

ORDINANCE NO. 2046-06
by the Plan Commission

REZONING CERTAIN PROPERTIES FROM "M-2" MULTIPLE-FAMILY DISTRICT AND "R-3" SINGLE-FAMILY DISTRICT TO PLANNED DEVELOPMENT DISTRICT-GENERAL PLAN (MIXED USE), NO. 12, FOR THE PURPOSE OF CONSTRUCTING "FAIRVIEW CENTRE", AN APPROXIMATE 38,345 SQ. FT. COMMERCIAL BUILDING AND TWO (2) MULTIPLE-FAMILY BUILDINGS, CONTAINING A TOTAL OF 36 DWELLING UNITS; AND

AMENDING THE ZONING ISSUE AREA C6 OF THE "MSO" MODIFIED SUBURBAN OVERLAY DISTRICT MATRIX, AND ACKNOWLEDGING IN THE USE VARIATIONS COLUMN THAT "LOW INTENSITY RESTAURANT" AS DEFINED IN CHAPTER 17 OF THE MUNICIPAL CODE IS A LOCAL BUSINESS USE.

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 September 6, 2005 and January 17, 2006; and

WHEREAS, the Plan Commission approved the General Plan on November 7, 2005, and reaffirmed the General Plan approved on January 23, 2006, and recommended approval of the rezoning to "PDD-Commercial" on January 23, 2006.

NOW THEREFORE, the Common Council of the City of Brookfield ordains that the lands located at 4065 North Calhoun Road shall be rezoned from "M-2" Multiple-family Residence District and "R-3" Single-family Residence District to "PDD-GP (Mixed Use)" Planned Development District – General Plan (Mixed Use) No. 12; and shall be generally described and governed as set forth below; and

1. **Legal Description:** The land upon which the rezoning is described in Exhibits "B"* and "C"* and depicted on the map entitled Rezoning Exhibit "D"* and all of which is wholly contained in Lot 2 of Certified Survey Map No. 4121 being part of the Southeast 1/4 of the Southeast 1/4 of Section 4, Town 7 North, Range 20 East, City of Brookfield, Waukesha County, Wisconsin; a.k.a. 4065 North Calhoun Road.
2. **Identification of District:** This District shall henceforth be known as the "Planned Development District – Mixed Use, No. 12. The designation remains "PDD-General Plan" until a Specific Plan is approved.

3. **Statement of Purpose:** To rezone the property from "M-2" Multiple-family Residence District and "R-3" Single-family Residence District to "PDD-GP (Mixed Use)" – Planned Development District – General Plan (Mixed Use), No. 12 depicting construction of an approximate 38,345 sq. ft. commercial building and two (2) multiple-family buildings, containing a total of 36 dwelling units; and to permit the Modified Suburban Overlay matrix contained in Ordinance No. 1692, The 1999 Capitol Drive Corridor Overlay District Area, to be amended regarding the "Base Zoning" column for Zoning Issue Area C6 from "M-2" to "PDD-General Plan" (Mixed Use) and acknowledging in the "Use Variations" column of Zoning Issue Area C6 that "low intensity restaurant" as defined in Chapter 17 of the Municipal Code is a local business use as depicted in the attached Exhibit "A"*.

4. **Permitted Uses within the PDD District:** The proposed uses for the property are 36 multiple-family dwelling units and a 38,345 sq. ft. commercial building, subject to inclusion of a project completion schedule in a development agreement accompanying a Specific Plan application. The PDD would permit uses that are proposed in the General Plan, consistent with the permitted uses in the "M-1", "M-2" Multiple Family Residence District, the "B-1" Local Business District and the "O" Office District.

5. **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:

Commercial

- 25 ft. minimum setback from the ultimate 60 ft. right-of-way west of centerline of Calhoun Road.
- 170 ft. minimum north offset
- 70 ft. minimum south offset
- 35 ft. maximum building height in a maximum two-story building

Northwest Residential Building:

- 270 ft. minimum setback from the ultimate 60 ft. right-of-way west of centerline of Calhoun Road.
- 30 ft. minimum north offset
- 140 ft. minimum west offset
- 35 ft. maximum building height
- 30 ft. minimum separation from the southwest residential building
- Maximum Two Story Building

Southwest Residential Building:

- 290 ft. minimum setback from the ultimate 60 ft. right-of-way west of centerline of Calhoun Road.
- 80 ft. minimum south offset
- 25 ft. minimum west offset
- 35 ft. maximum building height
- 30 ft. minimum separation from the northwest residential building

- Maximum Two Story Building

Pavement:

- 5 ft. minimum setback from the ultimate 60 ft. right-of-way west of centerline of Calhoun Road
- 20 ft. minimum offset to the north
- 0 ft. offset to the south
- 0 ft. offset to the west

The "PDD" would establish the following requirements:

- Maximum Floor Area Ratio of 39.9%
- Maximum parking supply of 267 spaces
- Minimum Landscape Surface Ratio of 48%
- Coordinated site, building architecture, signage, landscaping and maintenance throughout the "PDD" regardless of the ownership or leasing arrangement.
- Permitted uses are those permitted in the "M-1", "M-2" Multiple-family Residence District, the "B-1" Local Business District and the "O" Office District.

All other "PDD" district dimensions would comply with the site plan dated October 31, 2005, as documented in the Plan Commission packet and minutes of November 7, 2005. Any phasing of the development will require separate Specific Plan approval(s).

The site is located within the "Neighborhood Plan for the "Calhoun Road and Capitol Drive Node" adopted and amended by resolutions dated July 18, 2000, and September 24, 2002. Certain transportation system improvements recommended in the plan will be addressed by the project.

6. **Community Benefits:** The PDD process requires an identification of the impact on the community and the identification of community benefits. The benefits of the "PDD" request are listed in the General Plan Executive Summaries date-stamped June 3, 2005, July 11, 2005, and October 28, 2005, by William A. Patch from Commonwealth Partners, Ltd. and documented in the Plan Commission minutes of June 13, 2005, July 11, 2005 and November 7, 2005 on file at the City Clerk's Office and generally list high quality design and development, pedestrian and vehicular connectivity, public open space and a mix of uses.
7. **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.
8. **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.

9. **Other Conditions:** Including all conditions listed on pages 8-11 of the January 23, 2006, Plan Commission minutes.

ADOPTED AND APPROVED ON February 7, 2006

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Publish: February 16, 2006

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

**EXHIBIT “A”
Fairview Centre Rezoning**

**Matrices Identifying Overlay District Requirements for the Following Geographic Areas Included
within the Modified Suburban Overlay District of Ordinance No. 1692.**

The 1999 Capitol Drive Corridor Overlay District Area

Zoning Issue Area	Base Zoning	Modified Suburban Overlay – Capitol Drive Corridor			
		Development Pattern	Use Variations	Planning Unit	Special Characteristics
C6	PDD#12- General Plan (Mixed Use) previously M-2 and R-3 M-2	CS	Office and local business uses can be approved within a mixed use PDD. “Low intensity restaurant” as defined in Chapter 17 of the municipal code is a local business use.	Node; DNP required	

* Bold font and struck text in the matrix depict the requested text modification.

EXHIBIT “B” Fairview Centre Rezoning
LEGAL DESCRIPTION FOR LANDS TO BE REZONED FROM “M-2” TO “PPD #12 – GENERAL PLAN” (Mixed Use):

PART OF LOT 2, C.S.M. NO. 4121, LOCATED IN THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 4, TOWN 7 NORTH, RANGE 20 EAST, CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 4, THENCE NORTH 01°03’44” WEST, ALONG THE EAST LINE OF THE SOUTHEAST ¼, 231.00 FEET TO A POINT; THENCE NORTH 88°28’26” WEST AND PARALLEL TO THE SOUTH LINE OF THE SAID SOUTHEAST ¼, 45.04 FEET TO THE POINT OF BEGINNING OF LANDS HEREINAFTER DESCRIBED:

RUNNING THENCE NORTH 88°28’26” WEST ALONG THE SOUTH LINE OF LOT 2, 582.60 FEET TO A POINT; THENCE NORTH 01°03’44” WEST ALONG THE WEST LINE OF LOT 2, 429.67 FEET TO A POINT; THENCE SOUTH 88°28’26” EAST, 582.58 FEET TO A POINT; THENCE SOUTH 01°03’44” EAST ALONG THE EAST LINE OF LOT 2, 429.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.75 ACRES MORE OR LESS

EXHIBIT “C” Fairview Centre Rezoning
LEGAL DESCRIPTION FOR LANDS TO BE REZONED FROM “R-3” TO “PPD #12 – GENERAL PLAN” (Mixed Use):

PART OF LOT 2, C.S.M. NO. 4121, LOCATED IN THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 4, TOWN 7 NORTH, RANGE 20 EAST, CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

THENCE NORTH 88°28’26” WEST, 582.58 FEET TO A POINT; THENCE NORTH 01°03’44” COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 4, THENCE NORTH 01°03’44” WEST, ALONG THE EAST LINE OF THE SOUTHEAST ¼, 660.67 FEET TO A POINT; THENCE NORTH 88°28’26” WEST AND PARALLEL TO THE SOUTH LINE OF THE SAID SOUTHEAST 1/4, 45.06 FEET TO THE POINT OF BEGINNING OF LANDS HEREINAFTER DESCRIBED:

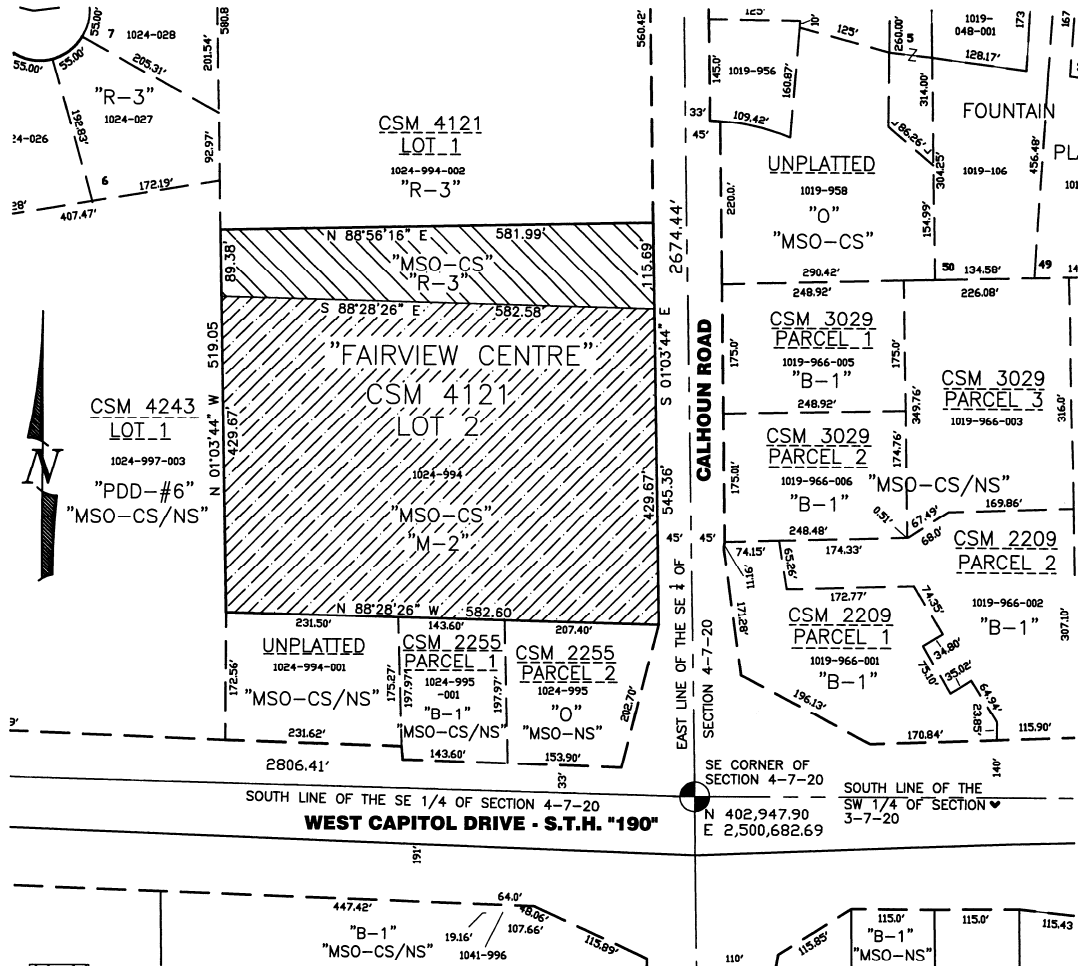
WEST ALONG THE WEST LINE OF LOT 2, 89.38 FEET TO A POINT; THENCE NORTH 88°56’16” EAST ALONG THE NORTH LINE OF LOT 2, 581.99 FEET TO A POINT; THENCE SOUTH 01°03’44” ALONG THE EAST LINE OF LOT 2, 115.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.37 ACRES MORE OR LESS

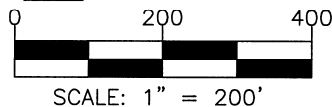
CITY OF BROOKFIELD REZONING EXHIBIT "D"

LANDS TO BE REZONED FROM "R-3" SINGLE-FAMILY AND "M-2" MULTI-FAMILY RESIDENCE DISTRICT TO "PDD" PLANNED DEVELOPMENT DISTRICT #12 - GENERAL PLAN (MIXED USE).

LANDS LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 7 NORTH, RANGE 20 EAST, CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN.



- INDICATES LANDS PROPOSED TO BE REZONED FROM "R-3" TO "PDD #12 - GENERAL PLAN" (MIXED USE).
- INDICATES LANDS PROPOSED TO BE REZONED FROM "M2" TO "PDD #12 - GENERAL PLAN" (MIXED USE).



PREPARED BY:
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720 INDUSTRIAL COURT, SUITE B, HARTLAND, WI 53029
(262) 367-7599

CHECKED BY:
CITY OF BROOKFIELD
DEPARTMENT OF COMMUNITY DEVELOPMENT

DESCRIPTORS OTHER THAN THE LEGAL DESCRIPTION AND ZONING DESIGNATIONS ARE FOR INFORMATION PURPOSES ONLY.

12/20/05
PAGE 1 OF 3