

ENROLLED ORDINANCE 169-59

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 31, 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-1796)

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 July 1, 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 NW¼ of Section 31, 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-1796, is hereby approved.

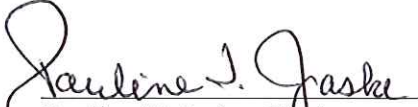
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

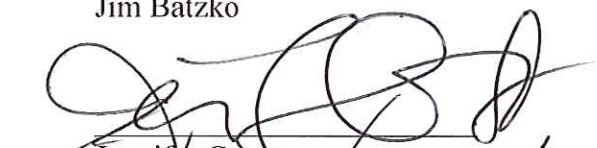
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING
CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF
SECTION 31, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY,
WISCONSIN, FROM THE B-3 OFFICE AND PROFESSIONAL BUSINESS
DISTRICT TO THE B-2 LIMITED GENERAL BUSINESS DISTRICT
(ZT-1796)

Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair

<ABSENT>

Jim Batzko


Jennifer Grant


Keith Hammitt



Eric Highum

<ABSENT>

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: 10/28/14

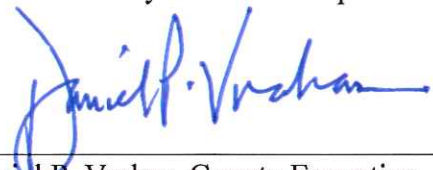

Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 10-31-14

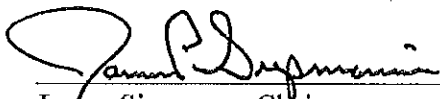

Daniel P. Vrakas, County Executive

COMMISSION ACTION

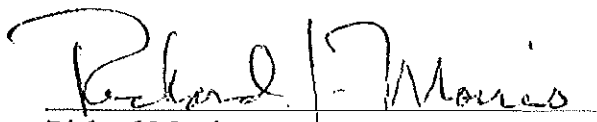
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Ordinance hereby recommends approval of ZT-1796 (D Roy and Carolyn Williams Trust) in accordance with the attached "Staff Report and Recommendation".

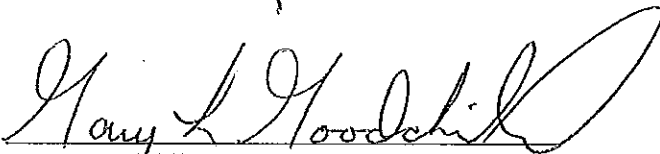
PARK AND PLANNING COMMISSION

September 18, 2014

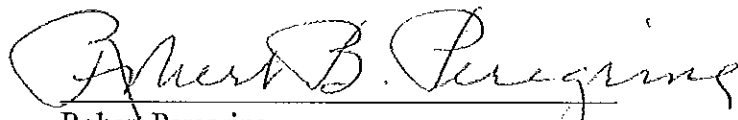

James Siepmann, Chairperson

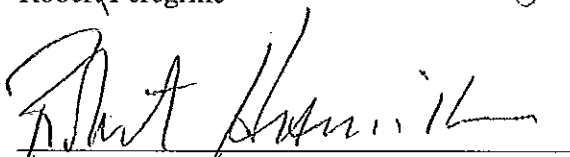
(Absent)
Walter Kolb, Vice Chairperson


Richard Morris


Gary Goodchild

(Absent)
William Mitchell


Robert Peregrine


Robert Hamilton

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

DATE: September 18, 2014

FILE NO.: ZT-1796

TAX KEY NO.: BKFT 1130.043

OWNERS: D. Roy and Carolyn Williams Trust
c/o Shirley M. Kern
S43W27210 Country Lane
Waukesha, WI 53189

PETITIONER: Boucher Cadillac, Chad Kemnitz agent
Professional Consultants, Inc.
300 Cottonwood Avenue, #7
Hartland, WI 53029

LOCATION:

Lot 3, Hulbert Hills Subdivision, part of the NW¼ of Section 31, T7N, R20E, Town of Brookfield. More specifically, the property is located at 21865 Longview Drive. The site is approximately 0.51 acres in area.

PRESENT ZONING CLASSIFICATION:

B-3 Office and Professional Business District.

PRESENT LAND USE:

Single family residential.

PROPOSED ZONING:

B-2 Limited General Business District.

PROPOSED LAND USE:

Commercial (expansion of an adjacent automotive dealership vehicle display lot).

PUBLIC HEARING DATE:

July 1, 2014.

PUBLIC REACTION:

One resident spoke in favor of the expansion and asked whether the landscaping would include the existing bushes that are in place. He also asked the Town to ensure that site lighting is appropriate. Another resident asked if other properties along Longview Drive were also being rezoned. The Town Planner responded that a landscape berm will be provided at the south property line and plantings would be provided along the east line. He clarified that the rezoning request is for one parcel only and noted that lighting would be low intensity lights on 10 to 15' tall poles.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On July 1, 2014, the Town Plan Commission recommended approval of the request. On July 1, 2014, 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 Commercial and Office Park category. The rezoning to accommodate an automobile dealer expansion is consistent with both plans.

OTHER CONSIDERATIONS:

Boucher Cadillac is proposing to expand its vehicle display area by acquiring the subject parcel that is immediately adjacent to its dealership along Longview Drive (see Exhibit "A"). Longview Drive serves as a frontage road to immediately adjacent U.S.H. 18. The existing car dealership holdings are located within the City of Waukesha, while the adjacent ½ acre parcel that is to be acquired and rezoned is located within the Town of Brookfield.

The current Town zoning designation of the parcel (B-3 Office and Professional Business District) does not provide for automobile dealerships or related automotive sales/display lots. The proposed district, the B-2 Limited General Business District, provides for a wide range of retail and commercial uses. The Town has granted a special exception to allow for the vehicle storage/display lot to be constructed without the principal commercial building being located on the same parcel, subject to the rezoning being finally approved.

The Town has reviewed the site plan for the expanded dealership facility and is requiring landscape screening along the south and east property lines in order to shield adjacent single family uses from the dealership lot. A landscaped berm is proposed for the south property line in order to continue the existing dense landscape plantings that currently exist along the existing display lot immediately west of the subject lands. The parcels to the south are part of the Hulburt Hills Addition No. 1 subdivision plat. The parcel immediately to the east is in residential use, however, the lands are planned for commercial use on the Town and County land use plans and the Town Planner indicated that re-development of the site for commercial use has been discussed. Full cut off type lighting fixtures will be installed to prohibit light spillage and lower intensity lights will be used near property boundaries. The Town Planner has noted that changes in technology have reduced noise issues related to speaker systems that previously "called" vehicles on such car lots, which alleviates noise concerns relative to the nearby residences.

The new display lot will be connected to the existing display lot and dealership driveways via a singular driveway connection near the southwest corner of the property. The project will not create more than ½ acre new impervious surface and the Town is requiring that site runoff be directed to the ditch along Longview Drive. The four adjacent single family properties to the east will remain zoned B-3. Although the subject parcel will be the only parcel within the subject area zoned B-2, Staff feels that because the property is located next to the City of Waukesha municipal boundary and a car dealership is present on the adjacent City lands, the rezoning to match the adjacent City zoning designation is appropriate and not an undesirable "spot" zoning condition.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends approval of the rezoning request. The expansion of the car dealership use to an adjacent property is consistent with land use plan recommendations that call for a transition of the properties along Longview Drive to commercial uses over time.

Respectfully submitted,

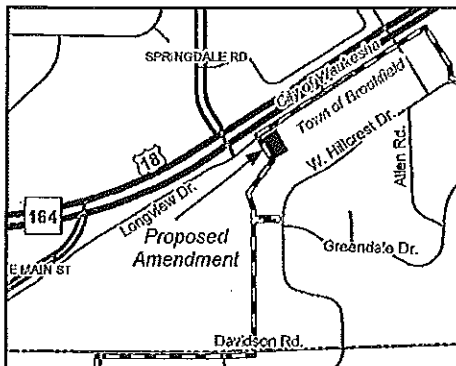
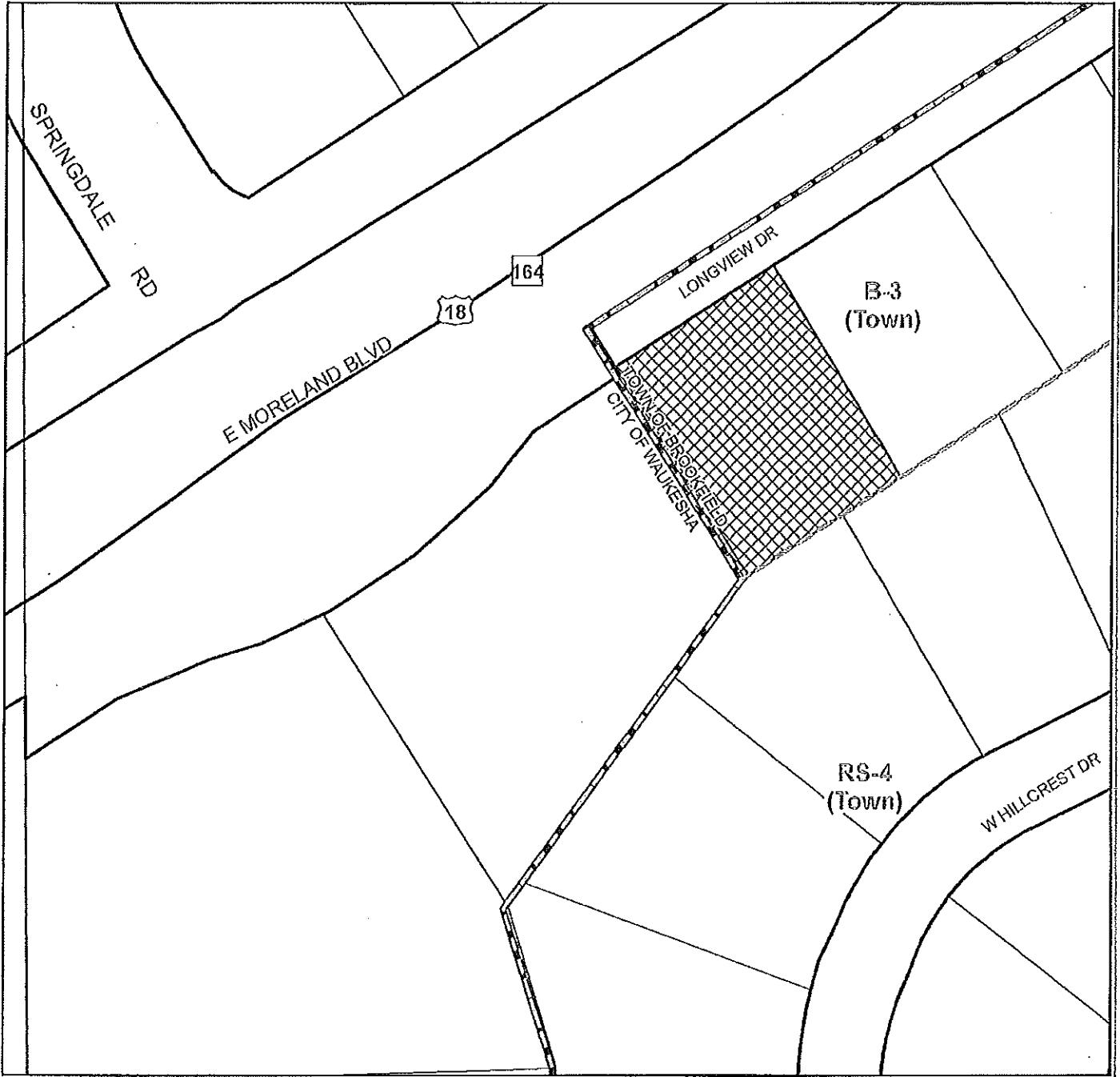
Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Exhibit "A", Map and Town Ordinance

ZONING AMENDMENT

PART OF THE NW 1/4 OF SECTION 31
TOWN OF BROOKFIELD

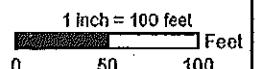


 TOWN ZONING CHANGE FROM B-3 OFFICE & PROFESSIONAL BUSINESS DISTRICT TO B-2 LIMITED GENERAL BUSINESS DISTRICT

FILE..... ZT-1798
 DATE OF PLAN COMM. CONSIDERATION.....09/18/14
 AREA OF CHANGE.....0.51 ACRES
 TAX KEY NUMBER.....BKFT 1130.043



Prepared by the Waukesha County Department of Parks and Land Use



STATE OF WISCONSIN : TOWN OF BROOKFIELD : WAUKESHA COUNTY

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

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

SECTION 1: The following described property is rezoned from the B-3 Office &
Professional Business District to B-2 Limited General Business District.

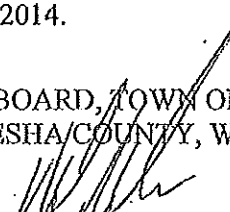
LOT 3 HULBURT HILLS SUBDIVISION PT NW1/4 SEC 31 T7N R20E DOC# 2704613,
Town of Brookfield, Waukesha County, Wisconsin. The property is identified as Tax Key
Number BKFT 1130-043.

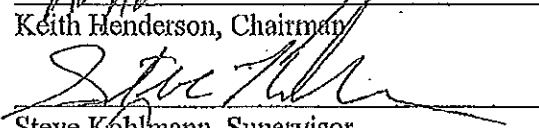
SECTION 2: All ordinances, or parts of this ordinance, conflicting or contravening the
provisions of this ordinance are hereby repealed.

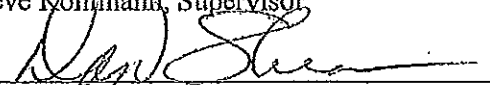
SECTION 3: This ordinance shall take effect upon passage and posting as provided by
law.


Dated this 1st day of July, 2014.

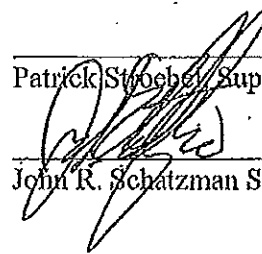
TOWN BOARD, TOWN OF BROOKFIELD
WAUKESHA COUNTY, WISCONSIN


Keith Henderson, Chairman

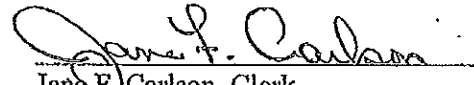

Steve Kohlmann, Supervisor


Dan Shea, Supervisor


Patrick Stroebel, Supervisor


John R. Schatzman Sr., Supervisor

ATTEST


Jane F. Carlson, Clerk

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/28/14

(ORD) NUMBER-1691060

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 B. MITCHELL.....
 17 D. PAULSON.....AYE
 19 K. CUMMINGS.....AYE
 21 W. ZABOROWSKI.....AYE
 23 K. HAMMITT.....AYE
 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.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-24