

ORDINANCE NO. 2099-07

by the Plan Commission

**ORDINANCE APPLYING THE “OFFICE AND LIMITED
RESIDENTIAL/COMMERCIAL DISTRICT NO. 3 (O&LR/C NO. 3)” ZONING
DISTRICT – TO FOUR (4) PROPERTIES IN THE 124TH STREET AND BLUEMOUND
ROAD NEIGHBORHOOD PLAN AREA**

WHEREAS, the City of Brookfield Common Council adopted the *124th Street and Bluemound Road Neighborhood Plan* (the “Plan”) on February 6, 2007, (Resolution No. 7686-07), which identified the need for significant zoning changes or amendments in several parts of the neighborhood; and

WHEREAS, that planning effort was part of implementing the City Master Plan adopted on December 7, 1999, (Resolution No. 6469), that characterized the neighborhood as a “Targeted Intervention Area” or “node”; and

WHEREAS, the Plan Commission introduced amendments to the zoning classification of certain properties located within the Plan area that the Commission deemed necessary to implement the Plan shortly after Council approval of the Plan; and

WHEREAS, said amendments would change or create the base zoning of four (4) properties in the Plan area to the **OFFICE AND LIMITED RESIDENTIAL/COMMERCIAL DISTRICT NO. 3 (O&LR/C NO. 3)** zoning district, [12501-05 W. Bluemound Road (TKN 1108-114), 12785 W. Bluemound Road (TKN 1108-136), 12935 W. Bluemound Road (TKN 1108-137), and the Canadian Pacific Railroad right-of-way]; and

WHEREAS, said amendments received a properly noticed Public Hearing on May 1, 2007, before the Common Council, and a recommendation to the Council by the Plan Commission on May 7, 2007; and

WHEREAS, those amendments also were the topic of an informational meeting on April 25, 2007 to which directly affected property owners (or representatives of such owners) and neighbors of the rezoning area had the opportunity to meet with City staff; and

WHEREAS, the amendment adopted by this Ordinance appears needed and appropriate to achieve implementation of the Plan, as an element in the City Master Plan.

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

PART I. The parcels described in this Ordinance are hereby amended as to their base zoning district designation. As of the effective date of this Ordinance, those parcels shall be placed within the base zoning district of **OFFICE AND LIMITED RESIDENTIAL/COMMERCIAL DISTRICT NO. 3 (O&LR/C NO. 3)** and shown accordingly on the City’s Official Zoning Map.

PART II. Legal Description: The area to be rezoned is depicted on the attached map Exhibit "A"* and described in Exhibit "B"*.

PART III. BE IT FURTHER ORDAINED that the change in zoning classification effected for each individual property in the above list is separable for purposes of protest petition analysis and invalidation of zoning as to one property shall not invalidate the ordinance as a whole.

PART IV. BE IT FURTHER ORDAINED that the Official Zoning Map established and maintained in accordance with Section 17.16.020 of the City of Brookfield Code of Ordinances shall be amended accordingly.

PART V. BE IT FURTHER ORDAINED that the overlay zoning provisions of the Wetland Preservation and Floodplain Districts existing at the time of the adoption of this Ordinance, as defined by the City of Brookfield Zoning Code, shall continue to apply to properties within their jurisdiction without change resulting from this Ordinance.

PART VI. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART VII. This Ordinance shall take effect and be in force from the date of its passage and publication.

ADOPTED and APPROVED May 15 2007

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Publish: May 24, 2007

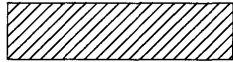
* Exhibits can be viewed in the City Clerk's Office.

CITY OF BROOKFIELD

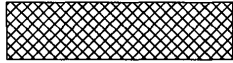
REZONING EXHIBIT "A"

LANDS TO BE REZONED FROM "B-3" REGIONAL BUSINESS, "O&L" OFFICE AND LIMITED INDUSTRY, "I" INDUSTRIAL, "C" CONSERVANCY, AND "NO ZONING", TO "O&LR/C NO. 3" OFFICE AND LIMITED RESIDENTIAL/COMMERCIAL NO. 3, IS APPLIED TO THE 124TH STREET AND BLUEMOUND ROAD AREA.

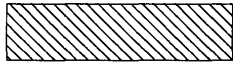
DRAFT



Indicates area where land is to be rezoned from "I" Industrial to "O&LR/C No.3" Office and Limited Residential/Commercial Number 3. (Approximately 20.167 acres.)



Indicates area where land is to be rezoned from "B-3" Regional Business to "O&LR/C No.3" Office and Limited Residential/Commercial Number 3. (Approximately 1.748 acres.)



Indicates area where land is to be rezoned from "O&L" Office and Limited Industry to "O&LR/C No.3" Office and Limited Residential/Commercial Number 3. (Approximately 5.438 acres.)



Indicates area where land is to be rezoned from "C" Conservancy to "O&LR/C No.3" Office and Limited Residential/Commercial Number 3. (Approximately .060 acres.)



Indicates area where land is to be zoned "O&LR/C No.3" Office and Limited Residential/Commercial Number 3. (Approximately 1.324 acres.)

A Taxkey Number: 1108-137
Owner: Bluemound Bowl

B Taxkey Number: 1108-136
Owner: Quebecor

C Taxkey Number: none
Owner: Canadian Pacific

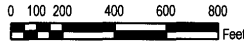
D Taxkey Number 1108-144
Owner: Wehrley-Gallenberer

Prepared by:
CITY OF BROOKFIELD
Department of Community Development

Checked by:
CITY OF BROOKFIELD
Engineering Office

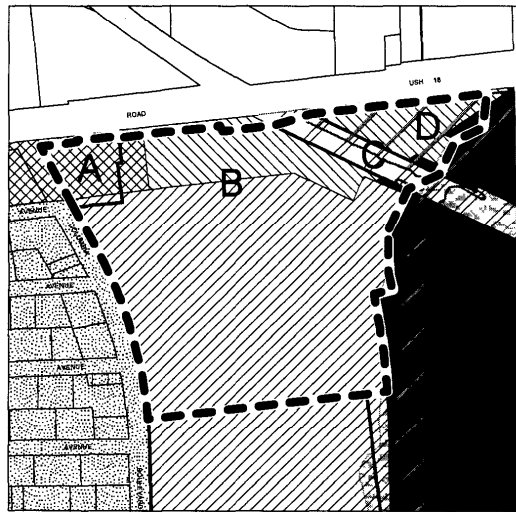
Drawn by: CJH
Edited by: CJH
Scale: 1" = 400'
Date: MARCH 15, 2007

Rezone Area



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

Any overlay zoning districts that apply to the subject properties are not affected by this ordinance.



Parcel A

Key #: BR C1108137

Property Address: 12935 W BLUEMOUND RD

Property Owner: BLUEMOUND LAND HOLDINGS LLC

Legal Description: Lots 1,2,3,4,5,6,7,21 22,23 & 24 Block 1 & Vac Alleyin Columbia Gardens Addn 2 PT SE1/4 SEC 25 T7N R20E DOC 2678222 ('01) DOC 3302390 ('05) DOC 3302391 ('05)

Existing Base Zoning: B-3 and I

Reenacted Base Zoning: O&LR/C No. 3

Parcel B

Key #: BR C1108136

Property Address: 12785 W BLUEMOUND RD

Property Owner: QUEBECOR PRINTING RE INC

Legal Description: All that part of Columbia Gardens No. 2, a Subdivision of record and Certified Survey Map No. 3323, recorded as Document No. 1055101, Volume No. 25 on Pages 105 through 109 inclusive, Recorded on July 6, 1978 and Unplatted Railroad Property in the Southeast 1/4 of Section 25, Township 7 North, Range 20 East, in the City of Brookfield, Waukesha County, Wisconsin bounded and described as follows:

Commencing at the Southeast Corner of said Section 25; thence South 89°13'41" West along the South Line of the Southeast 1/4 of said Section 25 a distance of 415.0 feet to a point on the Easterly Line of said Certified Survey Map No. 3323; thence North 00°46'19" West along said Easterly Line 45.00 feet to a point; thence South 89°13'41" West along said Easterly Line 85.63 feet to a point; thence North 01°08'29" West along said Easterly Line 600.00 feet to a point; thence Northwesterly 178.07 feet along the said Easterly Line and the Arc of a curve whose center lies to the west, whose Radius is 3,083.43 feet and whose Chord bears North 02°47'45" West 178.04 feet to the point of beginning of lands to be described; thence continuing Northwesterly 381.62 feet along said Easterly Line and the Arc of a curve whose center lies to the west, whose Radius is 3,083.43 feet and whose Chord bears North 07°59'45" West 381.38 feet to a point; thence North 76°51'05" East along said Easterly Line 73.13 feet to a point; thence North 13°08'55" West along said Easterly Line 60.00 feet to a point; thence North 01°11'09" West along said Easterly Line 135.82 feet to a point; thence North 64°45'39" West along said Easterly Line 16.47 feet to a point; thence North 25°14'21" East along said Easterly Line 210.00 feet to a point on the Southerly Line of an existing 100.00 foot Railroad Right of Way; thence North 64°45'39" West along the Southerly Line of said Railroad Right of Way 571.05 feet to a point on the South Line of West Blue Mound Road; thence South 83°31'51" West along the South Line of West Blue Mound Road 198.56 feet to a point; thence North 26°07'09" West along the South Line of West Blue Mound Road 21.24 feet to a point; thence South 83°31'51" West along the South Line of West Blue Mound Road 393.60 feet to a point; thence North 06°28'09" West along the South Line of West Blue Mound Road 5.00 feet to a point; thence South 83°31'51" West along the South Line of West Blue Mound Road 160.00 feet to a point; thence South 06°28'09" East along the South Line of West Blue Mound Road 5.00 feet to a point; thence South 83°31'51" West along the South Line of West Blue Mound Road 148.03 feet to a point; thence Southeasterly 0.74 feet along the Southerly Line of West Blue Mound Road and the arc of a curve whose center lies to the east, whose radius is 15.00 feet and whose chord bears South 27°20'47" East 0.74 feet to a point on the East Line of Columbia Boulevard; thence South 28°45'09" East along the East Line of Columbia Boulevard 450.61 feet to a point; thence Southeasterly 695.30 feet along the East Line of Columbia Boulevard said line also being the

Descriptors other than legal description and zoning classification are for information only. Any overlay zoning districts that apply to the subject properties are not affected by this ordinance.