

1 Amendment to 161-O-099

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3 amend First Ordained Paragraph, Sub. 2. (Line 36) after “Conservancy,”

4 Insert:

5 “or to Waukesha County if the Waukesha Land Conservancy does not accept responsibility of said
6 easement,”

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8

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10 Vote on amendment: 28 ayes – 1 noes

11

12 Vote on ordinance as amended: 28 ayes – 1 noes

13

ENROLLED ORDINANCE 161-90

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF SUMMIT AND THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 26 AND THE NE ¼ OF SECTION 27, T7N, R17E, FROM THE A-1 AGRICULTURAL DISTRICT (TOWN) AND THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT (COUNTY) TO THE R-1 ESTATE RESIDENTIAL DISTRICT (TOWN) AND THE R-1 RESIDENTIAL DISTRICT (COUNTY) (SZT-1632)

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 the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 59.692 and 60.61 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 District Zoning Map for the Town of Summit, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of Summit Zoning Ordinance adopted on August 12, 2003, are hereby amended to conditionally rezone from the A-1 Agricultural District (Town) and the A-P Agricultural Land Preservation District (County) to the R-1 Estate Residential District (Town) and the R-1 Residential District (County), as noted in the Town of Summit amending Ordinance No. 274-06, adopted by the Town of Summit on December 7, 2006, certain lands located in part of the NW ¼ of Section 26 and the NE ¼ of Section 27, 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 (SZT-1632) subject to the following conditions:

1. The conditions imposed by the Town of Summit in their Ordinance No 274-06 (attached) shall be complied with.
2. The floodplain, wetlands and PEC that is identified in the County Development Plan and on the map attached to the October 12, 2006 letter from Jason Wilke, of the Waukesha County Dept. of Parks Land Use to Mary Alice Eschweiler, shall be protected with a Conservation Easement granted to the Waukesha Land Conservancy, or to Waukesha County if the Waukesha Land Conservancy does not accept responsibility of said easement, with the further requirement that said lands, if no longer desired to be maintained by the Land Trust, be made available to the Waukesha County Dept. of Parks and Land Use for continued open space preservation pursuant to said Conservation Easement. The Conservation Easement shall be recorded with the Waukesha County Register of Deeds along with the recording of the Subdivision Plat of the property.
3. The Trail Easement, as depicted on said correspondence of October 12, 2006 to Mary Alice Eschweiler from the Waukesha County Dept. of Parks and Land Use from Jason Wilke, be provided in the form of an easement, to be recorded in the Waukesha County Register of Deeds office, prior to the final approval and recording of the Subdivision Plat to be created for the subject rezone parcel.

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.

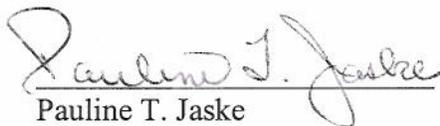
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF SUMMIT AND THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 26 AND THE NE ¼ OF SECTION 27, T7N, R17E, FROM THE A-1 AGRICULTURAL DISTRICT (TOWN) AND THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT (COUNTY) TO THE R-1 ESTATE RESIDENTIAL DISTRICT (TOWN) AND THE R-1 RESIDENTIAL DISTRICT (COUNTY) (SZT-1632)

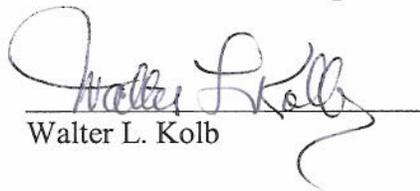
Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair

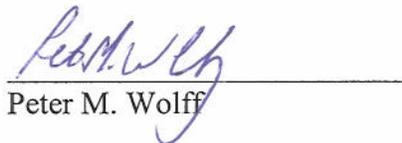
Absent
Keith Hammitt

Absent
Keith Harenda


Pauline T. Jaske


Walter L. Kolb

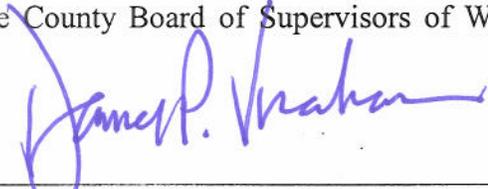
Absent
Vera Stroud

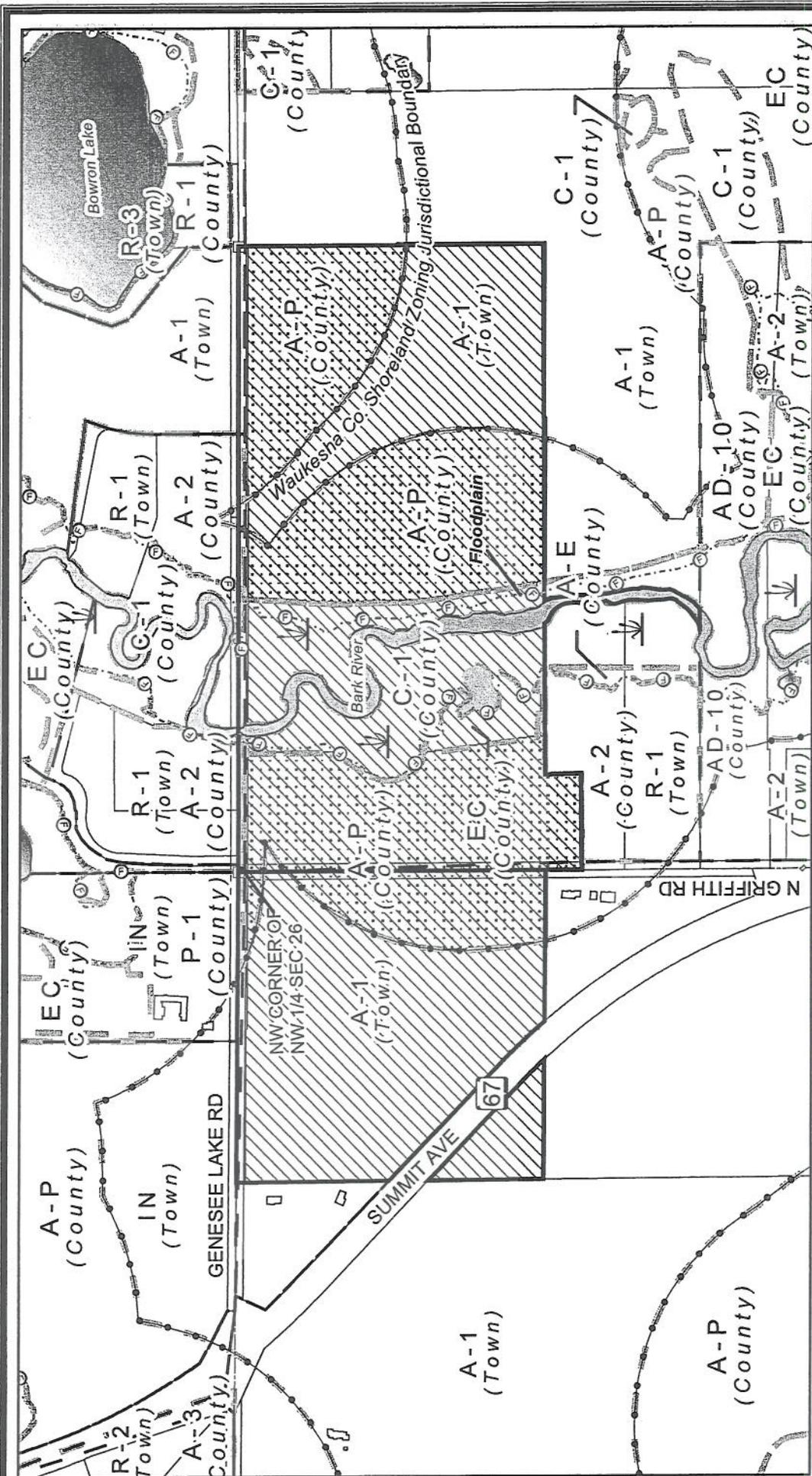

Peter M. Wolff

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

Date: 3/22/07, ^{as amended} 
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 3-22-07, 
Daniel P. Vrakas, County Executive



ZONING MAP AMENDMENT

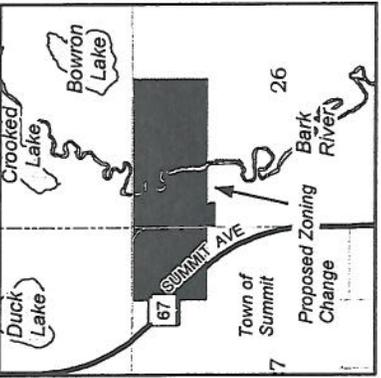
PART OF THE NW 1/4 OF SECTION 26 AND NE 1/4 OF SECTION 27 TOWN OF SUMMIT

CONDITIONAL SHORELAND ZONING CHANGE FROM A-P AGRICULTURAL LAND PRESERVATION TO R-1 RESIDENTIAL (50.9 ACRES)
 CONDITIONAL TOWN ZONING CHANGE FROM A-1 AGRICULTURAL TO R-1 ESTATE RESIDENTIAL (113.5 ACRES)

FILE.....SZT-1632
 DATE.....02-15-07
 AREA OF CHANGE.....113.5 ACRES
 TAX KEY NUMBER.....SUMT 0681,999 & SUMT 0678,999

1 inch equals 600 feet
 0 150 300 600 900 Feet

Prepared by the Waukesha County Department of Parks and Land Use



660-0-191

STATE OF WISCONSIN TOWN OF SUMMIT WAUKESHA COUNTY

ORDINANCE NO. 274-06

AN ORDINANCE TO CONDITIONALLY REZONE AND AMEND THE TOWN OF SUMMIT ZONING DISTRICT MAP OF THE TOWN OF SUMMIT CODE BY PLACING CERTAIN LANDS IN THE TOWN OF SUMMIT FROM THE A-1 AGRICULTURAL DISTRICT (SECTION 235-41) TO THE R-1 ESTATE RESIDENTIAL DISTRICT (SECTION 235-31).

WHEREAS, a petition has been filed by Jon Spheeris, ("Petitioner"), on behalf of the owner of certain lands in the Town of Summit, to rezone certain property located at 938 Griffith Road in the Town of Summit, as further described in the legal description attached hereto and incorporated herein ("subject property"); and

WHEREAS, said rezoning petition was submitted to rezone the subject property from A- 1 Agricultural District (Section 235-41 of the Town Code) to the R-1 Estate Residential District (Section 235-31 of the Town Code); and

WHEREAS, the Petitioner has supplied all required data pursuant to the Town Code, and a public hearing was conducted by the Town Plan Commission of the Town of Summit on October 19, 2006 as required by Section 235-80(B)(5) of the Town Code, upon due notice as required by Section 235-81 of the Town Code; and

WHEREAS, the Town Board of the Town of Summit, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Town Code, will not be contrary to the public health, safety or general welfare of the Town of Summit, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same,

NOW, THEREFORE, the Town Board of the Town of Summit, Waukesha County, Wisconsin, DO ORDAIN as follows:

SECTION 1: The subject property is hereby conditionally rezoned to R-1 Estate Residential District, and the Zoning Map of the Town of Summit is hereby conditionally amended to change the zoning of the subject property from A-1 Agricultural District (Section 235-41 of the Town Code) to the R-1 Estate Residential District (Section 235-31

- F. **SUBJECT TO ADEQUATE INGRESS AND EGRESS.** Petitioner shall submit a scale drawing and map depicting the ingress and egress design, and location, for the proposed road intersections with Genesee Lake Road and Griffith Road, to the Town of Summit Manager/Planner. These documents shall be subject to approval of the Town of Summit Town Engineer being granted prior to this conditional zoning ordinance being effective. Petitioner shall also provide written approvals from the State of Wisconsin Department of Transportation for the upgraded driveway access to the lands west of State Trunk Highway 67.
- G. **SUBJECT TO ADEQUATE SEPTIC SYSTEM.** Petitioner shall submit proof that each of the lots shown in the Preliminary Plat has adequate soils to maintain an on-site septic system to the Town Manager/Planner, subject to the Town Engineer's approval as to reliability of the information and form, and subject to such approval being granted by the Town Engineer prior to this conditional zoning ordinance being effective.
- H. **SUBJECT TO LANDSCAPING PLAN.** Petitioner shall submit a detailed landscaping plan for the roadway frontages along Genesee Lake Road, Griffith Road, STH 67 and the internal boulevard street west of Griffith Road, to the Town Manager/Planner, subject to the approval of both the Plan Commission and Town Engineer being granted prior to this conditional zoning ordinance being effective.
- I. **SUBJECT TO EROSION CONTROL AND STORMWATER MANAGEMENT PLAN.** Petitioner shall submit a detailed erosion control plan and a detailed stormwater management plan for the Subject Parcel to the Town Manager/Planner, subject to the approval of the Town Engineer. Petitioner shall submit any easements for stormwater facility maintenance to the Town Manager/Planner, subject to the approval of Waukesha County Parks and Land Use Department and the Town Attorney for form being granted prior to this conditional zoning ordinance being effective.
- J. **SUBJECT TO GRADING AND BUILDING SITES.** Petitioner shall submit a final grading plan to the Town Manager/Planner, subject to the approval of the Town Engineer and the Waukesha County Department of Parks and Land Use, Environmental Division and Planning Staff being granted prior to this conditional zoning ordinance being effective. In addition to showing the final grade, the grading plan shall also locate building sites on the lots depicted on the Preliminary Plat, shall show the location of all septic system sites and shall demonstrate to the satisfaction of the Town Engineer that the homes on those lots will be located above the groundwater table. Any substantial modifications to the Grading Plan require approval from the Town Engineer and Waukesha County Department of Parks and Land Use.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication and subject to the conditions stated in Section 2, and this ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

Passed and adopted this 7th day of December, 2006.

TOWN OF SUMMIT

Leonard Susa
Leonard Susa, Town Chair

ATTEST:

Henry J. Elling
Henry J. Elling, Town Clerk

Published and posted this 28th day of December, 2006.

APPROVAL OF PETITIONER

Dated this 11th day of January, 2007

PETITIONER

Jon Spheeris
Jon Spheeris

APPROVAL OF SUBJECT PROPERTY OWNER

Dated this 19th day of January, ²⁰⁰⁷~~2006~~.

SUBJECT PROPERTY OWNER

David P. Horstick 1-19-07

By: David P. Horstick
Authorized Signatory

Mary Alice Eschweiler
Mary Alice Eschweiler

This instrument drafted by
Henry J. Elling, Town Manager/Planner

as amended

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-03/13/07

(ORD) NUMBER-1610099

- 1 K. HERRO.....AYE
- 3 T. ROLFS.....
- 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.....AYE
- 27 D. PAULSON.....
- 29 T. BULLERMANN.....AYE
- 31 V. STROUD.....AYE
- 33 K. HAMMITT.....AYE
- 35 P. MEYER.....AYE

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

TOTAL AYES-27

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-28