

**TOWN OF BROOKFIELD
PLAN COMMISSION MINUTES
May 23, 2023**

Town Chairman Keith Henderson called the meeting to order at 7:02pm on Tuesday, May 23, 2023, at the Town of Brookfield Town Hall, 645 North Janacek Road, Brookfield, Wisconsin. Also present at the meeting were Supervisor Ryan Stanelle, Commissioners Gordon Gaeth, William Neville, Kevin Riordan, Len Smeltzer, Jeremy Watson, and Town Planner Bryce Hembrook.

CONFIRMATION OF MEETING NOTICE

Town Planner Bryce Hembrook reported that the agenda was noticed and posted as required.

MINUTES

Commissioner Watson moved to approve the minutes of the regular meeting of the April 25, 2023 Plan Commission meeting as presented. The motion was seconded by Commissioner Neville, voted on, and carried unanimously.

COREY WALLACE (WESENBERG ARCHITECTS), REPRESENTING QUEST INTERIORS, FOR A RECOMMENDATION FOR PRELIMINARY AND FINAL APPROVAL OF A NEW BUILDING CONSISTING OF AN OFFICE, PRODUCT SHOWROOM, AND PRODUCT STORAGE AND SHIPPING AREA LOCATED AT 21055 CROSSROADS CIRCLE. Planner Hembrook described the location and site plan. Parking, setbacks, total floor area, and building height meet code requirements. There are two access points from Crossroads Circle. The proposed landscaping plan was also reviewed, as well as architectural renderings. The loading dock location faces south. Planner Hembrook further reported that the Architectural Review Committee (ARC) recommended approval of preliminary plans, however they delayed recommending final approval in order to get the final report from the town engineer. Chairman Henderson inquired about the dumpster enclosure. Michael Noffke from Wesenberg Architects was present and indicated the location, and that screening between the wall and the building is to allow for additional outdoor storage. Chairman Henderson questioned if the enclosure could be moved closer to the building, allowing it to be further from the residential area to the west. Mark Twohig co-owner of Quest Interiors was in attendance and asked for clarification of the distance from the property line to the dumpster enclosure, which was determined to be 53 feet. Mr. Noffke reported that there will be no removal of trees at the property line. Mr. Twohig indicated the building will be used from 6:30am until 5:00pm, and that it is rather low use as most of their builders have their own showrooms. Quest mostly delivers their product. Chairman Henderson advised of the noise ordinance in the Town of Brookfield that includes prohibiting noise before 7:00am. The potential for trucks and back-up noises could be an issue before that time in the morning. Bollards are not shown on the plan but Mr. Noffke indicated that they will be included. Planner Hembrook asked for clarification on the site plan the extent of the trees on the landscape plan. Kurt Geiger of Excel Engineering explained that the tree drip line and where it falls, as opposed to where the trunks actually are. Mr. Geiger also showed where the sanitary sewer connection is, which is the southwest corner of the site. The only removal of trees would be to service the sewer connection should it become necessary, and would be as minimal as possible. The drainage swale location and path of drainage will be staying the same or very similar to the current status. There will be a wet pond per DNR regulations. There are doors including an overhead and passenger door on the west, and an egress door on the northwest of the building, with a stoop and grass. A motion was made by Commissioner Smeltzer to **grant** preliminary approval of a new building consisting of an office, product showroom and product storage and shipping area located at 21055 Crossroads Circle. The motion was seconded by Commissioner Watson, voted on, and carried unanimously.

RECOMMENDATION TO SCHEDULE A PUBLIC HEARING FOR A ZONING CODE TEXT AMENDMENT RELATED TO ADULT AND CHILDREN DAY CARE CENTERS. Planner Hembrook described the growing interest in adult and children day care centers recently, stated how the code reads currently, and that it could be considered somewhat vague. The suggested amendment would be that the two uses be permitted by conditional use in the B-2 and B-3 zoning districts. The Plan Commission expressed safety concerns with two of the same uses in the same building.

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Planner Hembrook indicated that any requirements that the Plan Commission might recommend could be included in the language of an amendment. Commissioner Watson made a motion to **recommend** the Town Board set a date for a public hearing for a zoning code text amendment related to adult and children day care centers. The motion was seconded by Commissioner Gaeth, voted on, and carried unanimously.

DISCUSSION REGARDING A POTENTIAL MUNICIPAL CODE TEXT AMENDMENT TO ADD SECTION 12.08, WHICH ESTABLISHES REQUIREMENTS FOR MOBILE FOOD TRUCKS OPERATING WITHING THE TOWN OF BROOKFIELD. Planner Hembrook reported that this is not part of the zoning code, but will be reviewing a proposed ordinance and wanted to get the Plan Commission's feedback. There is no public hearing required, this agenda item is just for discussion and feedback. Assistant Fire Chief Tony D'Amico has been working on the ordinance, along with Planner Hembrook, Town Administrator Tom Hagie, Town Attorney Michael Van Kleunen, and Building Inspector Jason Chromy. Asst. Chief D'Amico was present at tonight's meeting. Planner Hembrook further stated that there has been an increase in mobile food truck interest. This amendment is not for special events, but for individuals that want to park in a lot with the owner's permission. The trucks would be on private property, not parked on town roads. A handout was provided from the town attorney outlining recommended requirements. Location restrictions were addressed; hours would be limited (8:00am – 11:00pm). Signage is limited to one sandwich board, measuring at most 24" x 36". Trash receptacles are required. Trucks in the town (excluding special events) would be limited to five, not including special events. Asst. Fire Chief D'Amico opined that food trucks are gaining in popularity, and better to have an ordinance for safety reasons. D'Amico inspects all food trucks, and would approve locations. If necessary, the building inspector will do an inspection. Commissioner Smeltzer asked if private residences are permitted to have food trucks for parties. D'Amico responded that a residence can have a food truck, but would have to get a permit. Proposed fees were discussed. Commissioner Riordan pointed out that brick and mortar restaurants are against food trucks. Hembrook pointed out that many municipalities have a distance requirement from brick and mortar restaurants. D'Amico reported that food trucks are a standard commercial kitchen with a hood system, fire suppression system, etc., and the inspection is to ensure that the trucks are well equipped. The Health Department also does an inspection. A suggestion is to have the approvals good for one year. Chairman Henderson inquired whether after the suggestions from the Plan Commission are submitted for consideration, does the Plan Commission want to look at this again. The consensus was to move the proposed text code amendment forward. Plan Commission members suggested the following:

- A limit of four food trucks instead of five;
- A specific distance from brick and mortar restaurants.

TOWN OF BROOKFIELD FOR A RECOMMENDATION OF APPROVAL FOR A ZONING CODE TEXT AMENDMENT TO SECTION 17.02(14)(b)1, RELATED TO CONDITIONAL USE PERMIT PROCEDURES. This item has been on previous agendas, as well as a public hearing held before this Plan Commission meeting, in which there were no public comments. There were no additional comments from Planner Hembrook, nor the Plan Commission. Commissioner Watson made a motion to recommend **approval** for a zoning code text amendment to Section 17.02(14)(b)1, related to conditional use permit procedures. The motion was seconded by Commissioner Smeltzer, voted on, and carried unanimously.

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TOWN OF BROOKFIELD FOR A RECOMMENDATION OF APPROVAL FOR A ZONING CODE TEXT AMENDMENT TO SECTION 17.02(14)(g)11 RELATED TO FENCES. Chairman Henderson made the following suggestions for amendment:

- A privacy fence shall be 5 feet from the lot line;
- A fence shall not extend into the street yard.
- Fences currently not in compliance shall not be grandfathered in to this amendment.

Chairman Henderson pointed out that Item 11, paragraph “i”, “and shall not extend into the street yard” should also be placed in paragraph “ii”. Planner Hembrook indicated that there did not seem to be a consensus at the last meeting regarding setbacks. It was recommended that a fence within 5 feet should require a property survey. After further discussion, the consensus is to require a survey with a 5-foot setback. Chairman Henderson opined that a reason for the 5-foot setback is so the property owner can maintain the fence without trespassing on the neighbor’s yard. It was clarified that a non-privacy fence on the property line is acceptable. Planner Hembrook pointed out that the amendment as written would require a survey for a 4-foot non-privacy fence if within 5 feet of the property line. The Plan Commission agreed to prohibit chain link fencing, other than for pet kennels, and non-residential properties such as a school. Commissioner Watson asked for clarification of the setback discussion, which is as follows: a fence is permitted up to the lot line, with at least a 3-foot setback being a strong suggestion; and any fence being installed within 5 feet of the lot line requires a property survey. Watson suggested adding “but not on the lot line”. Commissioner Gaeth suggested that a requirement to contact Diggers Hotline is appropriate. Chairman Henderson suggested a step-by-step policy outlining these requirements. Hembrook commented that a section at the top of a permit application could point out that the contractor/ homeowner should contact Diggers Hotline. Hembrook also indicated that he will include the following: “shall not extend into the street yard”. A suggestion was made to indicate that underground electric fences for dogs are permissible. Hembrook reported that the building inspector suggested a \$70 permit fee, which is the minimum. Commissioner Smeltzer inquired about memory care facilities, and their ability to have a fence higher than six feet for safety reasons. Six feet is the maximum height, however Hembrook reminded the Plan Commission that any proposed fence that does not conform to the provisions in the zoning code could go through a conditional use permit process. Further discussion included defining what is “grandfathered” in the amendment. Commissioner Watson made a motion to recommend that the amendment be written in ordinance form of the zoning code text amendment to Section 17.02(14)(g)11 related to fences, and brought back to the next Plan Commission meeting with the proposed changes added. The motion was seconded by Commissioner Gaeth, voted on, and carried unanimously.

CORRESPONDENCE AND ANNOUNCEMENTS

The next meeting is June 27, 2023.

ADJOURN

There being no further business, Commissioner Neville made a motion to adjourn the meeting. The motion was seconded by Commissioner Watson, voted on, and carried unanimously. Chairman Henderson closed the meeting at 8:27pm.

Respectfully submitted,
Bryce Hembrook