

ENROLLED ORDINANCE 160-94

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 14 AND THE SE ¼ OF SECTION 11, T7N, R17E, TOWN OF SUMMIT, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (ZT-1602)

WHEREAS the subject matter of this Ordinance having been approved by the Summit Town Board on September 21, 2005, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Summit Zoning Ordinance, adopted by the Town of Summit on August 12, 2003, is hereby amended to conditionally rezone from the A-1 Agricultural District to the R-3 Residential District, as noted in the Town of Summit amending Ordinance No. 05-263, adopted by the Town of Summit on September 21, 2005, certain lands located in part of the NE ¼ of Section 14 and the SE ¼ of Section 11, T7N, R17E, Town of Summit, 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-1602) subject to the following conditions:

1. *Presentation Compliance.* The subject property must be developed in substantial conformity with the plans presented with the rezoning petition, and in substantial conformity with the presentation at the public hearing of August 18, 2004, including the comments made by the Town Plan Commission during the public hearings and in their meetings following the public hearings.
2. *Land Division Conditions.* Subject to the subject property being divided by subdivision plat in the manner described at the public hearings of August 18, 2004, and further subject to satisfying any and all conditions that are imposed by the Town in approving the Preliminary Plat (if it is approved), and satisfying all conditions that may be imposed by the Town and all other approving and objecting authorities in approving the Final Plat (if it is approved), and further subject to recording the Final Plat, as approved by the Town (if it is approved) in the office of the Waukesha County Register of Deeds.
3. *Regulatory Compliance.* Subject to the Petitioner and Owner fully complying with all Town, County of Waukesha, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises as determined by Town Staff.
4. *Open Space.* Subject to appropriate documents being recorded against the subject property providing for the maintenance of the open space within the subject property in perpetuity, by a condominium association, owners association or other like entity, in a form that is subject to the approval of the Town Board and Town Attorney.

5. *Satisfaction of Engineer.* Subject to the Petitioner satisfying all comments, conditions, and concerns of the Town Engineer regarding the Petitioner's application, if any, prior to this approval being effective.
6. *Landscape Buffer.* A landscape buffer shall be installed in a location and to the specifications that are subject to the approval of the Town Plan Commission, and which shall be depicted as part of the Preliminary and Final Plat.
7. *Sidewalks.* Prior to development of the subject property or any portion thereof, sidewalks must be installed or provided for as required and approved by the Town Board in the street right-of-way.
8. *Utility Improvements.* Subject to the Petitioner providing, paying for, and receiving all necessary approval for water and sewer improvements and laterals within the subject property, and/or within the surrounding development of the Petitioner's property, to the satisfaction of the Town Engineer and the City of Oconomowoc and the applicable utility district.
9. *Financial Guarantee and Agreement.* Subject to the Petitioner submitting to the Town Clerk and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, a letter of credit or cash and subject to the Petitioner submitting to and receiving from the Town Attorney and the Town Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final Plat, whichever is earlier.
10. *Developer Purchase or Joinder.* If the subject property will be sold for purposes of accomplishing this development, then prior to this conditional rezoning ordinance being effective, the owner and developer of the subject property must join in the rezoning petition, thereafter being deemed to be the "Petitioner" as that term is used herein, jointly and severally with the current Petitioner, and all such Petitioners shall note their acceptance of this rezoning ordinance as described below.
11. *Required Plans.* Subject to the Petitioner submitting to and receiving written approval from the Town Plan Commission of all of the following plans as deemed necessary by the Town Plan Commission:
  - a. Traffic Plan, including required access points and any special conditions imposed by the highway jurisdiction
  - b. Landscaping plan
  - c. Pedestrian Plan
  - d. Grading and Stormwater Management Plan, which shall include written proof that the same has been approved by the Pabst Farms Joint Stormwater District
  - e. Sewer and Water Plan, which shall include written proof that the same has been approved by the Summit Utility District #3 and the City of Oconomowoc
  - f. Erosion Control Plan
  - g. Open space plan, including open space calculations

- h. Park plans
  - i. Road specifications
12. *Professional Fees.* Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this rezoning petition, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional rezoning ordinance due to a violation of these conditions.
13. *Payment of Charges.* Any unpaid bills owed to the Town by the owner of subject property or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional rezoning ordinance, that is subject to all remedies available to the Town, including possible cause for termination of the conditional rezoning ordinance.
14. *Subject to Acceptance.* Subject to the Petitioner and the subject property owner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.
15. *Phasing Plan.* Subject to the Petitioner submitting to and receiving approval from the Town Board, a phasing plan, which upon approval shall be attached hereto and incorporated herein as Exhibit A. Each phase of the development shall include sufficient roadway and infrastructure to adequately serve that phase of the development.
16. *Three Years to Satisfy Conditions.* Subject to the Petitioner satisfying all of the aforementioned conditions within three years of the Town Board adopting this conditional rezoning ordinance, unless otherwise described in the approved phasing plan, or as extended by the Town Board.
17. *Road Intersections.* Subject to the Petitioner resolving the following issues to the satisfaction of the Town Manager-Planner:
- a. Roadway connections to Sawyer Road shall be provided by dedication to the Town of Summit to the WeEnergies property and by permanent easement through the WeEnergies property;
  - b. Access points to Sawyer Road and Valley Road;
  - c. Waukesha County approval of road intersections and access permits;
  - d. Lines providing direct utility service to homes in the subdivision shall be located underground.

18. *Overhead Distribution Lines.* Subject to the Petitioner studying the possible removal of the overhead distribution lines along Sawyer Road, with a report to be filed with the Plan Commission prior to the consideration of any Preliminary Plat for this property.

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

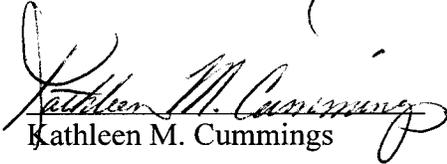
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

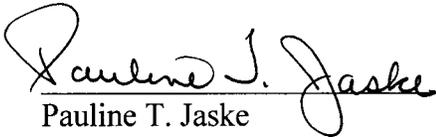
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 14 AND THE SE ¼ OF SECTION 11, T7N, R17E, TOWN OF SUMMIT, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (ZT-1602)

Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

  
Kathleen M. Cummings

  
Pauline T. Jaske

  
Scott J. Klein

  
Bill Kramer

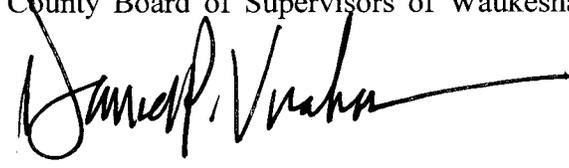
Absent  
Daniel Pavelko

Absent  
Vera Stroud

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

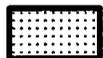
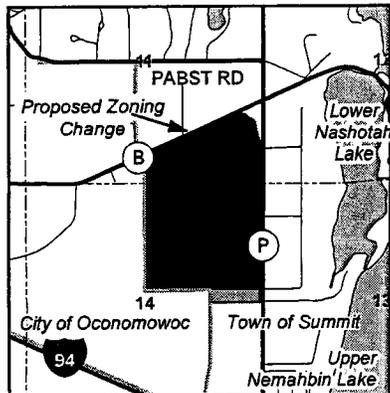
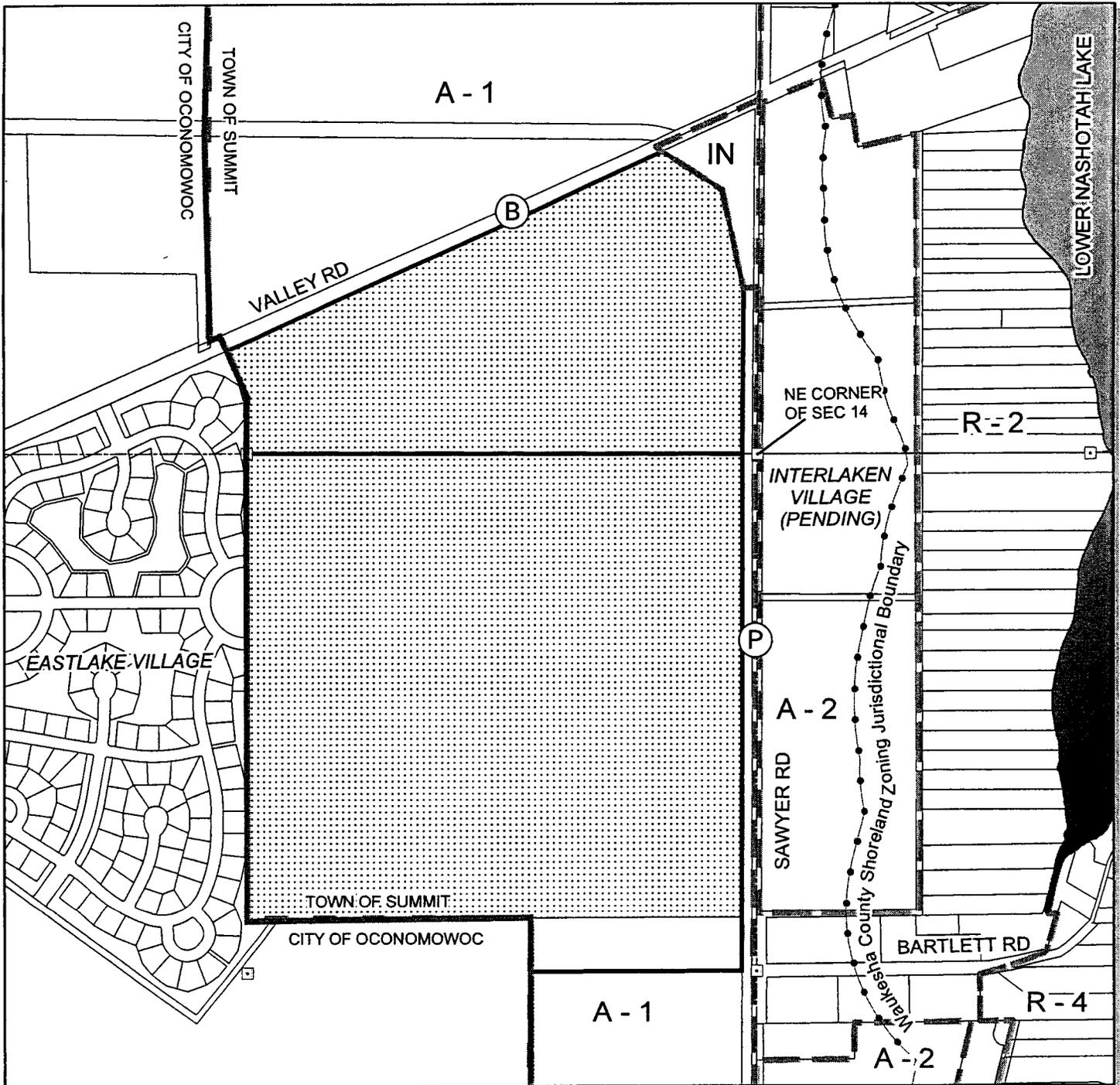
Date: 1/27/06,   
Kathy Nickolaus, County Clerk

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

Approved:   
Vetoed:   
Date: 1/27/06,   
Daniel P. Vrakas, County Executive

# ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SEC 11 AND NE 1/4 OF SEC 14  
TOWN OF SUMMIT



CONDITIONAL TOWN ZONING CHANGE FROM A-1 AGRICULTURAL TO R-3 RESIDENTIAL

FILE.....ZT-1602

DATE.....12-01-05

AREA OF CHANGE.....199.2 ACRES

TAX KEY NUMBER.....SUMT0619.997.001  
& SUMT 0629.998.002



1 inch equals 749 feet  
0 150 300 600 900 Feet

Prepared by the Waukesha County Department of Parks and Land Use

160-0-097

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/24/06

(ORD) NUMBER-1600097

1 K. HERRO.....AYE  
 3 D. STAMSTA.....AYE  
 5 J. MARCHESE.....AYE  
 7 J. JESKEWITZ.....AYE  
 9 P. HAUKOHL.....AYE  
 11 K. HARENDA.....AYE  
 13 J. MORRIS.....AYE  
 15 D. SWAN.....AYE  
 17 J. BEHREND.....AYE  
 19 W. MITCHELL.....AYE  
 21 W. KOLB.....  
 23 J. TORTOMASI.....AYE  
 25 K. CUMMINGS.....AYE  
 27 D. PAULSON.....AYE  
 29 T. BULLERMANN.....AYE  
 31 V. STROUD.....  
 33 D. PAVELKO.....AYE  
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE  
 4 R. HUTTON.....AYE  
 6 D. BROESCH.....AYE  
 8 J. DWYER.....AYE  
 10 S. WOLFF.....AYE  
 12 B. RONCKE.....AYE  
 14 A. KALLIN.....AYE  
 16 R. MANKE.....AYE  
 18 B. MORRIS.....AYE  
 20 M. KIPP.....AYE  
 22 G. BRUCE.....AYE  
 24 B. KRAMER.....AYE  
 26 S. KLEIN.....AYE  
 28 P. JASKE.....AYE  
 30 K. NILSON.....AYE  
 32 P. GUNDRUM.....AYE  
 34 R. SINGERT.....NAY

TOTAL AYES-32

TOTAL NAYS-01

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-33