

City of Brookfield, Wisconsin

**ORDINANCE NO. 2356-14 of the PLAN COMMISSION**

Commission Date: February 10, 2014

Commission Action: Carried 7-0

Ordinance establishing “MSO-NS, CS, CTS” Modified Suburban Overlay Zoning District-“NS, CS, CTS” to property located at 115 S. Moorland Road, owned by Sears, and property located north of the Firestone Auto Center at Brookfield Square Mall, owned by CBL. Also, to rezone property located south of the Sears Department Store, owned by CBL, from “B-3” Regional Business to “O&LR/C#2” Office and Limited Residential/Commercial District #2 with “MSO” Modified Suburban Overlay District – “NS, CS, CTS”.

Ordinance No. 2356-14

Council Date: February 18

Council Action: Adopted

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 21, 2014, which was published as a Class II notice; and

WHEREAS, on February 10, 2014, the Plan Commission of the City of Brookfield recommended to establish the Modified Suburban Overlay zoning designation on several properties located at the Brookfield Square Mall and to also rezone the base zoning of a mall property; and

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

PART I. To establish “MSO- NS, CS, CTS” Modified Suburban Overlay District to property located at 115 S. Moorland Road, owned by Sears, and property located north of the Firestone Auto Center at Brookfield Square Mall, owned by CBL. Also to rezone property located south of the Sears Department Store at Brookfield Square Mall, owned by CBL, from “B-3” Regional Business to “O&LR/C#2” Office and Limited Residential/Commercial District #2 with “MSO” Modified Suburban Overlay District – “NS, CS, CTS”.

PART II. The adopted land use for this portion of the Bluemound Road Corridor (*The Calhoun Road South Neighborhood Plan*) is “mixed-use, interactive, urban infill district combining regional and service retail, entertainment, office, housing, etc. All development should follow strict urban design controls established by the City”. In September 2005, the Plan Commission adopted the “Brookfield Square/Executive Drive Redevelopment Area Design Guidelines”. The zoning would be consistent with the adopted land use.

PART III. The required setbacks, build-to-line (where appropriate) and offsets will be established by this process as described in the matrix attached as Exhibit C\*.

PART IV. The properties to be rezoned are depicted in attached Exhibits A-1\*, A-2\*, and A-3\* and are described in attached Exhibits B-1\*, B-2\*, and B-3\*.

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

ADOPTED AND APPROVED ON February 18, 2014



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Kelly Michaels, City Clerk



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Steven V. Ponto, Mayor

Publish: February 27, 2014

\* May be viewed in the City Clerk's Office or on-line at [www.ci.brookfield.wi.us](http://www.ci.brookfield.wi.us)

Exhibit B -1 Area to be Rezoned-Sears Parcel

PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SECTION 27, ALSO PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 34, ALL IN TOWNSHIP 7 NORTH, RANGE 20 EAST, IN THE CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 34; THENCE SOUTH 00°28'25" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 34 A DISTANCE OF 101.25 FEET TO A POINT; THENCE SOUTH 89°41'41" WEST 61.00 FEET TO A POINT ON THE WEST LINE OF MOORLAND ROAD AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE SOUTH 00°28'25" EAST ALONG SAID WEST LINE 236.45 FEET TO A POINT; THENCE 397.2 FEET ALONG SAID WEST LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE WEST, WHOSE RADIUS IS 8987.92 FEET AND WHOSE CHORD BEARS SOUTH 00°55'17" WEST 397.19 FEET TO A POINT; THENCE SOUTH 02°11'15" WEST ALONG SAID WEST LINE 300.00 FEET TO A POINT; THENCE 72.77 FEET ALONG SAID WEST LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE EAST, WHOSE RADIUS IS 8672.11 FEET AND WHOSE CHORD BEARS SOUTH 01°56'37" WEST 72.77 FEET TO A POINT; THENCE SOUTH 89°33'25" WEST 490.70 FEET TO A POINT; THENCE NORTH 44°31'50" WEST 274.77 FEET TO A POINT; THENCE SOUTH 46°48'32" WEST 366.69 FEET TO A POINT; THENCE NORTH 48°11'28" WEST 418.24 FEET TO A POINT; THENCE NORTH 00°29'31" WEST 888.17 FEET TO A POINT; THENCE SOUTH 89°58'59" WEST 1294.63 FEET TO A POINT; THENCE NORTH 00°01'01" EAST 50.00 FEET TO A POINT; THENCE NORTH 89°58'59" EAST 1353.24 FEET TO A POINT; THENCE SOUTH 00°34'15" EAST 158.50 FEET TO A POINT; THENCE NORTH 89°41'41" EAST 1228.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,296,305 SQ. FT. OR 29.759 ACRES MORE OR LESS.

OCTOBER 31, 2013

SEARS - BROOKFIELD SQUARE MALL

DRAWING NO. 165883-CRW

Exhibit B-2 – Area to be Rezoned- CBL parcel located west of Boston Store

PARCEL 2 OF CSM 4097 BEING A PART OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 20 EAST, IN THE CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN.

CONTAINING 127194 SQ. FT. OR 2.92 ACRES, MORE OR LESS.

OCTOBER 18, 2013

BROOKFIELD SQUARE MALL

DRAWING NO. 165883-JPC

Exhibit B-3 Area to be Rezoned – CBL Parcel Located south of Sears Parcel

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 34, IN TOWNSHIP 7 NORTH, RANGE 20 EAST, IN THE CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 34; THENCE SOUTH 00°28'25" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 34 A DISTANCE OF 101.25 FEET TO A POINT; THENCE SOUTH 89°41'41" WEST 61.00 FEET TO A POINT ON THE WEST LINE OF MOORLAND ROAD; THENCE SOUTH 00°28'25" EAST ALONG SAID WEST LINE 236.45 FEET TO A POINT; THENCE 397.20 FEET ALONG SAID WEST LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE WEST, WHOSE RADIUS IS 8987.92 FEET AND WHOSE CHORD BEARS SOUTH 00°55'17" WEST 397.19 FEET TO A POINT; THENCE SOUTH 02°11'15" WEST ALONG SAID WEST LINE 300.00 FEET TO A POINT; THENCE SOUTHERLY 72.77 FEET ALONG SAID WEST LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE EAST, WHOSE RADIUS IS 8672.11 FEET AND WHOSE CHORD BEARS SOUTH 01°56'37" WEST 72.77 FEET TO THE POINT OF BEGINNING OF THE LANDS TO BE DESCRIBED; THENCE SOUTHERLY 106.75 FEET ALONG SAID WEST LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE EAST, WHOSE RADIUS IS 8672.11 FEET AND WHOSE CHORD BEARS SOUTH 01°21'02" WEST 106.75 FEET TO A POINT; THENCE SOUTH 89°33'25" WEST 368.93 FEET TO A POINT; THENCE SOUTH 00°28'25" EAST 160.00 FEET TO A POINT; THENCE SOUTH 89°33'25" WEST 224.94 FEET TO A POINT; THENCE NORTH 30°27'25" EAST 100.00 FEET TO A POINT; THENCE NORTHWESTERLY 92.19 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTHWEST, WHOSE RADIUS IS 250.00 FEET AND WHOSE CHORD BEARS NORTH 70°06'23" WEST 91.67 FEET TO A POINT; THENCE NORTH 80°40'15" WEST 265.56 FEET TO A POINT; THENCE NORTH 48°11'28" WEST 77.96 FEET TO A POINT; THENCE NORTH 46°48'32" EAST 366.69 FEET TO A POINT; THENCE SOUTH 44°31'50" EAST 274.77 FEET TO A POINT; THENCE NORTH 89°33'25" EAST 490.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 178,294 SQUARE FEET OR 4.093 ACRES MORE OR LESS.

OCTOBER 31, 2013

BROOKFIELD SQUARE MALL

DRAWING NO. 165883-JPC



# CITY OF BROOKFIELD REZONING EXHIBIT "A-2"

**LANDS TO BE REZONED:** "O&LR/C#2" OFFICE AND LIMITED RESIDENTIAL/COMMERCIAL DISTRICT #2 - MSO OVERLAY - NS, CS, CTS PATTERN  
**EXISTING ZONING:** "O&LR/C#2" OFFICE AND LIMITED RESIDENTIAL/COMMERCIAL DISTRICT #2 (BASE), ZONING DESIGNATION TO BE RETAINED.  
 PARCEL 2 OF CSM 4097 BEING A PART OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 20 EAST, IN THE CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN.

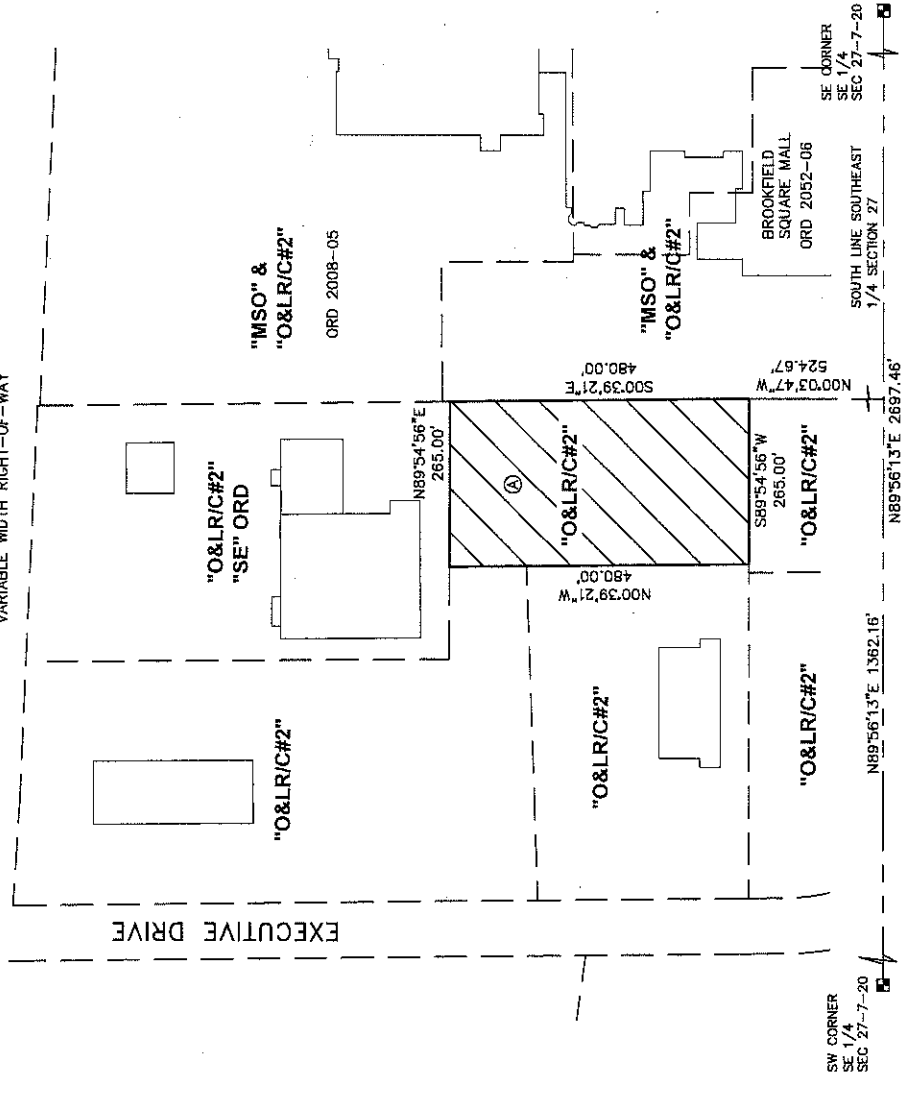
CONTAINING 127194 SQ. FT. OR 2.92 ACRES, MORE OR LESS.

OCTOBER 18, 2013 (REV 12-11-13)

BROOKFIELD SQUARE - JT VENTURE

DRAWING NO. 165883-CRW

**BLUEMOUND ROAD**  
VARIABLE WIDTH RIGHT-OF-WAY



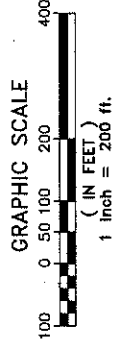
DESCRIPTORS OTHER THAN LEGAL DESCRIPTION AND ZONING CLASSIFICATION ARE FOR INFORMATION ONLY. ANY BASE OR OVERLAY ZONING DISTRICTS - OTHER THAN THE "MSO" MODIFIED SUBURBAN OVERLAY DISTRICT - THAT APPLY TO THE SUBJECT PROPERTY ARE NOT AFFECTED BY THIS ORDINANCE.

BOUNDARY HAS NOT BEEN SURVEYED. DESCRIPTION AND DIMENSIONS ARE FROM RECORD DATA.

Ⓐ OWNER: BROOKFIELD SQUARE JT VENTURE  
 JAMES J. GUDIN  
 3418 PELHAM PL  
 AVON, OH 44011  
 TAX KEY NUMBER: BRC1116999001  
 PROPERTY ADDRESS: N EXECUTIVE DRIVE



INDICATES AREA TO BE ZONED "MSO" MODIFIED SUBURBAN OVERLAY TO CREATE THE "NS/CS/CTS" NEW SUBURBAN/CLUSTER SUBURBAN/CONTEXT SUBURBAN DEVELOPMENT PATTERN. EXISTING "O&LR/C#2" (BASE ZONING) WILL BE RETAINED. (APPROXIMATELY 2.92 ACRES)



**R.A. Smith National, Inc.**

*Beyond Surveying  
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005  
 262-781-1000 Fax 262-787-7373 www.rasmithnational.com  
 Appleton, WI Orange County, CA Pittsburgh, PA

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**Exhibit C**

**Matrix Identifying Overlay District Requirements for the Following Geographic Areas  
Included in the Modified Suburban Overlay District**

Modified Suburban Overlay – Calhoun Road South Neighborhood Plan					
Zoning Issue Area	Base Zoning	Development Pattern	Use Variations	Planning Unit	Special Characteristics
District J – Macro Parcel, 29, 31	O&LR/C #2	NS/CS/CTS		Node; DNP Required	Minimum 25-foot building setbacks. Building offsets, parking setbacks and offsets, and locations of special features – ornamental towers, kiosks, and landscape features – will be set during plan and method of operation review consistent with the Neighborhood Plan (DNP). Zero-foot (0') building offsets are permitted for parking decks unless otherwise required by fire codes.

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

**Exhibit C-continued**

**Matrix Identifying Overlay District Requirements for the Following Geographic Areas  
Included in the Modified Suburban Overlay District**

Modified Suburban Overlay – Calhoun Road South Neighborhood Plan					
Zoning Issue Area	Base Zoning	Development Pattern	Use Variations	Planning Unit	Special Characteristics
District J – Macro Parcel, 24 (eastern 265 feet thereof)	O&LR/C #2	NS/CS/CTS		Node; DNP Required	Zero- foot (0') building setback to east lot line unless otherwise required by fire codes. Six-foot (6') build-to-line to north, west and south lot lines from public rights-of way. Parking setbacks and offsets, and locations of special features – ornamental towers, kiosks, and landscape features – will be set during plan and method of operation review consistent with the Neighborhood Plan (DNP).

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