

**ORDINANCE NO. 2170-09**  
by the Plan Commission

ORDINANCE GRANTING A VARIANCE TO ORDINANCE NO. 2149-08  
AND APPROVING A CONDITIONAL USE FOR THE PURPOSE OF  
ADJUSTING THE EXISTING CONDITIONAL USE BOUNDARY AND LOT  
LINES AND PERMITTING FAÇADE ALTERATION, BUILDING ADDITION,  
A DUAL PURPOSE HARDSCAPE / PARKING LOT EXPANSION, AS WELL  
AS PLAYGROUND RELOCATION AT 13445 HAMPTON ROAD

WHEREAS, it is a lawful purpose of the Common Council of the City of Brookfield to promote the health, safety, morals and general welfare of the City by enacting zoning ordinances; and

WHEREAS, Section 17.108 of the Brookfield Municipal Code authorizes the Common Council of the City of Brookfield to grant conditional use approvals in any zoning district but only after a public hearing process; and

WHEREAS, the Plan Commission of the City of Brookfield duly held a conditional use public hearing on March 9, 2009, after publication of a Class 2 notice; and

WHEREAS, on March 9, 2009 the Plan Commission of the City of Brookfield concluded that the proposed lot line alteration associated with the conditional use request is consistent with City subdivision standards.

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

PART I. Pursuant to Section 16.04.060 of the Municipal Code, approve a variance to Ordinance No. 2149-08 which establishes a temporary moratorium on modifications to the boundaries of platted residential lots.

PART II. Pursuant to Section 17.108 of the Municipal Code, approve a conditional use for the purpose of adjusting the existing conditional use boundary, lot lines, façade alteration, parking lot expansion, as well as a dual purpose hardscape playground, at 13445 Hampton Road. Included in the approval is an alteration to the building's main entrance, addition of a 2,814 sq. ft. classroom, interior remodeling and removal of two existing single-family residences at 13460 Courtland Avenue and 4730 N. 135<sup>th</sup> Street.

PART III. Said approval is subject to all conditions listed in the March 9, 2009, Plan Commission minutes.

PART IV. The land upon which the conditional use is proposed is described as follows:

Parcel 1 of Certified Survey Map No. 8578 and lands in the Northeast ¼ of the Northwest ¼ of Section 1, Town 7 North, Range 20 East, in the City of Brookfield, Waukesha County, Wisconsin.

Commencing at the Northeast corner of said ¼ Section; thence S 88°35'28" W along the north line of said ¼ Section 741.41 feet; thence S 00°38'22" E 50.01 feet to the Northeast corner of said parcel to the point of beginning of lands to be described; thence S 00°38'22" E along the east line of said parcel 730.15 feet to a point on the north line of Courtland Avenue; thence S 88°35'28" W along said north line 335.10 feet to a point on the north line on said Courtland Avenue; thence N 00°38'22" W 186.40 feet to a point; thence S 88°35'28" W 121.65 feet to a point on the east line of North 135<sup>TH</sup> Street; thence N 01°12'32" W along said east line 543.71 feet to a point on the south line of said Hampton Road; thence N 88°35'28" E along said south line 462.15 feet to the point of beginning.

Containing 312,263 square feet or 7.17 acres. Also known as 13445 Hampton Road.

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

ADOPTED AND APPROVED ON March 17, 2009

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Kristine A. Schmidt, City Clerk

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Jeff R. Speaker, Mayor

Published: March 26, 2009