

**ORDINANCE NO. 2293-12**  
by the Plan Commission

**AN ORDINANCE APPROVING CONDITIONAL USES DOCUMENTING THE PLAN AND METHOD OF OPERATION FOR ST. LUKE PARISH/SCHOOL AND PERMITTING CONSTRUCTION OF AN APPROXIMATE 45,000 SQ. FT., 100-BED MEMORY CARE FACILITY KNOWN AS SILVERADO SENIOR LIVING – BROOKFIELD, LLC AT APPROXIMATELY 1185 DAVIDSON ROAD**

WHEREAS, the Plan Commission of the City of Brookfield held a public hearing on the requested conditional use hereinafter described, on the 9<sup>th</sup> day of July, 2012; and

WHEREAS, notice of said hearing was duly given as required by law, and the Common Council received the Plan Commission report on the said request prior to final Council action thereon; and

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

PART I. A conditional use is granted documenting the plan and method of operation for St. Luke Parish / School as articulated in statements of operation attached as Exhibit “A” dated June 11, 2012 by Dennis J. Braun, Member – Administrative Services Committee – Saint Luke Catholic Church, May 13, 2011 by Wendall Harris, Superintendent – Heritage Christian Schools and May 16, 2011 by Rev. Kenneth J. Augustine, Pastor/Vice President – Saint Luke Catholic Church.

PART II. A conditional use is granted for constructing an approximate 45,000 sq. ft., 100-bed memory care facility at approximately 1185 Davidson Road or Silverado Senior Living – Brookfield, LLC. A proposed Certified Survey Map will divide the property into two lots.

PART III. The site is zoned “R-3” Residence District. Conditional Use/Special Exception Ordinance No. 1293 applied to the entire site, permitted expansion of an existing garage with nonconforming offset in association with operation of the existing church/school. The adopted land use for the entire site per the City of Brookfield 2035 Comprehensive Plan is “Community Facility”. With respect to existing and planned public buildings, schools, religious institutions, electrical substations, and health care facilities, Chapter Two of the City of Brookfield 2035 Comprehensive Plan states, “It is inherently difficult to predict where many of these institutions will be located in the future so the Plan will not be specific as to locations for such uses. In the future, these types of uses may also be appropriate in other future land use categories, with larger-scale institutional uses generally acceptable in Shopping/Services Focused, Employment Focused, and Mixed Use areas, and smaller-scale institutional uses generally acceptable in Residential areas. However, City zoning districts and processes will ultimately define where future institutional uses are appropriate and under what conditions. Nothing in this Plan shall be deemed to create inconsistency between the zoning approvals granted for such institutional uses, as described in this section, and the remainder of the Plan.”

PART IV. Per Section 17.108 of the Zoning Code, hospitals, sanitariums, nursing homes, rest homes, facilities for senior citizens and institutions for the care of the insane or the feeble-minded are classified as conditional uses. Conditional uses may be permitted in any zoning district unless expressly

prohibited, subject to a public hearing process, compliance with base zoning district regulations and upon approval by the Common Council of an ordinance.

PART V. Said memory care facility approval is subject to all conditions listed in the July 9, 2012, Plan Commission minutes, statement of operations dated July 9, 2012 attached as Exhibit "B" by Paul Mullin, Vice President of Development – Silverado and the representations made by the applicant as documented in the minutes of a public hearing held on the 9<sup>th</sup> day of July, 2012. The conditional use for Silverado Senior Living – Brookfield, LLC will be limited to the use(s) of the identified building and property for the activities outlined in the July 9, 2012 statement of operations and uses customarily associated with the conduct of a memory care facility however, no child day nursery/ daycare, adult day care or family adult daycare as defined by the State of Wisconsin and administered by the Wisconsin Department of Health Services shall be permitted and as may be amended by the Common Council on July 17, 2012.

PART VI. The conditional use for St. Luke's Parish / School site is described as being a part of Certified Survey Map No. 5577 located in the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin. More particularly described as: Commencing at the southeast corner of said Southwest 1/4 section, thence North 01°30'49" West along the east line of said Southwest 1/4 section, 70.53 feet; thence South 88°29'11" West, 33.00 feet to the north line of West Greenfield Avenue (State Trunk Highway "59") and the point of beginning; Thence South 83°51'27" West along said north line, 103.85 feet; thence South 89°23'00" West along said north line, 337.74 feet; thence North 84°54'22" West along said north line, 100.50 feet; thence South 89°23'00" West along said north line, 55.88 feet to the east line of San Lucas Drive; thence North 01°30'55" West along said east line, 722.38 feet; thence North 89°23'00" East, 597.01 feet to the west line of Davidson Road; thence South 01°30'49" East along said west line, 722.38 feet to the point of beginning. Containing in all 435,600 square feet (10.000 acres) of lands, more or less.

The conditional use for Silverado Senior Living – Brookfield, LLC site is described as being a part of Certified Survey Map No. 5577 located in the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin. More particularly described as: Commencing at the southeast corner of said Southwest 1/4 section, thence North 01°30'49" West along the east line of said Southwest 1/4 section, 70.53 feet; thence South 88°29'11" West, 33.00 feet to the west line of Davidson Road; thence North 01°30'49" West along said west line, 722.38 feet to the point of beginning; Thence South 89°23'00" West, 597.01 feet to the east line of San Lucas Drive; thence North 01°30'55" West along said east line and then along the east line of Briar Hills Subdivision, 549.72 feet to the south line of Certified Survey Map No. 220; thence North 89°06'05" East along said south line and its easterly extension, 552.41 feet to the southerly line of said Davidson Road; thence South 65°42'40" East along said southerly line, 49.51 feet to the westerly line of said Davidson Road; thence South 01°30'49" East along said westerly line, 531.59 feet to the point of beginning. Containing in all 328,561 square feet (7.5427 acres) of lands, more or less.

PART VII. This ordinance shall be in full force and effect from and after its passage and publication.

ADOPTED AND APPROVED ON \_\_\_\_\_ July 17 \_\_\_\_\_, 2012

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Kelly Michaels, City Clerk  
Published: July 26, 2012

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Steven V. Ponto, Mayor