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MEMORANDUM

TO: Tammy LaBorde, Village Manager

COPY: Village Board of Trustees

FROM: William P. Dineen, Village Attorney **WPD**

DATE: September 8, 2021

RE: Village Property on Brown Deer Road (53 acres) - Zoning Amendment

This memo is intended to provide some general guidance related to the proposed development of the Property on Brown Deer Road now that the Village Board has approved the Concept Plan that proposes the development of up to 60 single family homes on 25 acres of the total of 53.4 acres of the Property owned by the Village located on Brown Deer Road (formerly known as the Eder property and hereinafter referred to as “the Property”).

The Property is currently zoned for single family residential use. A portion of the Property is in Zoning District R-1 which requires that the lots have a minimum area of 5 acres and a portion of the Property is in Zoning District R-2, which requires that the lots have a minimum area of 2 acres. The Property consists of 5 separate parcels. The Concept Plan calls for approximately 28.4 acres to be preserved as open space for a Green Infrastructure Project in which wetlands would be preserved and there would also be constructed wetlands for water retention purposes.

To implement the Concept Plan, there would need to be a change in the zoning of the Property. Any amendment to the Zoning Code would only change the zoning applicable to the Property, meaning that only the 5 parcels composing the 53 acres presently owned by the Village would be subject to any zoning changes. As noted above portions of the Property are currently subject to minimum lot sizes of 2 acres and 5 acres. The most likely way to accomplish a zoning change to allow up to 60 single family residential homes to be constructed on the Property would be to amend the Zoning code and Zoning Map to make the Property subject to a Planned Residential Development District that would only apply to that property. The underlying single family residential zoning requirement would remain in place on the property. In effect the Village would eliminate the minimum lot sizes for just that Property and adopt a Planned Residential Development District for just that property. A Planned Unit Development District zoning allows the Village to require that single family residential development be permitted upon a development agreement with terms that are set forth in the code but providing for some flexibility in what can be developed pursuant to a plan that is agreed to by the Village. This is not a new concept as Planned Unit Development zoning is a type of zoning found in virtually every community in Wisconsin.

No other property in the Village would have its zoning changed as a result of an amendment to adopt a Planned Residential Development District applicable only to the Property that the Village owns on Brown Deer Road.