

ENROLLED ORDINANCE 170-57

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 29, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE B-2 LIMITED GENERAL BUSINESS DISTRICT TO THE MU-1 MIXED USE DISTRICT (ZT-1819)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Brookfield Town Board on July 28, 2015, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Brookfield Zoning Code, adopted by the Town of Brookfield on December 27, 1988, is hereby amended to conditionally rezone from the B-2 Limited General Business District to the MU-1 Mixed Use District, certain lands located in part of the SW ¼ of Section 29, T7N, R20E, Town of Brookfield, Waukesha County, Wisconsin, and more specifically described in the “Staff Report and Recommendation” and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference ZT-1819, is hereby approved subject to the following condition.

1. This rezone shall only be effective upon approval of the pending County land use plan amendment request that would change the plan designation for the property to Mixed Use.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.

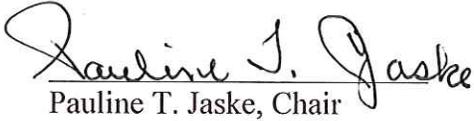
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

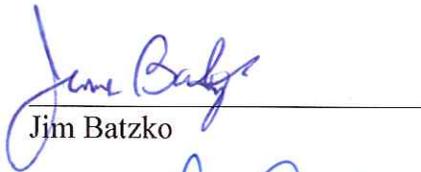
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Adopted by the Waukesha County Board: 10/27/15
Approved by the Waukesha County Executive: 10/30/15
Published: 11/07/15

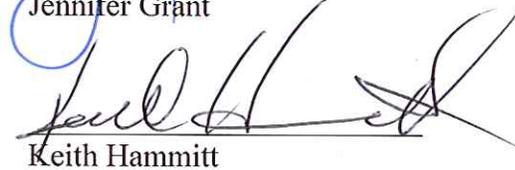
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 29, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE B-2 LIMITED GENERAL BUSINESS DISTRICT TO THE MU-1 MIXED USE DISTRICT (ZT-1819)

Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair


Jim Batzko


Jennifer Grant


Keith Hammitt


Eric Higham


William Mitchell


Thomas J. Schellinger

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 10/28/2015, 
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

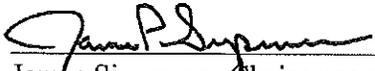
Date: 10-30-15, 
Paul Farrow, County Executive

COMMISSION ACTION

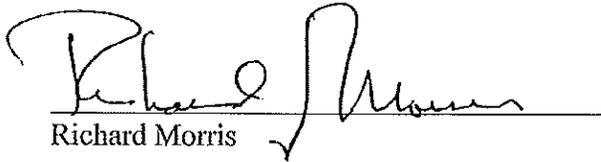
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Ordinance hereby recommends **approval** of ZT-1819 (Wimmer Brothers Realty – Poplar Creek Club LLC) in accordance with the attached “Staff Report and Recommendation”.

PARK AND PLANNING COMMISSION

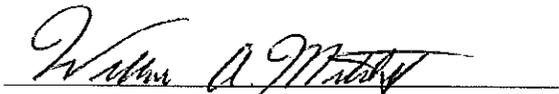
September 17, 2015


James Siepmann, Chairperson

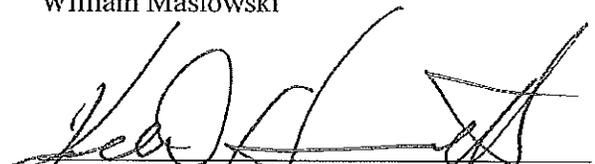

Robert Peregrine


Richard Morris

(Absent)
Gary Goodchild


William Mitchell

(Absent)
William Maslowski


Keith Hammitt

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: September 17, 2015

FILE NO.: ZT-1819

TAX KEY NO.'s: BKFT:1123977007 and BKFT:1123977008

OWNER: Poplar Creek LLC
5300 South 108 Street
Hales Corners, WI 53130

LOCATION:

Parcel 1 and 2 of Certified Survey Map No. 10074 located in the SW ¼ of Section 29, T7N, R20E, Town of Brookfield. More specifically, the site is located east of Jennifer Drive, west of Poplar Creek and north of Bluemound Road and is approximately 7.5 acres in area.

PRESENT ZONING CLASSIFICATION:

B-2 Limited General Business District (Town). B-3 General Business District, R-3 Residential District, C-1 Conservancy District (County- to remain unchanged).

PROPOSED ZONING:

MU-1 Mixed Use District (Town).

PRESENT LAND USE:

Vacant Land.

PROPOSED LAND USE:

Mixed Use development (multi-family residential, commercial, open space).

PUBLIC HEARING DATE:

July 28, 2015.

PUBLIC REACTION:

None

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On July 28, 2015, the Town Plan Commission recommended approval of the request. On July 28, 2015, the Town Board approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF BROOKFIELD LAND USE PLAN:

A plan amendment is pending for a change from the Commercial and Office Park category to the Mixed Use category. County Board action regarding the proposed amendment is expected at the September 22, 2015 County Board meeting.

OTHER CONSIDERATIONS:

The 7.5 acres that is the subject of the request is located in the highly urbanized portion of the Town of Brookfield. Specifically, the property is located on the north side of Bluemound Road (U.S.H. 18) and east of Barker Road (C.T.H. "Y"). The petitioner is proposing a mixed use project (See Exhibits "A and B") that would include approximately 136 residential apartment units in two buildings that would overlook Poplar Creek and the surrounding wetlands. The proposal includes a clubhouse building between the two large proposed multi-family residential buildings to the east of Jennifer Dr. (Poplar Creek Parkway) and the west part of the site will contain green space and parking. A retail building is planned for the frontage along Bluemound Road. Parking for the residential units would be provided in the basement level of the residential buildings, but additional parking would be available on-street and in a surface parking area in the northwest part of the site. The majority of the site is located within the County's shoreland jurisdiction, but areas in the west/northwest part of the site are subject to Town zoning, exclusively. In a related request, the petitioner is seeking Conditional Use approval from the Town and County for a Planned Unit Development for the project, as the petitioner is seeking design flexibility.

The pending related land use plan amendment request would bring the property into the Mixed Use land use category. The surrounding properties to the west are a mix of commercial uses, while lands to the north and east are Town owned conservancy lands along Poplar Creek. Lands to the south, on the opposite side of Bluemound Road, are commercial in nature and many of those properties are now vacant, with a major regional mixed use redevelopment project in the early construction stage. The MU-1 District would allow mixed uses, whereas the existing zoning only allows business uses.

The submitted plans and narrative describe that the proposed development project would seek to integrate into the neighborhood with sidewalks and a street oriented architectural and layout scheme with buildings positioned close to the internal road system with on-street parking being provided. A planning study was presented by the petitioner at the public hearing for the related plan amendment request that details how the proposed development project could integrate with the other uses within the same Barker Road/Bluemound Road quadrant. The study suggests that application of consistent design elements such as lighting, signage and pedestrian facilities can ensure a uniform neighborhood development scheme over time.

The property is served by municipal sewer and water. Some neighborhood businesses that would likely be attractive to future residential or office tenants of the project and that are within walking distance include a health club and restaurant/bar. There are a multitude of employment centers, retail centers and services on the Bluemound Road corridor that would also be available to potential residents and office or business employees. The site would be served by a further extension of an existing private road, Jennifer Drive. The petitioner proposes to extend the private roadway to the north and west so as to provide a connection from Bluemound Road to Barker Road. The petitioner has agreed to provide a road reservation to the Town of Brookfield that would allow for the road to become public at some point in the future.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends approval of the rezoning request, subject to the following condition:

1. This rezone shall only be effective upon approval of the pending County land use plan amendment request that would change the plan designation for the property to Mixed Use.

The approval of this request would allow for significant investment to occur on a site that is well served by transportation facilities and municipal services. The mixed use development would include a high density residential development that is consistent with the recommendations of the Regional Housing Plan and the County Development Plan.

Respectfully submitted,

Jason Fruth

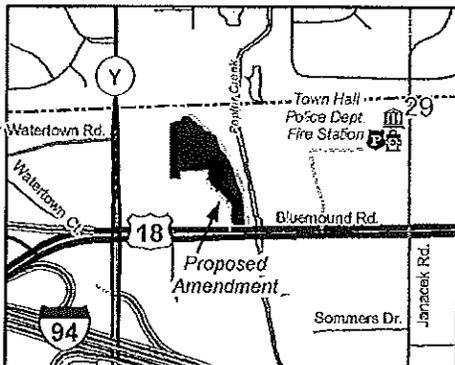
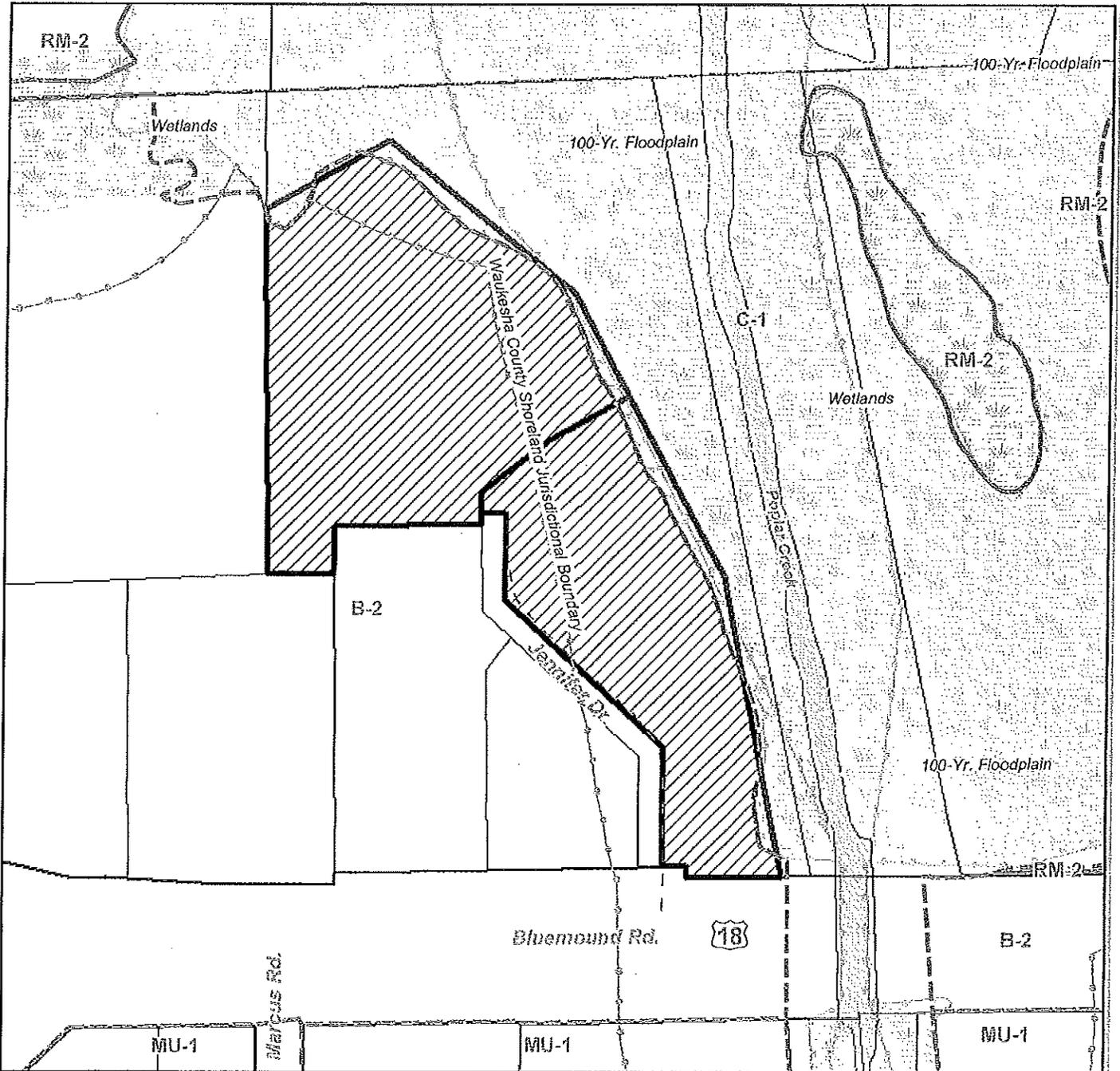
Jason Fruth
Planning and Zoning Manager

Attachments: Exhibits "A" and "B", Map and Town Ordinance

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1819 Wimmer Communities Bkt.Doc

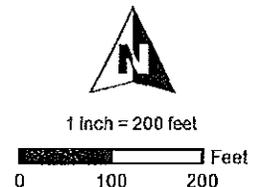
ZONING AMENDMENT

PART OF THE SW 1/4 OF SECTION 29
TOWN OF BROOKFIELD



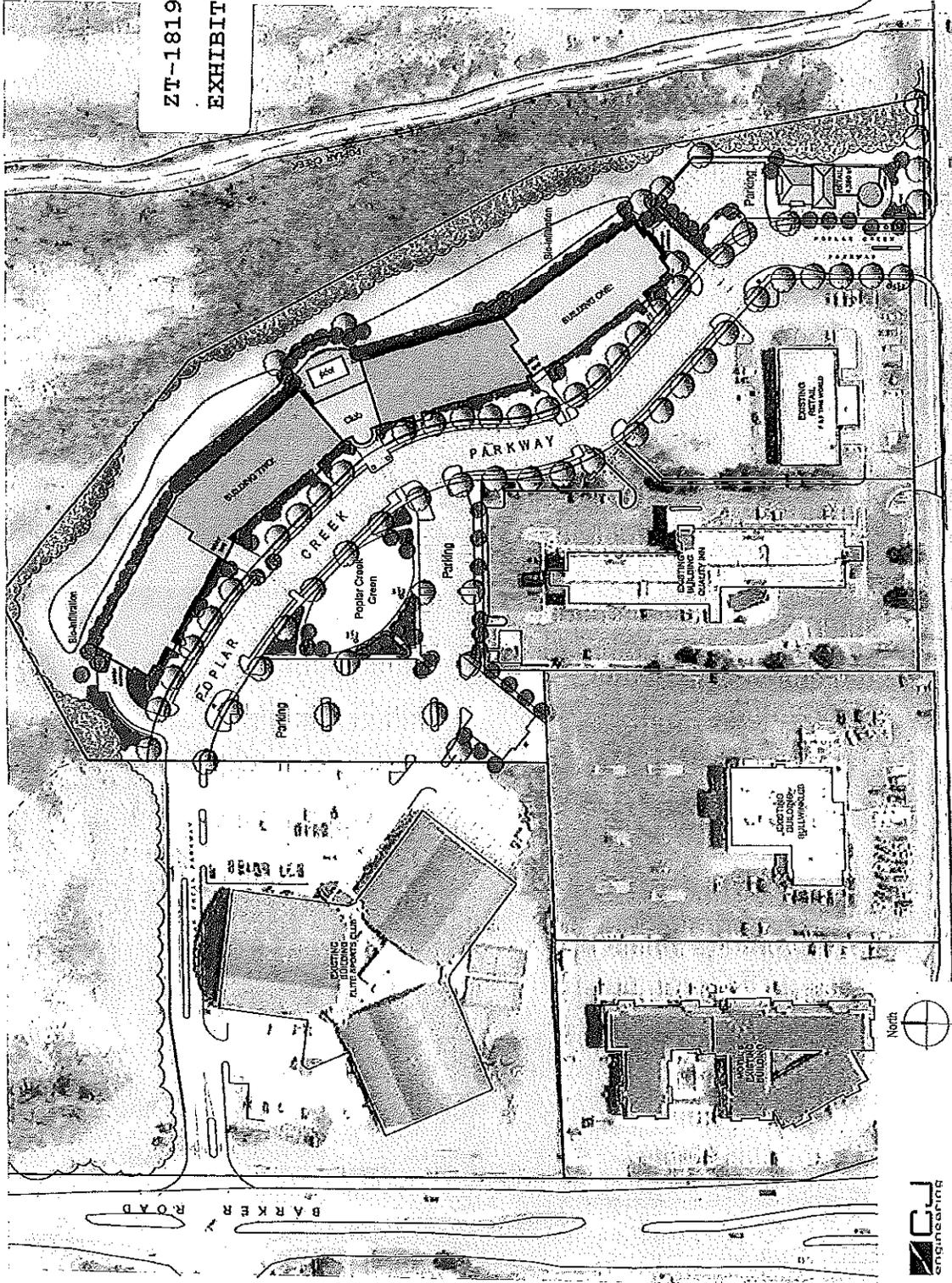
 CONDITIONAL TOWN ZONING CHANGE FROM B-2 LIMITED GENERAL BUSINESS DISTRICT TO MU-1 MIXED USE DISTRICT

FILE NO.....ZT-1819
 PETITIONER.....Poplar Creek LLC.
 DATE OF PLAN COMM. CONSIDERATION.....09/17/15
 AREA OF CHANGE.....6.9 ACRES
 TAX KEY NUMBERS.....BKFT1123.977.007 &
 BKFT 1123.977.008



Prepared by the Waukesha County Department of Parks and Land Use

ZT-1819 POPLAR CREEK
EXHIBIT "A"

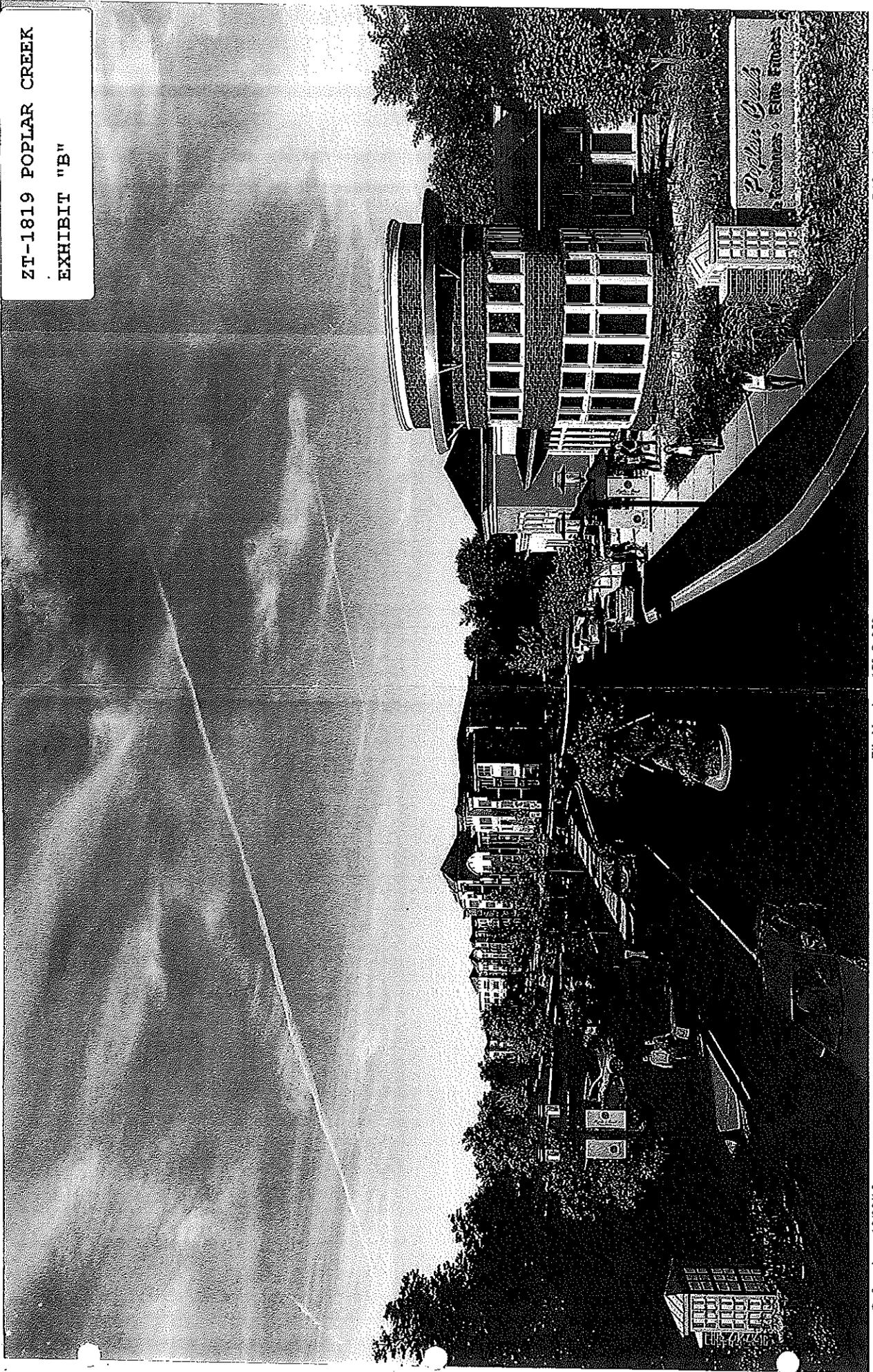


Site Plan
Poplar Creek
Brookfield, Wisconsin

May 8, 2015
Referred to: LU 7

File Number: 170-O-058

ZT-1819 POPLAR CREEK
EXHIBIT "B"



Referred on: 10/08/15

File Number: 170-O-058

Referred to: LU 8

STATE OF WISCONSIN : TOWN OF BROOKFIELD : WAUKESHA COUNTY

ORDINANCE REZONING OF PROPERTY FROM B-2 LIMITED GENERAL BUSINESS DISTRICT TO MU-1 MIXED USE DISTRICT CLASSIFICATION TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

THE TOWN BOARD OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: The following described property is hereby rezoned: from B-2 Limited General Business District to MU-1 Mixed Use District

PARCEL 1 CERT SURV 10074 VOL 90/220 REC AS DOC# 3314694 PT SW1/4 SEC 29 T7N R20E :: DOC# 4115069 Tax Key Number BKFT 1123-977-007

PARCEL 2 CERT SURV 10074 VOL 90/220 REC AS DOC# 10074 PT SW1/4 SEC 29 T7N R20E :: DOC# 4115069 Tax Key Number BKFT 1123-977-008

SECTION 2: All ordinances, or parts of this ordinance, conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

Dated this 4th day of August, 2015.

TOWN BOARD, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

[Signature]
Keith Henderson, Chairman

[Signature]
Steve Kohlmann, Supervisor

[Signature]
Dan Shea, Supervisor

Absent
Patrick Stroebel, Supervisor

[Signature]
John R. Schatzman Sr., Supervisor

ATTEST

[Signature]
Jane F. Carlson, Clerk

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/27/15

NUMBER-1700058

1 R. KOLB.....AYE
3 R. MORRIS.....AYE
5 J. BRANDTJEN.....
7 J. GRANT.....AYE
9 J. HEINRICH.....AYE
11 C. HOWARD.....AYE
13 P. DECKER.....AYE
15 B. MITCHELL.....AYE
17 D. PAULSON.....AYE
19 K. CUMMINGS.....AYE
21 W. ZABOROWSKI.....AYE
23 K. HAMMITT.....
25 G. YERKE.....

2 D. Zimmermann.....AYE
4 J. BATZKO.....AYE
6 J. WALZ.....AYE
8 E. HIGHUM.....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 C. PETTIS.....
16 M. CROWLEY.....AYE
18 L. NELSON.....AYE
20 T. SCHELLINGER....AYE
22 P. JASKE.....AYE
24 S. WHITTOW.....AYE

TOTAL AYES-21

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-21