

ORDINANCE NO. 2237-10
by the Plan Commission

AMENDING THE CAPITOL DRIVE CORRIDOR STUDY-1999, A NEIGHBORHOOD PLAN FOR THE BROOKFIELD ROAD AND CAPITOL DRIVE NODE – JUNE 1999, THE CITY OF BROOKFIELD 2035 COMPREHENSIVE PLAN AND AMENDING ORDINANCE NO. 1692 BY REVISING THE PRECLUSION ON AUTO DEALER USE OR AUTO SERVICE USES AS LISTED IN THE USE VARIATIONS COLUMN OF THE MODIFIED SUBURBAN OVERLAY MATRIX IN ORDINANCE NO. 1692 FOR ZONING ISSUES AREA W.C.1, AS WELL AS APPROVING A SPECIAL EXCEPTION PERMITTING EXPANSION OF AN EXISTING AUTOMOBILE DEALERSHIP ON TO A NEW PARCEL AT 4085 N. BROOKFIELD ROAD

WHEREAS, a public hearing with proper notice on this matter was heard on October 19, 2010; and

WHEREAS, the adopted neighborhood plan is *A Neighborhood Plan for the Brookfield Road and Capitol Drive Node – June 1999* and is a component of the City of Brookfield 2035 Comprehensive Plan. The recommended land use is housing/office. The site is located in the Capitol Drive/Brookfield Road Node, one of ten areas identified as Targeted Investment Areas (TIAs) in the *City of Brookfield Comprehensive Plan*; and

WHEREAS, *The Capitol Drive Corridor Study – 1999* recommended that no auto dealers or auto service uses be permitted on the site, a recommendation that was enforced through the Use Variations column of the Modified Suburban Overlay matrix of Ordinance No. 1692; and

WHEREAS, on November 8, 2010 the Plan Commission approved Resolution No. 8255-10 amending the aforementioned adopted plans including the City of Brookfield 2035 Comprehensive Plan; and

WHEREAS, on November 8, 2010 the Plan Commission recommend approving an ordinance amending Ordinance No. 1692 by revising the preclusion on auto dealer use or auto service use as listed in the Use Variations column of the Modified Suburban Overlay matrix in Ordinance No. 1692 for Zoning Issues Area W.C.1. as well as approving a special exception ordinance.

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

PART I. The Common Council of the City of Brookfield approves to amend *The Capitol Drive Corridor Study – 1999, A Neighborhood Plan for the Brookfield Road and Capitol Drive Node – June 1999, the City of Brookfield 2035 Comprehensive Plan* and the preclusion on auto dealer use or auto services uses of the Use Variations column in the Modified Suburban Overlay matrix of Ordinance No. 1692 for Zoning Issues area W.C.1 as described in Exhibit A*, by permitting office uses pertaining to the operation of an automobile dealership or auto service use such as accounting, administration, advertising, bookkeeping, employment, filing, computers, data storage, titles, registration; etc.

PART II. The Common Council of the City of Brookfield approves an amendment to the Modified Suburban Overlay matrix of Ordinance No. 1692 for Zoning Issues Area W.C.1. permitting office uses pertaining to the operation of an automobile dealership or auto service use such as accounting, administration, advertising, bookkeeping, employment, filing, computers, data storage, titles, registration; etc. as well as a special exception permitting expansion of an existing automobile dealership on to a new parcel at 4085 N. Brookfield Road, Tax Key No. 1028-992-001.

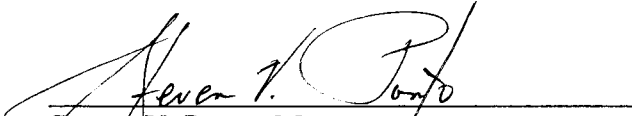
PART III. Said approval is subject to all conditions listed in the November 8, 2010, Plan Commission minutes.

LEGAL DESCRIPTION: The land subject to the zoning, plan amendment and special exception is described as part of the Southeast 1/4 of Section 5, Town 7 North, Range 20 East, Commencing 649' North of the Southeast Corner, Thence West 233', Thence North 88.27', Thence East 240', Thence South 146', Containing 0.65 acres otherwise known as 4085 N. Brookfield Road or City of Brookfield Tax Key No. 1028-992-001.

ADOPTED AND APPROVED ON November 16, 2010



Kristine A. Schmidt, City Clerk



Steven V. Ponto, Mayor

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

Published: November 24, 2010

EXHIBIT "A"

MODIFIED SUBURBAN OVERLAY

Capitol Drive Corridor Study – 1999 Update – "Zoning Issues Areas"

Zoning Issue Area	Base Zoning	Development Pattern	Use Variations	Planning Unit	Special Characteristics
W.C.1	O&L.I.	CS	No auto dealers or auto service uses <i>except for the office uses associated thereto (new text appears in italic)</i>	Brookfield Road and Capitol Drive Node	None