

**ORDINANCE NO. 2320-13**  
by the Plan Commission

REZONE CITY-OWNED PROPERTY LOCATED AT 1000 S. MOORLAND ROAD (FORMER FIRE STATION 3) AND PRIVATELY OWNED PROPERTIES LOCATED AT 900 S. MOORLAND ROAD AND VACANT LOT DIRECTLY EAST THEREOF (TKN 1147-995-001) FROM "O&LB" OFFICE AND LIMITED BUSINESS AND "MSO" MODIFIED SUBURBAN OVERLAY TO "B-2" GENERAL BUSINESS AND "MSO" MODIFIED SUBURBAN OVERLAY.

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 February 19, 2013, which was published as a Class II notice; and

WHEREAS, on March 11, 2013, the Plan Commission of the City of Brookfield recommended to establish a base zoning of "B-2" General Business and the overlay zoning of Modified Suburban Overlay to properties located at 1000 S. Moorland Road and privately owned properties located at 900 S. Moorland Road and a vacant lot directly east thereof (TKN 1147-995-001); and

WHEREAS, the intent of the proposed zoning change is to make the block more appealing to a commercial developer under current market conditions. The one measure that the Plan Commission has suggested relaxing is the permission to have a drive-thru lane for accessing a coffee shop, deli, sandwich shop or bank. The likely use of the block under the proposed rezoning would be a single-story retail center with parking located along Moorland Road and one access driveway to Hackberry Lane, not the residential street located to the east, i.e. 155<sup>th</sup> Street.

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

PART I. To rezone city-owned property located at 1000 S. Moorland Road (former fire station 3) and privately owned properties located at 900 S. Moorland Road and vacant lot directly east thereof (tax key 1147-995-001) from "O&LB" Office and Limited Business and "MSO" Modified Suburban Overlay to "B-2" General Business and "MSO" Modified Suburban Overlay.

PART II. The "MSO" will establish the following setbacks, offsets and special characteristics for the subject property as described in Exhibit A-1.

- a. Minimum building and parking setback 25 feet.
- b. Minimum 25 foot landscaped buffer along east side of block.
- c. Minimum lot area 40,000 sq. ft.
- d. Minimum L.S.R. 25%.
- e. Maximum Lot Coverage 75%.

PART III. All uses permitted in base zoning, except:

- a. fast food restaurants with drive thru,
- b. taverns, bars, theaters, dance halls or other amusement places
- c. Outdoor dining except located between the building and Moorland Road.
- d. automobile repair shops, service stations, storage garages and auto sales.
- e. free standing signs, without a principal building in place, or billboards.

PART IV. The "B-2" General Business District base zoning designation will be established. Additional "MSO" overlay zoning regulations that will apply to this property are described in the matrix attached as Exhibit "A-1".

PART V. The land to be rezoned is depicted on the map as Exhibit "A" and described below. The "MSO" Modified Suburban Overlay is described in Exhibit "A-1".

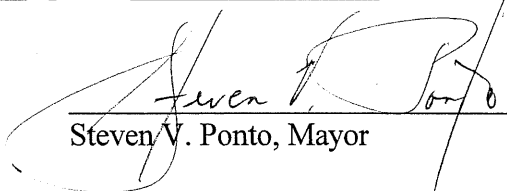
City Block located at the northeast corner of Moorland Road and Hackberry Lane.

All that part of Parcels A, B, and C of Certified Survey Map #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 ¼ of the Southwest ¼ of Section 35, Township 7 North, Range 20 East in the City of Brookfield, Waukesha County, Wisconsin

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

ADOPTED AND APPROVED ON April 16, 2013

  
\_\_\_\_\_  
Kelly Michaels, City Clerk

  
\_\_\_\_\_  
Steven V. Ponto, Mayor

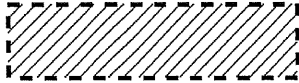
Publish: April 25, 2013

\* May be viewed in the City Clerk's Office or on-line at [www.ci.brookfield.wi.us](http://www.ci.brookfield.wi.us)

# CITY OF BROOKFIELD REZONING EXHIBIT "A"

LANDS TO BE REZONED FROM "O&LB" OFFICE AND LIMITED  
BUSINESS DISTRICT AND "MSO" MODIFIED SUBURBAN  
OVERLAY DISTRICT TO "B-2" GENERAL BUSINESS DISTRICT  
AND "MSO" MODIFIED SUBURBAN OVERLAY DISTRICT

SEE EXHIBIT "A.1" FOR DETAILS OF "MSO" DISTRICT



Indicates area where land is to be rezoned (Approximately 2 acres.)

- A Taxkey Number: 1147-995-002  
Owner: City of Brookfield
- B Taxkey Number: 1147-995  
Owner: Terry and Michael Briscoe
- C Taxkey Number: 1147-995-001  
Owner: Terry and Michael Briscoe

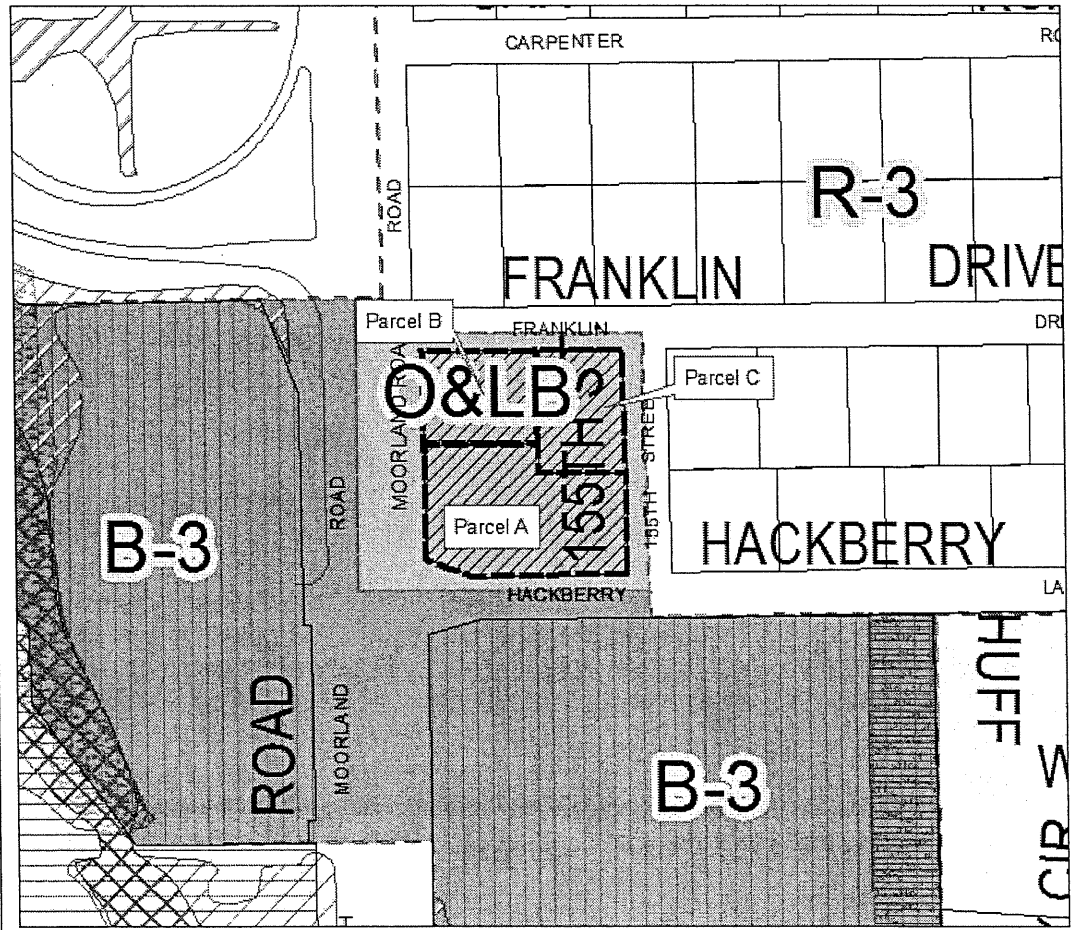
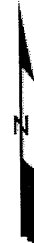
Descriptors other than legal description and zoning classification are for information only.



Any overlay zoning districts, other than "MSO" that apply to the subject properties are not affected by this ordinance.

Prepared by:  
CITY OF BROOKFIELD  
Department of Community Development

Drawn by: JMW  
Edited by: JMW  
Scale: 1" = 200'  
Date: JANUARY 14, 2013



**EXHIBIT “A-1”**

**MODIFIED SUBURBAN OVERLAY** –City Block located at the Northeast Corner of Moorland Road and Hackberry Lane - *revised January 17, 2013*

*The South Gateway Neighborhood Plan*

<b>Zoning Issue Area</b>	<b>Base Zoning</b>	<b>Development Pattern</b>	<b>Use Variations</b>	<b>Planning Unit</b>	<b>Special Characteristics</b>
Area “D” or 900 to 1000 S. Moorland Road- TKN: 1147..995, 1147..995.001 and 1147..995.002	B-2	NS/CS/CTS	All uses permitted in base zoning except: 1. fast food restaurants w/ drive thru 2. taverns, bars, theaters, dance halls or other amusement places. 3. outdoor dining except located between the building and Moorland Road. 4. automobile repair shops, service stations , storage garages and auto sales. 5. free standing signs, without a principal building in place, or billboards.	<i>South Gateway Neighborhood Plan</i>	1. Minimum building and parking setback 25 feet. 2. Minimum 25 foot landscaped buffer along east side of block. 3. Minimum lot area 40,000 sq. ft. 4. Minimum L.S.R. 25%. 5. Maximum Lot Coverage 75%.

**Descriptors other than legal description and zoning classification are for information only.**