

ENROLLED ORDINANCE 161-33

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, FOR THE TOWN OF VERNON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 26, T5N, R19E, TOWN OF VERNON, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL DENSITY-10 AND THE A-E EXCLUSIVE AGRICULTURAL CONSERVANCY DISTRICTS TO THE R-1 RESIDENTIAL DISTRICT (SCZ-1631)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, and the Waukesha County Zoning Code adopted on February 26, 1959, for the Town of Vernon, Waukesha County, Wisconsin, are hereby amended to conditionally rezone certain lands located in part of the SE ¼ of Section 26, T5N, R19E, Town of Vernon, Waukesha County, Wisconsin, from the AD-10 Agricultural Density-10 and the A-E Exclusive Agricultural Conservancy Districts to the R-1 Residential District, 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 (SCZ-1631), subject to the following conditions:

1. Presentation Compliance. The subject property must be developed in substantial conformity with the plans presented with the rezone petition, and in substantial compliance with the presentation at the Town of Vernon Plan Commission meeting of July 27, 2006.
2. Condominium Plat and CSM. This rezone is subject to the subject property being divided by Condominium Plat and CSM in the manner described at the Plan Commission meeting of July 27, 2006, and further subject to satisfying any and all conditions that are imposed by the Town of Vernon and Waukesha County with regard to the Condominium Plat and CSM (if they are approved) and satisfying all conditions that may be imposed by the Town of Vernon and Waukesha County and any other approving and objecting agencies regarding the Condominium Plat and CSM and further subject to recording the Condominium Plat and CSM, as approved by the Town of Vernon and Waukesha County in the office of the Waukesha County Register of Deeds. This conditional rezone approval should not be interpreted as implying or suggesting that the Condominium Plat and/or CSM will be approved, or as vesting any rights regarding the Condominium Plat and/or CSM, which issues will be considered independently in accordance with applicable laws. This rezone approval shall not be in full force and effect unless and until an approved Condominium Plat and CSM are recorded pursuant to the conditions described herein.
3. Areas currently zoned EC Environmental Corridor are not rezoned and shall be preserved to the greatest extent possible. The only disturbance allowed in the Corridor should be

that necessary for the installation of septic systems, where no other location is suitable. Said disturbance must be reviewed and approved by the Waukesha County Department of Parks and Land Use.

4. Required Plans. Prior to the rezoning being in full force and effect, the applicant shall submit to and receive approval from the Town Engineer of all the following plans:
 - a. Grading Plan
 - b. Drainage Plan
 - c. Erosion Control Plan
 - d. Stormwater Management Plan
 - e. Street Construction Plan
 - f. Landscaping Plan

All of the above mentioned plans, with the exception of the Street Construction Plan, shall be reviewed by the Waukesha County Department of Parks and Land Use Planning and Zoning Division, Land Resources Division and Environmental Health Division, prior to the rezoning being in full force and effective. The Landscaping Plan shall include a method to screen the proposed road from the golf course.

5. Satisfaction of Engineer. Subject to the applicant satisfying all comments, conditions, and concerns of the Town of Vernon Engineer regarding the application prior to this approval being effective.
6. Satisfaction of Planner. Subject to the applicant satisfying all comments, conditions, and concerns of the Town of Vernon Planner regarding the application prior to this approval being effective.
7. Financial Guarantee and Agreement. Subject to the applicant submitting to the Town of Vernon Town Clerk and receiving approval as to form from the Town Attorney and Town Planner and as to amount from the Town Engineer, a letter of credit or cash and subject to the applicant submitting to and receiving from the Town Attorney, Town Planner, Town Board 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 Condominium Plat or CSM, whichever is earlier.
8. Declaration of Condominium and Deed Restrictions. Subject to the applicant submitting to the Town of Vernon Town Clerk and receiving approval from the Town Attorney, Town Planner and Town Board, a Declaration of Condominium and Deed Restrictions documents for the proposed development, prior to commencing construction of any improvement, whether public or private, or site development or approval of the Condominium Plat or CSM, whichever is earlier.
9. The Condominium Plat, Certified Survey Map and related Restrictions shall be reviewed and approved by the Waukesha County Department of Parks and Land Use-Planning and Zoning Division staff, prior to commencing construction of any improvement, whether public or private, or site development.
10. Professional Fees. Applicant shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this development, 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 approval due to a violation of these conditions. This condition is not enforceable by Waukesha County.

11. Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, 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 the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. This condition is not enforceable by Waukesha County.
12. Subject to Acceptance. Subject to the applicant and the property owner approving in writing the issuance of the conditional rezoning upon the conditions describe herein, 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 not to have been approved and that the applicant would need to re-commence the application process.
13. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of granting this conditional approval. If the conditions of this rezone are not met, the property reverts back to its current zoning classifications.
14. Subject to all Wisconsin Department of Natural Resources Permits being obtained, prior to this approval being effective.
15. Subject to all applicable approvals and permits being granted by the Waukesha County Department of Public Works, Land Resources Division and Environmental Health Division.
16. Subject to the areas identified on the enclosed Certified Survey Map, as Outlot 1, being dedicated to the Waukesha County Department of Parks and Land Use for preservation purposes. An easement, 30 ft. in width, from the public road to the outlot shall also be granted to the County for access and maintenance.

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

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.

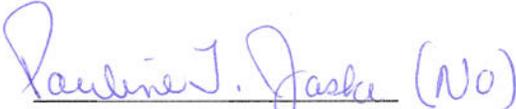
AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, FOR THE TOWN OF VERNON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 26, T5N, R19E, TOWN OF VERNON, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL DENSITY-10 AND THE A-E EXCLUSIVE AGRICULTURAL CONSERVANCY DISTRICTS TO THE R-1 RESIDENTIAL DISTRICT (SCZ-1631)

Presented by:
Land Use, Parks, and Environment Committee

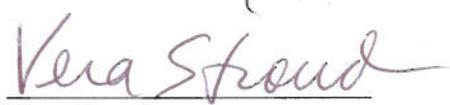

William A. Mitchell, Chair

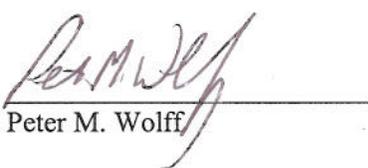

Keith Hammitt


Keith Harenda


Pauline T. Jaske (No)


Walter L. Kolb

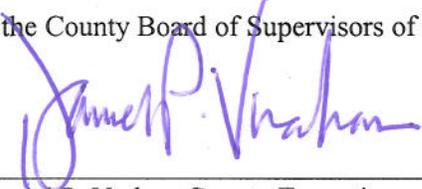

Vera Stroud


Peter M. Wolff

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

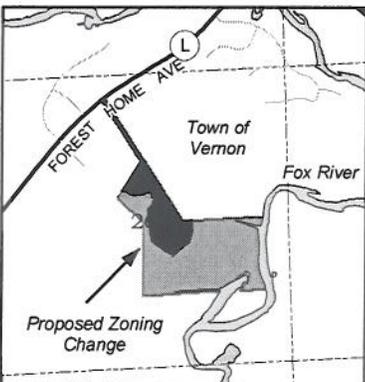
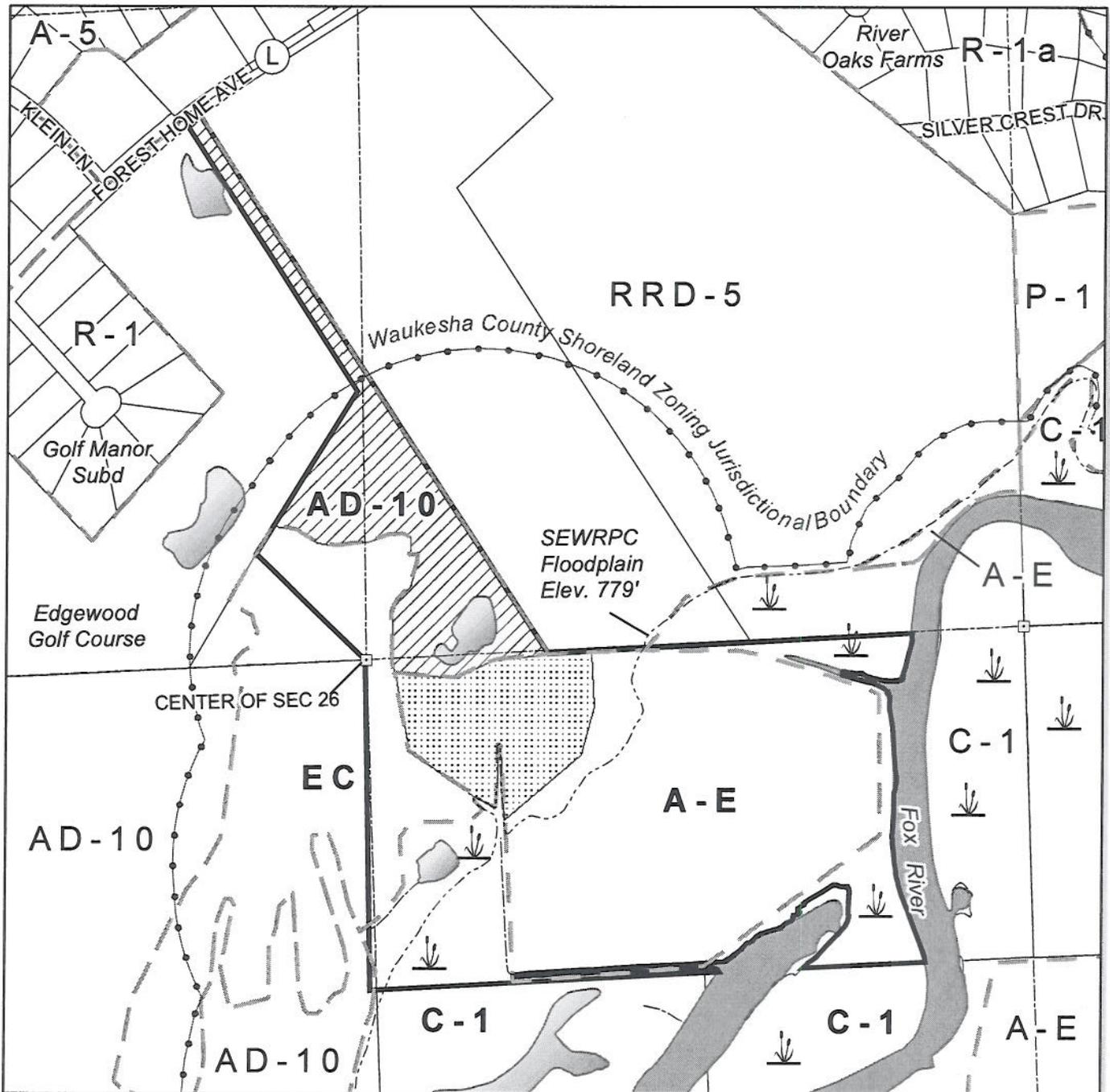
Date: 9/29/06 
Kathy Nickolaus, County Clerk

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

Approved: ✓
Vetoed: _____
Date: 10-3/06 
Daniel P. Vrakas, County Executive

ZONING MAP AMENDMENT

PART OF SECTION 26
TOWN OF VERNON



-  CONDITIONAL COUNTY/SHORELAND ZONING CHANGE FROM AD-10 AGRICULTURAL TO R-1 RESIDENTIAL (13.8 AC)
-  CONDITIONAL SHORELAND ZONING CHANGE FROM A-E EXCLUSIVE AG. CONSERVANCY TO R-1 RESIDENTIAL (8.3 AC)

FILE.....SCZ-1631

DATE.....08/17/06

AREA OF CHANGE.....22.1 ACRES

TAX KEY NUMBER.....VNT 2120.998



1 inch equals 600 feet
0 150 300 600 Feet

Prepared by the Waukesha County Department of Parks and Land Use

161-0-042

12.

EXHIBIT "A"

RECEIVED
JUL 21 2006
PARKS & LAND USE DEPT

CERTIFIED SURVEY MAP NO.

BEING ALL OF CERTIFIED SURVEY MAP NO. 1728, LOCATED IN THE NORTHEAST 1/4 & SOUTHEAST 1/4 OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, AND THE NORTHEAST 1/4 & NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 19 EAST, TOWN OF VERNON, WAUKESHA COUNTY, WISCONSIN.

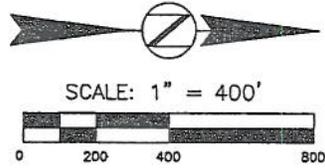
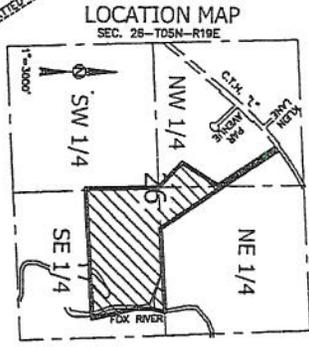
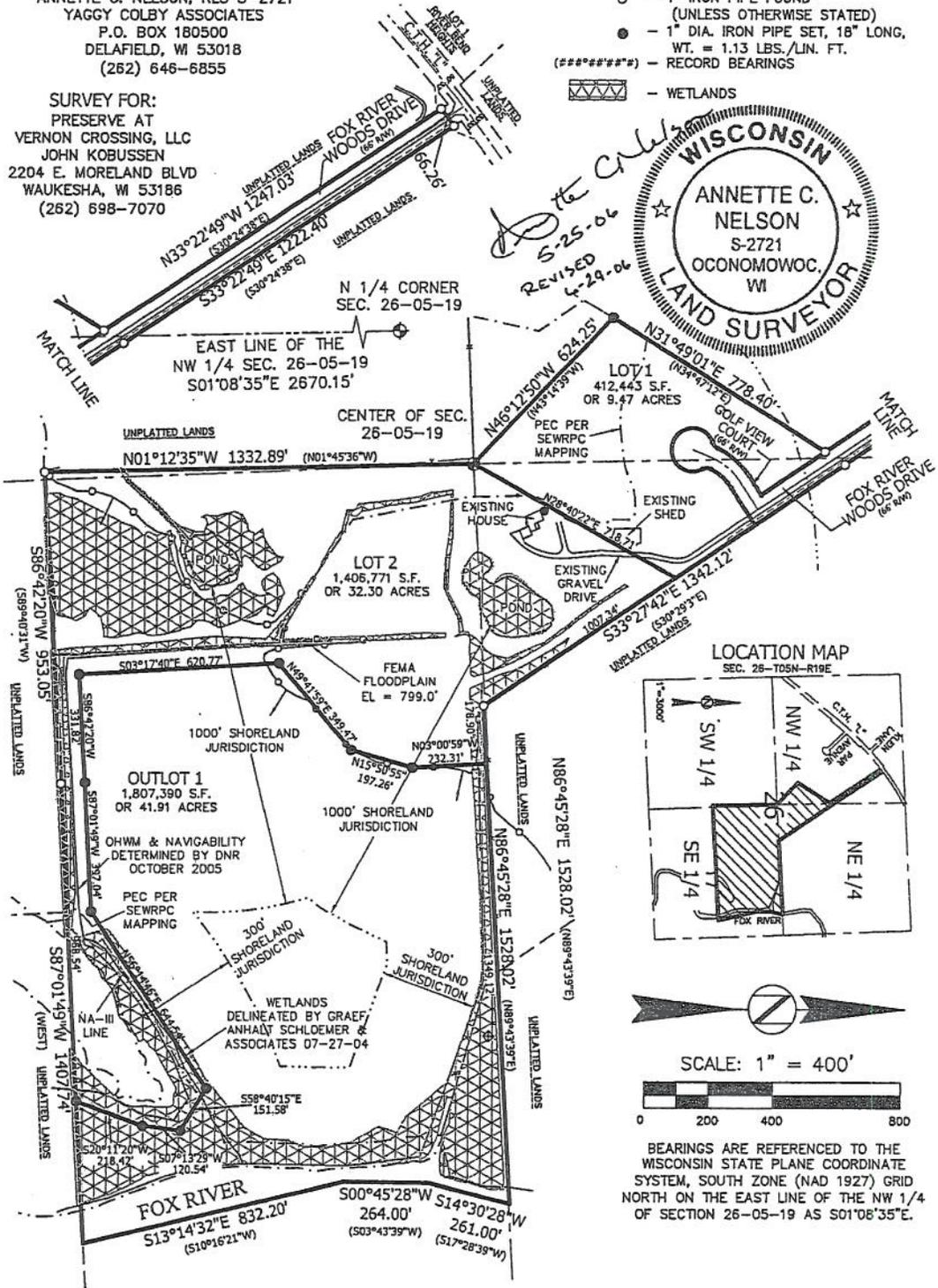
SURVEYOR:
ANNETTE C. NELSON, RLS S-2721
YAGGY COLBY ASSOCIATES
P.O. BOX 180500
DELAFIELD, WI 53018
(262) 646-6855

SURVEY FOR:
PRESERVE AT
VERNON CROSSING, LLC
JOHN KOBUSSEN
2204 E. MORELAND BLVD
WAUKESHA, WI 53186
(262) 698-7070

- LEGEND**
- ◊ - SECTION CORNER FOUND
 - - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
 - - 1" DIA. IRON PIPE SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.
 - (#####) - RECORD BEARINGS
 - ▨ - WETLANDS



*Revised 5-25-06
4-29-06*



BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 1927) GRID NORTH ON THE EAST LINE OF THE NW 1/4 OF SECTION 26-05-19 AS S01°08'35\"/>

161-0-042

13.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/26/06

(ORD) NUMBER-1610042

1 K. HERRO.....AYE
 3 T. ROLFS.....NAY
 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.....AYE
 23 J. TORTOMASI.....AYE
 25 K. CUMMINGS.....NAY
 27 D. PAULSON.....AYE
 29 T. BULLERMANN.....AYE
 31 V. STROUD.....
 33 K. HAMMITT.....AYE
 35 P. MEYER.....NAY

2 R. THELEN.....NAY
 4 R. HUTTON.....AYE
 6 D. BROESCH.....AYE
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 T. SCHELLINGER....AYE
 14 S. WIMMER.....AYE
 16 R. STEVENS.....NAY
 18 B. MORRIS.....AYE
 20 P. WOLFF.....AYE
 22 G. BRUCE.....
 24 B. KRAMER.....AYE
 26 F. RUF.....NAY
 28 P. JASKE.....NAY
 30 K. NILSON.....NAY
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....NAY

TOTAL AYES-24

TOTAL NAYS-09

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-33