

Enrolled 158-155
PROPOSED ORDINANCE 158-159

1
2
3 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING
4 ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PARTS OF THE
5 NW ¼, SW ¼ AND SE ¼ OF SECTION 31, T7N, R20E, TOWN OF BROOKFIELD,
6 FROM THE Rs-3 SINGLE FAMILY RESIDENTIAL DISTRICT (TOWN) TO THE
7 Rs-4 SINGLE FAMILY RESIDENTIAL DISTRICT (TOWN) (ZT-1517)
8
9

10 WHEREAS the subject matter of this Ordinance having been approved by the Brookfield Town
11 Board on March 3, 2004, after Public Hearing, and the giving of requisite notice of said hearing,
12 and duly referred to and considered by the Waukesha County Park and Planning Commission,
13 and a recommendation for approval, thereon reported to the Land Use, Parks and Environment
14 Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the
15 Wisconsin State Statutes.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the District Zoning Map for the Town of Brookfield Zoning Ordinance, adopted
19 by the Town of Brookfield on December 27, 1988, is hereby amended to rezone from the Rs-3
20 Single Family Residential District (Town) to the Rs-4 Single-Family Residential District (Town),
21 certain lands located in parts of the NW ¼, SW ¼ and SE ¼ of Section 31, T7N, R20E, Town
22 of Brookfield, and more specifically described in the "Staff Report and Staff Recommendation"
23 and map on file in the office of the Waukesha County Department of Parks and Land Use, and
24 made a part of this Ordinance by reference (ZT-1517).
25

26 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
27 this Ordinance with the Town Clerk of Brookfield.
28

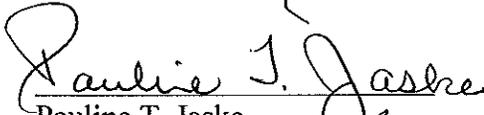
29 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
30 approval and publication.
31

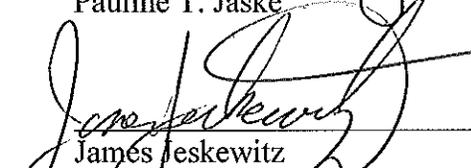
32 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
33 provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PARTS OF THE NW ¼, SW ¼ AND SE ¼ OF SECTION 31, T7N, R20E, TOWN OF BROOKFIELD, FROM THE Rs-3 SINGLE FAMILY RESIDENTIAL DISTRICT (TOWN) TO THE Rs-4 SINGLE FAMILY RESIDENTIAL DISTRICT (TOWN) (ZT-1517)

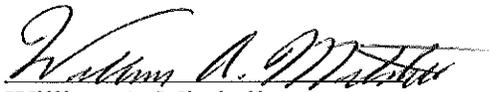
Presented by:
Land Use, Parks, and Environment Committee

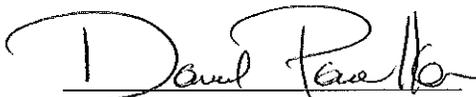

Walter L. Kolb, Chair

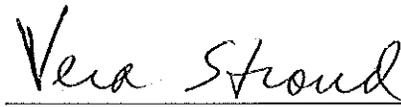

Pauline T. Jaske


James Jeskewitz

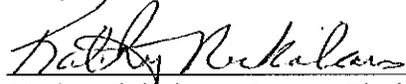

Scott J. Klein


William A. Mitchell

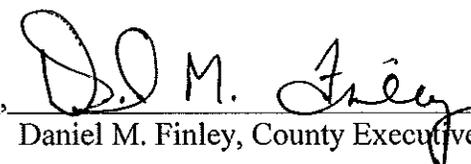

Daniel Pavelko


Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 4-16-04, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓
Vetoed: _____
Date: 4-19-04, 
Daniel M. Finley, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Code hereby recommends approval of (ZT-1517 Town of Brookfield) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

March 4, 2004

Absent

Betty Willert, Chairperson


Vy Vanusonis


Mareth Kipp


Ellen Gemrich


Walter Kolb

Absent

Joseph LaPorte


Walter Baade

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: March 4, 2004

FILE NO.: ZT-1517

PETITIONER/OWNER: Town Board of Brookfield
Town of Brookfield Hall
645 North Janacek Road
Brookfield, Wisconsin 53045-6052

TAX KEY NOS.: See attached map.

LOCATION:

The property includes parts of the NW, SW and SE ¼ of Section 31, encompassing the subdivision known as Hulbert Hills and its additions, Elderlawn Acres, Dale's Acres, Westbrooke and its additions, and Kossow Road Subdivision, as well as meets and bounds properties, adjacent to and surrounding those subdivisions. More specifically, the property is identified on the attached map, which shows in detail the location of the area of change.

PRESENT ZONING:

Rs-3 Single-Family Residential District (20,000 sq.ft. minimum lot size).

PRESENT LAND USE:

For the most part, the lands in question are all occupied by single-family residences, a number of which were built in excess of 30 years ago. The area to the south of Davidson Road was more recently developed.

PROPOSED ZONING:

Rs-4 Single-Family Residential District (15,000 sq.ft. minimum lot size).

PROPOSED LAND USE:

Continued single-family use with the ability to have lesser offset requirements and slightly less minimum lot requirements for parcels which may be large enough to further divide.

PUBLIC HEARING DATE:

Tuesday, November 18, 2003, with a new hearing held on Tuesday, February 17, 2004.

PUBLIC REACTION:

The only comments received at both hearings were in support of the change, which would allow property owners within the changed area to meet lesser offset requirements with the new zoning district, which would accommodate the construction of two-car garages and residential additions closer to the lot line than the existing Ordinance provisions allows.

COMPLIANCE WITH THE WAUKESHA COUNTY LAND DEVELOPMENT PLAN:

The proposed rezoning complies with the County Development Plan which sets forth this area in the Low Density Residential category. The entire area in question has been developed, although approximately one-half (1/2) dozen lots would be allowed to be redivided into two or three parcels. At the present time, 380 parcels lie within this area of 278.4 acres, which results in an average density of 31,913 sq.ft. per dwelling units, which is less dense than the 20,000 maximum density permitted in the Low Density category.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Plan Commission approved the request on February 17, 2004. The Town Board of Brookfield approved the request on March 3, 2004

OTHER CONSIDERATIONS::

The purpose of this effort is to accommodate some of the existing residences, which lie within this block of land, to build additions or construct two-car garages, which meet an offset standard in the Rs-4 District than the Rs-3 District. The lot size minimum in the Rs-4 District is 15,000 sq.ft.; however, because of the fact that most of these parcels are already developed and have less than 30,000 sq.ft. in land area, with the exception of approximately one-half (1/2) dozen, they could not be redivided to create a more dense condition exceeding the maximum density allowed in the Low Density category under the plan. As stated previously, the primary reason is to allow a couple of the larger non-platted lots within the subject area to be redivided now that sewer and water is available, and to allow garages and additions to have a lesser offset requirement in the Rs-4 District (20 ft.) than is required in the Rs-3 District (15 ft.). Surrounding land uses include a public school on the west, commercial development on the north, office and apartment buildings and a church on the east, and single-family residential on the west, southwest and south sides of the area in question, which for the most part is all developed.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. We feel the proposed change will accommodate better utilization of some of these lots, which presently have single-car garages, with reduced minimum offset standards and will negate the necessity of trying to seek Variances from the Town Board of Appeals. This is the primary motivating factor, which prompted the Town to request this change and will result in very little redevelopment or land divisions, as most of the parcels are already divided and are unable to be redivided utilizing the 15,000 sq.ft. minimum lot size standard in the Rs-4 District.

Respectfully submitted,



Richard L. Mace
Planning and Zoning Manager

RLM:smv

Enclosure: Map

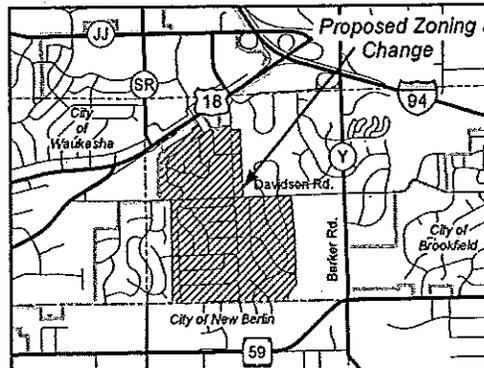
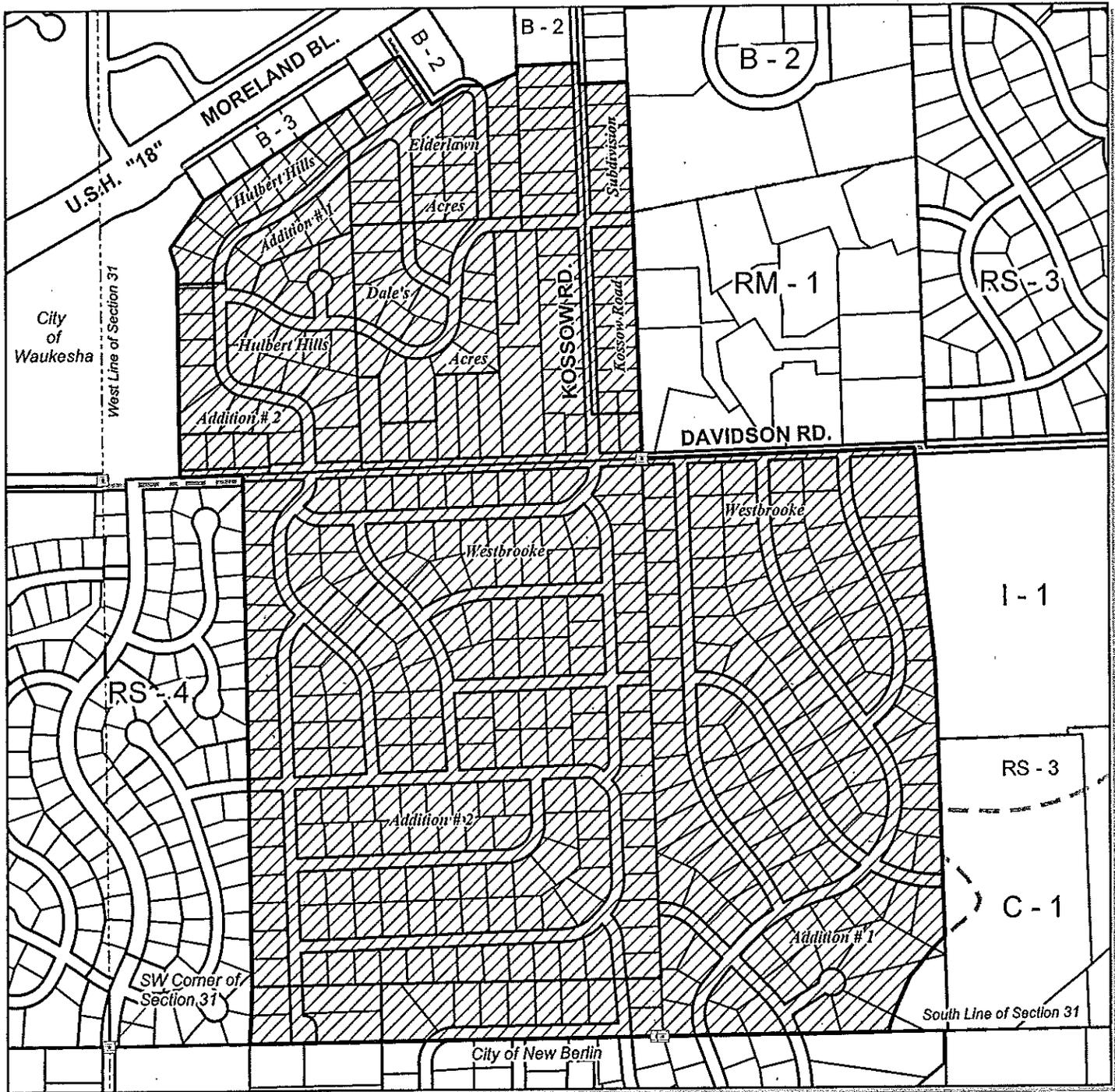
N:\PLU FILES\Planning & Zoning\Rezoning (RZ)\Staff Reports\1517(Town of Brookfield)_bkt.doc

158-0-156

4.

ZONING MAP AMENDMENT

PART OF THE NW, SW, & SE 1/4 OF SECTION 31 TOWN OF BROOKFIELD



TOWN ZONING CHANGE FROM RS-3 (SINGLE-FAMILY RES. - 20,000 S.F.) TO RS-4 (SINGLE-FAMILY RES. - 15,000 S.F.)

FILE.....ZT-1517

DATE.....02-05-04

AREA OF CHANGE.....278.4 ACRES

TAX KEY NUMBER.....(MULTIPLE)

1 inch equals 700 feet

Prepared by the Waukesha County Department of Parks and Land Use

158-0-156

5.

STATE OF WISCONSIN :

TOWN OF BROOKFIELD :

WAUKESHA COUNTY

ORDINANCE REZONING PROPERTY FROM RS-3 ZONING
CLASSIFICATION TO THE RS-4 ZONING CLASSIFICATION
TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

THE TOWN BOARD OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: All lots and outlots, if any, in the following-described residential subdivisions, and the unplatted lands adjacent to the described subdivisions, all of which are included on the attached map, are hereby rezoned from the Rs-3, single-family residential zoning classification to the Rs-4, single-family residential zoning classification.

- A. Kossow Road Subdivision
- B. Elderlawn Acres Subdivision
- C. Hulbert Hills Addition No. 1 and No. 2 Subdivision
- D. Westbrooke Addition No. 1 and No. 2 Subdivision
- E. Dale's Acre Subdivision
- F. Unplatted lands adjacent to the described subdivisions

All of which are indicated on the attached map.

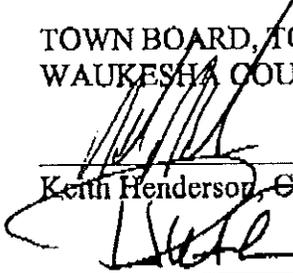
SECTION 2: The zoning map of the Town of Brookfield is hereby amended so as to change the residential zoning classifications from the Rs-3, single family residential zoning classification to the Rs-4, single family residential zoning classification as to those subdivision and unplatted lands referenced herein. A map depicting the subdivisions and that portion of the zoning map of the Town of Brookfield, which is amended by this ordinance, is appended hereto and incorporated herein by reference.

SECTION 3: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

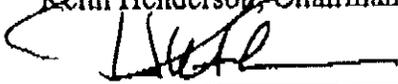
SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

Dated this 2nd day of March, 2004.

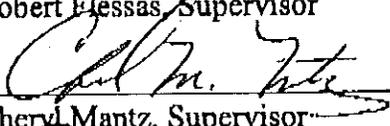
TOWN BOARD, TOWN OF BROOKFIELD
WAUKESHA COUNTY, WISCONSIN



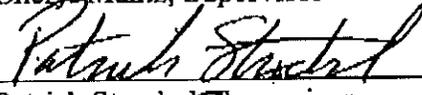
Keith Henderson, Chairman



Robert Flessas, Supervisor



Cheryl Mantz, Supervisor

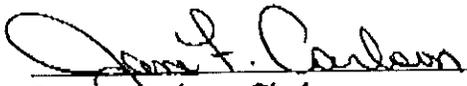


Patrick Stroebel, Supervisor



Keith Harenda, Supervisor

ATTEST:



Jane F. Carlson, Clerk

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/13/04

(ORD) NUMBER-1580156

- 1 K. HERRO:.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE:.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-34

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-34