

ORDINANCE NO. 2048-06
by the Plan Commission

**REZONE 18305 AND 18345 DAVIDSON ROAD "MSO-RC" MODIFIED SUBURBAN OVERLAY –
RESIDENTIAL CLUSTER TO PERMIT CONSTRUCTION OF ERBARY PLACE, 7 SINGLE-FAMILY,
DETACHED CONDOMINIUMS**

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 December 6, 2005, which was published as a Class II notice; and

WHEREAS, on December 12, 2005, the Plan Commission of the City of Brookfield tabled the request pending documentation of R-3 lot yield on the site. The applicant documented to the satisfaction of staff that a seven-lot "R-3" subdivision can be platted on the site; and

WHEREAS, on January 13, 2006 it appeared that the Plan Commission vote on a recommendation on this matter would be 3-3; and

WHEREAS, such a vote would have killed the matter in committee under Robert's Rules, the Plan Commission decided to send the matter to the Council for final decision without a recommendation; and

WHEREAS, the existing "R-3" Single-family Residence District base zoning designation will be retained. The adopted land use per *A Development Plan for the Endicott Neighborhood Plan* (Sept. 1993) is single-family residence.

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

PART I. To approve rezoning 18305 and 18345 Davidson Road "MSO-RC" Modified Suburban Overlay – Residential Cluster to permit construction of Erbary Place; 7 single-family, detached condominiums.

PART II. Regulations that apply to this property are described in the matrix attached as Exhibit "C"*.

PART III. The existing "R-3" Single-family Residence District base zoning designation will be retained.

PART IV. The land to be zoned "MSO-RC" Modified Suburban Overlay – Residential Cluster is depicted on the attached Exhibit "A"* and described in the attached Exhibit "B"*.

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

ADOPTED AND APPROVED ON February 21, 2006

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Publish: March 2, 2006

* May be viewed in the City Clerk's Office.

CITY OF BROOKFIELD REZONING EXHIBIT "A"

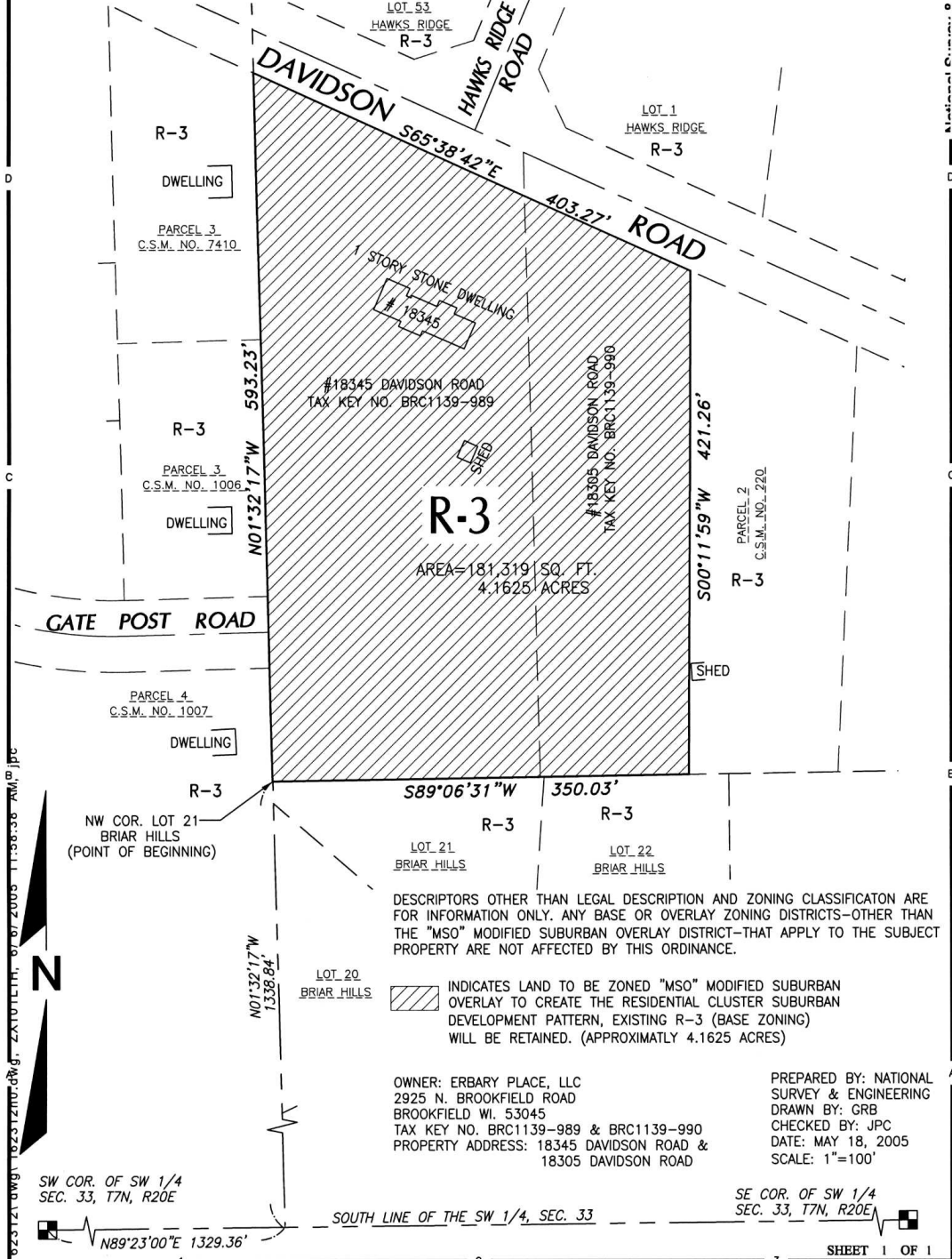
LANDS TO BE REZONED "MSO" MODIFIED SUBURBAN OVERLAY - "RC" RESIDENTIAL CLUSTER
EXISTING "R-3" SINGLE FAMILY RESIDENTIAL ZONING DESIGNATION WILL BE RETAINED.
KNOWN AS 18305 AND 18345 DAVIDSON ROAD, CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 220 AND LANDS IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWN 7 NORTH, RANGE 20 EAST, IN THE CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 33; THENCE NORTH 89°23'00" EAST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1329.36 FEET TO A POINT; THENCE NORTH 01°32'17" WEST ALONG THE WEST LINE OF BRIAR HILLS 1338.84 FEET TO THE NORTHWEST CORNER OF LOT 21 OF BRIAR HILLS AND THE POINT OF BEGINNING OF THE LANDS TO BE DESCRIBED; THENCE CONTINUING NORTH 01°32'17" WEST ALONG THE EAST LINE OF CERTIFIED SURVEY MAP NO. 1007, 1006 AND 7410 A DISTANCE OF 593.23 FEET TO A POINT ON THE SOUTH LINE OF DAVIDSON ROAD; THENCE SOUTH 65°38'42" EAST ALONG SAID SOUTH LINE 403.27 FEET TO A POINT ON THE WEST LINE OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 220; THENCE SOUTH 00°11'59" WEST ALONG THE WEST LINE OF SAID PARCEL 2 A DISTANCE OF 421.26 FEET TO A POINT ON THE NORTH LINE OF BRIAR HILLS; THENCE SOUTH 89°06'31" WEST ALONG SAID NORTH LINE 350.03 FEET TO THE POINT OF BEGINNING.
CONTAINING 181,319 SQUARE FEET OR 4.1625 ACRES.

MAY 19, 2005

ERBARY PLACE, LLC
LOT 53
HAWKS RIDGE
R-3

DRAWING NO. 162312-GRB



INDICATES LAND TO BE ZONED "MSO" MODIFIED SUBURBAN OVERLAY TO CREATE THE RESIDENTIAL CLUSTER SUBURBAN DEVELOPMENT PATTERN, EXISTING R-3 (BASE ZONING) WILL BE RETAINED. (APPROXIMATELY 4.1625 ACRES)

OWNER: ERBARY PLACE, LLC
2925 N. BROOKFIELD ROAD
BROOKFIELD WI. 53045
TAX KEY NO. BRC1139-989 & BRC1139-990
PROPERTY ADDRESS: 18345 DAVIDSON ROAD & 18305 DAVIDSON ROAD

PREPARED BY: NATIONAL SURVEY & ENGINEERING
DRAWN BY: GRB
CHECKED BY: JPC
DATE: MAY 18, 2005
SCALE: 1"=100'

SW COR. OF SW 1/4 SEC. 33, T7N, R20E

SE COR. OF SW 1/4 SEC. 33, T7N, R20E

SOUTH LINE OF THE SW 1/4, SEC. 33

EXHIBIT "B"

**LEGAL DESCRIPTION FOR LANDS TO BE REZONED MODIFIED SUBURBAN
OVERLAY – RESIDENTIAL CLUSTER (MSO-RC)**

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CONTAINING 181,319 SQUARE FEET OR 4.1625 ACRES. ALSO KNOWN AS 18305 AND 18345 DAVIDSON ROAD, CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

EXHIBIT “C”

MODIFIED SUBURBAN OVERLAY – 18305 and 18345 Davidson Road

Zoning Issue Area	Base Zoning	Development Pattern	<i>Use Variations</i>	Planning Unit	Special Characteristics
18305 and 18345 Davidson Rd. – Tax Key No’s. 1139.989 & 1139. 990	R-3	RC	None	Endicott Neighborhood Plan	7 detached, single family dwelling units contained on a single lot w/ no vehicular access to Davidson Road. Maximum FAR ≤ 25%, Maximum Lot Coverage ≤ 25%, Minimum Green Space ≥ 75%, Minimum distance between dwelling units ≥ 40’, Minimum building setback from Gate Post Road R/W ≥ 30’, Minimum building setback from Davidson Road R/W ≥ 50’.