

ORDINANCE NO. 2335-13

By the Plan Commission

AN AMENDMENT TO ORDINANCE 1717 WHICH ESTABLISHED "PLANNED DEVELOPMENT DISTRICT – MIXED USE NO. 2 – TOWNE CENTRE" (PDD) LOCATED AT THE SOUTHWEST CORNER OF CAPITOL DRIVE AND BROOKFIELD ROAD

WHEREAS, certain properties described herein have been deemed appropriate by the City Plan Commission for placement within the Planned Development District(PDD) provisions of the City of Brookfield Zoning Code; and

WHEREAS, the Common Council adopted Ordinance 1717 on November 16, 1999, to establish Planned Development District – Mixed Use #2 and PDD General Plan for the establishment of a mixed-use "lifestyle center", consisting of a combination of ownership and rental multi-family residential, office buildings, retail buildings, restaurant buildings, buildings combining retail and office use, as well as parking and open space components. This project is located at the southwest quadrant of the intersection of Brookfield Road and Capitol Drive, known as the Towne Centre; and

WHEREAS, under the provisions of the City Zoning Code, the following amendments are requested to said ordinance: permit the "R" parcel of said PDD to be developed with a three-story, approximate 51,000 square foot, 36 unit apartment building with underground parking, where a two-story, 30,700 square foot, 44 unit multiple-family residence building was proposed. Said amendments would also extend the time of completion of the improvements envisioned on said parcel in the project PDD letter-of-understanding until December 31, 2016, and modify the project Declaration of Restrictions to adjust parking between the "R" parcel and the Sendik's parcel (parcel H); and

WHEREAS, the "R" parcel is located at the northeast corner of Richland Parkway and Thomson Drive; and

WHEREAS, a public hearing with proper notice on the proposed amendments was heard on September 17, 2013; and

WHEREAS, the Plan Commission recommended approval of the aforementioned amendments and General Plan modifications on September 23, 2013.

NOW, THEREFORE, the Common Council of the City of Brookfield ordains that Ordinance 1717 and corresponding General Plan that applies to the "R" parcel of said PDD located at the southwest corner of Capitol Drive and Brookfield Road and as legally described herein is hereby amended as follows:

PART 1

A. *Legal Description:* The area upon which the proposed amendments to Ordinance 1717 listed below would apply is described in Exhibit "A-1"* and depicted in Exhibit "A"*. The "R" parcel is shown as Parcel A in attached Exhibit A.

B. Section 4 of Ordinance 1717 is amended to read as follows as such relates to the "R" parcel:

"4. Land Uses and Development Plans being approved as to the General Development State Only by this Ordinance:

a. Subject to the provisions of the remainder of this section, this ordinance approves the General Development Plan for the Towne Centre Project as approved by the City of Brookfield Plan Commission on August 9, 1999, except as noted below for the "R" parcel. All documents that were part of the General Development Plan as approved by the Plan Commission shall be incorporated by reference into this Ordinance, except as noted below for the "R" parcel.

b. This Ordinance refers to a Letter of Understanding dated November 12, 1999, which was submitted by Towne Centre, LLC. Said Letter is attached hereto as Exhibit B and is incorporated by reference into this Ordinance. The terms of such Letter of Understanding shall prevail over the Plan Commission-approved General Development Plan to the extent the terms of said Letter are at variance with the terms of the General Development Plan, except as noted below for the "R" parcel.

c. The aforementioned General Development Plan is amended to permit the construction of a three story, 51,000 square foot, thirty-six (36) unit multiple family residential building with underground and surface parking on the "R" parcel as described herein.

d. The aforementioned Letter of Understanding is amended to extend the Term for Development of the "R" parcel until December 31, 2016.

e. The Declaration of Restrictions recorded and applying to the Towne Centre PDD is amended to permit an adjustment of amount of available surface parking available on the "R" parcel and an adjacent parcel. Said amendment will be recorded prior to the submittal of a Specific Plan for the "R" parcel".

C. Section 5 of Ordinance 1717 is amended to read as follows as such relates to the "R" parcel:

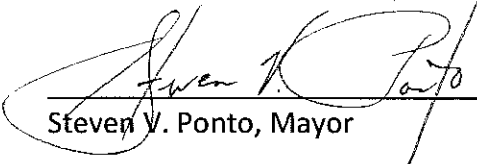
"5. Limitations on the General Plan approval accomplished by this Ordinance: No construction or development activities on the "R" parcel are authorized by adoption of this ordinance. Adoption of this ordinance approving amendments to the General Development Plan and PDD designation for the "R" parcel does not authorize any development activity on the "R" parcel property until the City Council has adopted the Specific Development Plan for the "R" parcel" or other conditions listed herein are in compliance".

PART 2: This ordinance does not affect the other provisions of Ordinance 1717 relating to other properties or parcels contained therein.

ADOPTED AND APPROVED ON October 1, 2013



Kelly Michaels, City Clerk



Steven V. Ponto, Mayor

Publish: October 10, 2013

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

Exhibit A-1

PARCEL R of Towne Centre PDD:

Lot 2 of Certified Survey Map No. 11072 recorded in the office of the Register of Deeds for Waukesha County, Wisconsin on June 20, 2013 in Volume 108, Pages 225 to 236 of Certified Survey Maps, as Document No. 4022070, being a re-division of Parcel 8 of Certified Survey Map No. 9367, being a part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 8, Township 7 North, Range 20 East, in the City of Brookfield, Waukesha County, Wisconsin.

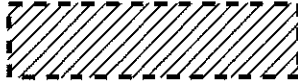
Tax Key No.: Part of BRC 1037-999-015

Depicted as "Parcel A" on Exhibit A

CITY OF BROOKFIELD

REZONING EXHIBIT "A"

Proposed Amendment to Certain
Lands Zoned "PDD" Planned
Development District
No. 2 – Towne Centre,
Ordinance 1717



Indicates area where "PDD"
Planned Development District -
Mixed Use No. 2 - Towne Centre,
Ordinance 1717 is proposed
to be amended.

A Taxkey Number: 1037-999-015
Owner: Brookfield Station LLC

Prepared by:
CITY OF BROOKFIELD
Department of Community Development

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.

Drawn by: JJR
Edited by: JJR
Scale: 1" = 300'
Date: August 16, 2013

