

ENROLLED ORDINANCE 168-46

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 30, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE M-1 LIMITED MANUFACTURING DISTRICT TO THE B-2 LIMITED GENERAL BUSINESS DISTRICT (ZT-1762)

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 September 3, 2013, 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 conditionally rezone from the M-1 Limited Manufacturing District to the B-2 Limited General Business District, certain lands located in part of the SW 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-1762, is hereby approved subject to the following condition:

1. The rezoning is subject to the development of a 5,124 square foot office for Bubon Orthodontics. If said development does not occur, the zoning of the site reverts back to the M-1 Limited Manufacturing District.

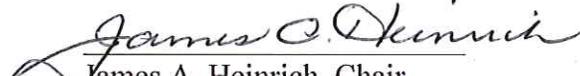
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.

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

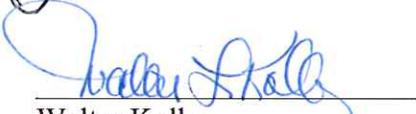
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 30, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE M-1 LIMITED MANUFACTURING DISTRICT TO THE B-2 LIMITED GENERAL BUSINESS DISTRICT (ZT-1762)

Presented by:
Land Use, Parks, and Environment Committee

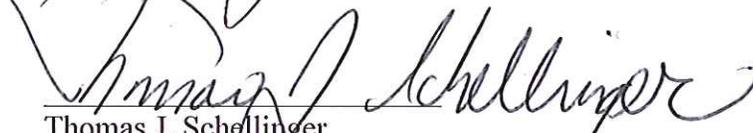

James A. Heinrich, Chair

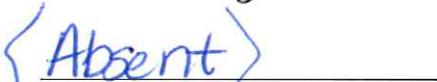

Jim Batzko


Walter Kolb


Pamela Meyer


Fritz Ruf

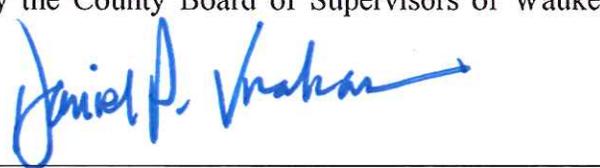

Thomas J. Schellinger


David D. Zimmermann

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

Date: 10/23/2013, 
Kathleen Novack, County Clerk

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

Approved: 
Vetoed: _____
Date: 10-24-13, 
Daniel P. Vrakas, County Executive

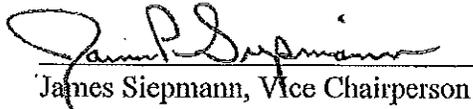
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Code hereby recommends approval of (ZT-1762 Schmidt Family Trust) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

September 19, 2013

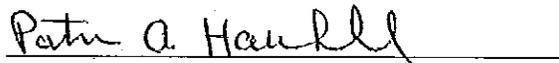

Robert Peregrine, Chairperson


James Siepmann, Vice Chairperson


William Mitchell

Absent
Gary Goodchild


Walter Kolb


Pat Haukohl

Absent
Fritz Ruf

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

DATE: September 19, 2013

FILE NO.: ZT-1762

TAX KEY NO.: BKFT 1127.996

PETITIONER: Nathan Laurent (representing Bubon Orthodontics)
Keller, Inc.
W177 N9856 Rivercrest Dr., Suite 104
Germantown, WI 53022

OWNERS: Schmidt Family Trust
c/o Kathy Gillette
W354S8010 W State Road 59
Eagle, WI 53118

LOCATION:

Part of the SW ¼ of Section 30, T7N, R20E, Town of Brookfield. More specifically, the property is located at 21680 W. Bluemound Rd. The site is approximately 0.73 acres in area.

PRESENT ZONING CLASSIFICATION:

M-1 Limited Manufacturing District.

PRESENT LAND USE:

Residential.

PROPOSED ZONING:

B-2 Limited General Business District.

PROPOSED LAND USE:

Office.

PUBLIC HEARING DATE:

August 2, 2013.

PUBLIC REACTION:

There were no public comments.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On August 27, 2013, the Town Plan Commission recommended approval of the rezoning request contingent upon the specific proposed development of the site as an office for Bubon Orthodontics.

On September 3, 2013, the Town Board approved the rezoning request, as recommended by the Town Plan Commission. The Town's approval is conditional and specifies that the B-2 zoning designation is explicitly granted for the Bubon Orthodontics office use and that if the proposed project is not developed, the zoning of the site shall revert to the M-1 Limited Manufacturing District.

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 land use category. Office uses are envisioned within this category, therefore, the proposed use and rezoning conforms to both plans. Although the County Plan generally calls for new commercial development to be served by municipal sewer, where possible, extension of sewer to this site has been explored and appears to be infeasible at this time.

OTHER CONSIDERATIONS:

The subject $\frac{3}{4}$ acre parcel is located along a highly developed stretch of Bluemound Road. (C.T.H. "JJ"). The parcel is located immediately east of the Sam's Club on the north side of Bluemound Road. The property contains a house, detached garage and shed that have been vacant for more than a year, thus the legal non-conforming use rights for residential use of the currently industrial-zoned site have now lapsed. The surrounding neighborhood is mixed use in nature and contains commercial, multi-family residential and light industrial uses. The proposed rezoning to a business district is needed for the site to be used for office purposes.

The petitioner is proposing to raze the existing improvements and construct a new orthodontist office. The office would be 5,124 square feet in area and would be located in the northeast corner of the property (See Exhibit "A"). A parking lot would be situated to the west and south sides of the building. The site borders the City of Waukesha on the east and south sides. The zoning of the lone adjacent property that is within the Town that contains Sam's Club is zoned B-2. Therefore, Town and County Staff advised that the B-2 was the most logical district to consider.

The site slopes from northwest to southeast. The site elevation changes approximately 30' from the high point to the low point. Fairly extensive grading is proposed to accommodate the site plan (See Exhibit "B"). However, natural grade in the surrounding area has been highly altered previously as neighboring properties developed, so the grading activity is not expected to have a negative aesthetic impact. A new driveway is proposed to be located to the west of the existing driveway on the site. The County Department of Public Works Staff (DPW) suggested to the developer's representative that it is recommended that the petitioner seek to obtain an access easement to share a driveway with either the property to the east or west of the site so that a safer driveway condition could be provided. Given the sloping nature of the highway and adjacent lands, the high-traffic location and the numerous existing driveways in the area, a new stand alone driveway is not desirable. DPW Staff has advised that if the owner cannot negotiate a driveway agreement with a neighbor, the driveway will need to be generally centered between the driveways located to the east and west of the site. The Town Planner has indicated that the petitioner has been unable to negotiate a driveway easement with the property owner to the east and the corporate owner to the west has given indication that it would take at least six months for corporate legal staff to begin reviewing an easement request.

The Town of Brookfield has advised that while the site does not automatically trigger storm water management requirements because of its small size, an infiltration area is being considered for the southeast part of the site to prevent the site from causing negative off-site drainage impacts.

The project will be served by municipal water but will not be served by municipal sewer. The Town Planner has indicated that sewer extension from existing Town sewer lines at the northwest corner of the Sam's Club building is cost prohibitive for this relatively small office project. He also reported that the

City of Waukesha has expressed hesitation in considering an inter-municipal sewer extension to the site. The Environmental Health Division Staff has indicated that the site is likely a candidate for a holding tank, given that it is a fairly small redevelopment site and because of the sloping nature of the site.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that, in accordance with the Town's approval, the request be conditionally **approved** subject to the following condition:

- The rezoning is subject to the development of a 5,124 square foot office for Bubon Orthodontics. If said development does not occur, the zoning of the site reverts back to the M-1 Limited Manufacturing District.

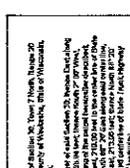
The change to a commercial zoning designation implements the recommendations of the Town and County plans and will allow for the redevelopment of an underutilized site along a busy arterial. As conditioned, the Town retains the ability to consider other alternate land use proposals should the orthodontics office not come to fruition.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

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



Keller
PLANNERS ENGINEERS ARCHITECTS

1315 Wisconsin Street, Suite 200
Madison, WI 53703
Phone: (608) 261-1111
Fax: (608) 261-1112
www.kellerarchitects.com

DR. BUBON
TOWN OF BROOKFIELD

PROPOSED FOR:
SUBJECT: 2013

PRELIMINARY PLAN DATE:
ARCHITECT: M. LAURENT
ENGINEER: S. MUEBE
CONTRACTOR: M. FANTICH
MUNICIPALITY: BROOKFIELD

PRELIMINARY NO. _____
CONTRACT NO. _____
DATE: _____
SHEET: **C1.2**

SITE INFORMATION:
LOCAL DESCRIPTION:
PROPERTY AREA: 3.4720 S.T. (0.15 ACRES)
EXISTING ZONING: M-1 LIMITED MANUFACTURING
PROPOSED USE: DENTAL CLINIC
AREA OF SITE DISTURBED: 0.00
SETBACKS:
FRONT = 30'
SIDE = 10'
REAR = 10'

EXISTING SITE DATA:
AREA (A) 14,000
AREA (B) 14,000
AREA (C) 14,000
AREA (D) 14,000
AREA (E) 14,000
AREA (F) 14,000
AREA (G) 14,000
AREA (H) 14,000
AREA (I) 14,000
AREA (J) 14,000
AREA (K) 14,000
AREA (L) 14,000
AREA (M) 14,000
AREA (N) 14,000
AREA (O) 14,000
AREA (P) 14,000
AREA (Q) 14,000
AREA (R) 14,000
AREA (S) 14,000
AREA (T) 14,000
AREA (U) 14,000
AREA (V) 14,000
AREA (W) 14,000
AREA (X) 14,000
AREA (Y) 14,000
AREA (Z) 14,000

PROPOSED BUILDING HEIGHT 24' (MAX. HEIGHT 45')
PARKING PROVIDED: 34 SPACES (14 SPACES REQUIRED)
HANDICAP STALLS REQUIRED: 2, HANDICAP STALLS PROVIDED: 2
HOURS OF OPERATION: 9-5
BUILDING OCCUPANCY CLASSIFICATION: 3-BUSINESS
CLASS OF BUILDING CONSTRUCTION: 1-B

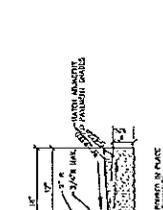
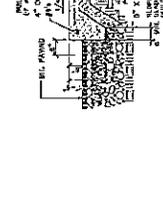
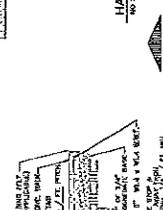
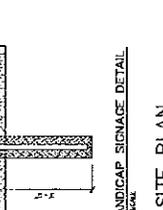
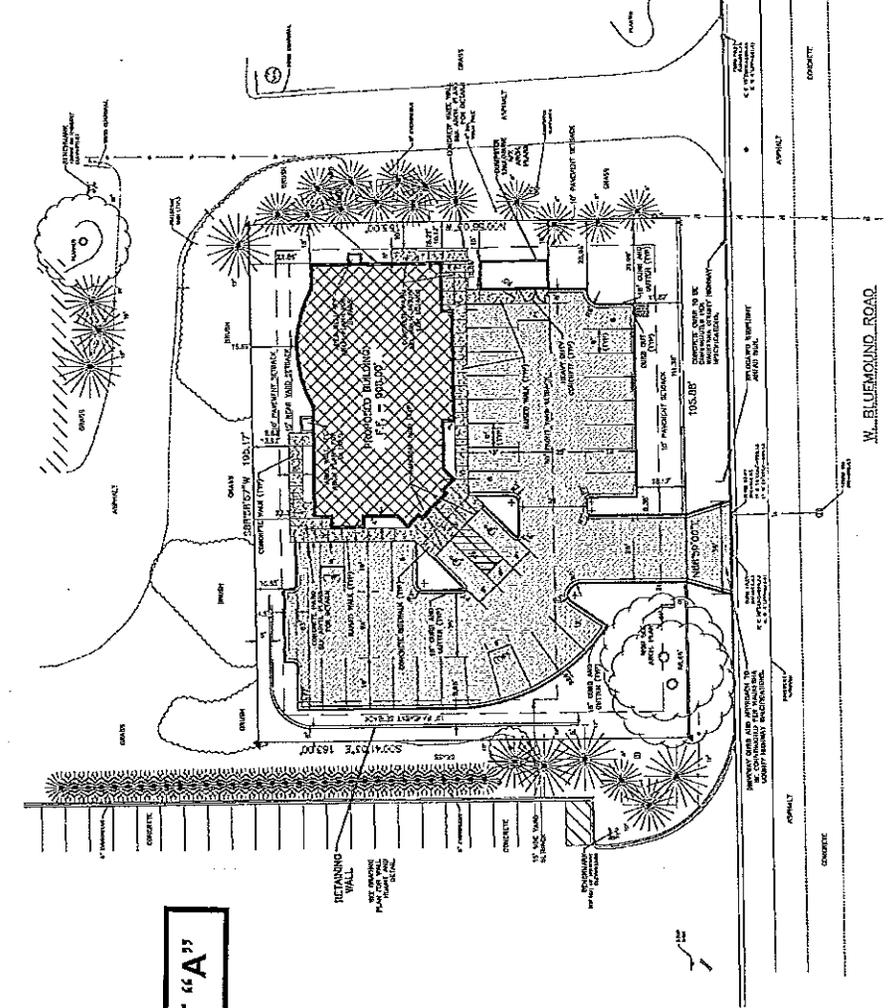
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HANDICAP SIGNAGE DETAIL
NO SCALE

SITE PLAN
SCALE: 1" = 40'-0"
1" = 40' SCALE

RAISED WALK DETAIL
1/4" = 1'-0" SCALE

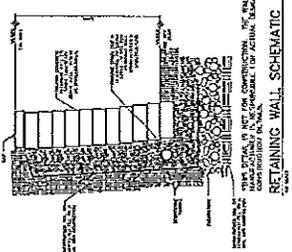
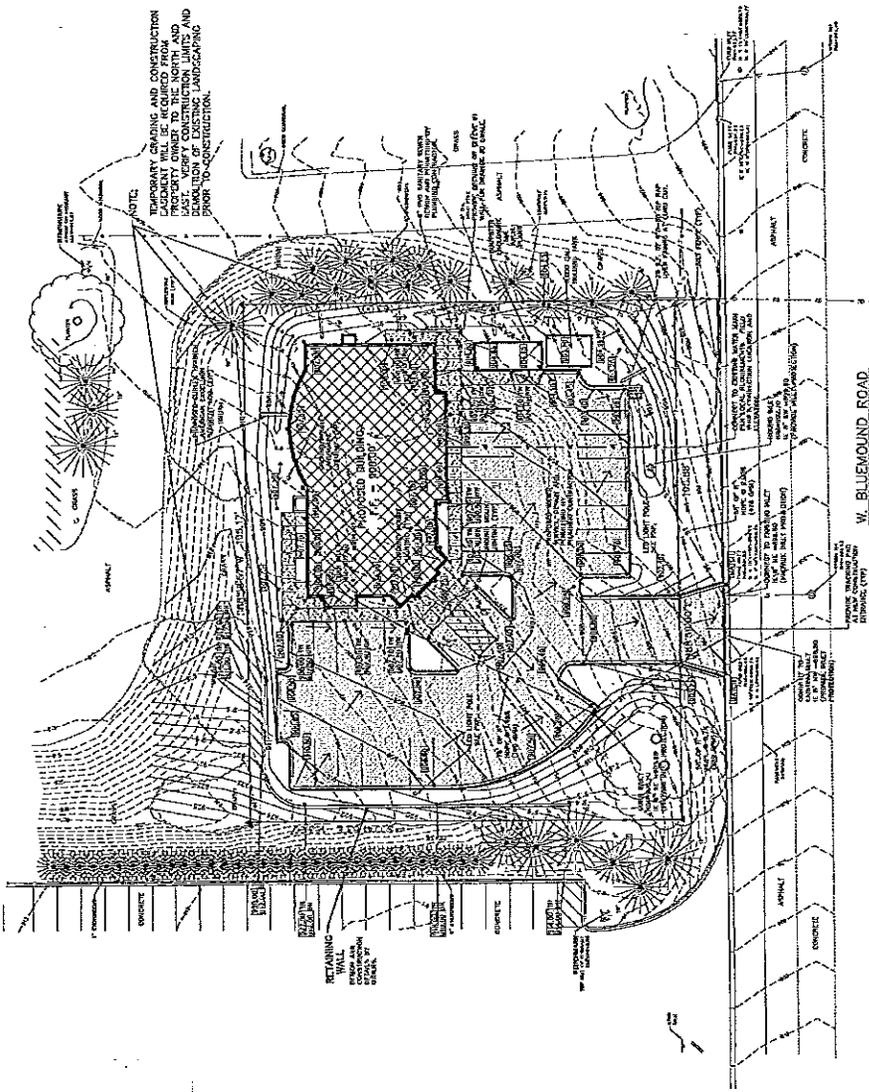
LEGEND
STANDARD ASPHALT

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

168-0-046

6.

EXHIBIT "B"



GRADING, UTILITIES AND EROSION CONTROL PLAN
 SCALE: 1"=20'-0"
 1"=20' 0' 20' 40' 80' 160'

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION



Keller
 PLANNING ARCHITECTURE ENGINEERING
 CONSULTANTS
 1000 W. WISCONSIN AVENUE
 SUITE 200
 MILWAUKEE, WISCONSIN 53233
 TEL: 414.224.1000
 FAX: 414.224.1001
 WWW.KELLERUSA.COM

DR. BUBON
 WISCONSIN

PROPOSED FOR:
 TOWN OF BROOKFIELD

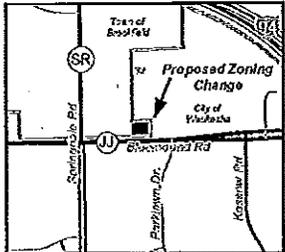
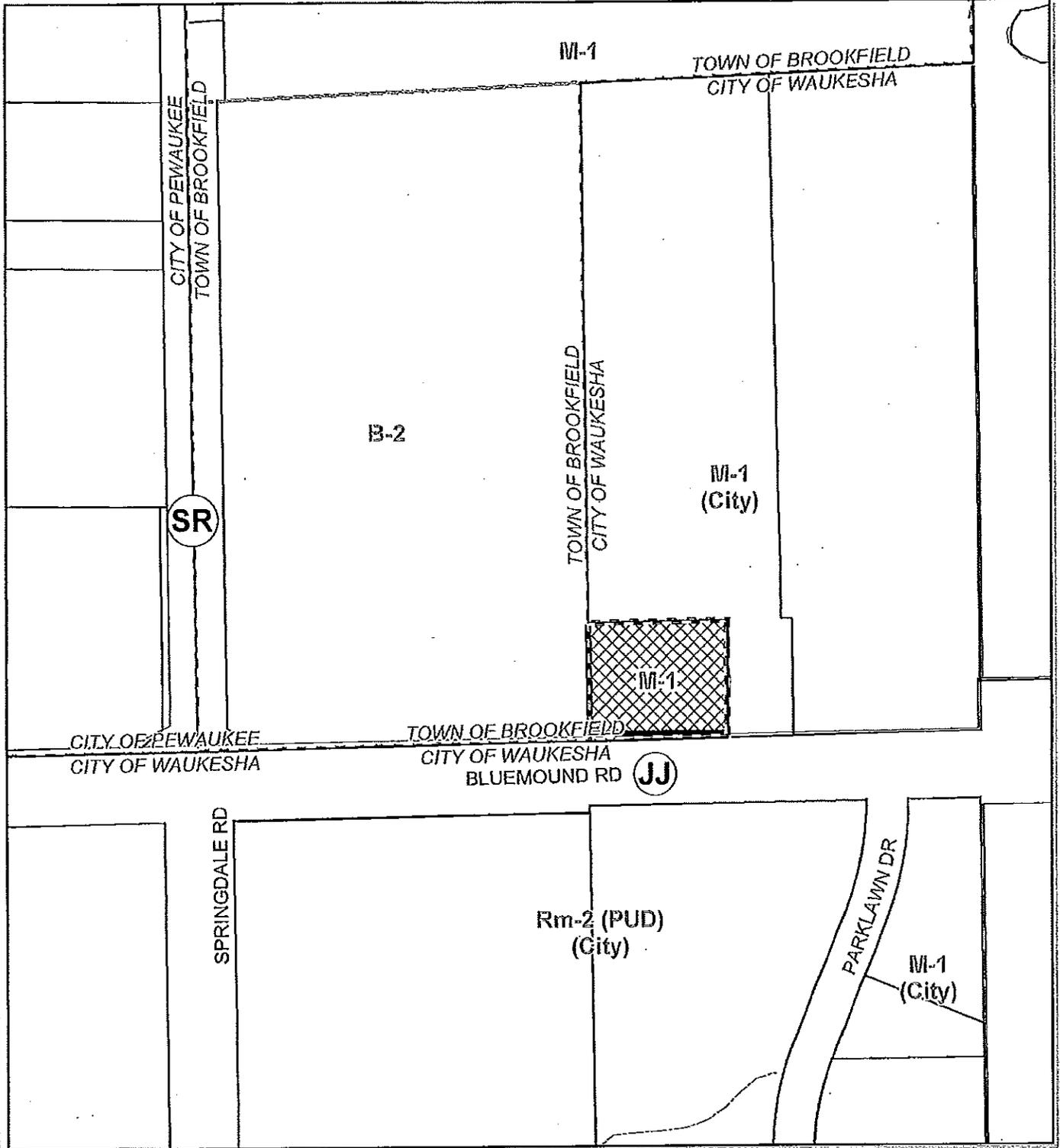
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PRELIMINARY PLAN DATE	AUGUST 2, 2003
PROJECT MANAGER	N. LARSON
ARCHITECT	S. RUDOLPH
DRAWN BY	M. FRANKLIN
CHECKED BY	
SUPERVISOR	
PRELIMINARY NO.	
CONTRACT NO.	
DATE	
DRAWN	

C1.3

ZONING MAP AMENDMENT

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



 **CONDITIONAL TOWN ZONING CHANGE FROM M-1 LIMITED MANUFACTURING DISTRICT TO B-2 LIMITED GENERAL BUSINESS DISTRICT (0.73 AC)**

FILE.....ZT-1762

DATE.....9/19/13

AREA OF CHANGE.....0.73 ACRES

TAX KEY NUMBER.....BKFT 1127.996

0 100 200 Feet
1 Inch = 200 feet

Prepared by the Waukesha County Department of Parks and Land Use

STATE OF WISCONSIN : TOWN OF BROOKFIELD : WAUKESHA COUNTY

ORDINANCE REZONING OF PROPERTY FROM M-1 LIMITED MANUFACTURING 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 conditionally rezoned from the M-1 Limited Manufacturing District to B-2 Limited General Business District, subject to Development of a 5,124 square foot office for Bubon Orthodontics. If said development does not occur, rezoning reverts back to M-1 Limited Manufacturing District.

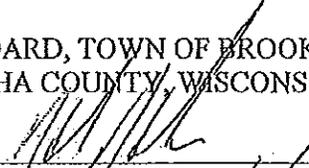
PT SW1/4 SEC 30 T7N R20E COM W1/4 COR E 565.94 FT S2 00'W 773.89 FT THE BGN S2 00'W 213.00 FT S88 20'E 196.10 FT N1 45'E 213.00 FT N88 20'W 195.17 FT TO BGN EX S 50 FT FOR HY DOC# 3227219, Town of Brookfield, Waukesha County, Wisconsin. The property is identified as Tax Key Number BKFT 1127-996.

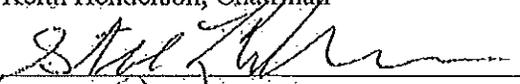
SECTION 2: All ordinances, or parts of this ordinance, conflicting or contravening the provisions of this ordinance are hereby repealed.

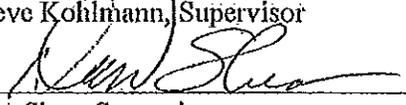
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

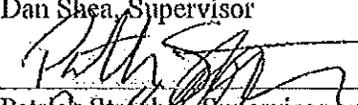
Dated this 3th day of September, 2013.

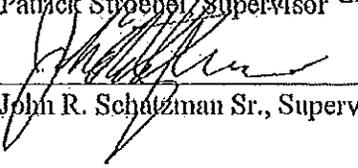
TOWN BOARD, TOWN OF BROOKFIELD
WAUKESHA COUNTY, WISCONSIN


Keith Henderson, Chairman


Steve Kohlmann, Supervisor


Dan Shea, Supervisor


Patrick Stroebel, Supervisor


John R. Schatzman Sr., Supervisor

ATTEST


Jane E. Carlson, Clerk

168-0-046

9.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/22/13

(ORD) NUMBER-1680046

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

2 D. Zimmermann.....AYE
4 J. BATZKO.....AYE
6 J. JESKEWITZ.....
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-23

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-23