

**ORDINANCE NO. 2253-11**  
by the Plan Commission

**AMENDING THE CITY OF BROOKFIELD 2035 COMPREHENSIVE PLAN AND THE VILLAGE AREA NEIGHBORHOOD PLAN-2006 AND APPROVING A SPECIAL EXCEPTION PERMITTING TWO EXISTING, TWO-FAMILY STRUCTURES ON TWO SINGLE-FAMILY LOTS LOCATED AT 2770/2780 N. BROOKFIELD ROAD AND 2800/2830 N. BROOKFIELD ROAD**

WHEREAS, the City of Brookfield adopted the *Village Area Neighborhood Plan – 2006* and *City of Brookfield 2035 Comprehensive Plan (Plans)* via Resolution No. 7515-06 and Ordinance No. 2193-09 respectively; and

WHEREAS, on February 7, 2011 the Plan Commission engaged in discussion regarding the legal nonconforming status of the two, two-family dwellings located at 2770/2780 and 2800/2830 N. Brookfield Road; constructed via building permits issued in 1960 and 1961, the face which state that the permits were issued for Residential/Office buildings housing two families with offices; and

WHEREAS, the applicant desires to remove the nonconforming stigma from the properties via special exception permitting the existing multiple-family use and prohibiting any future commercial use; and

WHEREAS, the adopted land use of the *City of Brookfield 2035 Comprehensive Plan* is Housing Focused-Low Density. Housing Focused – Low Density is defined as less than 2 housing units per net acre. The requested land use is Housing Focused – Medium Density. Housing Focused – Medium Density is defined as 2 to 6 housing units per net acre. The existing housing density is 4.35 housing units per net acre. A density of 4.35 units/acre is denser than the 2.9 units/acre permitted by the “M-1” Multiple Family zoning district but less dense than the 5.8 units/acre permitted by the “M-2” Multiple Family zoning district. The existing lots are too narrow and too small to satisfy the minimum lot width, lot area, and open space requirements of the “R-4” Two-family Residence District; ergo a special exception is the zoning mechanism uniquely suited to address the existing use density vs. a rezoning to another base zoning district; and

WHEREAS, the *Village Area Neighborhood Plan – 2006* is one of ten Targeted Investment Areas (TIA’s) identified in Brookfield’s *2035 Comprehensive Plan* that foster community reinvention by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods; and

WHEREAS, it is a common land use practice in the city to transition from commercial use to single-family use by way of multiple-family use. The subject sites are bounded by mixed use commercial to the north and single-family use on the east and south; and

WHEREAS, a public hearing with proper notice on this matter was heard on May 17, 2011; and

WHEREAS, the Plan Commission on June 13, 2011 approved a resolution amending the aforementioned Plans and recommending approval of the special exception.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Brookfield that the Plans previously adopted by Resolution No. 7515-06 and Ordinance No. 2193-09 are hereby amended in the following respects:

PART I. The Common Council of the City of Brookfield approves an amendment to the *City of Brookfield 2035 Comprehensive Plan*, Map 1 Future Land Use changing the land use recommendation for Lot 8, Block 1 Excepting the westerly 17', Brookfield Heights, Part of the Southwest ¼ and the Northwest ¼ of Section 16, Town 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin known as 2770/2780 N. Brookfield Road, and Lot 9, Block 1 Excepting the westerly 17', Brookfield Heights, Part of the Southwest ¼ and the Northwest ¼ of Section 16, Town 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin known as 2800/2830 North Brookfield Road, from Housing Focused – Low Density to Housing Focused – Medium Density.

PART II. The Common Council of the City of Brookfield approves an amendment to the *Village Area Neighborhood Plan – 2006* changing the land use recommendation for Lot 8, Block 1 Excepting the westerly 17', Brookfield Heights, Part of the Southwest ¼ and the Northwest ¼ of Section 16, Town 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin known as 2770/2780 N. Brookfield Road, and Lot 9, Block 1 Excepting the westerly 17', Brookfield Heights, Part of the Southwest ¼ and the Northwest ¼ of Section 16, Town 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin known as 2800/2830 North Brookfield Road, from Single Family Residential to Multiple Family Residential as depicted in 1. Executive Summary Land Use Map page 3, 3. Plan: Goal/Vision, Objectives and Assumptions Map page 8, 4. Plan: Details Map page 11 and the Quaint Quarters – General map page 13.

PART III. The Common Council of the City of Brookfield approves a special exception permitting one, two unit dwelling on Lot 8, Block 1 Excepting the westerly 17', Brookfield Heights, Part of the Southwest ¼ and the Northwest ¼ of Section 16, Town 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin known as 2770/2780 N. Brookfield Road, and one, two unit dwelling on Lot 9, Block 1 Excepting the westerly 17', Brookfield Heights, Part of the Southwest ¼ and the Northwest ¼ of Section 16, Town 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin known as 2800/2830 North Brookfield Road

PART IV. The special exception shall not alter or amend any other requirement, provision or standard of said property's base zoning, that being "R-3" Single-family Residence District.

PART V. Said approval is subject to all conditions listed in the June 13, 2011, Plan Commission minutes.

PART VI. The plan amendments will not alter or amend the remaining recommendations in the adopted Plans.

PART VII. The city staff is directed to amend the applicable text and maps of the aforementioned Plans as well as the city Official Zoning Map once an ordinance amending said documents is adopted by the Common Council.

BE IT FURTHER RESOLVED, these Plan amendments shall have the same force and effect as the main body of the Plans established by Resolution No. 7515-06 and Ordinance No. 2193-09.

BE IT FURTHER RESOLVED, by the Common Council of the City of Brookfield that the Plan Commission will use the aforementioned plan amendments when reviewing development proposals and making land use decisions in this neighborhood.

ADOPTED AND APPROVED ON June 21, 2011

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Kristine A. Schmidt, City Clerk

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Steven V. Ponto, Mayor

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