

ENROLLED ORDINANCE 175-66

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 28, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE RS-2 SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE RM-1 MULTI-FAMILY RESIDENTIAL DISTRICT (RZ71)

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 October 6, 2020; 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 60.62, 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 RS-2 Single-Family Residential District to the RM-1 Multi-Family Residential District, certain lands located in part of the SW ¼ of Section 28, 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 RZ71, is hereby approved.

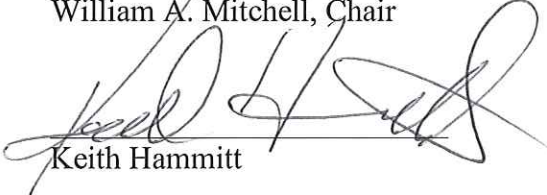
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.

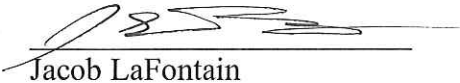
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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 28, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE RS-2 SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE RM-1 MULTI-FAMILY RESIDENTIAL DISTRICT (RZ71)

Presented by:  
Land Use, Parks, and Environment Committee

  
William A. Mitchell, Chair

  
Keith Hammitt

  
Jacob LaFontain

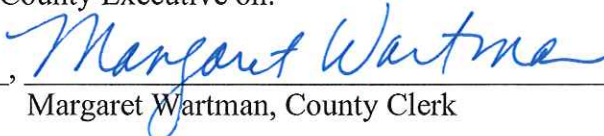
  
Thomas A. Michalski

absent  
Chris Mommaerts

  
Richard Morris

  
Thomas J. Schellinger

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

Date: 1/29/2021,   
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 1/29/2021,   
Paul Farrow, County Executive



VOTE RESULTS: Passed By Majority Vote

AYE: 21

NAY: 0

ABSENT: 4

D1 - Foti	AYE
D2 - Zimmermann	AYE
D3 - Morris	AYE
D4 - Batzko	AYE
D5 - Dondlinger	AYE
D6 - Walz	AYE
D7 - LaFontain	AYE
D8 - Michalski	AYE
D9 - Heinrich	Second
D10 - Swan	AYE
D11 - Howard	AYE
D12 - Wolff	ABSENT
D13 - Decker	AYE

D14 - Mommaerts	ABSENT
D15 - Mitchell	Motion
D16 - Crowley	AYE
D17 - Paulson	AYE
D18 - Nelson	AYE
D19 - Cummings	AYE
D20 - Schellinger	AYE
D21 - Gaughan	AYE
D22 - Wysocki	AYE
D23 - Hammitt	ABSENT
D24 - Whittow	ABSENT
D25 - Johnson	AYE

## 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 and Map hereby recommends **approval** of **RZ71 (Kassees\_Crosswind Preserve, LLC.)** in accordance with the attached “Staff Report and Recommendation”.

**PARK AND PLANNING COMMISSION**

**December 10, 2020**

*William Mitchell (via Microsoft Teams)*

William Mitchell, Chairperson

*James Siepmann (via Microsoft Teams)*

James Siepmann, Vice Chairperson

*Robert Peregrine (via Microsoft Teams)*

Robert Peregrine

*Richard Morris (via Microsoft Teams)*

Richard Morris

*Thomas Michalski (via Microsoft Teams)*

Thomas Michalski

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

**DATE:** December 10, 2020

**FILE NO.:** RZ71

**OWNER:** Harry Kassees  
W338 S4571 Sleepy Hollow Ct.  
Dousman, WI 53118-9747

**APPLICANT:** Dan Kassees  
Crosswind Preserve, LLC  
W338 S4571 Sleepy Hollow Ct.  
Dousman, WI 53118-9747

**TAX KEY NO.:** BKFT 1118.992

**LOCATION:**  
Part of the SW ¼ of Section 28, T7N, R20E, Town of Brookfield. More specifically, the property is located at 760 N. Brookfield Road, containing approximately 2 acres.

**EXISTING ZONING:**  
RS-2 Single-Family Residential District.

**PROPOSED ZONING:**  
RM-1 Multi-Family Residential District.

**EXISTING USE(S):**  
Single-family residence.

**REQUESTED USE(S):**  
Multi-family residential containing four (4), two (2) family ranch buildings.

**PUBLIC HEARING DATE:** July 28, 2020

**PUBLIC COMMENT:**  
Two citizens expressed concerns regarding traffic patterns. One mentioned a concern about site lines from the driveway. One person stated that he lives in a nearby condominium constructed by the petitioner and that he is quite satisfied.

**TOWN PLAN COMMISSION ACTION:**  
On July 28, 2020, the Town of Brookfield Plan Commission unanimously recommended approval of the rezone request, to the Town Board.

**TOWN BOARD ACTION:**  
On October 6, 2020, the Brookfield Town Board unanimously adopted the rezone ordinance.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF BROOKFIELD CDP:**

The town and county plans designate the lands in the Medium Density Residential category, which provides for 6,000 to 19,000 square feet per dwelling unit. The proposed site plan includes eight dwelling units whereas the category would permit as many as 14 dwelling units.

**STAFF ANALYSIS:**

The subject property contains a single-family residence. The proposal is to raze that structure and develop four, two-family buildings (see Exhibit A). The property is located on the east side of Brookfield Road, just west of Wisconsin Hills Middle School and north of the tennis courts that are part of the campus. The buildings would be oriented such that driveways would access a proposed east-west shared driveway. Stormwater management is proposed to the south of the shared roadway.

The neighborhood contains mixed uses with senior uses to the west and south, condominiums to the west, the school to the southeast, single family residential to the north and office and commercial uses also nearby. The proposed RM-1 designation allows for up to 4.4 dwelling units per acre and allows for multi-family buildings with up to eight units per structure. The proposal is well within those constraints with the proposed density being approximately two units per acre and duplex type structures.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezone request. The proposal is consistent with plan recommendations. The use appears to be a good transitional fit along a well-traveled road and between the active recreation courts to the south and the single-family neighbors to the north.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning & Zoning Manager

Attachments: Town Ordinance  
Exhibit A  
Rezone Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ71 Kassees bkt.doc

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DEPT OF PUB AFFS & LAND USE

STATE OF WISCONSIN: TOWN OF BROOKFIELD: WAUKESHA COUNTY

**ORDINANCE CHANGING THE ZONING CLASSIFICATION**

NOW THEREFORE, the Town Board of the Town of Brookfield, Wisconsin does ordain as follows:

SECTION 1: The following described property is hereby rezoned from the RS-2 Single Family Residential classification to the RM-1 Multi-Family Residential District classification.

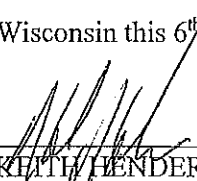
**LEGAL DESCRIPTION:**

BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP No. 10128, LOCATED IN THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER OF SECTION 29, TOWN 7 NORTH, RANGE 20 EAST, IN THE TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN.

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 posting or publication as provided by law.

**PASSED AND ADOPTED** by the Town Board of the Town of Brookfield, Waukesha County, Wisconsin this 6<sup>th</sup>, day of October, 2020.

BY:   
KEITH HENDERSON, Chairman

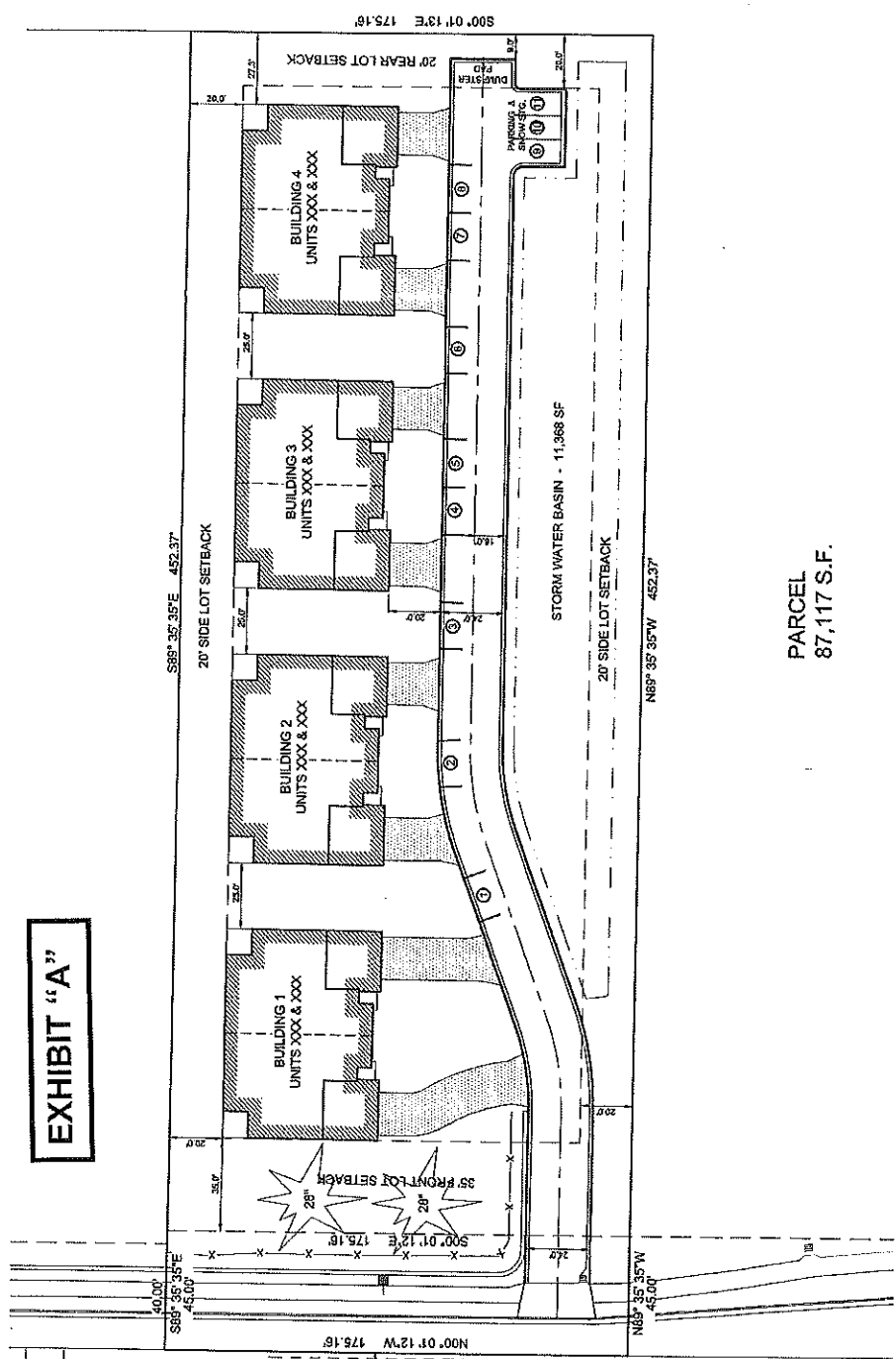
BY:   
STEVE KOHLMANN, Supervisor

BY:   
MICHAEL SCHMITT, Supervisor

BY:   
JOHN R. SCHATZMAN, Supervisor

BY:   
RYAN STANELLE, Supervisor

ATTEST:   
Veronica LaGuardia, Interim Clerk



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RE CROSSROADS HOMES  
 CONCEPT PLAN  
 PART OF THE 14th EDITION  
 OF SECTION 18, TOWNSHIP 17 N, RANGE 35 E  
 TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN.

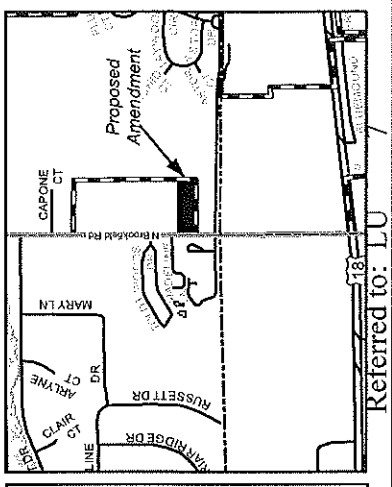
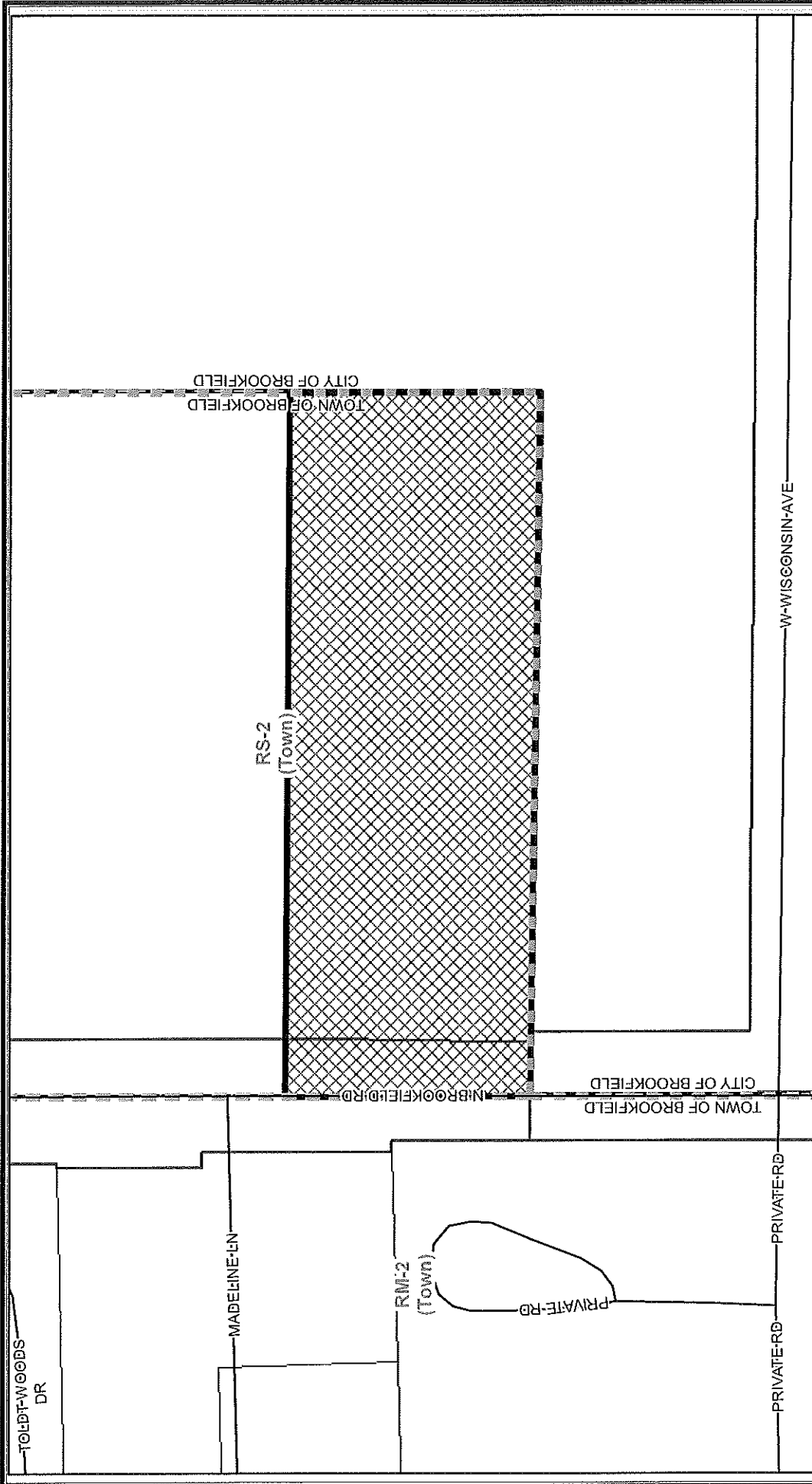
JANINKE & JANINKE ASSOCIATES, INC.  
 PLANNERS & PROFESSIONAL ENGINEERS  
 1714 HIGHLAND BLVD., WAUKESHA, WISCONSIN  
 SCALE: 1/8" = 1'-0" (NOT TO SCALE)  
 DATE: 2/26/99  
 SHEET 1 OF 1

PARCEL  
 87,117 S.F.



STATE OF WISCONSIN  
 DEPARTMENT OF SAFETY  
 DIVISION OF REGISTRATION  
 REGISTRATION NO. 023934  
 EXPIRES 12/31/99  
 JANINKE & JANINKE ASSOCIATES, INC.  
 1714 HIGHLAND BLVD.  
 WAUKESHA, WISCONSIN 53190





TOWN ZONING CHANGE FROM RS-2 SINGLE-FAMILY RESIDENTIAL DISTRICT TO RM-1 MULTI-FAMILY RESIDENTIAL DISTRICT

FILE.....RZ71  
 DATE OF PLAN COMMISSION.....12/10/20  
 AREA OF CHANGE.....2.02 ACRES  
 TAX KEY NUMBER.....BKFT 1118.992

1 inch = 100 feet  
 0 50 100 Feet

Prepared by the Waukesha County Department of Parks and Land Use  
 File Number: 175-O-066

**ZONING AMENDMENT**

PART OF THE SW 1/4 OF THE NW 1/4 SECTION 28, TOWN OF BROOKFIELD

Referred on: 01/07/21

Referred to: LU