

ENROLLED ORDINANCE 165-79

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE VILLAGE OF SUMMIT BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 19 AND THE SW ¼ OF SECTION 20, T7N, R17E, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL DENSITY-10 DISTRICT TO THE A-5 MINI-FARM DISTRICT (SVZ-1707)

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 thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Village of Summit, Waukesha County, Wisconsin, is hereby amended to conditionally rezone certain lands located in part of the SE ¼ of Section 19 and the SW ¼ of Section 20, T7N, R17E, from the AD-10 Agricultural Density-10 District to the A-5 Mini Farm 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 SVZ-1707, subject to the following condition:

1. Conservancy/Wetland/Floodplain Preservation Restrictions, subject to the review of the Waukesha County Planning and Zoning Division Staff, must be added to the proposed Certified Survey Map.

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

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ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.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 WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE VILLAGE OF SUMMIT BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
SE ¼ OF SECTION 19 AND THE SW ¼ OF SECTION 20, T7N, R17E, VILLAGE OF
SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL
DENSITY-10 DISTRICT TO THE A-5 MINI-FARM DISTRICT (SVZ-1707)

Presented by:
Land Use, Parks, and Environment Committee

Absent
Fritz Ruf, Chair

Absent
Robert Hutton

[Signature]
Michael J. Inda

[Signature]
James Jeskewitz

[Signature]
Walter L. Kolb

[Signature]
Ted Rolfs

Absent
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: 2/1/11, [Signature]
Kathy Nickolaus, County Clerk

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

Approved: x
Vetoed: _____
Date: 2-4-11, [Signature]
Daniel P. Vrakas, County Executive

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

DATE: December 9, 2010

FILE NO: SVZ-1707

OWNER/PETITIONER: John and Laura Wickersham
N54 W37139 Yale Street
Oconomowoc, WI 53066

TAX KEY NO.: SUMT 0652.995.001

LOCATION:

The property to be rezoned is located in the SE ¼ of Section 19 and the SW ¼ of Section 20, T7N, R17E, Village of Summit. More specifically, the property is located at approximately 1208 Golden Lake Road. The property is approximately 35 acres in area.

PRESENT ZONING:

AD-10 Agricultural Density -10 District and C-1 Conservancy Districts (County) and A-2 Agricultural District (Village).

PRESENT LAND USE:

The property contains a residence, outbuildings and a large area of wetlands.

PROPOSED ZONING:

A-5 Mini Farm District with C-1 Conservancy District to remain unchanged (County) and R-1 Estate Residential District (Village).

PROPOSED LAND USE:

The proposal is to create two parcels for single-family residential use.

PUBLIC HEARING DATE:

October 21, 2010.

PUBLIC REACTION:

There were no comments from the public.

VILLAGE PLAN COMMISSION ACTION:

At its meeting on October 21, 2010, the Village of Summit Plan Commission recommended approval of the rezoning to Waukesha County. At its meeting on November 18, 2010, the Village Plan Commission recommended approval of the Village zoning change to the Village Board.

VILLAGE BOARD ACTION:

At its meeting of December 2, 2010, the Village of Summit Board voted to approve the rezoning relative to the Village zoning designation (see Exhibit "A").

CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE VILLAGE OF SUMMIT LAND USE PLAN:

The property is designated on the Comprehensive Development Plan for Waukesha County as Rural Density and Other Agricultural Lands, which allows for a maximum density of one dwelling unit per five acres. The northerly wetland area is designated as Primary Environmental Corridor. The Village Plan

identifies the property in the Suburban Density I Residential category, which calls for a density of 1.5-2.9 acres per dwelling unit. The proposal is in conformance with both plans.

OTHER CONSIDERATIONS:

The 35 acre property is proposed to be divided into two parcels by Certified Survey Map (CSM) (see Exhibit "B"). Proposed Lot 1 would encompass ten acres and would contain the existing residence and outbuildings, which are to be retained. Proposed Lot 2 would contain approximately 22 acres and is proposed to become a building site for the petitioner's new residence. The AD-10 District is a ten acre density district. While the proposed land division would meet the 10-acre density threshold, the district regulations only allow for a portion of the wetlands on site to be utilized in computing permissible density. A 20% density credit is available for wetlands, but where more than 50% of the parcel is wetland, only 20% of one-half of the wetlands may be utilized to calculate maximum density. In this case, there are 25.4 acres of wetlands, which means that the density credit for the wetlands is 2.54 acres. Therefore, the parcel is not eligible for a land split under the current AD-10 classification. The A-5 District allows for a minimum five acre parcel size, regardless of acreage in wetlands. The proposal does conform to the A-5 District minimum dimensional requirements.

A seventy five foot wetland setback is being provided from all wetlands, as depicted on Exhibit "B". It should be noted that a Natural Area of Local Significance is identified by SEWRPC in the area surrounding the small pond on the site. The area is identified as a tamarack swamp and bog. The provided wetland setback should ensure that this area is protected, and Staff recommends that standard protective restrictions be added to the proposed CSM document to ensure protection.

Soils are well drained on the south end of the site where the existing residence is located and where the proposed residence would be sited. The site is fairly level with a drop-off towards the wetland. There is a former landfill site within 1,200' of the site, so State code may require that a new private well be cased to ensure its protection.

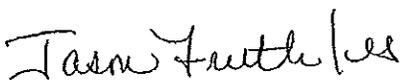
STAFF RECOMMENDATION:

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

1. Conservancy/Wetland Preservation Restrictions, subject to the review of the Waukesha County Planning and Zoning Division Staff, must be added to the proposed Certified Survey Map.

The Planning and Zoning Division Staff believes that the project conforms to both the County Development Plan and the County Shoreland and Floodland Protection Ordinance. The wetlands on the site will be protected with the 75' wetland setback being depicted on the CSM, and as conditioned, preservation restrictions will be added to ensure protection.

Respectfully submitted,



Jason Fruth
Planning and Zoning Manager

Attachment: Exhibits "A", "B" and Map

EXHIBIT "A"

RECEIVED

DEC 02 2010

DEPT OF PARKS & LAND USE

STATE OF WISCONSIN VILLAGE OF SUMMIT WAUKESHA COUNTY

ORDINANCE NO. 4-2010

**AN ORDINANCE TO CONDITIONALLY REZONE AND AMEND THE
VILLAGE OF SUMMIT ZONING DISTRICT MAP
OF THE VILLAGE OF SUMMIT CODE
BY PLACING CERTAIN LANDS IN THE VILLAGE OF SUMMIT
FROM THE A-2 AGRICULTURAL DISTRICT (SECTION 235-42)
TO THE R-1 ESTATE RESIDENTIAL DISTRICT (SECTION 235-31).**

WHEREAS, a petition was filed by John and Laura Wickersham (hereinafter "PETITIONER"), as the owners of certain lands in the Village of Summit, to rezone certain property located at the Northeast corner of Genesee Lake Road and Golden Lake Road (C.T.H. "BB") with an address of 1208 Golden Lake Road in the Village of Summit, as further described herein and incorporated by reference as Exhibit A (the "Subject Property"); and

WHEREAS, said rezoning petition was submitted to rezone the Subject Property from A- 2 Agricultural District (Section 235-41 of the Village Code) to the R-1 Estate Residential District (Section 235-31 of the Village Code); and

WHEREAS, the Petitioner has supplied all required data pursuant to the Village Code, and a public hearing was conducted by the Village Plan Commission of the Village of Summit on October 21, 2010 as required by Section 235-80(B)(5) of the Village Code, upon due notice as required by Section 235-81 of the Village Code; and

WHEREAS, the Village Board of the Village 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 Village Code, will not be contrary to the public health, safety or general welfare of the Village 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 Village Board of the Village of Summit, Waukesha County, Wisconsin, DO ORDAIN as follows:

SECTION 1: The subject property is hereby rezoned to R-1, Estate Residential District, and the Zoning Map of the Village of Summit is hereby amended to change the zoning of the subject property from A-2 Agricultural District (Section 235-41 of the

Village Code) to the R-1, Estate Residential District (Section 235-31 of the Village Code) if the conditions stated in Section 2 of this ordinance are complied with.

SECTION 2: The above rezoning and zoning map amendment is conditioned upon the following conditions, which must be complied with or this ordinance is null and void:

- A. **SUBJECT TO PLAN PRESENTATION AND COMPLIANCE.** The Subject Property must be used in substantial conformity with the information presented at the public hearing on October 21, 2010, including, but not limited to: division into two parcels.
- B. **SUBJECT TO CERTIFIED SURVEY MAP.** Petitioner shall comply with all conditions of approval of the Certified Survey Map (CSM), if said approval is granted. The CSM shall be subject to the approval of the Village of Summit Village Plan Commission and Village Board. In addition, all terms and conditions of the Village of Summit Code shall be complied with in all respects, along with all applicable rules ordinances, statutes and other procedures related to said CSM, and subject to satisfying any conditions that may be imposed upon that land division, prior to this conditional rezoning ordinance being effective.
- C. **SUBJECT TO AGENCY APPROVALS.** Petitioner shall request and obtain approval from Waukesha County for a rezoning of the Waukesha County Shoreland and Floodland Protection Ordinance and comply with any and all conditions placed on that decision.
- D. **SUBJECT TO ADEQUATE SEPTIC SYSTEM.** Petitioner shall submit proof that each of the lots shown in the CSM has adequate soils to maintain an on-site septic system to the Village Administrator, subject to the Village Engineer's approval as to reliability of the information and form, and subject to such approval being granted by the Village Engineer prior to this conditional zoning ordinance being effective.
- E. **SUBJECT TO REIMBURSEMENT OF EXPENSES.** The Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, including any permit fees for applicable permits, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this rezoning ordinance, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
- F. **PAYMENT OF CHARGES.** Any unpaid bills owed to the Village by the Petitioner or Subject Property Owner or his or her tenants, operators or occupants, for a reimbursement of professional fees (and expenses) as described; or for personal property taxes; or for real property taxes; or for

licenses, permit fees or for any other fees owed to the Village; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Village, 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 Village, including possible cause for termination of the conditional approval.

- G. ONE YEAR TO SATISFY CONDITIONS. All of the aforementioned conditions must be satisfied within one year of the date of Village Board approval of this rezoning ordinance, unless extended by the Village of Summit Village Board, or this conditional rezoning ordinance shall be null and void.
- H. SUBJECT TO ACCEPTANCE. Subject to the Petitioner 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 property owner will therefore need to re-commence the application process.

SECTION 3. The Village Engineer is hereby authorized and directed to note this rezoning on the Official Zoning Map of the Village of Summit upon successful development of the subject property and satisfaction of all conditions in Section 2 of this ordinance.

SECTION 4. The property owner is hereby put on notice that the Village of Summit may rezone the lands or portions thereof subject to this conditional rezoning ordinance to A-2 Agricultural District if the conditions of this ordinance are not fully complied with.

SECTION 5. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance 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 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 _____ day of _____, 2010.

VILLAGE OF SUMMIT

Jack Riley, Village President

ATTEST:

Debra J. Schueler, Village Clerk

Published and posted this _____ day of _____, 2010.

APPROVAL OF PETITIONER

Dated this _____ day of _____, 2010.

APPROVAL OF SUBJECT PROPERTY OWNER

Dated this _____ day of _____, 2010.

SUBJECT PROPERTY OWNER

By: _____
Authorized Signatory

This instrument drafted by
John P. Macy, Village Attorney

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EXHIBIT "B"

BADGER
BLUEPRINT
COMPANY, INC.
(262) 542-8200

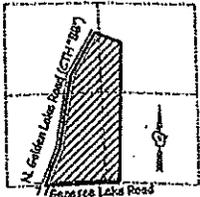
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DEC 02 2010

DEPT OF PARKS & LAND USE FORM B8C-101

CERTIFIED SURVEY MAP No. _____

Being a part of the NE 1/4 and SE 1/4 of the SE 1/4 of Section 19 and a part of the NW 1/4 and SW 1/4 of the SW 1/4 of Section 20, Township 7 North, Range 17 East, in the Village of Summit, Waukesha County, Wisconsin

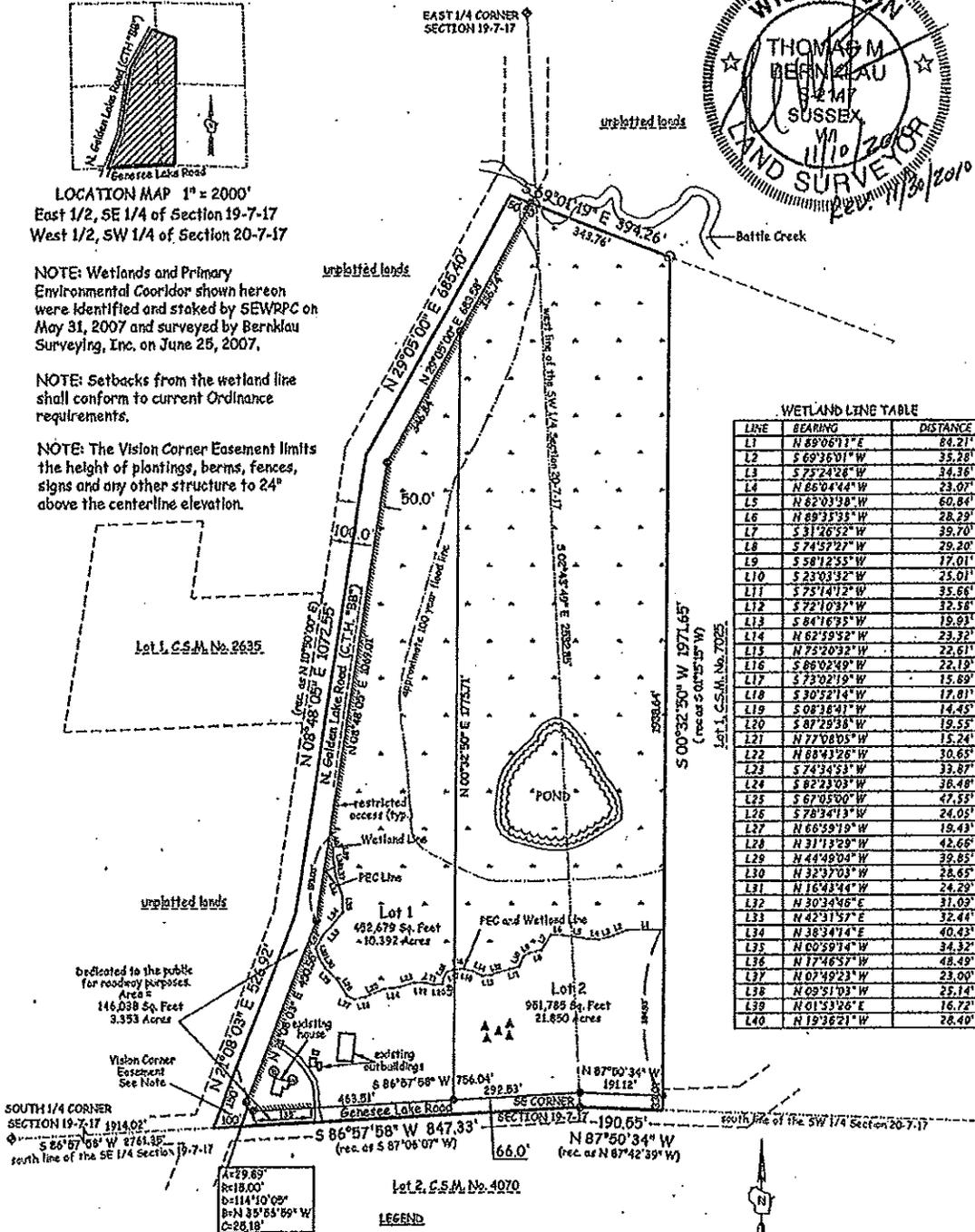
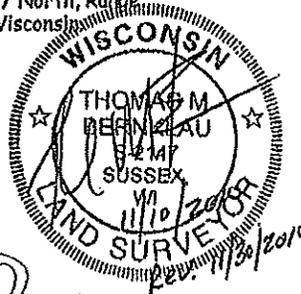


LOCATION MAP 1" = 2000'
East 1/2, SE 1/4 of Section 19-7-17
West 1/2, SW 1/4 of Section 20-7-17

NOTE: Wetlands and Primary Environmental Corridor shown hereon were identified and staked by SEWRPC on May 31, 2007 and surveyed by Bernklau Surveying, Inc. on June 25, 2007.

NOTE: Setbacks from the wetland line shall conform to current Ordinance requirements.

NOTE: The Vision Corner Easement limits the height of plantings, berms, fences, signs and any other structure to 24' above the centerline elevation.

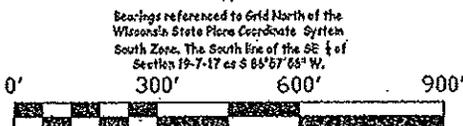


LINE	BEARING	DISTANCE
L1	N 89°06'11" E	84.21'
L2	S 69°36'01" W	35.28'
L3	S 73°24'28" W	34.36'
L4	N 66°04'44" W	23.07'
L5	N 82°03'38" W	60.84'
L6	N 89°35'31" W	28.29'
L7	S 31°26'52" W	39.70'
L8	S 74°57'27" W	29.20'
L9	S 58°12'55" W	17.01'
L10	S 23°03'32" W	25.01'
L11	S 75°14'12" W	35.66'
L12	S 72°10'37" W	32.58'
L13	S 84°16'35" W	19.91'
L14	N 62°59'32" W	23.32'
L15	N 75°20'32" W	22.61'
L16	S 66°02'49" W	22.19'
L17	S 73°02'19" W	15.69'
L18	S 30°52'14" W	17.01'
L19	S 08°36'41" W	14.45'
L20	S 87°29'38" W	19.55'
L21	N 77°08'05" W	15.24'
L22	N 68°43'26" W	30.65'
L23	S 74°34'53" W	33.87'
L24	S 82°23'03" W	36.46'
L25	S 67°05'00" W	47.55'
L26	S 78°34'13" W	24.05'
L27	N 66°39'19" W	19.43'
L28	N 31°13'29" W	42.66'
L29	N 44°48'04" W	39.85'
L30	N 32°37'03" W	28.65'
L31	N 16°34'44" W	24.29'
L32	N 30°34'46" E	31.09'
L33	N 42°31'57" E	32.44'
L34	N 38°34'14" E	40.43'
L35	N 60°59'14" W	34.32'
L36	N 17°46'57" W	48.49'
L37	N 07°49'23" W	23.00'
L38	N 09°51'03" W	25.14'
L39	N 01°33'26" E	16.72'
L40	N 19°36'21" W	28.40'

Prepared For:
John & Loree Wickersham
N54W37139 Yale Street
Oconomowoc, WI 53066

Bernklau Surveying, Inc.
1150 WAB64 Walnut Road
Sussex, WI 53089
(262) 542-8200
www.bernklausurveying.com

- LEGEND**
- A SOIL TEST PIT
 - 1" IRON PIPE FOUND
 - 3/4" REBAR SET (18" LONG, 1.50 Lbs./Lin. Ft.)
 - ⊕ CONC. MON. W/ BRASS CAP
 - ⊙ well
 - ⊙ septic tank cover



Bearings referenced to Grid North of the Wisconsin State Plane Coordinate System South Zone. The South line of the SE 1/4 of Section 19-7-17 is S 85°57'65" W.

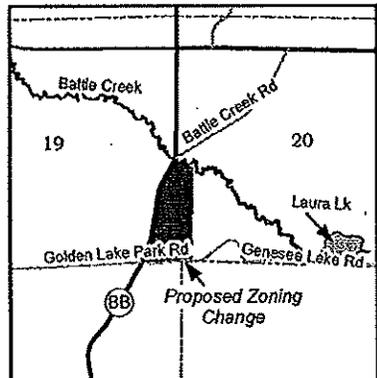
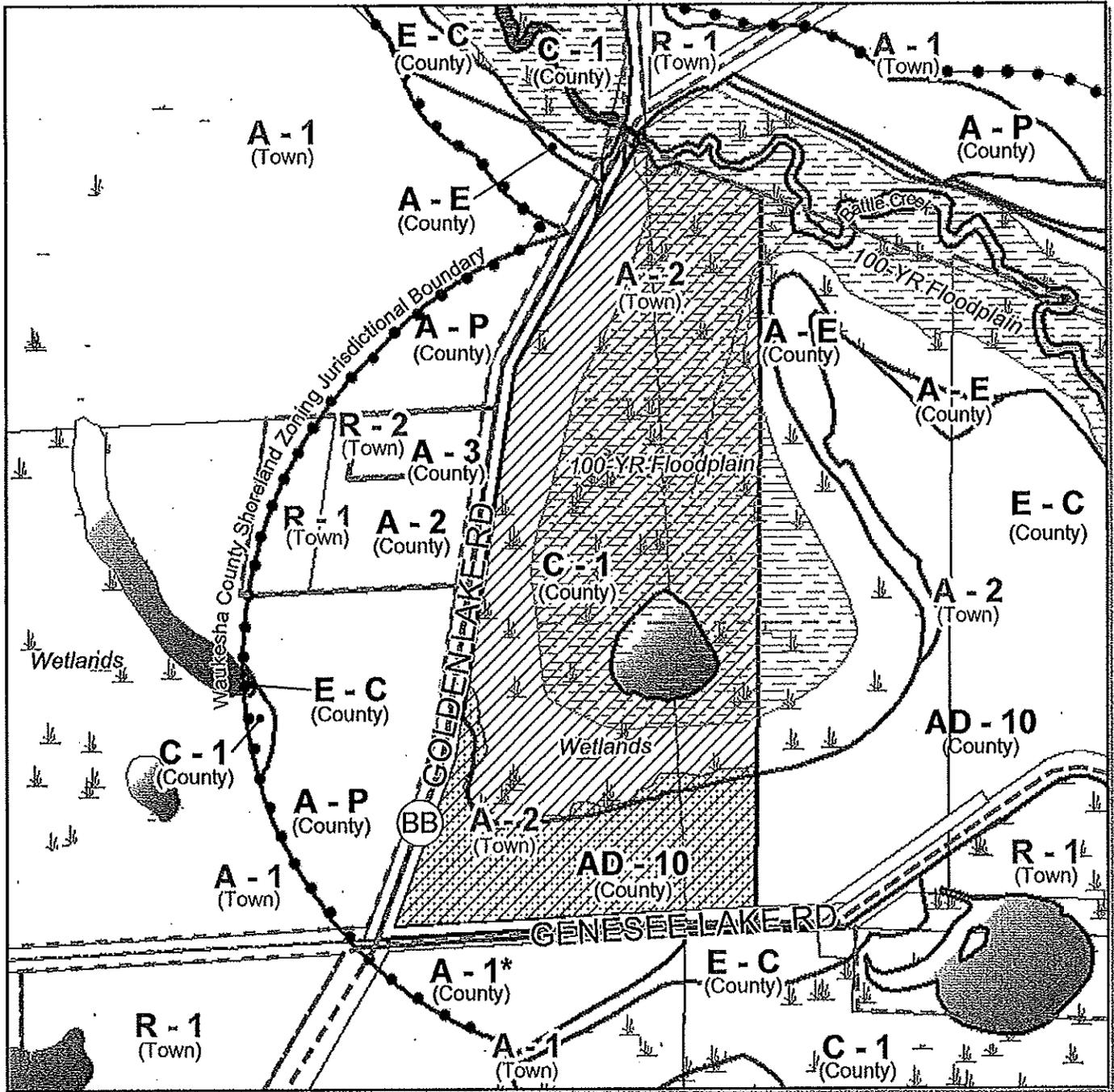
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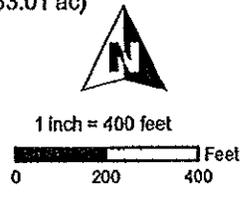
ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 19 & SW 1/4 OF SECTION 20
VILLAGE OF SUMMIT (T7N, R17E)



-  SHORELAND ZONING CHANGE FROM AD-10 AGRICULTURAL DENSITY - 10 DISTRICT TO A-5 MINI-FARM DISTRICT (7.09 ac)
-  LANDS ZONED C-1 CONSERVANCY DISTRICT WILL REMAIN UNCHANGED (25.92 ac)
-  VILLAGE ZONING CHANGE FROM A-2 AGRICULTURAL DISTRICT TO R-1 ESTATE RESIDENTIAL DISTRICT (33.01 ac)

FILE.....SVZ-1707
 DATE.....12/9/10
 AREA OF CHANGE.....33.01 ACRES
 TAX KEY NUMBER.....SUMT 0652.995.001



Prepared by the Waukesha County Department of Parks and Land Use

165-0-080

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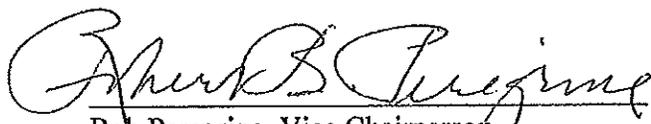
COMMISSION ACTION

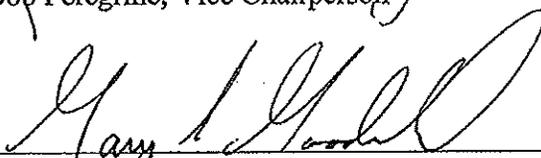
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of (SVZ-1707 – John and Laura Wickersham) in accordance with the attached “Staff Report and Recommendation.”

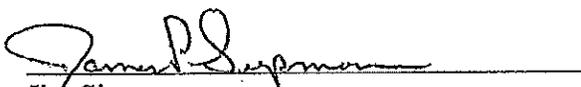
PARK AND PLANNING COMMISSION

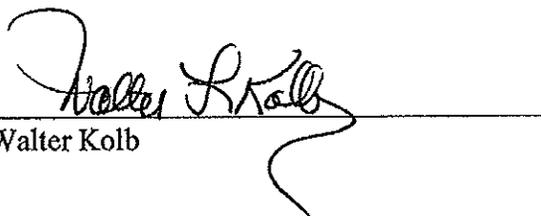
December 9, 2010

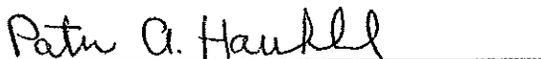

William Mitchell, Chairperson


Bob Peregrine, Vice Chairperson


Gary Goodchild


Jim Siepmann


Walter Kolb


Pat Haukohl


Fritz Ruf

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/25/10

(ORD) NUMBER-1650080

1 D. FALSTAD.....AYE
3 R. HUTTON.....AYE
5 J. JESKEWITZ.....AYE
7 P. HAUKOHL.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....
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. YENKE.....AYE

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

TOTAL AYES-22

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-22