

ORDINANCE NO. 2458-16 of the PLAN COMMISSION

Commission Date: June 13, 2016

Commission Action: Carried 6-0

Ordinance amending 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 (Starbucks).

Public Hearing: June 21, 2016

Council Date: June 21, 2016

Council Action: Adopted 12-2

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

WHEREAS, the approval process for such Planned Development District calls for adoption of an ordinance placing the subject properties in said district and approving a General Development Plan for such lands; and

WHEREAS, the Plan Commission approved a General Development Plan for the Towne Centre Project for these properties on August 9, 1999, and adopted Ordinance #1717 on November 16, 1999, establishing Planned Development District – Mixed Use No. 2; and

WHEREAS, the developer has proposed to amend Ordinance #1717 which would permit:

a) The “B” parcel of said PDD to be developed with a one-story approximate 8,675 sq. ft. mixed retail/office building where a two-story 34,000 square foot mixed retail/office building was proposed.

b) The “B” parcel dumpster enclosure to be located at the Capitol Drive building setback.

c) The “B” parcel permitted uses to include either a limited food service establishment with drive-thrus, pick-up windows, delivery services and outside seating and/or a casual dining restaurant with pick-up windows including outdoor seating.

d) Permit 16 wall signs on the building located on the “B” parcel with up to three (3) signs per tenant space, per building elevation.

e) Modifications to the Development Agreement.

WHEREAS, Towne Centre is located in the Capitol Drive/Brookfield Road Node, one of ten areas identified as Targeted Investment Areas (TIAs) in the *City of Brookfield 2035 Comprehensive Plan*. The TIA’s are those select areas in the City where change is anticipated and redevelopment investment can yield highest returns.

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

1. Amend 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. Amendments would permit:

a) The “B” parcel of said PDD to be developed with a one-story approximate 8,675 sq. ft. mixed retail/office building where a two-story 34,000 square foot mixed retail/office building was proposed.

b) The “B” parcel dumpster enclosure to be located at the Capitol Drive building setback.

c) The “B” parcel permitted uses to include either a limited food service establishment with drive-thrus, pick-up windows, delivery services and outside seating and/or a casual dining restaurant with pick-up windows including outdoor seating.

d) Permit 16 wall signs on the building located on the “B” parcel with up to three (3) signs per tenant space, per building elevation.

e) Modifications to the Development Agreement.

2. **Legal Description:** The area subject to Ordinance #1717 and the “B” parcel are depicted in “Exhibit A” attached* hereto and described as follows:

LOTS 1 AND 2 CSM 11072 REC 6-20-13 DOC #4022069 BEING A REDIV PRCL 8 CSM 9367 NE1/4 NE1/4 SEC 8 T7N R20E CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

PARCEL 7 CSM #9367 REDIV OF PARCEL 7 CSM #9209 PT NE1/4 SEC 8 T7N R20E RECORDED 4-30-2002 || DOC 2795365 VOL 85 PG 143-150 DOC 2916840 ('02) DOC 3467548 ('07) DOC 3467549 ('07) CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

PARCEL 6 CSM 9208 BEING A REDIV PARCEL 2 CSM9024PT NE 1/4 SEC 8 T7N R20E RECORDED 8-9-01 DOC #2687250 || DOC 2689669 ('01) DOC 3927265 ('12) CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

LOT 5 CSM #10421 REC DOC #3499314 BEING A REDIVISION OF PARCEL 5 CSM 9055 NE1/4 NE1/4 SEC 8 T7N R20E CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

PARCEL 4 CSM 9055 A REDIV OF PARCEL 1 CSM 9024 & PARCEL 2 CSM 8253 NE1/4 SEC8 T7N R20E || RECORDED 9-29-2000 VOL 81 PAGES 232-239 DOC 2593897 DOC 2593901 ('00) DOC 2595002 ('00) CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

PARCEL 3 CSM #9055 A REDIV OF PARCEL 1 CSM 9024 & PARCEL 2 CSM #8253 NE1/4 SEC8 T7N R20E || RECORDED 9-29-2000 VOL 81 PAGES 232-239 DOC #2593897 DOC 3803975 ('10) DOC 3863873 ('11) CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

OUTLOT 1 CSM9024PT NE 1/4 SEC 8 T7N R20E CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

3. ***PDD Dimensional Standards:*** The dimensional standards of Ordinance 1717 are amended only as they pertain to the “B” parcel as follows:

Dumpster enclosure may be located at the Capitol Drive building setback.

Drive-thru pavement and landscape feature (ornamental fence) are located with an approximate 20’ minimum setback from the north property line.

4. ***Conditions of PDD designation:*** The PDD is conditioned upon all other conditions listed in the June 21, 2016 Plan Commission minutes and as modified by the Fourth Amendment To Planned Development District Agreement For Towne Centre approved at said Plan Commission meeting.

5. ***Alterations and Revisions:*** No material alteration or revision of this Planned Development or Ordinance No. 1717 shall be permitted unless approved by the City Plan Commission. However, the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Community Development and are compatible with the concept stated in the underlying General Plan approved by the City Plan Commission.

6. ***Community and Public Benefits:*** Upon review by the Plan Commission on June 21, 2016, the Commission has determined that the mixed use planned development demonstrates community benefits in aesthetics and construction as required and is consistent with the goals and objectives of city master plan or elements thereof as required by section 17.41.050 A and D of the City Zoning Code.

7. ***Relationship to Specific Plan:*** The aforementioned dimensional PDD district zoning characteristics are enrolled into this ordinance and shall be part of any subsequent PDD Specific Plan.

8. ***Limits on the General and Specific Plan Approval accomplished by this Ordinance:*** No construction or development activities are authorized by the adoption of this ordinance until the City Council has approved the Specific Plan and all necessary Development Agreements for said property and the same have been executed by all parties required to execute same.

ADOPTED AND APPROVED ON June 21 , 2016

Kelly Michaels, City Clerk

Steven V. Ponto, Mayor

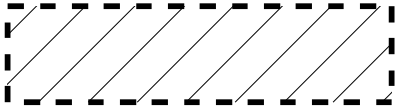
* May be viewed in the City Clerk’s Office.

Published: June 30, 2016

CITY OF BROOKFIELD

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.

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.

Prepared by:
CITY OF BROOKFIELD
Department of Community Development

Drawn by: JJR
Edited by: JJR
Scale: 1" = 300'
Date: May 17, 2016

