

**ORDINANCE NO. 2341-13**

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 "V" parcel of said PDD to be developed with a two-story, approximate 25,550 square foot, 20 unit apartment building with underground parking, and a minimum 15 foot building setback along Thomson Drive where a two-story, 20,000 square foot office building with a 25 foot build-to-line to the curb line of Thomson Drive was proposed. Said amendments would also eliminate the build-to-line requirement on the "V" parcel, extend the time of completion of the improvements envisioned on said parcels in the project PDD letter-of-understanding until December 31, 2016, and adjust the project Declaration of Restrictions, respectively; and

WHEREAS, The "V" parcel is located at the southwest corner of Brookfield Road and Thomson Drive; and

WHEREAS, a public hearing with proper notice on the proposed amendments was heard on November 5, 2013; and

WHEREAS, the Plan Commission recommended approval of the aforementioned amendments and General Plan modifications on November 11, 2013.

NOW, THEREFORE, the Common Council of the City of Brookfield ordains that Ordinance 1717 and corresponding General Plan that applies to the "V" parcel of said PDD located at the southwest corner of Brookfield Road and Thomson Drive 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 "V" 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 "V" 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 "V" 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 "V" 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 "V" parcel.

c. The aforementioned General Development Plan is amended to permit the construction of a two-story, approximate 25,550 sq. ft., 20 unit apartment building with underground parking, and a minimum 15 foot building setback along Thomson Drive on the "V" parcel as described herein.

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

e. The Declaration of Restrictions recorded and applying to the Towne Centre PDD and C.S.M. 9055 recorded on September 29, 2000 is amended to permit a vacation of a twelve (12) foot wide pedestrian easement located on the V parcel. An amendment to C.S.M 9055 removing said easement will be submitted along with the submittal of a Specific Plan for the "V" parcel".

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

*"5. Limitations on the General Plan approval accomplished by this Ordinance:* No construction or development activities on the "V" parcel are authorized by adoption of this ordinance. Adoption of this ordinance approving amendments to the General Development Plan and PDD designation for the "V" parcel does not authorize any development activity on the "V" parcel property until the City Council has adopted the Specific Development Plan for the "V" 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 \_\_\_\_\_ November 19 \_\_\_\_\_, 2013

\_\_\_\_\_  
Kelly Michaels, City Clerk

\_\_\_\_\_  
Steven V. Ponto, Mayor

Publish: November 28, 2013

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

## Exhibit A-1

**PARCEL V of Towne Centre PDD:**

Parcel 3 of Certified Survey Map No. 9055 recorded in the office of the Register of Deeds for Waukesha County, Wisconsin, on September 29, 2000 in Volume 81 of Certified Survey Maps, at Page 232 to 239, as Document No. 2593897, being a redivision of Parcel 1 of Certified Survey Map No. 9024, and Parcel 2 of Certified Survey Map No. 8253, being a part of the Northeast ¼, Northwest ¼ and Southeast ¼ of the Northeast ¼ of Section 8, Township 7 North, Range 20 East Said land being in the City of Brookfield, County of Waukesha, State of Wisconsin.

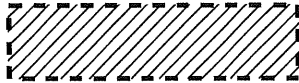
Tax Key No.: BRC 1037-999-009

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: 1037-999-009  
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

