

ENROLLED ORDINANCE 177-3

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP FOR THE TOWN OF BROOKFIELD AND 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 LOCAL BUSINESS, R-2 RESIDENTIAL, HG HIGH GROUNDWATER AND C-1 CONSERVANCY OVERLAY DISTRICTS (COUNTY) AND THE B-2 LIMITED GENERAL BUSINESS, RM-2 MULTI-FAMILY RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (TOWN) TO THE R-3 RESIDENTIAL DISTRICT (COUNTY) AND THE MU-1 MIXED USE DISTRICT (TOWN) (RZ97)

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 March 29, 2022; 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 Sections 59.692 and 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Brookfield, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of Brookfield Zoning Code adopted on December 27, 1988, are hereby amended to conditionally rezone certain lands located in part of the SW ¼ of Section 29, T7N, R20E, Town of Brookfield, from the B-2 Local Business, R-2 Residential, HG High Groundwater District and C-1 Conservancy Overlay Districts (County) and the B-2 Limited General Business, RM-2 Multi-Family Residential and C-1 Conservancy Districts (Town) to the R-3 Residential District (County) and the MU-1 Mixed Use District (Town) 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 RZ97 subject to the following conditions:

1. The pending land use plan amendment modifying the land use category to the Mixed Use category shall be obtained prior to this rezoning being effective.
2. A conditional use for an Urban Form Planned Unit Development shall be obtained and the properties shall be developed in a unified fashion, as planned.
3. A wetland mitigation area shall be provided to offset proposed wetland fill consistent with the detail provided on the site plan.

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

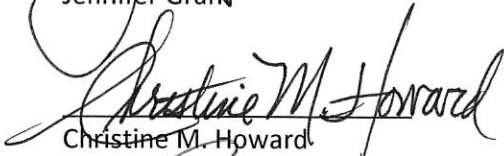
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

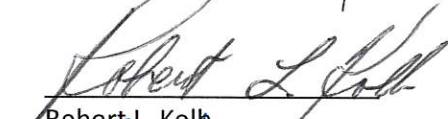
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP FOR THE TOWN OF BROOKFIELD AND THE TOWN OF BROOKFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 29, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE B-2 LOCAL BUSINESS, R-2 RESIDENTIAL, HG HIGH GROUNDWATER AND C-1 CONSERVANCY OVERLAY DISTRICTS (COUNTY) AND THE B-2 LIMITED GENERAL BUSINESS, RM-2 MULTI-FAMILY RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (TOWN) TO THE R-3 RESIDENTIAL DISTRICT (COUNTY) AND THE MU-1 MIXED USE DISTRICT (TOWN) (RZ97)

Presented by:
Land Use, Parks, and Environment Committee


Thomas A. Michalski, Chair

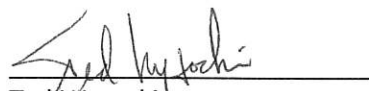

Jennifer Grant


Christine M. Howard



Robert L. Kolb


Brian Meier


Chris Mommaerts


Ted Wysocki

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

Date: 5/31/22, 
Margaret Wartman, County Clerk

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

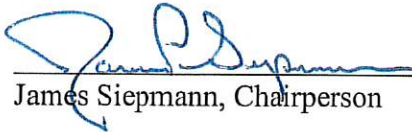
Approved: X
Vetoed: _____
Date: 5/31/2022, 
Paul Farrow, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends **approval** of **RZ97 (Poplar Creek Club II, LLC)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

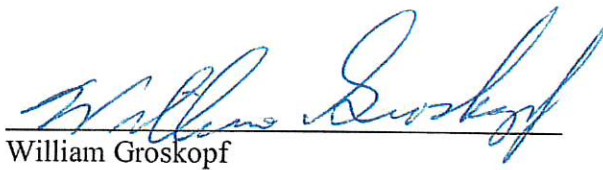
April 21, 2022


James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson

Absent
Robert Peregrine

Absent
Richard Morris


William Groskopf


Robert Hamilton

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

DATE: April 21, 2022

FILE NO.: RZ97

OWNER: Poplar Creek Club II, LLC
5300 S. 108th Street
Hales Corners, WI 53130

TAX KEY NO's.: BKFT 1123.979, BKFT 1123.991, BKFT 1123.988, BKFT 1123.989 and
BKFT 1122.993.001

LOCATION:
The properties are located in the SW ¼ of Section 29, T7N, R20E, Town of Brookfield.

EXISTING ZONING:
B-2 Local Business, R-2 Residential and HG High Groundwater Districts (County) and the B-2 Limited General Business, RM-2 Multi-Family Residential and C-1 Conservancy Districts (Town).

PROPOSED ZONING:
R-3 Residential District (County) and the MU-1 Mixed Use District (Town) (most areas of C-1 and HG High Groundwater will remain).

EXISTING LAND USE:
Commercial, vacant commercial properties, open lands.

PROPOSED LAND USE:
Mixed residential, office, hotel and commercial uses.

PUBLIC HEARING DATE:
March 29, 2022

PUBLIC REACTION:
There was a mix of comments. Some expressed concern regarding the size and height of proposed Building #8 which is the northerly most building. The petitioner explained that the building is 2-3 stories and would contain 32 units. One person stated that they expected building heights of 40'. The petitioner noted that the building would be a maximum of 45' above grade. Another person expressed concern about the height of the other buildings along Barker Road and the proximity of the buildings to Barker Road. Questions were raised regarding turn lanes, time period of building demolition, light pollution controls and resident club use. Another speaker talked about difficulty in getting out of his nearby subdivision and thought the project should be put on hold until Barker Road is four lanes. A number of speakers were complimentary of the overall development proposal and welcomed the assemblage and clean-up of properties. Multiple speakers expressed the desire for sidewalks along Barker Road.

The petitioner addressed the above comments. He noted that two different traffic analyses have been completed and explained that a southbound traffic lane would be added to Barker Road between Brookpark Drive and Watertown Road/Poplar Creek Parkway. He noted that the Department of Public Works is not looking for additional right of way for Barker Road. Demolition would likely be complete by early June with foundations starting in August. Shut off type lighting will be utilized to minimize light pollution. The residents club would be solely for residents. He explained that Building 8 was intentionally setback further from Barker Road to create more separation for neighbors and that the building design employs a steeply pitched roof to give a less urban appearance.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On March 29, 2022, the Town of Brookfield Plan Commission recommended approval of the request and the Town Board approved the request.

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

An amendment is pending to change the property from the Low Density Residential and Commercial and Office Park categories to the Mixed Use category. The town recently approved a change to the Mixed Use category.

STAFF ANALYSIS:

The subject properties are located adjacent to the intersection of Barker and Bluemound Roads, one of the busiest intersections in the county. The five parcels total approximately 17.8 acres and contain two former hotels, a vacant restaurant, health club and other vacant land. The most visible parcel located on the corner contains a long vacant motel that is becoming blighted.

The petitioner has assembled all of the subject parcels and has concurrently filed applications to amend the land use plan designation, rezone the property and is seeking a conditional use for an Urban Form Planned Unit Development. The properties would be redeveloped for a large scale mixed use development to include two hotels, commercial and office space and multi-family residential buildings. The project would be developed with an internal road and sidewalk network. A total of six buildings are proposed (see Exhibit A). The Marriott Center building would contain two hotels that will share some amenities and will also contain retail and office space. Building 2 would contain street level retail with multi-family residential above, Building 4, 5, 7, 8 and 9 would contain multi-family residential apartments. Building 5 would also contain a residents club with amenities for residents. Buildings 3 and 6 are existing and were previously developed by the petitioner. Poplar Creek Green is an existing greenspace that will be enhanced with the addition of a tot lot and other recreational amenities that are affiliated with the residents club. The primary access points will be via Poplar Creek Parkway at both Barker Road and Bluemound Road. Other right in, right out access points are depicted on the site plan.

The existing zoning of the property is a mix of designations. The county shoreland zoning area is limited to the areas within 300' of Poplar Creek or to the full extent of the floodplain. The northernmost part of the property is currently zoned R-2, areas just to the south are zoned HG High Groundwater and the areas in the vicinity of Elite Fitness are zoned B-2 Local Business District. Because the use of the buildings being proposed within the county shoreland area is residential, the county zoning designation that is being proposed is R-3 Residential. An area of wetland is proposed to be filled to accommodate emergency access to the rear of Building #7. The area of wetland fill is less than 10,000 square feet and has been authorized by the DNR and Army Corps of Engineers. A wetland mitigation area of 15,500 square feet is proposed on site. This achieves a fill to compensation ratio of more than the recommended 1.5 to 1 compensation to fill ratio. Building footprint, height, setbacks and other dimensional standards will be established as part of the planned unit development conditional use review.

The petitioner is seeking an Urban Form Planned Unit Development (PUD). The Urban Form PUD option is intended to provide flexibility and accommodates mixed use development with multi-story buildings, pedestrian facilities and public gathering spaces. This option is only available in downtown settings or in close proximity to major transportation facilities. With a location abutting two major highways and proximity to I-94, the site meets the locational standards. There are numerous criteria for design elements for such projects. The criteria will be fully analyzed as part of the review of the conditional use request. The project brings forward a unique design and many amenities. The new neighborhood will be a walkable environment and transitions from commercial and mixed uses near Bluemound Road to entirely residential use nearest to existing residences to the north and northwest.

STAFF RECOMMENDATION:

Based upon the above analysis, Planning and Zoning Division Staff recommends **conditional approval** of the request, subject to the following conditions:

1. The pending land use plan amendment modifying the land use category to the Mixed Use category shall be obtained prior to this rezoning being effective.
2. A conditional use for an Urban Form Planned Unit Development shall be obtained and the properties shall be developed in a unified fashion, as planned.
3. A wetland mitigation area shall be provided to offset proposed wetland fill consistent with the detail provided on the site plan.

The rezoning will allow for a unified redevelopment plan to move forward and will enable substantial investment and improvement in this highly visible part of the town. The project will offer more living units in close proximity to existing job centers and services. The integrated design will ensure harmony from one building to the next. The conditional use process will ensure that traffic, parking, natural resource and greenspace considerations are appropriate in the context of the neighborhood.

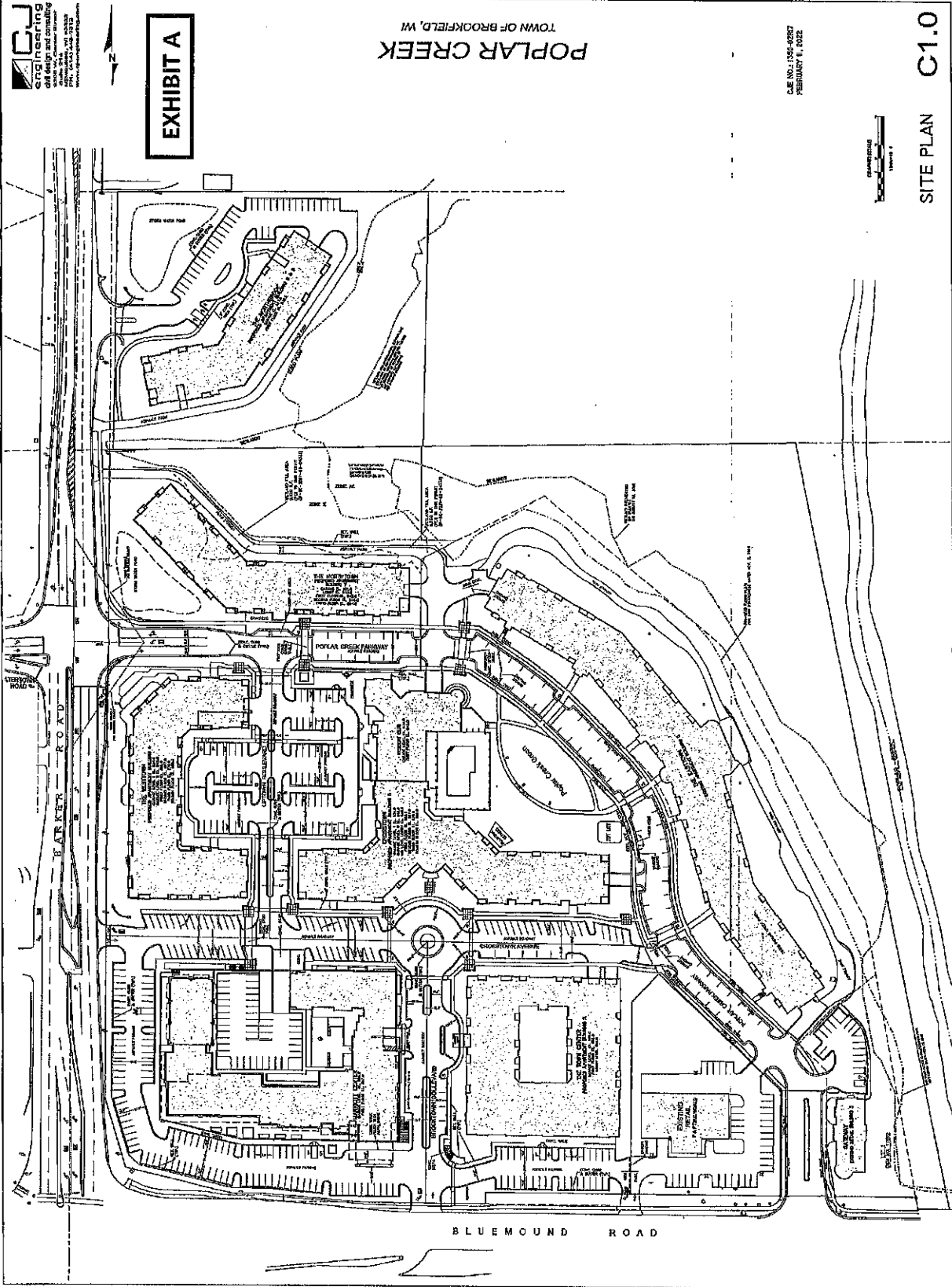
Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Exhibit A
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ97 Poplar Creek Club II LLC Bkt.Doc

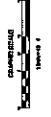


Engineering
 civil design and consulting
 1000 W. Wisconsin Ave.
 Suite 200
 Brookfield, WI 53005
 Phone: (262) 781-1111
 Fax: (262) 781-1112
 www.cedengineering.com

EXHIBIT A

POPULAR CREEK
 TOWN OF BROOKFIELD, WI

C&E NO. 1756-K0527
 FEBRUARY 11, 2022



SITE PLAN **C1.0**

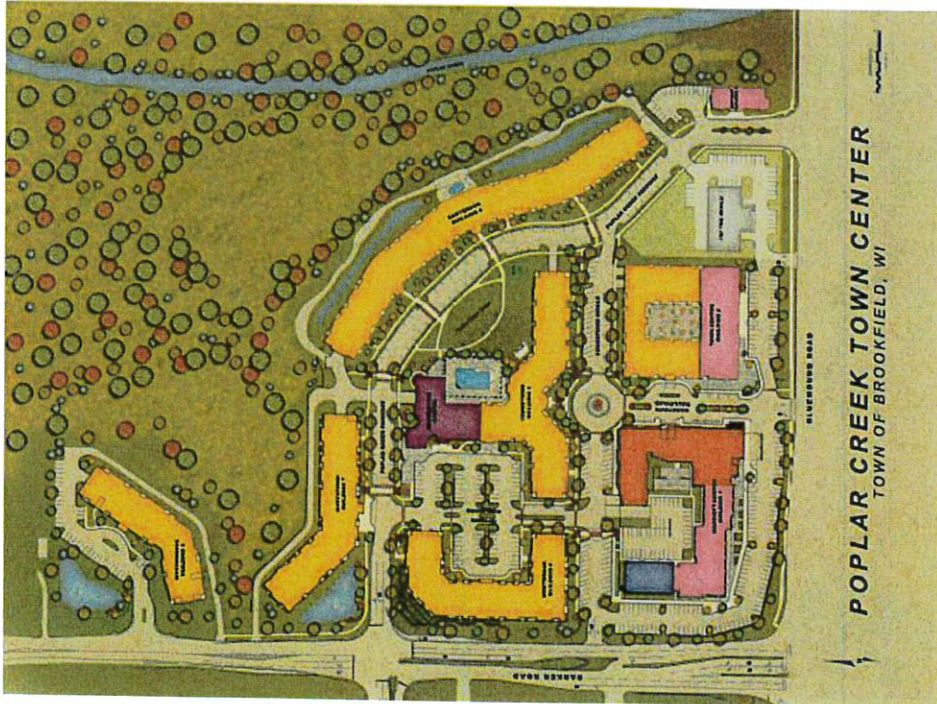
Referred to: LU 6

File Number: 177-O-002

Referred on: 05/05/22

EXHIBIT A

Poplar Creek – A New Town Neighborhood Master Land Use Plan



Poplar Creek Marriott Center - Hospitality			
Bldg. No.	Name	Units	Parking
1	Courtyard by Marriott	115	115
1	Residence Inn by Marriott	108	108
Total		223 Rooms	223 Spaces

The Shops at Poplar Creek - Retail			
Bldg. No.	Name	Sq. Footage	Parking Ratio
1	The Shops at Poplar Creek	21,367	3.37 per 1,000 SF
2	The TownCenter	12,200	4.34 per 1,000 SF
3	The Gateway (Existing Husar)	4,322	4.16 per 1,000 SF
Total		37,889	3.77 per 1,000 SF

The Offices at Poplar Creek - Office			
Bldg. No.	Name	Sq. Footage	Parking Ratio
1	The Offices at Poplar Creek	12,204	4.42 per 1,000 SF
Total		12,204	4.42 per 1,000 SF

Poplar Creek Club - Residential						
Bldg. No.	Name	Studio	1 Bdrm	2 Bdrm	3 Bdrm	Total
2	The TownCenter	8	51	40	99	178
4	The WestTown	28	40	40	108	194
5	The CrossTown	11	53	48	112	229
6	The EastTown (Existing Poplar Creek)	54	84	84	138	248
7	The NorthTown	45	34	34	79	139
8	The NorthBrook	47	243	254	24	869
Total		147	243	254	24	1,085

Select Residential surface parking shall be shared between Retail/Office Use primarily from 8:00 am - 5:00 pm with Residential Use from 5:00 pm - 8:00 am

Hotel — Including floors above ground-floor retail on South and West of Marriott Center Building 1

Retail — Ground Level

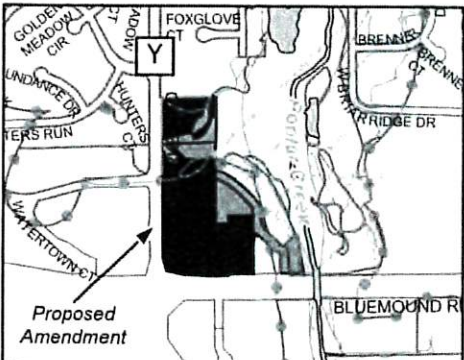
Office

Residential

Resident Club

ZONING AMENDMENT

PT OF THE WEST 1/2 OF SECTION 29,
TOWN OF BROOKFIELD



- CONDITIONAL COUNTY ZONING AMENDMENT FROM B-2 LOCAL BUSINESS DISTRICT TO R-3 RESIDENTIAL DISTRICT (0.4 AC)
- CONDITIONAL COUNTY ZONING AMENDMENT FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT (0.7 AC)
- CONDITIONAL COUNTY ZONING AMENDMENT FROM HG HIGH GROUNDWATER DISTRICT TO R-3 RESIDENTIAL DISTRICT (2.2 AC)
- CONDITIONAL TOWN ZONING AMENDMENT FROM B-2 LIMITED GENERAL BUSINESS DISTRICT TO MU-1 MIXED USE DISTRICT (12.5 AC)
- CONDITIONAL TOWN ZONING AMENDMENT FROM RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT TO MU-1 MIXED USE DISTRICT (2.1 AC)
- WETLAND FILL AREA FROM C-1 TO MU-1 (TOWN) AND R-3 (COUNTY) (0.2 AC)


FILE.....RZ97
 DATE OF PLAN COMMISSION.....4/21/22
 AREA OF CHANGE.....14.1 ACRES
 TAX KEY NUMBER.....MULTIPLE
 Prepared by the Waukesha County Department of Parks and Land Use

VOTING RESULTS

AVE 25 NAY 0 ABSTAIN | ABSENT 0

Ordinance 177-O-002

Ordinance 177-O-002: Amend The Waukesha County...

 **Passed By Majority Vote**

D1 - Foti	AVE	D14 - Mommaerts	AVE
D2 - Weil	AVE	D15 - Kolb	AVE
D3 - Morris	AVE	D16 - Crowlev	AVE
D4 - Batzko	AVE	D17 - Meier	AVE
D5 - Grant	AVE	D18 - Nelson	AVE
D6 - Walz	AVE	D19 - Enriauez	AVE
D7 - LaFontain	AVE	D20 - Schellinger	AVE
D8 - Michalski	AVE	D21 - Gaughan	AVE
D9 - Heinrich	AVE	D22 - Wysocki	AVE
D10 - Thieme	AVE	D23 - Hammitt	AVE
D11 - Howard	AVE	D24 - Bangs	AVE
D12 - Wolff	AVE	D25 - Johnson	AVE
D13 - Decker	AVE		

May 24 2022 - May 24 2022 07:26:50 PM



1 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE
2 DISTRICT ZONING MAP FOR THE TOWN OF BROOKFIELD AND THE TOWN OF BROOKFIELD
3 ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼
4 OF SECTION 29, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM
5 THE B-2 LOCAL BUSINESS, R-2 RESIDENTIAL, HG HIGH GROUNDWATER AND C-1 CONSERVANCY
6 OVERLAY DISTRICTS (COUNTY) AND THE B-2 LIMITED GENERAL BUSINESS, RM-2 MULTI-FAMILY
7 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (TOWN) TO THE R-3 RESIDENTIAL DISTRICT
8 (COUNTY) AND THE MU-1 MIXED USE DISTRICT (TOWN) (RZ97)
9
10

11 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
12 this Ordinance was approved by the Brookfield Town Board on March 29, 2022; and
13

14 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
15 Planning Commission, which recommended approval and reported that recommendation to the
16 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
17 as required by Sections 59.692 and 60.62, Wis. Stats.
18

19 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
20 Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the
21 Town of Brookfield, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of
22 Brookfield Zoning Code adopted on December 27, 1988, are hereby amended to conditionally
23 rezone certain lands located in part of the SW ¼ of Section 29, T7N, R20E, Town of Brookfield,
24 from the B-2 Local Business, R-2 Residential, HG High Groundwater District and C-1
25 Conservancy Overlay Districts (County) and the B-2 Limited General Business, RM-2 Multi-
26 Family Residential and C-1 Conservancy Districts (Town) to the R-3 Residential District (County)
27 and the MU-1 Mixed Use District (Town) and more specifically described in the "Staff Report
28 and Recommendation" and map on file in the office of the Waukesha County Department of
29 Parks and Land Use and made a part of this Ordinance by reference RZ97 subject to the
30 following conditions:
31

- 32 1. The pending land use plan amendment modifying the land use category to the Mixed Use
33 category shall be obtained prior to this rezoning being effective.
34
- 35 2. A conditional use for an Urban Form Planned Unit Development shall be obtained and the
36 properties shall be developed in a unified fashion, as planned.
37
- 38 3. A wetland mitigation area shall be provided to offset proposed wetland fill consistent with
39 the detail provided on the site plan.
40

41 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
42 Ordinance with the Town Clerk of Brookfield.
43

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