

ORDINANCE NO. 2267-11
by the Plan Commission

**AMENDING ORDINANCE #1692 BY REVISING THE MODIFIED SUBURBAN OVERLAY
USE VARIATIONS AND CHARACTERISTICS MATRIX TO ALLOW MULTIPLE
RESTAURANT TYPES IN ISSUE AREA E.1 OF THE CAPITOL DRIVE CORRIDOR PLAN
OR THE SOUTHWEST CORNER OF 124th STREET AND CAPITOL DRIVE**

WHEREAS, a public hearing with proper notice on this matter was heard on November 1, 2011; and

WHEREAS, *The Capitol Drive Corridor Study – 1999* recommended that only fast food restaurants with drive thru be allowed as a conditional use in Zoning Issue Area E.1. A recommendation that was enforced through the Use Variations column of the Modified Suburban Overlay matrix of Ordinance No. 1692; and

WHEREAS, the adopted neighborhood plan is *The Development Plan for Brookfield's 124th Street Corridor* and is a component of the City of Brookfield *2035 Comprehensive Plan*. The neighborhood plan recommended that multiple restaurant types be allowed in all of Issue Area E.1 of *The Capitol Drive Corridor Study – 1999* or on properties located at 12455 W. Capitol Drive, 12645 W. Capitol Drive, 12655 W. Capitol Drive, 12735 W. Capitol Drive, and 12745 W. Capitol Drive (Shoppers World, Pick 'N Save, Guarantee Bank and Tri City Bank properties. An amendment to the Use Variations and Characteristics of Ordinance No. 1692 is required to implement this recommendation.

WHEREAS, on November 7, 2011 the Plan Commission recommended approving an ordinance amending Ordinance No. 1692 to revise the Modified Suburban Overlay (MSO) Use Variation and Characteristics matrix to allow multiple restaurant types in Issue Area E.1 of *The Capitol Drive Corridor Drive Study – 1999*.

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 amending Ordinance No. 1692 by revising the Modified Suburban Overlay Use Variation and Characteristics matrix for Zoning Issues Area E.1 to allow multiple restaurant types as permitted uses, and as identified in Exhibit A, attached hereto and incorporated as part of this ordinance.

PART II. LEGAL DESCRIPTION: The MSO amendment would apply to: ALL THAT PART OF Parcel 3 of CSM No. 4126 and Parcels 1 and 2 of CSM No. 5953 and Lots 1 and 2 of CSM no. 10200 being a part of the NE 1/4 of the NE 1/4 of Sec. 12, T7N.R20E in the City of Brookfield, Waukesha County, Wisconsin, Tax Key Nos. 1053-998-005, 1053-998-006, 1053-998-001, 1053-998-008, 1053-998-007, and as depicted in Exhibit B attached hereto.

ADOPTED AND APPROVED ON November 15, 2011

Kelly Michaels, City Clerk

Steven V. Ponto, Mayor

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

Exhibit A

Issue Area E.1 of the 1999 Capitol Drive Corridor Overlay District Area (SWC Capitol Drive and 124th Street)

Matrices Identifying Overlay District Requirements for the Following Geographic Areas Included within the Modified Suburban Overlay District of Ordinance No. 1692 and amended by Ordinance No. 2267-11

Modified Suburban Overlay – Capitol Drive Corridor					
Zoning Issue Area	Base Zoning	Development Pattern	Use Variations	Planning Unit	Special Characteristics
E1	B-3 Regional Business District	CS/NS	1.) Restaurants, including restaurants permitted in local business district, 2.) casual dining restaurant with pickup window, fast food with drive-thru restaurant and 3.) a limited food establishment with a drive-thru, pickup window or delivery service as permitted uses.	Node; DNP required	1. Traffic circulation and impacts, hours of operation, location and operating hours of outdoor seating and adequacy of parking stall supply shall be considered as part of the review and Plan and Method of Operation. The Plan Commission shall find these characteristics acceptable.