

THESE ARE THE MINUTES OF THE **PLAN REVIEW BOARD** MEETING HELD ON THURSDAY, **AUGUST 23, 2007** AT 4:30 P.M. IN THE COUNCIL CHAMBERS OF CITY HALL, 2000 NORTH CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR JEFF SPEAKER PRESIDING

MEMBERS PRESENT: Alderman Mark Nelson, Commissioner Jennifer Donze

STAFF PRESENT: Planning Administrator Mike Theis, Neighborhood Planner/Designer Jason Williams, Zoning & Building Administrator Larry Goudy

Mayor Speaker called the Plan Review Board meeting to order at 4:30 p.m. A quorum was present.

1. Request of George and Dorothy Sarandos 13785 James Street Brookfield, WI 53005 for approval of a four-lot preliminary survey map of Lot 13 and Outlot 1 in Vogel Vista, Parcel 2 in Certified Survey Map No. 7520, Lot 2 in Arcadian Estates and unplatted lands from 13665 to 13785 James Street. One new single-family lot will be created. (SW ¼ of Sec. 36)

Mike Theis reported: 1. The applicant is requesting approval of a four-lot preliminary survey map of Lot 13 and Outlot 1 in Vogel Vista, Parcel 2 in Certified Survey Map No. 7520, Lot 2 in Arcadian Estates and unplatted lands located along James Street. One new lot would be created. The land is zoned "R-3" Single-family Residence District. All of the lots in the proposed division satisfy the minimum lot width requirement of 130' at the 50' building setback and the minimum lot area of 20,000 sq. ft. when lots are created via certified survey map.

2. The boundary between Lots 3 and 4 is not perpendicular to James Street but this is an existing condition that was approved via the plan commission action that approved the Arcadian Estates plat and CSM No. 7520.

3. Parcel 2 in Certified Survey Map No. 7520 was approved subject to the recording of deed restrictions equivalent to those recorded for Lot 2 in Arcadian Estates. In this proposal Lots 2 and 3 will be subject to the same requirement. The applicant will be required to submit draft deed restrictions for city review.

4. Public improvements for Lots 2 and 3 are currently poorly located or lacking and a development agreement securing their relocation/installation will be required.

5. Preliminary grading, drainage, erosion control, stormwater application and utility plans will be required if the landsplit proceeds through approval.

Staff's recommendation: The lots in the preliminary survey map meet the minimum requirements of the zoning code. Staff recommends that the plan review board approve the preliminary survey map subject to:

1. Receipt of a final certified survey map.
2. Submittal of grading, drainage, erosion control, stormwater application and utility plans.

3. Execution of a development agreement with sureties securing public and site improvements.
4. Execution of deed restrictions for Lots 2 and 3 equivalent to those recorded for Arcadian Estates
5. Preliminary survey map approval expires on Sept 18, 2009 unless a certified survey map, development agreement and deed restrictions are recorded prior thereto.

George Sarandos, applicant, was in attendance. He indicated that the staff's report and recommendation were fine with him.

Mr. Theis stressed that Lot 1 in Arcadian Estates and Lot 2 in CSM No. 7520 are subject to equivalent deed restrictions. Commissioner Donze questioned whether the original residents who moved into the Arcadian Estates Subdivision will be expecting that Outlot 1 in Vogel Vista will remain as it is currently. Mr. Theis noted that this outlot and unplatted land was to be possibly used for a future road connecting Greenfield Avenue and James Street. All the land to the south of the outlot was 60 feet wide but has been sold over the years.

Commissioner Donze indicated that Lot 1 has a tree located on Lot 2. Will the homeowner lose the tree? Mr. Theis stated 'yes', but Mr. Sarandos owns Lot 1 and Lot 2.

Commissioner Donze indicated that she would like to see public involvement regarding the neighbors losing the outlot. Mayor Speaker noted that he had spoken to a few of the neighbors who expressed that this is a good idea as there is a lot of noise from Greenfield Avenue and the new lot will act like a buffer. Alderman Lisa Mellone, was in attendance, and stressed that this is her district. She was confident that the neighbors are ok with the request. She indicated that the only concern was that the standard maintenance and deed restrictions are met by the applicant. Mr. Theis said that the deed restrictions for this proposal will be equal to those of Arcadian Estates.

- Commissioner Donze moved approval of staff's recommendation. The motion was seconded by Alderman Nelson and carried unanimously.

2. Request of Michael and Linda Schneider, 19255 Upper Lothmoor Drive, Brookfield, WI 53045 for approval of two-lot preliminary survey and Certified Survey Map at 19255 Upper Lothmoor Drive. (NW ¼ of Sec. 17)

Jason Williams reported: 1. The subject property is zoned R-3 Residential District and located at the southeast corner of Upper Lothmoor Drive and Fairview Lane.

2. Minimum lot area is 20,000 square feet. The proposal would create a 39,000 square foot vacant lot along Upper Lothmoor. The remaining lot would be 26,049 square feet with the applicant's residence situated on site.

Staff's recommendation: Staff recommends approval of Preliminary Survey and Certified Survey Map subject to the following:

1. Applicant to obtain road opening permit and install sanitary lateral to lot line prior to recording CSM.
2. Applicant to install water lateral to lot line when water service is extended down Upper Lothmoor Drive in summer 2008.
3. Vision Corner Easement Rights granted to the City of Brookfield per Municipal Code 17.112.010 and 15.24.060(8)
4. Minor technical revisions to CSM and Grading Plan.

Michael and Linda Schneider, applicants, appeared before the board. Mr. Schneider stated that he has had no objections from the neighbors. Commissioner Donze asked whether the setback requirements will be met. Mr. Williams said 'yes'. Commissioner Donze questioned if most of the lots in this subdivision are of similar size. Mr. Williams indicated that most of the lots are similar in size.

Alderman Nelson commented that in the future the old CSM should be attached with the new CSM to compare the two parcels. Commissioner Donze noted that when she sat on the Master Plan Task Force, they discussed dealing with older subdivisions and landsplits. Alderman Nelson indicated that landsplits are not always wanted or desirable.

Commissioner Donze would like to know how the neighbors feel about the landsplit. Mr. Theis indicated that staff can contact the neighbors and the comments can be presented at the Plan Commission on September 10, 2007.

- Commissioner Donze moved staff's recommendation subject to staff contacting the neighbors regarding the landsplit. The motion was seconded by Alderman Nelson and carried unanimously.

3. Request of Brookfield Public Library, 1900 N. Calhoun Road, Brookfield, WI 53005, represented by Edell Schaefer, Director of Library Services for approval of amendment to Plan & Method to allow for relocation of statue at 1900 N. Calhoun Rd. (NW ¼ of Sec. 22)

Jason Williams reported: 1. In 1973 the Library purchased an outdoor art sculpture "Unfolding Red" designed by the late Guido Brink. During the 1990 library expansion project, this sculpture was relocated from the building entry to the east side of the building near the staff parking lot.

2. The applicant intends to restore the sculpture, paint it with weather resistant enamel and relocate it to the west side of the library along N. Calhoun Rd.

3. The sculpture is 8' tall with a 42" tall base for a total structure height of 11'6". The base will be made of aggregate and surrounded by mulch and shrubs, which will be installed and maintained by the Parks and Recreation Department.

4. The proposed change to the Plan & Method meets code requirements. In particular the 50' setback requirement from Calhoun Rd.

Staff recommends approval of amendment to Plan & Method subject to the following:

1. Landscaping associated with the sculpture base to be at least 24" at planting and mature at a 36" to 42" or the height of the concrete aggregate base. Coverage should be a combination of evergreen and deciduous to provide year round screening.

Edell Schaefer, Library Director, appeared before the board.

Mayor Speaker asked why the need to relocate the statue. Mrs. Schaefer stated that this is an important piece of sculpture. Since it was installed in 1973, it has been repainted by the highway department in 1990 and currently is located at the east end of the library and covered by trees. The 'Friends of the Library' want to move the sculpture back to the front of the library where it was originally.

Mayor Speaker suggested that the sculpture be moved to the north side of the library, close to the entrance. Commissioner Donze agreed, adding that it will be more visible and there will be more interaction from patrons if it is located by the library entrance.

Mrs. Schaefer indicated that next year the parking lot will be redesigned. The grass area near the entrance will be reduced. The sculpture will have to be moved again. If the sculpture is located in the front of the library, along Calhoun Road, it will be setback from the library and there will still be trees surrounding it.

Alderman Nelson questioned whether the Friends of the Library discussed whether to move the sculpture to the north entrance of the library or move it to the Calhoun Road side. Mrs. Schaefer said 'yes'. Alderman Nelson asked if there would be any lighting on the sculpture. Mrs. Schaefer said the only lighting would be from the library.

Commissioner Donze asked why the base should be covered with landscaping since it is part of the sculpture. Mr. Williams replied that staff was not impressed with the base and therefore possibly adding some landscaping around base. Mrs. Schaefer noted that the base is part of the original design. Commissioner Donze stated that since the base is part of the original sculpture, it should be seen.

Mayor Speaker indicated reluctance on approval today. The city should wait until they are further along in the budget process to decide where the statute should be located. Mrs. Schaefer noted that the bid for renovation of the sculpture ends in December 2007. Mayor Speaker suggested waiting until October or November for approval.

Mrs. Schaefer stated that if the sculpture is moved to the north entrance of the library, it will be an attraction for children to climb on. Commissioner Donze said landscaping then will be needed to prevent children from climbing on the sculpture. Commissioner Donze added that she is happy to see that the refinishing of the sculpture is being done in the appropriate way. Mrs. Schaefer noted that this will be an actual restoration.

- Commissioner Donze moved to table the item. The motion was seconded by Alderman Nelson and carried unanimously.

4. Request of Anytime Fitness for a health club at 2205 N. Calhoun Road.

Larry Goudy reported: 1. The applicant is requesting an occupancy permit to conduct a health club at 2205 N. Calhoun Road.

2. The use is appropriate for the zoning district.
3. The item is before the Plan Review Board because the applicant is requesting to operate 24 hours a day, 7 days a week. The facility will not be staffed at all hours. The facility will be staffed from 10-6, M-F and 10-2 on Saturday. Not staffed on Sunday.
4. The business will operate on a key fob/proximity switch system. A security system, including digital surveillance, hard wired phone system and necklaces tied to the 911 system.

5. The Plan Review Board discussed a similar issue and referred the discussion of 24 hour operation to the Plan Commission.

This type of operation would be a first of its kind business in the City of Brookfield. There are many other buildings which are accessible through key card locking systems. The principal concern of the Police Department and Plan Review Board has been for safety of those using the facility. A facility of this nature could also require additional police presence in the area. The City of Brookfield police department has provided an attached memo that reviews how these facilities are operated in surrounding communities.

Staff's recommendation: Table item to full Plan Commission for discussion.

Mr. Goudy added that a similar request (Staff Fitness) came before the Plan Review Board in June 2007 and was tabled to the Plan Commission. Mr. Theis reminded the board that the Director of Community Development does not want items tabled to the Plan Commission. Alderman Nelson indicated that the tabled item regarding Staff Fitness was from a legislative referral. Commissioner Donze stressed that this is a different location which has different zoning, therefore, making Anytime Fitness a good business for this location.

Mr. Goudy noted that there is no retail businesses open 24 hours in the City of Brookfield. The only businesses that are open 24 hours are food stores and gas stations.

Commissioner Donze said the city should allow this type of business for 2 reasons. First, if crime was an issue, the city would hear about it and the facility would be closed down. Second, as indicated in the presented police memo, many facilities are in operation without any problems.

Alderman Nelson added that the city has to decide if it wants this type of business and if so, the business has to be in the appropriate area of the city. The city has to look at all safety issues with this type of business. Alderman Nelson stated he is not opposed to taking action on this item or allowing it to go to Plan Commission with a recommendation from the Plan Review Board.

Mayor Speaker stated he would like to see a facility like this at the Ruby Isle Center. He, also, was ok with tabling this item to the Plan Commission.

- Mayor Speaker moved to table the item to the Plan Commission meeting on September 10, 2007. The motion was seconded by Alderman Nelson and carried unanimously.

5. Request of Care-age of Brookfield at 1755 N. Barker Road for a wall sign, 13'4" x 3' = 40 sq. ft. Advertising: Rehabilitation & Health Care.

Larry Goudy reported the structural material is aluminum channel letters and white copy. There will be no lighting.

Staff's recommendation: This is an addition to the existing wall sign which is 84 sq. ft. Total would be 124 sq. ft. These uses are typically restricted to no more than 100 sq. ft.

Jim Keller, applicant, noted that the renderings before the board show a smaller area. The sign would take up less than 5% of the face of the building and less than 2% of the lot size. Mayor Speaker

indicated that the sign code does not work that way. The board has to follow the code. Mr. Goudy stated that he can check the dimensions of the original wall sign to make sure it is correct.

Alderman Nelson asked if it is possible for Care-age to have a monument sign on Barker Road. Mr. Goudy replied that the applicant could, but had never expressed interest in one.

- Commissioner Donze moved approval subject to the 100 sq. ft. restriction and staff obtaining the correct measurements of the current sign. The motion was seconded by Alderman Nelson and carried unanimously.

The next two items were taken together.

6a. Request of The Bowary Pub & Eatery at 17000 W. Capitol Drive for a monument sign, 7' x 8' = 56 sq. ft. Advertising: The Bowary Pub & Eatery, Dental Suites, address, open lower level.

Larry Goudy reported the structural material is routed aluminum with a black background and yellow and white copy. Lighting will be internal.

Staff recommends approval.

6b. Request of The Bowary Pub & Eatery at 17000 W. Capitol Drive for a wall sign, 25' x 2' - 3' = 60 sq. ft. Advertising: The Bowary Pub & Eatery.

Larry Goudy reported that the structural material is backlit channel letters with white copy. Lighting will be internal.

Staff recommends approval.

Mr. Goudy added that the monument sign will need some landscaping. All of the signs at the site are white. Mark Bowar, applicant, stated he was ok with adding landscaping. It was questioned whether the monument sign could be higher than 10 feet in height. Mr. Goudy noted that the code states 'a 5 foot setback allows for a 10 foot sign'.

- Alderman Nelson moved approval subject to applicant working with staff to make the monument sign meet the maximum height allowed and to add landscaping around monument sign. The motion was seconded by Commissioner Donze and carried unanimously.

6. Request of Lemberg Electric Company, Inc. at 4085 N. 128th Street for a monument sign, 10' x 7'8" = 78 sq. ft. Advertising: Lemberg Electric Company, Inc., logo, 2nd tenant, address.

Larry Goudy reported the structural material is routed aluminum, push through plex with black copy. Lighting will be internal.

Staff recommends approval subject to 2nd tenant review by staff.

Commissioner Donze asked if any part of the sign coordinates with the building. Tim McGrath, applicant, stated that they tried to match the sign to the building but wanted to have a neutral color. Mr.

Goudy noted that the sign, which is more gold than the dark bronze of the building, it is not offensive. Commissioner Donze asked if the base of the sign is similar to the rest of the sign. Mr. Goudy replied 'yes'. Mr. McGrath indicated that they looked into incorporating brick in the sign, but it did not look good at all.

Mayor Speaker asked if there were examples of full aluminum signs within the city. Mr. Goudy stated that there is a Marine dealer and several businesses on Burleigh Road that have aluminum signs. He stressed that the code wants a 'tie in' between the building and signage. Mayor Speaker noted that the pictures do not reflect a clash in the two colors.

Alderman Nelson asked if there was a time frame for the installation of the sign. Mr. McGrath said that occupancy is scheduled for October 1, 2007. Commissioner Donze stated she was opposed to the sign as requested. She would approve of a sign with a brick base to match the building.

- Commissioner Donze moved approval subject to the brick base of the sign to match the building. Applicant will show drawings of the sign to staff. The motion was seconded by Alderman Nelson and carried unanimously.
- Alderman Nelson moved to adjourn the Plan Review Board meeting. The motion was seconded by Commissioner Donze and carried unanimously. 5:40 p.m.

Minutes respectfully submitted by Mary Schulz CPS, Administration & Licensing Clerk