

ENROLLED ORDINANCE 163-56

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 23, T7N, R17E, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME, AD-10 AGRICULTURAL DENSITY-10 AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE A-2 AGRICULTURAL DISTRICT-2 (TOWN) TO THE R-1 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE R-1 ESTATE RESIDENTIAL DISTRICT (TOWN) (SZT-1678)

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 NW ¼ of Section 23, T7N, R17E, Town of Summit, from the A-2 Rural Home, AD-10 Agricultural Density-10 and C-1 Conservancy Districts (County) and the A-2 Agricultural District-2 (Town) to the R-1 Residential and C-1 Conservancy Districts (County) and the R-1 Estate Residential 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-1678) subject to the following conditions:

1. SUBJECT TO PLAN PRESENTATION AND COMPLIANCE. The Subject Property must be reconfigured by Certified Survey Map in substantial conformity with the information presented at the public hearing on August 14, 2008. The Petitioner shall submit a Certified Survey Map to the Town of Summit pursuant to all applicable provisions of the Town Code of the Town of Summit that is in substantial conformity with the information presented at the public hearing on August 14, 2008 and obtain approval of the same.
2. 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 Town of Summit Town Plan Commission and Town Board. In addition, all terms and conditions of the Town 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.
3. SUBJECT TO AGENCY APPROVALS. Petitioner shall request and be granted 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.

4. **SUBJECT TO REGULATORY COMPLIANCE.** Petitioner and Owner shall fully comply with all Town, Waukesha County, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises as determined by Town Staff.
5. **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 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.
6. **SUBJECT TO EASEMENT.** Petitioner shall submit an easement to the Town Manager/Planner for the thirty-foot wide private road easement permitting Lot 4 on the Certified Survey Map to be accessed via Timber Trail Lane as set forth in Document #12282672. Said easement shall grant access rights to the adjacent property to the west to access the private road. Said easement shall be in recordable form and must be approved by the Town Attorney prior to this conditional zoning ordinance being effective. In conjunction with said approval, Petitioner shall demonstrate to the satisfaction of the Town Attorney that all properties currently benefiting from the existing easement will retain road access via the thirty-foot wide private road easement.
7. **SATISFACTION OF THE TOWN ENGINEER.** Petitioner shall satisfy all the comments, conditions and concerns of the Town Engineer, if any, regarding the Petitioner's application and all documents provided by Petitioner under this Ordinance prior to this conditional zoning ordinance being effective.
8. **NO FURTHER REDIVISION.** No lot or outlot shall be further divided absent the express written approval of the Town Board of the Town of Summit. No new lots or outlots shall be created absent the express written approval of the Town Board of the Town of Summit. No lot line or outlot line shall be adjusted or reconfigured in any way absent the express written approval of the Town Board of the Town of Summit or unless otherwise expressly authorized by law.
9. **SUBJECT TO REIMBURSEMENT OF EXPENSES.** Petitioner shall pay all fees, costs, and assessments due and owing to the Town of Summit, including any permit fees for applicable permits, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Town 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.
10. **PAYMENT OF CHARGES.** Any unpaid bills owed to the Town 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 Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this Conditional

Rezoning Ordinance, that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

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

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

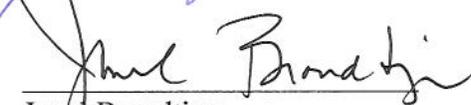
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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 23, T7N, R17E, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME, AD-10 AGRICULTURAL DENSITY-10 AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE A-2 AGRICULTURAL DISTRICT-2 (TOWN) TO THE R-1 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE R-1 ESTATE RESIDENTIAL DISTRICT (TOWN) (SZT-1678)

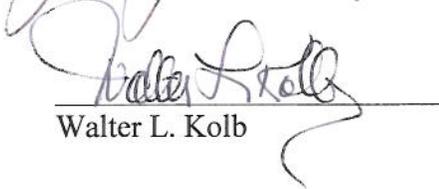
Presented by:
Land Use, Parks, and Environment Committee


Fritz Ruf, Chair


Janet Brandtjen


Robert Hutton

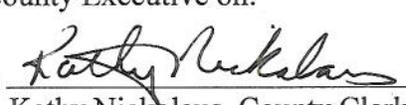

James Jeskewitz


Walter L. Kolb

Absent
Ted Rolfs

Absent
Gilbert W. Yerke

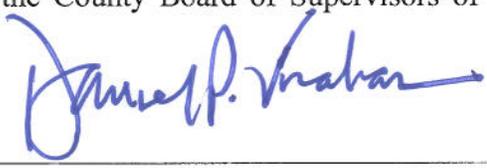
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 11-14-08, 
Kathy Nickolaus, County Clerk

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

Approved: X

Vetoed: _____

Date: 11-17-08, 
Daniel P. Vrakas, County Executive

163-O-058

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/12/08

(ORD) NUMBER-1630058

1 D. FALSTAD.....AYE
 3 R. HUTTON.....AYE
 5 J. JESKEWITZ.....AYE
 7 P. HAUKOHL.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 J. BEHREND.....AYE
 15 P. MEYERS.....AYE
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....AYE
 23 J. PLEDL.....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 B. MORRIS.....AYE
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....AYE
 20 P. JASKE.....AYE
 22 P. GUNDRUM.....AYE
 24 W. KOLB.....AYE

TOTAL AYES-25

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-25

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

FILE NO.: SZT-1678

TAX KEY NO.'S: SUMT 0666.996.001, SUMT 0666.994

DATE: October 16, 2008

PETITIONER AND OWNER: James Siepmann
Siepmann Family Properties
W240 N1221 Pewaukee Rd.
Waukesha, WI 53188

LOCATION:

Part of the NW ¼ of Section 23, T7N, R17E, Town of Summit. More specifically, the properties are located immediately south of C.T.H. "DR" and to either side of Timber Trail Lane. The properties consist of approximately 19 acres.

PRESENT ZONING:

A-2 Rural Home, AD-10 Agricultural Density-10 and C-1 Conservancy Districts (County Shoreland) and A-2 Agricultural District-2 (Town).

PRESENT LAND USE:

Vacant lands, agricultural acreage and outbuilding to the west of Timber Trail Lane, single-family residence to the east of Timber Trail Lane.

PROPOSED ZONING:

R-1 Residential District with lands zoned C-1 Conservancy District to remain unchanged (County Shoreland) and R-1 Estate Residential District.

PROPOSED LAND USE:

Reconfiguration of parcel boundaries that would allow for a 7.5-acre parcel to contain an existing house and outbuilding. The balance of the acreage that is subject to the request would be retained in a 9.5 acre parcel for a potential future expansion of a proposed residential subdivision immediately west of the subject lands and a 1.2 acre outlot that would allow for a future potential public road along the existing Timber Trail private road alignment.

PUBLIC HEARING DATE: August 14, 2008.

PUBLIC REACTION:

One neighboring property owner asked a question about permissible lot sizes within the R-1 zoning district.

TOWN PLAN COMMISSION AND TOWN BOARD ACTIONS:

The Town of Summit Plan Commission recommended conditional approval of the rezoning request to the Town Board at their meeting of September 18, 2008. On October 2, 2008, the Town of Summit Board voted to conditionally approve the rezoning request in accordance with the recommendation of the Plan

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Commission (see Exhibit "A"). The Town conditioned their approval of the rezoning upon the property being divided by Certified Survey Map in a configuration that is consistent with the layout presented in the application. In addition, the Town conditioned that an easement document for the private road serving the development and neighboring properties must be submitted to the Town for review and approval.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF SUMMIT LAND USE PLAN:

The Waukesha County Development Plan designates the lands in the Suburban Density I Residential category, which permits density of 1.5 to 2.9 acres per dwelling unit. The Town of Summit Land Use Plan calls for Single Family Residential Density (2.4 acres per dwelling unit). The proposal would allow for the acreage to be reconfigured as part of two (2) Certified Survey Maps (CSMs) that would result in five (5) total parcels. Specifically, the subject acreage to be rezoned encompasses proposed Lots 3 and 4 of the CSM identified as Exhibit "B". The proposal would yield a density of nearly nine (9) acres per dwelling unit for the subject acreage to be rezoned, which is consistent with both plans. It should be noted that the conceptual layout for the re-division of Lot 4 in the future would require that a density restriction be applied to Lot 3 to enable the creation of four additional lots in order to comply with the Town Plan density parameters.

STAFF ANALYSIS:

The proposed rezoning request has been filed in conjunction with two (2) CSMs for the subject lands (See Exhibits "B" and "C"). The petitioner has filed this petition at the request of the Town so that no one resultant parcel will have multiple residential zoning designations. The proposed CSMs encompass approximately 30 acres owned by three separate parties: James and Mary Siepman, Truman and Barbara Schultz and Siepman Family Properties. The lands that are included in the CSM are located south of C.T.H. "DR" and contain frontage on the west shore of Crooked Lake. The lands are accessed by a private road, Timber Trail Lane, that bisects the acreage that is to be divided. The proposed division will make the property (Lot 3 on Exhibit "B") that Mr. and Mrs. Siepman's house sits upon larger, while also providing frontage on Crooked Lake for the reconfigured Schultz property (Lot 1 on Exhibit "B"). The proposed Lot 4 on Exhibit "B" would be created in a configuration that would allow for a future potential addition to the proposed Brightwater on Upper Genesee Lake subdivision immediately to the west. The three (3) resultant parcels with lake frontage would all comply with minimum frontage and acreage requirements for lakefront lots. Primary Environmental Corridor, wetland and floodplain preservation restrictions have been placed upon the CSM to ensure protection of natural resources along the Crooked Lake shoreline. It should be noted that Lots 1, 2 and 3 all contain existing residential structures, and no further improvements are being proposed at this time. A second CSM is proposed to create a small outlot that could accommodate a future potential conversion of Timber Trail Lane to a public road because a single CSM cannot include more than four (4) parcels per State statutory requirements.

The zoning change would result in Lots 3 and 4 being zoned R-1 under both the Town and County Zoning Codes. Both proposed parcels would comply with the minimum lot size requirements of the County Shoreland Ordinance (one (1) acre) and the Town's zoning code (130,000 square feet). Proposed Lots 1 and 2 (of Exhibit "B") to the east of Timber Trail are not part of the rezoning request and will remain zoned A-2 Rural Home District under the County Shoreland Ordinance and R-1 Estate Residential District under the Town Zoning Code. The east portion of proposed Lot 3 is already zoned R-1 under the Town's zoning code, and the west part of the proposed lot is proposed to be rezoned to R-1 to match this designation.

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The petitioner did submit a conceptual layout (see Exhibit "D") for how the proposed Lot 4 might be further subdivided in the future. Such a further division would likely occur by Planned Unit Development and would allow for an extension of a stubbed street from the west property boundary that is within the proposed Brightwater on Upper Genesee Lake subdivision being developed by Siepmann Realty and the Kenehan Family. Such a road extension would require the upgrade of Timber Trail Lane to a public right-of-way. As part of their action on the rezoning, the Town has conditioned that an easement be created to provide Lot 4 access rights to Timber Trail Lane and that documentation be provided verifying that all other properties that access Timber Trail Lane will continue to have access to the 30-foot private road easement. The Waukesha County Department of Public Works, in their review of the CSM, has required that when Lot 4 is further divided, the driveway providing access from Lot 1, as shown on Exhibit "B", to C.T.H. "DR" must be relocated to the new public road. Lots 2 and 3 were previously authorized by Waukesha County as lots not abutting a public road.

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 the Town of Summit, as set forth in the attached Ordinance No. 281-08 (see Exhibit "A") shall be an integral part of this approval.
2. An easement document must be presented to the Waukesha County Planning and Zoning Division verifying that all proposed parcels and all existing neighboring properties will continue to have access to and across a Timber Trail Lane private road easement and the proposed Outlot 1 until such time as Timber Trail Lane is dedicated and improved as a public roadway.

Staff believes that, as conditioned, the rezoning request will allow the petitioner to divide the property in an orderly fashion, while preserving adequate access to the private roadway for all affected properties. Furthermore, the proposed development is consistent with the density parameters of both the Town and County Development Plans.

Respectfully submitted,



Jason Fruth
Senior Planner

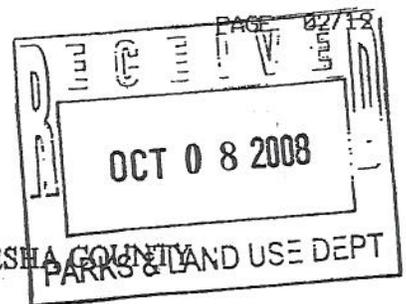
Attachment: Exhibits "A", "B", "C", "D" and Map

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163-0-058

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EXHIBIT "A"



STATE OF WISCONSIN TOWN OF SUMMIT WAUKESHA COUNTY PARKS & LAND USE DEPT

ORDINANCE NO. 281-08

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-2 AGRICULTURAL DISTRICT (SECTION 235-42)
TO THE R-1 ESTATE RESIDENTIAL DISTRICT (SECTION 235-31).

WHEREAS, a petition was filed on July 2, 2008 by James P. Siepmann, as agent for the Siepmann Family Properties, LLC, (hereinafter "PETITIONER"), as the owner of certain lands in the Town of Summit, to rezone certain property southwest of the intersection of Timber Trail and CTH DR (Delafield Road) in the Town of Summit, as further described herein and incorporated by reference as Exhibit A (the "Subject Property"); and

WHEREAS, the rezoning of the Subject Property has been requested in conjunction with a reconfiguration of four existing lots; and

WHEREAS, the aforementioned four existing lots have long-standing easement and access issues that have resulted from the lots having utilized a private easement for access; and

WHEREAS, the proposed reconfiguration of said lots will improve the access for multiple properties through the creation of a private road; and

WHEREAS, although no additional lots will be created by the aforementioned reconfiguration, upon conclusion the Subject Property will be reduced to a size that does not meet the existing A-2 Agricultural District requirements and therefore, the requested rezoning will avoid creation of lots that do not comply with existing zoning; and

WHEREAS, James and Mary Siepmann currently own approximately 3.1 acres of land immediately adjacent to the Subject Property, and these 3.1 acres include the private drive known as Timber Trail Lane; and

WHEREAS, Timber Trail Lane is a private driveway providing access to Delafield Road (CTH DR) for approximately six properties, and is proposed to be the roadway access for Subject Property following approval of the rezoning petition; and

WHEREAS, said rezoning petition was submitted to rezone the subject property from A- 2 Agricultural District (Section 235-42 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 August 14, 2008 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, Timber Trail Lane will be converted as some time in the future to a public road at the intersection of Delafield Road (CTH DR) and approximately 200 feet south; and

WHEREAS, James and Mary Siepmann and property owners served by Timber Trail Lane desire to maintain Timber Trail Lane as a private driveway until such time as the road is used for additional development on Subject Property; and

WHEREAS, the additional development proposed for Subject Property is for four single-family lots and reconfiguration of the private driveway known as Timber Trail, as presented at the public hearing on August 14, 2008; 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 rezoned to R-1, Estate Residential District, and the Zoning Map of the Town of Summit is hereby amended to change the zoning of the subject property from A-2 Agricultural District (Section 235-42 of the Town Code) to the R-1, Estate Residential District (Section 235-31 of the Town 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 reconfigured by Certified Survey Map in substantial conformity with the information presented at the public hearing on August 14,

2008. The Petitioner shall submit a Certified Survey Map to the Town of Summit pursuant to all applicable provisions of the Town Code of the Town of Summit that is in substantial conformity with the information presented at the public hearing on August 14, 2008 and obtain approval of the same.

- 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 Town of Summit Town Plan Commission and Town Board. In addition, all terms and conditions of the Town 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 be granted 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 REGULATORY COMPLIANCE.** Petitioner and Owner shall fully comply with all Town, Waukesha County, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises as determined by Town Staff.
- E. **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 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.
- F. **SUBJECT TO EASEMENT.** The Petitioner shall submit an easement to the Town Manager/Planner for the thirty-foot wide private road easement permitting Lot 4 on the Certified Survey Map to be accessed via Timber Trail Lane as set forth in Document #12282672. Said easement shall grant access rights to the adjacent property to the west to access the private road. Said easement shall be in recordable form and must be approved by the Town Attorney prior to this conditional zoning ordinance being effective. In conjunction with said approval, Petitioner shall demonstrate to the satisfaction of the Town Attorney that all properties currently benefiting from the existing easement will retain road access via the thirty-foot wide private road easement.

- G. **SATISFACTION OF THE TOWN ENGINEER.** The Petitioner shall satisfy all the comments, conditions and concerns of the Town Engineer, if any, regarding the Petitioner's application and all documents provided by Petitioner under this Ordinance prior to this conditional zoning ordinance being effective.
- H. **NO FURTHER REDIVISION.** No lot or outlot shall be further divided absent the express written approval of the Town Board of the Town of Summit. No new lots or outlots shall be created absent the express written approval of the Town Board of the Town of Summit. No lot line or outlot line shall be adjusted or reconfigured in any way absent the express written approval of the Town Board of the Town of Summit or unless otherwise expressly authorized by law.
- I. **SUBJECT TO REIMBURSEMENT OF EXPENSES.** The Petitioner shall pay all fees, costs, and assessments due and owing to the Town of Summit, including any permit fees for applicable permits, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Town 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.
- J. **PAYMENT OF CHARGES.** Any unpaid bills owed to the Town 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 Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this Conditional Rezoning Ordinance, that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.
- K. **ONE YEAR TO SATISFY CONDITIONS.** All of the aforementioned conditions must be satisfied within one year of the date of Town Board approval of this conditional rezoning ordinance, unless extended by the Town of Summit Town Board, or the conditional rezoning ordinance shall be null and void.
- L. **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 Petitioner will therefore need to re-commence the application process.

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

SECTION 4. The Petitioner is hereby put on notice that the Town 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 of 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 2nd day of October, 2008.

TOWN OF SUMMIT

Leonard J. Susa
Leonard Susa, Town Chair

ATTEST:

Debra J. Schueler
Debra J. Schueler, Town Clerk

Published and posted this _____ day of _____, 2008.

APPROVAL OF PETITIONER

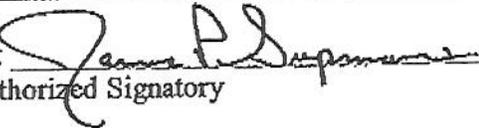
Dated this 7 day of OCTOBER, 2008

APPROVAL OF PETITIONER

Dated this 7 day of OCTOBER, 2008

PETITIONER

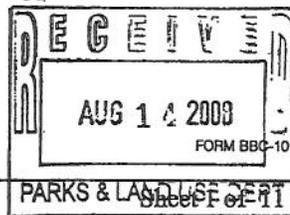
SIEPMANN FAMILY PROPERTIES, LLC

By: 
Authorized Signatory

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

EXHIBIT "B"

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



CERTIFIED SURVEY MAP NO. _____

PARKS & LANDS DEPT
Sheet F of 11

Being a redivision of Lot 1 of Certified Survey Map No. 4277 and being a Part of the NW 1/4, SW 1/4, SE 1/4 and NE 1/4 of the NW 1/4 of Section 23, Town 7 North, Range 17 East, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

SURVEYOR/ENGINEER:

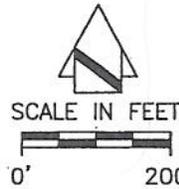
JOHN R. STIGLER
JAHNKE & JAHNKE ASSOC., INC.
711 WEST MORELAND BLVD.
WAUKESHA, WI. 53188-2479
PHONE: 262-542-5797

OWNERS:

BLTS INVEST LLC
SIEPMANN FAMILY PROPERTIES, LLC
JAMES P. & MARY SUE SIEPMANN

LEGEND:

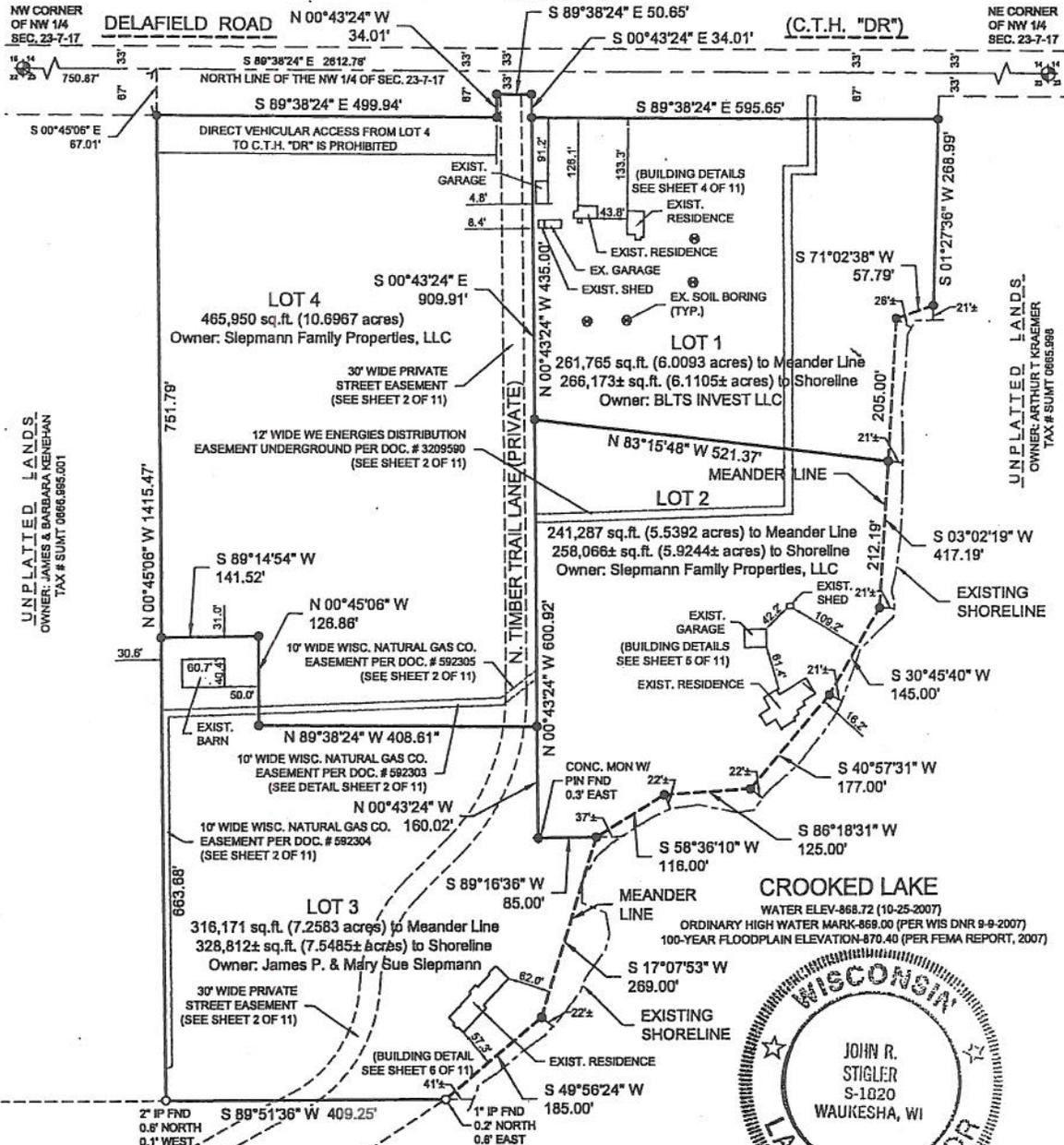
- IRON PIPE 18" x 1" DIA. (PLACED)
1.13+ LBS. PER LIN. FT.
- IRON PIPE (FOUND)
- ◆-CONC. MON. W/ PIN (FOUND)



NOTE: SEE SHEET 7 FOR ADDITIONAL NOTES.

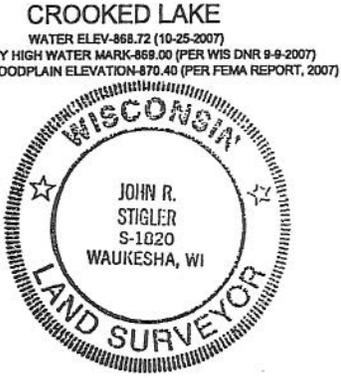
OUTLOT 1 C.S.M. NO. 10452

OWNER: PABST FARMS LAND COMPANY C LLC & AURORA HEALTH CARE INC
TAX # SUMT 0636.992

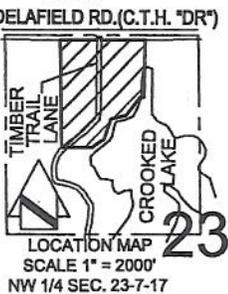


UNPLATTED LANDS
OWNER: JAMES & BARBARA KENEHAN
TAX # SUMT 0666.995.001

UNPLATTED LANDS
OWNER: ARTHUR KRASNER
TAX # SUMT 0665.990



LOT 2 C.S.M. NO. 4277
OWNER: RICHARD & P BUDNIK
TAX # SUMT 0666.994.001



REFERENCE BEARING: THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23, TOWN 7 NORTH, RANGE 17 EAST WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF SOUTH 89°38'24" EAST PER THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE).

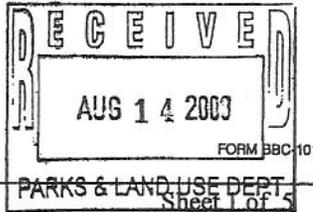
FILE NAME: S5788CSM.DWG
P.S. SUMMIT 488

John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
DATED THIS 28th DAY OF March, 2008
REVISED THIS 24th DAY OF July, 2008
REVISED THIS 13th DAY OF August, 2008
INSTRUMENT DRAFTED BY JOHN R. STIGLER

163-0-058

EXHIBIT "C"

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



CERTIFIED SURVEY MAP NO.

Being a redivision of Lot 4 of Certified Survey Map No. _____ and being a Part of the NW 1/4 of the NW 1/4 of Section 23, Town 7 North, Range 17 East, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

SURVEYOR/ENGINEER:
JOHN R. STIGLER
JAHNKE & JAHNKE ASSOC., INC.
711 WEST MORELAND BLVD.
WAUKESHA, WI. 53188-2479
PHONE: 262-542-5797

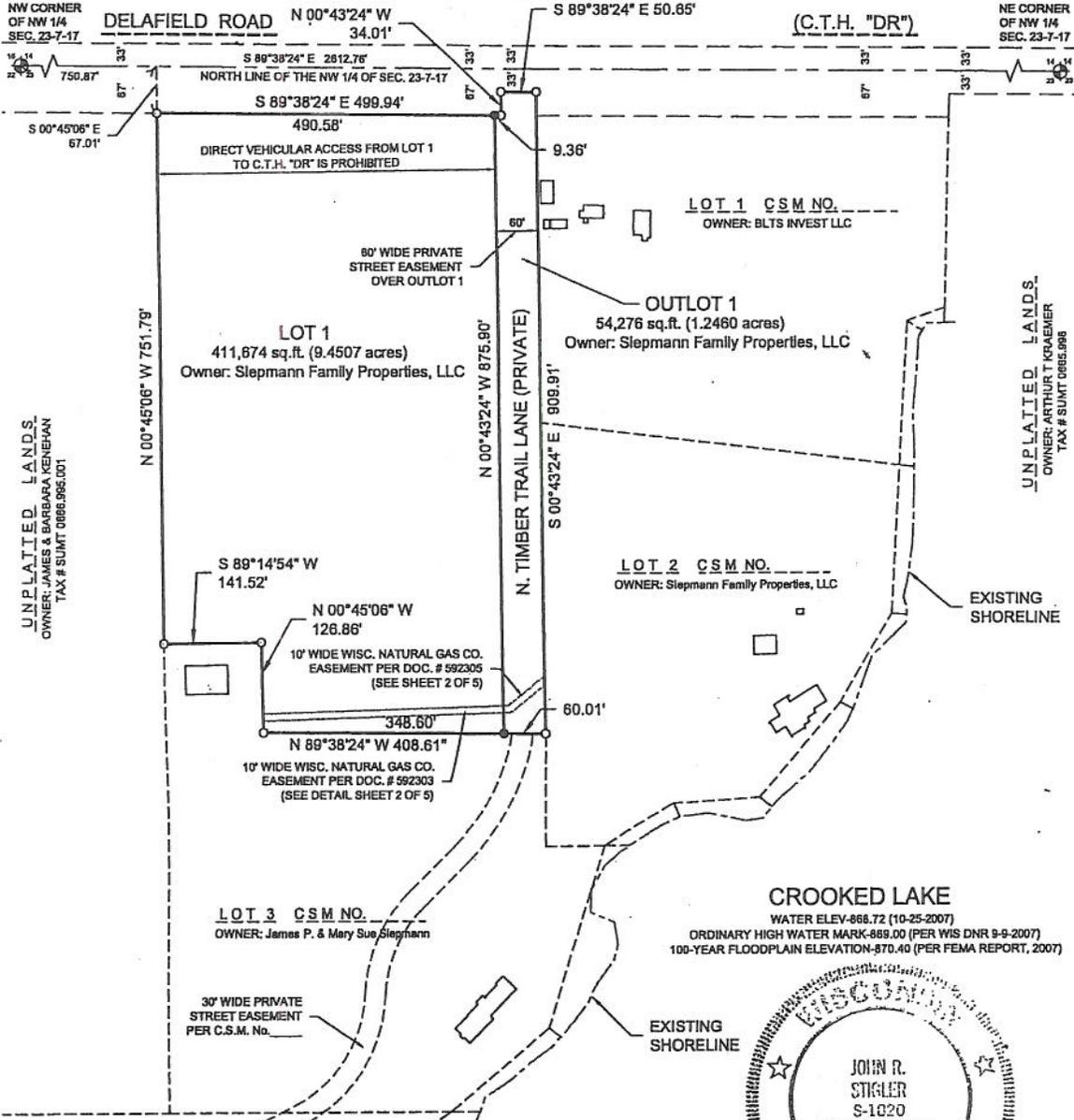
OWNER:
SIEPMANN FAMILY PROPERTIES, LLC

LEGEND:
●-IRON PIPE 18" x 1" DIA. (PLACED)
1.13+ LBS. PER LIN. FT.
○-IRON PIPE (FOUND)



NOTE: SEE SHEET 2 FOR ADDITIONAL NOTES.

OUTLOT 1 CSM NO. 10452
OWNER: PABST FARMS LAND COMPANY C LLC & AURORA HEALTH CARE INC
TAX # SUMT 0639.992



UNPLATTED LANDS.
OWNER: JAMES & BARBARA KENEHAN
TAX # SUMT 0669.995.001

UNPLATTED LANDS.
OWNER: ARTHUR T. KRAEMER
TAX # SUMT 0665.998

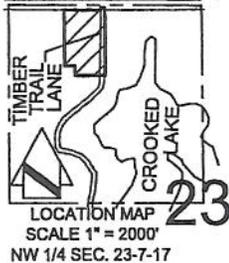
CROOKED LAKE
WATER ELEV-666.72 (10-25-2007)
ORDINARY HIGH WATER MARK-669.00 (PER WIS DNR 9-9-2007)
100-YEAR FLOODPLAIN ELEVATION-670.40 (PER FEMA REPORT, 2007)



LOT 2 CSM NO. 4277
OWNER: RICHARD & P. BUDNIK
TAX # SUMT 0666.994.001

REFERENCE BEARING: THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23, TOWN 7 NORTH, RANGE 17 EAST WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF SOUTH 89°38'24" EAST PER THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE).

DELAFIELD RD. (C.T.H. "DR")



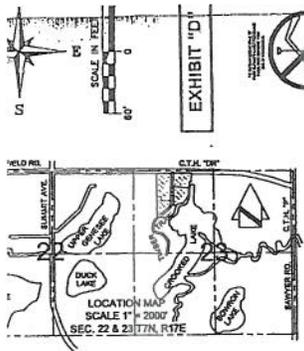
FILE NAME: S5768CSM2.DWG
P.S. SUMMIT 489

John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
DATED THIS 13th DAY OF August, 2008

INSTRUMENT DRAFTED BY JOHN R. STIGLER

163-0-058

15



LEGEND

- REG. COR. MONUMENT
- IRON PIPE FOUND
- SEPTIC VENT
- SEPTIC COVER
- ORDINARY HIGH WATERLINE
- PRIMARY ENVIRONMENTAL CORRIDOR
- WETLAND LINE
- FENCE LINE

NOTES: The boundaries of the subject property have been determined by a survey conducted by the undersigned on or about 10/15/2017. The survey was conducted in accordance with the Wisconsin Statutes, Chapter Trans. 19.01, and the Wisconsin Board of Surveyors, Chapter Trans. 19.02. The survey was conducted in accordance with the Wisconsin Statutes, Chapter Trans. 19.01, and the Wisconsin Board of Surveyors, Chapter Trans. 19.02. The survey was conducted in accordance with the Wisconsin Statutes, Chapter Trans. 19.01, and the Wisconsin Board of Surveyors, Chapter Trans. 19.02.

Additional Note: The north line of the Northwest Quarter (NW 1/4) of Section 23, Town 7 North, Range 17 East was used as the reference bearing and the south line of Section 23, Town 7 North, Range 17 East was used as the reference bearing and the east line of Section 23, Town 7 North, Range 17 East was used as the reference bearing.

Additional Note: The south line of the Northwest Quarter (NW 1/4) of Section 23, Town 7 North, Range 17 East was used as the reference bearing and the south line of Section 23, Town 7 North, Range 17 East was used as the reference bearing and the east line of Section 23, Town 7 North, Range 17 East was used as the reference bearing.

ULTIMATE BUILDOUT
 RE. SIEPMANN / SCHULTZ PROPERTIES
 PART OF THE NW 1/4 OF SEC 23, T.7N., R.17E.
 TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN.

JAHNKE & JAHNKE ASSOCIATES, INC.
 PLANNING & PROFESSIONAL ENGINEERS
 711 W. HORTLAND BLVD., WAUKESHA, WI 53186
 (262) 531-2277 FAX (262) 531-2278
 WAUKESHA, WI 53186
 DATE: 10/15/2017
 JOB NO. 163-0-058
 SHEET 1 OF 1

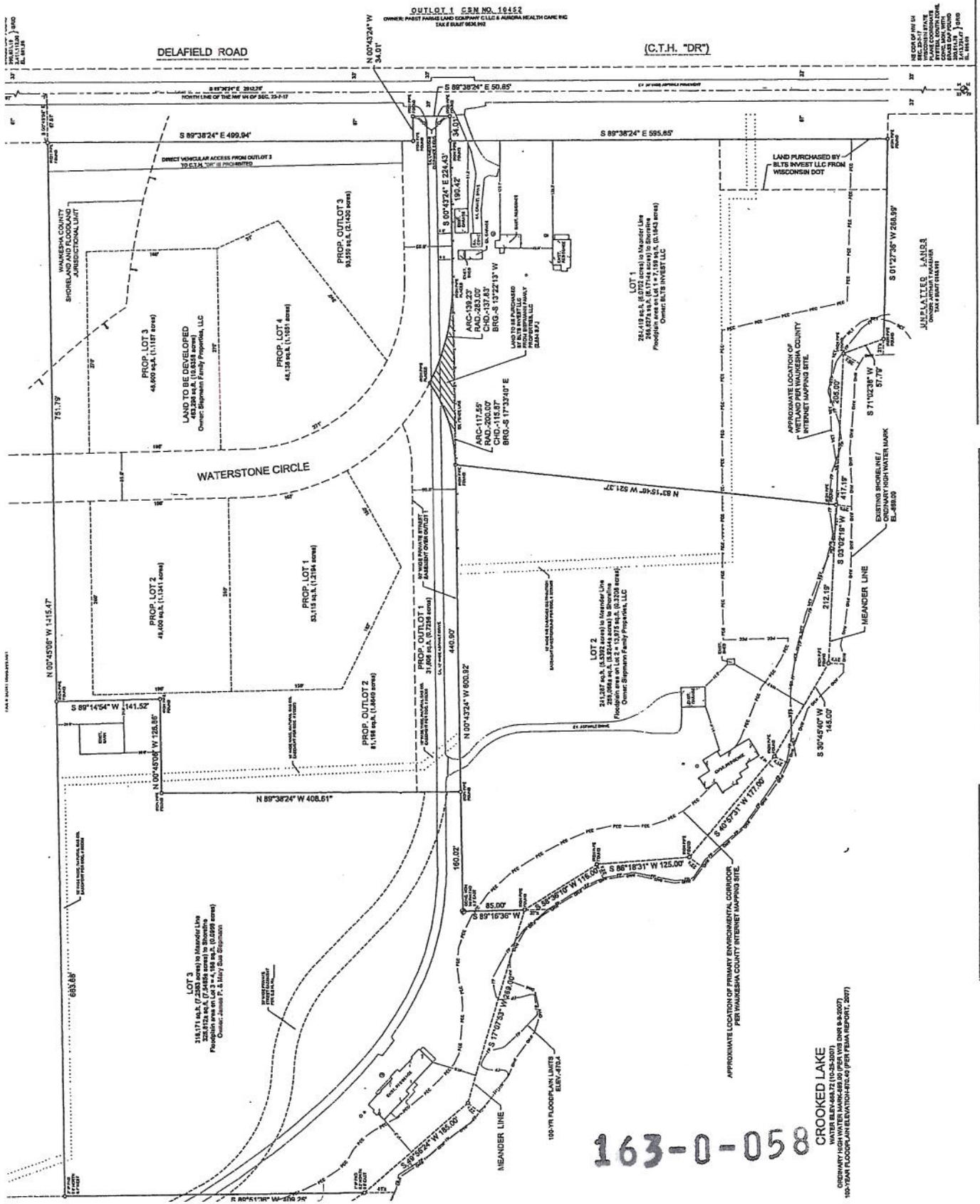


EXHIBIT "D"

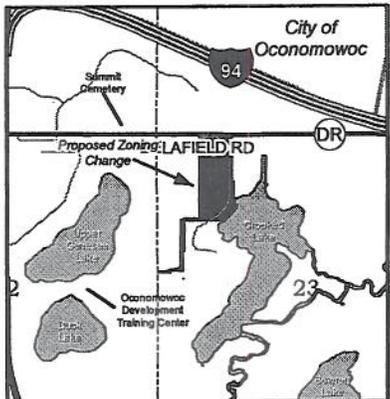
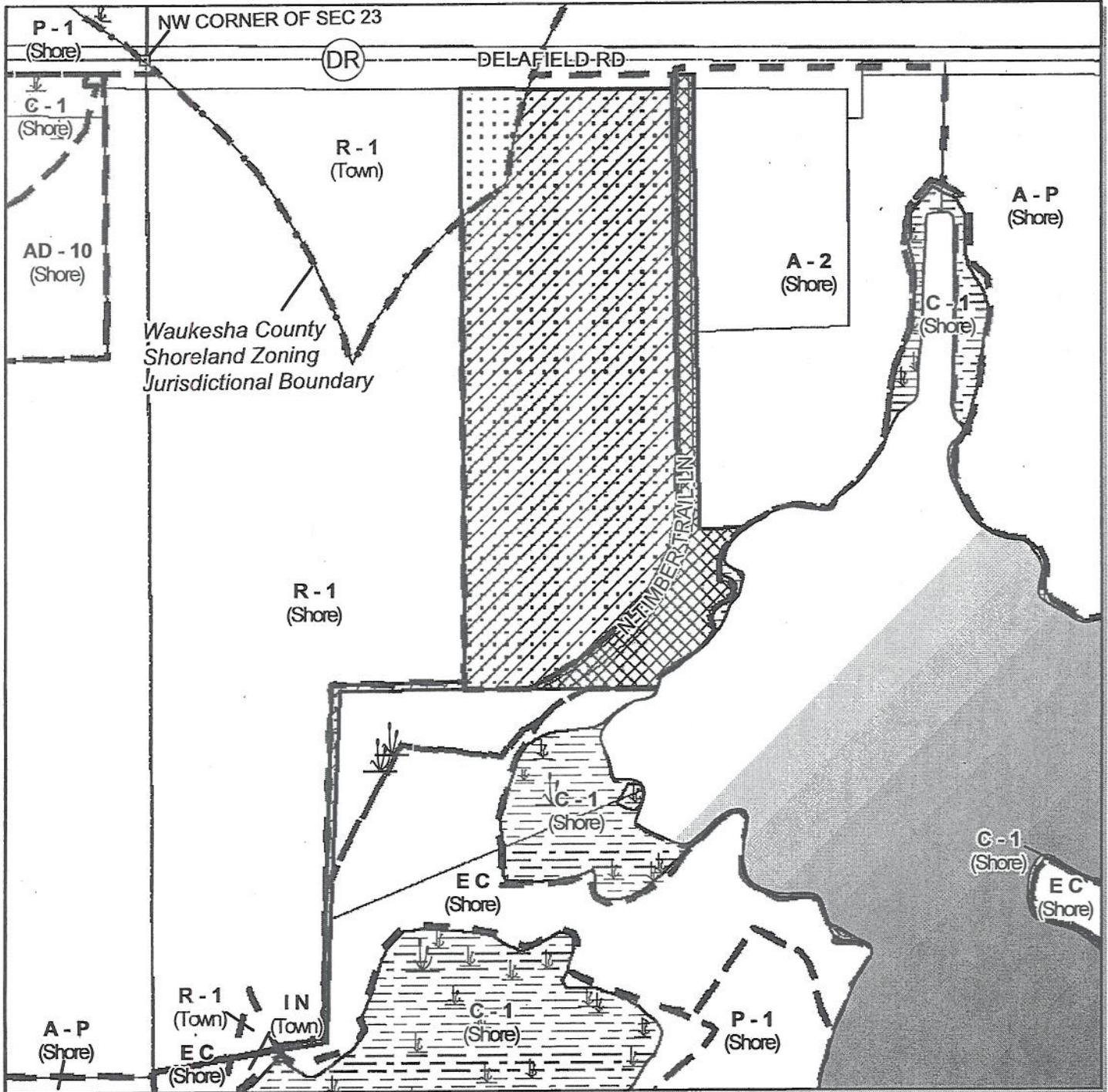
163-0-058

CROOKED LAKE
 WATER BOUNDARY (100-YR FLOODPLAIN) (DNR 8.8.2007)
 100-YR FLOODPLAIN ELEVATION: 470.40 (PER FEMA REPORT, 2007)

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ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 23
TOWN OF SUMMIT



-  SHORELAND ZONING CHANGE FROM AD-10 AGRICULTURAL DENSITY-10 DISTRICT TO R-1 RESIDENTIAL DISTRICT (14.95 AC)
-  SHORELAND ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO R-1 RESIDENTIAL DISTRICT (3.02 AC)
-  TOWN ZONING CHANGE FROM A-2 AGRICULTURAL DISTRICT-2 TO R-1 ESTATE RESIDENTIAL DISTRICT (15.7 AC)

FILE.....SZT-1678
 DATE.....10-16-08
 AREA OF CHANGE.....18.72 ACRES
 TAX KEY NUMBER.....SUMT 0666.996.001 &
 SUMT 0666.994

1 inch = 350 feet




Prepared by the Waukesha County
Department of Parks and Land Use

163-0-058