

ENROLLED ORDINANCE 167-3

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 RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT TO THE RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (ZT-1730)

WHEREAS the subject matter of this Ordinance having been approved by the Brookfield Town Board on January 17, 2012, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section (60.61) of the Wisconsin State Statutes.

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 RM-2 Multi-Family Residential District to the RM-2 Multi-Family Residential District with a Planned Unit Development Overlay 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 ZT-1730, 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.

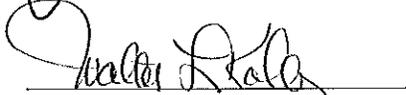
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

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 28, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT TO THE RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (ZT-1730)

Presented by:  
Land Use, Parks, and Environment Committee

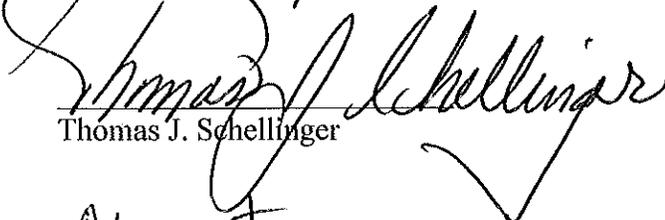
  
James A. Heinrich, Chair

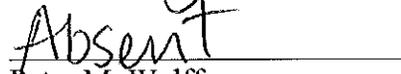
  
Jim Batzko

  
Walter L. Kolb

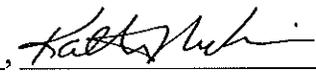
  
Pamela Meyer

  
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: May 25 - 2012,   
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 5-29-12,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/22/12

(ORD) NUMBER-1670002

- 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.....
- 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.....AYE
- 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\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS X

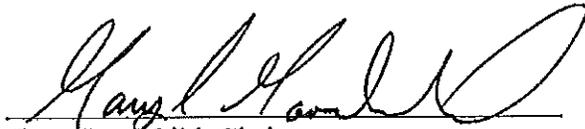
TOTAL VOTES-24

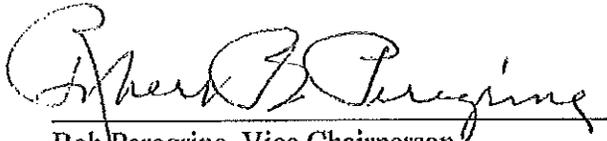
COMMISSION ACTION

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-1730 Town of Brookfield) in accordance with the attached "Staff Report and Recommendation".

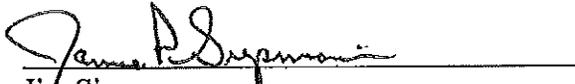
PARK AND PLANNING COMMISSION

April 5, 2012

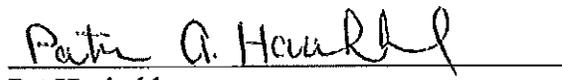
  
Gary Goodchild, Chairperson

  
Bob Peregrine, Vice Chairperson

  
William Mitchell

  
Jim Siepmann

  
Walter Kolb

  
Pat Haukohl

  
Fritz Ruf

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

**DATE:** April 5, 2012

**FILE NO.:** ZT-1730

**TAX KEY NO.:** BKFT:1119.998.002 and BKFT:1119.998.003

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

**OWNERS:** Keith and Lisa Prudlow  
19255 Brookdale Dr.  
Brookfield, WI 53045

William and Marcia Prudlow Living Trust  
16685 Lower Valley Ridge Dr.  
Brookfield WI 53005-5557

**LOCATION:**  
Lots 4 and 5, Certified Survey Map No. 4578, located in the SW ¼ of Section 28, T7N, R20E, Town of Brookfield. More specifically the properties are located on the southwest corner of Woelfel Road and Wisconsin Avenue. The property consists of 1.15 acres.

**PRESENT ZONING CLASSIFICATION:**  
RM-2 Multi-Family Residential District.

**PRESENT LAND USE:**  
Vacant land.

**PROPOSED ZONING:**  
RM-2 Multi-Family Residential District with a Planned Unit Development Overlay District.

**PROPOSED LAND USE:**  
A 20- bed residential care facility for individuals with Alzheimer's disease or dementia.

**PUBLIC HEARING DATE:**  
November 22, 2011.

**PUBLIC REACTION:**  
Two neighbors from a nearby condominium development expressed stormwater drainage concerns regarding the proposed development.

167-0-002

**TOWN PLAN COMMISSION ACTION:**

On December 27, 2011, the Town Plan Commission recommended approval of the rezoning request subject to the submittal of revisions to the civil plan identified in the review by the City of Brookfield.

**TOWN BOARD ACTION:**

On January 17, 2012, the Town Board approved the rezoning request.

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

Both the Town and County plans designate these parcels in the Medium Density Residential category. Assisted living facilities are appropriate in both residential or institutional categories, therefore the proposal conforms to both plans.

**OTHER CONSIDERATIONS:**

The proposed rezoning is being requested to allow for a residential care facility that will care for individuals that suffer from Alzheimer's and dementia. The facility would be located on a 1.15 acre site that currently consists of two parcels at the southwest corner of Wisconsin Avenue and Woelfel Rd. (See Exhibit "A"). The facility would accommodate 20 residents and would provide common areas for a home style kitchen, dining, living, office and activity space. An outdoor yard/park space will also be provided.

The building would be positioned on the west half of the property with a 13 car parking lot, which is inclusive of one handicapped parking stall. The site is located in an area that is characterized by mixed uses. There is a church to the north, residential condominiums to the west, a commercial use to the south and an assisted living facility to the east. The rezoning will encompass the creation of a Planned Unit Development (PUD) Overlay District that will be applied to the existing RM-2 Multi-Family Residential District. The PUD will provide for more design flexibility, given that the use is not a conventional multi-family use. Traditional multi-family regulations would not be appropriate as the site contains one large shared living unit for the 20 residents. It should be noted that the proposed facility complies with most of the basic requirements of the RM-2 District. Specifically, the facility complies with the 25% floor area ratio limitation and meets both setback and offset requirements.

Soils mapping indicates that there are potential high groundwater conditions on the site. However, the Town Planner has advised that a basement is not being proposed. Although the project does not require storm water management measures because the new impervious surface is less than ½ acre, the petitioner is proposing to provide a detention pond in the northeast corner of the site to capture runoff from the roof and parking area. The pond will be lined with clay, which will prevent storm water from contaminating groundwater. Through a mutual agreement for review of development projects proposed on Wisconsin Avenue, the City of Brookfield provided comments regarding plans for the project to the Town. The city has specific concern relative to projects that discharge to Underwood Creek. Underwood Creek has experienced historic flooding problems. The Town and City Engineering Staff will review final site plan components to ensure that storm water management is sufficient and that the project does not contribute negatively to flooding. There are no mapped natural resources on the site.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that the request be **approved**. Residential care facilities for the elderly and those with disabilities serve a vital role within the community. The proposed facility is well located within a mixed use setting amongst other uses that provide care to seniors. The provision of a Planned Unit Development Overlay District allows for the Town to consider the unique nature of the proposed facility and offer design flexibility while at the same applying special conditions to ensure that the project is complementary to neighboring uses.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Map, Ordinance, Exhibit "A"

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1730 Schuorenberg JPS Limited LLC bkt.doc

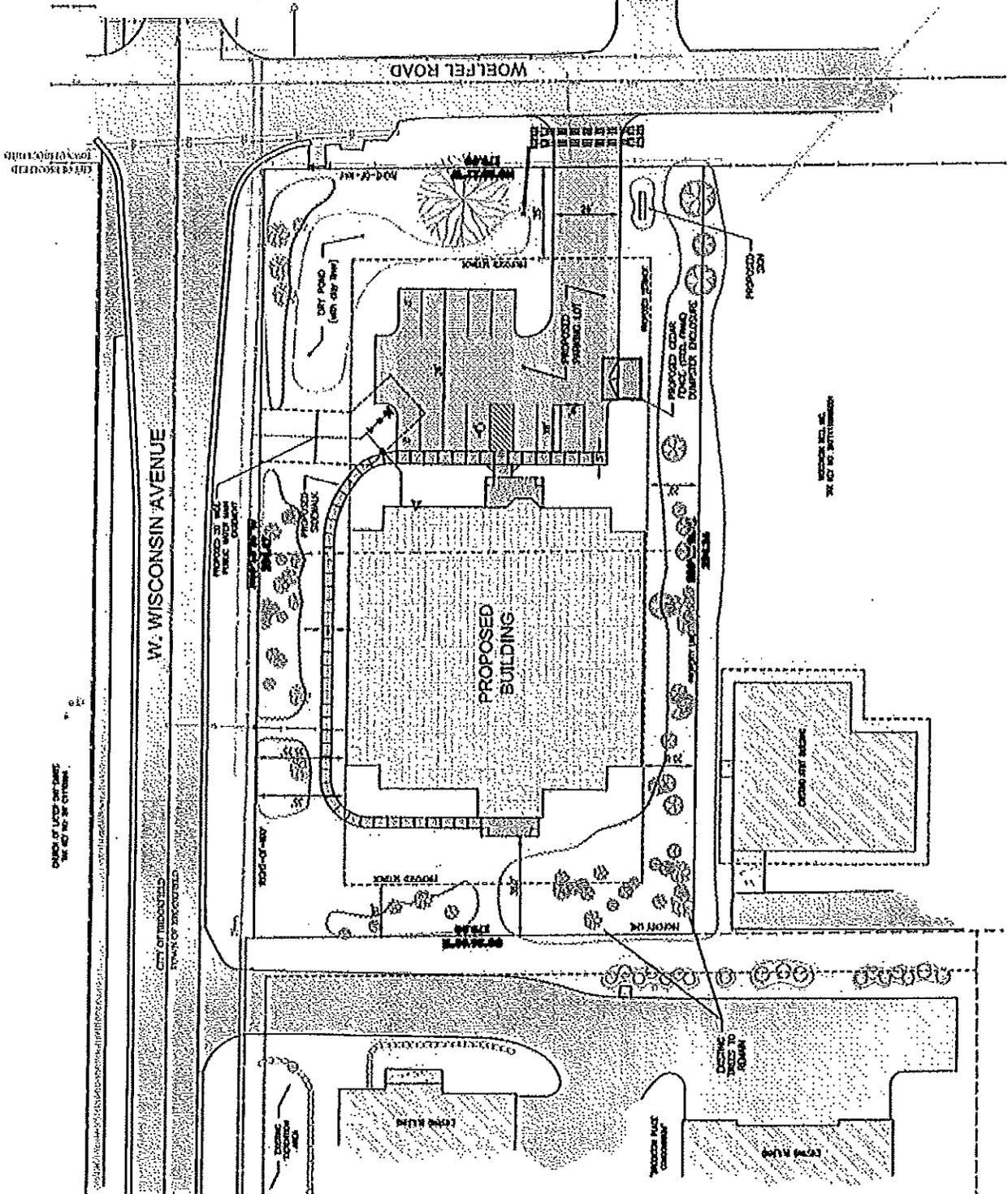
PROPOSED SITE PLAN

RECEIVED

MAR 21 2012

PLANNING DEPARTMENT  
CITY OF MILWAUKEE  
PARKS & LAND USE

EXHIBIT "A"



SITE DATA

EXISTING ZONING:	RM 2
PROPOSED ZONING:	RM 2 with 100' Setback
ZONING REQUIREMENTS:	Lot Area: 20,000 sq. ft. min. Lot Width: 25' min. Building Height: 40' max. Floor Area Ratio: 20% of lot area max. Setback: 10' min. Side & Rear Setback: 5'
PROPOSED USE:	20 Bed Assisted Living
LOT AREA:	50,493 S.F. (1.15 Acres)
BUILDING FOOTPRINT:	12,241 S.F. (0.28 Acres)
PROPOSED DEVELOPMENT:	17,324 S.F. (0.40 Acres)
PROPOSED SIDEWALK PATIO:	6,006 S.F. (0.14 Acres)
TOTAL ALTERNATIVE AREAS:	17,324 S.F. (0.40 Acres)
TOTAL OVER SPACE:	20,000 S.F. (0.45 Acres)
PARKING SPACES:	13 SPACES

STORM WATER MANAGEMENT: A new proposed stormwater management system for the site has been designed to meet the requirements of the City of Milwaukee. The system includes a dry pond, a stormwater storage tank, and a stormwater treatment system. The system will include a 100-year storm event and will be designed to meet the requirements of the City of Milwaukee. The system will include a 100-year storm event and will be designed to meet the requirements of the City of Milwaukee.

PROPOSED SIZE OF MEASURED BY THE CITY OF MILWAUKEE



OWNER OF LAND AND PART OF THE CITY OF MILWAUKEE

11/06/09/10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100

167-0-002

6.

ORDINANCE REZONING OF PROPERTY FROM RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT TO RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT WITH A P. U. D. PLANNED UNIT OVERLAY DISTRICT  
TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

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

SECTION 1: The following described property is hereby rezoned: to Rm-2 Multi-Family Residential District with a P.U.D. Planned Unit Development Overlay District

LOT 4 CERT SURV 4578 VOL 36/305 0.575 AC PT SW1/4 SEC 28 T7N R20E DOC# 3766329 and LOT 5 CERT SURV 4578 VOL 36/305 0.575 AC PT SW1/4 SEC 28 T7N R20E DOC# 3603120, Tax Key Numbers BKFT 1119-998-002 and BKFT 1119-998-003 Town of Brookfield, Waukesha County, Wisconsin.

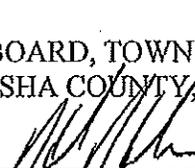
This approval is based on the submitted development plan, dated January 17, 2012.

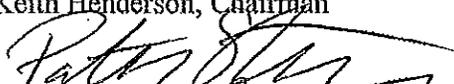
SECTION 2: All ordinances, or parts of this ordinance, conflicting or contravening the provisions of this ordinance are hereby repealed.

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

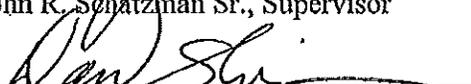
Dated this 17th day of January, 2012.

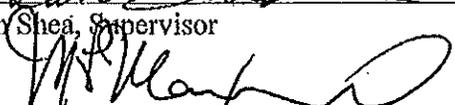
TOWN BOARD, TOWN OF BROOKFIELD  
WAUKESHA COUNTY, WISCONSIN

  
Keith Henderson, Chairman

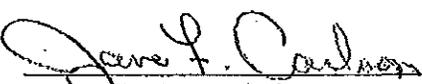
  
Patrick Stroebel, Supervisor

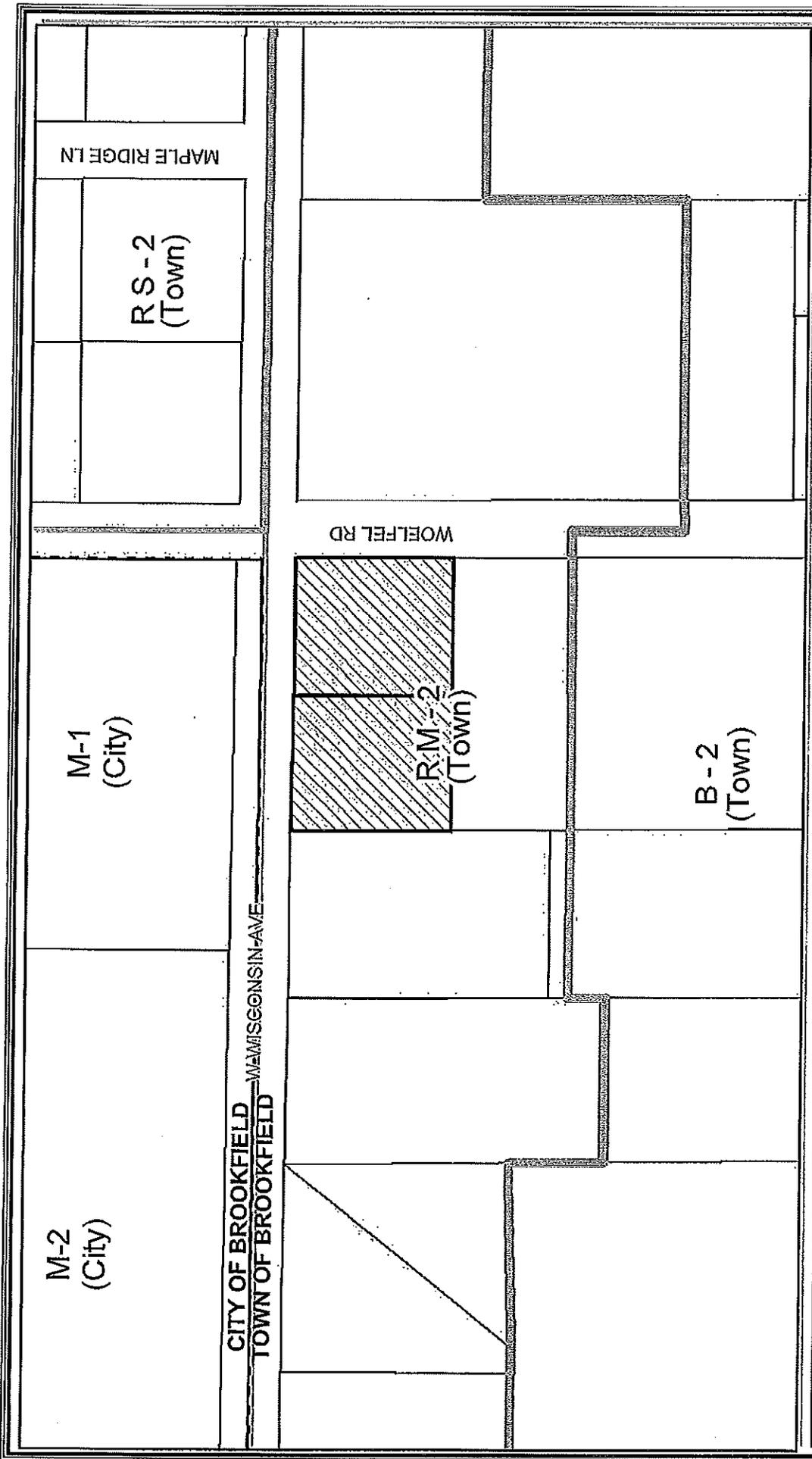
  
John R. Schatzman Sr., Supervisor

  
Dan Shea, Supervisor

  
Michael Maxwell, Supervisor

ATTEST

  
Jane F. Carlson, Clerk



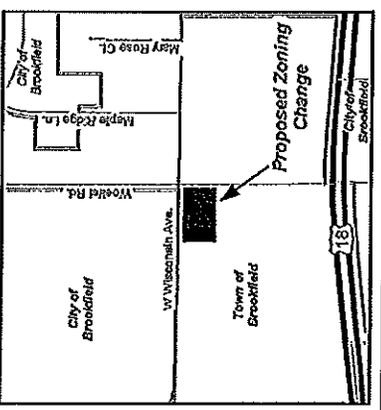
TOWN ZONING CHANGE FROM RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT TO R.M.-2 MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (1.17 ac)



FILE.....ZT-1730  
 DATE.....04/05/12  
 AREA OF CHANGE.....1.17 ACRES  
 TAX KEY NUMBER.....BKFT 1119.998.002 & BKFT 1119.998.003



**ZONING MAP AMENDMENT**  
 PART OF THE SW 1/4 OF SECTION 28  
 TOWN OF BROOKFIELD



Prepared by the Waukesha County Department of Parks and Land Use