

ENROLLED ORDINANE 174-094

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY CONDITIONALLY 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 (RZ57)

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 November 5, 2019; 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 conditionally 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 NW ¼ 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 RZ57, is hereby approved subject to the following condition:

- If the property owner fails to receive all necessary approvals for the currently proposed project within 6 months, then zoning will revert back to the B-3 Office and Professional Business District.

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

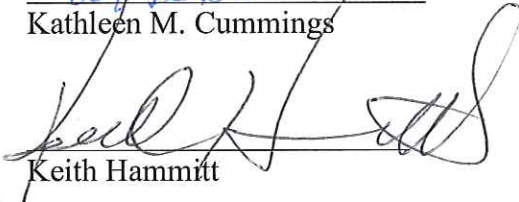
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY CONDITIONALLY 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 (RZ57)

Presented by:  
Land Use, Parks, and Environment Committee


  
David D. Zimmermann, Chair

*absent*  
Kathleen M. Cummings

  
Keith Hammitt

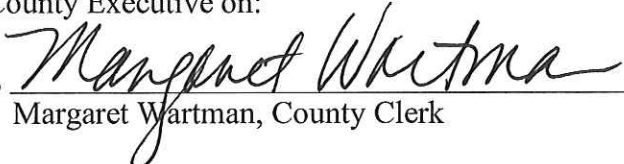
  
William A. Mitchell

*absent*  
Thomas J. Schellinger

  
Steve Whittow

  
Chuck Wood

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

Date: 3/30/2020,   
Margaret Wartman, County Clerk

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

Approved: X

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

Date: 3/30/2020,   
Paul Farrow, County Executive

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

**DATE:** February 20, 2020

**FILE NO.:** RZ57

**PETITIONER/OWNER:** Garni, LLC  
4221 Courtney Road  
Franksville, WI 53126-9795

**TAX KEY NO'S:** BKFT 1130.046 and BKFT 1130.047

**LOCATION:**

Part of the NW ¼ of Section 31, T7N, R20E, Town of Brookfield. More specifically, properties are located at 21725 and 21755 Longview Drive. The properties are approximately 0.50 acres in size each.

**EXISTING ZONING:**

B-3 Office and Professional Business District.

**PROPOSED ZONING:**

B-2 Limited General Business District.

**EXISTING USES:**

Single family residential.

**PROPOSED USES:**

Multi-tenant commercial building.

**PUBLIC HEARING DATE:**

October 22, 2019.

**PUBLIC COMMENT:**

A few nearby property owners asked questions regarding drainage, landscaping, the existing retaining wall, lighting and whether the neighbors would be able to construct a fence if the retaining wall is unsightly to them. Questions were also asked as to whether there would be additional meetings pertaining to the proposed development. The Town Chairman addressed some of the questions. He indicated that as the process continues, more complete details regarding redevelopment, including landscaping will be presented. He explained that there is no approved landscaping or grading plan at this time. He also indicated that there would be no further notifications via U.S. mail for future meetings but that meeting information is posted to the town website.

**TOWN PLAN COMMISSION:**

At their October 22, 2019 meeting, the Town of Brookfield Plan Commission unanimously recommended approval of the proposed amendment to the Town Board.

**TOWN BOARD ACTION:**

At their November 5, 2019, meeting, the Town of Brookfield Board unanimously approved the proposed amendment with the following condition:

- If the property owner fails to receive all necessary approvals for the currently proposed project within 6 months, then zoning will revert back to the B-3 Office and Professional Business District.

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

The properties are planned in the Commercial and Office Park category and the proposed change in commercial zoning type is consistent with plan recommendations.

**STAFF ANALYSIS:**

The proposal is to rezone two parcels with visibility along E. Moreland Blvd. (USH 18) from a commercial office category to the more generalized B-2 Limited General Business District that allows for a slightly more broad range of commercial uses. The corridor is currently a mix of both B-2 and B-3 zoning. The properties have frontage on Longview Dr., which functions as a frontage road along the highway. It is possible that Longview Dr. may convert to a private road as part of this proposal.

The two parcels are approximately one acre in total and are located immediately southwest of a strip commercial/office building. There are a couple of residences the opposite direction and the properties abut a residential neighborhood that is to the south. All of the properties along Longview Dr. are planned and zoned for commercial use.

A strip type commercial/office building is proposed (see Exhibit A) with the parking area planned for the north and east sides of the property that front the road and an adjacent commercial property, respectively. The properties slope from southwest to southeast and the petitioner indicated that they will likely look to construct a retaining wall that would serve both these properties and his commonly owned commercial property to the northeast so as to avoid duplicative walls.

The Town Planner shared that the developer held a neighborhood meeting to solicit input and that several that attended that meeting also came to the public hearing. He indicated that none expressed opposition to the project.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** as conditioned by the Town Board:

- If the property owner fails to receive all necessary approvals for the currently proposed project within 6 months, then zoning will revert back to the B-3 Office and Professional Business District.

The proposed rezoning allows for re-development of lands to accommodate a multi-tenant retail strip mall, which is consistent with plan recommendations. The site plan review process will ensure that the use is well designed relative to grading, parking lighting and landscaping so as to be complimentary to adjacent residences.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning Manager

Attachments: Exhibit A, B  
Map



RECEIVED

FEB 12 2019

DEPT OF PARKS DAN BEYER ARCHITECTS

EXHIBIT "A"



VIEW 01

DECEMBER 30, 2019

LONGVIEW RETAIL DEVELOPMENT  
21725 & 21755 LONGVIEW DRIVE



**EXHIBIT "A"**

DAN BEYER ARCHITECTS



VIEW 02

**LONGVIEW RETAIL DEVELOPMENT  
21725 & 21755 LONGVIEW DRIVE**

DECEMBER 30, 2019

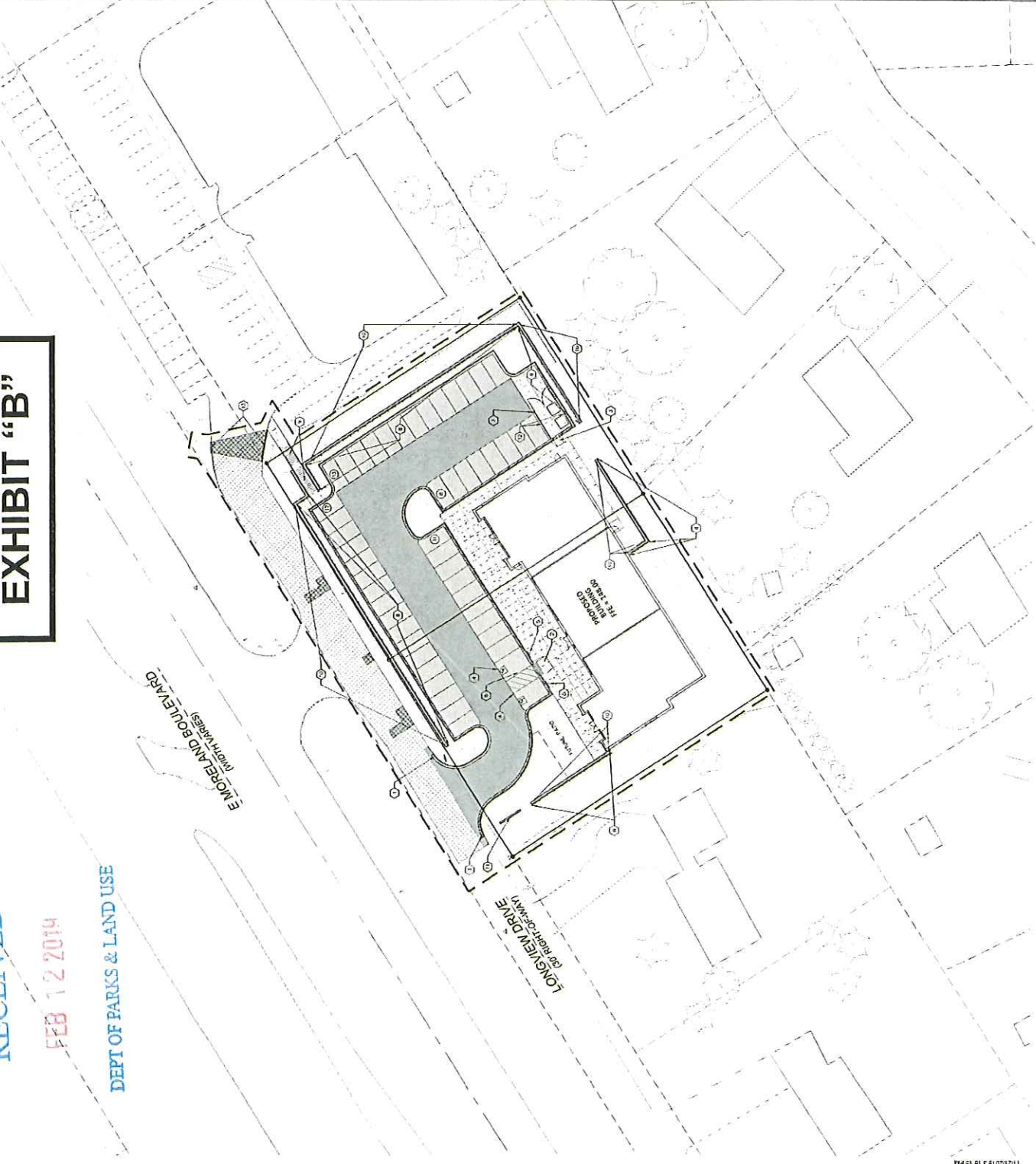


RECEIVED

FEB 12 2014

DEPT OF PARKS & LAND USE

EXHIBIT "B"



**KEY INDEX**

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**NOT FOR CONSTRUCTION**  
 THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING.

**21795 & 21855 LONGVIEW DRIVE**  
 TOWN OF ROCKFIELD  
 7627 W. 21ST AVE.  
 SFR SPRING, CO 80151

**DATE: 02/12/14**

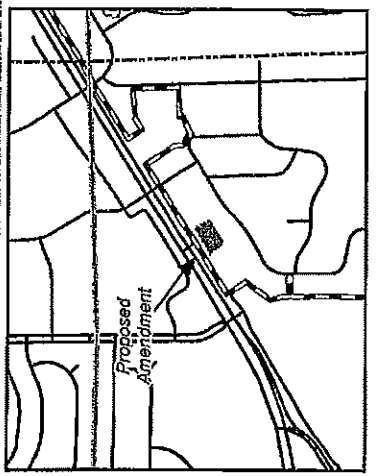
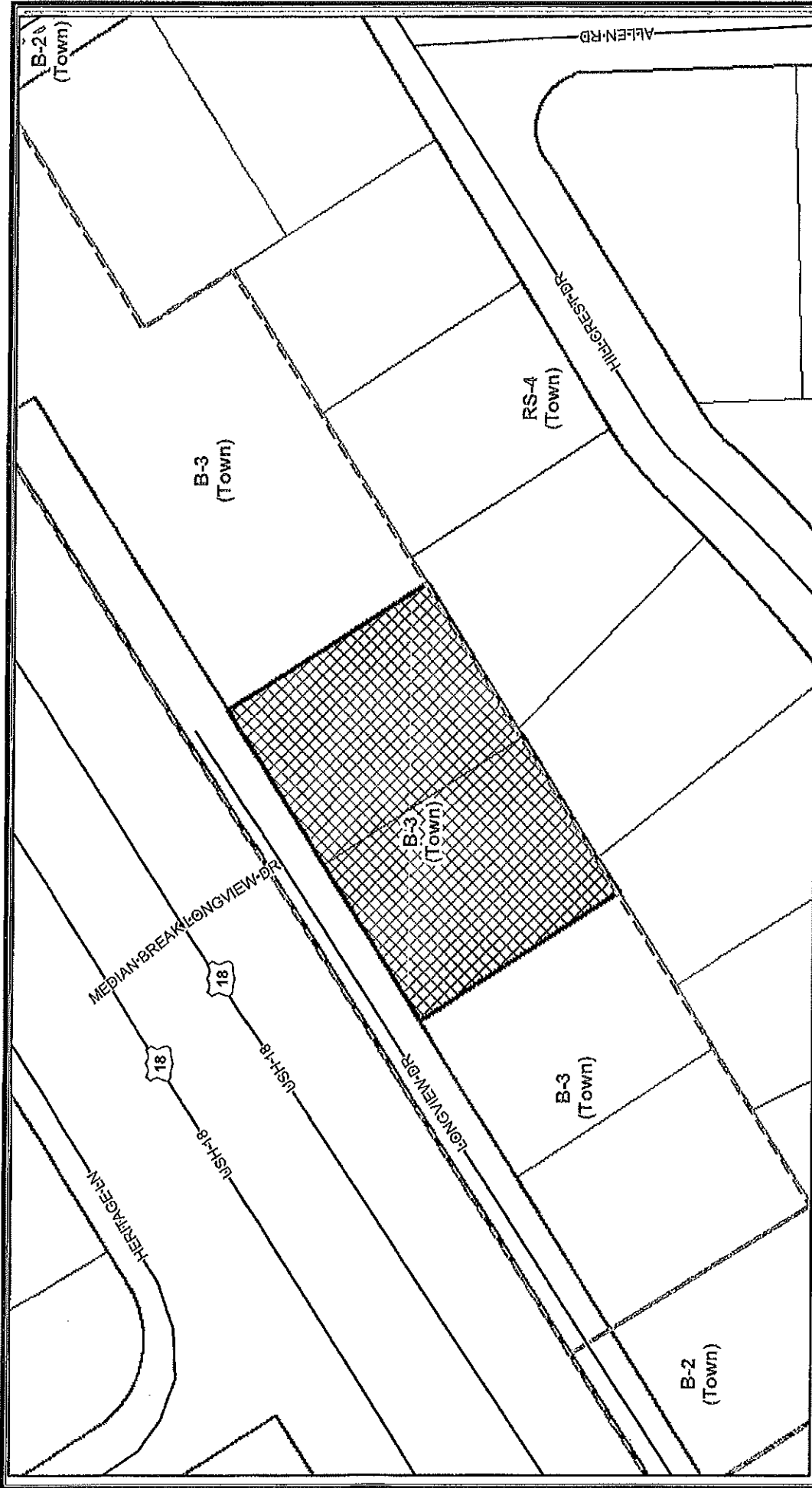
**SCALE: 1" = 20'**

**DIGGERS HOTLINE**  
 Dial 811 or (800)242-8511  
 www.diggershotline.com

**Kapur**  
 2175 S. W. 10th Avenue, Suite 100  
 Fort Lauderdale, FL 33315  
 (954) 571-1111

**C102**

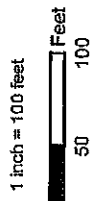
SCALE	1" = 20'
DATE	02/12/14
PROJECT	21795 & 21855 LONGVIEW DRIVE
DESIGNER	ARCHITECT
APPROVAL	ARCHITECT
DATE	02/12/14
PROJECT	C102



CONDITIONAL TOWN ZONING CHANGE FROM B-3 OFFICE AND PROFESSIONAL BUSINESS DISTRICT TO B-2 LIMITED GENERAL BUSINESS DISTRICT	
FILE.....RZ57	
DATE OF PLAN COMMISSION.....02/20/2020	
AREA OF CHANGE.....1 ACRE	
TAX KEY NUMBER.....BKFT 1130.046, BKFT 1130.047	

**ZONING AMENDMENT**

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



Prepared by the Waukesha County Department of Parks and Land Use



**COMMISSION ACTION**

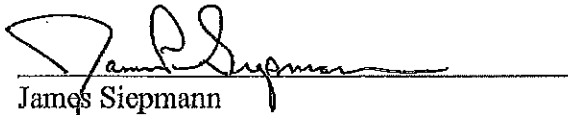
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Code and Map hereby recommends **approval** of **RZ57 (Garni, LLC)** in accordance with the attached "Staff Report and Recommendation".

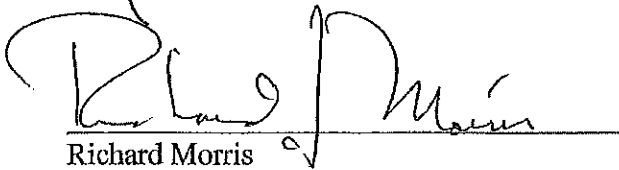
**PARK AND PLANNING COMMISSION**

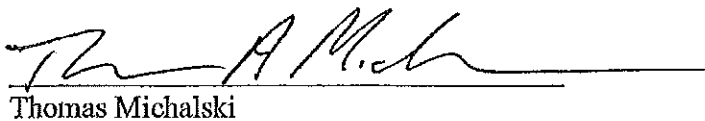
**February 20, 2020**

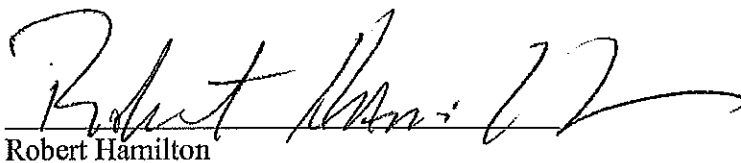
  
Robert Peregrine, Chairperson

  
William Mitchell, Vice Chairperson

  
James Siepmann

  
Richard Morris

  
Thomas Michalski

  
Robert Hamilton



VOTE RESULTS: Passed By Majority Vote

AYE: 21 NAY: 0 ABSENT: 4

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

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