

ENROLLED ORDINANCE 165-70

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE, FOR THE VILLAGE OF SUMMIT BY AMENDING CONDITIONS NO. 1 AND 32 OF A PREVIOUS CONDITIONAL REZONING, (ENROLLED ORDINANCE NO. 163-100), FOR CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 22, T7N, R17E, VILLAGE OF SUMMIT (SZT-1586D)

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 Village of Summit, Waukesha County, Wisconsin, adopted on June 23, 1970, is hereby amended, by amending Conditions No. 1 and 32 of a previous conditional rezoning, (Enrolled Ordinance No. 163-100), for certain lands located in part of the NE ¼ of Section 22, T7N, R17E, Village 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-1586D) subject to the following conditions:

1. All conditions of Waukesha County Enrolled Ordinance 163-100, which is attached as Exhibit “C” of the “Staff Report and Recommendation” dated November 18, 2010, shall remain in effect, with the exception of Condition No. 1, which is deleted by this action. Further division of parcels shall be permissible with the approval of the Village of Summit.
2. All references to the Town of Summit within Enrolled Ordinance 163-100 shall be interpreted as pertaining to the Village of Summit.
3. Condition No. 32 of Enrolled Ordinance 163-100 shall be administered by the Village of Summit, rather than Waukesha County, because of Summit’s new Village status.

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

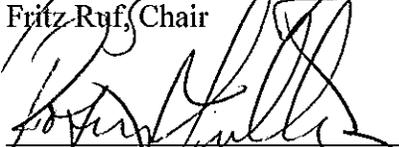
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE, FOR THE VILLAGE OF SUMMIT BY AMENDING CONDITIONS NO. 1 AND 32 OF A PREVIOUS CONDITIONAL REZONING, (ENROLLED ORDINANCE NO. 163-100), FOR CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 22, T7N, R17E, VILLAGE OF SUMMIT (SZT-1586D)

Presented by:
Land Use, Parks, and Environment Committee


Fritz Ruf, Chair

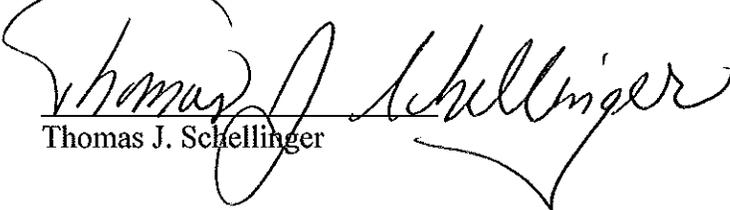

Robert Hutton


Michael J. Inda


James Jeskewitz


Walter L. Kolb

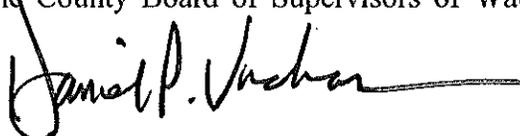
{ Absent }
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Thomas J. Schellinger

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

Date: 12-22-10, 
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 12-23-10, 
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 Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of (SZ-1586D Jerry Erdmann-Summit Village Commons) in accordance with the attached "Staff Report and Recommendation."

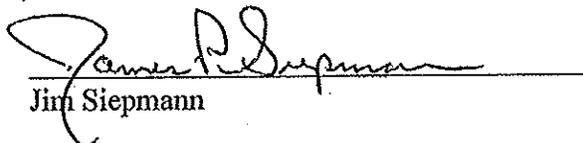
PARK AND PLANNING COMMISSION

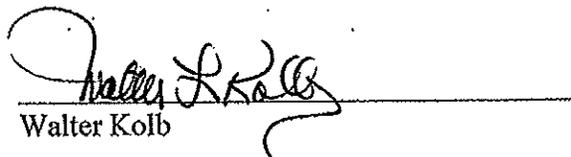
November 18, 2010

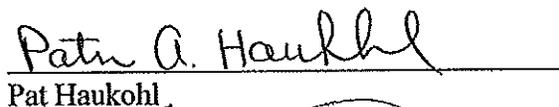

William Mitchell, Chairperson

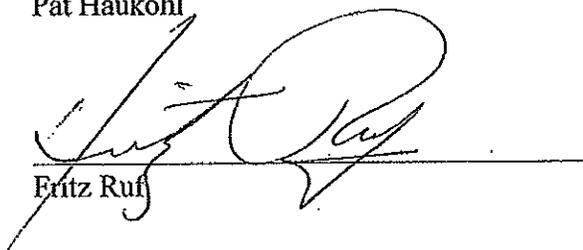

Bob Peregrine, Vice Chairperson

Absent
Gary Goodchild


Jim Siepmann


Walter Kolb


Pat Haukohl


Fritz Ruf

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

FILE NO: SZT-1586D

TAX KEY NUMBERS: SUMT 0661.976, SUMT 0661.977, SUMT 0661.978, SUMT 0661.979, SUMT 0661.980, SUMT 0661.981, SUMT 0661.982, SUMT 0661.983

DATE: November 18, 2010

**NAME OF PETITIONER
AND OWNER:**

Jerry Erdmann
TKLW, LLC
1833 Executive Dr., Suite 101
Oconomowoc, WI 53066

LOCATION OF PROPERTY:

Part of the NE ¼ of Section 22, T7N, R17E, Village of Summit. More specifically, the subject lands consist of six lots and two outlots that are part of the Summit Village Commons unified development located at the southeast intersection of S.T.H. 67 and C.T.H. "DR". The subject lands consist of approximately 38.8 acres.

PRESENT ZONING:

B-2 Local Business District, P-I Public and Institutional District and C-1 Conservancy District (County Shoreland Zoning) and NC Neighborhood Commercial District and MF-2 Multi-Family Residential District with a Planned Development Overlay District (Village Zoning).

PRESENT LAND USE:

Mixed use development site consisting of a skilled nursing and assisted living facility and planned commercial and office uses.

PROPOSED ZONING:

There is no change to the base zoning categories being proposed. The request is to consider the modification of a rezone condition that prohibited further subdivision of parcels within the development.

PROPOSED LAND USE:

Mixed uses to include commercial, office and institutional uses.

PUBLIC HEARING DATE:

September 23, 2010.

PUBLIC REACTION:

Three (3) neighbors spoke regarding the proposal. One resident was concerned about the site being further divided, while all three speakers noted concerns about potential future use changes within the project.

VILLAGE OF SUMMIT PLAN COMMISSION ACTION:

On September 23, 2010, the Village of Summit Plan Commission recommended approval of the rezoning to Waukesha County and directed the Village Planner to prepare an ordinance with a favorable recommendation for consideration by the Village Board.

VILLAGE OF SUMMIT BOARD ACTION:

On November 4, 2010, the Village of Summit Board conditionally approved the rezoning request, subject to two conditions which modify the terms of the prior rezoning approval to allow for re-division of parcels with Village approval and changes all references from the Town of Summit to the Village of Summit (See Exhibit "A").

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The County Development Plan designates the entire property in the Mixed Use category, with the exception of the PEC. The proposal is consistent with the plan.

OTHER CONSIDERATIONS:

The Waukesha County Board first approved a Zoning Amendment (SZT-1586A) for the subject lands on February 27, 2007 to allow for a mixed use development. The Waukesha County Park and Planning Commission approved a related Planned Unit Development Conditional Use request (SCU-1413) for the property on January 11, 2007. There have been two subsequent amendments to the project since that time. To date, the road network for the entire project has been installed and the Extencicare senior campus consisting of a skilled nursing facility and an assisted living facility has been constructed and opened. The previously approved development plan for the site is attached as Exhibit "B". The Town rezone ordinances authorizing the project contained a condition that parcels within the project not be further divided. The County rezone ordinance for this project incorporated all Town conditions. The petitioner is requesting that this condition now be removed. The petitioner noted that the significant changes in the economy over the past few years have changed development practice and that potential businesses today generally seek to own their individual site rather than leasing land. The petitioner noted that he had originally planned to retain ownership of the created parcels, but that is no longer his intent.

There are no other changes being proposed at this time. The general layout and use of the site would be unaffected by the proposed change. Previous approvals authorized a maximum of 184,000 square feet of mixed commercial and office space to accompany the existing Extencicare senior campus.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved, subject to the following conditions:

1. All conditions of Waukesha County Enrolled Ordinance 163-100, which is attached as Exhibit "C", shall remain in effect, with the exception of Condition No. 1, which is deleted by this action. Further division of parcels shall be permissible with the approval of the Village of Summit.
2. All references to the Town of Summit within Enrolled Ordinance 163-100 shall be interpreted as pertaining to the Village of Summit.

3. Condition No. 32 of Enrolled Ordinance 163-100 shall be administered by the Village of Summit, rather than Waukesha County, because of Summit's new Village status.

As conditioned, the proposed amendment will enable the project to be more viable and does not alter the previously authorized development concept for the site. The project remains consistent with the Waukesha County Development Plan.

Respectfully submitted,



Jason Fruth
Planning and Zoning Manager

Attachments: Exhibits "A", "B", "C"

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EXHIBIT "A"

STATE OF WISCONSIN

VILLAGE OF SUMMIT

WAUKESHA COUNTY

ORDINANCE NO. 286-09

AN ORDINANCE TO AMEND ORDINANCE NO. 286-09 ENTITLED AN ORDINANCE
TO
CONDITIONALLY REZONE CERTAIN LANDS
IN THE TOWN OF SUMMIT TO
THE NEIGHBORHOOD COMMERCIAL DISTRICT (NC)
WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT (PDO)

WHEREAS, a petition was filed on November 20, 2008, by TKLW, LLC, a domestic limited liability company ("Petitioner"), as the owner of certain lands in the then Town of Summit, to rezone certain lands described herein and incorporated by reference as Exhibit A (the "Subject Lands"); and

WHEREAS, said rezoning petition was submitted in order to rezone the Subject Lands from the MF-2 Multi-Family District (MF-2) District to the Neighborhood Commercial District (NC), with a Planned Development Overlay District (PDO), which shall overlay the afore-stated commercial district; and

WHEREAS, the Petitioner supplied all required data pursuant to the then Town of Summit Zoning Code, and

WHEREAS, Petitioner provided a General Development Plan pursuant to Section 235-44(D)(2) of the then Town of Summit Zoning Code providing a general concept plan for the entire area covered by the Planned Development Overlay District (PDO) in sufficient detail to permit the evaluation of the approval criteria set forth in Section 235-44(B) of the then Town of Summit Zoning Code; and

WHEREAS, the General Development Plan (a copy of which is attached hereto and incorporated by reference as Exhibit B) sets forth all of the following information required under Section 235-44(D)(2) of the then Town of Summit Zoning Code:

- The pattern of proposed land use, including general size, shape and arrangement of lots and specific use areas, proposed density of residential development; proposed building square footage for commercial or industrial development; general environmental character of common open spaces, parking and drive areas, recreation facilities, principal landscaping features, floodplain and/or wetlands and other major components of the proposed project;
- The basic street pattern with a description of public dedication and private ownership on the roadways;
- The basic storm drainage pattern;
- The general location, size, and character of recreational and open space areas;

- Documents or related information or plans showing the architectural designs of buildings;
- Appropriate statistical data relative to the development;
- General outline of intended organizational structure related to property owner's association, deed restrictions, etc.; and
- Any other information deemed appropriate and necessary by the then Town of Summit Plan Commission ("Plan Commission"); and

WHEREAS, the General Development Plan provided by Petitioner had been available for public inspection in the office of the then Town Clerk since November 20, 2008; and

WHEREAS, a Precise Implementation Plan in conformity with the requirements set forth in Section 235-44(E)(2) of the then Town of Summit Zoning Code must be submitted by the Petitioner for that portion of the Subject Lands for which specific development approval is requested concurrent with the General Development Plan approval; and

WHEREAS, the Subject Lands is located within the Waukesha County 1,000' shore land zoning jurisdictional area; and

WHEREAS, a petition has been filed on July 16, 2010, by the Petitioner to amend Ordinance Number 286-09, Section 2, entitled "Conditions Imposed", subsection 1, regarding the redivision of lots; and

WHEREAS, upon referral of the petition by the Village Clerk, the Plan Commission scheduled a public hearing for the Plan Commission and a representative of Waukesha County; and

WHEREAS, notice having been given as required under Section 235-81 of the Zoning Code of the Village of Summit, the Plan Commission and a representative of Waukesha County's Department of Parks and Land Use held a public hearing on September 23, 2010, at 6:30 p.m. as required by said Section 235-81; and

WHEREAS, the Plan Commission recommended to the Village Board of Supervisors for the Village of Summit ("Village Board") that the requested amendment be made and that the General Development Plan be approved upon satisfaction of certain conditions; and

WHEREAS, the Plan Commission in making its recommendation, and the Village Board, having carefully reviewed the recommendation of the Plan Commission in making its determination as to the approval of the zoning requested, have given consideration to the approval requirements in Section 235-44(B) of the Village of Summit Zoning Code set forth below and are satisfied as to the following:

- (A) That the proposed development is consistent with the spirit and intent of the Village of Summit Zoning Code and with the Development Goals set forth in Section 265-15C of the Zoning Code and has been prepared with competent professional advice and guidance and produces significant benefits in terms of improved environmental design and in contributing to the aforesaid Development Goals to justify the application of the Planned Development concept;
- (B) That the site development plan reflects sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open space and careful shaping of terrain to minimize scarring, insure proper drainage and preservation of natural terrain wherever appropriate;
- (C) That the general character and intensity of use of the development produces an attractive environment appropriate to the uses proposed and which is compatible with existing development in the surrounding area and with general community development plans and policies;
- (D) That the development can be provided with appropriate municipal services and would not conflict with or cause overload on such facilities as schools, highway, police, fire, or utility services;
- (E) That proposed design standards provide adequately for practical functioning and maintenance based on actual functional need in terms of circulation, parking, emergency services, delivery services, and snow plowing;

WHEREAS, having determined that all procedural 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 community as to noise, dust, smoke, odor, and others, hereby determines that the rezoning will not violate the spirit or intent of the Zoning Code for the Village of Summit, will not be contrary to the public health, safety, or general welfare of the Village of Summit, will not be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, or other similar factors 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 and is consistent with the recommendations found in the Village of Summit master plan;

NOW, THEREFORE, the Village Board of the Village of Summit, Waukesha County Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: Section 2, entitled "Conditions Imposed", subsection 1 of Ordinance number 286-09 is hereby repealed and recreated to read as follows:

Redivision of any of the original lots/outlots in the subject lands after approval of the division set forth in Exhibit B shall be subject to review and approval of the Plan Commission and Village Board subject to compliance with all rules, codes, and ordinances in effect at the time of the requested division.

SECTION 2: All other terms and conditions of Ordinance Number 286-09 shall remain in full force and effect other than all reference to the Town of Summit shall now be changed to the Village of Summit in that the Town of Summit was incorporated into the Village of Summit on July 29, 2010.

SECTION 3: SEVERABILITY.

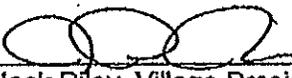
The several sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

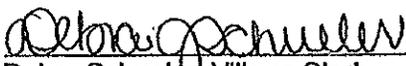
SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage and posting/publication as provided by law.

This Ordinance passed this 4 day of November, 2010.

VILLAGE OF SUMMIT

By: 
Jack Riley, Village President

Attest: 
Debra Schueler, Village Clerk

Published/Posted the 9th day of November 2010.

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Exhibit A

Legal Description of parcel

Being a part of Lot 6 of C.S.M. No. 10572, and part of the NW 1/4 and NE 1/4 of the NE 1/4 of Section 22, T7N, R17E, Town of Summit, Waukesha County, Wisconsin, more fully described as follows; Commencing at the North 1/4 corner of said Section 22; thence N89°05'41"E, along the North line of said NE 1/4, 217.05 feet to a point; thence S00°54'19"E, 87.00 feet to a point; thence N89°05'41"E, 1072.97 feet to the NW corner of said Lot 6 and the point of beginning of the hereinafter described lands; thence continuing along said Southerly line, N89°05'41"E, 708.80 feet to the NE corner of said Lot 6; thence S08°57'12"W, along the easterly line of said Lot 6, 300.00 feet to a meander point, said point lying N08°57'12"E, 40 feet more or less from the ordinary high water line of Upper Genesee Lake; thence S46°22'08"W, along a meander line, 309.57 feet to the terminus of said meander line, said terminus point lying N59°58'05"W, 41 feet more or less from the ordinary high water line of Upper Genesee Lake; thence N59°58'05"W, 300.00 feet to a point; thence N89°58'00"W, 198.20 feet to the Westerly right-of-way line of Silver Maple Lane; thence N28°50'11"E, 157.19 feet to a point; thence N31°33'55"W, 91.58 feet to a point on the westerly line of said Lot 6; thence N03°24'24"W; along said westerly line, 133.00 feet to the place of beginning. Also including all those lands between the above described meander line and the side lot lines as extended to the ordinary high water line of Upper Genesee Lake. Excluding therefrom all those lands currently designated as wetlands. Said lands containing 184,840 square feet (4.24 acres).

STATISTICS

BUILDING AREA	19,091 SQ. FT.
OFFICE	8,469 SQ. FT.
RESTAURANT	11,248 SQ. FT.
MANAGEMENT OFFICE	99 SPACES PROVIDED
RETAIL	120 SPACES PROVIDED
RESTAURANT	42 SPACES PROVIDED
	91 SPACES PROVIDED
	52 SPACES PROVIDED
	30 ACCESSIBLE SPACES PROVIDED
	6% OF TOTAL PARKING SPACES PER 100'
	30 ACCESSIBLE SPACES PROVIDED
LANDSCAPE ISLANDS/MEDIAN:	
OFFICE	2,106 SQ. FT. PROVIDED
RETAIL	4,209 SQ. FT. PROVIDED
RESTAURANT	30,513 SQ. FT. PROVIDED
	1,029 SQ. FT. PROVIDED
	2,979 SQ. FT. PROVIDED

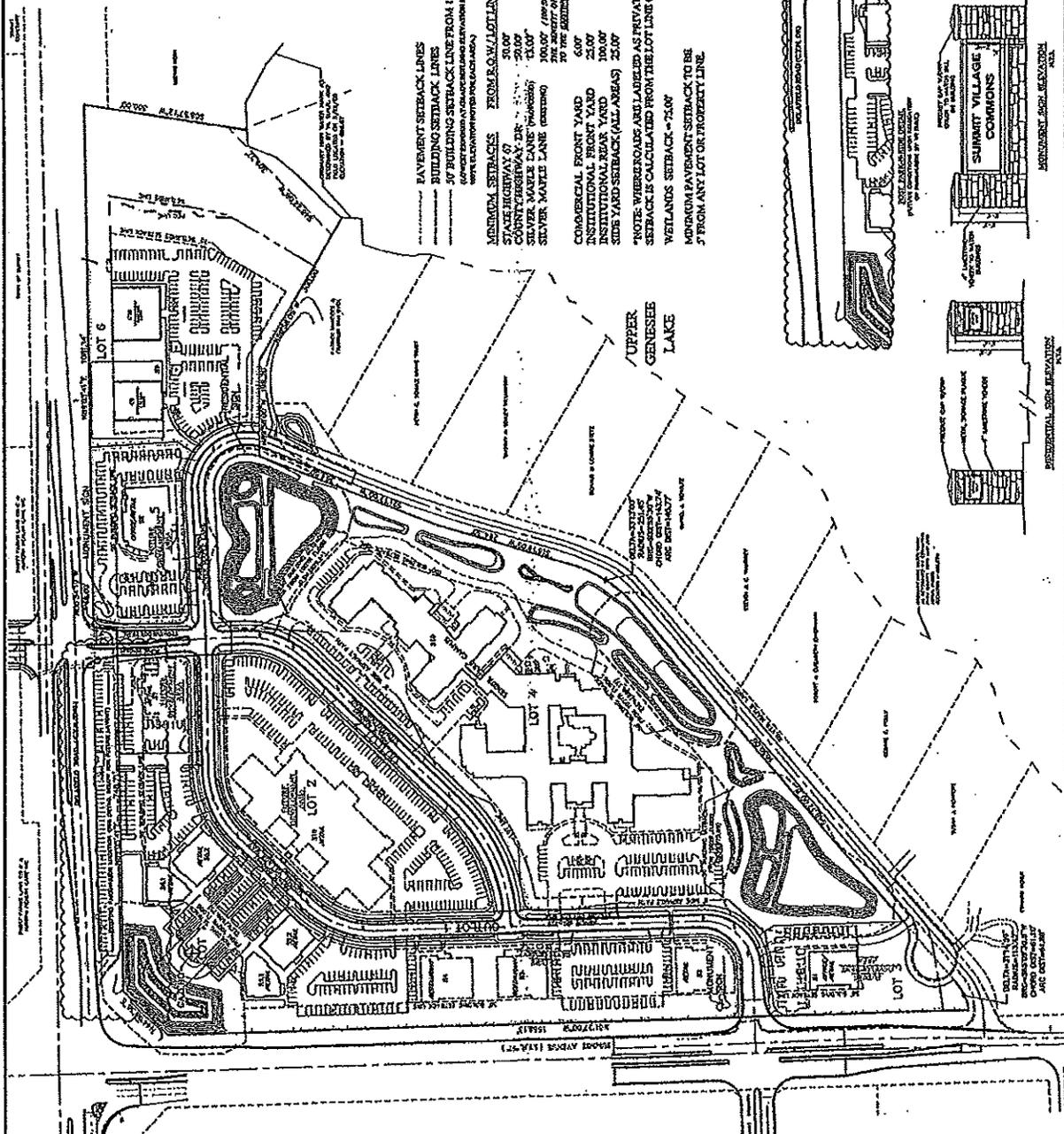
NOTE:
 THE BUILDING LINES SHOWN IN PLATCS WERE USED TO CALCULATE PARKING SPACES. THE TOTAL NUMBER OF SPACES SHOWN ON THESE PLATCS WHICH ARE SUBJECT TO CHANGE BASED ON FINAL BUILDING SIZE & OCCUPANCY.

MINIMUM SETBACKS FROM R.O.M./LOT LINE:
 STATE HIGHWAY 57 50.00'
 COUNTY HIGHWAY 28 25.00' - 50.00'
 SILVER MOYLE LANE (W/ADJACENT) 31.00'
 SILVER MOYLE LANE (EXISTING) 30.00' (FROM CENTERLINE OF ADJACENT PROPERTY TO THE ADJACENT SILVER MOYLE LANE)

MINIMUM SETBACKS FROM LOT LINE OF THE OUTLOT:
 COMMERCIAL FRONT YARD 6.00'
 INSTITUTIONAL FRONT YARD 25.00'
 INSTITUTIONAL REAR YARD 10.00'
 SIDE YARD SETBACK (ALL AREAS) 25.00'

NOTE: WHEREAS ARE LABELED AS PRIVATE MEDIAN, SETBACK IS CALCULATED FROM THE LOT LINE OF THE OUTLOT.

WETLANDS SETBACK = 75.00'
 MINIMUM PAVEMENT SETBACK TO BE 5' FROM ANY LOT OR PROPERTY LINE.



STATISTICS

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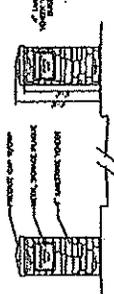
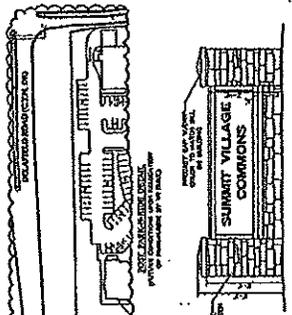
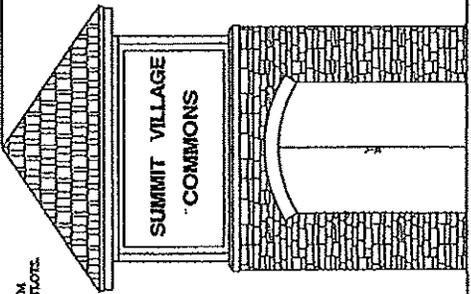


EXHIBIT "B"

ENROLLED ORDINANCE 163-100

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 NE ¼ OF SECTION 22, T7N, R17E, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE MF-2 MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT (TOWN) TO THE B-2 LOCAL BUSINESS DISTRICT WITH OTHER LANDS TO REMAIN ZONED C-1 CONSERVANCY DISTRICT (COUNTY) AND THE NC NEIGHBORHOOD COMMERCIAL DISTRICT WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT (TOWN) (SZT-1586C)

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 certain lands located in part of the NE ¼ of Section 22, T7N, R17E, Town of Summit, from the R-3 Residential and C-1 Conservancy Districts (County) and the MF-2 Multi-Family Residential District with a Planned Development Overlay District (Town) to the B-2 Local Business District with other lands to remain zoned C-1 Conservancy District (County) and the NC Neighborhood Commercial District with a Planned Development Overlay 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 (SZT-1586C) subject to the following conditions:

1. There shall be no re-division of any of the original lots/outlots in the Subject Lands after approval of the division set forth in Exhibit B. A note must be placed on the Certified Survey Map(s) in a form satisfactory to the Town Attorney stating that there can be no re-division of any of the original lots/outlot(s) in the development.
2. There shall be no direct access to Upper Genesee Lake from this development. Any future proposal for lake access shall require a new public hearing and approval by the Plan Commission and Town Board.
3. The Subject Lands shall be subject to the provisions of Waukesha County's Shore Land Ordinance and the density limitations set forth within this Ordinance.
4. All lands identified on Exhibit B as Commercial/Retail shall be subject to the provisions of Section 235-38 of the Town of Summit Zoning Code, as amended from time-to-time, unless further restricted or otherwise specifically regulated by this Ordinance.
5. The Commercial/Retail area of the Subject Lands identified on Exhibit B shall consist of office type uses and may include a day care center if approved as a conditional use.

6. Bulk Regulations set forth in Section 235-38 Neighborhood Commercial District (NC) in the Town of Summit Zoning Code, as amended from time-to-time, shall apply to the Subject Lands identified on Exhibit B except as follows:
 - a. Minimum Lot Area shall equal 30,000 sq. ft.
 - b. Minimum Lot Width shall equal 100 ft.
 - c. Minimum front/street yard setback:
 1. Six feet (6') from any local/private road;
 2. Thirteen feet (13') from any arterial street/public road.
 3. Minimum pavement setback shall equal zero feet (0').
7. Requirements for parking set forth in Section 235-45 of the Zoning Code are amended as follows:
 - a. Notwithstanding the provisions of Section 235-45(A)(1) of the Town of Summit Code, the size of each parking space shall be not less than 9' x 18' (192 square feet) exclusive of the space required for ingress and egress.
 - b. Notwithstanding the provisions of Section 235-45(C), there shall be a minimum of four (4) spaces for each 1,000 square feet of floor area.
8. Development of the Subject Lands, including but not limited to the Road Plan and lot layout, shall be in substantial conformity with the General Development Plan submitted to the Plan Commission at their meeting on December 18, 2008.
9. All Precise Implementation Plans shall be submitted within twenty-four months of the date of this Ordinance, unless extended in writing by the Town Board. Said Precise Implementation Plans shall be subject to Plan Commission and Town Board approval and shall contain all of the information required in Section 235-44(F) of the Zoning Code as follows:
 - a. An accurate identification of the area of the precise implementation plan as it relates to the General Development Plan (Section 235-44(F)(1));
 - b. The specific designation of proposed land use including the pattern of public and private roads, driveways, walkways and parking facilities; detailed lot layout and the arrangement of building groups; and the specific treatment of any "preserved lands" to be kept as common open space or amenities (Section 235-44(F)(2));
 - c. Specific landscape plans for all common open space, amenities, or housing groups (Section 235-44(F)(3));
 - d. Detailed storm drainage, sanitary sewage disposal and water system plans (Section 235-44(F)(4));
 - e. Proposed engineering standards for all roads, parking areas and walkways (Section 235-44(F)(5); and

- f. Agreements, bylaws, covenants and other documents providing for permanent preservation and maintenance of any common open areas and amenities (Section 235-44(F)(6).
10. No specific use or building permit shall be issued for any part of the approved General Development Plan except for an area covered by an approved Precise Implementation Plan and in conformity with such plan.
 11. A Precise Implementation Plan may be submitted for any portion of the approved General Development Plan provided such portion is in basic conformity with approved General Plan and represents a reasonable and appropriate stage of implementation of such plan.
 12. Requests for approval of Precise Implementation Plan(s) for subsequent Development phases shall be submitted to the Plan Commission for approval. No public hearing shall be required unless deemed desirable by the Plan Commission or required as part of a Conditional Use Permit consideration.
 13. Building plans shall be submitted to the Plan Commission for its review and approval prior to the issuance of any building permits for the Subject Lands.
 14. Detailed building and landscape plans, as well as all other commitments, contractual agreements with the Town, plans, and specifications related to a Precise Implementation Plan shall be made a part of the official record and shall be considered supplementary to the underlying District Regulations and this Ordinance.
 15. Prior to the approval of any Precise Implementation Plan by the Town Plan Commission, Deed Restrictions shall be placed on the Subject Lands in a form approved by the Plan Commission and Town Board, the Town Planner, and the Town Attorney.
 16. All Deed Restrictions and owners' association documents for the developments of the Subject Lands shall be submitted to the Plan Commission and Town Board, Town Planner, and Town Attorney for the Town of Summit for approval. Further, all such Deed Restrictions and owners' association documents shall be in conformity with all Planned Development conditions and Final Development Plan conditions. If there is a conflict between any of the aforementioned provisions and/or conditions, the more restrictive shall apply. Amendments to the Deed Restrictions, owners' association documents, Planned Development conditions, and the final Development Plan conditions, must be filed with, and shall be subject to the approval of, the Plan Commission, Town Attorney, and the Staff of the Waukesha County Department of Parks and Land Use. When the Plan commission finds such an amendment to be substantial, the Plan Commission shall refer the matter to the Town Board and, in such event, such amendment shall be subject to the Town Board's additional approval.
 17. Prior to the approval of any Precise Implementation Plan by the Town Plan Commission, submittal to and approval by the Waukesha County Land Resources Division and Town Engineer of an Erosion Control and Storm Water Management Plan, and approval by the Town Engineer and Town Attorney of a Storm Water Management and Maintenance Plan. All engineering plans, grading, drainage, utility relocation, paving, and landscaping and other materials and/or labor required to complete the work is the responsibility of the Developer. In the review of the Storm Water and Erosion Control

Plans, special precautions shall be taken to prevent any adverse impact on adjacent properties as it relates to drainage.

18. Prior to the approval of any Precise Implementation Plan by the Town Plan Commission, Petitioner shall submit a signage plan to the Plan Commission and Town Engineer for their approval.
19. The owners' associations created by the protective covenants for the Subject Lands shall have the responsibility for properly maintaining any signage identifying common areas for the development and maintaining any entrance areas, and any common areas of the developments. The requirements of Section 235-44(I) of the Town of Summit Zoning Code must be satisfied. In the event the associations do not properly maintain any signage, entryway, or common area(s), the Town of Summit may, but is not required to, do so and charge its costs and expenses to the applicable owners' associations and/or lot owners. Failure to pay said costs and expenses shall result in a special charge being placed on the tax roll against the lot owners pursuant to Wis. Stat. 66.0627.
20. All roads must be constructed to Town standards, unless the Town Board grants an exception(s). Petitioner shall submit a road construction plan to the Town Engineer and Plan Commission for recommendation and Town Board approval. Said plan shall clearly delineate any, and all, requested deviations from Town of Summit standard road requirements.
21. Any amendment to any of the aforementioned plans must be submitted to, and approved by the individuals, body, and/or bodies that originally approved said plan(s), unless otherwise designated in this Ordinance.
22. The Petitioner must pay all fees, costs, and assessments due and owing to the Town of Summit and all costs and expenses incurred by the Town of Summit, including legal and engineering fees and costs, by any aspect of the Petition and subsequent development of the Subject Lands as provided under Section 125-1 of the Town of Summit Code of Ordinances.
23. Developer(s) of the Subject Lands shall delineate to the satisfaction of the Plan Commission any utility company that will provide service to the Subject Lands.
24. Petitioner must submit to the Plan Commission a written acknowledgement stating that the Subject Lands are subject to conditions of approval, including the condition that the owner(s) of the Subject Lands sign a Developer's Agreement with the Town of Summit and record required deed restrictions, and if any owner(s) do not do so, the development of the Subject Lands cannot proceed. Petitioner waives any claim(s) that it may have against the Town of Summit, including, but not limited to, claims for damages, costs, and expenses, and claims of vested rights to the proposed development of the Subject Lands, in the event any owner(s) of the Subject Lands do not agree to the required terms.
25. Development of the Subject Lands with respect to commercial architectural design, materials, and layout must be in substantial conformity with the development plan submitted and any representations made by the Petitioner at Plan Commission hearings, which were commenced on August 9, 2006.
26. Petitioner shall, in all respects, satisfy all terms and conditions of the Town of Summit Zoning Code, including but not limited to all terms and conditions of the p' ed

development sections of the same, and the Town of Summit ordinance regulating the division and platting of land except as may otherwise expressly modified by this Ordinance.

27. Petitioner shall satisfy all comments and concerns of the Town Engineer, including whether or not all conditions of the ordinance regarding a general implementation plan have been satisfied.
28. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In the case of a question as to the classification of use, the question shall be submitted to the Plan Commission for determination.
29. No use is hereby authorized unless that use is conducted in a lawful, orderly, and peaceful manner. Nothing in this Ordinance shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order, or rule of either the Town of Summit, the County of Waukesha, the State of Wisconsin, the United States of America, or other duly constituted authority except only to the extent that it authorizes a nonconforming use of the Subject Lands in specific respects expressly described herein. This Ordinance shall not be deemed to constitute a building permit, nor shall this Ordinance constitute any other license or permit required by Town Ordinance or other law or regulation.
30. Any violation of this Ordinance shall constitute a violation of the Zoning Ordinance for the Town of Summit and shall be subject to the enforcement procedures contained in Section 235-84 of the Town of Summit Zoning Code, as amended from time-to-time.
31. The site layout must remain in substantial compliance with the Development Plan dated November, 2008 and date stamped November 21, 2008 and referenced as Exhibit "C."
32. A Conditional Use Permit for an amendment to the Mixed Planned Unit Development must be obtained from Waukesha County.

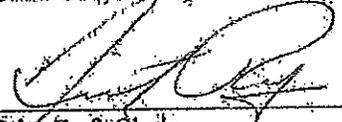
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Summit.

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

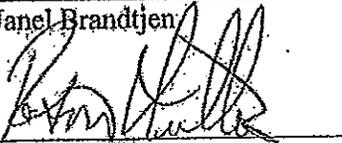
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

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 NE ¼ OF SECTION 22, T7N, R17E, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE MF-2 MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT (TOWN) TO THE B-2 LOCAL BUSINESS DISTRICT WITH OTHER LANDS TO REMAIN ZONED C-1 CONSERVANCY DISTRICT (COUNTY) AND THE NC NEIGHBORHOOD COMMERCIAL DISTRICT WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT (TOWN) (S2T-1586C)

Presented by:
Land Use, Parks, and Environment Committee


Fritz Ruf, Chair

N/A (Absent)
Janel Brandtjen


Robert Hutton

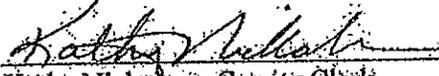

James Jeskewitz


Walter L. Kolb

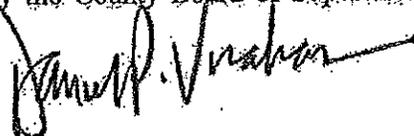
N/A (Absent)
Ted Rolfs

(Absent)
Gilbert W. Yerke

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

Date: 3/27/09 
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 3-27-09 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/21/10

(ORD) NUMBER-1650071

1 D. FALSTAD.....AYE
3 R. HUTTON.....
5 J. JESKEWITZ.....AYE
7 P. HAUKOHL.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....AYE
13 P. DECKER.....AYE
15 P. MEYERS.....AYE
17 J. TORTOMASI.....AYE
19 S. WIMMER.....AYE
21 W. ZABOROWSKI.....AYE
23 K. CHIAVEROTTI.....AYE
25 G. YERKE.....AYE

2 T. ROLFS.....AYE
4 J. DWYER.....AYE
6 J. BRANDTJEN.....AYE
8 T. SCHELLINGER.....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 M. INDA.....AYE
16 D. PAULSON.....AYE
18 K. CUMMINGS.....AYE
20 P. JASKE.....AYE
22 P. GUNDRUM.....AYE
24 W. KOLB.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24