

ORDINANCE NO. 2174-09

by the Plan Commission

ORDINANCE APPLYING THE “LIGHT INDUSTRIAL & COMMERCIAL MIXED USE NO. 1” (LI&CM NO. 1) ZONING DISTRICT TO PROPERTIES LOCATED IN THE NORTHWEST GATEWAY NEIGHBORHOOD PLAN

WHEREAS, the City of Brookfield Common Council adopted the *Northwest Gateway Neighborhood Plan* (the “Plan”) on July 15, 2008, (Resolution No. 7938-08), which identified the need for significant zoning changes or amendments in several parts of the neighborhood; and

WHEREAS, the planning effort was part of implementing the City Master plan adopted on December 7, 1999, (Resolution No. 6469), that characterized the neighborhood as a “Targeted Intervention Area” or “node”; and

WHEREAS, the Plan Commission introduced amendments to the zoning classification of certain properties located within the Plan area that the Commission deemed necessary to implement the Plan shortly after Council approval of the Plan; and

WHEREAS, said amendment would change or create the base zoning of 16 properties in the Plan area to the Light Industrial & Commercial Mixed Use No. 1” (LI&CM No. 1) zoning district and remove the “MSO” Modified Suburban Overlay zoning district that applies to 15 of the 16 properties; and

WHEREAS, said amendments received a properly noticed Public Hearing on March 3, 2009, before the Common Council, and a recommendation to the Council by the Plan Commission on March 23, 2009; and

WHEREAS, those amendments also were the topic of an informational meeting on February 19, 2009, to which directly affected property owners (or representatives of such owners) and neighbors of the rezoning area had the opportunity to meet with City staff; and

WHEREAS, the amendment adopted by this Ordinance appears needed and appropriate to achieve implementation of the Plan, as an element in the City Master Plan.

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

PART I. The parcels described in this Ordinance are hereby amended as to their base zoning district designation and remove the “MSO” Modified Suburban Overlay zoning district that applies to 15 of the 16 properties. As of the effective date of this Ordinance, those parcels within the *Northwest Gateway Neighborhood Plan* area shall be placed within the base zoning district of “Light Industrial and Commercial Mixed Use No. 1 (LI&CM No. 1)” and shown accordingly on the City’s Official Zoning Map.

PART II. The lands to be rezoned or zoned to Light Industrial and Commercial Mixed Use No. 1 “LI&CM No. 1” are depicted in Exhibit “A”* and described in Exhibit “A-1”.

PART III. BE IT FURTHER ORDAINED that the change in zoning classification effected for each individual property in the above list is separable for purposes of protest petition analysis and invalidation of zoning as to one property shall not invalidate the ordinance as a whole.

PART IV. BE IT FURTHER RESOLVED that the aforementioned new zoning districts applied to said properties shall be considered replacing any prior temporary zoning established by previous ordinances.

PART V. BE IT FURTHER ORDAINED that the Official Zoning Map established and maintained in accordance with Section 17.16.020 of the City of Brookfield Code of Ordinances shall be amended accordingly.

PART VI. BE IT FURTHER ORDAINED that the overlay zoning provisions of the Wetland Preservation and Floodplain Districts existing at the time of the adoption of this Ordinance, as defined by the City of Brookfield Zoning Code, shall continue to apply to properties within their jurisdiction without change resulting from this Ordinance.

PART VII. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

ADOPTED and APPROVED _____ April 7 _____, 2009

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Publish: April 16, 2009

* Exhibits can be viewed in the City Clerk's Office.

Rezoning Exhibit "A.1"			
Lands to be rezoned from "OL&I", "MSO" and "C" to "LI&CM #1"			
Tax Key	Legal Descriptions for Northwest Gateway Properties	Current Zoning	Proposed Zoning
1033 991 002	PARCEL B CSM #2804 PT NE 1/4 SEC 7 T7N R20E FT 1.605 ACRES 69,913.8 SQ FT VOL20/289	"O&LI" "MSO"	"LI&CM #1"
1033 991 004	PARCEL 2 CSM #3374 PT NE1/4 SEC 7 T7N R20E 1.541 ACRES 71,748.96 SQ FT VOL 25/257	"O&LI" "MSO"	"LI&CM #1"
1033 991 006	PARCEL 1 CSM #6315 PT NE1/4 SEC 7 T7N R20E VOL 52/121	"O&LI" "MSO"	"LI&CM #1"
1033 991 007	PARCEL 6 CSM #4293 PT NE1/4 SEC 7 T7N R20E .673 29,315.88 SQ FT VOL 34/69	"O&LI" "MSO"	"LI&CM #1"
1033 991 008	PARCEL 2 CSM #6315 PT NE1/4 SEC 7 T7N R20E VOL52/121 DOC 3414497 (06)	"O&LI" "MSO"	"LI&CM #1"
1034 993	PARCEL 1 CSM #8308 PT NW1/4 SEC 7 T7N R20E 1.406 ACRES 60,984 SQ FT VOL 72/298	"O&LI" "MSO"	"LI&CM #1"
1034 994	ALL THAT PART OF THE SE & SW 1/4 SEC 6 AND NE & NW 1/4 SEC 7 T7N R20E AS ANNEXED TO THE CITY OF BROOKFIELD IN, ORDINANCE 1003 APPROV 1/18/83 EXCEPT PART RECORDED IN QCD TO DEAN MITCHEL 11/84 APPROX 84 ACRES, R/2570 I/1228 ('97) R/2570 I/1230 ('97) R/2858 I/2035 ('99) DOC 2536484 ('00), DOC 2828465 ('02) DOC 2949361 ('02) DOC 2949362 ('03)	"O&LI" "MSO" "FF" "SW" "C"	"LI&CM #1" "FF" "SW"
1034 994 001	THAT PART OF THE NE 1/4 AND SW 1/4 OF THE SW 1/4 SEC 6 ANDSW 1/4 OF THE SE 1/4 SEC 6 AS ANNEXED IN ORDINANCE 1003, 1/18/83 APPROX 122 ACRES R/2570 I/1228 ('97) R/2570 I/1230 ('97) R/2858 I/2035 ('99), DOC 2536484 ('00) DOC 2828465 ('02) DOC 2949361 ('02) DOC 2949362 ('03)	"O&LI" "FF" "SW" "C"	"LI&CM #1" "FF" "SW"
1034 995	PT NW 1/4 SEC 7 T7N R20E COM 650 FT W & 561 FT N OF SE CORNER TH N 301 FT TH SWLY 247.50 FT, TH SELY 264 FT TH, E 198 FT TO BGN EXCEPT DOC 1540345 1115/536 (N 33 FT FOR ROADWAY PURPOSES)54,450 SQ FT, 1.25 ACRES DOC 3243775 ('05)	"O&LI" "MSO"	"LI&CM #1"
1034 995 001	PARCEL 1 CSM 8307 REC 7-18-97 DOC 2230716 VOL 72 PP 295-297 SE1/4 NW1/4 SEC 7 T7N R20E .755 ACRES 32,900 SQ FT, DOC 3409267 ('07)	"O&LI" "MSO"	"LI&CM #1"
1034 995 002	PARCEL 2 CSM #8307 PT NW1/4 SEC 7 T7N R20E 1.404 ACRES 61,158 SQ FT VOL 72/295	"O&LI" "MSO"	"LI&CM #1"
1034 996	PT NW 1/4 SEC 7 T7N R20E COM 650 FT W OF SE COR, TH N 561 FT TH W 128 FT, TH NWLY 264 FT, TH SW TO 1/8 LINE, TH S, 339.16 FT TH E 220.34 FT TH S 297 FT TH E TO BGN APP 5.38 AC	"O&LI" "MSO"	"LI&CM #1"
1034 996 001	LOT 1 CSM #10132 REC 12-15-05DOC 3346475 VOL 95 PP 191-194NW 1/4 SEC 7 T7N R20E 1,257,712 SQ FT / 28.8731 AC	"O&LI", "MSO", "FF" "FW", "SW"	"LI&CM #1" "FF" "FW", "SW"
1034 998	PT NW 1/4 SEC 7 T7N R20E COM 1314.84 FT W OF SE COR, TH N 636.16 FT TO CAPITOL DR TH W 164.78' TH S 565.89 FT TO S, LINE, TH E 145.18' TO BGN 2 ACRES EX PART SOLD STATE 83,635 SQ FT DOC 2924267 ('03), DOC 3211820 ('04) DOC 3398480 ('06)	"O&LI" "MSO"	"LI&CM #1"
1034 999	PT NW 1/4 SEC 7 T7N R20E COM ON S LI 1460.02' W OF E LI, THN 568.89' TO CAPITOL DR TH WTLY ALONG CAPITOL DR TO W LI, TH S TO SW COR, TH E TO BGN 6.45 AC EX PT SOLD STATE 2.27 ACRES DOC 2779231 ('02), DOC 2959724 ('03) DOC 3399284 ('06)	"O&LI" "MSO"	"LI&CM #1"
1034 999 003	PT NW1/4 SEC7 T7N R20E COM CTR OF SEC N00 16'E 459.0'SWLY 301.45' ALG CURVE THE BGNWLY 179.98' ALG CURVE N00 11', E 536.05' N77 55'E 176.98' S0016'W 520.89' TP BGN 2.092 ACRES DOC #3357073	"O&LI" "MSO"	"LI&CM #1"

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

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