

ENROLLED ORDINANCE 169-6

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 MU-1 MIXED-USE DISTRICT TO THE MU-1 MIXED-USE DISTRICT WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT (ZT-1781)

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 February 4, 2014, 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 (60.61), 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 MU-1 Mixed-Use District to the MU-1 Mixed-Use District with a Planned Unit Development (PUD) Overlay 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-1781, is hereby approved subject to the following condition:

1. The pending Town of Brookfield text amendment (ZT-1748) that would allow for Planned Unit Developments to be considered as zoning overlays within the Mixed Use District must be approved by the Waukesha County Board for this rezoning to be effective.

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.

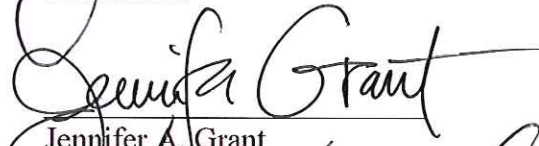
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

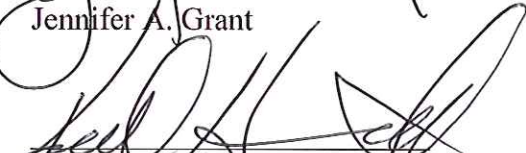
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 29, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE MU-1 MIXED-USE DISTRICT TO THE MU-1 MIXED-USE DISTRICT WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT (ZT-1781)


Presented by:
Land Use, Parks, and Environment Committee

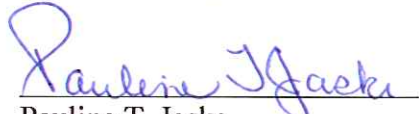

Walter L. Kolb, Chair

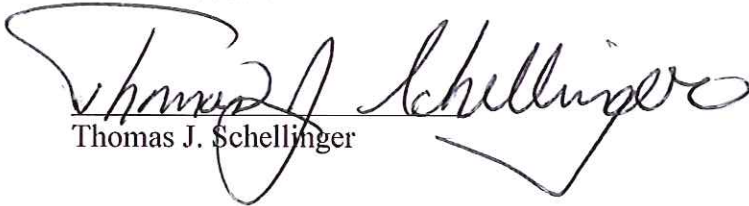

Jim Batzko


Jennifer A. Grant


Keith Hammitt


Eric Highum

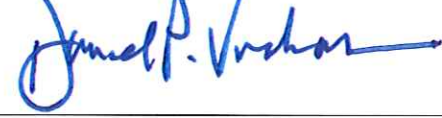

Pauline T. Jaske


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: 5/27/14, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 6-2-14, 
Daniel P. Vrakas, County Executive

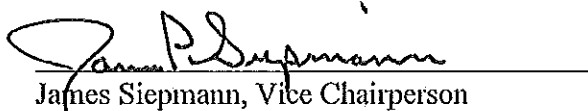
COMMISSION ACTION

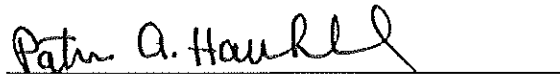
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Ordinance hereby recommends approval of ZT-1781 (The Corners of Brookfield, LLC) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

April 17, 2014

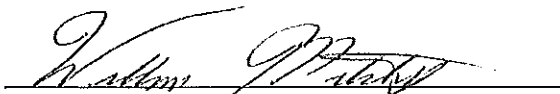

Robert Peregrine, Chairperson

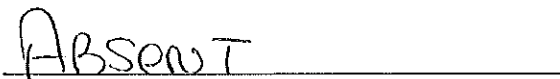

James Siepmann, Vice Chairperson


Patricia Haukohl


Walter Kolb


Gary Goodchild


William Mitchell


Fritz Ruf

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

DATE: April 17, 2014

FILE NO.: ZT-1781

TAX KEY NO.: BKFT 1123.987.001, BKFT 1123.976.002 and BKFT:1123.976.003

PETITIONER: Corners of Brookfield LLC
C/O Marcus Corporation
100 E. Wisconsin Avenue, Suite 1900
Milwaukee, WI 53202

OWNERS: Menard Inc.
c/o Corporate Accounting
4777 Menard Drive
Eau Claire, WI 54701

Katie Falvey
B&G Realty LLC
100 East Wisconsin Avenue, #1900
Milwaukee, WI 53202

LOCATION:

Lot 1, Certified Survey Map No. 4300 and Lots 3 and 4, Certified Survey Map No. 9956, located in part of the SW ¼ of Section 29, T7N, R20E, Town of Brookfield. More specifically, the properties are located southeast of the intersection of Bluemound Road (U.S.H. 18) and Barker Road (C.T.H. "Y") and north of I-94. The three subject parcels encompass approximately 19 acres.

PRESENT ZONING CLASSIFICATION:

MU-1 Mixed-Use District.

PRESENT LAND USE:

Vacant commercial buildings and a restaurant within a mostly vacant strip retail center.

PROPOSED ZONING:

A Planned Unit Overlay District (PUD) is proposed (Town zoning). The lands have an underlying Mixed Use District designation (Town). The County zoning designation of M-2 General Industrial District for the lands within 300' of Poplar Creek is to remain unchanged, at present.

PROPOSED LAND USE:

Mixed use development with commercial, residential and park and open space uses.

PUBLIC HEARING DATE:

January 28, 2014.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On January 28, 2014, the Town Plan Commission recommended approval of the request. On February 4, 2014, the Town Board approved the rezoning request.

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

Both the Town and County plans designate these parcels in the Mixed Use category which allows for a range of uses including commercial, office, residential, institutional and park and open space uses. The proposed mixed use redevelopment project complies with the mixed use category recommendations and the plan recommendations that call for infill type re-development.

OTHER CONSIDERATIONS:

The proposed rezoning would establish a Planned Development Overlay District for a large scale mixed use redevelopment project within the Bluemond Road (U.S.H. 18) corridor within the Town of Brookfield. The development would be known as "The Corners of Brookfield." It should be noted that an amendment to the Town of Brookfield Zoning Code (ZT-1748) will be considered on the same April 17, 2014 Park and Planning Commission agenda that proposes to make the PUD overlay district option available within the Mixed Use District. In order for the subject rezone to be authorized, the text amendment would first need to be finally adopted by the County Board.

The Town has been working towards accommodating redevelopment of this site and the surrounding areas via use of a tax increment finance district. The redevelopment of this area was envisioned in the Town's "Redevelopment Plan for the Bluemound Road Corridor" that was adopted in 2008. The Town established a Mixed Use zoning designation for the three subject parcels that constitute 19 acres in 2012 as part of a larger area-wide rezoning effort. Specifically, the lands on the south side of Bluemound Rd. and between Barker Rd. (C.T.H. "Y") on the west and Janacek Rd. on the east were rezoned to the Mixed Use District. The Mixed Use District provides for the range of commercial and office uses that are provided for in the Town's other business districts and permits residential dwelling units up to a density of 7.3 dwelling units per acre. Additional residential density is available (up to 14 dwelling units per acre) provided that Conditional Use authorization is obtained. The Mixed Use District also provides substantial flexibility in that the Town may authorize height and area special exceptions under certain circumstances. Other Mixed Use zoning requirement thresholds such as road setbacks and side yard offsets are minimal, recognizing that the district is expected to accommodate development that is more urban in design and form.

The rezoning petition submitted to the Town suggests that a Planned Unit Development is being sought for the subject lands, in part, in order to seek additional design flexibility above and beyond that which is specified within the underlying Mixed Use District. For instance, the petitioner notes that they are seeking relief relative to side yard offset, as some buildings are proposed to have zero lot line offsets and other buildings may fall short of basic Mixed Use District road setback requirements. The petitioner's application also suggests that the Planned Unit Development will realize significant public benefit in the form of increased project value and a unique mixed use town-center style, pedestrian friendly environment.

The easterly parcel currently contains a vacant Menards store and lumberyard buildings. The southwest parcel contains a vacant movie theater complex and the northwest parcel contains a largely vacant strip retail center. The proposal is that the buildings would be razed and the site re-graded to accommodate the proposed re-development project.

The proposed project would be anchored by a 140,000 square foot Von Maur department store at the south end of the site along I-94 and would include approximately 251,000 square feet of additional retail and restaurant space in buildings along a proposed network of interior roads (See Exhibit "A"). The site would obtain access to Bluemound Road via Marcus Drive and a proposed point of access opposite Jennifer Drive. The Town is also exploring the possibility of a road/bridge crossing of Poplar Creek on the south end of the site near I-94. The submitted concept plans indicate that the project would include development on three levels (lower, ground and upper), with parking primarily in the lower level, retail and restaurant space on the ground level and residential use on the upper level (see Exhibits "A through C"). One hundred and fifty eight (158) rental dwelling units are projected for the second floor space above multiple retail buildings. The project will contain a covered parking area that will generally match the grade of Bluemound Road on the west side of the parking deck. Parking would be provided below the proposed buildings, in part, in order to take advantage of the sloping nature of the site. The retaining wall between the east and west sides of the property would be removed in order to accommodate the covered parking area. The project will include a large common green/recreation space that will be nearly one acre in size. The area would serve as a gathering and park space (see Exhibit "D"). Submitted renderings (see Exhibit "E") depict an open air shopping center/mixed use environment that incorporates extensive pedestrian facilities, landscape features and a mix of architectural finishes.

Because of the size and scope of the project, the developer has sought approval of the Town Planned Unit Development Overlay based upon conceptual plans and renderings. More detailed development plans will continue to be further developed and may be amended and evolve over time. For instance, the developer is currently considering plans to replace some office space with additional residential units above the commercial space within the easterly buildings on the site. The site plan has not yet been amended to reflect this possible change. The Town will require approval of final detailed site, grading, architectural and infrastructure plans as part of its review of the final site plan, which is a requirement of the PUD requirements.

Similarly, because the easterly lands on the site are within 300' of a navigable stream (Poplar Creek), formal applications must be made to Waukesha County for zoning approvals subject to the requirements of the Waukesha County Shoreland and Floodland Protection Ordinance. It should be noted that County Planning and Zoning Division Staff has prepared a possible County Shoreland Ordinance text amendment that proposes a new "Urban Form" Conditional Use option. This draft language was brought before the Park and Planning Commission for comment at the March meeting and a public hearing for proposed amendment will be conducted at the April 17, 2014 Park and Planning Commission meeting. If ultimately approved, the new Conditional Use option would be available not just this proposed project but also for others projects that would be served by appropriate municipal sewer and water services in settings that are well served by major transportation facilities. For the development project to move forward as currently proposed, this new County Conditional Use option would need to be adopted by the County Board and then Conditional Use approval for the specific request would need to be obtained. In addition to Conditional Use approvals, formal Site Plan review would be required by both the Town and County.

STAFF RECOMMENDATION:

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

1. The pending Town of Brookfield text amendment (ZT-1748) that would allow for Planned Unit Developments to be considered as zoning overlays within the Mixed Use District must be approved by the Waukesha County Board for this rezoning to be effective.

As conditioned, the proposed PUD overlay complies with the recommendations of the Town and County land use plans which call for the lands to contain mixed uses. More detailed site and architectural plans will be required as part of the Site Plan review and Conditional Use processes that would be required for the project to advance further. The Planning and Zoning Staff feel that the conceptual renderings and site plans depict an interesting, dynamic redevelopment project that could greatly invigorate a currently underutilized and largely vacant portion of the Town of Brookfield. The subject lands are well served by major transportation facilities and the site is centrally located which makes it a good candidate for high value redevelopment.

Respectfully submitted,

Jason Fruth

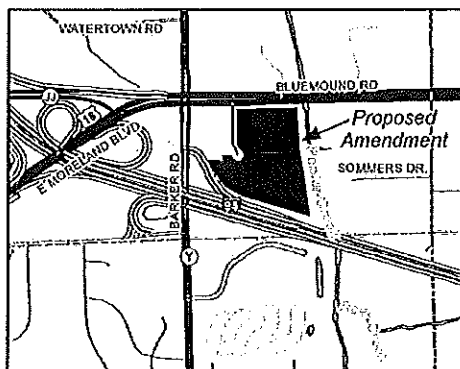
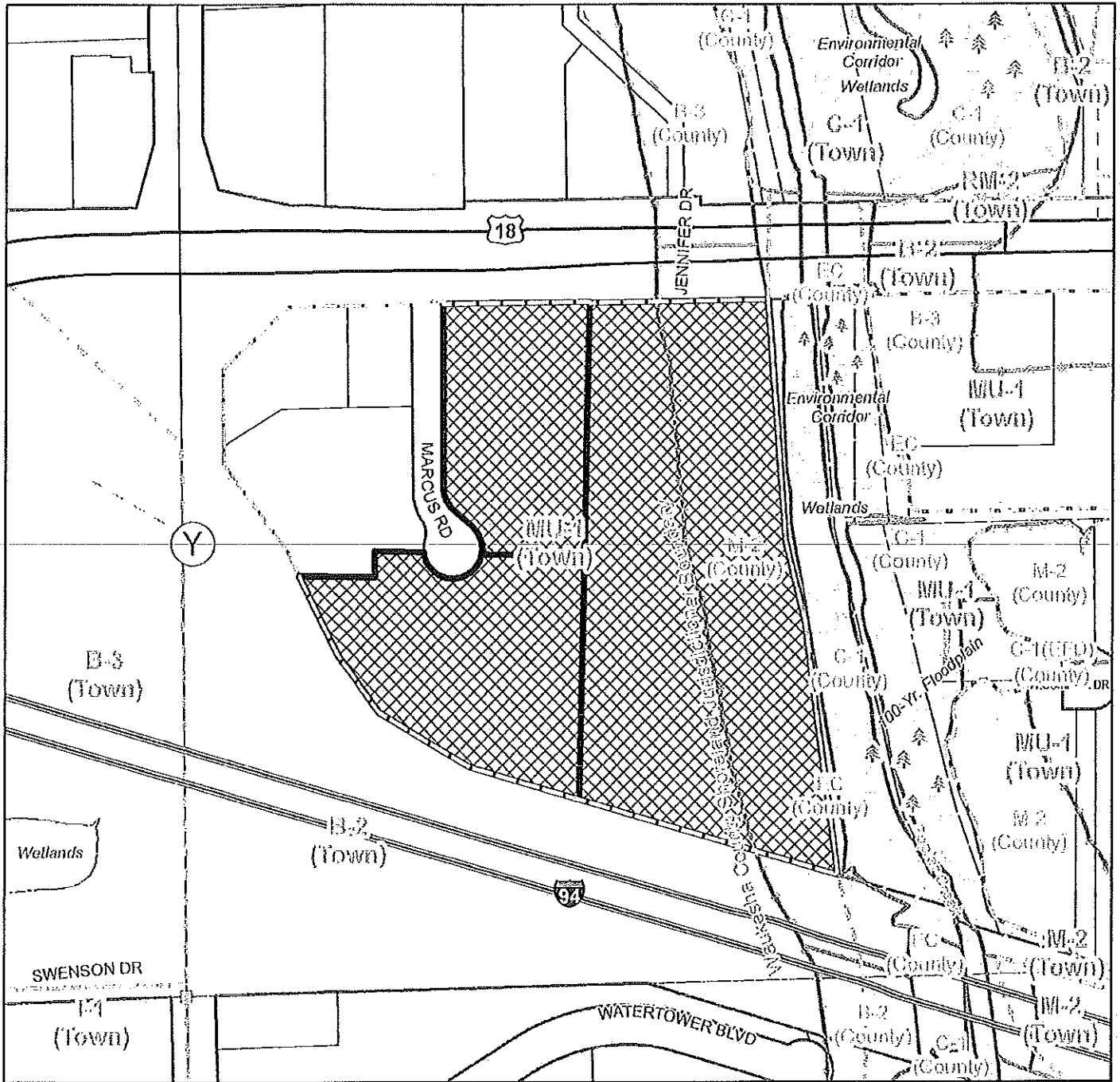
Jason Fruth
Planning and Zoning Manager


Attachments: Map, Exhibits "A through E", Town Ordinance

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1781 The Four Corners of Brookfield LLC bkt.doc

ZONING AMENDMENT

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



 TOWN ZONING CHANGE FROM MU-1 MIXED USE DISTRICT TO MU-1 MIXED USE DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

PETITIONER.....The Corners of Brookfield LLC

FILE.....ZT-1781

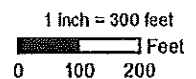
DATE OF PLAN COMM. CONSIDERATION.....04/17/14

AREA OF CHANGE.....18.84 ACRES

TAX KEY NUMBERS.....BKFT1123.997.01,
BKFT1123.976.002, & .003



Prepared by the Waukesha County Department of Parks and Land Use



STATE OF WISCONSIN: TOWN OF BROOKFIELD: WAUKESHA COUNTY

**ORDINANCE CREATING A PLANNED UNIT DEVELOPMENT
OVERLAY ZONING CLASSIFICATION IN THE 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 properties shall hereafter be placed in the
Planned Unit Development Overlay District and subject to the provisions of section 17.04(20) of
the Town of Brookfield Zoning Code:

LOT 1 CERT SURV 4300 VOL 34/90 PT SW1/4 SEC 29 T7N
R20E R537/705, property address 20005 W Bluemound Road
identified as Tax Key Number BKFT 1123-987-001; and

LOT 3 CERT SURV 9956 VOL 93/9 4.5950 AC PT SW1/4 SEC
29 T7N R20E DOC# 3373785 identified at Tax Key Number BK
1123-976-002; and

LOT 4 CERT SURV 9956 VOL 93/9 3.2958 AC PT SW1/4 SEC
29 T7N R20E DOC# 3373785 identified at Tax Key Number
BKFT 1123-976-003

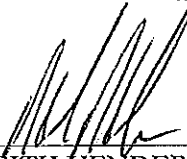
SECTION 2: The underlying zoning classification of the property is the Mixed
Use zoning classification. The zoning maps of the Town of Brookfield shall be amended so as to
reflect the zoning classification established in Section 1 of this ordinance.

SECTION 3: All ordinances or parts of this ordinance conflicting or
contravening the provisions of this ordinance are hereby repealed.

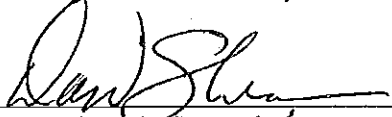
SECTION 4: This ordinance shall take effect upon passage and posting as
provided by law.

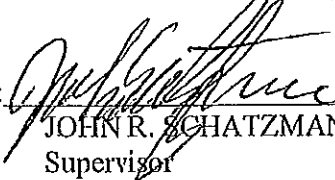
Dated this 4th day of February, 2014.

TOWN BOARD, TOWN OF BROOKFIELD,
WAUKESHA COUNTY, WISCONSIN

BY: 
KEITH HENDERSON, Chairman

BY: Absent
PATRICK STROEBEL, Supervisor

BY: 
DAN SHEA, Supervisor

BY: 
JOHN R. SCHATZMAN, SR.
Supervisor

BY: 
STEVE KOHLMANN, Supervisor


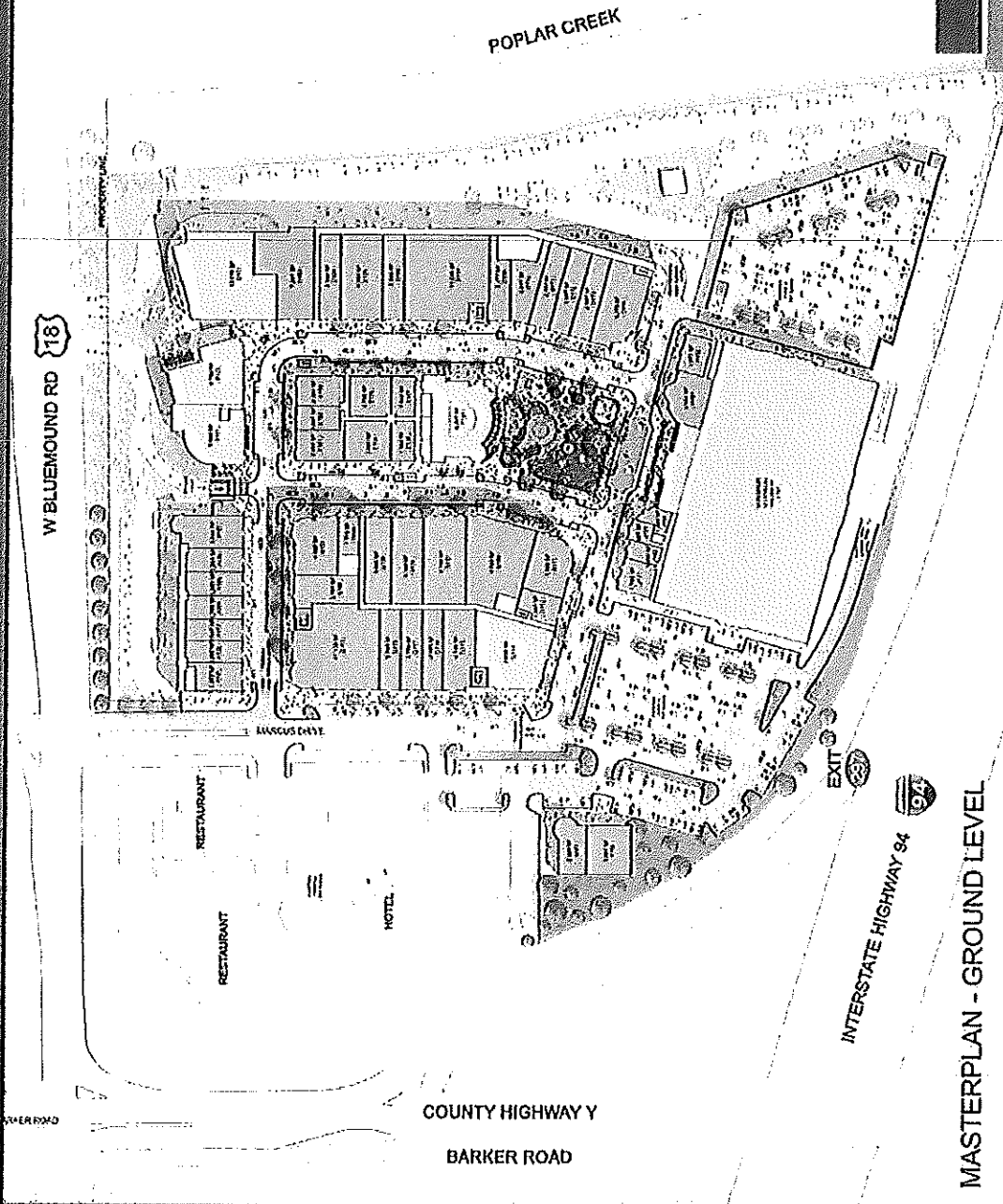
ATTEST: 
JANE F. CARLSON, Clerk

EXHIBIT "A"



Meet me at The Corners!

Project Summary:
 Retail/Restaurant: 195,261 sf
 Von Maur Department Store: 140,000 sf
 Office above retail: 50,840 sf
 Subtotal Site Area: 396,041 sf
 Residential: 125 Units (180,000 sf)
 Residential Parking Spaces: 157 Spaces
 Total Site G.A.: 566,041 sf
 Total Site Parking Spaces: 1,988 Spaces

Legend

- Retail
- Office
- Anchor
- Restaurant
- Jr. Anchor
- Residential
- Service

Scale: 0' 50' 100' 250'

100% Schematic | September 2011

THE CORNERS OF BROOKFIELD

DESIGN PARTNER: DDG
 1200 CHERRYWOOD DR
 SUITE 200
 BROOKFIELD, WI 53005
 PHONE: 414.772.0200
 WWW.DDG.COM

DDG

OWNER: MARBLE CORPORATION
 1000 W. WISCONSIN AVENUE, SUITE 1000
 MILWAUKEE, WI 53233
 PHONE: 414.224.2200
 WWW.MARBLECORP.COM



ARCHITECT: MLG CONSULTING
 1131 E. GREENWOOD AVENUE, SUITE 200
 MILWAUKEE, WI 53207
 PHONE: 414.224.2200
 WWW.MLGCONSULTING.COM

MLG

MASTERPLAN - GROUND LEVEL

EXHIBIT "B"

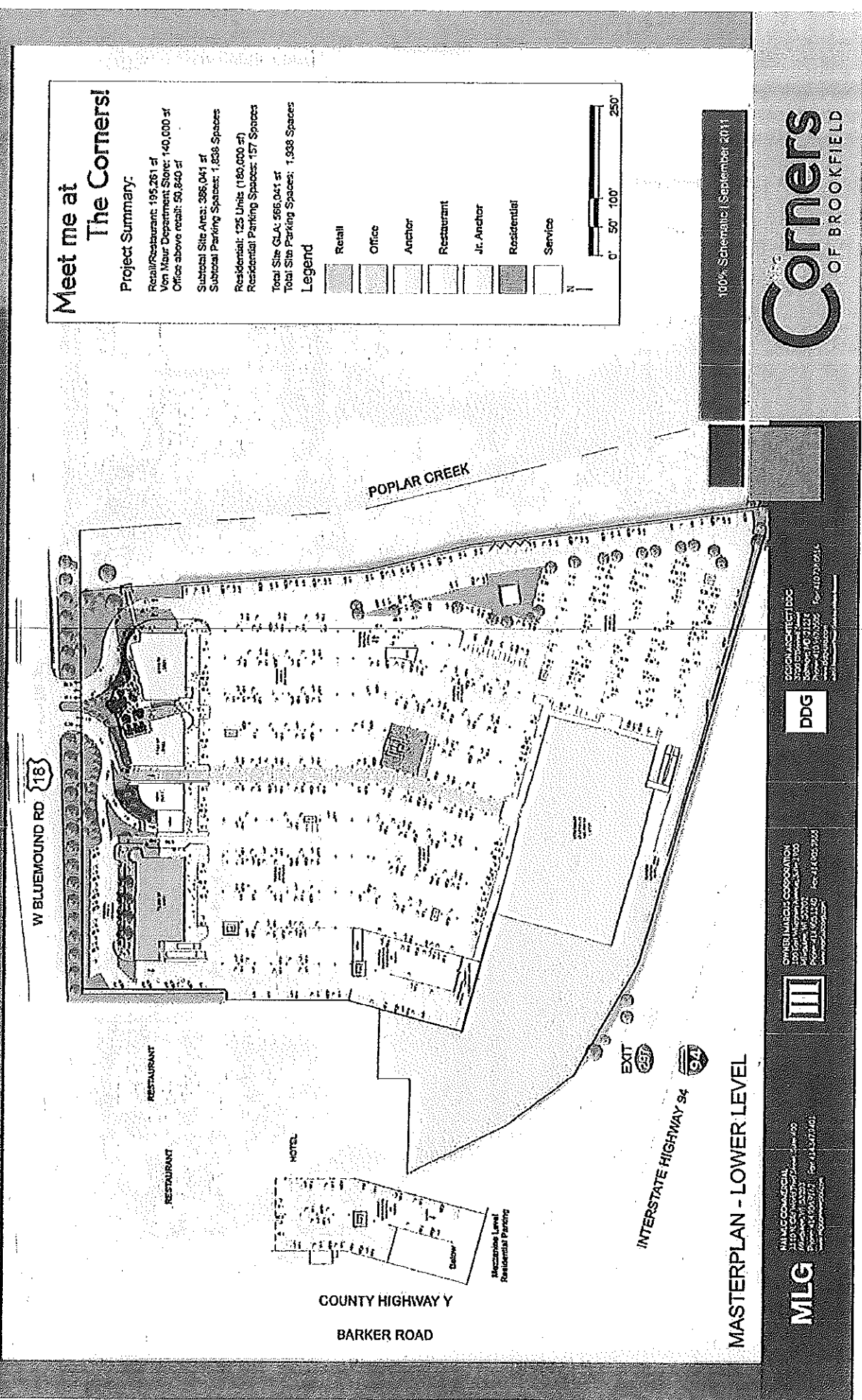
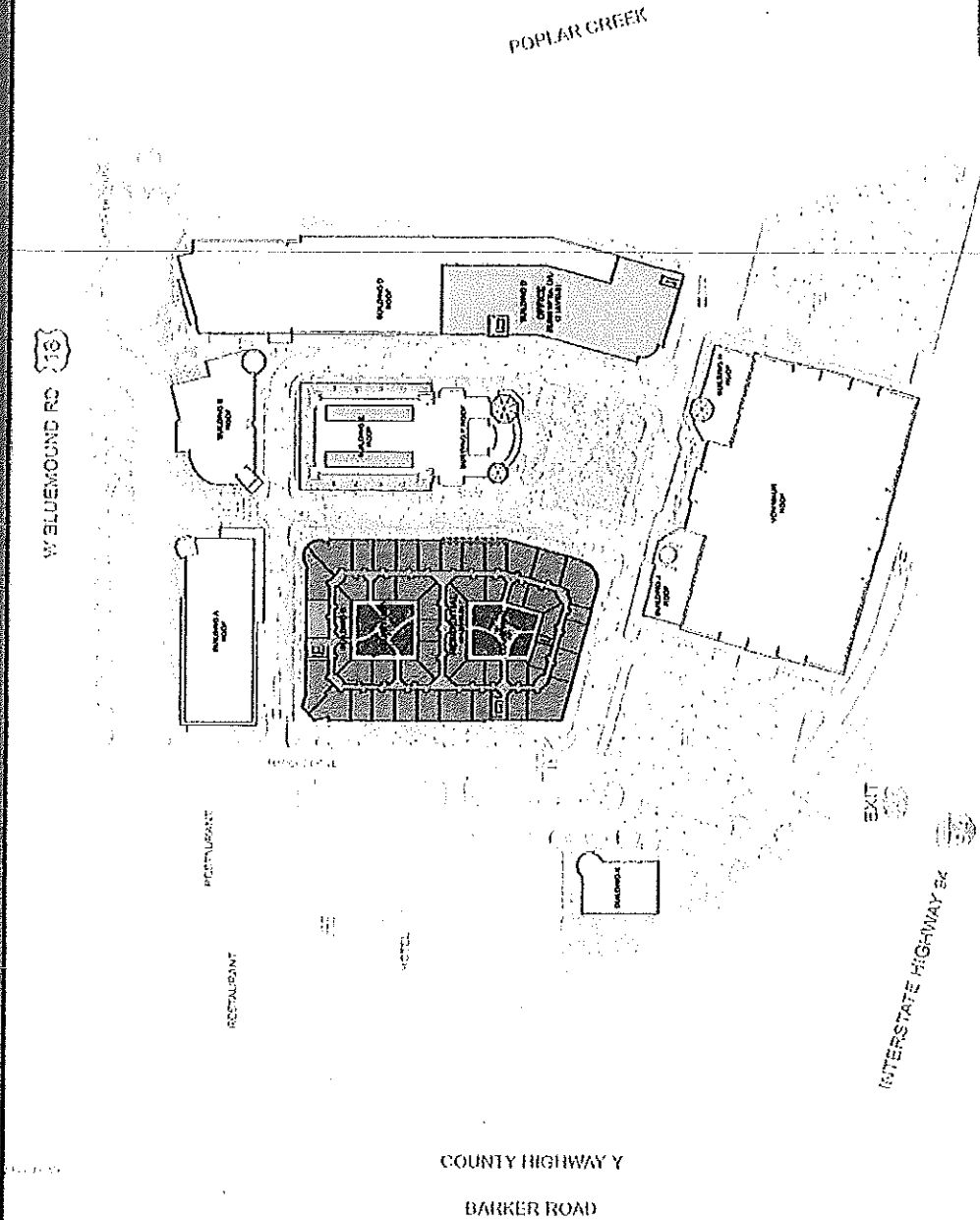


EXHIBIT "C"



Meet me at The Corners!

Project Summary:
 Retail/Restaurant: 195,261 sf
 Von Maur Department Store: 140,000 sf
 Office above retail: 50,840 sf
 Subtotal Site Area: 386,041 sf
 Subtotal Parking Spaces: 1,838 Spaces
 Residential: 125 Units (180,000 sf)
 Residential Parking Spaces: 157 Spaces
 Total Site GLA: 566,041 sf
 Total Site Parking Spaces: 1,995 Spaces

Legend

| | |
|-----------|-------------|
| [Pattern] | Retail |
| [Pattern] | Office |
| [Pattern] | Anchor |
| [Pattern] | Restaurant |
| [Pattern] | Jr. Anchor |
| [Pattern] | Residential |
| [Pattern] | Service |

Scale: 0' 50' 100' 250'

100% Schematic | September 2011

The Corners OF BROOKFIELD

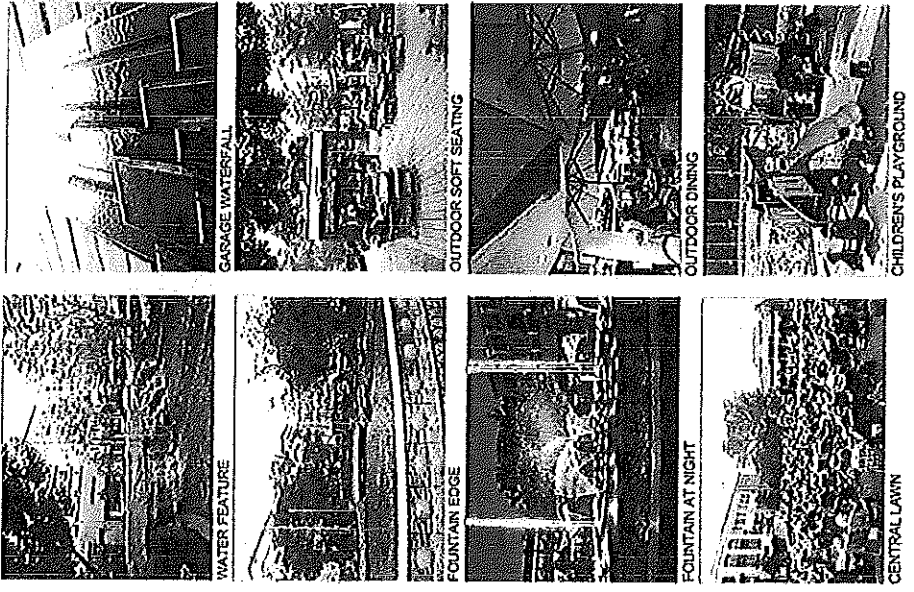
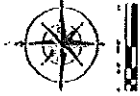
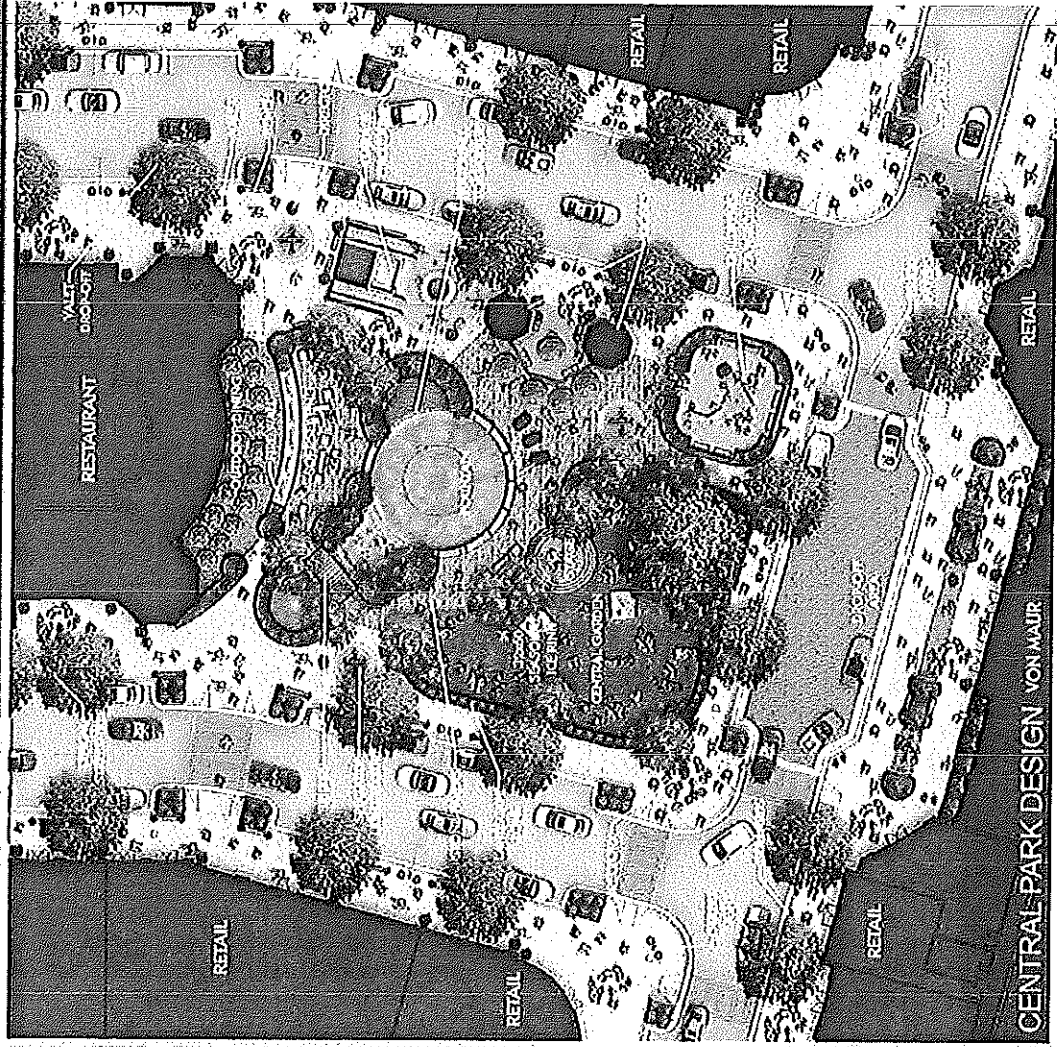
DDG
 DESIGN SERVICES | LLC
 2007 Exchange Street
 Brookfield, WI 53005
 Phone: 414-781-5255 Fax: 414-781-5255
 www.ddginc.com

OPPER MARGIC CORPORATION
 120 East Wisconsin Avenue, Suite 300
 Milwaukee, WI 53202
 Phone: 414-223-1100 Fax: 414-223-3346
 www.oppermargic.com

MLG COMMERCIAL
 11107 Oak Street, Suite 100
 Brookfield, WI 53005
 Phone: 414-781-5255 Fax: 414-781-5255
 www.mlgcommercial.com

MASTERPLAN - UPPER LEVEL

EXHIBIT "D"



1900's Schererville | September 2011

Corners
OF BROOKFIELD

DESIGN ARCHITECTURE
3700 National Road
Spartanburg, SC 29304
Tel: 803-535-2222 Fax: 803-535-2261

DDG

GRACE JACOBI CORPORATION
105 West Main Street, Suite 100
Madison, WI 53702
Tel: 608-255-2222 Fax: 608-255-2222

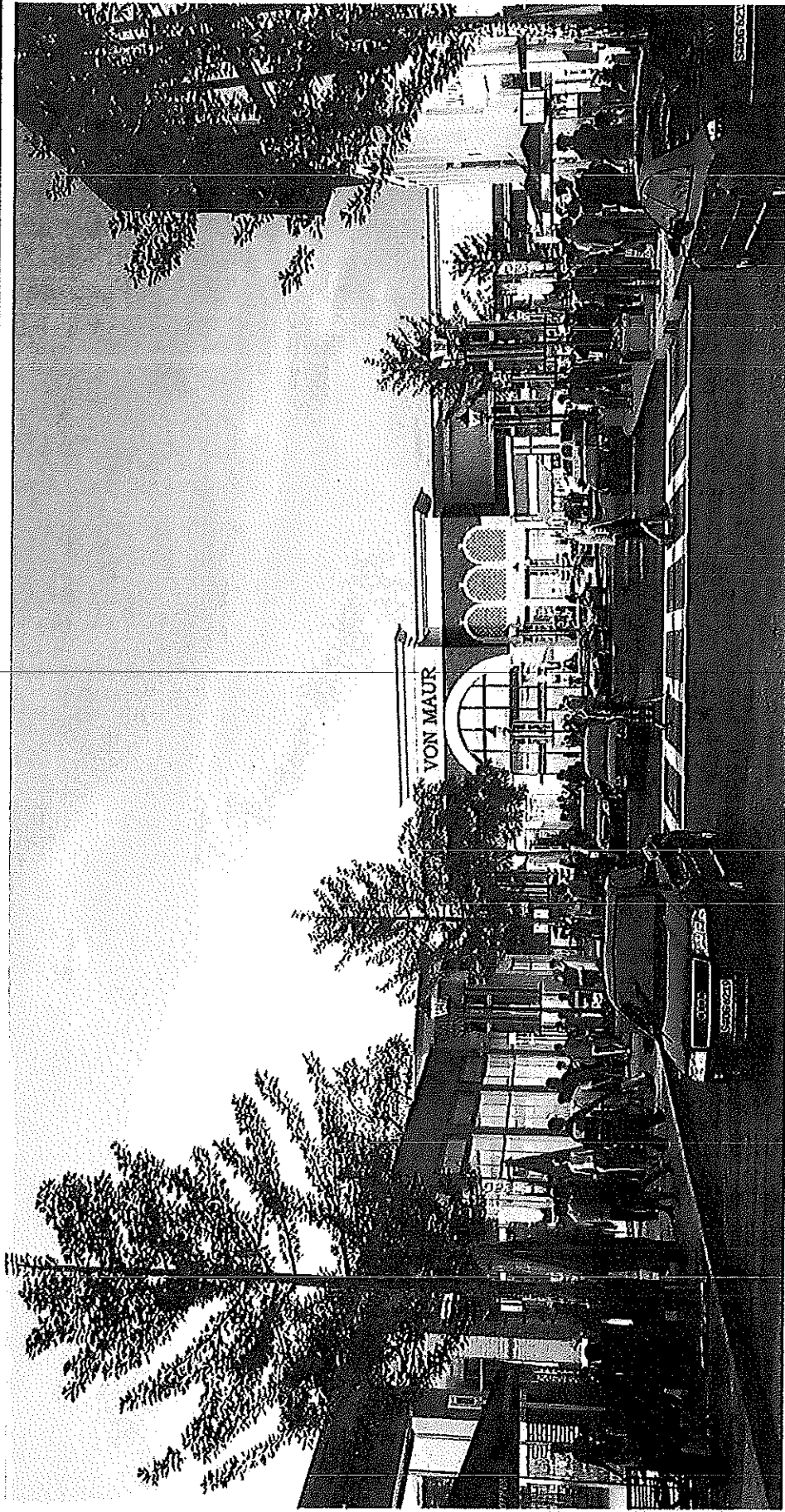


MLG Commercial
1125 N. East Street, Suite 400
Madison, WI 53702
Tel: 608-255-2222 Fax: 608-255-2222

MLG

CENTRAL PARK DESIGN VON MAUR

EXHIBIT "E"



VON MAUR STREET VIEW

100% Schematic | September 2011

THE CORNERS
OF BROOKFIELD

MLG
MILWAUKEE COMMERCIAL
DESIGN ARCHITECT
3700 Commercial Place
Milwaukee, WI 53207
Phone: 414.337.7400
www.mlgarchitect.com



OWNED MARKET CORPORATION
100 East Wisconsin Avenue, Suite 1000
Milwaukee, WI 53202
Phone: 414.999.1525
www.ownedmarket.com



DESIGN ARCHITECT DDG
3700 Commercial Place
Milwaukee, WI 53207
Phone: 414.337.7400
www.ddgarchitect.com

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/27/14

(ORD) NUMBER-1690005

- | | |
|--------------------------|--------------------------|
| 1 R. KOLB.....AYE | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS.....AYE | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJEN.....AYE | 6 J. WALZ.....AYE |
| 7 J. GRANT.....AYE | 8 E. HIGHUM.....AYE |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 C. HOWARD.....AYE | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 C. PETTIS.....AYE |
| 15 W. KOLB.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 K. CUMMINGS.....AYE | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT.....AYE | 24 S. WHITTOW.....AYE |
| 25 G. YERKE.....AYE | |

TOTAL AYES-25

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-25