

ORDINANCE NO. 2072-06
by the Plan Commission

**REVISION OF THE MODIFIED SUBURBAN OVERLAY MATRIX
CONTAINED IN ORDINANCE NO. 1692, FOR THE PROPERTY LOCATED AT
18380 WEST CAPITOL DRIVE (SPHEERIS OFFICE/PANDL RESTAURANT)**

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 for the purpose of amending the MSO matrix of Ordinance No. 1692 was heard before the Common Council on July 18, 2006, which was published as a Class II notice; and

WHEREAS, on August 7, 2006, the Plan Commission of the City of Brookfield recommended to grant text modifications to the Modified Suburban Overlay matrices contained in Ordinance No. 1692 pursuant to the enumeration contained in Exhibit "A"* as attached to the original public hearing notice; and

WHEREAS, the text amendments accompany a revised plan and method of operation permitting a free standing, dine-in (quality, gourmet or family style) restaurant, allowing interior/exterior remodeling as well as an outdoor seating area addition.

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

PART I. To permit text amendments to Chapter 17, more specifically the Modified Suburban Overlay Matrix contained in Ordinance No. 1692, creating a Modified Suburban Overlay Zoning District and applying said district to certain properties in the Capitol Drive corridor at 18380 West Capitol Drive (known as Zoning Issue Area C13) amending the "Use Variations" column of Zoning Issue Area C13 by removing the reference to new or expanded fuel/gasoline sales and related operations approved by PDD and adding language permitting a free standing, dine-in (quality, gourmet or family style) restaurant, and amending the "Special Characteristics" column as depicted in Exhibit "A" which is attached hereto and incorporated herein by reference* permitting:

- a. An intensive use, i.e. restaurant with a 40' pavement offset from a residential zoning district at 18380 W. Capitol Drive.
- b. A 2 foot westerly side yard pavement offset at 18380 W. Capitol Drive.
- c. A 10 foot pavement setback at 18380 W. Capitol Drive.
- d. A 73% Lot Coverage at 18380 W. Capitol Drive.

PART II. Approval of the text amendments would permit a revised plan and method of operation allowing interior/exterior remodeling as well as an outdoor seating area addition of 3,480 sq. ft. at 18380 W.

Capitol Drive and preclude new or expanded fuel/gasoline sales and related operations in any portion of Zoning Issue Area C13.

PART III. 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.

PART IV. The land to have "MSO" Modified Suburban Overlay characteristics amended is described as follows: Lot 15, Block 28, Imperial Estates, being a subdivision of part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and North 1/4 of Section 4, Town 7 North, Range 20 East, City of Brookfield, County of Waukesha, State of Wisconsin, excepting therefrom that portion conveyed to the State of Wisconsin by instrument recorded April 8, 1965, as Document No. 632612 – also known as 4045 Imperial Drive, 18300 and 18380 W. Capitol Drive.

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

ADOPTED AND APPROVED ON August 15, 2006

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Published: August 24, 2006

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

Exhibit A

Amend a portion of the MSO matrix of Ordinance No. 1692 of the MATRIX IDENTIFYING OVERLAY DISTRICT REQUIREMENTS FOR THE FOLLOWING GEOGRAPHIC AREA INCLUDED WITHIN THE MODIFIED SUBURBAN OVERLAY DISTRICT: THE 1999 CAPITOL DRIVE CORRIDOR OVERLAY DISTRICT AREA (*Bold italic font in the matrix depicts added text. Struck through text depicts deleted text in the amendment.*)

MODIFIED SUBURBAN OVERLAY					
Zoning Issue Area	Base Zoning	Development Pattern	Use Variations	Planning Unit	Special Characteristics
C13	B-1 (now B-3)	CS/NS	Fuel/gasoline sales at existing auto service station to remain permitted use; local business uses, including new or expanded fuel/gasoline sales and related operations, can be approved by PDD-free <i>standing, dine-in (quality, gourmet or family style) restaurant at 18380 Capitol Drive</i>	C-13 area = planning unit	Building footprints may not exceed 20,000 square feet <i>1. An intensive use, i.e. restaurant with a 40' pavement offset from a residential zoning district at 18380 Capitol Drive, 2. A 2' westerly side yard pavement offset at 18380 Capitol Drive, 3. A 10' pavement setback 18380 Capitol Drive 4. A 73% Lot Coverage at 18380 Capitol Drive</i>

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