

OFFICIAL MEETING MINUTES OF A REGULARLY SCHEDULED MEETING OF THE **PLAN COMMISSION** HELD ON AUGUST 10, 2015, AT 6:30 PM IN THE COUNCIL CHAMBERS OF CITY HALL, 2000 NORTH CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR STEVEN PONTO PRESIDING

MEMBERS PRESENT: Alderman Rick Owen, Alderman Mark Nelson, Alderman Gary Mahkorn, Commissioner Greg Kost

MEMBER ABSENT AND EXCUSED: Commissioner Kevin Wahlgren, Commissioner Tom Rave

OTHERS PRESENT: Alderman Jerry Mellone, Alderman Chris Blackburn, Alderman Robert Reddin, Director of Community Development Dan Ertl, Planning Administrator Mike Theis, City Engineer Jeff Chase, Administrative Assistant Mary Balconi

Mayor Ponto noted a quorum present and called the Plan Commission to order at 6:35 pm

Announcements / Reports

Next regularly scheduled meeting is TUESDAY, September 8, 2015

Item 2 Plan Commission Minutes

Minutes from the July 13, 2015 Plan Commission meeting.

Motion by Alderman Nelson, second by Commissioner Kost to approve the minutes of the July 13, 2015 Plan Commission meeting. Motion carried 5-0.

Item 3 Plan Review Board Minutes

Minutes from the July 23, 2015 Plan Review Board meeting.

Motion by Alderman Nelson, second by Commissioner Kost to approve the actions and recommendations of the July 23, 2015 Plan Review Board meeting. Motion carried 5-0.

Item 4 Irgens Sign

Request Deer Creek Development Partners, LLC, c/o David C. Arnold, Executive Vice President, Irgens, 648 N. Plankinton Avenue, Milwaukee, WI for approval of a subsequent change to PDD Planned Development District Commercial (Mixed Use) No. 20- "The Corridor", a mixed use development on lands located south of Bluemound Road, north of Interstate 94 along Calhoun Road, to reduce the maximum height of a monument sign located on Calhoun Road from 25 feet to 20 feet. This change would modify Exhibit C contained in City Ordinance 2423-15 established for said PDD to document the new maximum height.

Report: At the last Commission meeting, the Commission supported modifying the existing PDD ordinance that governs the sign regulations for The Corridor, in addition to other regulations. As part of the Common Council

deliberation on the matter on July 21, Irgens agreed to reduce their request for a twenty five (25) foot sign along Calhoun Road to twenty (20) feet. The Zoning Code allows the Commission to determine that this request is considered a minor change to the existing PDD and could direct staff to modify the applicable exhibits to PDD Ordinance 2423-15 to document the requested reduction in sign height.

Recommendation: The requested change in maximum sign height for the Calhoun Road monument at The Corridor from 25 to 20 feet is considered a minor change, suitable and the staff is directed to modify the applicable exhibits to PDD Ordinance 2423-15 to document the requested reduction in sign height.

Commissioner Kost thanked Irgen's for making the change in the sign to accommodate the neighbors' concerns; Alderman Owen agreed and extended thanks as well.

Motion by Commissioner Kost, second by Alderman Owen, to approve the staff recommendation of a subsequent change to PDD Planned Development District Commercial (Mixed Use) No. 20- "The Corridor", a mixed use development on lands located south of Bluemound Road, north of Interstate 94 along Calhoun Road, to reduce the maximum height of a monument sign located on Calhoun Road from 25 feet to 20 feet. This change would modify Exhibit C contained in City Ordinance 2423-15 established for said PDD to document the new maximum height. Motion carried 5 – 0.

Item 5 Hidden Lakes Preserve

Request of MRCR, LLC, Ingrid L. Regal Revocable Living Trust and Walter G. Regal Revocable Living Trust c/o Mark Regal, 13275 W. Burleigh Road, for approval of "PDD"- Planned Development District - Specific Plan-Residential, a Preliminary Survey/Certified Survey Map and Development Agreement for purposes of constructing 113 housing units on lands located at approximately 13875 W. Burleigh Road and dedicating park and utility lands and granting easements to the City.

Report:

1. At the July 21, 2015 Council meeting, a PDD General Plan was approved for Hidden Lake, a 113 unit apartment project to be constructed on the north side of the former quarry property located south of Burleigh Road. When a PDD Specific plan is subsequently filed by the developer, staff compares the Specific with the General to note any discrepancies, modifications or other aspects that need to be brought to the attention to the Commission. Staff finds none in the case of Hidden Lake.

2. The Plan Commission did not review the building architecture or landscaping associated with the project during the review of the PDD General Plan. Since the developer will preserve the existing vegetative cover along Burleigh Road which includes the normal streetyard landscaping, there really is not much for the Commission to review regarding landscaping. Nevertheless, landscape plans are attached.

Attached are building elevation depictions of the proposed buildings. The buildings are designed in a traditional residential style with sloped roofs and brick and stone materials plus cementitious based siding board. The staff was initially concerned with the monochromatic nature of the architect's renderings but they have since enhanced the drawings to be more "color correct". Staff is comfortable with the color selection at this point.

One issue that staff brings to the Commission's attention is the proposed use of "magic" wall pack HVAC units for each residential unit. (These are "through the wall" units visible from the exteriors). The staff has not recently supported the use of wall packs on residential structures as they do not reflect a residential appearance- more hotel or institutional in appearance. However, the developer wishes to make the case that in their application on their building they will not be seen in any meaningful manner. Staff defers to the Commission on the permission to use wall packs. See their attached pictures demonstrating their use in other buildings.

3. The Certified Survey Map properly represents the land divisions needed to fulfill the land dedications and easements that were offered as part of the PDD General Plan public benefits.
4. The Development Agreement- not attached- has been drafted by outside legal counsel for the City and contains all of the details needed to formally document the provisions of the PDD General and Specific Plan, including but not limited to creation of the not-for-profit group responsible to maintain and secure the lake with signage and other security devices. The agreement also states the MRCR will assume those responsibilities if the not-for-profit is in default of any of the provisions.

Recommendation: The PDD Specific Plan is consistent with the approved PDD General Plan. Staff recommends the Plan Commission approve the PDD Specific Plan dated August 2015, approve the preliminary survey map, approve the final certified survey map and authorize the Mayor and City Clerk to execute the Development Agreement on behalf of the City subject to:

1. Technical corrections to the Certified Survey Map.
2. Specific Plan dated August 2015 by MRCR.
3. Permit use of “magic wall pack” HVAC units provided they are not facing exterior exposures and are located on interior facing side walls. All wall mounted meters and 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. All ground mounted HVAC or electrical transformers will be screened with landscaping or building forms.
4. Installation of fire protection measures as required by the Fire Department prior to issuance of a building permit as documented in the Development Agreement. Fire lanes shall be provided prior to the placement of combustible materials at the building site, or the construction of any portion of a building or facility above the footing and foundation. Fire apparatus access and fire hydrant placement shall comply with State Fire Code NFPA 1, Chapter 18, Fire Department Access and Water Supply.
5. Landscape Plan dated August 3, 2015 by Stantec Landscape Design subject to consultant plan review and technical corrections, secured with an escrow (City forms available from the Department of Community Development) equal to \$40,708 (\$2,550 per 1,000 sq. ft. street yard) for installation, \$7,022 for four (4) years of maintenance (\$440 per 1,000 sq. ft. of street yard) , a four (4) year temporary landscape easement for street yard maintenance (using forms available from the Department of Community Development), an escrow equal to \$2,234 Dollars or \$85 per 1,000 sq. ft. of detention basin area using a form approved by the CITY (form available from the Department of Community Development) and a four (4) year maintenance escrow equal to \$315 or \$12 per 1,000 sq. ft. of detention basin area for a period of four (4) years from the date of this AGREEMENT using a form approved by the CITY (form available from the Department of Community Development) (15,960 sq. ft. of street yard and 26,284 sq. ft. of detention area). Such escrows shall be filed with the Department of Community Development prior to the issuance of a building permit. Such TLE easements shall terminate at the end of the four (4) year maintenance period or longer in the event the CITY permits an extension of the PROJECT completion date.

Also:

a. A landscape installation “as built” is required prior to release of the installation letters-of-credit. Installation escrows shall remain on file with the CITY until a recertification affidavit by a Registered Landscape Architect is filed with the Inspection Services Department that indicates the aforementioned landscaping is installed per plan, at which time the installation escrows shall be released.

6. Site, Utility, Grading, Paving, Drainage and Erosion Control Plans and Storm Water Management Application subject to final approval of the City of Brookfield Engineering Division prior to the issuance of site work/building permits including but not limited to installation of accel/decel lanes at the Burleigh Road entrance and bike path realignment once the monument sign located in public right-of-way is removed

(bikeway fee equal to length of realignment- up to \$12 per lineal foot- can be used by MRCR for this realignment with balance of fee remaining with City). The developer of the project will be required to submit Items A, B, and C below before the issuance of a building permit:

- A. A copy of the approved Grading and Drainage Plan, as approved by the City of Brookfield Engineering Division.
 - B. The bid from a contractor reflecting the cost of executing the work required on the Grading and Drainage Plan.
 - C. An escrow deposited with the Department of Community Development. The escrow shall be equal to 110% of the submitted bid. (City form available from the Department of Community Development)
 - D. **A recertification “as-built” survey must be performed by a licensed, professional engineer or surveyor indicating that all elements of the approved Grading and Drainage Plan have been completed within tolerances as approved by Staff per the approved plan. The recertification documents must be wet stamped and signed by the professional.**
 - E. The escrow will be released by the Department of Community Development after the recertification documents are submitted to the city of Brookfield Engineering Division and approved.
7. Payment of applicable fees to the Community Development Department prior to issuance of a building permit:

113 Dwelling Units:	
\$To Be Determined	Engineering Review Fee
\$To Be Determined	Legal Review
\$ To Be Determined	Dedication Deposit (\$1,000/Unit)
\$0.00	Street Signs (\$200/Sign)
\$To Be Determined	Inspection Fee (Public Improvements)
\$0.00	Asphalt Fee
\$paid	New Development Agreement
\$To Be Determined	Development Agreement Review Fee (Community Development and Engineering)
\$To Be Determined	Unpaid Assessment/s
\$5.00	Digital Map Updating Fee (\$5/Lot)
\$paid	Storm Water Management Review Fee
\$paid	Preliminary Survey Map Fee
\$paid	Certified Survey Map Application Fee
\$paid	Certified Survey Map Recording Fee
\$paid	Landscape Plan Review Fee
\$na	Wetland Fee (\$96/MF Dwelling Unit)
\$22,600	Bikeway Fee (\$200/MF Dwelling Unit)
\$na	Parkland Fee (\$521/MF Dwelling Unit)

- 8. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
- 9. Compliance with the construction completion schedule dated August, 2015 as cited in Development Agreement. Once an erosion control permit is issued by Inspection Services, the owner shall receive an occupancy permit within approved construction completion schedule 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).

10. Separate action by the Plan Review Board regarding all signage.

11. Signature and recording of development Agreement and CSM.

Stephen Smith of Smith Architects introduced the Regal family present at the meeting, and staff from Smith Architects. Mr. Smith provided a presentation on the architecture of the buildings, reviewed the materials, and the Heating/AC units (wall units) for the project.

Alderman Owen commented the Heating/AC units are different and they would require close examination to meet codes. Commissioner Kost felt the architecture was blended well with the community, he explained the type of unit is standard in the industry today, feels it works well for this setting, and the design of the building. Mayor Ponto expressed concerns the units would be providing a constant, even flow of heat or air conditioning; Mr. Smith responded yes, the Regal's have these units on their other buildings. Mayor Ponto addressed concerns of noise; Mr. Smith indicated there is less noise with these types of units. Alderman Mahkorn stated he felt this was the most efficient way to heat and cool the units.

Alderman Nelson, stated he has opposed this project from the beginning, and still is opposed; however, he is in favor of this specific recommendation.

Motion by Alderman or Commissioner Mahkorn, second by Alderman or Commissioner Owen to approve the staff recommendations of "PDD"- Planned Development District - Specific Plan-Residential, a Preliminary Survey/Certified Survey Map and Development Agreement for purposes of constructing 113 housing units on lands located at approximately 13875 W. Burleigh Road and dedicating park and utility lands and granting easements to the City. Motion carried 5 – 0.

Item 6 Weston Highlands II

Request of UpperCross Development Group, One Boston Place, Suite 2310, Boston, MA 02108, Robert Harte, Principal; for approval to assign the development agreement of Weston Highlands to UDG-Weston, LLC (UpperCross Development Group) as well as approve the preliminary plat, final plat and development agreement for Weston Highlands II a five lot, single-family subdivision. (SW ¼ of Sec. 33) – MT *****Requires Common Council Approval*****

Report:

1. The final plat of Weston Highlands I, a 14 lot subdivision received Plan Commission approval on May 23, 2005. That final plat consisted of an extension of Patti Lane terminating in a temporary cul de sac. The plat was expandable and would be completed in two phases; the configuration of which dependent upon developer acquisition of excess DOT R/W with tax key no. 1139.979.001. The developer at that time acquired said land and received preliminary and final plat approval of Weston Highlands II on April 4, 2006. The preliminary plat, final plat, landscape plan and development agreement were re-approved on June 9, 2008. The final plat was re-approved at the Plan Review Board of April 22, 2009.
2. The original developer did not record the final plat of Weston Highlands II. The statutory recording deadline has expired as it pertains to both the preliminary and final plat approvals. The development agreement for Weston Highlands II was not executed. However, subdivision improvements were installed, i.e. complete road section, storm water management and landscaping
3. A new developer has acquired the property and intends to complete the platting/subdivision process. The preliminary and final plats match those previously approved by the city. Landscaping deficiencies will be addressed via a replacement landscape plan. A new development agreement in standard city single-family subdivision format has been drafted acknowledging the improvements that have been made and securing those that require completion/repair.

4. The Weston Highlands Plats previously received Park and Recreation Commission determination that no wetland or parkland dedications were required. There have been no policy changes affecting that determination as they would pertain to this site. A wetland field delineation performed on June 5, 2015 determined no wetlands present at the site.

Recommendation: The preliminary and final plats are consistent with the previous plat approvals. Staff recommends that the Plan Commission approve the preliminary and final plats of Weston Highlands II and authorize the mayor to sign the development agreement subject to prior approval of same by the city attorney.

Mr. Theis added the agenda item includes and staff recommends approval to assign the development agreement of Weston Highlands to UDG-Weston, LLC (UpperCross Development Group)

Derik Hoffman of UpperCross Development Group indicated he was available to answer questions for the Plan Commission

Motion by Alderman Mahkorn, second by Alderman Nelson to approve the staff recommendation assigning the development agreement of Weston Highlands to UDG-Weston, LLC (UpperCross Development Group) and approving the preliminary plat, final plat and development agreement for Weston Highlands II a five lot, single-family subdivision. Motion carried 5 – 0.

Item 7 Spillius SCM 13220 Capitol Drive

Request of Theodore and Julie Spillius, Owners, 13300 West Capitol Drive, Brookfield, WI 53005 for approval of a preliminary survey map and final certified survey map dividing 13220 West Capitol Drive into two lots. One new lot will be created. (SW ¼ of Sec. 1) – MT*****Requires Common Council Approval*****

Report:

1. Ordinance No. 2416-15 rezoned 13220 West Capitol Drive from “O” Office to “B-1” Local Business District with MSO-NS/CS Modified Suburban Overlay-New Suburban/Cluster Suburban development pattern. The site is not located in a Targeted Investment Area (TIA) one of ten 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.
2. The applicant requests approval of a preliminary survey map and final certified survey map dividing the lot into two lots that are compliant with the “B-1” base zoning district; the zoning district that regulates minimum lot area and width. There is no plan and method of operation associated with the request.
3. The proposed land division results in a condition where Lot 2 has a Landscape Surface Area (LSR) of 31% where a minimum 30% LSR is required; a 27.88% Floor Area Ratio (FAR) where 30% is the maximum and a 0’ pavement offset to the newly created west lot line where a 10’ pavement offset is required. The lot line between lots 1 and 2 either requires adjustment, or removal of pavement from Lot 2 or a combination of both to achieve a 10’ pavement offset.
4. Consistent with adopted city policy a reciprocal cross access easement traversing the two lots should be a condition of approval. Absent a plan and method of operation to align the easement with; the easement should be 24’ in width, located 25’ north of the south property line and/or in alignment with any existing reciprocal access easement of any abutting property. The easement should access 133rd street at a point no less than 75’ north of said street’s intersection with Capitol Drive.

Recommendation: Staff recommends the Plan Commission approve the preliminary survey map and final certified survey map subject to:

1. Technical corrections to the CSM.
2. Depiction of a reciprocal access easement per paragraph 4 of the staff report.

3. Adjustment of the lot line between Lots 1 and 2 or removal of pavement from Lot 2 or a combination of both to achieve compliance with base zoning district minimum lot and development standards.
4. Approval of the CSM shall expire on August 18, 2016. [Per Wis. Statute 236.34 (2) (b.) the CSM is entitled to record if offered within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map.]

Mr. Ertl expressed there is a third option of not recording the CSM and the land could be left for a larger developer.

Mr. Spillius stated the site use to be two parcels, but now is one. He has a plan to remove asphalt to create the required 10' of greenspace.

Motion by Alderman Mahkorn, second by Commissioner Kost to approve the staff recommendation of a preliminary survey map and final certified survey map dividing 13220 West Capitol Drive into two lots. One new lot will be created. Motion carried 5 – 0.

Item 8 Spillius CSM 13300 Capitol Drive

Request of Theodore and Julie Spillius, Owners, 13300 West Capitol Drive, Brookfield, WI 53005 for approval of a preliminary survey map and final certified survey map merging 13300 West Capitol Drive and 4025 North 133rd Street into one lot. (SW ¼ of Sec. 1) – MT *****Requires Common Council Approval*****

Report:

1. Ordinance No. 2416-15 rezoned 13300 West Capitol Drive and 4025 North 133rd Street from “O” Office and “R-2” Single-family Residence District respectively to “B-1” Local Business District with MSO-NS/CS Modified Suburban Overlay-New Suburban/Cluster Suburban subject to approval and recording of a Certified Survey Map merging the two lots into one lot. The site is not located in a Targeted Investment Area (TIA) one of ten 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.
2. The applicant’s preliminary survey map and final certified survey map are consistent with Ordinance No. 2416-15.

Recommendation: Staff recommends the Plan Commission approve the preliminary survey map and final certified survey map subject to:

1. Technical corrections to the CSM. Approval of the CSM shall expire on August 18, 2016. [Per Wis. Statute 236.34 (2) (b.) the CSM is entitled to record if offered within 12 months after the date of the last approval of the map and within

Mr. Spillius stated this is the final step of the approved zoning to merge into the one lot. Commissioner Kost thanked him for his patience through the process.

Motion by Commissioner Kost, second by Alderman Owen to approve the staff recommendation of a preliminary survey map and final certified survey map merging 13300 West Capitol Drive and 4025 North 133rd Street into one lot. Motion carried 5 – 0.

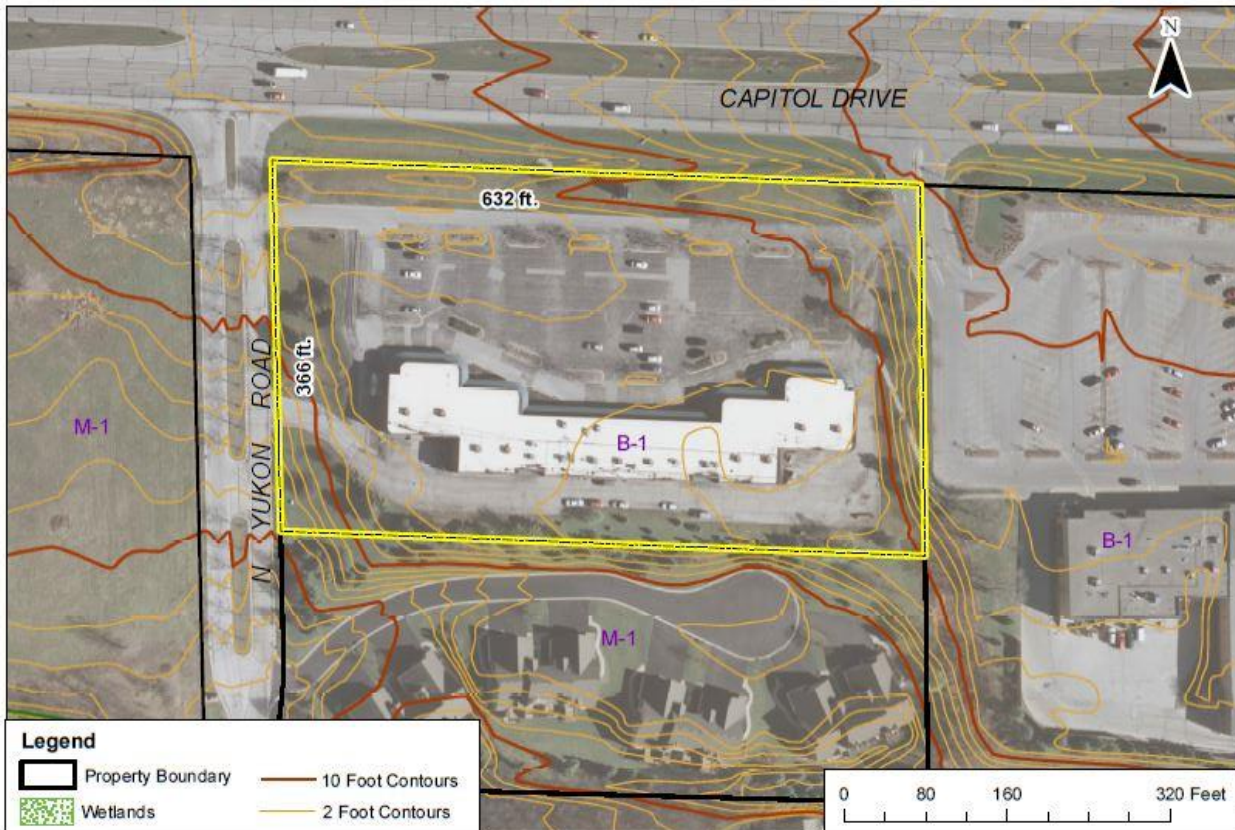
Item 9 GenCap Public Hearing Request

Request of GenCap Sun Prairie, LLC, 6938 North Santa Monica Boulevard, Fox Point, WI 53217, Jeff Brown, Representative to approve scheduling a public hearing for the purpose of rezoning 17495 West Capitol Drive from “B-1” Local Business to “B-3” Regional Business. (NE ¼ of Sec. 9) - MT *****Requires Common Council Approval*****

Report:

1. As part of an update of the Capitol Corridor Plan, city staff has been working with the Capitol Corridor Advisory Committee to analyze zoning of select parcels. All of the parcels along Capitol were considered in terms of existing use, current zoning, and pre-1999 zoning, looking for those situations where the current zoning presented a barrier to continued use of the site for the current use (including upon a change in ownership) or a significant barrier to accommodating potential uses presenting themselves in the market.
2. Additionally, a number of sites were identified where the existing zoning could hamper the ability to re-construct existing structures in the event of a catastrophic event (fire, severe weather damage, etc.); where potential retail use was being inhibited; or where the existing use was non-conforming and would likely inhibit sale of the business and/or property for continuation of that use. This was the circumstance recently seen in the sale of the City Lights properties, where the Plan Commission and City Council considered and ultimately approved re-zoning of the sites consistent with forthcoming recommendations of the Capitol Corridor Advisory Committee.

The rationale for rezoning: The subject parcel was zoned B-3 prior to the 1999 re-zonings that implemented the Capitol Drive Corridor Plan II. The site has been and continues to be in intensive use originally permitted via the B-3 zoning designation. It has adequate parking and is connected to the Cal/Cap Plaza to the east by a shared access drive. Re-zoning to B-3 would allow more flexibility in responding to the range of tenants interested in this location. It would also render the shopping center use conforming, eliminating concerns over continued use of the center in the event of a sale. . The site is located in the Capitol/Calhoun Node, a Targeted Investment Area (TIA) one of ten 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. Re-zoning of this and several other parcels would re-enforce the Capitol and Calhoun Node as a more regional level commercial cluster and is consistent with the future growth and preservation concepts of the 2035 Comprehensive Plan.



Total Size: 5.3 acres (230,868 sq. ft.)

Zoning: B - 1 Local Business

Developable: 100% - 5.3 acres (230,868 sq. ft)

Future Land Use: Low-density shopping/services focused

City of Brookfield, 2015

Recommendation: The requested rezoning is located in a TIA, is consistent with the future growth and preservation concepts of the 2035 Comprehensive Plan (Plan) and will serve to implement the Plan. The request is consistent with the forthcoming land use and zoning recommendations of the Capitol Corridor Advisory Committee. Staff recommends the Plan Commission approve scheduling a rezoning public hearing subject to conducting a neighborhood information meeting prior thereto.

Mr. Sig Strautmanis of General Capital provided points the property was purchased in 2011 in a state of distress, and 25% vacancy. Investments of \$600,000 has been put into the building to improve the property, landscaping, and other amenities. The current zoning does not allow the flexibility to bring in other tenants that would benefit this location. Alderman Owen stated he appreciated the background information. He clarified the zoning and with the change what kind of oportunities this would open. Mr. Ertl stated B2 would not be appropriate for this area,

Mr. Theis provided an explanation of how the zoning code regulates sites with intensive uses established for the first time vs. existing intensive uses.

Alderman Nelson asked, "If it was B-3 in its use, why did it go to B-1?" Mr. Ertl responded 1999 there was an effort to contract the intensity of development on Capitol Drive and this resulted in the down zoning of properties and minimizing areas that could be over developed. Now, post-recession, we have suggested that some of the properties can be returned to the original zoning since we have concluded that the Capitol Drive corridor has evolved into a corridor that will not become too intense due to WDOT controlled access, depth of properties, etc. This information will be discussed at a future Commission meeting when the recommendations of the Capitol Drive Advisory Committee meeting come forward. This is basically a way to help owners be accommodating to potential tenants to conduct business in these areas.

Motion by Alderman Mahkorn second by Alderman Nelson to approve the staff recommendation scheduling a public hearing for the purpose of rezoning 17495 West Capitol Drive from “B-1” Local Business to “B-3” Regional Business. Motion carried 5 – 0.

Item 10 Legislative Referral

Legislative Referral: Modifying when the Plan Commission makes a recommendation after a public hearing held at Plan Commission. Request may include authorization of a public hearing to amend the Zoning Code.

Report: Alderman Reddin has requested a discussion of the process by which actions are taken by the Plan Commission after a public hearing is conducted by the Commission. He believes there should be a delay (likely, the next meeting) before the Commission acts upon a matter held for public hearing.

By City Municipal Code the Plan Commission holds public hearings for “conditional uses”, provided there is not a rezoning accompanying the conditional use. In that case, the public hearing is before the Common Council. Conditional uses include churches, schools, public buildings, hospitals, parks, playgrounds, day care centers, memory care facilities, etc.

The process is:

1. Plan Commission reviews to determine if a public hearing should be scheduled. Meeting No. 1.
2. Council ratifies that a hearing at Commission should be scheduled. Meeting 2.
3. Staff typically conducts a public information meeting. Meeting 3.
4. **Public Hearing, Staff report and Commission Recommendation. Meeting 4.** (This combination is what concerns Alderman Reddin).
5. Council ratifies a conditional use ordinance should be granted. Meeting 5.

Comment: This process appears to work well with most conditional uses. The most recent lengthy, contentious conditional public hearing was for the Brookfield mosque. Prior to that-over the course of 25 years or so- Elmbrook Hospital, Mitchell Park- Arts center, and maybe a few day cares come to mind. Delaying the Commission action would add a minimum one month to the process. Also the Commission could “postpone” a recommendation to the next meeting. We anticipate some memory care facility requests in the near term and possibly day care and hospital proposals.

The other type of public hearing in front of the Commission, by Wisconsin Statutes, are tax increment district creations. Recently, TID 5 and TID public hearings did not appear to be controversial for the public- yes for the Council, but not the public. Adding a month to the TID creation calendar may or may not be impactful on the timing associated with a public-private partnership.

Recommendation: While the current conditional use and TID public hearing system appears to working, the staff will obviously follow the policy wishes of the Commission and Council regarding this matter.

Alderman Reddin stated he made the referral after The Corridor project; he stated his concerns for those that come out and speak on a major issue. He has concerns with something being approved right after something had negative comments for the public. He felt a better way to serve the community could be to delay the approval until the next meeting, from a public perception standpoint would make the committee look better.

Alderman Mahkorn stated he preferred the system the way it is now. Doing the delay could be counter-productive; as there have only been a few situations of controversy. The committee always has the option to postpone the approval. He is not concerned about perceptions with exception of high profile projects. There is usually a series of meetings that are involved with public involvement and the Plan Commission is aware of the outcome of all these meetings as well as public feedback. The “motion to postpone” is always available to use on a specific item. He would oppose the legislative referral; Alderman Nelson agreed with Alderman Mahkorn.

Alderman Nelson inquired of Mr. Ertl what would be required in this referral, would it go before council; Mr. Ertl responded yes. Alderman Nelson stated the Plan Commission provides all the input at the meeting which provides immediate feedback. The primary focus is at these meetings and good for the process.

Mayor Ponto stated the committee is sensitive for the desire to postpone something should the situation require it. He did not feel there should be an ordinance to postpone and item; but rather deal with this on a case-by-case basis. Alderman Mahkorn suggested a better process of outlining the public process by showing what has happened along the way so residents understand what has occurred and if they possibly missed something.

Alderman Owen stated a conditional use is guided by zoning ordinances, and we do not have much discretion if it meets ordinances. i.e. it is straight forward. That being said, conditional use is not something that is taken lightly, it has to be a very thought out process to meet city standards.

Motion by Alderman Mahkorn second by Commissioner Kost to deny the staff recommendation Legislative Referral: Modifying when the Plan Commission makes a recommendation after a public hearing held at Plan Commission. Request may include authorization of a public hearing to amend the Zoning Code. Motion carried 5 – 0.

Adjournment

Motion by Alderman Mahkorn. second by Alderman Nelson to adjourn the Plan Commission meeting. Motion carried 5 -0. Meeting adjourned at 7:55 pm.