

**ORDINANCE NO. 2243-10**  
by the Plan Commission

AMENDING THE 124<sup>TH</sup> STREET AND BLUEMOUND ROAD NEIGHBORHOOD PLAN AND  
THE CITY OF BROOKFIELD 2035 COMPREHENSIVE PLAN

WHEREAS, the City of Brookfield adopted the *124<sup>th</sup> Street and Bluemound Road Neighborhood Plan and City of Brookfield 2035 Comprehensive Plan* via Resolution No. 7686-07 and Ordinance 2193-09 , respectively ( herein after called “Plans”); and

WHEREAS, a series of amendments have been proposed for the plan area identified within the *124<sup>th</sup> Street and Bluemound Road Neighborhood Plan* and more specifically described in Exhibit A ( the “subject area”) attached and incorporated herein; and

WHEREAS, a public hearing with proper notice on this matter was heard on December 7, 2010; and

WHEREAS, the adopted neighborhood plan is the *124<sup>th</sup> Street and Bluemound Road Neighborhood Plan* and is a component of the *City of Brookfield 2035 Comprehensive Plan*. The adopted future land use for the subject area is high density mixed use along with certain traffic circulation objectives defined for the subject area; and

WHEREAS, a series of amendments have been proposed that would change the adopted future land use to high density commercial (shopping and services) and that would delete, add or modify certain traffic circulation objectives for the subject area; and

WHEREAS, on December 13, 2010 the Plan Commission approved, by majority vote, Resolution No. 8273-10 amending the aforementioned adopted plan including the *City of Brookfield 2035 Comprehensive Plan*.

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

PART 1. To amend the *2035 Comprehensive Plan* to change the land use for the *124<sup>th</sup> Street and Bluemound Road Neighborhood Plan* area as identified in Exhibit A from the adopted “Mixed Use” to “Shopping/Services Focused: Higher Density.”

PART 2. To amend the text of the *124<sup>th</sup> Street and Bluemound Road Neighborhood Plan* as follows:

a. Include (add) the following general statement in the neighborhood plan document, under “redevelopment” page 14 as follows:

*“Due to the nature and extent of the existing environmental contamination contained in or near buildings and underground storage tanks located on the former Quebecor site and due to the extent of wetlands recently identified on the property, the Task Force finds that the original goal of pursuing a mixed retail-office –residential development the*

*principal private property located in the plan area- the former Quebecor site- is not feasible. There is insufficient land area necessary to achieve a suitable and compelling mixed use development as originally envisioned in the plan. The Task Force is supportive of amending the land use goals of the plan to promote the commercial or retail development of the privately owned lands in the neighborhood”*

b. Revise the goal/vision statement on pages 4 and 12 of the neighborhood plan to delete retail, office and multiple family land uses and list commercial land use instead, as follows:

*Delete: The 124th Street and Bluemound Road neighborhood will have a mix of retail, office, multiple family, recreational, and open space land uses; incorporate bicycle, pedestrian, non-rail transit and automobile transportation in a variety of circulation options that respects and mitigates the impacts on the surrounding neighborhood; and build upon and complement the architectural design features of the Columbia Gardens Subdivision and the new Bluemound Road shopping center in Village of Elm Grove.*

*Insert: The 124th Street and Bluemound Road neighborhood will have a mix of commercial, recreational, and open space land uses; incorporate bicycle, pedestrian, non-rail transit and automobile transportation in a variety of circulation options that respects and mitigates the impacts on the surrounding neighborhood; and build upon and complement the architectural design features of the Columbia Gardens Subdivision and the new Bluemound Road shopping center in Village of Elm Grove.*

c. Amend selected Objectives listed on pages 13 and 14 to delete certain passages and create new objectives as follows:

- i. Delete the following land use objectives (page 13)
  - a.) *Provide commercial uses along Bluemound Road and Kent Avenue (extended) but not expanding any further south or west as depicted in the land use map, multiple family residential uses in the western and southern portions of the study area, and mixed-use (retail or office and residential) buildings along Kent Avenue (extended) and new side streets (buffering the retail from the multiple family residential).*
  - b.) *A “soft” retail anchor use would be the prominent use along Bluemound Road and represents a single retailer contained in a building less than 70,000 square feet, such as a specialty grocery or bookstore.*
- ii. Create the following land use objective:  
*Allow commercial use on privately owned lands throughout plan area as depicted on the land use map. (Neighborhood Plan map is also amended accordingly)*
- iii. Delete the following Circulation objective (page 14)  
*Consider a Columbia Boulevard access at Kent Avenue to accommodate indirect access to and from Bluemound Road.*
- iv. Create the following circulation objectives:

a.) *Any development of the former Quebecor site should include the construction of off-site improvements of extending a frontage road to access the existing signals located at 124th Street.*

b.) *The proposed plan amendment includes a statement of the critical importance of the construction of a frontage road between the former Quebecor site and existing signal at 124th Street and Bluemound Road. The Common Council urges the developer and/or property owner of the former Quebecor site to engage the timely professional engineering services needed to prepare a preliminary design of the frontage road to determine its feasibility in light of floodplain, topographic and environmental concerns and governmental agency approvals. This will be necessary for successful project approval.*

c.) *Prohibit vehicular access to the former Quebecor site from Columbia Boulevard and access to Columbia Boulevard from the former Quebecor site.*

PART 3. The requested amendments will not alter or amend the remaining recommendations in the adopted Plans.

PART 4. The city staff is directed to amend the applicable text and maps of the aforementioned plans once this ordinance amending said plans is executed by the appropriate city officials.

BE IT FURTHER ORDAINED, these Plan amendments shall have the same force and effect as the main body of the Plans established in Resolutions No. 7686-07 and Ordinance 2193-09.

BE IT FURTHER ORDAINED, by the Common Council of the City of Brookfield that the Plan Commission will use the aforementioned Plan amendments when reviewing development proposals and making land use decisions in this neighborhood.

ADOPTED AND APPROVED ON December 21, 2010

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Kristine A. Schmidt, City Clerk

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Steven V. Ponto, Mayor

\* Can be viewed in the City Clerk's Office.

Published: December 30, 2010

Exhibit A- LANDS UPON WHICH THE AMENDMENTS APPLY:

**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)

**Parcel B**

**Key #:** BR C1108136

**Property Address:** 12785 W BLUEMOUND RD

**Property Owner:** Quad Graphics

**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 Westerly Line of Parcel 1 of said Certified Survey Map No.3323 and the arc of a curve whose center lies to the west, whose radius is 1,672.33 feet and whose chord bears South

16°50'30" East 690.30 feet to the Southwesterly most corner of Parcel 1 of said Certified Survey Map No.3323; thence North 83°14'49" East along the South Line of said Parcel 1 and its easterly extension 933.37 feet to the point of beginning. Said description contains 1,071,418.31 Square Feet, 24.5946 Acres

**Parcel C Railroad**

**Key #:** None

**Property Address:** None

**Property Owner:** Wisconsin Department of Natural Resources

**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 559.69 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 06°20'29" West 558.92 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 and the point of beginning of lands to be described; 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 (A.K.A. U.S.H. "18") thence North 74°03'09" East 151.86 feet to a point of intersection with the South Line of West Blue Mound Road and the Northerly Line of said Railroad Right of Way; thence South 64°45'39" East along said Railroad Right of Way 538.07 feet to a point of intersection with the Easterly Line of a Vacated 20.0 foot Alley in Block 3 of Columbia Gardens No.2; thence South 83°38'50" West 95.44 feet to the Centerline of said Railroad Right of Way; thence South 25°14'21" West 50.00 feet to the point of beginning. Said description contains 53,423.44 Square Feet, 1.2264 Acres ±

**Parcel D**

**Key #:** BR C1108144

**Property Address:** 12501-05 W BLUEMOUND RD

**Property Owner:** WEHRLEY-GALLENBERER CO LLC

**Legal Description:** Lots 1 Thru 10 of Blk 3 and Lots 1,2, and 3 of Blk 4, All in Columbia Gardens Addn 2 Being a Sub of A Pt of the SE 1/4 OF SEC 25 T7N R20E & Vacated Streets & Alleys 109,479 SQ FT 2.513 ACRES DOC 3403640 ('06)