



**OFFICIAL RECORD OF A REGULARLY SCHEDULED MEETING OF THE
PLAN COMMISSION HELD ON JUNE 12, 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, Alderman Mark Nelson

MEMBERS ABSENT AND EXCUSED: two open seats

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 Scott Berg

Mayor Ponto noted a quorum present and called the Plan Commission to order at 6:33 pm.

Announcements / Reports

The next regularly scheduled meeting is July 10, 2017 at 6:30pm.

Item 1 May 1, 2017 Plan Commission Official Record / Meeting Minutes

Approval of Official Record from the May 1, 2017 Plan Commission meeting.

Motion to approve the May 1, 2017 Plan Commission Meeting Official Record.

Motion by Paul Wartman

Seconded by Rick Owen

Motion carried 5-0

Item 2 Actions and Recommendations of the May 18, 2017 Plan Review Board Meeting

No action needed (no meeting took place).

No motion required.

Public Hearing Petawa

Bernard J. Kerney III, LCM Funds Real Estate LLC, 201 East Pittsburgh Avenue, Suite 201, Milwaukee, WI 53204, representing Petawa, gave an introduction and description of the project.

No questions or comments from the Plan Commission were submitted on the use of the project.

Kennith Shane, of Brookfield, architect of the project, elaborated on the design, architecture, and programmatic elements of the proposal.

Alderman Nelson asked questions about the property and access to the site.

City staff, Kennith Shane, and Bernard Kerney answered questions and provided supporting clarifications.

The Public Hearing was opened to comments from the Public. Members of the Public who spoke at the Public Hearing:

Margaret Hamill	13030 West Nelson Ave, Brookfield, WI 53005 –in support
Carol Yahk	2340 Brook Springs Drive, Brookfield, WI 53005-opposed
Mary Jo Lange	2385 Hillsdale Drive West, Brookfield, WI 53005-opposed
Cindy Twetten	1895 Pilgrim Parkway, Brookfield, WI 53005-in support
Linda Pryor	4665 Turtle Creek Drive Unit A, Brookfield, WI 53005-in support
Cathrine Dybicz	16535 Louis Lane, Brookfield, WI 53005-in support

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=OdWkQ8LqnxBG#> for the comments and discussion.

Motion to close the Public Hearing.

***Motion by Paul Wartman
Seconded by Mark Nelson
Motion carried 5-0***

Item 3 Petawa

Request of Corporation for Social and Educational Development, 6321 North Avondale, Suite A-215, Chicago, IL 60631 Patricia Anderson, President for approval of a conditional use ordinance and new plan and method of operation permitting Petawa Residence and Cultural Center, Inc., an approximate 19,575 sq. ft. religious, education and residence use at a re-divided site with current addresses of 2330 Hillsdale 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.

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.
3. The applicant since revised its design to reflect re-division of the entirety of 2330 Hillsdale Drive West and 16830 West North Avenue into two lots with the narrow width of rectangular geometry oriented toward Hillsdale 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 Hillsdale 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)

Newly reported:

8. A Neighborhood Information Meeting (NIM) was held on May 31, 2017. Aldermen Berg and Mahkorn attended. Nine citizens signed the attendance form. One written comment was received. It and three comments received prior to the NIM are included with the application materials for this item.
9. Proposed building materials include face brick and limestone with synthetic slate shingles and prefinished metal window cladding, fascia, gutters and downspouts. However, the applicant has requested approval to substitute dimensional asphalt shingles in GAF Timberline HD pewter for the synthetic slate; a substitution staff has no objection to. Additionally the applicant requests approval to apply LP Smartside and plaster to building faces not facing streets. These materials are site development standard compliant but staff suggests their use be approved but their application return to the Plan Commission for approval. A trash can enclosure is depicted and appropriately located behind the building setback with doors obstructed from view by the principal building.
10. The applicant has revised site data as follows:

Building Size:	17,896 sq. ft.
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11. A landscape plan prepared in accordance with city requirements is submitted and requires review by the City landscape plan review consultant.
12. The applicant is in receipt of a missive dated April 3, 2017 by Charlie Myers, Fire Chief regarding compliance with NFPA and city code.
13. A public hearing regarding the request was conducted by the Plan Commission June 12, 2017. Staff will paraphrase comments received for the Plan Commission in advance of a recommendation.
14. Discussions are underway regarding municipal water accessibility and include special assessment or construction.

Recommendation: The conditional use is permissible in the base-zoning district and in compliance with the standards for conditional use of residentially zoned property. Staff recommends the Plan Commission approve a conditional use ordinance and new plan and method of operation permitting Petawa, a religious, education and residence use subject to:

1. Statement of operations dated June 2, 2017 by Patricia Anderson, President - Corporation for Social and Educational Development.
2. Site, Building Plans, rendering and material sample board dated June 12, 2017 by Nagel Engineers and Architects with HVAC, transformer and trash corral screened by landscaping, wall mounted cabinets/meters located on non-street facing building elevations – painted to match the building. Approval to use dimensional asphalt shingles. Approval to use LP Smartside and plaster with its specific application subject to Plan Commission review and approval.
3. Compliance with requirements set forth in the missive dated April 4, 2017 by the City Of Brookfield Fire and Emergency Medical Services Department - Charlie Myers, Fire Chief.
4. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.
5. Streetyard and Detention Basin Landscape Plan dated June 12, 2017 by R. A. Smith National subject to technical corrections with security by letter-of-credit (City forms available from the Community Development Department) equal to \$32,071.00 (\$2,550 per 1,000 sq. ft. street yard) for Streetyard installation, \$5,534.00 for four (4) years of Streetyard maintenance (\$440 per 1,000 sq. ft. of street yard) and a four (4) year temporary landscape easement for street yard maintenance (using forms available from the Community Development Department 12,577 sq. ft. of street yard) and a Detention Basin Landscape Installation Letter Of Credit (form available from the Community Development Department) equal to \$510.00 (\$85 per 1,000 sq. ft. of detention basin area), \$72.00 for four (4) years of maintenance (\$12 per 1,000 sq. ft. of detention basin area), secured with a four (4) year temporary landscape easement for maintenance (using forms available from the Community Development Department) all deposited with the Department of Community Development prior to execution of the final plat (6,000 sq. ft detention basin area).
 - a. A recertification "as-built" survey must be performed by a licensed landscape architect indicating that all elements of the approved Streetyard and Detention Basin Landscape Plans have been completed within tolerance as approved by staff per the approved plan. The recertification documents must be wet stamped and signed by said professional.
 - b. The letter-of-credit will be released after the recertification documents are submitted to and approved by the City of Brookfield Department of Inspection Services. Landscaping in compliance with City Site Development Standards for Nonresidential Uses.
6. Grading, Drainage, Erosion Control Plans and Storm Water Management Application subject to final approval of the city of Brookfield Engineering Division prior to the issuance of building permits. 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. A letter-of-credit in compliance with the City letter-of-credit format deposited with the Department of Community Development. The monetary amount of the letter-of-credit 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 letter-of-credit 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:

- \$To Be Determined Engineering Review Fee (\$85/Hr.)
- \$To Be Determined Unpaid Assessment/s
- \$To Be Determined Wetland Fee (\$4.19/1,000 sq. ft. of lot area as a function of Floor Area Ratio)
- \$To Be Determined Bikeway Fee (\$20/1,000 sq. ft. of lot area as a function of Floor Area Ratio)
- \$To Be Determined SWMP Review

8. Reconciliation of municipal water accessibility to include special assessment or construction by the applicant.

9. Submittal and approval of a two-lot certified survey map prior to receipt of a building permit.

10. Once a building permit is issued by Inspection Services, the owner shall receive an occupancy permit within twenty four (24) months 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. (Ordinance #2134-08).

11. Plan and method of operation expires on June 20, 2019 unless a building permit is obtained prior thereto.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=OdWkQ8LqnxBG#> for the discussion.

Motion to approve staff recommendation for approval of a conditional use ordinance and new plan and method of operation permitting Petawa Residence and Cultural Center, Inc., a religious, education and residence use at a re-divided site with current addresses of 2330 Hillsdale Drive West and 16830 West North Avenue including:

Approval to substitute dimensional asphalt shingles in GAF Timberline HD pewter for the synthetic slate.

Approval to apply LP Smartside and plaster to building faces not facing streets but requiring a Plan Commission application for approval of appearance.

Motion by Gary Mahkorn

Seconded by Rick Owen

Motion carried 5-0

Item 4 Lilly Crossing Final Plat and Development Agreement

Request of Neumann Companies, Inc. N27 W24075 Paul Court, Suite 200, Pewaukee, WI 53072, Kevin Anderson – Representative for approval of the final plat and development agreement for Lilly Crossing, a 21 lot single-family subdivision located at 2580 and 2660 North Lilly Road. (SW 1/4 of Sec. 13) – MT ****Requires Common Council Approval****

Report:

1. Lilly Crossing is a 21 lot subdivision located at 2580 and 2660 Lilly Road. The site is zoned "R-2" Single-family Residential District with "NSW" Non-Shoreland Wetland Overlay. All lots in the proposed plat meet or exceed the minimum lot requirements of the City's "R-2" zoning district. The Plan Commission approved the preliminary plat for Lilly Crossing on March 13, 2017.
2. The final plat is substantially in conformance with the preliminary plat.
3. On March 6, 2017 the Parks and Recreation Commission recommended fee in lieu of parkland dedication and dedication of wetland. Wetlands are appropriately depicted in an outlot dedicated to the city. The wetland deficiency will be recovered via fees to lot owners at a rate proportionate to the deficiency.
4. A standard City of Brookfield single-family development agreement has been drafted and distributed. The City Engineering Division has recommended against bicycle/pedestrian path installation by the developer. The agreement is modified to accommodate the 2018 Parade of Homes.
5. On April 11, 2017 the Board of Public Works approved a special exemption to standard road center-line radius allowing the road radius depicted in the final plat.
6. A tree inventory of the site is underway. The applicant will submit a streetyard and detention basin landscape plan for Plan Commission action at a later date.
7. The applicant is in possession of a missive dated May 11, 2017 by Charlie Myers, Fire Chief regarding requirements for the subdivision.

Recommendation: The final plat of Lilly Crossing is substantially in conformance with the approved preliminary plat therefore staff recommends the Plan Commission approve authorizing the Mayor to execute a development agreement on behalf of the city modified to accommodate the 2018 Parade of Homes but subject to final approval of the agreement by the city attorney and approve the final plat subject to:

1. Technical corrections to the final plat.
2. Compliance with the March 6, 2017 the Parks and Recreation Commission recommendation.
3. Grading and Drainage Plan and Stormwater Management Plan approved by the City Engineering Department. The developer of the project will be required to submit items a, b, and c before issuance of a building permit.
 - a. Copy of the Grading and Drainage plan as approved by the Engineering Department, including stormwater calculations, following criteria established by the Stormwater Management Guide.
 - b. The bid from a contractor reflecting the cost of executing the work required on the Grading and Drainage Plan.
 - c. A letter-of-credit in compliance with the Inspection Services Department letter-of-credit format. The monetary amount of the letter-of-credit shall be equal to 110% of the bid submitted.
 - 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 tolerance as approved by staff per the approved plan. The recertification documents must be wet stamped and signed by said professional.
 - e. The letter-of-credit will be released after the recertification documents are submitted to and approved by the City of Brookfield. Approval of the grading, drainage, stormwater, roadway and utility plans by the City of Brookfield Engineering Department.

4. Satisfaction of any and all outstanding assessments, taxes due, new lot creation fees, plan review fees and dedications.
5. Submittal of a Streetyard and Detention Basin Landscape Plan for Plan Commission review and approval and technical corrections with security by letter-of-credit (City forms available from the Community Development Department) equal to \$66,874.00 (\$2,400 per 1,000 sq. ft. street yard) for Streetyard installation, \$11,146.00 for four (4) years of Streetyard maintenance (\$400 per 1,000 sq. ft. of street yard) and a four (4) year temporary landscape easement for street yard maintenance (using forms available from the Community Development Department 27,864 sq. ft. of street yard) and a Detention Basin Landscape Installation Letter Of Credit (form available from the Community Development Department) equal to \$7,225.00 (\$85 per 1,000 sq. ft. of detention basin area), \$1,020.00 for four (4) years of maintenance (\$12 per 1,000 sq. ft. of detention basin area), secured with a four (4) year temporary landscape easement for maintenance (using forms available from the Community Development Department) all deposited with the Department of Community Development prior to execution of the final plat (85,000 sq. ft detention basin area).
 - a. A recertification "as-built" survey must be performed by a licensed landscape architect indicating that all elements of the approved Streetyard and Detention Basin Landscape Plans have been completed within tolerance as approved by staff per the approved plan. The recertification documents must be wet stamped and signed by said professional.
 - b. The letter-of-credit will be released after the recertification documents are submitted to and approved by the City of Brookfield Department of Inspection Services.
6. Recording of a declaration of protective covenants in compliance with the requirements stated in a missive dated May 11, 2017 by Charlie Myers, Fire Chief.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=OdWkQ8LqnxBG#> for the discussion.

Motion to approve staff recommendation to approve authorizing the Mayor to execute a development agreement on behalf of the city modified to accommodate the 2018 Parade of Homes but subject to final approval of the agreement by the city attorney and approve the final plat for Lilly Crossing, a 21 lot single-family subdivision located at 2580 and 2660 North Lilly Road.

***Motion by Mark Nelson
Seconded by Paul Wartman
Motion carried 5-0***

Item 5 Third Amendment to The Corridor Development Agreement

Request of Deer Creek LLC, c/o Tom DeMuth, 648 N. Plankinton Avenue, Milwaukee, WI for approval of the Third Amendment to "Planned Development Agreement-The Corridor Development. The Corridor is a mixed use development located north of Interstate 94, south of Bluemound Road, west of Calhoun Road.

Report: 1. The developer of The Corridor- Deer Creek LLC-has requested several amendments to the provisions of the original master development agreement for The Corridor- dated May 22, 2015. Two of the requested amendments either benefit the City or recognize changed conditions for pursuit of a City conference center. Below, is a summary of the requested amendments:

- a) An amendment would terminate the City's option to purchase a 1 acre site for a conference center. As explained on multiple Common Council meetings, the needs for the conference have outgrown (in acres) the original concept and the City is pursuing a conference site in a different location. Rather than the City's "hold" on the conference center

site expiring on December 31, 2017, it would expire upon signing and recording the amendment. This amendment would, in part, give clear title to the hotel group that wishes to build hotels on the site. The City has received an application for the hotels for the July Plan Commission.

- b) An amendment would extend the deadline by when Deer Creek LLC would need to “brick” the south exterior wall of the Dick’s building replacing the current E.I.F.S. Deer Creek seeks a three year extension until August 1, 2020. Deer Creek LLC needs to build the attached mid box retail- covering the E.I.F.S. wall or brick said wall by said date.
- c) Similarly, certain utility extensions to the mid box retail buildings would need to be installed by August 1, 2020 regardless if buildings exist.
- d) The amendment would refine the timing and responsibilities associated with the construction of the remaining portions Golf Parkway at The Corridor and its connection to Patrick Boulevard in the Brookfield Lakes Corporate Center. The current Agreement states that the remaining segment of Golf Parkway within The Corridor must be constructed by December 31, 2020 in order to be compliant with a Memorandum of Understanding between the City and WDOT. The current Agreement states that there are a variety of methodologies to finance its costs- some involving the City and some involving Deer Creek LLC-with all but “grants” tied back to Deer Creek financially to varying degrees. To be clear, grants are viewed as a highly unlikely financing source and should not be consider viable moving forward. As proposed in the Amendment, Deer Creek LLC would build at its own costs and responsibility a significant length of Golf Parkway up until the western edge of the proposed hotel development of the “flex site” at The Corridor. If plans are approved, this segment would be built this summer- 2017. This would coincide with the start of the hotel construction and permit tax increment and other taxes to be created at a larger amount than anticipated for the “flex site” and possibly sooner. It also eliminates the need for a “fire lane” as the temporary “fix” for road infrastructure upon occupancy of the hotels. Building permits for the hotels could be issued but no occupancy without the Golf Parkway segment being completed. (The fire lane was the subject of debate last year.)
- e) The proposed amendment would assign the costs and responsibility of constructing the balance of Golf Parkway within The Corridor to the City including its connection to Patrick Boulevard.
- f) In return for the City building the last segment of Golf Parkway, Deer Creek LLC would facilitate the sale of the road right-of-way the City needs in Brookfield Lakes Corporate Center for Patrick Boulevard at an acquisition cost below a normal market figure. The City would also pay to repair the associated parking lot near Patrick Boulevard at its costs. The extension of Patrick Boulevard was never an obligation of Deer Creek LLC and was always envisioned to be a City responsibility. Such was budgeted for years in the City’s CIP. Once completed the Golf Parkway to Patrick Boulevard connection will serve as a transportation circulation benefit and achieve a requirement of the WDOT MOU.
- g) Various other minor points are contained in the amendment and a section on Engineering requirements for Golf Parkway will be added.

Recommendation: The requested amendments to the development agreement are consistent with city code or standards and achieve certain goals of the City. Staff recommends the Plan Commission approve amendments to The Corridor development agreement with needed Engineering requirements added, and authorize the Mayor and Clerk to execute same on behalf of the city subject to final approval of the agreement by the City Attorney prior to execution.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=OdWkQ8LqnxBG#> for the discussion.

Motion to approve staff recommendation to approve amendments to The Corridor development agreement with needed Engineering requirements added, and authorize the Mayor and Clerk to execute same on behalf of the city subject to final approval of the agreement by the City Attorney prior to execution. The motion includes the following amendment to part b) of the staff report and recommendation, and shall be reflected in the terms of the development agreement:

“Deer Creek seeks a three year extension until August 1, 2020.” shall be amended to read, “Deer Creek seeks a one year extension until August 1, 2018.”

*Motion by Paul Wartman
Seconded by Mark Nelson
Motion carried 5-0*

Item 6 The Corridor Certified Survey Map #5

Request of Deer Creek LLC, c/o Tom O'Merea, Irgens, 648 N. Plankinton Avenue, Milwaukee, WI for approval of a preliminary survey map and final certified survey map (C.S.M.) creating the western segment of Golf Parkway to be dedicated to the City and a parcel of land south of the Medical Office Building site for hospitality uses. The C.S.M. replaces a previously approved C.S.M. The Corridor is a mixed use development located north of Interstate 94, south of Bluemound Road, west of Calhoun Road. (NE¼ of Sec. 33) - DE ****Requires Common Council Approval****

Report:

1. A series of revised CSMs are required for the flex site at The Corridor for: a) the creation of up to two lot(s), anticipated for two hotels to be located south of the Medical Office Building (MOB), and, b) for the right-of-way dedication to the City of the Golf Parkway segment west of its connection with Discovery Drive at The Corridor. This current CSM addresses -b) - road right of way dedication- only. A subsequent CSM will be on the July PC for a) in association with applications for hotels.
2. Existing reciprocal access easements currently shown on the flex site will need to be altered and will be submitted along with the next CSM.

Recommendation: The C.S.M. is compliant with the goals of PDD #20. Staff recommends the Plan Commission approve the preliminary survey map and final certified survey map subject to technical corrections and its recording.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=OdWkQ8LqnxBG#> for the discussion.

Motion to approve staff recommendation to approve the preliminary survey map and final certified survey map, subject to technical corrections and its recording, creating the western segment of Golf Parkway to be dedicated to the City and a parcel of land south of the Medical Office Building site for hospitality uses at The Corridor.

*Motion by Gary Mahkorn
Seconded by Paul Wartman
Motion carried 5-0*

Item 7 Hill Park Development Agreement

Request of Hill Park Burleigh, LLC c/o Pointe Real Estate, 13400 Bishops Lane, Suite 270, Brookfield, WI 53005, Daniel C. Scardino, Executive Vice President for approval to amend the landscape plan and amend, restate and assign the development agreement for Hill Park Subdivision located at 18030 – 18330 West Burleigh Road. (SW 1/4 of Sec. 9) – MT ****Requires Common Council Approval****

Report: 1. Hill Park, a six lot with one outlot single family plat was recorded in 2008. Subdivision improvements were minimal consisting of water and sewer lateral installation, storm water basin installation and streetyard/detention basin landscape

installation. The improvements were secured by development agreement but never installed. The new owner, Hill Park Burleigh, LLC requests modification and assignment of the development agreement for the purposes of improving lots for sale.

2. Modifications to the development agreement include a revised landscape plan, reconfigured storm water management basin and relief from burial of overhead wires along Burleigh Road.

3. A revised landscape plan is provided consistent with the city and developer desire to preserve the existing tree line along Burleigh Road. There is no codified requirement to bury overhead wires and relief from that provision in the existing development agreement is consistent with preservation of the tree line. Revised grading, drainage and SWMP plans have been submitted to the City Engineering Division. City staff support the modifications.

Recommendation: The requested modifications to the development agreement are not inconsistent with city code or standards. Staff recommends the Plan Commission approve amendments to the landscape plan and development agreement, approve assignment of the development agreement to Hill Park Burleigh, LLC and authorize the Mayor to execute same on behalf of the city subject to:

1. Final approval of the agreement by the City Attorney prior to execution.
2. Grading and Drainage Plan and Stormwater Management Plan approved by the City Engineering Department. The developer of the project will be required to submit items a, b, and c before issuance of a building permit.

a. Copy of the Grading and Drainage plan as approved by the Engineering Department, including stormwater calculations, following criteria established by the Stormwater Management Guide.

b. The bid from a contractor reflecting the cost of executing the work required on the Grading and Drainage Plan.

c. A letter-of-credit in compliance with the Inspection Services Department letter-of-credit format. The monetary amount of the letter-of-credit shall be equal to 110% of the bid submitted.

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 tolerance as approved by staff per the approved plan. The recertification documents must be wet stamped and signed by said professional.

e. The letter-of-credit will be released after the recertification documents are submitted to and approved by the City of Brookfield. Approval of the grading, drainage, stormwater, roadway and utility plans by the City of Brookfield Engineering Department.

3. Satisfaction of any and all outstanding assessments, taxes due, plan review fees and dedications.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=OdWkQ8LqnxBG#> for the discussion.

Motion to approve staff recommendation to approve amendments to the landscape plan and development agreement, approve assignment of the development agreement to Hill Park Burleigh, LLC and authorize the Mayor to execute same on behalf of the city for Hill Park Subdivision located at 18030 – 18330 West Burleigh Road.

Motion by Mark Nelson

Seconded by Paul Wartman

Motion carried 5-0

Item 8 Brookfield Lutheran CSM

Request of Brookfield Lutheran Church, 18500 West Burleigh Road, Brookfield, WI 53045, Gary Kilvinger, Owner's Representative for approval of a preliminary survey map and final certified survey map merging Outlot 4 of Hill Park and other lands, i.e. 18330 West Burleigh Road creating Lot 1 via Certified Survey Map. (SW 1/4 of Sec. 9) – MT ****Requires Common Council Approval****

Report: 1. The site is zoned "R-3" Residence District with "FF" Flood Fringe Overlay. Outlot 4 was created via recording of the Hill Park plat and is the site of the storm water basin for the lots in the plat as well as future development including 18330 West Burleigh Road. The anticipated future development at the time of plat approval was associated with Brookfield Lutheran Church. To that end the development agreement stipulates, "Outlot 4 shall be held by the DEVELOPER of the PROJECT until conveyed to a new owner/s. Maintenance of outlots including the stormwater pond and outfall located on Outlot 4 shall run with the land." Outlot 4 was deeded to Brookfield Lutheran Church via the Hill Park plat.

2. Brookfield Lutheran Church is the owner of 18330 West Burleigh Road as well. No immediate plans for religious use of the lot depicted in the CSM are proposed. The immediate use of the site remains stormwater management secured by easement, acknowledgement of which is the subject of Item 6 on the June 12, 2017 Plan Commission agenda.

3. Wetlands abutting the site have migrated, are depicted on the certified survey map and should be deeded restricted as was done on the Hill Park plat.

4. Lot 1 depicted in the CSM conforms to the area and width requirements of the base zoning district.

Recommendation: The development agreement approved for Hill Park anticipated future ownership of the subdivision storm water management basin site by another party, i.e. an owner or owners other than the developer or Hill Park lot owners. A Storm Water Easement Agreement grants storm water basin rights on the property to Hill Park lot owners and memorializes maintenance responsibility of said basin by Brookfield Lutheran Church. Staff recommends approval of the preliminary survey map and final certified survey map subject to:

1. Technical corrections to the CSM.
2. Recording of deed restrictions pertaining to wetlands matching those on the Hill Park plat.
3. Recording of the storm water easement prior to or concurrent with recording of the CSM.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=OdWkQ8LqnxBG#> for the discussion.

Motion to approve staff recommendation to approve the preliminary survey map and final certified survey map merging Outlot 4 of Hill Park and other lands, i.e. 18330 West Burleigh Road creating Lot 1 via Certified Survey Map.

Motion by Mark Nelson
Seconded by Paul Wartman
Motion carried 5-0

Item 9 BLR CSM and New Plan and Method of Operation

Request of BLR, Inc. c/o Rizzo Development Group, LLC. 7208 West State Street, Wauwatosa., WI. 53213, Todd J. Rizzo for approval of a preliminary survey map, final certified survey map and new plan and method of operation creating Lot 1 and dedicating public right of way via Certified Survey Map at 21290 Gumina Road and permitting commercial building construction at said address. (NW 1/4 of Sec. 7) – MT ****Requires Common Council Approval****

Report: 1. The site is located in the Northwest Gateway 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 land use plan is *The Capitol Drive Corridor Study Number Two -1999 (Plan)*. The adopted land use of the Plan is Light Industrial. The adopted land use of the *City of Brookfield 2035 Comprehensive Plan* is Employment Focused - Lower Density. The site is zoned "LI&CM #1" (Light Industrial/Commercial Mixed-Use #1).

2. A certified survey map accompanying the request formalizes the parcel boundary, depicts/dedicates public right of way and establishes Lot 1.

3. The building/s and parking lot/s in the applicant's illustrations are located in accordance with the standards of the base zoning district. Section 17.100.020 of the municipal code establishes the following:

Plan commission and council approval required.

A. In addition to compliance with other requirements of this code relating to zoning, building, use, storm water control, and site approval, no building permit shall be issued for a multifamily, commercial, or industrial structure or use, nor shall an occupancy permit be issued for a change of use in an existing structure until the plan commission has approved the location, the new, revised, or minor revision plan and method of operation, and suitability of the site for the use requested, except as provided in subsection (B) of this section.

4. The site is located in TIF District #4. In the interest of timely permit processing in a TIF district staff is suggesting the Plan Commission approve a new plan and method of operation predicted upon the standards articulated and depicted in the applicant's submittal and authorize staff to process for permit any and all applications consistent with those standards without future return to the Plan Commission.

5. Site data, site grading and drainage plans as well as storm water management and landscaping are required to accompany permit application/s.

6. The proposed building architecture and finishes are enumerated in the statement of operations dated May 8, 2017, Appearance is depicted in illustrations dated May 8, 2017. **NOTE:** The applicant is seeking relief from two Site Development Standards, no screening of roof top HVAC and placement of utility meters/cabinets on the street face of buildings. The applicant will elaborate on the merits of the request during presentation to the Plan Commission. *Accommodation of the applicant's request does not set precedent and is only applicable north of Gumina Road given the unique topography, light industrial zoning and lack of view from an arterial street frontage.*

Recommendation: Staff recommends the Plan Commission approve the preliminary survey map and final certified survey map subject to technical corrections and approve a new plan and method of operation for the site instructing staff to process without further Plan Commission review permits for applications consistent with the standards articulated in the applicant's submittal as revised by the Plan Commission and memorialized in its action of June 12, 2017 subject to:

1. Statement of operations dated May 8, 2017 by Todd J. Rizzo and Chris Leffler.

2. Site, Building and Landscape Plan concepts depicted in illustrations dated May 8, 2017 by JA Knetter Architects with roof top HVAC and wall mounted cabinets/meters per Plan Commission action of June 12, 2017.

3. Compliance with requirements set forth in the missive dated May 18, 2017 by the City Of Brookfield Fire and Emergency Medical Services Department - Charlie Myers, Fire Chief.

4. Lighting in compliance with sections 15.16.080 and 17.120.070 of the City of Brookfield municipal code.

5. Landscaping in compliance with City Site Development Standards for Nonresidential Uses.

6. Grading, Drainage, Erosion Control Plans and Storm Water Management Application subject to final approval of the city of Brookfield Engineering Division prior to the issuance of building permits. 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. A letter-of-credit in compliance with the City letter-of-credit format deposited with the Department of Community Development. The monetary amount of the letter-of-credit 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 letter-of-credit will be released by the Department of Community Development after the recertification documents are submitted to the city of Brookfield Engineering Division and approved.

6. Payment of applicable fees to the Community Development Department prior to issuance of a building permit:

- \$To Be Determined Engineering Review Fee (\$85/Hr.)
- \$To Be Determined Unpaid Assessment/s
- \$To Be Determined Wetland Fee (\$4.19/1,000 sq. ft. of lot area as a function of Floor Area Ratio)
- \$To Be Determined Bikeway Fee (\$20/1,000 sq. ft. of lot area as a function of Floor Area Ratio)
- \$To Be Determined SWMP Review

7. Once a building permit is issued by Inspection Services, the owner shall receive an occupancy permit within eighteen (18) months 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. (Ordinance #2134-08).

8. Depiction of required municipal utility easements traversing Lot 1 on the CSM and memorialized via easement.

Refer to video recording of this item at <https://cityofbrookfield.viebit.com/player.php?hash=OdWkQ8LqnxBG#> for the discussion.

Motion to approve staff recommendation to approve the preliminary survey map and final certified survey map subject to technical corrections and approve a new plan and method of operation for the site instructing staff to process without further Plan Commission review permits for applications consistent with the standards articulated in the applicant’s submittal as revised by the Plan Commission and memorialized in its action of June 12, 2017 creating Lot 1 and dedicating public right of way via Certified Survey Map at 21290 Gumina Road and permitting commercial building construction at said address with approval to deviate from Site Development Standards by allowing no screening of roof top HVAC and placement of utility meters/cabinets on the street face of buildings as documented in paragraph 6 of the staff report..

***Motion by Rick Owen
Seconded by Gary Mahkron
Motion carried 5-0***

Adjournment

*Motion by Paul Wartman
Seconded by Gary Mahkorn
Motion carried unanimously
Meeting adjourned at 8:21 pm*

Record respectfully submitted by Richard VanDerWal, Neighborhood Planner

DRAFT