

TOWN OF BROOKFIELD
PLAN COMMISSION MINUTES
November 28, 2023

The regular meeting of the Plan Commission was held in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

1) CALL TO ORDER.

Chairman Keith Henderson called the meeting to order at 7:00 p.m. with the following people present: Town Planner Bryce Hembrook, Town Supervisor Ryan Stanelle, Plan Commission members Kevin Riordan, Len Smeltzer, and Jeremy Watson.

2) MEETING NOTICES.

Planner Hembrook confirmed that the meeting was noticed in accordance with Open Meeting Law.

3) APPROVAL OF AGENDA

Motion by Supervisor Stanelle to approve the agenda.

Seconded by Mr. Watson.

Motion Passed Unanimously.

4) APPROVAL OF MINUTES.

- a. Motion by Mr. Watson to approve the October 24, 2023 Joint Public Hearing Minutes for the request by David Wimmer to add 3 units to Northbrook apartment building as presented.

Seconded by Supervisor Stanelle.

Motion passed unanimously.

Motion by Mr. Watson to approve the October 24, 2023 Joint Public Hearing relating to a Zoning Code Text Amendment relating to fences.

Seconded by Supervisor Stanelle.

Motion Passed Unanimously.

- b. Motion by Mr. Watson to approve the October 24, 2023 regular Plan Commission minutes as presented.

Seconded by Supervisor Stanelle.

Motion Passed Unanimously.

5) **Citizen Comments: Three-minute limit.**

Angie Otto, 21545 Greendale Drive asked if a fence in current compliance would be grandfathered in. Ms. Otto felt that her fence is in compliance and asked for proof that it is not. It was agreed that Planner Hembrook would look into her concern further and either he or the building inspector will respond.

Debra Dabey, 545 S. Allen Road stated that a previous comment from a Plan Commission member, allegedly saying that property owners should be able to do what they want in their own yard, does not make sense. Ms. Dabey said that since there are other ordinances regarding yards, such as slabs under sheds, and you cannot have a lot of junk in the yard, the comment did not make any sense. Ms. Dabey went on to say that she feels it is extremely important to have a fence be three feet from the lot line, because a fence shades three feet so she can't grow anything up to her lot line. She can't weed-whack, because then she is possibly damaging the other property owner's fence. Ms. Dabey also stated that if the Town doesn't want a lot of fences, they should make it more inconvenient for people to put up fences.

6) Old Business:

- a. Town of Brookfield for a recommendation of approval for a Zoning Code Text Amendment to Section 17.02(14)(g)11 related to fences.

Planner Hembrook outlined two options, with Option 2 including a signed agreement from neighbors, and Option 1 eliminating that agreement. Hembrook reminded the Plan Commission that the recommendation from the town attorney was to omit the requirement of neighbor approval, because in requiring a conditional use permit there would be notification of a public hearing. Language was added to reflect that open fences may be allowed in double frontage or corner lots. Additionally, language was amended to show that a survey would be required for both open and solid fences within five feet of the property line. The checklist was updated to correct typographical errors, and a drawing showing a double frontage lot and an interior lot was included.

Chairman Henderson pointed out some errors on the fence application and the PSR agreement (backside of application). Hembrook noted the errors and they will be corrected. Chairman Henderson also suggested color modification on the drawing to be more easily seen.

Motion was made by Mr. Watson to **recommend approval** for a Zoning Code Text Amendment to Section 17.02(14)(g)11 related to fences with Option 1 as provided by town staff, and with corrections to the application and drawing as noted above.

Seconded by Mr. Riordan.

Motion passed 3-1, with Mr. Smeltzer dissenting.

7) New Business:

- a. Ryan Janssen, representing Avery & Birch, for a recommendation for Conceptual Approval of a new building consisting of a three-story salon suite facility, located at 21055 Crossroad Circle.

Planner Hembrook described that the applicant is proposing to split the current lot, and use the southern part of the lot for a new three-story building. The proposed lot size is 1.7 acres, which requires a Certified Survey Map (CSM) review and approval for splitting the parcel. The proposed structure is 17,619 total square feet, to be used for salon suites. Each floor is approximately 5,800 square feet. The applicant is proposing 77 parking stalls for this site. Hembrook reported that according to code, 88 parking spaces would be required. The number could be adjusted as employee numbers fluctuate. The building is 67' from the rear yard. Hembrook had discussions with the applicant that the landscaping on the west side must be maintained to screen the residential area. Floor area is 23.79%, which meets requirements. The fire department indicated concerns with maneuvering around landscape islands, and suggested reducing the width of the landscape curb on the north to allow trucks to get through with ease. The Town Engineer has not seen preliminary plans yet but there will be storm water requirements included as the review process continues.

Mr. Watson inquired whether the applicant actually owns the property currently. Ryan Janssen was present and responded that the property is under offer to purchase and is contingent on approvals of the building. He will be purchasing entire parcel and splitting after closing. Mr. Janssen also addressed the parking stalls and by moving two landscape islands closer to the building, he would gain four spaces, also allowing fire department equipment a better easement. A storm water pond will be built to service both parcels, with possible placement between two buildings. A second building would most likely be "build to suit". Mr. Janssen indicated that he may not proceed with the parcel split (requiring a CSM) right away, instead concentrating his efforts on approvals for this first building.

Chairman Henderson expressed concern whether one entrance would be sufficient for two buildings. Potential options were discussed for an additional entrance for a future building on the north parcel. Mr. Smeltzer opined that it is very close to a residential neighborhood, and the landscape screening must be maintained because of that, and would like to see more green space at the front of the building. Mr. Janssen responded that the reason the building is set back further is the nature of the business. The suites would all have a window and rather than look onto a parking lot, the windows have a more park-like setting on two sides. The south side is further from the property line and therefore more green space is seen from the windows. Rather than allowing for parking that essentially surrounds the building, it is all on one side to allow better views on three other sides. It was clarified that there are 35 suites in the building, and they are all independent contractors that offer many different salon services.

Motion was made by Mr. Watson to **recommend** to the Town Board Conceptual Approval of a new building consisting of a three-story salon suite facility, located at 21055 Crossroads Circle.

Seconded by Supervisor Stanelle.

Motion passed unanimously.

- b. Steve McCleary (ra Smith, Inc.) representing Discount Tire, for a recommendation for site plan approval for proposed changes to the subject property site plan to expand parking area on north side of the property and along the building and to update the landscaping plan, located at 20120 West Bluemound Road.

Planner Hembrook reported that Discount Tire is proposed to be in the building where F&F Tire currently exists, and described proposed changes as follows:

- Adding a new northern parking lot consisting of 17 parking stalls and a trash enclosure;
- Adding three stalls, two of which are ADA compliant, in front of the building;
- Proposed site plan shows 49 parking stalls, (current site has 37);
- Landscaping plan, which Town Engineer has reviewed and two items need to be addressed.

The use will be strictly tires, no automotive repair. Discount Tire would bring the building to company standards. The building is not a purchase, but a lease. Mr. McCleary reported that the recommendations from the Town Engineer as stated above have already been addressed. Architectural Review Committee has reviewed and approved the exterior changes. The trash enclosure is concrete block. The tires will be stocked inside, with the dead tire storage inside as well. Mr. Watson expressed concern over outdoor storage of dead tires and reported that at another Discount Tire location in Waukesha County the old tires were in fact outside. Mr. McCleary indicated he will let them know that this practice is not allowed. It was clarified outdoor storage will not be allowed. Mr. Riordan recused himself from the discussion due to this site being his brother's property. A sidewalk is in existence and located off the property, so there most likely is not a need for an easement. The back parking lot is intended for staff. The lease deal is expected for January. Interior alterations would take place in winter.

Motion was made by Mr. Watson to **recommend** to the Town Board for site plan approval for proposed changes to the subject property site plan to expand parking area on north side of the property and along the building and to update the landscaping plan, located at 20120 West Bluemound Road

Seconded by Supervisor Stanelle.

Further discussion included Mr. Smeltzer asking for clarification regarding sidewalks. It was noted that sidewalks are on the east and west sides of Poplar Creek Parkway, and if widening the private road would impact the sidewalk on the Discount Tire location. Chairman Henderson also commented that exterior alterations should be shown to the Town Board. Lighting was also a topic to explore further.

Motion passed unanimously. Note: Commissioner Riordan was present.

8) COMMUNICATION AND ANNOUNCEMENTS.

The next meeting falls on the 26th of December. It was agreed to have the December meeting on January 9th, 2024. Mr. Hembrook suggested that the change is posted on the website. There will still be a regular January meeting scheduled on the normal fourth Tuesday, January 23rd.

Tree lighting is Saturday, December 3 from 3pm – 5:30pm.

9) ADJOURN.

Motion by Commissioner Watson to adjourn at 8:04pm.
Seconded by Commissioner Smeltzer.

Motion Passed Unanimously.

Respectfully submitted,
Bryce Hembrook, Town Planner