

ORDINANCE NO. 2201-10
by the Plan Commission

ESTABLISH “MSO-CS” MODIFIED SUBURBAN OVERLAY – CLUSTER SUBURBAN DISTRICT ZONING TO FACILITATE THE CONSTRUCTION OF A 4,532 SQ. FT. SINGLE-TENANT RETAIL STORE AT 17000 W. BLUEMOUND ROAD (BROOKFIELD FASHION CENTER) FOR THE PURPOSE OF DEFINING THE LANDSCAPE AND SURFACE RATIO, FLOOR AREA RATIO, AND SETBACKS ALONG BLUEMOUND ROAD AND THOMAS LANE

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 January 19, 2010, which was published as a Class II notice; and

WHEREAS, on January 25, 2010, the Plan Commission of the City of Brookfield recommended to establish the Modified Suburban Overlay zoning designation at 17000 W. Bluemound Road; and

WHEREAS, a 4,532 sq. ft. single-tenant retail store (US Cellular) has been proposed for the purpose of defining the landscape surface ratio, Floor Area Ratio, and setbacks along Bluemound Road and Thomas Lane; and

WHEREAS, it has been determined by staff that since the original shopping center project plan was approved prior to the plan approval “reverter clause” contained within the Zoning Code and due to the demonstration of vested rights to a single-story retail use to the satisfaction of the City staff; the applicant is entitled to request the proposed new building; and

WHEREAS, the original 1985 design for the center had 100’ setbacks from Bluemound Road and Thomas Lane. Since that time, however, the Wisconsin Department of Transportation has taken some of the setback area as right-of-way, so the building is closer to both roadways. These lost lands have also made achieving a normal landscape surface ratio difficult to achieve (14.4% versus the desired 30%).

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

PART I. To rezone “MSO-CS” Modified Suburban Overlay – Cluster Suburban development pattern to facilitate the construction of a 4,532 sq. ft. single-tenant retail store at 17000 W. Bluemound Road (Brookfield Fashion Center) for the purpose of defining the landscape surface ratio, Floor Area Ratio, and setbacks along Bluemound Road and Thomas Lane. The Floor Area Ratio (F.A.R.) would be modified to include only the existing building square footage plus the square footage of the proposed single-story building as long as the development remains exclusively single story retail or office.

PART II. The “MSO” will establish the following setbacks, floor area ratio and landscape surface ratio for the subject property as described in Exhibit A-1.

Bluemound Road Setback:	80 feet
Thomas Lane Setback:	60 feet
Floor Area Ratio (max):	24.75% for single story retail/office
Landscape Surface Ratio (min):	14.40%
Wisconsin Avenue setback:	Remain at 100 feet
Reinders Drive offset:	Remain at 50 feet

PART III. The existing "B-3" Regional Business District base zoning designation will be retained. Regulations that will apply to this property are described in the matrix attached as Exhibit "A-1".

PART IV. The land to be zoned "MSO-CS" Modified Suburban Overlay –Cluster Suburban development pattern is depicted on the attached Exhibit "A"* and described as follows:

THAT PART OF THE SW 1/4 AND THE NW 1/4 OF SECTION 27, T7N, R20E, IN THE CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SW 1/4 OF SECTION 27 AFORESAID:

THENCE SOUTH 89° 41'12" EAST ALONG THE NORTH LINE OF THE SW 1/4 OF SECTION 27 AFORESAID 704.65 FT. TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED: THENCE NORTH 00° 18' 48" EAST 293.86 FT. TO A POINT; THENCE NORTHEASTERLY 90.97 FT. ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTH WHOSE RADIUS IS 369.48 FT. AND WHOSE CHORD BEARS NORTH 83° 15'35" EAST 90.74 FT. TO A POINT; THENCE SOUTH 89° 41'12" EAST 254.26 FT. TO A POINT; THENCE NORTHEASTERLY 554.90 FT. ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTH, WHOSE RADIUS IS 1892.16 FT. AND WHOSE CHORD BEARS NORTH 82° 03' 48" EAST 543.02 FT. TO A POINT; THENCE SOUTH 16° 11'12" EAST 45.32 FT. TO A POINT; THENCE SOUTHEASTERLY 344.21 FT ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE WEST WHOSE RADIUS IS 1195.25 FT. AND WHOSE CHORD BEARS SOUTH 07° 56' 12" EAST 343.02 FT. TO A POINT; THENCE SOUTH 00° 18' 48" WEST 324.27 FT. TO A POINT; THENCE NORTH 89° 41' 12" WEST 35.00 FT. TO A POINT; THENCE SOUTH 00° 18' 48" WEST 230.10 FT. TO A POINT; THENCE NORTH 80° 51' 43" WEST 61.32 FT. TO A POINT; THENCE WESTERLY 972.19 FT ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTH WHOSE RADIUS IS 2029.67 FT AND WHOSE CHORD BEARS SOUTH 85° 24' 59" WEST 962.92 FT. TO A POINT; THENCE SOUTH 71° 41' 40" WEST 139.09 FT. TO A POINT; THENCE NORTH 00° 18' 48" EAST 339.15 FT. TO A POINT; THENCE SOUTH 89° 41' 12" EAST 243.00 TO A POINT; THENCE NORTH 00° 18' 48" EAST 332.42 FT. TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 20.0347 ACRES (872,713 SQUARE FEET).

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

ADOPTED AND APPROVED ON February 2, 2010

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Publish: February 11, 2010

* May be viewed in the City Clerk's Office or on-line at www.ci.brookfield.wi.us.

EXHIBIT "A-1"
MODIFIED SUBURBAN OVERLAY – 17000 W. Bluemound Road

US Cellular at the Brookfield Fashion Center

Zoning Issue Area	Base Zoning	Development Pattern	Use Variations	Planning Unit	Special Characteristics
Parcel 5 of district B 17000 W. Bluemound Road – Tax Key No. 1115-982	B-3	Cluster Suburban "CS"	None	Calhoun Road South	<ol style="list-style-type: none"> 1. Thomas Lane Setback: 60 feet 2. Bluemound Setback: 80 feet 3. Landscape Surface Ratio: minimum 14.4% 4. Floor Area Ratio: maximum 24.75% for single story retail/office

CITY OF BROOKFIELD

REZONING EXHIBIT "A"

LANDS TO BE REZONED TO "MSO" MODIFIED SUBURBAN
 OVERLAY DISTRICT TO INCLUDE A "CS" CLUSTER
 SUBURBAN DEVELOPMENT PATTERN. EXISTING "B-3"
 REGIONAL BUSINESS DISTRICT (BASE ZONING) TO REMAIN

SEE PUBLIC HEARING NOTICE FOR LEGAL DESCRIPTION

Taxkey Number: 1115-982

A Owner: Urban Retail Properties
 925 S. Federal Highway #225
 Boca Raton, FL 33427



Indicates area where land is to be rezoned to "MSO" Modified Suburban Overlay District to include a "CS" Cluster Suburban Development Pattern. Existing "B-3" Regional Business District to remain. (Approximately 20.0347 acres.)

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

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

Prepared by:
 CITY OF BROOKFIELD
 Department of Community Development

Checked by:
 CITY OF BROOKFIELD
 Engineering Office

Drawn by: JMW
 Edited by: JMW
 Scale: 1" = 200'
 Date: DECEMBER 22, 2008

