



OFFICIAL RECORD OF A REGULARLY SCHEDULED MEETING OF THE PLAN COMMISSION HELD ON MAY 1, 2017, 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, Commissioner Paul Wartman

MEMBERS ABSENT AND EXCUSED: Commissioner Kevin Wahlgren, Alderman Mark Nelson

OTHERS PRESENT: Director of Community Development Dan Ertl, Planning Administrator Mike Theis, Fire Chief Charlie Myers, City Engineer Jeff Chase, Neighborhood Planner Richard VanDerWal, Alderman Christopher Blackburn, Alderman Scott Berg

Mayor Ponto noted a quorum present and called the Plan Commission to order at 6:32 pm.

Announcements / Reports

The next regularly scheduled meeting is June 12, 2017 at 6:30pm.

Item 1 April 10, 2017 Plan Commission Official Record / Meeting Minutes

Approval of Official Record from the April 10, 2017 Plan Commission meeting.

Motion to approve the April 10, 2017 Plan Commission Meeting Official Record.

Motion by Gary Mahkorn

Seconded by Rick Owen

Motion carried 4-0

Item 2 Actions and Recommendations of the April 20, 2017 Plan Review Board Meeting

Approval of all actions and recommendations from the April 20, 2017 Plan Review Board meeting.

Motion to approve the actions and recommendations of the April 20, 2017 Plan Review Board Meeting with corrections to the names listed in the adjournment motion to match those Plan Review Board Members present at the meeting.

Item 3 Petawa

Postponed request of Corporation for Social and Educational Development, 6321 North Avondale, Suite A-215, Chicago, IL 60631 Patricia Anderson, President in association with Petawa Residence and Cultural Center, Inc. The request as revised includes withdrawal of the initial request and approval to e schedule a conditional use public hearing in association with Petawa Residence and Cultural Center, Inc. an approximate 19,575 sq. ft. religious, education and residence use at a redivided site with current addresses of 2330 Hillside Drive West and 16830 West North Avenue. (SW ¼ of Sec. 15) – MT
****Requires Common Council Approval****

Previously reported: 1. The site is located in the Civic Center 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. The adopted node plan is the *Ruby Isle Civic Center Development Plan – 1987* and *Partial Ruby Isle/Civic Center Node Development Plan Update – 2001*. The recommended land use of the adopted node plan is Cluster Single-family Residential. The adopted land use of the *City of Brookfield 2035 Comprehensive Plan* is Housing Focused – Lower Density. The site is zoned “R-2” Residence District.

Newly reported: 2. The request was postponed at the Plan Commission meeting of September 12, 2016 after receiving comments during the item’s public hearing conducted earlier in the agenda. (Public hearing minutes attached)

3. The applicant since revised its design to reflect re-division of the entirety of 2330 Hillside Drive West and 16830 West North Avenue into two lots with the narrow width of rectangular geometry oriented toward Hillside Drive West. The orientation of Petawa Residence and Cultural Center has been rotated to face North Avenue. . Garage doors no longer face northward toward the neighborhood but rather westward toward an office building. Driveway access is via North Avenue and Hillside Drive West. Approval of access to North Avenue has been requested from Waukesha County.

4. If the request for conditional use approval proceeds, a certified survey map will create two lots of conforming width and area. The conditional use approval would apply only to the Petawa lot. The second lot would be available for single family use.

5. The revised lot area and geometry allow for improved building architecture. Building materials remain stone and brick. Roof ridges, hip roofs and end gables correspond with the projecting areas associated with the floor plan.

6. The city Engineering Division is in receipt of preliminary grading, drainage, erosion control and storm water management plans. A storm water management basin is depicted in the southwest corner of the Petawa site.

7. Site Data (Petawa):

| | |
|---|--------------------------------------|
| Lot Area – Less R/W Dedication: | 82,472 sq. ft. (25,000 sq. ft. min.) |
| Lot Width/Corner Lot – Less R/W Dedication: | 249’ or 300’ (130’ Min) |
| Building Size: | 19,575 sq. ft. |
| Floor Area Ratio: | 23.74 (25% Max.) |
| Parking: | 25 spaces (3 enclosed) |
| Bedrooms - Dedicated: | 9 |

Site Data (Single-family Lot):

| | |
|------------|--------------------------------------|
| Lot Area: | 72,600 sq. ft. (25,000 sq. ft. min.) |
| Lot Width: | 220’ (130’ Min) |

Recommendation: The proposed use is permitted as a conditional use. The site plan and development characteristics are consistent with the design criteria and thresholds established for conditional use of residentially zoned land. The lot characteristics comply with those established in the base-zoning district. Building materials and architectural style are residential in character. Design modifications address neighborhood concerns. Staff recommends the Plan Commission approve scheduling a conditional use public hearing subject to conducting a neighborhood information meeting in advance of the hearing.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=NPsjuzvUKh6b#> for the discussion.

Motion to approve staff recommendation to schedule a conditional use public hearing in association with Petawa Residence and Cultural Center, Inc. an approximate 19,575 sq. ft. religious, education and residence use at a redivided site with current addresses of 2330 Hillsdale Drive West and 16830 West North Avenue subject to conducting a neighborhood information meeting in advance of the hearing.

Motion by Paul Wartman

Seconded by Rick Owen

Motion carried 4-0

Item 4 Niebler Special Exception

Postponed request of Joseph C. Niebler Sr., Owner, 19745 West Gebhardt Road, Brookfield, WI 53045 for approval to schedule a special exception public hearing for the purpose of permitting a three lot land division of said address. The request as revised includes approval to schedule a special exception public hearing allowing division of the site into two lots, one having more than four sides, a lot width of approximately 84' where 130' is required in the base-zoning district and rendering the existing barn a conforming accessory structure. The site appears in the Historic Inventory City of Brookfield August 1993 as "LN" Local Significance – Notable Importance due to the presence of a dairy barn. (SW ¼ of Sec. 20) – MT ****Requires Common Council Approval****

Report: 1. The applicant's request for a special exception allowing the division of 19745 Gebhardt Road into three lots, one of which landlocked and two lots with more than four sides was postponed at the April 10, 2017 Plan Commission. The Plan Commission was reluctant to approve creation of a landlocked lot in association with a special exception intended to preserve the barn on the site. Staff supported a two-lot division with both lots fronting upon Gebhardt Road.

2. The applicant has revised the request depicting a division of the site into two lots, one lot having more than four sides and a lot width of approximately 84' where 130' is required in the base-zoning district. Special Exception Ordinances No. 1610 and 2266-11 allowed lots with widths less than that required in the base-zoning district on sites occupied by structures listed in the Historic Inventory City of Brookfield August 1993.

3. Passage of a special exception also renders the barn legal conforming, allowing unlimited structural repairs. As a legal nonconforming structure, structural repairs to the barn cannot exceed 50% of its assessed value, which currently is \$13,000.

Recommendation: The barn is listed in the Historic Inventory City of Brookfield August 1993. The city has approved special exceptions at sites listed in the Historic Inventory City of Brookfield August 1993 to preserve historic resource in lieu of a historic preservation ordinance. Staff recommends the Plan Commission approve scheduling a special exception public hearing allowing division of the site into two lots, one lot having more than four sides and a lot width of approximately 84' where 130' is required as well as rendering the existing barn a conforming accessory structure and compelling maintenance of the barn.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=NPsjuzvUKh6b#> for the discussion.

Motion to approve staff recommendation to schedule a special exception public hearing allowing division of the site into two lots, one having more than four sides, a lot width of approximately 84' where 130' is required in the base-zoning district and rendering the existing barn a conforming accessory structure.

*Motion by Gary Mahkorn
Seconded by Paul Wartman
Motion carried 4-0*

Item 5 Preliminary Plat – Shire Addition No. 2

Request of NFI Properties, LLC 19745 West Gebhardt Road Brookfield, WI 53045 Joseph C. Niebler, Sr., President for approval of a preliminary plat for Shire Addition No. 2, a 6-lot subdivision located on the extension of Misty Mountain Parkway. (SE ¼ of Sec. 20) – MT ****Requires Common Council Approval****

Report: 1. The applicant requests preliminary plat approval of The Shire Addition No. 2, a 6-lot subdivision located at approximately 1365 North Brookfield Road on the extension of Misty Mountain Parkway. The site is zoned “R-2” Single-family Residential District. All lots in the proposed plat meet or exceed the minimum lot requirements of the City’s “R-2” zoning district. Lots with more than four sides are present due to an irregular site periphery that exceeds the applicant’s ability to alter.

2. The development concept is an extension of the road system approved for The Shire, which removed a temporary cul de sac at Overlook Circle and extended a road (ultimately named Misty Mountain Parkway) east to connect with two dead end streets, Hamilton Drive and Revere Drive. The Revere Drive connection was not made due to a development moratorium established by the city for the lots contained in The Shire Addition No. 2, i.e. outlots 11 and 12, The Shire. Implementation of the street pattern in The Shire Addition No. 2 ultimately connects a dead end street, Revere Drive to the Shire subdivision promoting traffic disbursement and neighborhood connectivity.

3. The Shire Addition No. 2 plat exterior boundary is a minimum of 20’ from the limits of the landfill. The Shire Addition No. 2 lots were depicted as outlots in The Shire plat. Those outlots were perceived to have the potential to be converted to buildable lots at some time in the future dependent upon the City’s conclusion that concerns about environmental health issues had been adequately analyzed. A moratorium on development was imposed in April 2004. A Landfill Moratorium Committee was created in October 2004. Gas probe and ground water data was collected. Reports were delivered to the State of Wisconsin Departments of Natural Resources and Health Services. In December 2010 the Wisconsin Departments of Natural Resources and Health Services co-authored a final report for Landfill Moratorium Committee consideration. That report concluded that development of the outlots that are the subject of the Shire Addition No. 2 preliminary plat would not pose a health or safety hazard to residents if certain conditions were met. A landfill gas and groundwater monitoring plan modification approved by the DNR was required. In letters dated October 21, 2011 and October 28, 2011 NFI Properties, LLC and Waste Management respectively have stipulated to the conditions identified in the December 2010 DNR/DHS report.

4. The Landfill Moratorium Committee in its September 14, 2011 acceptance of the December 2010 DNR/DHS report stated,

“The Committee concludes that the State has applied a professional and scientific methodology regarding preparation and issuance of said Report and accepts the State Report. The Committee recommends that the Landfill Moratorium Committee be dissolved and it’s acceptance of the Report be binding into the future regarding property-owner initiated requests for development approval or change of platting status of lands in the moratorium area unless new public health conditions arise, as documented by the appropriate state or federal agencies.”

5. In past actions regarding The Shire and Shire Addition No. 1 the Park and Recreation Commission recommended fee in lieu of public site and open space dedication. Staff anticipates but will confirm a similar recommendation in association with Shire Addition No. 2.

6. Preliminary grading, drainage, erosion control ~~and storm water management~~ plans have been submitted to the City Engineering Division.

RECOMMENDATION: The preliminary plat completes the integration of an existing dead end street into a local street system that provides neighborhood connectivity and access to the arterial street system. In a final report dated December 20, 2010 State agencies reported to the City regarding environmental health issues associated with the area to be platted. That report was considered by the Landfill Moratorium Committee created by the Common Council and accepted by said Committee with a recommendation that the Landfill Moratorium Committee be dissolved and it's acceptance of the Report be binding into the future regarding property-owner initiated requests for development approval or change of platting status of lands in the moratorium area unless new public health conditions arise, as documented by the appropriate state or federal agencies.

Staff recommends approval of the six (6) lot preliminary plat subject to:

1. Technical corrections and submittal of a final plat substantially in conformance with the preliminary plat of The Shire Addition No. 2.
2. Execution of a Development Agreement obligating the applicant to the improvements and requirements associated with development of the subdivision and securing the installation of same.
3. Approval of final grading, drainage, storm water, roadway and utility plans by the City of Brookfield Engineering Department.
4. Satisfaction of any and all outstanding assessments and payment of all municipal review and inspection fees.
5. Submittal and execution of deed restrictions with the final plat including storm water outlots held in undivided interest with responsibility for maintenance by subdivision homeowners.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=NPsjuzvUKh6b#> for the discussion.

Motion to approve staff recommendation for a preliminary plat for Shire Addition No. 2, a 6-lot subdivision located on the extension of Misty Mountain Parkway with additional language applied to condition three (3) of staff recommendation to read:

3. Approval of final grading, drainage, storm water, roadway and utility plans by the City of Brookfield Engineering Department before filing the final plat.

*Motion by Paul Wartman
Seconded by Gary Mahkorn
Motion carried 4-0*

Adjournment

*Motion by Paul Wartman
Seconded by Gary Mahkorn
Motion carried unanimously
Meeting adjourned at 7:23 pm*

Record respectfully submitted by Richard VanDerWal, Neighborhood Planner