

ENROLLED ORDINANCE 171-23

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 29, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE B-3 OFFICE AND PROFESSIONAL BUSINESS DISTRICT TO THE MU-1 MIXED USE DISTRICT (ZT- 1835)

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 3, 2016, 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 B-3 Office and Professional Business District to the MU-1 Mixed Use District, certain lands located in part of the SE ¼ of Section 29, 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-1835, 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.

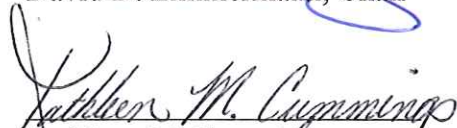
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.


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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

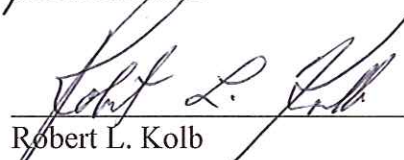
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 29, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE B-3 OFFICE AND PROFESSIONAL BUSINESS DISTRICT TO THE MU-1 MIXED USE DISTRICT (ZT- 1835)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

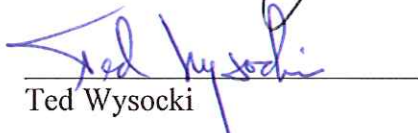

Kathleen M. Cummings


Keith Hammitt



Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: September 7, 2016 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 8/1/16 
Paul Farrow, County Executive

Kolb	AYE	Wood	Absent
Zimmerman	(M) AYE	Mitchell	AYE
Morris	AYE	Crowley	AYE
Batzko	AYE	Paulson	AYE
Dondlinger	AYE	Nelson	AYE
Walz	AYE	Cummings	AYE
Grant	Absent	Schellinger	AYE
Michalski	AYE	Zaborowski	AYE
Heinrich	AYE	Wysocki	AYE
Swan	AYE	Hammitt	AYE
Howard	AYE	Whittow	(2) AYE
Wolff	AYE	Johnson	AYE
Decker	AYE		

171-O-022

Recording 171-O-022 Results

Majority Vote




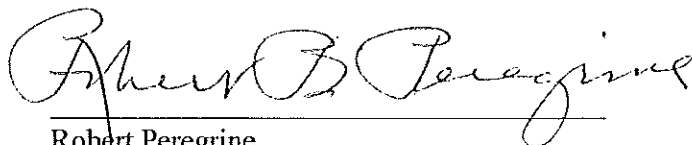
COMMISSION ACTION

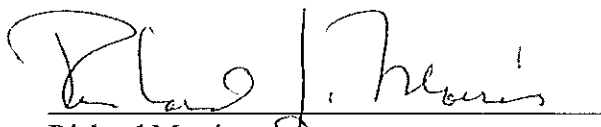
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Ordinance hereby recommends approval of ZT-1835 (Brayton Devo LLC) in accordance with the attached "Staff Report and Recommendation".

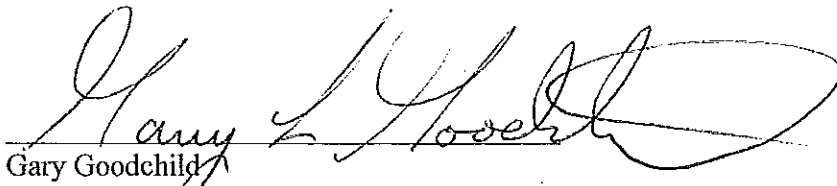
PARK AND PLANNING COMMISSION

June 16, 2016

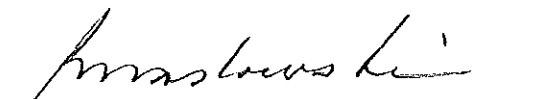

James Siepmann, Chairperson



Robert Peregrine


Richard Morris


Gary Goodchild


William Mitchell


William Maslowski


Keith Hammitt

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

DATE: June 16, 2016

FILE NO.: ZT-1835

TAX KEY NO.: BKFT 1124.997.001

OWNER: Brayton Devo LLC
18900 W. Bluemound Rd., Ste. 212
Brookfield, WI 53045-6092

LOCATION:

Part of SE ¼ of Section 29, T7N, R20E, Town of Brookfield. More specifically, the property is located 655 N. Brookfield Rd. The property is approximately one acre in size.

PRESENT ZONING CLASSIFICATION:

B-3 Office and Professional Business District (Town).

PRESENT LAND USE:

Office/Commercial.

PROPOSED ZONING:

MU-1 Mixed Use District (Town).

PROPOSED LAND USE:

Mixed Use (retain office/commercial uses and add a new multi-family residential building).

PUBLIC HEARING DATE:

January 26, 2016.

PUBLIC REACTION:

An adjacent property owner expressed concern about spot zoning and high density. He also indicated concern about children riding bikes on his property.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On January 26, 2016, the Town Plan Commission recommended approval of the request. On May 3, 2016, the Town Board approved the rezoning request.

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

The Town and County plans designate this parcel in the Mixed Use category. The rezoning to the Town's MU-1 Mixed Use District is consistent with both plans.

OTHER CONSIDERATIONS:

The subject one-acre property is located immediately north of the Galleria West shopping center on Brookfield Road. The neighborhood contains mixed uses. In addition to the commercial uses to the south along Bluemound Road, a high density senior residential facility is located to the west and an office

building is located to the north. The subject property contains a two story building with basement. A bakery operates on the basement level, an insurance office is located on the main floor and a residential rental unit is located on the second floor.

If the rezoning is approved, the property owner plans to develop a 24-unit multi-family residential building to the west of the existing building and parking lot (see Exhibits "A" and "B"). The façade of the existing building would be renovated and below-grade parking would be incorporated into the new apartment building design. The petitioner envisions "lifestyle" apartments with one bedroom units with dens and two bedroom units. The petitioner indicates that he has developed similar projects within mixed use settings in Menomonee Falls and that the projects have predominantly attracted empty-nesters and single professionals.

Final plan review of building and site plans details is the responsibility of the Town. The Town's MU-1 District allows for multi-family residential development, but the planned density of 24 units per acre will require special approval, most likely via a Planned Unit Development process. It should be noted that SEWRPC's Housing Plan suggests that residential densities of 20 units or more per acre are appropriate in settings that are served by municipal services (sewer and water) and that are located within proximity to employment centers. This site is also well served by transportation infrastructure, being located on an arterial with ready access to Bluemound Road.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the rezoning request. The rezoning will bring the property into a zoning category that is consistent with the Mixed Use plan category. The rezoning will allow for residential use to be introduced to a neighborhood that has abundant shopping and services within walking distance of the site, which may be beneficial to existing businesses and future residences alike.

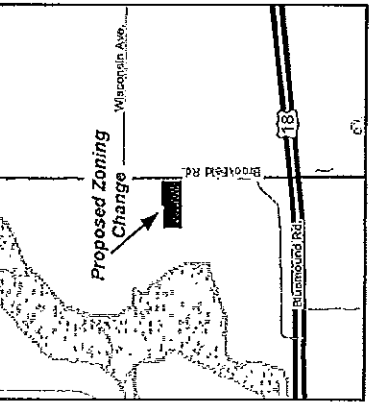
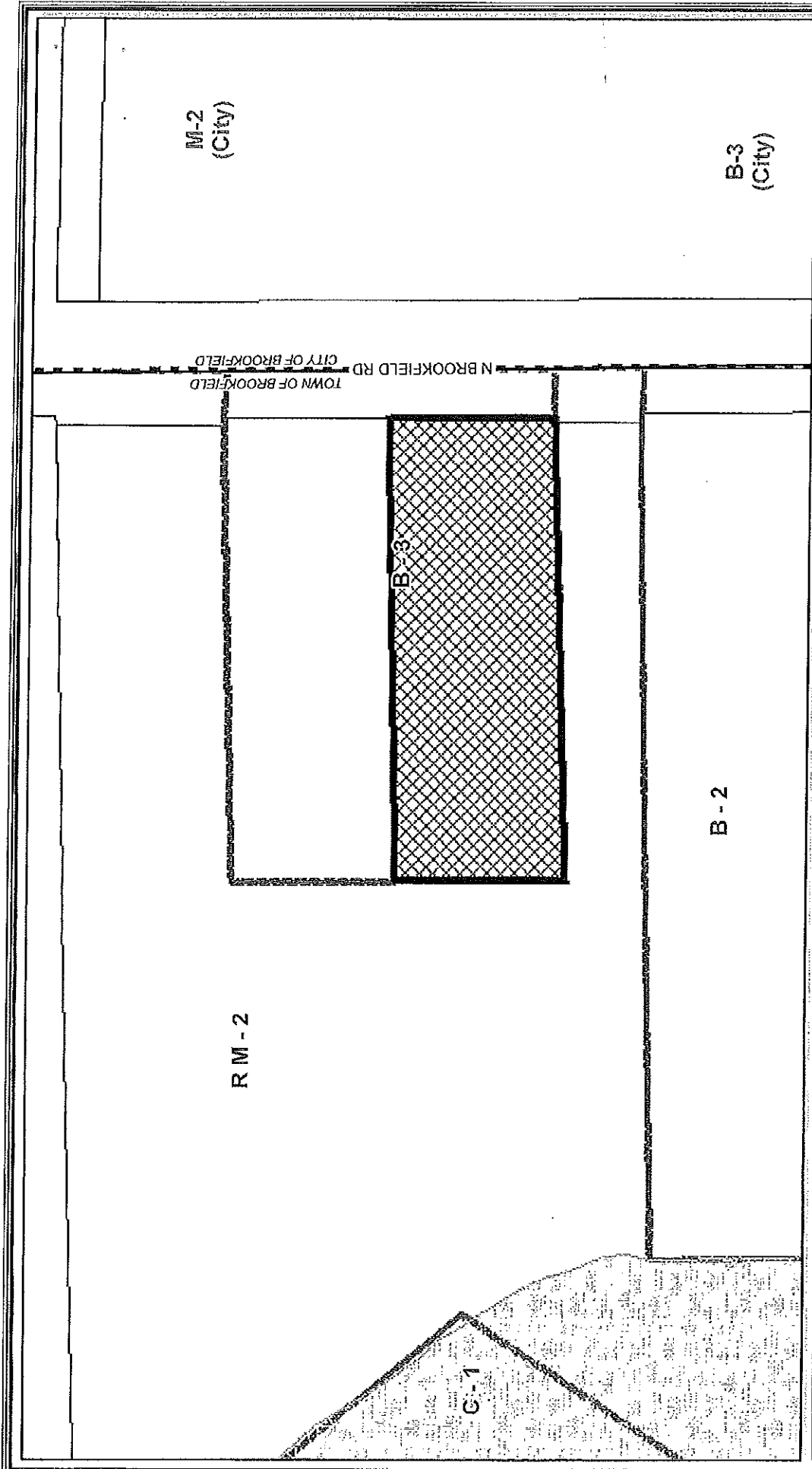
Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Map, Town Ordinance, Exhibits "A" and "B"


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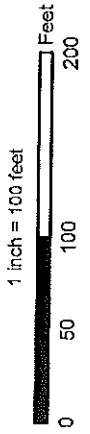


ZONING MAP AMENDMENT
 PART OF THE SE 1/4 OF SECTION 29
 TOWN OF BROOKFIELD



Prepared by the Waukesha County Department of Parks and Land Use

 TOWN ZONING CHANGE FROM B-3 OFFICE AND PROFESSIONAL BUSINESS DISTRICT TO MU-1 MIXED USE DISTRICT
 FILE.....ZI-1835
 DATE.....06/16/16
 AREA OF CHANGE.....0.92 ACRES
 TAX KEY NUMBER.....BKFT 1124.997.001



ORDINANCE REZONING THER PROPERTY LOCATED AT 655 N BROOKFIELD ROAD
TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

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

DEPT OF PARKS & LAND USE

JUN 06 2016

RECEIVED

SECTION 1: The property located at 655 N. Brookfield Road, (Tax Key No. BKFT 1124-997-001) is rezoned from the B-3 Office and Professional Business District zoning classification to the MU-1 Mixed Use zoning classification so as to permit the construction of a mixed use development not exceeding 44,000 square feet. The property referred to herein is more particularly described as follows:

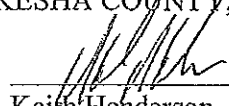
PT E1/2 SE1/4 SEC 29 T7N R20E COM AT PT 240.00 FT S OF E1/4 COR S 120.00 FT S88°56'W 363.06 FT N 120.00 FT N88°56'E 363.06 FT TO BGN 1 AC EX DOC# 2828155 DOC# 3605225 Town of Brookfield, Waukesha County, Wisconsin.

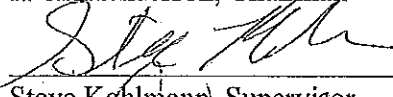
SECTION 2: All ordinances, or parts of this ordinance, conflicting or contravening the provisions of this ordinance are hereby repealed.

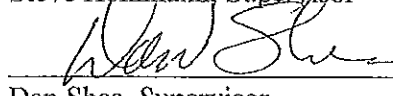
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

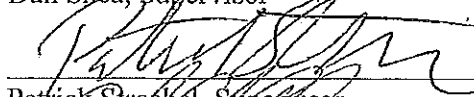
Dated this 3RD day of May, 2016.

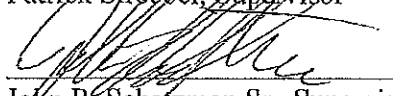
TOWN BOARD, TOWN OF BROOKFIELD
WAUKESHA COUNTY, WISCONSIN


Keith Henderson, Chairman

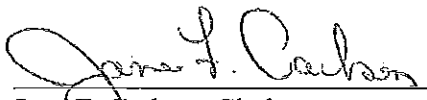

Steve Kohlmann, Supervisor


Dan Shea, Supervisor


Patrick Stroebel, Supervisor


John R. Schatzman Sr., Supervisor

ATTEST


Jane E. Carlson, Clerk

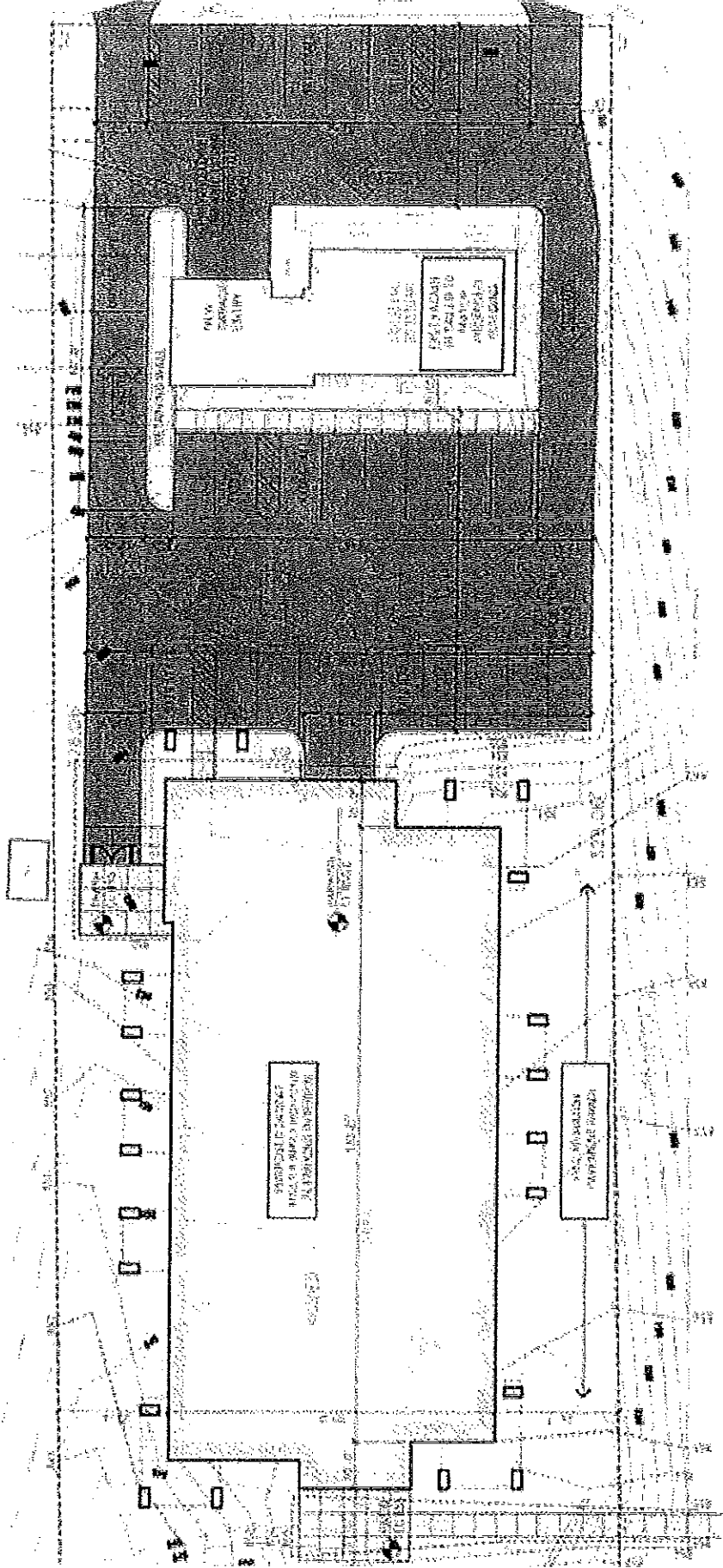


EXHIBIT "A"

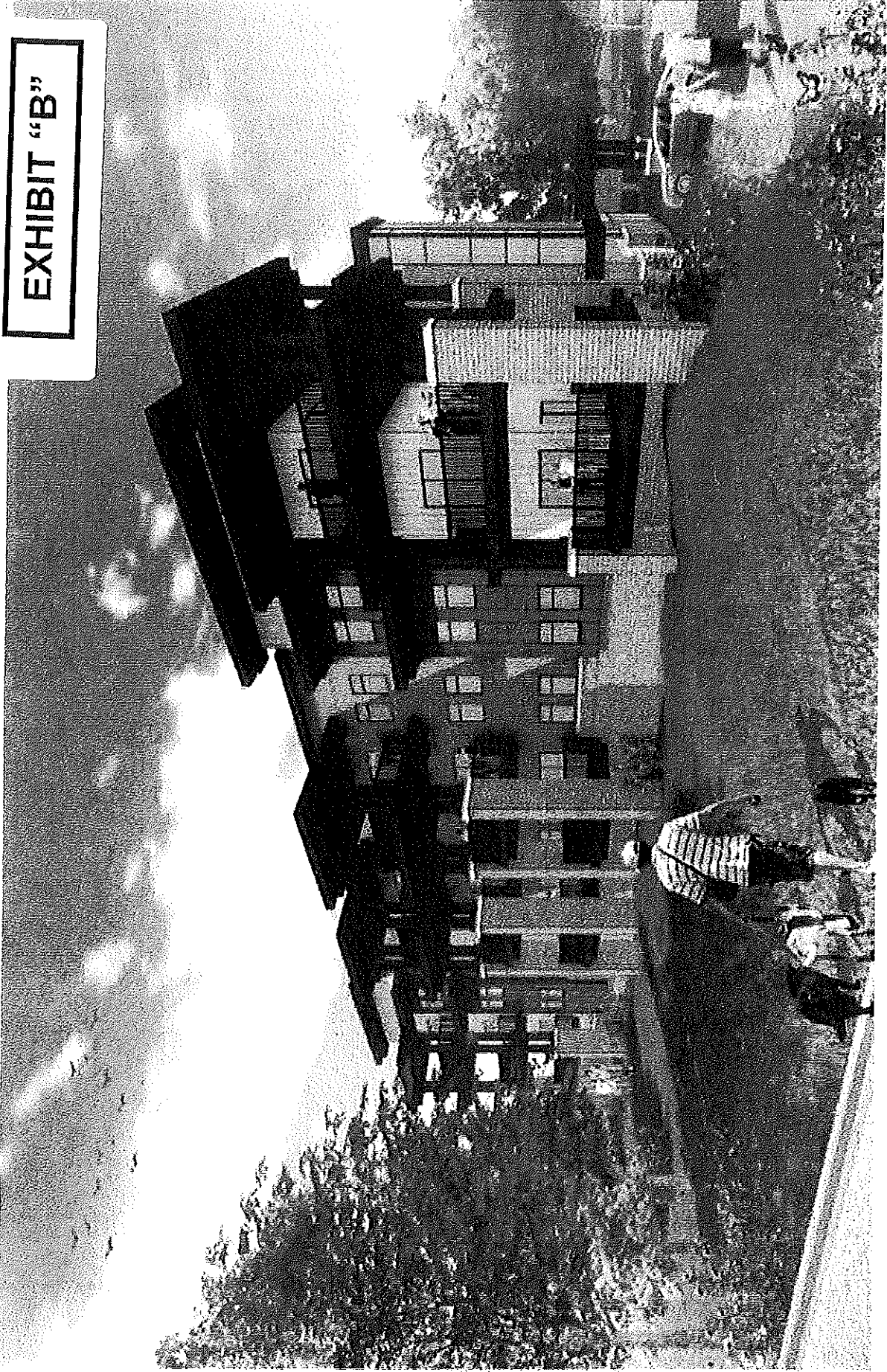


EXHIBIT "B"