

ENROLLED ORDINANCE 167-25

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 29 AND THE NW ¼ OF SECTION 32, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE B-2 LIMITED GENERAL BUSINESS AND M-2 GENERAL MANUFACTURING DISTRICTS TO THE MU MIXED USE DISTRICT (ZT-1737)

WHEREAS after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Brookfield Town Board on May 1, 2012, and

WHEREAS the matter was referred to and considered by the Waukesha County Park and Planning Commission which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Brookfield Zoning Code, adopted by the Town of Brookfield on December 27, 1988, is hereby amended to rezone from the B-2 Limited General Business and M-2 General Manufacturing Districts to the MU Mixed Use District, certain lands located in part of the SW ¼ of Section 29 and the NW ¼ of Section 32, T7N, R20E, Town of Brookfield, Waukesha County, Wisconsin, and more specifically described in the “Staff Report and Recommendation” and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference ZT-1737, is hereby approved.

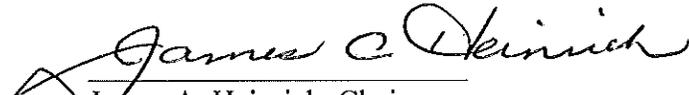
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.

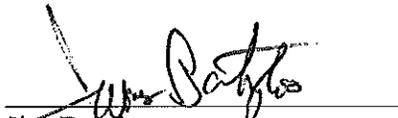
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 29 AND THE NW ¼ OF SECTION 32, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE B-2 LIMITED GENERAL BUSINESS AND M-2 GENERAL MANUFACTURING DISTRICTS TO THE MU MIXED USE DISTRICT (ZT-1737)

Presented by:  
Land Use, Parks, and Environment Committee

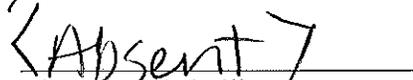
  
James A. Heinrich, Chair

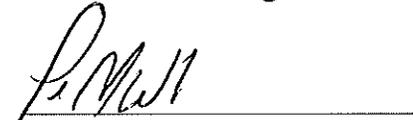
  
Jim Batzko

  
Walter L. Kolb

  
Pamela Meyer

  
Fritz Ruf

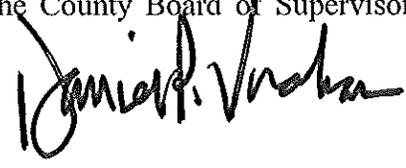
  
Thomas J. Schellinger

  
Peter M. Wolff

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

Date: 7-27-12,   
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 7-30-12,   
Daniel P. Vrakas, County Executive

COMMISSION ACTION

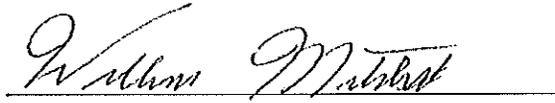
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Code hereby recommends approval of (ZT-1737 Town of Brookfield) in accordance with the attached "Staff Report and Recommendation".

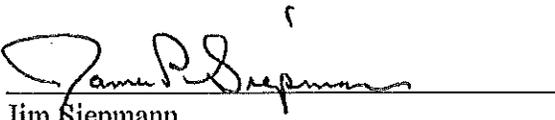
PARK AND PLANNING COMMISSION

June 21, 2012

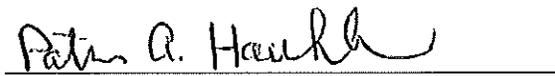
  
\_\_\_\_\_  
Gary Goodchild, Chairperson

  
\_\_\_\_\_  
Bob Peregrine, Vice Chairperson

  
\_\_\_\_\_  
William Mitchell

  
\_\_\_\_\_  
Jim Siepmann

  
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Walter Kolb

  
\_\_\_\_\_  
Pat Haukohl

  
\_\_\_\_\_  
Fritz Ruf

COMMISSION ACTION

TAB 63

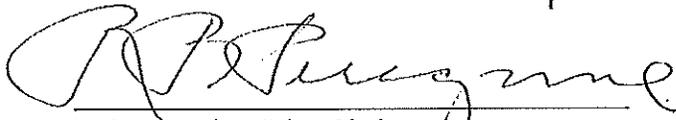
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Code hereby recommends ~~approval~~ of (ZT-1737 Town of Brookfield) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

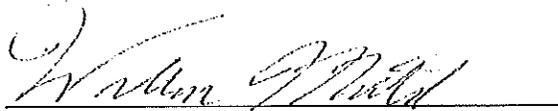
June 7, 2012



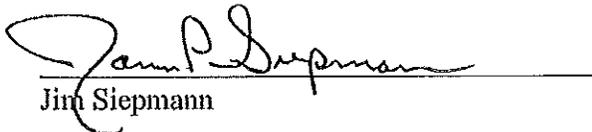
Gary Goodchild, Chairperson



Bob Peregrine, Vice Chairperson



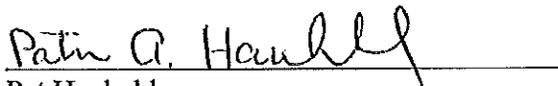
William Mitchell



Jim Siepmann



Walter Kolb



Pat Haukohl



Britz Ruf

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

**DATE:** June 7, 2012

**FILE NO.:** ZT-1737

**TAX KEY NO.'s:** Various (Area-wide rezoning)

**PETITIONER:** Town of Brookfield  
645 N. Janacek Road  
Brookfield, WI 53045-6052

**OWNERS:** Various (Area-wide rezoning)

**LOCATION:**

The twenty- two affected properties are located in the SW ¼ of Section 29 and the NW ¼ of Section 32, T7N, R20E, Town of Brookfield. More specifically the properties are located south of Bluemound Road, north of I-94, east of Barker Road and west of Janacek Road.

**PRESENT ZONING CLASSIFICATION:**

B-2 Limited General Business and M-2 General Manufacturing Districts (Town), B-2 Local Business District, B-3 General Business District, M-2 General Industrial District and C-1 Conservancy District (County).

**PRESENT LAND USE:**

Commercial, industrial and vacant buildings.

**PROPOSED ZONING:**

MU Mixed Use District (Town), County zoning to remain unchanged.

**PROPOSED LAND USE:**

Mixed Use

**PUBLIC HEARING DATE:**

March 27, 2012.

**PUBLIC REACTION:**

Representatives of a manufacturing facility that would be rezoned asked about the status of existing manufacturing uses in the affected area. The Town Planner indicated that such uses would become legal non-conformities. The speaker also indicated that they would like to sell their property and that they have had discussions with the developers of the proposed "The Corners" mixed use project.

**TOWN PLAN COMMISSION ACTION:**

On March 27, 2012, the Town Plan Commission recommended approval of the rezoning request to the Town Board.

167-0-032

4.

**TOWN BOARD ACTION:**

On May 1, 2012, the Town Board unanimously approved the rezoning request.

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF BROOKFIELD LAND USE PLAN:**

The request complies with both plans, as the subject lands are designated in the Mixed Use category in both plans.

**OTHER CONSIDERATIONS:**

The Town of Brookfield first formally identified re-development potential for the area between C.T.H. "JJ" (Bluemound Rd.) and I-94 in its 2008 Redevelopment Plan for the Bluemound Road Corridor. Waukesha County created a Mixed Use land use category and mapped the subject lands to this new category as part of the 2009 County Comprehensive Development Plan update. The Town plan recognized that many buildings within the area were nearing the end of their useful life and called for mixed use development in this high value and high traffic area. The Town then took the next step to implement its plan recommendations by creating a new Mixed Use zoning district. The new Town Ordinance was approved by the Town and Waukesha County in 2011.

A number of properties that are subject of the rezoning are currently vacant. The area to the west of Poplar Creek has been characterized by retail development but is now largely vacant. Over the past several years, two of the largest tenants, Menards home improvement store and a Marcus theater have moved out of the area. A major redevelopment project (The Corners) is currently being proposed west of the creek that could encompass as much as 500,000 square feet of new commercial space which may also include a residential component. A Tax Incremental Financing District (TIF) is being proposed to offset substantial infrastructure costs for the development.

The area to the east of Poplar Creek that is also subject of this request is generally more industrial in nature. Several of the buildings in this area are older metal buildings that are vacant. The Town plan envisions a future bridge crossing of Poplar Creek, which would create a new linkage for the east and west sides of the site and would offer potential for east-west traffic and pedestrian movement, which would ease additional traffic pressure on Bluemound Road.

Under the Town Zoning Code, the properties west of the creek are currently zoned B-2 Limited General Business District. The properties east of the creek and abutting or near Bluemound Road are also zoned B-2, while the properties along Sommer Drive and Janecek Rd. are zoned M-2 General Manufacturing District. The zoning change would allow for residential and office uses to be mixed with commercial uses on the same site or groups of sites as redevelopment occurs. Because industrial or manufacturing uses are not a permitted use within the Mixed Use District, the Town Planner explained at the public hearing that the existing industrial uses would become legal non-conforming uses, which would limit the amount of improvements that could be made to the buildings housing those uses to 50% of the building's value. Although recent changes in state law have eliminated the 50% rule for non-conforming structures, the Town's 50% rule remains in effect for buildings housing non-conforming uses. Manufacturing can continue in this area under the legal non-conforming use provisions, but construction of new industrial buildings or substantial improvements to such buildings would only be permissible with variances. New developments within this proposed zoning district will need to obtain Site Plan approval from the Town and County (if applicable). In addition, some projects may require Planned Unit Development approval.

Specific site details can be fully analyzed at that stage of review.

Lands within 300' of Poplar Creek and within the associated mapped floodplain are also subject to the Waukesha County Shoreland and Floodland Protection Ordinance. Floodplain and wetland areas are zoned C-1 Conservancy District, while other lands are zoned M-2 General Industrial District, B-3 General Business District and B-2 Local Business District. No changes to the county zoning classifications are being proposed at this time. However, the current M-2 zoning designation of part of the proposed "The Corners" development site does not preclude large scale retail or office development in that location. In addition, a Mixed Use Planned Unit Development conditional use process is available in several zoning districts. It is possible that the County zoning map may be updated as part of the ongoing countywide map modernization program or additional changes may be made to the county zoning ordinance to better accommodate more urban scale mixed use development in the future.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that the request be approved. The proposed rezoning serves to implement the Town and County Land Use Plans. Although the rezoning will not zone all properties within the area as used, in order to set the stage for redevelopment, such zoning changes are appropriate and will prevent new incompatible uses from locating in an area that is expected to transition to a mixed use area. The proposed rezoning may help to spur significant new economic activity in a part of the Town of Brookfield that currently contains many vacant and underutilized properties.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Map, Ordinance

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167-0-032

6.

**ORDINANCE REZONING LANDS IN THE  
TOWN OF BROOKFIELD,  
WAUKESHA COUNTY, WISCONSIN**

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**WHEREAS**, the Town Board referred to the Plan Commission for consideration the proposed rezoning of certain lands described herein from the B-2 and M-2 existing zoning classification to the Mixed Use District (MU) zoning classification as set forth in Section 17.04(21) of the Town Code; and

**WHEREAS**, the Town Board and the Plan Commission conducted a public hearing on March 27, 2012, at which time all interested persons were afforded an opportunity to appear in person or submit comments in writing; and

**WHEREAS**, the Plan Commission, on March 27, 2012, recommended that the Town Board rezone the properties described herein from the current zoning classifications to the Mixed Use District (MU) zoning classification; and

**WHEREAS**, the Town Board has received and considered the recommendation of the Plan Commission and has determined that rezoning of the properties as recommended by the Plan Commission is consistent with the Town's Master Plan;

**NOW THEREFORE**, the Town Board does ordain as follows:

**SECTION 1:** The following described lands shall, from and after enactment and publication of this Ordinance, be rezoned from the current zoning classification applicable to each property to the Mixed Use District (MU) zoning classification in accordance with the provisions of Section 17.04(21) of the Zoning Code of the Town of Brookfield. The properties rezoned by this ordinance are described as follows:

Tax Key No.
BKFT1123982001
BKFT1123986009
BKFT1123987001
BKFT1123986006
BKFT1123986007
BKFT1123986002
BKFT1123986003
BKFT1123986004
BKFT1123986008
BKFT1123986001
BKFT1123981
BKFT1123984
BKFT1123986005
BKFT1123983
BKFT1123980
BKFT1123976001
BKFT1123976002
BKFT1123976003
BKFT1123976004
BKFT1123976005
BKFT1123-986-010
BKFT1123-986

**SECTION 2:** All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and publishing as provided by law.

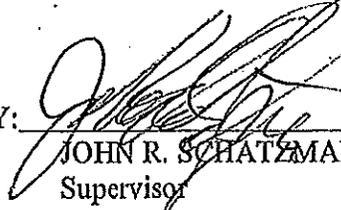
Dated this 1<sup>st</sup> day of May, 2012.

TOWN BOARD, TOWN OF BROOKFIELD,  
WAUKESHA COUNTY, WISCONSIN

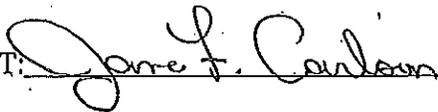
BY:   
KEITH HENDERSON, Chairman

BY:   
PATRICK STROEBEL, Supervisor

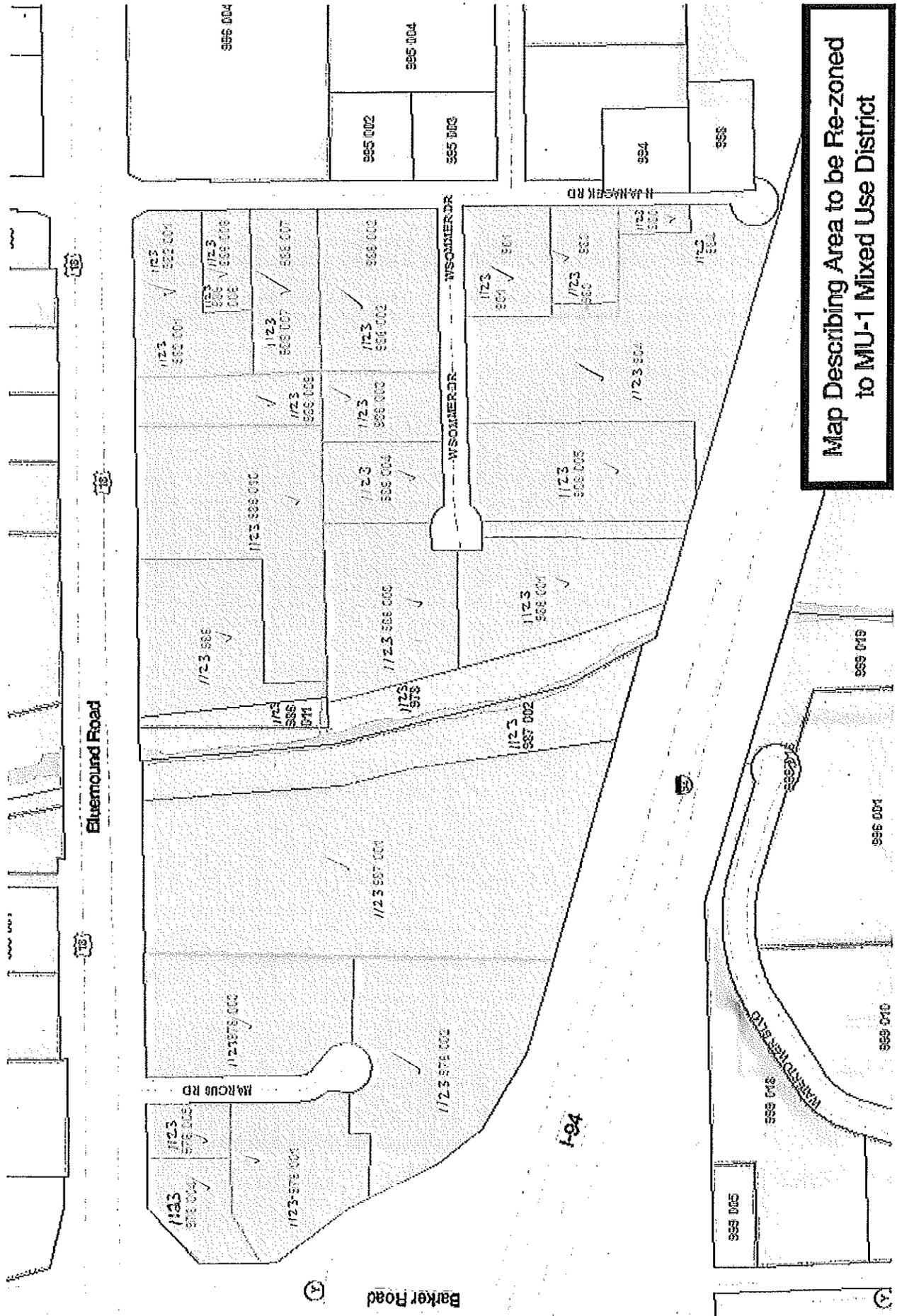
BY:   
DAN SHEA, Supervisor

BY:   
JOHN R. SCHATZMAN, SR.  
Supervisor

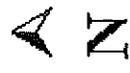
BY:   
MICHAEL MAXWELL, Supervisor

ATTEST:   
JANE F. CARLSON, Clerk

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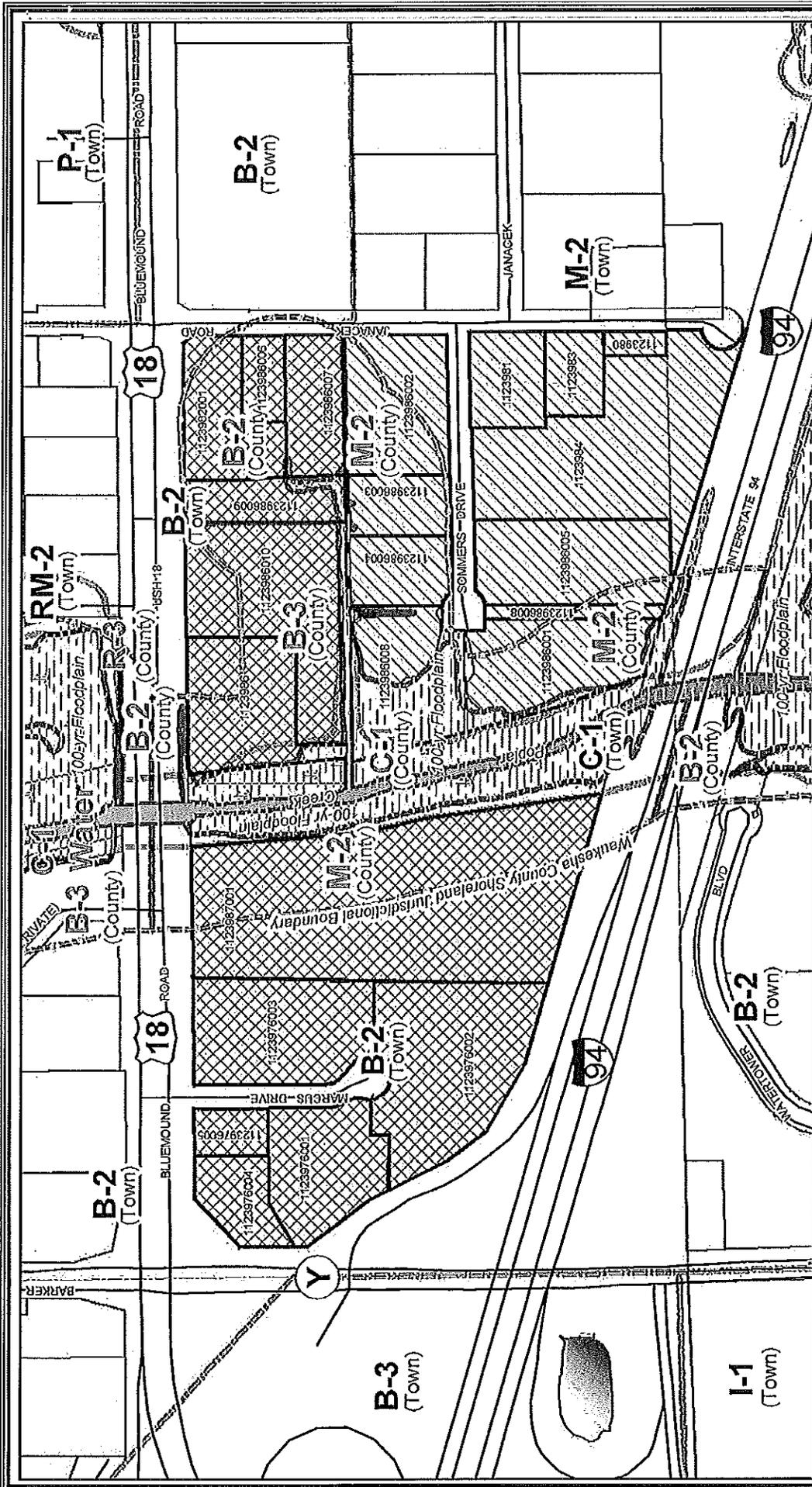


**Map Describing Area to be Re-zoned to MU-1 Mixed Use District**



167-0-032

HILL CITY

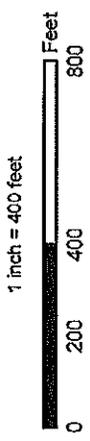


TOWN ZONING CHANGE FROM B-2 LIMITED GENERAL BUSINESS DISTRICT TO MU MIXED USE DISTRICT  
 TOWN ZONING CHANGE FROM M-2 GENERAL MANUFACTURING DISTRICT TO MU MIXED USE DISTRICT  
 C-1 CONSERVANCY DISTRICT TO REMAIN UNCHANGED

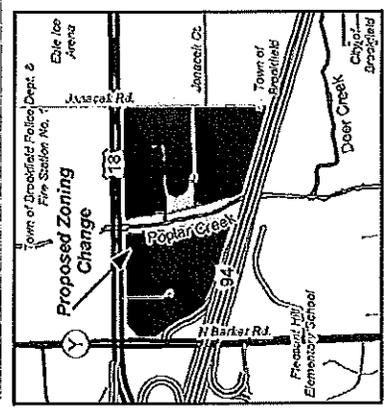
FILE.....ZT-1737  
 DATE.....06/07/12  
 AREA OF CHANGE.....55.9 ACRES  
 TAX KEY NUMBERS.....MULTIPLE (SEE MAP)

## ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 29 & NW 1/4 OF SECTION 32  
TOWN OF BROOKFIELD



Prepared by the Waukesha County Department of Parks and Land Use



WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/24/12

(ORD) NUMBER-1670032

1 C. SLATTERY.....AYE  
3 R. MORRIS.....AYE  
5 J. BRANDTJEN.....AYE  
7 J. GRANT.....AYE  
9 J. HEINRICH.....AYE  
11 F. RUF.....AYE  
13 P. DECKER.....AYE  
15 W. KOLB.....AYE  
17 D. PAULSON.....AYE  
19 C. CUMMINGS.....AYE  
21 W. ZABOROWSKI.....AYE  
23 K. HAMMITT.....AYE  
25 G. YERKE.....AYE

2 D. FALSTAD.....AYE  
4 J. BATZKO.....AYE  
6 J. JESKEWITZ.....  
8 P. HAUKOHL.....AYE  
10 D. SWAN.....AYE  
12 P. WOLFF.....AYE  
14 P. MEYER.....AYE  
16 M. CROWLEY.....AYE  
18 L. NELSON.....AYE  
20 T. SCHELLINGER....AYE  
22 P. JASKE.....AYE  
24 D. DRAEGER.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-24