

Town of Brookfield
645 N. Janacek Road
Brookfield, WI 53045
(P) 262-796-3788
(F) 262-796-0339



MEETING NOTICE

Meeting will be held at the
Town of Brookfield Municipal Building, Eric Grant Room
645 N. Janacek Road, Brookfield, WI

Tuesday, January 28, 2025

PLAN COMMISSION

7:00 p.m.

AGENDA

- 1) Call to Order.
- 2) Meeting Notices.
- 3) Approval of Agenda.
- 4) Approval of Minutes.
 - a. November 26th Plan Commission.
 - b. November 26th Public Hearing.
- 5) Citizen Comments: Three-minute limit.
- 6) Old Business:
 - a. None.
- 7) New Business:
 - a. Rob Kahler Jr., representing Callister's Christmas and Master Z's, requesting approval for an amended plan of operation, located at 19233 W Bluemound Rd.
 - b. Jim Taylor, representing Oscars Frozen Custard, requesting review and comment on the conceptual site plan for building reconstruction at 21165 Highway 18.
 - c. Jim Taylor, representing Oscars Frozen Custard, requesting approval of a Conditional Use Permit for the drive-thru at 21165 Highway 18.
 - d. Discussion on the Zoning Code Amendment Project and set an additional Plan Commission meeting to discuss project.
- 8) Communication and Announcements.
- 9) Adjourn.

Posted this 23rd day of January, 2025

*Bryce Hembrook
Town Planner*

TOWN OF BROOKFIELD
PLAN COMMISSION MINUTES
November 26, 2024

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 7:05p.m. with the following people present: Town Supervisor Ryan Stanelle; Plan Commission members William Neville, Len Smeltzer, and Jeremy Watson; and Town Planner Bryce Hembrook. Plan Commission members Tim Probst and Kevin Riordan were absent.

2) MEETING NOTICES.

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

3) APPROVAL OF AGENDA

Motion by Watson to approve the agenda.

Seconded by Stanelle.

Motion Passed Unanimously.

4) APPROVAL OF MINUTES.

a. Motion by Watson to approve the October 22, 2024 regular Plan Commission Minutes as presented.

Seconded by Stanelle.

Motion Passed Unanimously.

5) CITIZEN COMMENTS; Three-minute limit.

None.

6) OLD BUSINESS:

a. None.

7) NEW BUSINESS:

a. Adrian Deasy, representing Octane Coffee, is requesting approval of a conditional use permit for a drive-thru coffee business in the B-2 Limited General Business District, located at 19555 West Bluemound Road.

Hembrook suggested that if there are any conditions that Plan Commission would like to propose to the Town Board, they could be included in the motion. Some of the conditions are shown on the site plan, so if PC approves the site plan as presented, it may not be necessary add conditions. If conditions are added, they should be clear in the motion. Henderson mention that in the past, usually a review is done after three years. Stanelle inquired whether Octane Coffee had received any feedback from current tenants. Deasy responded that he had not, has been talking to Aldi regarding potential utility hook-ups, but had not heard anything supporting or opposing the proposal. Hembrook reported that the tenants were sent notices for tonight's public hearing, so the opportunity was presented for their feedback. There were no current tenants in attendance of the public hearing.

Motion by Watson to **recommend** approval of a conditional use permit for a drive-thru coffee business in the B-2 Limited General Business District, located at 19555 West Bluemound Road.

Seconded by Neville.

Further Discussion:

None.

Motion passed unanimously.

- b. Adrian Deasy, representing Octane Coffee is requesting review and recommendation of final approval to allow a drive-thru coffee business, located at 19555 West Bluemound Road.

Henderson stressed that he wants the property owner's approval in writing. Hembrook stated that as part of the conditional use agreement, which must be signed by both the applicant and the property owner. Henderson raised the question of sewer, water, and electrical, and that those utilities cannot go through another business. Deasy showed where the water and sewer lines are located, and overhead electrical lines. There will be no monument signage. The layout shown is very close to what is going to be built, according to Deasy.

Motion by Watson to **recommend** final approval to allow a drive-thru coffee business, located at 19555 West Bluemound Road, pending clarification of sewer and water line connections before the Town Board meeting.

Seconded by Neville.

Further Discussion:

None.

Motion passed unanimously.

- c. Michael Powell, representing Brookdale, is requesting review and approval of updated landscape plan, located at 685 Woelfel Road.

The landscaping that was in place on the west side of the property had been reported to Hembrook that it was removed, and not replaced. The reason for the removal was because the trees were destroyed in an earlier storm, and removal took place in June. At the time of approval for Brookdale, a condition was that existing landscaping was to remain. The applicant is proposing to add twelve (12) 2 ½ inch elm trees. There will also be grass seeding. The biggest trees at full maturity will be 2-5 feet in diameter and 60-80 feet tall. The fence would still be visible. Any more trees may compromise the health of the trees. The intent is to plant in the spring.

Motion by Smeltzer to **recommend** approval an updated landscape plan for Brookdale, located at 685 Woelfel Road as presented.

Seconded by Watson.

Motion carried unanimously.

- d. Luke Sebald (Keller, Inc.) representing Bancroft Engineering, is requesting review and recommendation of conceptual approval for an addition to an existing manufacturing building, located at 21550 Doral Road.

Planner Hembrook described the location and site plan, as described in the Zoning report. The proposal is for an addition that is just under 8,000 square feet. The loading dock does face the right of way, but is 245 feet away from the road. On this road, there are other loading docks that face the street. This is the only viable location for the loading dock. Flatbeds, box trucks and semis will be using the dock. Depending on size, some will have to back in off Doral Road. Storm water management should be verified, as well as turning radius.

Motion by Stanelle to **recommend** conceptual approval for an addition to an existing manufacturing building, located at 21550 Doral Road.

Seconded by Neville.

Further discussion:

None.

Motion passed unanimously.

- e. Discussion on the zoning code amendment project draft chapters.
Planner Hembrook described the review as described in the Zoning Code Update Report included in the packet. Hembrook asked the Plan Commission if there are any topics they would like to go into further detail in future discussions. Smeltzer mentioned cross access at busy sections for traffic, most importantly in case of an emergency, and encourage cross access for new development. Neville asked how this affects the town budget, to update the website, etc. Henderson responded they would supply the file and should not be problematic to the budget. There will be future discussion for this project.

8) COMMUNICATION AND ANNOUNCEMENTS.

The regular meeting in December should be rescheduled or postponed due to it falling on Christmas Eve. Smeltzer recommended not rescheduling, and the members agreed.

Zoning code working meetings to be scheduled, and recommended the PC members go through the definitions of the code.

Henderson reminded the PC members of the tree lighting at the Corners on November 30, 2024 from 3-5pm

Hembrook asked for clarification regarding setting a zoning code working date. Henderson suggested at the regular January PC meeting to look at a possible date in February.

9) ADJOURN.

Motion by Watson to adjourn at 8:02pm.

Seconded by Neville.

Motion Passed Unanimously.

Respectfully submitted,
Bryce Hembrook – Town Planner

BH/lr

TOWN OF BROOKFIELD

JOINT PUBLIC HEARING

November 26, 2024

PUBLIC HEARING TO RECEIVE COMMENT ON A REQUEST BY ADRIAN DEASY – OCTANE COFFEE, FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR A DRIVE-THRU COFFEE BUSINESS IN THE B-2 LIMITED GENERAL BUSINESS DISTRICT, LOCATED AT 19555 WEST BLUEMOUND ROAD.

The Joint Public Hearing with the Plan Commission and Town Board was held on Tuesday, November 26, 2024.

CALL TO ORDER

Town Board Chairman Keith Henderson called the meeting to order at 7:00pm. Also in attendance were Town Board Supervisors John Charlier, Ryan Stanelle; Plan Commissioners William Neville, Len Smeltzer, and Jeremy Watson; and Town Planner Bryce Hembrook.

CONFIRMATION OF MEETING NOTICE

Town Planner Bryce Hembrook reported that the meeting notice was published, mailed out, posted to the website in accordance with the law.

NOTICE OF HEARING

Chairman Henderson read the attached Notice of Hearing into the record.

Planner Hembrook gave an overview of the proposed drive thru coffee business.

PUBLIC COMMENTS

Chairman Henderson opened the Hearing for any public comments.

ADJOURN

Motion by Watson to adjourn the public hearing.

Seconded by Smeltzer.

Motion carried unanimously.

There being no further comment, Chairman Henderson closed the Public Hearing at 7:04 pm.

Submitted by:

Bryce Hembrook, AICP Town Planner

BH/lr



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TOWN OF BROOKFIELD PLAN COMMISSION ZONING REPORT

TO: Plan Commission

FROM: Bryce Hembrook, AICP
Town Planner

REPORT DATE: January 23, 2025
PC MEETING DATE: January 28, 2025

RE: **Callister's and Master Z's – Plan of Operation Amendment Approval
19233 W Bluemound Rd BKFT1124996008**

SEH No. 171421, TASK 77

Applicant: Rob Kahler Jr, representing Master Z's and Callister's Christmas

Application Type: Plan of Operation Amendment

Request

Applicant is requesting plan of operation amendment approval to utilize the retail building for Callister's Christmas and Master Z's.

Summary of Request

- Master Z's used to be the sole occupant in this building until a few years ago until the majority of the operations for Master Z's moved to a nearby property. Master Z's did have some minor operations and storage in the building but was generally not open to the public. Around this time, Callister's Christmas received their first occupancy permit to operate a seasonal store specialized in selling Christmas and holiday décor. Generally, the building was not open to the public for 8-9 months due to the seasonal nature of the building.
- The applicant is proposing to have dual occupancy for both businesses that would allow customers to purchase Callister Christmas items or Master items year-round. Depending on the time of the season, one "business space" will occupy a majority of the floor space while the other is reduced.
- The applicant attempted to receive approval for signage to have both Master Z's and Callister's Christmas on the property and the Architectural Review Committee has tabled their decision until the plan of operation is approved.
- Both businesses are considered to be allowable uses in the B-2 zoning district.
- See attached plan of operation narrative and floor plan for more information.

Engineers | Architects | Planners | Scientists

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Master Zs is proposing that the previously approved Callisters Christmas sign be placed directly underneath the large Master Zs sign, on the monument location. We will then remove the signage above the mezzanine all together.

(See submitted photo)

Master Zs / Callisters Christmas, at 19233 W Bluemound Road, will be selling Callisters Christmas products heavily for 3 to 4 months of the year. The remaining months in the year you will be able to purchase Christmas products, but you will also be able to purchase other products from our Master Zs lineup of offerings. This can include patio furniture, hot tubs, pool tables, recreational games, umbrellas, arcade games, and any other products Master Zs currently offers. Christmas will shrink down in the spring and summer to make room for other products and become large when in season. After the Christmas season, I currently prefer to start this spring with overstock and clearance/discontinued items from our complete line up of product offerings.

This location is 17,000 sq ft. At any given time, there will be 5000 to 10,000 sq ft of Master Zs line-up of non-Christmas related items, while the rest of the 5000 to 10,000 sq ft will be Christmas related products. Again, during the Christmas season the showroom will be mostly occupied with all of our Christmas related items. The flexibility of this space allows us to expand and shrink when needing to retail more or less of a specific category, at any given season of the year.

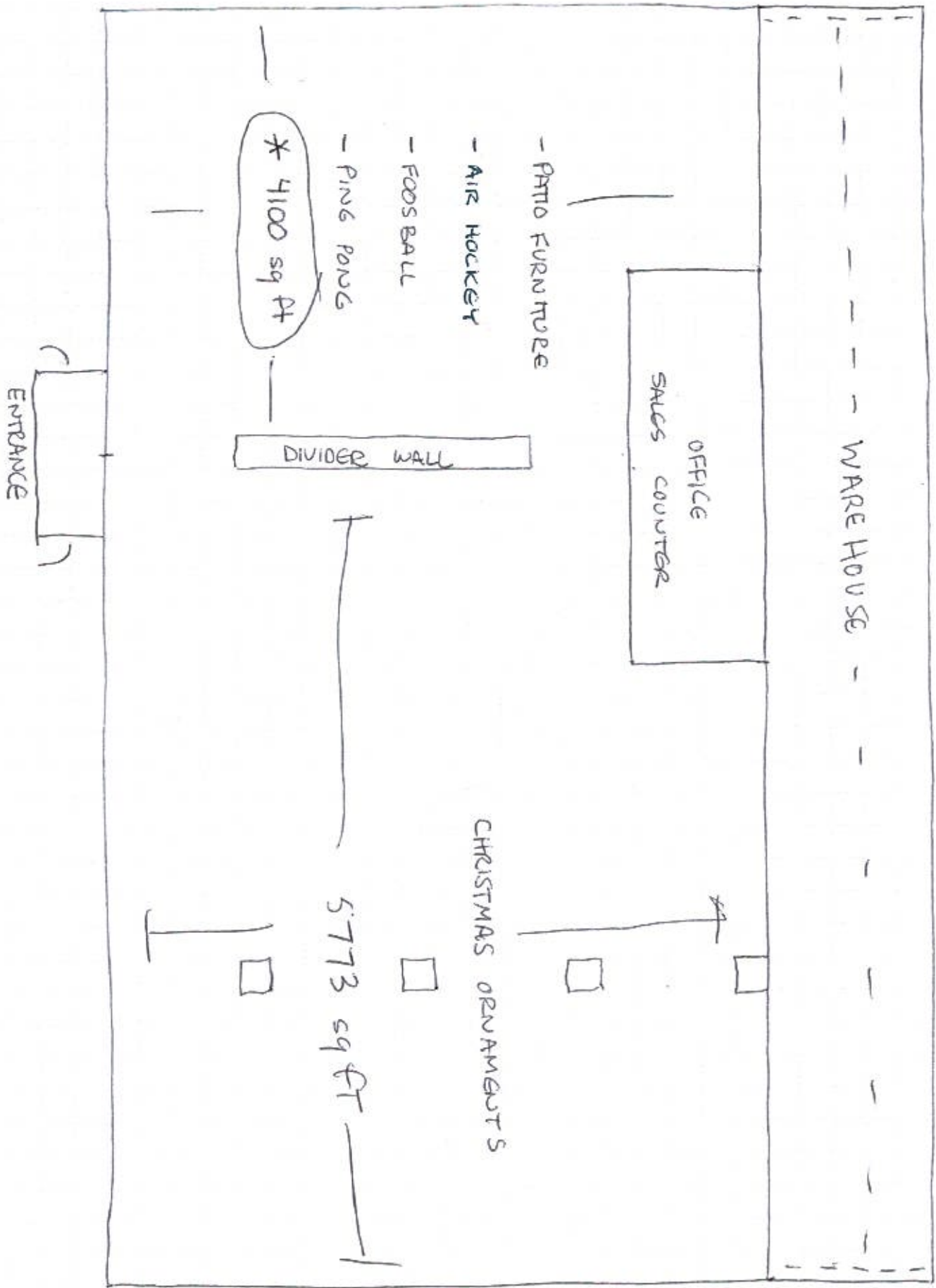
The goal of this location is to be open at the same hours as our current regular hours we offer customers.

Monday through Friday 10am –7pm

Sat by appointment – or 10am- 6pm depending on staffing availability

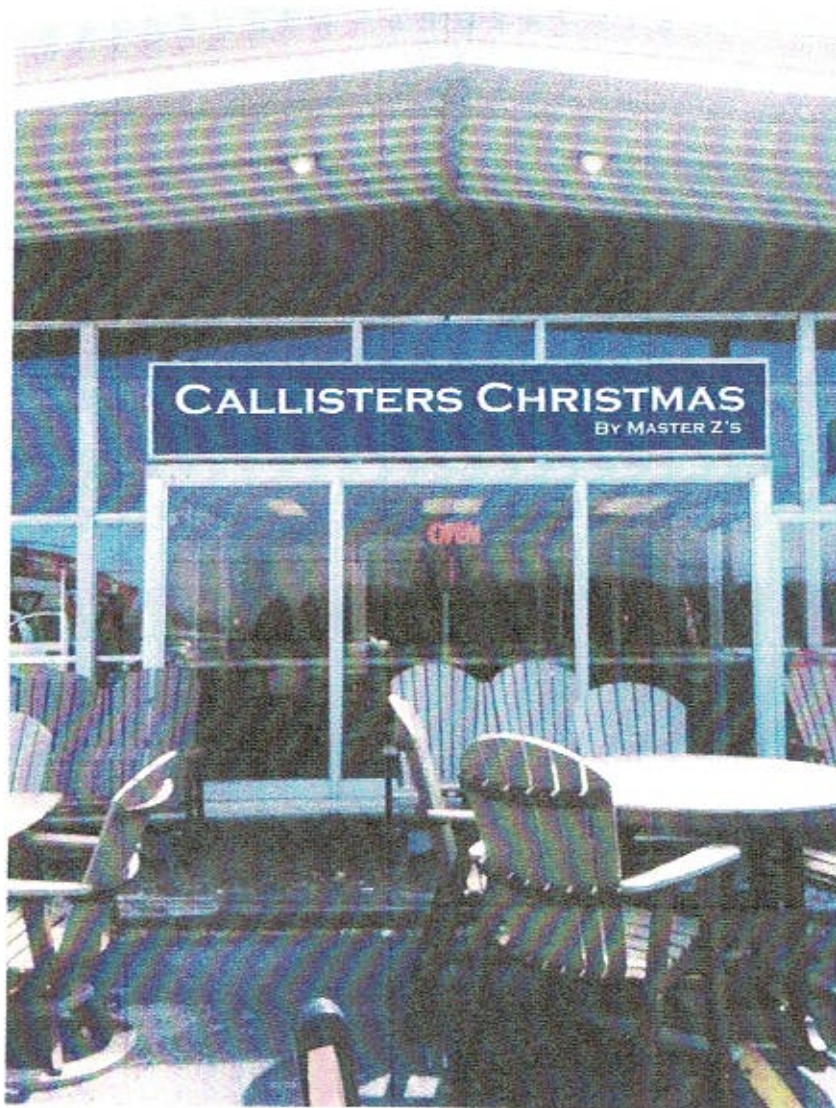
During the Christmas season the hours may differ to include Saturdays and later evenings during the week.

* 19233 W. BLVEMOUND ROAD



* THE FURNITURE AND GAMES MAY SHRINK ONCE OCTOBER THEN DECEMBER ARRIVES, OR IT MAY STAY THE SAME, IT DEPENDS ON WHAT THERE IS A GREATER NEED FOR

This sign above the OPEN SIGN WILL
BE REMOVED - INCLUDING THE FRAME AROUND
IT.



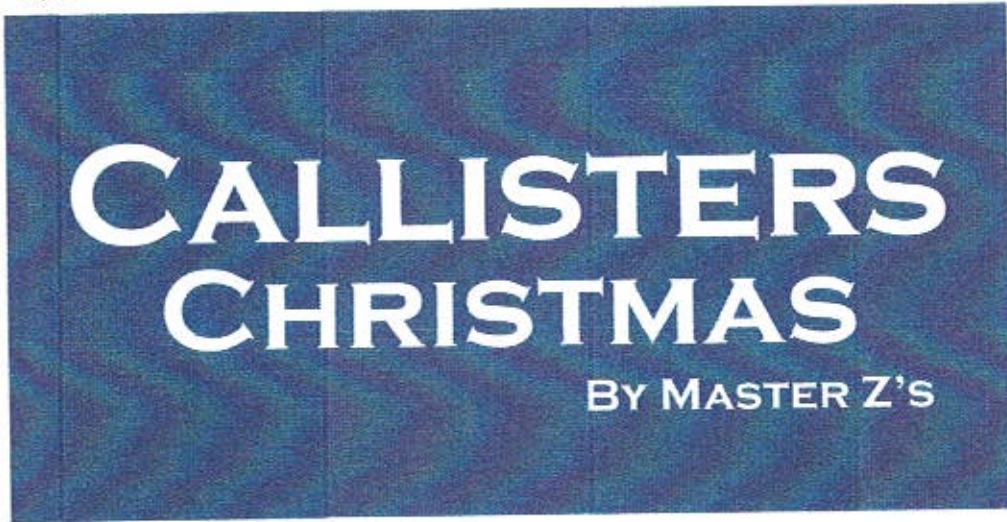
MASTER
Z's

Casual Living
Furniture
& Design

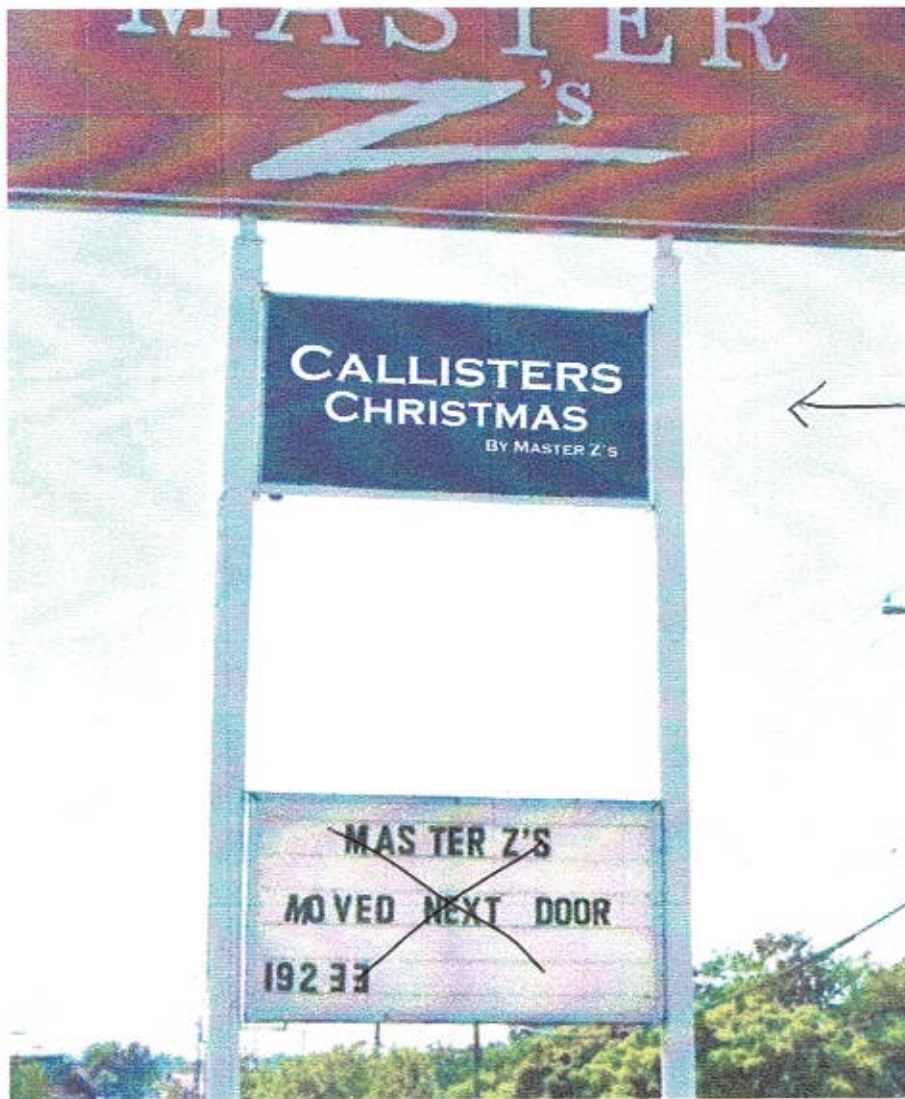
← FACE CHANGE
TO CALLISTERS

CALLISTERS
CHRISTMAS





59.125"



←

← PROPOSED SIGN
FACE CHANGE
- BOTH SIDES



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TOWN OF BROOKFIELD PLAN COMMISSION ZONING REPORT

TO: Plan Commission

FROM: Bryce Hembrook, AICP
Town Planner

REPORT DATE: January 23, 2025
PC MEETING DATE: January 28, 2025

RE: **Oscar's Frozen Custard – Conceptual Approval & Conditional Use Permit
21165 Hwy 18 BKFT1130999001 & 1128959001**

SEH No. 171421, TASK 85

Applicant: Jim & Susie Taylor, representing Oscar's Frozen Custard

Application Type: Conceptual Approval & Conditional Use Permit

Request

Applicant is requesting conceptual approval and conditional use permit for the construction of a drive-thru restaurant and ice cream shoppe for the property located at 21165 Hwy 18. This request also includes conceptual plans for the adjacent property which is also owned by the applicant.

Summary of Request

- Oscar's Frozen Custard has occupied this site for decades but a fire recently significantly damaged the building beyond repair. The applicant is proposing to construct a new building which will be slightly larger but generally in the same location as the last building. The applicant also owns the adjacent parcel to the east of the subject parcel and has included conceptual plans for this site as well. The purpose of including this parcel is to show joint access for parking and drive circulation areas between the two sites. There is no building proposed on the property to the east but the plans shows a potential location. Any future site plans for this property will have to be reviewed and approved at a later date. It is not clear if the parking and drive areas are proposed to be constructed along with the Oscar's project or in the future. The applicant should clarify this at the meeting.
- The applicant is proposing to construct a 5,513 square foot restaurant building with two drive thru lanes and one pick up window.
- Zoning District = B-2 Limited General Business District.
 - Note: The property to the east is zoned I-1 Institutional District and may need to be rezoned in the near future.
- Lot size = .864 acres.
- Proposed Use = Drive-thru restaurant.
- Proposed setbacks:
 - Street (Hwy 18) = 76'

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- Street (Swenson Dr) = 109'
- Side (west) = 29.6'
- Side (east) = 31'
- All building setbacks will meet code requirements.
- Sum total of floor area
 - Proposed = 5,513 square feet or 14.6% of lot area for both buildings.
 - Required = Sum total of the floor area of the principal building and all accessory buildings shall be not less than 6,000 square feet or 15% of the lot area, whichever is less. Also, sum total of the floor area of the principal building and all accessory buildings shall not exceed 30% of the lot area.
 - Requirement is not met.
 - Looking back at past approvals, it appears that outdoor seating areas and drive thru areas have been included in this number and there have been a number of recent projects that were not meeting this requirement.
- Parking
 - Code requirement: One space per 50 square feet of gross dining area, plus one space per two employees for the work shift with the largest number of employees. Restaurants with drive-through facilities shall provide sufficient space for four waiting vehicles at each drive-through service lane.
 - Parking required: Dining area (2,100sf) = 42 stalls; employees (10) = 5 stalls; total stalls required: 47
 - Staff recommends that the stacking length should exceed four waiting vehicles.
 - Proposed: 42 parking spaces on the subject parcel, 3 of which are ADA stalls. 41 proposed parking spaces on the adjacent property owned by the applicant.
 - There is currently no proposed use for the adjacent property so a specific parking requirement cannot be determined at this time. However, the applicant assumed that this area will likely fall under the general merchandise use type which requires 1 stall per 300sf of floor area and 1 space per employee.
 - Assuming 6 employees, the parking requirement for this property would be 25 parking stalls.
 - They are proposing 41 stalls on this property and so it is likely that there will be sufficient parking provided but that cannot be confirmed at this time.
 - There would be a shared parking agreement to use the property to the east as well.
- Drive-through lanes
 - The site plan shows 2 drive-through lanes and 1 pickup window. Generally, a stacking length of 100 feet is desirable and 40 feet of distance between the pick up window and the access drive is preferred. Overall, it looks like sufficient stacking length is provided but there may be some concerns with traffic flow. See Town Engineer feedback below for more information.
- Lighting
 - Not required for conceptual approval.
- Landscaping
 - Not required for conceptual approval.
- Phasing.
 - The plan is to develop the Oscar's site (west parcel) first and then down the road the property to the east will need to be rezoned.
 - The applicant will need to provide more information regarding the parking and circulation areas in the eastern parcel.
 - Will the parking and access drives be installed in conjunction with the Oscar's parcel?

Development Review Team Feedback

The development review team has provided some initial feedback and offer the following comments:

Fire Department

- The Fire Department requested that turning radius is depicted on future plans.

Sanitary District No.4

- No comments/concerns regarding the conceptual plan; however, as the project progresses the Superintendent will need to know if the building will include a fire sprinkler system and, if so, they will need to abandon the existing water service at the water main across the street and tap a new larger water service and possibly add a fire hydrant.
- The future development property currently does not have water or sewer laterals so that would need to be added when/if they decide to construct it.

Town Engineer

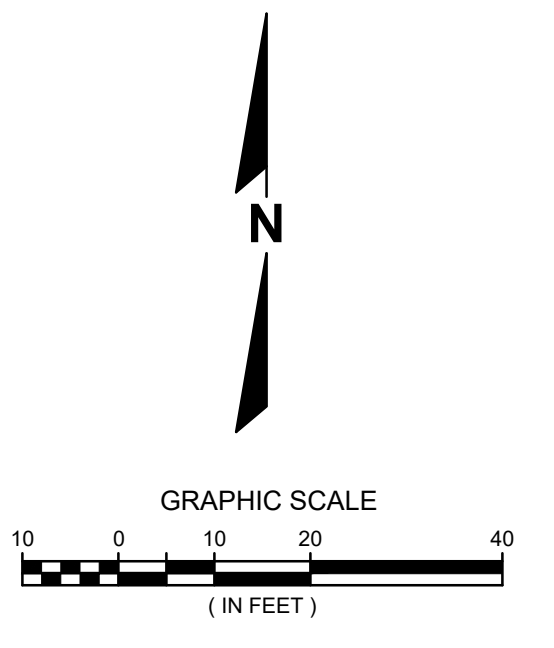
- Are there any parts (parking lot?) of the northeast development that will be developed as part of the Oscar's redevelopment? This wasn't very clear by their concept figure.
- The figure mentions a "shared parking agreement". Who is this agreement with? Taco Bell?
- An ADA accessible route should be provided from the handicapped parking stalls to the building.
- It appears that the future development will add over 0.5 acres of impervious area. If this is correct, that site will need to meet Town stormwater requirements.
- We took a quick look at the trip generation for a similar site and the afternoon peak could generate anywhere from 94 to 143 cars entering the site during the peak hour. The site plan directs traffic entering right to the drive through, but once there are about 11 to 12 cars (assuming an even stacking) then the access to the front of the site may be cut off. This is a bit of concern when thinking about circulation on the site. I wonder if they could be able to provide any information on average ticket times at their existing drive through locations so that an estimation of the queueing during peak times here could be determined. If we do not consider site circulation, then there is room for about 16 cars off of the roadway in the drive through line. Again, if we could get information that could be used to estimate queueing during the peak time it could be determined if there would be any anticipated time of when queues would reach the roadway.
- Additional comments/notes can be found on attachment 1 (site plan with engineer's notes).

Conceptual Approval

The purpose of conceptual project review shall be to determine the best use of a building site. The Plan Commission will consider the proposed land use and its compatibility with adjacent land uses. The Plan Commission should consider ingress and egress, off-street parking, and internal traffic patterns.

Attachments

1. Conceptual Plans – Town Engineer Feedback
2. Conceptual Plans – Fire Department Feedback



OSCAR'S PROPERTY (ZONED B-2)

PARKING STATISTICS

REQUIRED PARKING: 1 PER 50 SF OF DINING AREA AND 1 PER TWO EMPLOYEES ON LARGEST SHIFT
 DINING AREA = 2,100 SF / 50 SF = 42 STALLS
 EMPLOYEES = 10 / 2 = 6 STALLS

TOTAL REQUIRED = 48 STALLS

PROPOSED PARKING:

REGULAR STALLS	39
ADA STALLS	3
TOTAL	42 (REMAINDER OF THE SHARED PARKING WILL BE COVERED BY SHARED PARKING AGREEMENT)

PROPOSED CONDITIONS

	SF	ACRES	COVERAGE
TOTAL SITE	37,635	0.86	-
PERVIOUS SPACE	3,942	0.06	7.8%
IMPERVIOUS SPACE	34,693	0.80	92.2%

*REQUIRED GREEN SPACE = 5% OF SURFACE NOT INCLUDING BUILDING AND PATIO AREAS
 REQUIRED GREEN SPACE = (34,693 x 0.05) = 1,735 SF

FUTURE DEVELOPMENT PROPERTY (REZONE TO B-2)

PARKING STATISTICS

REQUIRED PARKING: ASSUMED GENERAL MERCHANDISE 1 PER 300 SQFT OF FLOOT AREA AND 1 SPACE PER EMPLOYEE

REQUIRED PARKING = 5,687/300 + 6 EMPLOYEES = 25

PROPOSED PARKING:

REGULAR STALLS	39
ADA STALLS	2
TOTAL	41

PROPOSED CONDITIONS

	SF	ACRES	COVERAGE
TOTAL SITE	34,848	0.80	-
PERVIOUS SPACE	8,717	0.20	25.0%
IMPERVIOUS SPACE	26,131	0.60	75.0%

*REQUIRED GREEN SPACE = 5% OF SURFACE NOT INCLUDING BUILDING AND PATIO AREAS
 REQUIRED GREEN SPACE = (26,131 x 0.05) = 1,307 SF

ADDITIONAL NOTES:

TOWN MEETING MINUTES FROM ~1994 ALLOWED PARKING LOT PAVEMENT UP TO THE PROPERTY LINES.
 SHARED ACCESS WITH TACO BELL TO REMAIN.

DATE	DESCRIPTION

16745 W. Bluemound Road
 Brookfield, WI 53005-5938
 (262) 781-1000
 rasmith.com
raSmith
 CREATIVITY BEYOND ENGINEERING
 Brookfield, WI | Milwaukee, WI | Appleton, WI | Madison, WI
 Cedarburg, WI | Naperville, IL | Irvine, CA

**OSCAR'S CUSTARD
 TOWN OF BROOKFIELD
 CONCEPT SITE PLAN**



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DATE: 1/13/2025
SCALE: 1" = 20'
JOB NO. 3240290
PROJECT MANAGER: CHRISTOPHER WHITE, P.E.
DESIGNED BY: CBW
CHECKED BY: CBW
SHEET NUMBER
C100



It appears this future development will include an additional 0.50 acres of impervious area and will need to meet the Town stormwater requirements.

Who is this agreement with? Taco Bell?

PROPOSED OSCAR'S CUSTARD
 ~5,513 SF
 PM Peak Trip Generation:
 LUC 934 FF Restaurant with DT
 Weekday PM Peak Hour
 Trips (182 total, 94 Entry, 88 Exit)
 Weekday PM Peak of Generator
 Trips (280 total, 143 Entry, 137 Exit)

Total stacking on site:
 16 cars
 with 12 cars there could be blockage of access to the front of the building

Will need to have an ADA accessible path to building

OSCAR'S PROPERTY (ZONED B-2)

PARKING STATISTICS

REQUIRED PARKING: 1 PER 50 SF OF DINING AREA AND 1 PER TWO EMPLOYEES ON LARGEST SHIFT

DINING AREA = 2,100 SF / 50 SF = 42 STALLS
 EMPLOYEES = 10 / 2 = 6 STALLS

TOTAL REQUIRED = 48 STALLS

PROPOSED PARKING:

REGULAR STALLS 39
 ADA STALLS 3
 TOTAL 42

(REMAINDER OF THE SHARED PARKING WILL BE COVERED BY SHARED PARKING AGREEMENT)

PROPOSED CONDITIONS

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TOTAL SITE	37,635	0.86	-
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IMPERVIOUS SPACE	34,693	0.80	92.2%

*REQUIRED GREEN SPACE = 5% OF SURFACE NOT INCLUDING BUILDING AND PATIO AREAS
 REQUIRED GREEN SPACE = (34,693/6,547)*5%=1,407 SF

FUTURE DEVELOPMENT PROPERTY (REZONE TO B-2)

PARKING STATISTICS

REQUIRED PARKING: ASSUMED GENERAL MERCHANDISE 1 PER 300 SQFT OF FLOOR AREA AND 1 SPACE PER EMPLOYEE

REQUIRED PARKING = 5,687/300 + 6 EMPLOYEES = 25

PROPOSED PARKING:

REGULAR STALLS 39
 ADA STALLS 2
 TOTAL 41

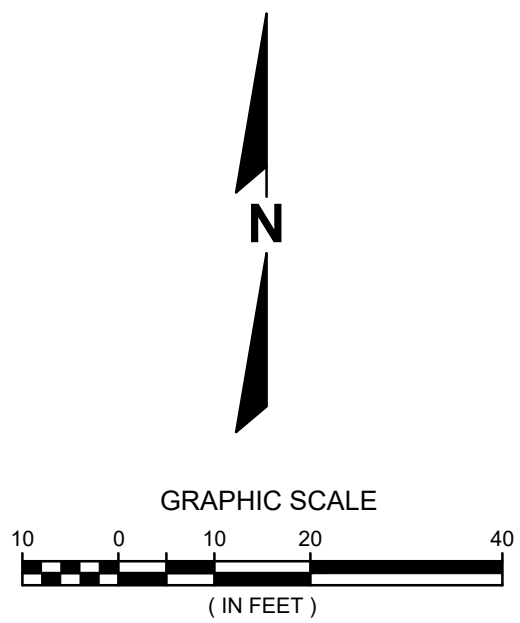
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IMPERVIOUS SPACE	26,131	0.60	75.0%

*REQUIRED GREEN SPACE = 5% OF SURFACE NOT INCLUDING BUILDING AND PATIO AREAS
 REQUIRED GREEN SPACE = (26,131/7,428)*5%=935 SF

ADDITIONAL NOTES:

TOWN MEETING MINUTES FROM ~1994 ALLOWED PARKING LOT PAVEMENT UP TO THE PROPERTY LINES.
 SHARED ACCESS WITH TACO BELL TO REMAIN.



DATE	DESCRIPTION

16745 W. Blueround Road
 Brookfield, WI 53005-5938
 (262) 781-1000
 rasmith.com

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 CREATIVITY BEYOND ENGINEERING

Brookfield, WI | Milwaukee, WI | Appleton, WI | Madison, WI
 Cedarburg, WI | Naperville, IL | Irvine, CA

**OSCAR'S CUSTARD
 TOWN OF BROOKFIELD
 CONCEPT SITE PLAN**



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DATE: 1/13/2025
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JOB NO. 3240290
PROJECT MANAGER: CHRISTOPHER WHITE, P.E.
DESIGNED BY: CBW
CHECKED BY: CBW
SHEET NUMBER
C100



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TOWN OF BROOKFIELD ZONING CODE REVIEW

TO: Town of Brookfield Plan Commission

FROM: Bryce Hembrook, AICP
SEH

REPORT DATE: January 28, 2025

RE: **Zoning Code Update and Set Meeting Date**

Background

The majority of the zoning code has not been amended for over 30 years and the zoning code has some elements that are outdated or could be improved. Since I began assisting the Town with planning services, I have noticed that there are some improvements that can be made to modernize the code, make the code easier to understand and administer, better clarify processes, and improve the development review process.

At the last Plan Commission meeting, I provided an in-depth staff report and a draft of the zoning code. These materials can be accessed via the November PC packet on the Town's website:

<https://townofbrookfield.com/events/plan-commission-112624/>. This information will be helpful to review but we do not intend to discuss at this meeting. I have met with the Town Administrator and Town Attorney to discuss the changes and overall, the majority of the draft will remain the same but some minor changes will be made. Based on the discussions at this meeting, it was determined that we set an additional Plan Commission meeting to focus solely on the zoning code to allow for focused discussion. Additionally, we thought it was best to highlight the proposed review process amendment section, particularly the development review process and business plan of operation process, and I plan to briefly present this information (at the January PC meeting) to the Commission and then we can discuss in further detail at the upcoming Plan Commission meeting. Below is the summary of the process changes.

Section 17.03 Administration and Procedures

- Includes Procedures for various reviews and applications
 - Plan of Operation.
 - This section is intended to specify the requirements and procedures for the review and approval of plan of operation applications.
 - Our current code requires a plan of operation, but the language is confusing, and it is also discussed along with site plan and architectural review which adds to the confusion.
 - Town Attorney and Town Administrator recommended to require all new plan of operations are required to go before the Plan Commission for approval. Typically, the Plan Commission would have final approval but may decide to forward to the Town Board for final approval.

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- **Applicability.** A plan of operation is required for all occupancy permits and new developments. No person shall operate a commercial enterprise, industry, home business, church, school, non-profit organization, or other non-residential use, except as authorized by a plan of operation approved by the Plan Commission under this Section.
 - Plan of operations may be reviewed and approved in conjunction with other required reviews such as site plan review and conditional use permits.
- **Basis of Decision.**
 - The nature of the land use with regard to the number of employees, nature and extent of truck shipments to and from the site, hours of operation, use of hazardous substances, and other operational characteristics.
 - The nature and extent of anticipated positive and negative impacts on properties in the surrounding area.
 - Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use.
 - Availability of adequate parking to meet the needs of employees and customers.
 - Adequacy of street access.
 - Proximity to residential neighborhoods and the potential for disturbing and disrupting residential uses.
 - Any other factor that relates to the purposes of this Chapter or as allowed by State law.
- **Development Review Process**
 - The Development Review process consists of the site plan review process and the architectural plan review process. The plan of operation review process also runs concurrent with the development review process.
 - **Reasons for this Change.**
 - Our current review process is complex and the code language
 - Current process typically requires 7 public meetings and three review phases.
 - **Conceptual**
 - Plan Commission review and Town Board approval.
 - **Preliminary**
 - Architectural Review Committee review and Plan Commission approval.
 - **Final**
 - Architectural Review Committee review, Plan Commission review, and Town Board approval.
 - The Town's review process is the most meeting intensive review process that our staff has seen and every applicant that has gone through this process (in my time as Town Planner) has complained about the length of review, number of meetings, costs, confusion with code requirements, and the redundancies in review.
 - In my experience with other communities, we have some communities where 90-95% of development projects are approved administratively by town staff. In other communities, the Plan Commission reviews once and recommends action to the governing body and the governing body grants final approval.

- The suggested review process considers the concerns presented and still allows for the architectural and site plan components to be reviewed by each committee at one meeting. Generally, most projects will only require 3 public meetings. The committee's always have the option to table for more information or to refer the application to another committee. But this allows for this to be a case-by-case occurrence rather than requiring 7 meetings for all new developments.
- In addition to reducing the amount of public meetings required, the process now requires that the initial review is conducted by town staff and other individuals involved in development review.
 - This allows for the development review team to provide necessary feedback and advise applicants on code compliance prior to the first public meeting so that the plans are sufficient enough for a comprehensive review by each reviewing board.
 - For example, if the zoning administrator reviews the site plan and application and determines that the plans do not conform to the code, the zoning administrator will not forward the request to the Plan Commission until it's ready to move forward.
- Applicability.
 - Development review and approval shall be required for all new buildings, including accessory structures, or additions as outlined in this Section including redevelopment and expansion. Architectural plan changes, exterior alterations, and site plan changes (not involving new buildings or additions) shall be reviewed in accordance with the requirements of §17.03(12) Site Plan Review and §17.03(13) Architectural Plan Review.
 - Similar to current code, the Zoning Administrator shall review the development plans for all new development in the A-1 Agricultural District, and the RS-1, RS-2, RS-3, RS-4, and RD-1 Residential Districts and can administratively approve the development if it meets the requirements set forth in this Section.
 - Zoning Administrator may refer site plans to the Plan Commission or architectural plans to the Architectural Review Committee when a question arises concerning generally accepted community standards or when a development is substantially different from Town norms. Town Board will then review recommendation and grant final decision.
 - In all other zoning districts, the Plan Commission is responsible for reviewing and providing a recommendation to the Town Board for site plan approval, landscaping, preliminary signage, exterior lighting, and any applicable standards listed in §17.03(12). The Architectural Review Committee's review and recommendation shall be solely focused on architectural components, preliminary signage, preliminary lighting and any applicable standards listed in §17.03(13). The Town Board shall consider the recommendations

from each reviewing entity and decide whether to approve, deny, table for more information, or refer the item back for further review.

- Process Steps
 - Conceptual Review by Town Staff and Review Team.
 - Intended to determine whether the proposed development meets code requirements and to offer feedback prior to moving forward. The applicant may request to have a conceptual architectural review or conceptual site plan meeting with the Architectural Review Committee, Plan Commission, and/or Town Board to gather initial feedback regarding the proposed project.
 - Site Plan Review.
 - After conceptual review, the applicant shall submit a site plan application, meeting site plan requirements, as determined by the Zoning Administrator. The Zoning Administrator shall not forward the application to the Plan Commission until the Zoning Administrator determines that the application meets the application requirements set forth in this chapter.
 - Plan Commission shall review site plan and provide a recommendation to the Town Board.
 - Plan Commission may review and comment on the proposed architectural materials, but the Architectural Review Committee will provide final architectural recommendation to the Town Board.
 - Plan of Operation process will typically run concurrent with this process.
 - Architectural Review.
 - Architectural Review Committee (ARC) reviews architectural plans and provides recommendation to the Town Board.
 - The ARC may defer any proposed development plan back to Plan Commission for additional review.
 - Final Approval.
 - Town Board shall consider the recommendations from the Architectural Review Committee and Plan Commission and shall approve, deny, table, or refer the development project back to either reviewing entity.
 - If proposed development is denied, the Town Board should provide a motion clearly stating that the development is denied and provide specific reasons for denial.
- Site Plan Review.
 - Outlines the review process, site plan submittal requirements, and addresses amendments.
 - Generally, the Plan Commission's main focus for review is on the proposed site plan, landscaping, preliminary signage, and lighting approval.
 - Site plan amendments will generally go back to the Plan Commission but we recommend allowing staff to approve minor amendments.
 - Examples: minor amendments to the site plan such as small additions to structures and parking areas that are 1,200 square feet or less, relocating the location of structures or parking areas a short distance.

- Application Section.
 - Our current language is vague on what is required for a site plan application, so we are recommending to create a detailed application list specifically listing what we want to see for our review. I included language to state that the Zoning Administrator may waive certain requirements when something is unnecessary or unrelated.
 - Information will include:
 - Written description of intended use
 - Location map
 - Pre-development site information
 - Proposed post-development site information
 - Landscaping Plan
 - Grading, drainage, and erosion control plans
 - Traffic impact analysis.
 - May be required by Town Engineer prior to site plan review. Plan Commission and/or Town Board may require throughout review process.
 - Elevation drawings
 - Photometric plan & lighting fixture
 - Plan of operation
 - Preliminary signage package
- General Site Design Principles
 - We recommended to include general site design principles to be located under this section. The majority of these principles are currently found in Section 17-02(6) and these are what I often reference in my staff reports.
- Review
 - Ultimately, Plan Commission will review the site plans and provide a recommendation to the Town Board for final approval.
- Architectural Review.
 - Reasons for Changes
 - Currently, Section 17-02(6) mentions that architectural review is required but does not provide much information on what is reviewed and which committee makes architectural recommendations. This section is intended to clarify this and to provide better guidance as to what the Architectural Review Committee should be basing their decision on.
 - Applicability
 - Architectural review shall be provided for the following:
 - New non-residential buildings and mixed-use development, including non-residential accessory buildings.
 - Multi-family residential buildings and accessory buildings on properties with multi-family residential units.
 - Any additions or exterior alterations to the buildings listed above. Exterior alterations may include but are not limited to changes in siding, paint, masonry, windows, lighting, roofing materials or color, and other exterior changes to the appearance of the building. Site changes such as landscaping, parking lot layout, concrete expansion etc. are not to be reviewed by the Committee.
 - Architectural Standards

- This section is created to provide guidance for the ARC members for their review. Some of the requirements are already included in the zoning code. Other elements were found in other codes that staff thought would be good to include.
- Review and Approval
 - ARC reviews the architectural plans and provides a recommendation to the Town Board.
 - The Town Board may modify the basis of decision or conditions as deemed necessary when approving the architectural plan elements of the development project.
 - Amendments to Architectural Plans do not require final approval by the Town Board, unless required by the Architectural Review Committee.

Next Steps

Staff recommends the Plan Commission schedule a special working meeting to discuss this zoning code further. Staff will also send the draft to the County once there is a recommendation from the Plan Commission.