

ORDINANCE NO. 2314-13
by the Plan Commission

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMITTING
FLOODPLAIN ALTERATION REMOVING THE FLOOD FRINGE OVERLAY
ZONING DESIGNATION FROM AREAS REMOVED FROM THE
FLOODPLAIN BY TOPOGRAPHIC ALTERATION AND GRANTING A
CONDITIONAL USE PERMITTING CONSTRUCTION OF A 25 BED MEMORY
CARE FACILITY OF APPROXIMATELY 14,498 SQ. FT. AT 460 S. CALHOUN
ROAD, BROOKFIELD ELDERLY.**

WHEREAS, the Plan Commission of the City of Brookfield held a public hearing on the requested conditional use and rezoning of floodplain hereinafter described on the 17th day of July, 2012; and

WHEREAS, notice of said hearing was duly given as required by law, and the Common Council received the Plan Commission report on the said request prior to final Council action thereon; and

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

PART I. To approve conditional uses permitting floodplain alteration and construction of an approximate 14,498 sq. ft., 25 bed memory care facility at 460 S. Calhoun Road or Brookfield Elderly, and approval to rezone areas of floodplain removed from the flood fringe overlay zoning district based upon fill with compensatory storage.

PART II. The site is located in the Calhoun Road South Targeted Investment Area (TIA), one of ten areas identified in the *City of Brookfield 2035 Comprehensive Plan* that foster community reinvestment by supporting new economic development and sustainable, mixed-use redevelopment with sensitivity to surrounding neighborhoods. The adopted node plan is *The Calhoun Road South Neighborhood Plan – 2001*. The adopted land use of the City of Brookfield 2035 Comprehensive Plan is “Housing Focused-Lower Density”.

PART III. The site is zoned “R-3” Residence District with “FF” Flood Fringe and “SW” Shoreland Wetland overlay. Floodplain alterations and memory care facilities are classified as conditional uses per the city Municipal Code. No disturbance or alteration of the “SW” Shoreland Wetland overlay is proposed.

PART IV. Floodplain alterations and memory care facilities are classified as conditional uses per Chapters 17.88 and 17.108 respectively of the City Municipal Code. Conditional uses may be permitted in any zoning district unless expressly prohibited, subject to a public hearing process and upon approval by the Common Council.

PART V. Said approval is subject to all conditions listed in the January 21, 2013, Plan Commission minutes.

PART VI. The lands to be removed from the “FF” Flood Fringe Overlay zoning district are depicted in Exhibit “A”.

Legal Description: The conditional use for the memory care site is described as a part of the Southwest ¼ of the Northwest ¼ of Section 34; Township 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin, containing 2.911 acres of land being more fully described as follows: Commencing at the West ¼ corner of said Section 34; Thence N01°23'59"W, 840.79 feet along the West line of said Northwest 1/4 ; Thence S89°59'32"E, 55.01 feet to the Point of Beginning; Thence N01°23'59"W, 216.58 feet along the East right-of-way line of S. Calhoun Road; Thence N03°43'09"E, 56.04 feet along said east right-of-way line to the North line of lands described in Document No. 3809419 as previously surveyed by others; Thence S89°48'29"E, 335.75 feet along said North line to the Southwesterly right-of-way line of Inter-State Highway 94; Thence S72°04'29"E, 152.07 feet along said southwesterly line; Thence S25°28'14"W, 129.39 feet; Thence S36°41'30"W, 36.49 feet; Thence S56°49'22"W, 23.07 feet; Thence S16°24'28"W, 21.43 feet; Thence S30°52'27"E, 14.68 feet; Thence S16°04'56"W, 60.85 feet; Thence S46°43'03"W, 30.39 feet; Thence S71°56'26"W, 163.21 feet; Thence N01°23'59"W (Recorded as North), 97.26 feet; Thence N89°59'32"W, 186.99 feet to the Point of Beginning.

The conditional use for the floodplain alteration and rezoning is described as Parcel A being a part of the Southwest ¼ of the Northwest ¼ of Section 34, Township 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin, containing 1380 square feet (0.032 acres) of land being more fully described as follows: Commencing at the West ¼ corner of said Section 34; Thence N 01°23'59" W, 1113.50 feet along the West line of said Northwest 1/4; Thence S 89°48'29" E, 351.44 feet along the North line of lands described in Document No. 3809419 as previously surveyed by others; Thence S 53°10'58" W, 8.80 feet to the Point of Beginning; Thence S 16°47'36" W, 15.89 feet; Thence N 82°05'47" W, 16.77 feet; Thence S 24°43'44" W, 4.04 feet; Thence S 37°54'43" E, 20.31 feet; Thence S 15°12'00" W, 16.10 feet; Thence S 31°07'41" W, 28.05 feet; Thence N 30°50'56" W, 10.68 feet; Thence N 15°59'22" W, 23.10 feet; Thence N 09°14'06" W, 23.91 feet; Thence N 74°40'59" E, 18.78 feet; Thence N 71°42'35" E, 19.59 feet; Thence N 53°10'58" E, 10.10 feet to the Point of Beginning.

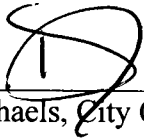
AND

Parcel B being a part of the Southwest ¼ of the Northwest ¼ of Section 34, Township 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin, containing 25,992 square feet (0.597 acres) of land being more fully described as follows: Commencing at the West ¼ corner of said Section 34; Thence N 01°23'59" W, 840.79 feet along the West line of said Northwest 1/4; Thence S 89°59'32" E, 50.01 feet to the East right-of-way line of S. Calhoun Road; Thence N 01°23'59" W, 120.29 feet along said East right-of-way line to the Point of Beginning; Thence N 01°23'59" W, 5.27 feet along said East right-of-way line; Thence N 88°46'57" E, 33.98 feet; Thence S 06°55'03" E, 15.75 feet; Thence S 82°11'50" E, 19.00 feet; Thence S 88°56'21" E, 35.78 feet; Thence N 89°26'29" E, 37.51 feet; Thence S 83°44'26" E, 31.05 feet; Thence N 64°38'13" E, 29.80 feet; Thence N 20°30'37" E, 33.37 feet; Thence N 84°59'14" E, 26.01 feet; Thence N 47°33'04" E, 20.17 feet; Thence N 54°15'29" E, 11.80 feet; Thence S 31°07'41" W, 25.46 feet; Thence S 00°19'39" E, 12.48 feet; Thence S 53°23'17" E, 30.38 feet; Thence S 18°33'15" E, 40.03 feet; Thence S 01°03'55" E, 26.80

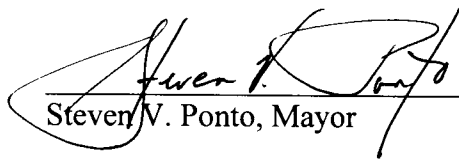
feet; Thence S 31°12'45" W, 27.70 feet; Thence S 63°52'16" W, 27.52 feet; Thence S 80°08'35" W, 25.16 feet; Thence S 85°40'06" W, 18.14 feet; Thence S 89°15'39" W, 33.45 feet; Thence S 87°26'09" W, 17.68 feet; Thence N 14°46'13" E, 19.46 feet; Thence N 85°12'12" W, 35.20 feet; Thence S 87°27'16" W, 32.25 feet; Thence S 33°54'54" E, 26.84 feet; Thence N 88°11'54" W, 64.36 feet; Thence N 13°31'48" W, 22.13 feet; Thence N 40°18'49" W, 23.87 feet; Thence N 01°23'58" W, 53.21 feet; Thence N 05°05'39" W, 16.14 feet; Thence S 88°36'44" W, 4.15 feet to the Point of Beginning.

PART VII. This ordinance shall be in full force and effect from and after its passage and publication.

ADOPTED AND APPROVED ON February 5, 2013

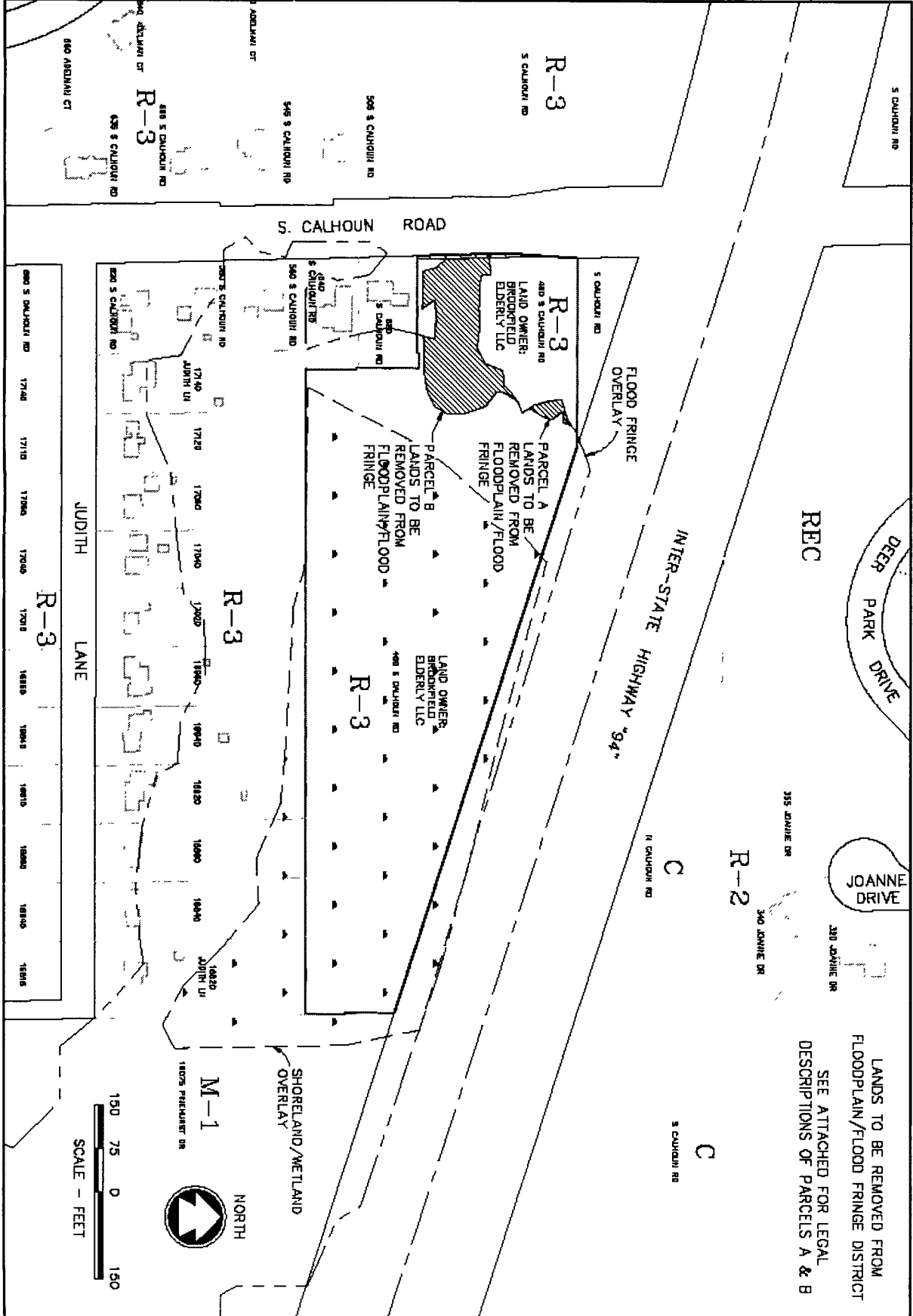


Kelly Michaels, City Clerk



Steven V. Ponto, Mayor

Published: February 14, 2013



LANDS TO BE REMOVED FROM FLOODPLAIN/FLOOD FRINGE DISTRICT SEE ATTACHED FOR LEGAL DESCRIPTIONS OF PARCELS A & B

DESIGNED	DATE
DRAWN	JUNE 2012
PROJECT NO.	# 2111

CITY OF BROOKFIELD
SE COR S. CALHOUN RD & HWY 94
RE-ZONING EXHIBIT A

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