

ORDINANCE NO. 2073-06
by the Plan Commission

REZONING 2945-55 NORTH BROOKFIELD ROAD FROM "B-1" LOCAL BUSINESS DISTRICT TO "PDD – MIXED USE (GENERAL PLAN)" PLANNED DEVELOPMENT DISTRICT – GENERAL PLAN (MIXED USE COMMERCIAL/RESIDENTIAL), NO. 13, FOR THE PURPOSE OF CONSTRUCTING A TWO-STORY, MIXED USE BUILDING WITH FIRST FLOOR COMMERCIAL, SECOND FLOOR RESIDENTIAL AND UNDERGROUND PARKING

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 rezoning the subject properties to said district and approving a General Plan for such lands; and

WHEREAS, a public hearing with proper notice on this matter was heard on June 6, 2006; and

WHEREAS, the Plan Commission approved the General Plan on April 10, 2006, reaffirmed the General Plan on July 10, 2006, and recommended approval of the rezoning to "PDD – Mixed Use (General Plan)" on July 10, 2006.

NOW THEREFORE, the Common Council of the City of Brookfield ordains that the lands located at 2945-55 North Brookfield Road shall be rezoned from "B-1" Local Business District to "PDD – Mixed Use (General Plan)" Planned Development District – Mixed Use (General Plan), No. 13, and shall be generally described and governed as set forth below:

1. **Legal Description:** The land upon which the rezoning is described as follows and depicted on the map entitled Rezoning Exhibit "A"*: That part of Certified Survey Map No. 2668, recorded in Volume 19 on pages 256-258, being located in the northeast 1/4 of the northeast 1/4 of Section 17, Town 7 North, Range 20 East in the City of Brookfield, Waukesha County, Wisconsin. (Said parcel containing 22,176 sq. ft./0.5091 acres of land, more or less). Tax Key No. 1073-989 or known as 2945-55 North Brookfield Road.
2. **Identification of District:** This District shall henceforth be known as the "Planned Development District – Mixed Use, No. 13". The designation remains "PDD-General Plan" until a Specific Plan is approved.
3. **Statement of Purpose:** To rezone the property from "B-1" Local Business District to "PDD – Mixed Use (General Plan), No. 13" (Planned Development District, Mixed Use Commercial/Residential), for the purpose of constructing a two-story, mixed-use building with first floor commercial, second floor residential, and surface and underground parking. The first floor may include a

restaurant with outdoor seating overlooking McCoy Field, and the second floor may include as many as eight (8) apartments which may be converted to condominiums in the future.

4. ***Permitted Uses within the PDD District:***

- a. Any use as permitted in the "B-1" Local Business District, except a parking lot as the sole principal use and permitting more than one (1) dwelling unit per business tenant.
- b. A maximum of eight (8) second floor dwelling units.
- c. Surface and underground parking stalls.
- d. Restaurant seating capacity not to exceed a total of 100 indoor and outdoor seats, subject to the adequacy of parking as determined by the Plan Commission. This maximum seat count will not include the patio facing Brookfield Road.

5. ***Use Restrictions:***

- a. All operations and activities shall be conducted wholly indoors unless it is outdoor seating for a restaurant, a residential porch, or a sidewalk sale, as approved by the Plan Commission.
- b. First floor retail is required.
- c. Underground and surface, on-site parking stalls are required. Exceptions to the on-site parking supply requirements may be approved by the Plan Commission if the building is located within 1,000 feet of municipal parking lots or on-street parking.
- d. Hours of deliveries are restricted to 6:00 a.m. to 11:00 p.m. Hours of trash and recycling collection are restricted to Monday through Saturday, non-holiday hours of 7:00 a.m. to 7:00 p.m.
- e. Hours of operation for general retail will be established by the Plan Commission during the subsequent "specific plan" approval, but shall not exceed general restrictions contained in the Municipal Code. Restaurant closing hours shall be midnight (Sunday-Thursday) and 1:00 a.m. (Friday-Saturday), and 10:00 p.m. for the outdoor deck and patio.
- f. Food (versus drink) shall be the primary use/activity for any restaurant that occupies the building, and a food purchase is required with the use of the outdoor deck.
- g. No music allowed on outdoor deck.

6. ***Development Pattern:***

The following development would be permitted pursuant to PDD zoning and approval of a "Specific Plan", including the required minimum setbacks and offsets on the site as follows:

Building and Parking Locations

- a. Setback: zero (0) feet minimum.
- b. Build-to-Line: the build-to-line is the eastern property boundary adjacent to a public street, and the building's street facade shall be constructed along the build-to-line for a minimum of 50% of the lot width. The balance of the build-to-line shall include features such as elevated landscape planters, hedges, or decorative fences – with the exception of points of access – as approved by the Plan Commission.

- c. Offset: zero (0) feet minimum.
- d. Wetland and Floodplain Boundaries: shall be surveyed to determine building, surface and/or underground parking feasibility and locations (where applicable). Municipal wetland and floodplain regulations apply.
- e. Encroachment: lighting and awnings may encroach into the public right-of-way, subject to Plan Commission and Board of Public Works approval. Lower-intensity bulbs may be required to meet the intent of Section 17.120.070 Commercial Illumination. Decorative lighting with cut-off, flat lens fixtures are required.

Height Regulations

- a. Principal Building: 2.0 story and 38-foot maximum building height.

Area Regulations

- a. Floor Area Ratio: 0.85 maximum.
- b. Lot Area: 22,176 square feet (0.5091 acre).
- c. Lot Coverage: 0.95 maximum
- d. Landscape Surface Ratio: 0.05 minimum.
- e. Floor Area (One Bedroom Unit): 650 square feet minimum.
- f. Floor Area (Two Bedroom Unit): 800 square feet minimum.
- g. Signs: shall not be internally illuminated.

- 7. **Master Plan:** This development incrementally implements the *Village Area Neighborhood Plan* (an element of the *City of Brookfield Master Plan*) by providing a 2.0-story, mixed-use commercial/residential building, with on-site underground and surface parking, and a physical and/or visual connection between Brookfield Road and McCoy Field.
- 8. **Community Benefits:** The PDD process requires an identification of the impact on the community and the identification of community benefits. The community benefits can be found in the Statement of Operations letter dated March 6, 2006, on file at the City Clerk's Office. In addition, the developer is to offer to relocate some of the buffer yard landscaping (what would normally be required under the City's *Site Development Standards for Non-Residential Uses*) to the property owners along the north side of Wilderness Way, west of Brookfield Road and east of the Wilderness Court driveway.
- 9. **Alterations and Revisions:** No material alteration or revision of this Planned Development 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. The Plan Commission requested that the underground parking wall be minimized prior to the specific plan request, and suggested a mirror flip of the building footprint or providing an elevated porch along Brookfield Road on the southeast portion of the building as ideas for the applicant to consider.
- 10. **Limitations on the General Plan Approval accomplished by this Ordinance:**

No construction or development activities are authorized by the adoption of this ordinance. Adoption of this ordinance approving the General Plan and rezoning the subject property does not authorize any development activity on the property until the City Council has approved the Specific Plan of said property and all necessary Development Agreements have been approved and executed by all parties required to execute same.

11. **Other Conditions:** Including all conditions listed in the July 10, 2006, Plan Commission meeting minutes.

ADOPTED AND APPROVED ON August 15, 2006

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Publish: August 24, 2006

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

Descriptors other than legal description and zoning classification are for information only.

CITY OF BROOKFIELD

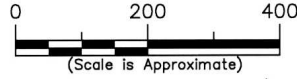
REZONING EXHIBIT "A"

LAND TO BE REZONED FROM "B-1" LOCAL BUSINESS DISTRICT TO
 "PDD" PLANNED DEVELOPMENT DISTRICT - GENERAL PLAN, NO. 13.
 (MIXED USE COMMERCIAL/RESIDENTIAL)

THAT PART OF CERTIFIED SURVEY MAP NO. 2668, RECORDED IN VOLUME 19 ON PAGES 256-258, BEING LOCATED IN THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 17, TOWN 7 NORTH, RANGE 20 EAST, IN THE CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN. (SAID PARCEL CONTAINING 22,176 SQ. FT./0.5091 ACRES OF LAND, MORE OR LESS.)

PREPARED BY :
 CITY OF BROOKFIELD
 DEPARTMENT OF COMMUNITY DEVELOPMENT

CHECKED BY :
 CITY OF BROOKFIELD
 ENGINEERING OFFICE



- (A) CSM NO. 2668, NE 1/4 OF SEC. 17
 OWNER: VILLAGE OF BROOKFIELD PROP LLC
 TAX KEY NUMBER: 1073-989
 ADDRESS: 2945-55 NORTH BROOKFIELD ROAD

DRAWN BY : CLJ
 EDITED BY : CLJ
 SCALE : 1" = 200'
 DATE : MAY 10, 2006

DESCRIPTORS OTHER THAN LEGAL DESCRIPTION AND ZONING CLASSIFICATION ARE FOR INFORMATION ONLY.

ANY OVERLAY ZONING DISTRICTS THAT APPLY TO THE SUBJECT PROPERTY ARE NOT AFFECTED BY THIS ORDINANCE.



INDICATES AREA TO BE REZONED FROM "B-1" LOCAL BUSINESS DISTRICT TO "PDD" PLANNED DEVELOPMENT DISTRICT - GENERAL PLAN, NO. 13. (MIXED USE COMMERCIAL/RESIDENTIAL).

(APPROXIMATELY 0.5091 ACRES)

