Tierney, attorney, and Mr. Gupta stated the hours of operation will be 6:00am to 7:00pm, Monday through Friday, with limited hours on Saturday and Sunday which would be limited to morning hours. Administrator Theis clarified that the statement of operations indicated that operations may include three to four hours on weekends and weeknights.

Director Ertl elaborated on the City's role in the application of conditional uses. The City does not push development to other available sites, nor does it perform market studies to determine the demand for a childcare facility. He stated the City reacts to the application on file and confirmed the City does not identify the sites where conditional uses should be located.

Commissioner Rick Owen asked for clarification on the hours of operation.

Administrator Theis confirmed the hours stated during the public hearing are consistent with the hours listed in the applicant's request.

Commissioner Steve Pettit asked if the City performed a traffic study and questions for the project's civil engineer on how issues related to the site's grade change and landscape screening are being addressed. He asked for confirmation on whether a photometric study of the site was done. He asked about the location and shielding of HVAC systems in the project and whether the play areas are fully fenced. Finally, he inquired whether lights will be automated and certain times of the day.

Administrator Theis stated a traffic impact analysis was not performed because the project does not generate the traffic necessary to warrant a study based on our City's standards, and the Wisconsin Department of Transportation, regulators of the state highway, came to the conclusion that a traffic impact analysis was not warranted.

Mr. Carr explained the twelve foot grade change from Glen Echo Drive is being landscaped with evergreens with initial plantings at six to eight feet in height and growing to upwards of fourteen feet. The expectation of the landscape plan design by raSmith is a full landscape screen year-round upon maturity. He clarified that the grade change is beneficial to mitigating the impacts of site lighting and vehicular lights on neighboring properties. He confirmed that a photometric study has been completed, though it was not submitted initially.

Tom Schermerhorn, project architect, explained that the HVAC units are located on the roof in a recessed area so that the roof shields views of the units. He confirmed that all outdoor play areas are completely fenced. Later he stated that the project's lighting will be automated by both a clock control and day lighting sensor, shutting down based on time of year with some security lighting left on overnight.

Administrator Theis provided additional clarification on the City's landscape buffer standards and the installation, size, and maturity of evergreen trees. He noted that the project exceeds the City's quantity requirements for tree plantings. He also clarified that if the HVAC units are located on the roof in a well, they must also be screened by a parapet wall so that the HVAC units are not visible.

Director Ertl confirmed Commissioner Pettitt's statement that portions of Capitol Drive are lighted but that staff is not certain on the final product to be installed for the lighting of the Pilgrim Road bridge once fully reconstructed.

Commissioner Lisa Chang asked about the height and materiality of the trash enclosure wall at the south end of the site.

Mr. Carr explained that the enclosure would be built of a typical versa lok block wall in a color that matches the architecture of the building. The intent is to use the same building material for the back wall of the trash enclosure as the retaining wall.

The public hearing was opened to comments from the public. Members of the public who spoke at the hearing:

David Brien, 2470 Rockway Lane East, Brookfield, WI 53005 – He understands the concerns of the nearby neighbors but felt that it is unrealistic to expect a residential use to occupy the site. He believes this is one of the better uses for the lot, considering what else might go there that would have a bigger impact on the nearby residences. From a taxation point, he thinks it's appropriate for the space. He expressed that the applicant has done an outstanding job trying to address the residents' concerns in the area.

Alderman Jeff McCarthy made comments on behalf of his constituents. He agreed with Mr. Bryon that the use is a good use for the site compared to other potential uses. He appreciates that the applicant has moved the building another eight feet further from the neighboring properties. He encouraged the Plan Commission to scrutinize the application, in particular the moving target on the hours of operation demonstrated. He emphasized the City's existing standards and that the project's final development and operation should be consistent with its approval.

Adam Artz, 3890 Neuberry Court, Brookfield, WI 53005 – Expressed concerns about the lack of clarity and consistency of details provided at the neighborhood information meeting. He is not against the project in any way, but asks that the details of project's conditional use are fully detailed, specifically hours of operation, lighting, and driveway access onto Glen Echo Drive.

Daniel Wood 730 Tower Hill Drive, Brookfield, WI 53045 – As a father of two small children, his family is looking forward to this development and supports the project.

Kristina Werner, 3935 Neuberry Court, Brookfield, WI 53005 – Asked the Commissioners if they would want a daycare in their backyards. Expressed concerns related to the uncertainty of details in the project. Appreciated the efforts of the applicant on

the project's landscaping but noted that it will take twenty years for six foot trees to mature and asked that the Commission consider what neighbors will be experiencing and witnessing during that time.

Commissioner Nelson asked staff to explain the upcoming process of the project.

Director Ertl outlined that staff will collectively review the statements, inquiry, and request for information at the Public Hearing made by the Plan Commission and members of the public. The resulting information will be collated and inserted into the staff report for the September 9 Plan Commission meeting on this matter. The staff report will indicate whether the City can or cannot address a concern, based on the opinion of the City Attorney, and the limitations of what the City can enforce. The staff report will be available the Friday before the September 9 meeting and can be obtained from the Department of Community Development or from the City's website. The public can attend the September 9 meeting to hear the discussion and a record of what is discussed at the meeting will be taken. The applicant's statement of operations will be part of the record and any existing ambiguity in the statement of operations will be cleared up before the meeting. The statement of operations will become an exhibit to the conditional use ordinance if it is adopted. If the Plan Commission finds the project suitable for approval on September 9, it will be placed on the agenda of the Common Council on September 17 to be acted upon. There is a fifteen minute period at the start of every Common Council meeting for the public to speak.

Commissioner Pettitt asked what the limitations are on the regulation of hours of operation in a conditional use. He also wanted to know what other potential uses or developments could go on the site.

Director Ertl stated the matter will be discussed and verified with the City Attorney's office. He noted that a law passed in November of 2017 by the state legislature, which has been previously discussed, has constrained the ability of Wisconsin municipalities to excessively regulate conditional uses. Staff will evaluate to what degree the City can regulate the hours of operation and have an answer for the Plan Commission by the September 9 meeting. He explained that the current zoning of the property is R-4, the only site zoned R-4 in the City based on a Capitol Drive corridor study, which permits residential duplexes to a certain density. Applicants could approach the City with other conditional uses, such as a group home for senior citizens, a detox facility similar to what was recently approved along Capitol Drive, or a small church, but nothing of a retail or commercial use.

Administrator Theis clarified that the only residential use permitted in the current zoning is two family with the requirement of 30,000 square feet of lot area per unit.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=yIEA3KMtnY69> for the discussion.

Motion to close the public hearing.

Motion by Mark Nelson

Seconded by Rick Owen

Motion carried 6-0

Item 3 St Dominic Columbaria Conditional Use

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

Report: 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% (50% max. for conditional use of residentially zoned property)

RECOMMENDATION: The proposal is consistent with setback and structure regulations of the base-zoning district. Staff recommends the Plan Commission authorize scheduling a conditional use public hearing subject to holding a neighborhood information meeting prior thereto.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=yIEA3KMtnY69> for the discussion.

Motion to approve staff recommendation for approval to schedule a conditional use public hearing permitting construction and operation of columbaria at St Dominic Catholic Parish, 18255 West Capitol Drive, subject to holding a neighborhood information meeting prior thereto.

Motion by Mark Nelson

Seconded by Gary Mahkorn

Motion carried 6-0

Item 4 Comprehensive Plan Update

Update and discussion of the City's 2050 Comprehensive Plan led by Community Development staff. – RV

Report:

1. At the July 8 Plan Commission, the topics of mixed use and state law for fire suppression were discussed at some length regarding the 2050 Comprehensive Plan update, both as they relate to one another and as separate matters. The following responds to the inquiry and direction of the Plan Commission on these topics, continuing the July 8 discussion, in advance of the Plan Commission reviewing the next comprehensive plan update draft, Draft #2, in September.
2. **"Mixed Uses"**. The existing 2035 Plan embraces the notion of Brookfield promoting the development of mixed uses in Targeted Investment Areas (TIAs) with the following from page 85:

(Mixed use) promotes 24-7 activity, increases safety (from more “eyes on the street”), and reduces vehicle miles traveled, to name just a few benefits.

The Future Land Use Categories and Policies Matrix, Figure 7, of the existing 2035 Plan defines “Mixed Use” as:

Intended for a carefully planned, deliberately designed mix of compatible uses within the same site, building, and/or development, including housing, shopping, employment, and recreation uses, with a range of densities and formats depending on the subcategory and zoning.

The development policies listed within the Figure 7 matrix for “Mixed Use” are:

- Support the development of vibrant urban environments in which people can live, work, shop, and obtain daily services.
- Emphasize superior quality site design, building materials, and landscaping per TIA plans and zoning standards.
- Require site plans designed to accommodate a range of transportation modes (autos, biking, walking, transit).
- Require new development and major redevelopment to address off-site traffic, environmental, neighborhood and other impacts.

3. Professional organizations, academic institutions, and the development community at large have generated a multitude of definitions and understandings on mixed use. The Council for New Urbanism charter advocates for the restructuring of public policy and development practices to support the following principles:

Neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions; urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice. (2019 www.cnu.com/who-we-are/charter-new-urbanism)

The Urban Land Institute’s Mixed-Use Development Handbook describes mixed use as:

Provid(ing) three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation); foster(ing) integration, density, and compatibility of land uses; and creat(ing) a walkable community with uninterrupted pedestrian connections. (2003 Mixed-Use Development Handbook Second Edition)

The International Council of Shopping Centers, Inc. (ICSC), the National Association of Industrial and Office Properties (NAIOP), the Building Owners and Managers Association International (BOMA), and the National Multi Housing Council (NMHC) define mixed-use development as:

A real estate project with planned integration of some combination of retail, office, residential, hotel, recreation, or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl. (2006 Conference on Mixed-Use Development)

4. The current draft of the 2050 Comprehensive Plan (Comp Plan), Draft #1, defines “Mixed Use” with the following:

The Mixed Use land use category is intended to accommodate vibrant developments that will function as community activity centers and provide live-work-shop-play environments. As such, this land use is intended for a carefully planned, deliberately designed, but flexible mix of housing, shopping, employment, and recreation uses within a range of formats and densities. Such mixed uses will frequently be integrated within the same development site and/or in the same building, such as ground floor shopping with upper story housing or office.

The following principles have been identified for consideration in establishing the intent of “mixed use” in the 2050 Comprehensive Plan:

- a. Vibrant Commingling of Uses
- b. Incremental, Fine Grained, Diverse Development
- c. Pedestrian Oriented Design (Place Making)
- d. Complete Neighborhood
- e. Flexible & Market Sensitive
- f. Authentic Architecture & Environment (Local Historic/Cultural/Climate Base)
- g. Diverse & Well Connected Transportation
- h. Ecologically Sound

5. For the purpose of potentially refining an understanding of “Mixed Use” in the 2050 Comp Plan, we have drafted the following:

Areas designed to be flexible and responsive to market and community needs that integrate a variety of uses, amenities, transportation, and housing options through incremental change. The functional and physical layering of these compatible, if not complimentary, elements create vibrant, walkable, well connected destinations within the community that positively support all facets of daily life. As a land use category, it accommodates a range of formats and densities for both horizontal and vertical blending of uses to achieve these goals. At the block, lot, and individual building scales, development is fine grained and diverse featuring authentic local history, culture, adaptable use, and ecology in the design of architecture, landscaping, and the overall built environment.

6. **“Impacts of State Law Changes on Requirements for Fire Suppression”**. The Plan Commission heard concerns expressed by Fire Chief Myers at the July 8 Plan Commission meeting on the impact multiple family housing and mixed uses have on the delivery of fire services under the weakening of local fire suppression codes by new state laws. Planning staff has reviewed the impacts that these laws have had on local codes and discussed their findings with the Fire Chief and Chairman Mayor Ponto. Potential edits to Draft #1 of the 2050 Comp Plan have been prepared to address these concerns. Community Development staff understands the following with regard to state laws and the delivery of fire services and local fire suppression codes:
- a. Multiple family buildings greater than 20 units – the City can require fire suppression. Based on past and recent development approvals, most projects in Brookfield are likely to exceed 20 units.
 - b. Multiple family consisting of 9 to 20 units and contained in a building of 16,000 sq. ft. or greater – the City can require fire suppression. Considering the minimum unit sizes required under current City Zoning Code, most, if not all, projects within this range will exceed 16,000 sq. ft. especially when factoring common areas and garages. A developer may seek or devise some creative exceptions, but in most cases, the building will be required to be suppressed.
 - c. Multiple family consisting of 3 to 8 units and contained in a building of 8,000 sq. ft. or greater – the City can require fire suppression. Considering the minimum unit sizes required under current City Zoning Code, most, if not all, projects within this range will exceed 8,000 sq. ft. as expressed above. Again, a developer may seek or devise some creative exceptions, but in most cases, the building will be required to be suppressed.
 - d. Mixed uses of a combination commercial space and 1 or 2 dwelling units – the City can require fire suppression throughout the building. We call these “live-work spaces” and most instances will likely be considered in the Village area.
 - e. Other mixed-use buildings – the commercial spaces are already likely required to be suppressed and the dwelling units would be under the above rules, or, the uses need to be in separate buildings. There may be a few cases where this combination “skirts” the fire suppression requirements, but under zoning processes, the City may have the ability to require such regardless (see below).
 - f. Brookfield’s fire suppression codes regarding additions to existing structures or alterations to existing structures remain intact as they were grandfathered by the new state laws.
 - g. Under no circumstance can the City require standpipes for buildings that do not exceed 30 feet in height from the lowest building elevation of ground fire service delivery. Again, under zoning processes the City may be able to require such regardless (see below).

Community Development staff can be corrected by the Fire Department if any of the above has been misrepresented.

7. Considering the concerns expressed by the Fire Chief, staff has drafted the following edits to applicable sections of the 2050 Comp Plan with Fire Chief Myers supporting these text changes. These public policies, if adopted, could lead to subsequent zoning code amendments that would strengthen our ability to require fire suppression, including enhancing the Planned Development District regulations and associated Development Agreement standards.
 - a. Under *Land Use Policies* in Chapter Two: Land Use, add and insert the following:
 12. Consider the service delivery impacts upon life safety components, especially the provision of fire and EMS services and response time impacts of housing and when mixed uses are stacked vertically.
 - b. Under *Land Use Programs and Initiatives* in Chapter Two: Land Use, add and insert the following bullet in the paragraph titled “Adopt Amendments to Zoning and Subdivision Ordinances”:
Consider a formal requirement to assess the service delivery impacts upon life safety components, especially the provision of fire and EMS services and response time impacts of housing and when mixed uses are stacked vertically. An impact assessment report should be prepared by the Fire Department prior to project review by the Plan Commission.
 - c. Under *Housing and Neighborhoods Policies* in Chapter Three: Housing and Neighborhoods, add and insert the following:
 7. Consider the service delivery impacts upon life safety components, especially the provision of fire and EMS services and response time impacts of housing and when mixed uses are stacked vertically. An impact assessment report should be prepared by the Fire Department prior to project review by the Plan Commission.

Recommendation: The Plan Commission represents the primary source for project steering, feedback, general discussion, and past personal knowledge throughout the process of updating the City’s Comprehensive Plan. Staff recommends the Plan Commission engage in the thoughtful discussion led by staff.

The Commission, Planning staff and Fire Chief Myers had a general discussion with no action taken.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=yIEA3KMtnY69> for the discussion.

No Action

Item 5 Industrial District Parking Regulations

Request of the Community Development Department for approval to schedule a public hearing 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.

Newly Reported:

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 13th and the Common Council on May 21st, 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 124th 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 124th 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.

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 the Plan Commission authorize a public hearing 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=yIEA3KMtnY69> for the discussion.

Motion to approve staff recommendation for approval to schedule a public hearing 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, subject to review and confirmation from the City Attorney that specific parking setback regulations can be applied to North Barker Road, North Calhoun Road, and North 124th Street.

*Motion by Gary Mahkorn
Seconded by Mark Nelson
Motion carried 5-1
with Rick Owen Dissenting*

Adjournment

*Motion by Steve Pettitt
Seconded by Rick Owen
Motion carried unanimously
Meeting adjourned at 7:55pm*

Record respectfully submitted by Richard VanDerWal, Neighborhood Planner