

ENROLLED ORDINANCE 169-44

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 30, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE B-3 OFFICE AND PROFESSIONAL BUSINESS DISTRICT TO THE B-2 LIMITED GENERAL BUSINESS DISTRICT (ZT-1789)

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 June 3, 2014, 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-3 Office and Professional Business District to the B-2 Limited General Business District, certain lands located in part of the SE ¼ of Section 30, 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-1789, is hereby approved.

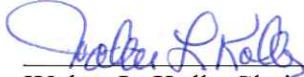
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.

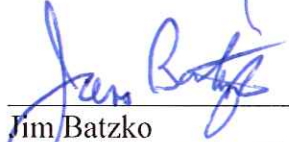
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

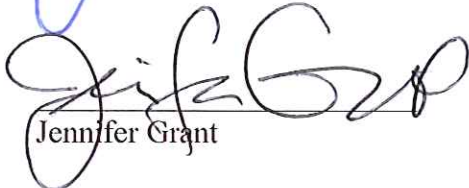
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

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 30, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE B-3 OFFICE AND PROFESSIONAL BUSINESS DISTRICT TO THE B-2 LIMITED GENERAL BUSINESS DISTRICT (ZT-1789)


Presented by:  
Land Use, Parks, and Environment Committee

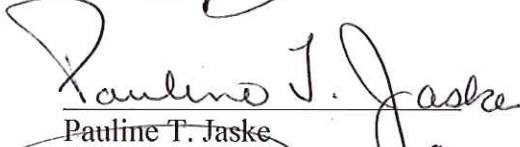
  
Walter L. Kolb, Chair

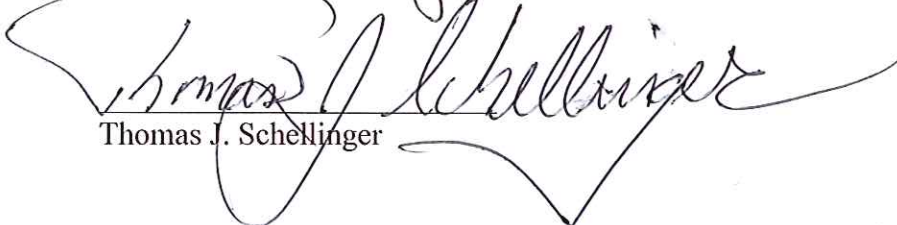
  
Jim Batzko

  
Jennifer Grant

  
Keith Hammitt

  
Eric Highum

  
Pauline T. Jaske

  
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: 8/26/14,   
Kathleen Novack, County Clerk

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

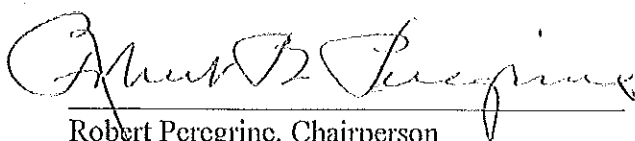
Approved: X  
Vetoed: \_\_\_\_\_  
Date: 8-27-14,   
Daniel P. Vrakas, County Executive

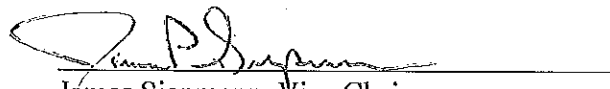
COMMISSION ACTION

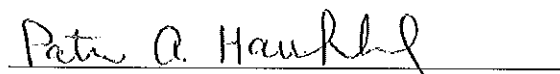
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Ordinance hereby recommends approval of ZT-1789 (Goerkes Park LLC) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION


July 17, 2014

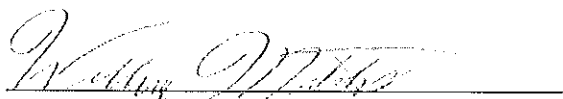
  
Robert Peregrine, Chairperson

  
James Siepmann, Vice Chairperson

  
Patricia Haukohl

  
Walter Kolb

  
Gary Goodchild

  
William Mitchell

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

**DATE:** July 17, 2014

**FILE NO.:** ZT-1789

**TAX KEY NO's:** BKFT 1128.996.003 and BKFT 1128.987.001

**PETITIONER:** Town of Brookfield Board  
645 N. Janacek Rd.  
Brookfield, WI 53045

**OWNERS:** Goerkes Park LLC  
c/o Amcon Corp.  
20633 Watertown Ct., Ste. 200  
Waukesha, WI 53186-1821

**LOCATION:**

Part of Parcel 1, Certified Survey Map No. 6585 and part of Parcel 2, Certified Survey Map 6520, located in part of the SE ¼ of Section 30, T7N, R20E, Town of Brookfield. More specifically, the properties are located between Watertown Road and I-94 just east of the terminus of Larry Court, containing approximately 3.03 acres.

**PRESENT ZONING CLASSIFICATION:**

B-3 Office and Professional Business District.

**PRESENT LAND USE:**

Vacant land and parking lot.

**PROPOSED ZONING:**

B-2 Limited General Business District.

**PROPOSED LAND USE:**

A 107 room Home2Suites by Hilton.

**PUBLIC HEARING DATE:**

May 27, 2014.

**PUBLIC REACTION:**

None.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

On May 27, 2014, the Town Plan Commission recommended approval of the request.

On June 3, 2014, the Town Board approved the rezoning request subject to final County approval.

**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 Commercial and Office Park category. The proposal to rezone the subject lands from one commercial zoning category to another commercial category is consistent with plan recommendations.

**OTHER CONSIDERATIONS:**

The lands proposed for rezoning are subject to the Town of Brookfield Zoning Code. The properties are located immediately north of I-94 in the vicinity of the Goerke's Corners interchange at Bluemound Road. Surrounding land uses are generally characterized by office uses and flex buildings that also include some warehouse use. The properties are currently accessed from the cul-de-sac at the south end of Larry Ct. The property is proposed to be rezoned in order to accommodate an extended stay hotel that will operate under the Hilton name as a Home2Suites. The hotel is proposed to have 107 rooms. Rooms will contain refrigerators, microwaves and stoves. The hotel will include an indoor pool, breakfast bar and a social gathering space.

The conceptual site plan (see Exhibit "A") shows that the hotel will be situated on the southerly part of the site with the primary hotel parking areas to the west and north of the building. Easterly portions of the two subject parcels will be added to the two adjacent properties to the east that are also owned by the petitioner (see "proposed rezoning map" labeled as Exhibit "B"). The lands to be transferred are not part of the subject rezoning request.

A storm water management area is proposed for the approximately 50' lineal strip that extends to Watertown Road. The existing parking area that is currently located on this site had served a prior occupant of the now vacant office building to the east. The plan shows this parking would be replaced by a new parking area on a portion of the lands to be transferred to the abutting property to the north and east. This parking area would also provide overflow parking for the petitioner's other buildings in the immediate vicinity. The petitioner feels that the new proposed parking areas will adequately serve both the hotel and the petitioner's existing buildings within the larger development/business park.

The Town's B-3 District accommodates office uses along with some limited commercial uses, however, hotels are not a specified permitted use within the district. Hotels are a listed permitted use within the proposed B-2 District. While the surrounding parcels are zoned B-3, the difference between the B-2 District and B-3 District is fairly subtle. While spot zoning is generally considered undesirable, hotels are a use that often directly serves office uses making the two sets permitted uses within the B-2 and B-3 districts quite compatible. The Town may wish to consider a Conditional Use option for hotels within the B-3 District in the future to alleviate the need for such rezoning actions.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends approval of the rezoning request. The rezoning is consistent with the County and Town land use plans. The rezoning will allow for new investment and infill type re-development within a highly visible part of the Town of Brookfield. The proposed hotel use should compliment and serve the uses within the surrounding area.

Respectfully submitted,

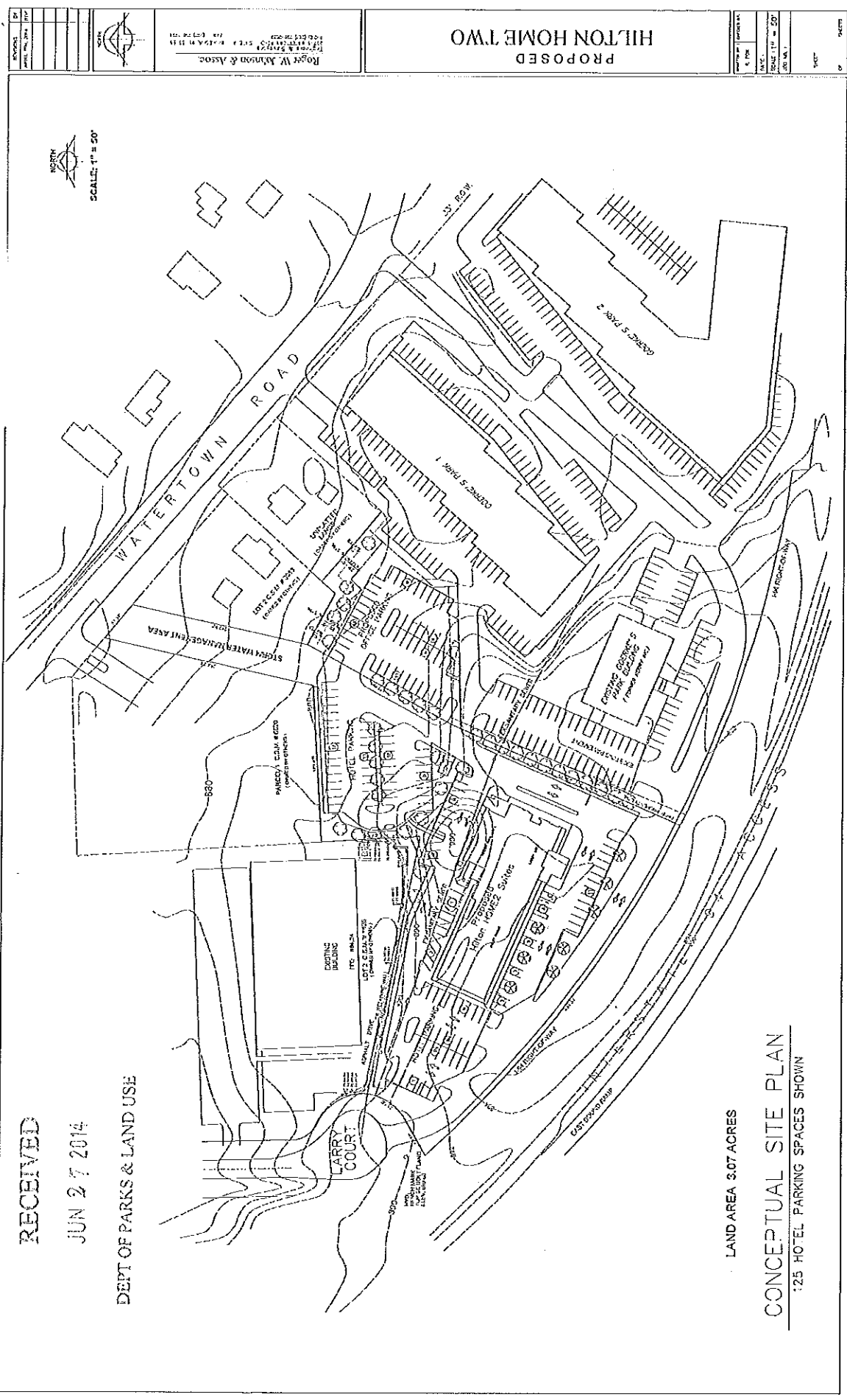
*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

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

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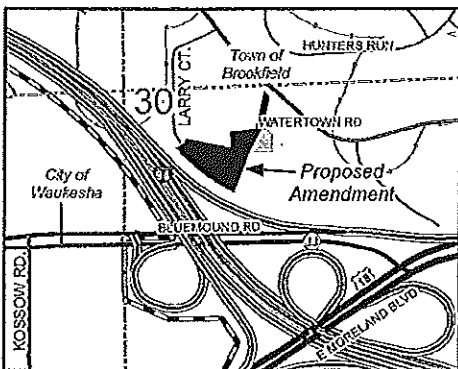
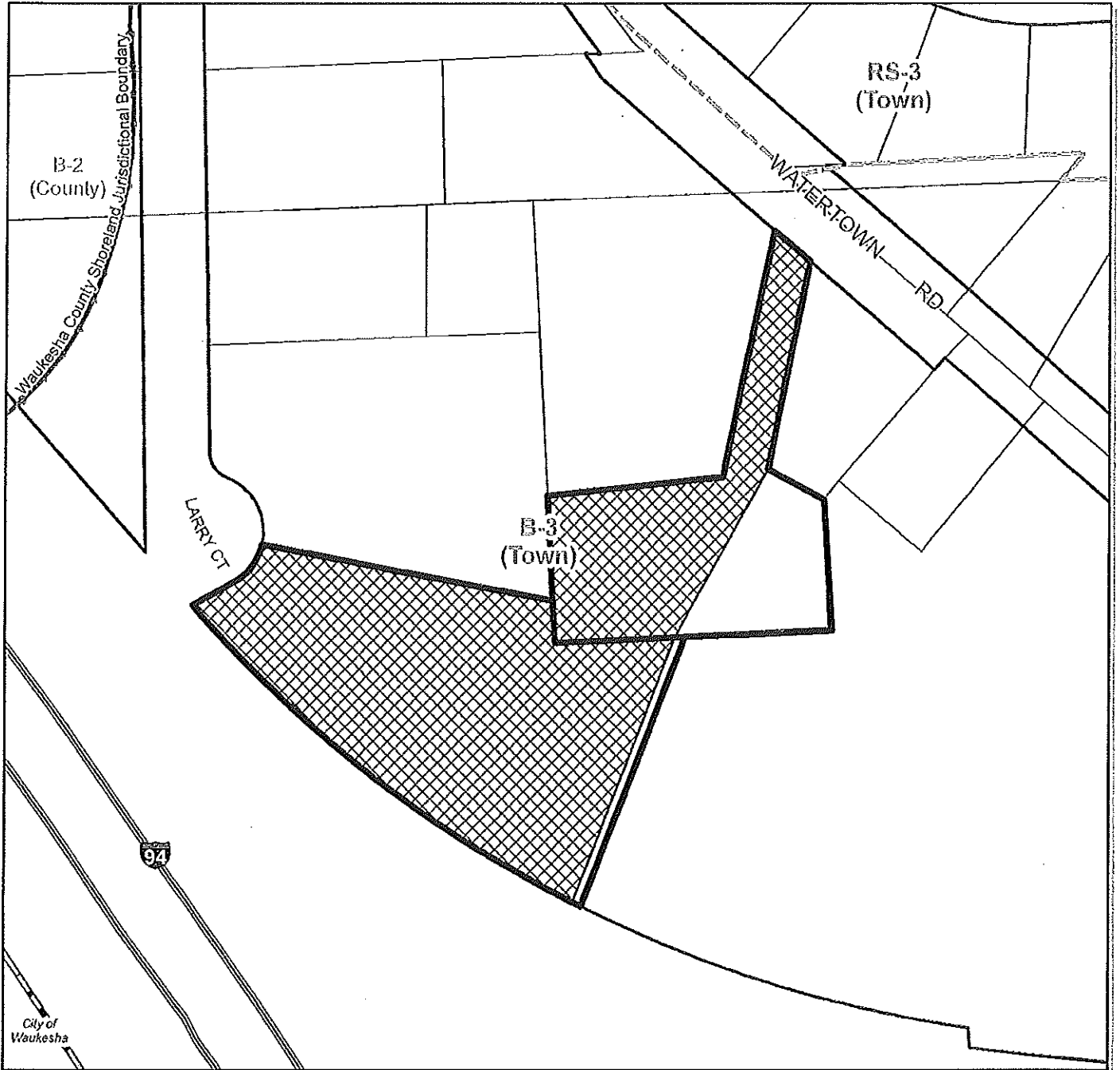
**EXHIBIT 'A'**






# ZONING AMENDMENT

PART OF THE SE 1/4 OF SECTION 30  
TOWN OF BROOKFIELD

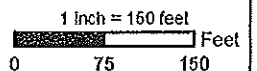


 TOWN ZONING CHANGE FROM B-3 OFFICE & PROFESSIONAL BUSINESS DISTRICT TO B-2 LIMITED GENERAL BUSINESS DISTRICT

PETITIONER.....Steven Johnson / Goerke's Park LLP  
 FILE.....ZT-1789  
 DATE OF PLAN COMM. CONSIDERATION.....07/17/14  
 AREA OF CHANGE.....3 ACRES  
 TAX KEY NUMBERS.....BKFT1128.996.003 & 1128.987.001



Prepared by the Waukesha County Department of Parks and Land Use





ORDINANCE REZONING OF PROPERTY FROM B-3 OFFICE AND PROFESSIONAL  
BUSINESS DISTRICT to B-2 LIMITED GENERAL BUSINESS CLASSIFICATION  
TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

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

SECTION 1: The following described property is conditionally rezoned from the B-3 Office & Professional Business District to B-2 Limited General Business District for the development of a 107 room Home2Suites by Hilton hotel. If said development does not occur, rezoning reverts back to B-3 Office & Professional Business District.

Being a part of Certified Survey Map No. 6585 together with a part of Certified Survey Map No. 6520, located in the Northwest 1/4 of the Southeast 1/4 of Section 30 T.7 N., R.20 E., Town of Brookfield, Waukesha County, Wisconsin; More particularly described as follows:

Commencing at the Northwest Corner of the Southeast 1/4 of said Section 30, THENCE N.87°51'04"E, on and along the north line of said 1/4 section, 913.86 feet to a point on the southwesterly Right-of-Way Line of Watertown Road; THENCE S.49°10'56"E., on and along said Right-of-Way, 60.29 feet to the Point of Beginning of the lands herein described, said point also marking the northwesterly corner of Certified Survey Map No. 6520; THENCE continuing S.50°27'06"E., on and along said Right-of-Way Line, a distance of 49.21 feet; THENCE S.12°20'40" W. a distance of 214.55 feet to the Southwesterly corner of Certified Survey Map No. 3083; THENCE S.29°02'55"W. a distance of 197.17 feet; THENCE S.22°07'26"W. a distance of 293.41 feet to a point on the northerly Right-of-Way Line of Interstate I-94; THENCE northwesterly on and along the arc of a curve, center of which lies to the north, having a radius of 1,332.40 feet, a delta of 21°23'23", a chord distance of 494.53 feet, bearing N.52°27'10"W. 497.42 feet, to a point on the east Right-of- Way Line of Larry Court, said point also marking the southwest corner of Certified Survey Map No. 6585; THENCE N.60°05'24"E. on and along the east Right-of-Way Line of Larry Court, 49.16 feet to a point of curvature; THENCE on and along said Right-of-Way Line and the arc of a curve, center of which lies to the west, having a radius of 60.00 feet, a delta of 53°03'37", a chord of 53.60 feet, bearing N.33°19'23"E., 55.56 feet; THENCE S.78°35'31"E., on and along the northerly line of said Certified Survey Map No. 6585, 308.56 feet to a point on the westerly line of Certified Survey Map No. 6520; THENCE N.03°34'06"W., on and along the westerly line of said Certified Survey Map, 109.20 feet to a point also marking the southwest corner of Parcel 1 of Certified Survey Map No. 6520; THENCE N.86°25'54"E., along said Certified Survey Map, 183.07 feet to the southeast corner of Parcel 1 of Certified

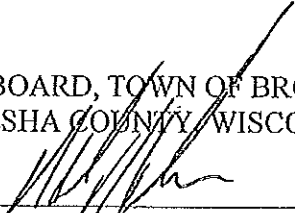
Survey Map No. 6520; THENCE N.12°20'40"E., on and along the east line of Parcel 1 of Certified Survey Map No. 6520; 261.10 feet to the POINT OF BEGINNING. Lands Contain 3.03 acres, more or less.

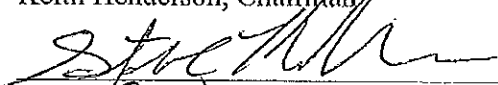
SECTION 2: All ordinances, or parts of this ordinance, conflicting or contravening the provisions of this ordinance are hereby repealed.

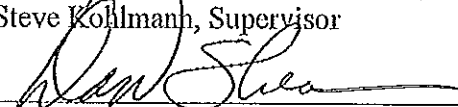
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

Dated this 3rd day of June, 2014.

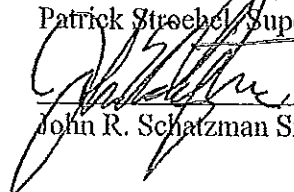
TOWN BOARD, TOWN OF BROOKFIELD  
WAUKESHA COUNTY, WISCONSIN

  
\_\_\_\_\_  
Keith Henderson, Chairman

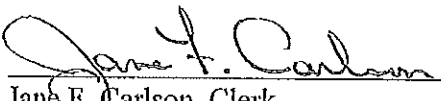
  
\_\_\_\_\_  
Steve Kohlmann, Supervisor

  
\_\_\_\_\_  
Dan Shea, Supervisor

  
\_\_\_\_\_  
Patrick Stroebel, Supervisor

  
\_\_\_\_\_  
John R. Schatzman Sr., Supervisor

ATTEST

  
\_\_\_\_\_  
Jane F. Carlson, Clerk

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/26/14

(ORD) NUMBER-1690044

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

- 2 D. Zimmermann.....AYE
- 4 J. BATZKO.....AYE
- 6 J. WALZ.....AYE
- 8 E. HIGHUM.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 C. PETTIS.....AYE
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....AYE
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....AYE
- 24 S. WHITTOW.....

TOTAL AYES-23

TOTAL NAYS-00

CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-23