

ORDINANCE NO. 2219-10
by the Plan Commission

REZONE THE FORMER FIRE STATION #3 CITY BLOCK LOCATED AT THE NORTHEAST CORNER OF MOORLAND ROAD AND HACKBERRY LANE FROM “R-3” SINGLE-FAMILY RESIDENTIAL TO “O&LB” OFFICE AND LIMITED BUSINESS / “MSO” MODIFIED SUBURBAN OVERLAY AND TO REMOVE CONDITIONAL USE ORDINANCE #746 THAT DESIGNATED A PORTION OF THIS BLOCK AS A FIRE STATION SITE

WHEREAS, the Modified Suburban Overlay District was the product of the 1999 City of Brookfield Capitol Drive Corridor Planning Study, and this study called for the creation of several new zoning instruments to be applied to certain properties within the Capitol Drive Corridor, which was completed June 1, 1999, by Ordinance No. 1692, and was also to be available for application by subsequent enactment elsewhere in said Corridor or elsewhere in the City; and

WHEREAS, a public hearing was heard before the Common Council on June 15, 2010, which was published as a Class II notice; and

WHEREAS, the subject block is approximately 78,000 sq. ft. in size and is comprised of three properties; and

WHEREAS, on June 21, 2010, the Plan Commission of the City of Brookfield recommended to rezone the former Fire Station #3 City block from “R-3” Single-family Residential to “O&LB” Office and Limited Business / “MSO” Modified Suburban Overlay and to remove conditional use Ordinance #746 that designated a portion of this block as a fire station site; and

WHEREAS, the proposed rezoning is consistent with the City’s comprehensive plan which recommends low density mixed use for the City block since the proposed “O&LB” District allows mixed commercial uses and the “MSO” Overlay District would prohibit more intensive uses such as restaurants with drive-thru (except low intensity restaurants), other drive-thru uses or bars and taverns from being permitted within the City block.

NOW, THEREFORE, the Common Council of the City of Brookfield do ordain as follows:

PART I. To rezone the former Fire Station #3 City block located at the northeast corner of Moorland Road and Hackberry Lane from “R-3” Single Family Residential to “O&LB” Office and Limited Business / “MSO” Modified Suburban Overlay and to remove Conditional Use Ordinance #746 that designated a portion of this block as a fire station site.

PART II. The “MSO-CS/NS/CTS” District would also permit a 25’ building and parking setback but would require a 25’ landscaped buffer along the east side of the subject block. The “MSO” District would also require a minimum lot size of 40,000 sq. feet.

PART III. The recommended land use of “commercial mixed use” for the subject block was established when the Common Council adopted the *South Gateway Neighborhood Plan* by Resolution 8095-09 on September 1, 2009.

PART IV. The lands to be rezoned “O&LB/MSO” is depicted on the map as Exhibit “A”* and described below. The provisions of the “MSO” district are described in Exhibit “A-1”* and incorporated into this Ordinance.

City Block located at the northeast corner of Moorland Road and Hackberry Lane. All that part of Parcels A, B, and C of Certified Survey Map No. 2687, as recorded in the Register of Deeds Office of Waukesha County as Document No. 96623, recorded in Volume 19 of pages 311 through 313, and being located in the Northwest 1/4 of the Southwest 1/4 of Section 35, Township 7 North, Range 20 East in the City of Brookfield, Waukesha County, Wisconsin.

PART V. This ordinance implements a component of the *2035 Comprehensive Plan* and therefore, is not considered an amendment to said comprehensive plan. Furthermore, City Code and State Statutes do not require a public hearing process for amendments to Chapter 16, the Subdivision Code.

PART VI. This ordinance shall take effect and be in force from and after its passage and publication.

ADOPTED AND APPROVED ON July 20, 2010

Kristine A. Schmidt, City Clerk

Steven V. Ponto, Mayor

Publish: July 29, 2010

* May be viewed in the City Clerk's Office or at www.ci.brookfield.wi.us.