

ENROLLED ORDINANCE 162-98

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, FROM THE R-3 RESIDENTIAL, B-2 LOCAL BUSINESS AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE NC NEIGHBORHOOD COMMERCIAL AND MF-2 MULTI-FAMILY RESIDENTIAL DISTRICTS WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT (TOWN) TO THE P-I PUBLIC AND INSTITUTIONAL AND B-2 LOCAL BUSINESS DISTRICTS WITH OTHER LANDS TO REMAIN ZONED R-3 RESIDENTIAL, B-2 LOCAL BUSINESS AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE NC NEIGHBORHOOD COMMERCIAL AND MF-2 MULTI-FAMILY RESIDENTIAL DISTRICTS WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT (TOWN) (SZT-1586B)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 59.692 and 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Summit, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of Summit Zoning Ordinance adopted on August 12, 2003, are hereby amended to conditionally rezone from the R-3 Residential District, B-2 Local Business and C-1 Conservancy Districts (County) and the NC Neighborhood Commercial and MF-2 Multi-Family Residential Districts with a Planned Development Overlay District (Town) to the P-I Public and Institutional and B-2 Local Business Districts with other lands to remain zoned R-3 Residential, B-2 Local Business and C-1 Conservancy Districts (County) and NC Neighborhood Commercial and MF-2 Multi-Family Residential Districts with a Planned Development Overlay District (Town), certain lands located in part of the NE ¼ of Section 22, T7N, R17E, Town of Summit, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (SZT-1586B) subject to the following conditions:

1. All conditions of the Town of Summit Board and Plan Commission shall be incorporated as an integral part of this Conditional Rezoning (See attached Exhibit "A").
2. The site layout must remain in substantial compliance with the development plan dated October 12, 2007 and date stamped October 18, 2007 and referenced as Exhibit "B" (attached).
3. A Conditional Use Permit for a Mixed Planned Unit Development must be obtained from Waukesha County.

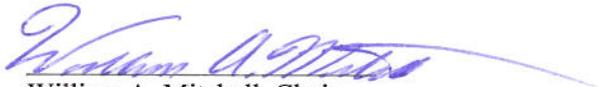
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Summit.

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.

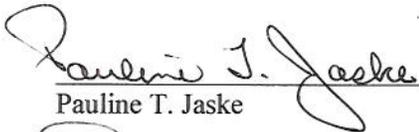
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF SUMMIT AND THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 22, T7N, R17E, TOWN OF SUMMIT, FROM THE R-3 RESIDENTIAL, B-2 LOCAL BUSINESS AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE NC NEIGHBORHOOD COMMERCIAL AND MF-2 MULTI-FAMILY RESIDENTIAL DISTRICTS WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT (TOWN) TO THE P-I PUBLIC AND INSTITUTIONAL AND B-2 LOCAL BUSINESS DISTRICTS WITH OTHER LANDS TO REMAIN ZONED R-3 RESIDENTIAL, B-2 LOCAL BUSINESS AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE NC NEIGHBORHOOD COMMERCIAL AND MF-2 MULTI-FAMILY RESIDENTIAL DISTRICTS WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT (TOWN) (SZT-1586B)

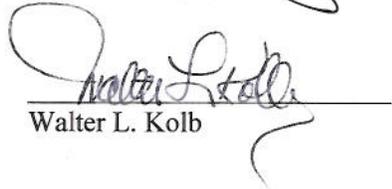
Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair

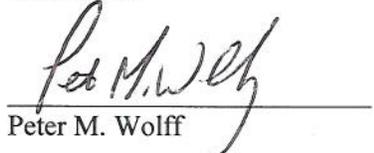
Absent
Keith Hammitt

Vacant
Keith Harenda


Pauline T. Jaske


Walter L. Kolb

Vacant
Vera Stroud


Peter M. Wolff

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

Date: 2-29-08, 
Kathy Nickolaus, County Clerk

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

Approved: X

Vetoed: _____

Date: 3-3-08


Daniel P. Vrakas, County Executive

STATE OF WISCONSIN

TOWN OF SUMMIT

WAUKESHA COUNTY
RECEIVED

ORDINANCE NO. 280-08

JAN 11 2008

DEPT OF PARKS & LAND USE

AN ORDINANCE TO
CONDITIONALLY REZONE CERTAIN LANDS
IN THE TOWN OF SUMMIT BY AMENDING THE
PLANNED DEVELOPMENT OVERLAY DISTRICT (PDO)
OVERLAY FOR THE EXISTING MF-2 MULTI-FAMILY RESIDENTIAL
AND NC NEIGHBORHOOD COMMERCIAL DISTRICTS.

WHEREAS, a petition has been filed by TKLW, LLC, a domestic limited liability company, as the owner of certain lands in the Town of Summit, and by Robert Gummer, PDC Midwest, (hereinafter collectively referred to with TKLW, LLC as "Petitioner") 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 by amending the existing Planned Development Overlay District (PDO), which overlays the existing MF-2 Multi-family Residential and NC Neighborhood Commercial Districts; and

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

WHEREAS, Petitioner has provided a General Development Plan pursuant to Section 235-44(D)(2) of the 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 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 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 with no such areas being classified as "preserved lands" pursuant to Section 235-15.(B) of the Town Zoning Ordinance;
- 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 Town of Summit Plan Commission ("Plan Commission"); and

WHEREAS, the General Development Plan provided by Petitioner has been available for public inspection in the office of the Town Clerk since October 18, 2007; and

WHEREAS, a Precise Implementation Plan in conformity with the requirements set forth in Section 235-44(F) of the 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 proposed residential area and a portion of the proposed commercial area of the Subject Lands is located within the Waukesha County 1,000' shore land zoning jurisdictional area; and

WHEREAS, upon referral of the petition by the Town 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 Town of Summit, the Plan Commission and a representative of Waukesha County's Department of Parks and Land Use held a public hearing on November 15, 2007 at 6:30 p.m. as required by said Section 235-81; and

WHEREAS, the Plan Commission has recommended to the Town Board of Supervisors for the Town of Summit ("Town Board") that the requested zoning 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 Town 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 Town 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 Town of Summit Zoning Code and with the Development Goals set forth in Section 235-15C 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;
- (F) That no portion of the Subject Property constitutes "preserved lands", as described and regulated under Section 235-15(B) of the Town of Summit Zoning Code; and

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 Town of Summit, will not be contrary to the public health, safety, or general welfare of the Town 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 Town of Summit master plan;

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

SECTION 1: Commencing upon the date hereof, the Zoning Map of the Town of Summit is hereby conditionally amended by the amendment of the overlay districts on the Subject Lands, specifically the Planned Development District overlay, all as set forth on the attached Exhibit B and subject to the conditions stated in Section 2 of this Ordinance being fully met.

SECTION 2: CONDITIONS IMPOSED.

The rezoning of the Subject Lands and the General Development Plan for the construction of a Planned Development for residential and commercial development, continuation of the public road system, is hereby granted subject to compliance with all of the following conditions:

1. Redivision of Lands. 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 provided, however that the 14-acre nursing home parcel may be divided one (1) time to address ownership issues or financing for the two proposed uses on the property. A note must be placed on the Certified Survey Map(s) in a form satisfactory to the Town Attorney stating this condition.
2. There shall be no direct access to Upper Genesee Lake from the Subject Lands. Any future proposal for lake access shall require a new public hearing and approval by the Plan Commission and Town Board.
3. In addition to the Town of Summit Zoning Code, and this Ordinance, that portion of the property within Waukesha County Shore Land Ordinance jurisdiction shall be subject to the County's provisions of allowing nursing homes.
4. A one hundred foot (100') building setback shall be required off of the Silver Maple Lane right of way line.
5. The Multifamily Residential area identified on Exhibit B shall consist of a skilled nursing facility of up to 100 beds and an assisted living facility with up to 60 units.
6. All of the Subject Lands identified on Exhibit B as Residential shall be subject to the provisions of Section 235-36 of the Town of Summit Zoning Code, Multifamily Residential District (MF-2), as amended from time-to-time, unless further restricted or otherwise specifically regulated by this Ordinance. Additionally, all of the Subject Lands identified on Exhibit B as Residential shall be subject to the conditions of any conditional use permit issued under Section 235-36(D) of the

Town of Summit Zoning Code, which petitioner is required to obtain under this Ordinance.

7. Permitted and conditional uses for the Residential area of the Subject Lands identified on Exhibit B shall be as set forth in Section 235-36, Multifamily Residential District (MF) in the Town of Summit Zoning Code, as amended from time-to-time.
8. Bulk Regulations set forth in Section 235-36, Multifamily Residential District (MF) in the Town of Summit Zoning Code, as amended from time-to-time, shall apply to the Multifamily Residential area identified on Exhibit B except as follows:
 - A. Minimum front/street yard setback:
 - i. One hundred feet (100') from Silver Maple Lane;
 - ii. Twenty-five feet (25') from any local/private road;
 - iii. Minimum pavement setback shall equal five feet (5') from any property line.
9. 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.
10. The Commercial/Retail area of the Subject Lands identified on Exhibit B shall consist of a mix of office type uses and retail type uses. Permitted and conditional uses allowed shall be as defined in Section 235-38 Neighborhood Commercial District (NC) in the Town of Summit Zoning Ordinance, as amended from time-to-time
11. 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 Commercial/Retail area of 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:
 - i. Six feet (6') from any local/private road;
 - ii. Thirteen feet (13') from any arterial street/public road;
 - iii. Minimum pavement setback shall equal zero feet (0').
12. 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 5 spaces for each 1,000 square feet of floor area for the commercial portion of the Subject Lands.

C. Notwithstanding the provisions of Section 235-45(C), there shall be a minimum of 144 parking spaces installed for the residential portion of the Subject Lands.

13. Prior to approval of any Certified Survey Map, Petitioner shall submit a plan and receive approval of same from the Plan Commission, Town Board, and State of Wisconsin Department of Transportation for a land lease and right-of-way purchase of land adjacent to STH 67 and Highway DR pertaining to the existing Park and Ride operated on said property. Said plan shall set forth the existing situation, the current development plan, and the ultimate development plan for the Park and Ride site if the Park and Ride is no longer required by the State of Wisconsin and Waukesha County.

14. 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 November 15, 2007.

15. 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)).
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. Prior to the approval of any Precise Implementation Plan by the Town Plan Commission, Deed Restrictions shall be recorded by the Petitioner against the Subject Lands in a form approved by the Plan Commission and Town Board, the Town Planner, and the Town Attorney, giving notice of maintenance requirements for streets, stormwater management facilities, and open spaces within the Planned Development.
22. All Deed Restrictions and owners' association documents for the development 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 prior to Petitioner recording such Deed Restrictions against the Subject Lands. 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.

23. Prior to the approval of any Precise Implementation Plan by the Town Plan Commission, Petitioner shall submit to and receive approval from the Waukesha County Land Resources Division and Town Engineer of an Erosion Control and Storm Water Management Plan, and approval of 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.
24. 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.
25. The owners' association 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(l) 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.
26. All private and public 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.
27. Prior to approval of any Certified Survey Map, an agreement satisfactory to the Town Board must be entered into for the provision of municipal water and sanitary sewerage treatment service for the Subject Lands.
28. 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.

29. 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.
30. 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.
31. 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.
32. Prior to approval of any Certified Survey Map, Petitioner must submit a Developer's Agreement to the Plan Commission and to the Town Attorney for their review and approval.
33. Developers shall agree, by said Developer's Agreement, to comply with all applicable laws and regulations including, but not limited to, this Ordinance and any conditions and restrictions adopted to regulate the development of the Subject Lands. Developer shall further agree that, in the event any applicable law(s), regulation(s), condition(s), restriction(s), and/or ordinance(s) conflict, the more restrictive shall control.
34. Prior to approval of any Certified Survey Map, Petitioner shall furnish a letter of credit to the Town from a lending institution in a form acceptable to the Town Attorney. The letter of credit shall be in an amount equal to the costs of all public improvements, plus fees and special assessments, and the amount must be submitted to and approved by the Town Engineer and Town Clerk.
35. Development of the Subject Lands with respect to 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 provided, however, that the Town Board may, in its discretion, permit the following variations:
 - a. Installation and operation of private roads subject to the following:
 - i. Recordation of deed restrictions in a form acceptable to the Plan Commission and the Town Attorney granting the State, Waukesha

County, and the Town of Summit and its successors the right to enter upon said private roads.

- ii. Recordation of deed restrictions in a form acceptable to the Plan Commission and the Town Attorney providing that any private roads approved by the Town shall, thereafter, remain private in perpetuity, without contribution or offset by the Town with regard to maintenance, repair, and/or reconstruction of any such private road(s).

b. Variation of the maximum density for commercial square footage.

36. 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 planned 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.
37. Petitioner shall satisfy all comments and concerns of the Town Engineer, including whether or not all conditions regarding a general implementation plan have been satisfied.
38. 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.
39. 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.
40. Upon filing of the first Certified Survey Map for the Subject Lands to be approved and signed by the Town Chairman with the Register of Deeds, the rezoning of the Subject Lands shall be effective.
41. 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.

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 3rd day of January, 2008.

TOWN OF SUMMIT

By: Leonard J. Susa
Len Susa, Town Chair

Attest: Debra Schueler
Debra Schueler, Town Clerk/Treasurer

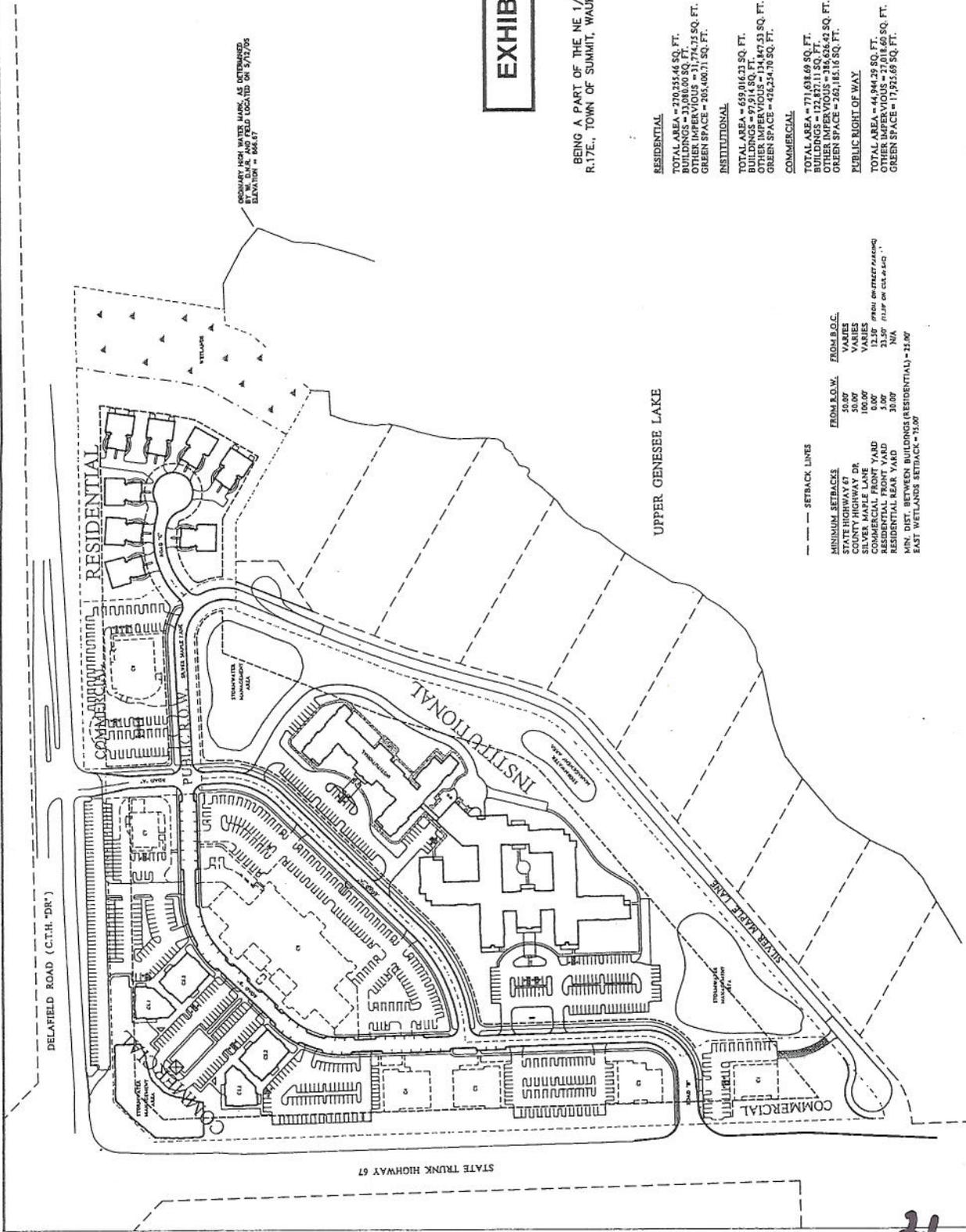
Published/Posted the 9th day of January, 2008.



RECEIVED
OCT 18 2007
DEPT OF PARKS & LAND USE

EXHIBIT "B"

BEING A PART OF THE NE 1/4 OF SECTION 22, T.7N.,
R.17E., TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN



RESIDENTIAL
TOTAL AREA = 270,255.48 SQ. FT.
BUILDINGS = 11,086.00 SQ. FT.
OTHER IMPERVIOUS = 1,774.75 SQ. FT.
GREEN SPACE = 257,394.73 SQ. FT.

INSTITUTIONAL
TOTAL AREA = 659,916.33 SQ. FT.
BUILDINGS = 97,914.80 SQ. FT.
OTHER IMPERVIOUS = 134,847.43 SQ. FT.
GREEN SPACE = 427,154.10 SQ. FT.

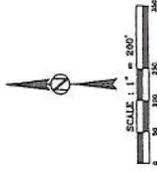
COMMERCIAL
TOTAL AREA = 71,611.65 SQ. FT.
BUILDINGS = 12,111.65 SQ. FT.
OTHER IMPERVIOUS = 386,626.42 SQ. FT.
GREEN SPACE = 262,145.16 SQ. FT.

PUBLIC RIGHT OF WAY
TOTAL AREA = 44,944.29 SQ. FT.
OTHER IMPERVIOUS = 23,018.65 SQ. FT.
GREEN SPACE = 17,925.69 SQ. FT.

MINIMUM SETBACKS	FROM R.O.W.	FROM B.O.C.
STATE HIGHWAY 67	20.00'	VARIES
MAPLE LANE	100.00'	VARIES
SILVER MAPLE LANE	0.00'	VARIES
COMMERCIAL FRONT YARD	12.50'	FRONT ON STREET PARKING
RESIDENTIAL FRONT YARD	5.00'	12.50' OR 10.00' ON C.T.H. 'DK'
RESIDENTIAL REAR YARD	3.00'	N/A
MIN. DIST. BETWEEN BUILDINGS (RESIDENTIAL)	13'	25.00'
EAST WETLANDS SETBACK	100'	

LAKE COUNTRY ENGINEERING, INC. 1035 HOGSD BROWN STREET, SUITE 102 WISCONSIN, WAUKESHA, WI, TEL: (262) 591-8338	
PROJECT NO.	107
DATE	OCTOBER, 2006
REVISION DATE	10/12/07
REVISION NO.	1
COMMENTS	NEW LAYOUT
EXHIBIT B	
OF SUMMIT VILLAGE COMMONS	
IN THE 1/4 OF SECTION 22, T.7N., R.17E., TOWN OF SUMMIT, WAUKESHA COUNTY	
SCALE	1" = 100'
DATE	OCTOBER, 2006
DESIGNED BY	L.M.A.
SHEET NUMBER	1 OF 1

CHANGE

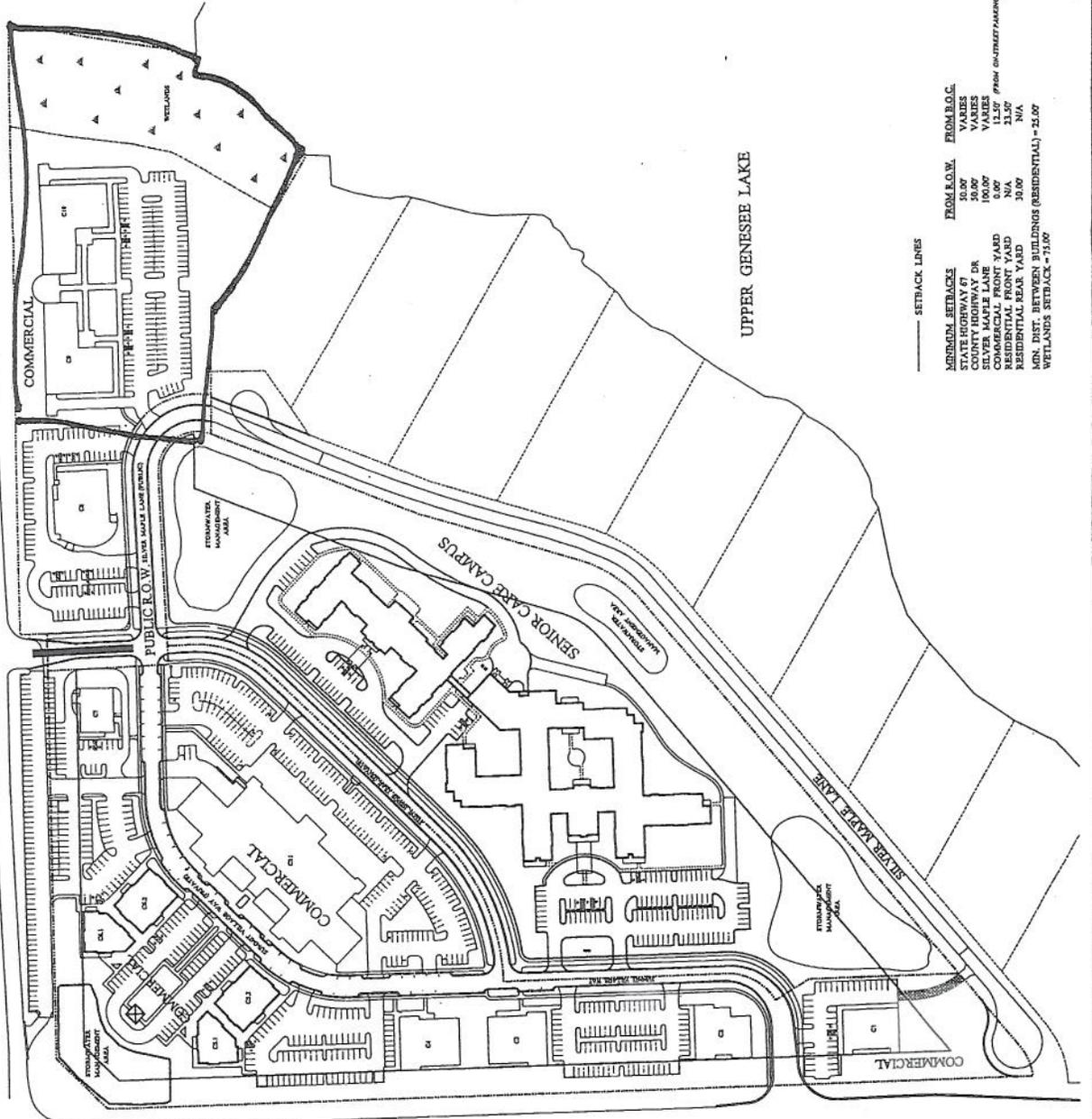


RECEIVED
JAN 11 2007

DEPT OF PARKS & LAND USE

EXHIBIT "C"

BEING A PART OF THE NE 1/4 OF SECTION 22, T.7N.,
R.17E., TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN



SENIOR CARE CAMPUS
TOTAL AREA = 659,075.88 SQ. FT.
BUILDINGS = 93,787 SQ. FT.
OTHER IMPERVIOUS = 134,847.53 SQ. FT.
GREEN SPACE = 430,441.32 SQ. FT.

COMMERCIAL
TOTAL AREA = 1,041,834.22 SQ. FT.
BUILDINGS = 151,627.11 SQ. FT.
OTHER IMPERVIOUS = 432,118.47 SQ. FT.
GREEN SPACE = 458,088.64 SQ. FT.

PUBLIC RIGHT OF WAY
TOTAL AREA = 44,944.29 SQ. FT.
OTHER IMPERVIOUS = 27,016.60 SQ. FT.
GREEN SPACE = 17,925.69 SQ. FT.

MINIMUM SETBACKS	FROM K.O.W.	FROM B.O.C.
STATE HIGHWAY 67	VARIES	VARIES
COUNTY HIGHWAY DR	50.00'	VARIES
SILVER MAPLE LAKE	100.00'	VARIES
RESIDENTIAL FRONT YARD	30.00'	33.00' FROM CENTERLINE
RESIDENTIAL REAR YARD	N/A	N/A
MON. DIST. BETWEEN BUILDINGS (RESIDENTIAL)	30.00'	N/A
WETLANDS SETBACK	75.00'	25.00'

LAKE COUNTRY ENGINEERING, INC.
W359 N5920 BROWN STREET, SUITE 102
OSHTOSH, WISCONSIN 53071
PHONE: (262) 844-0000 FAX: (262) 844-8844

REVISION DATE: _____ COMMENTS: _____

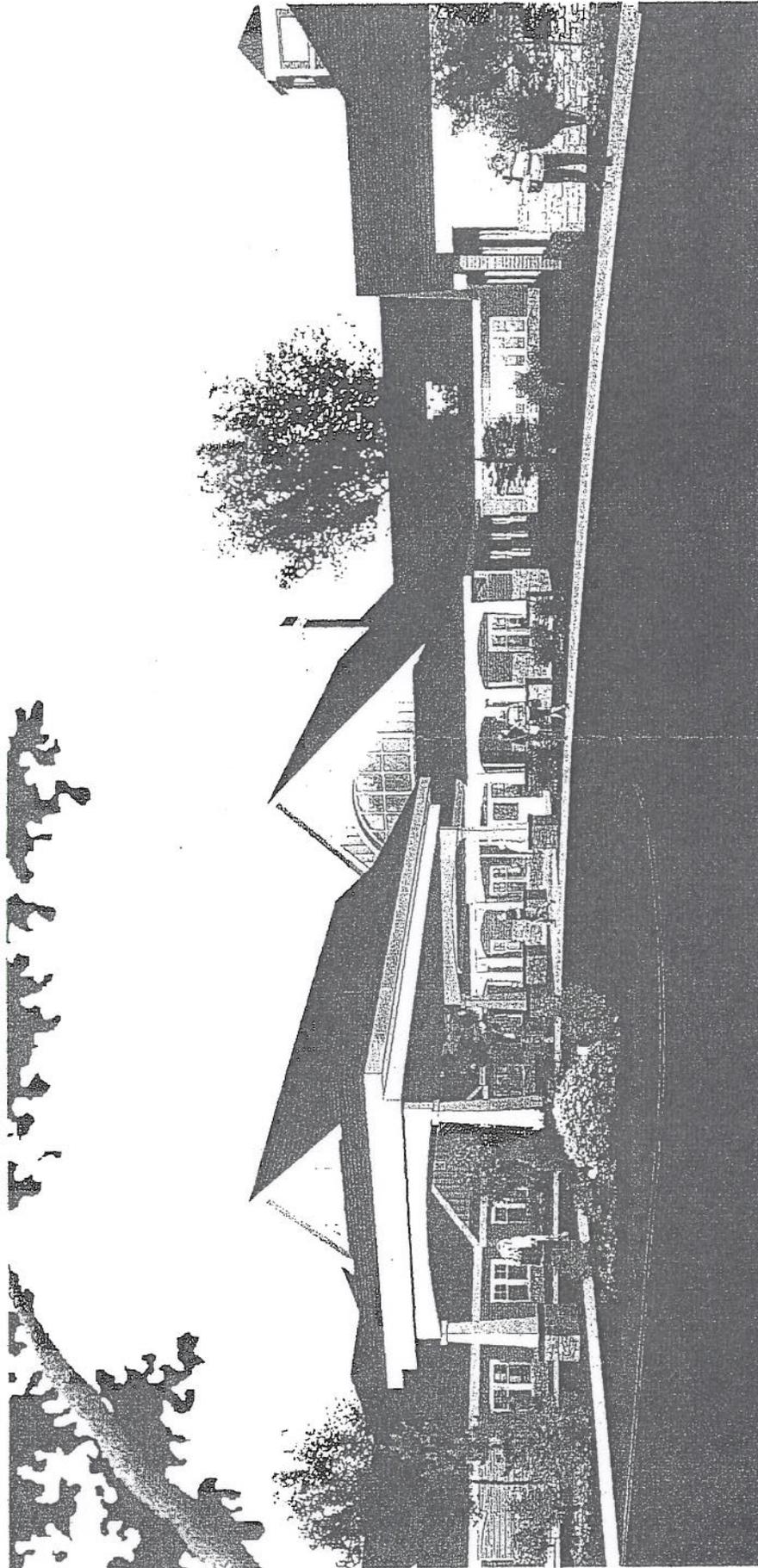
OF SUMMIT VILLAGE COMMONS
IN: NE 1/4 OF SECTION 22-7-17
TOWN OF SUMMIT, WAUKESHA COUNTY

SCALE: 1" = 200'
DRAWN BY: L.A.W.
CHECKED BY: M.A.S.
PROJECT NO.: 04-441
SHEET NUMBER: 1 OF 1

RECEIVED DEC 18 2007

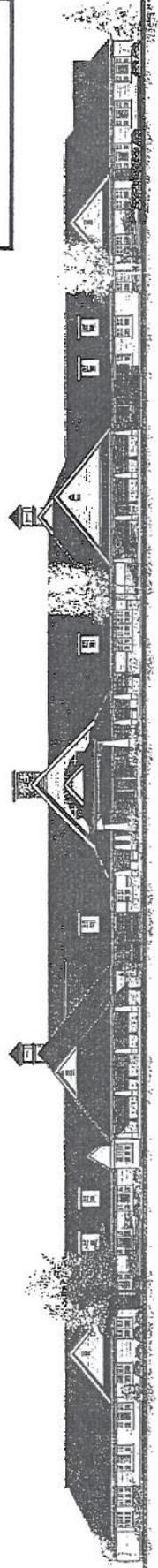
162-0-096

22.



ENTRANCE VIEW FROM SOUTHWEST

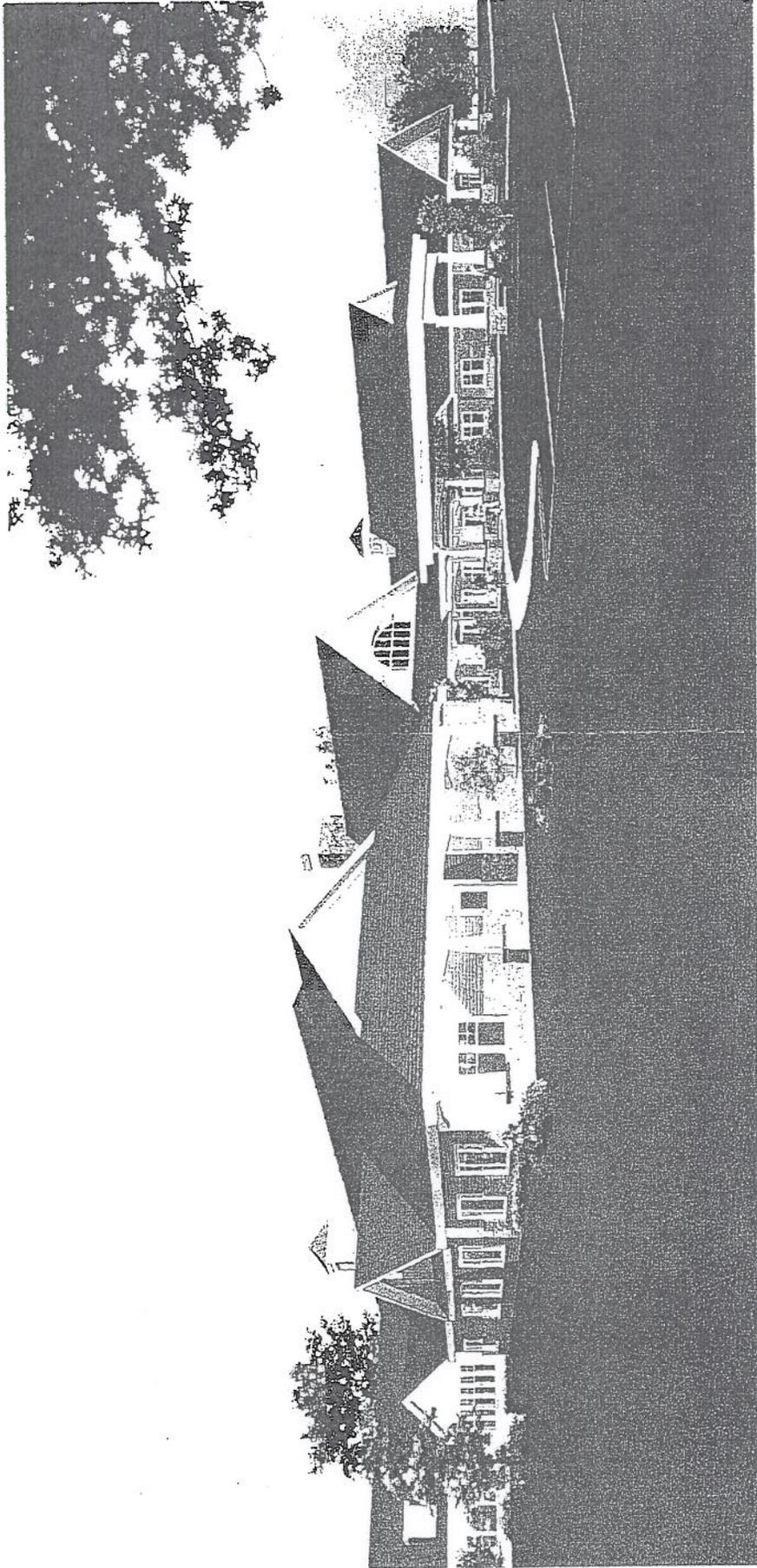
EXHIBIT "D"



WEST ELEVATION

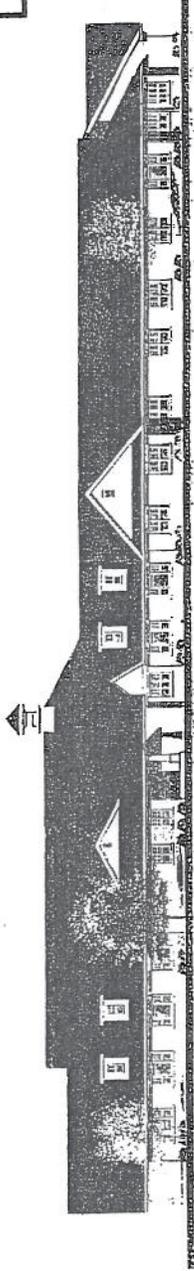
162-0-096

23.



ENTRANCE VIEW FROM NORTHWEST

EXHIBIT "E"



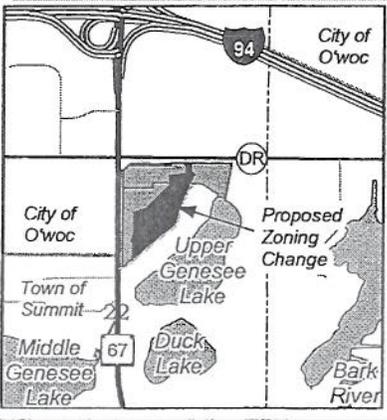
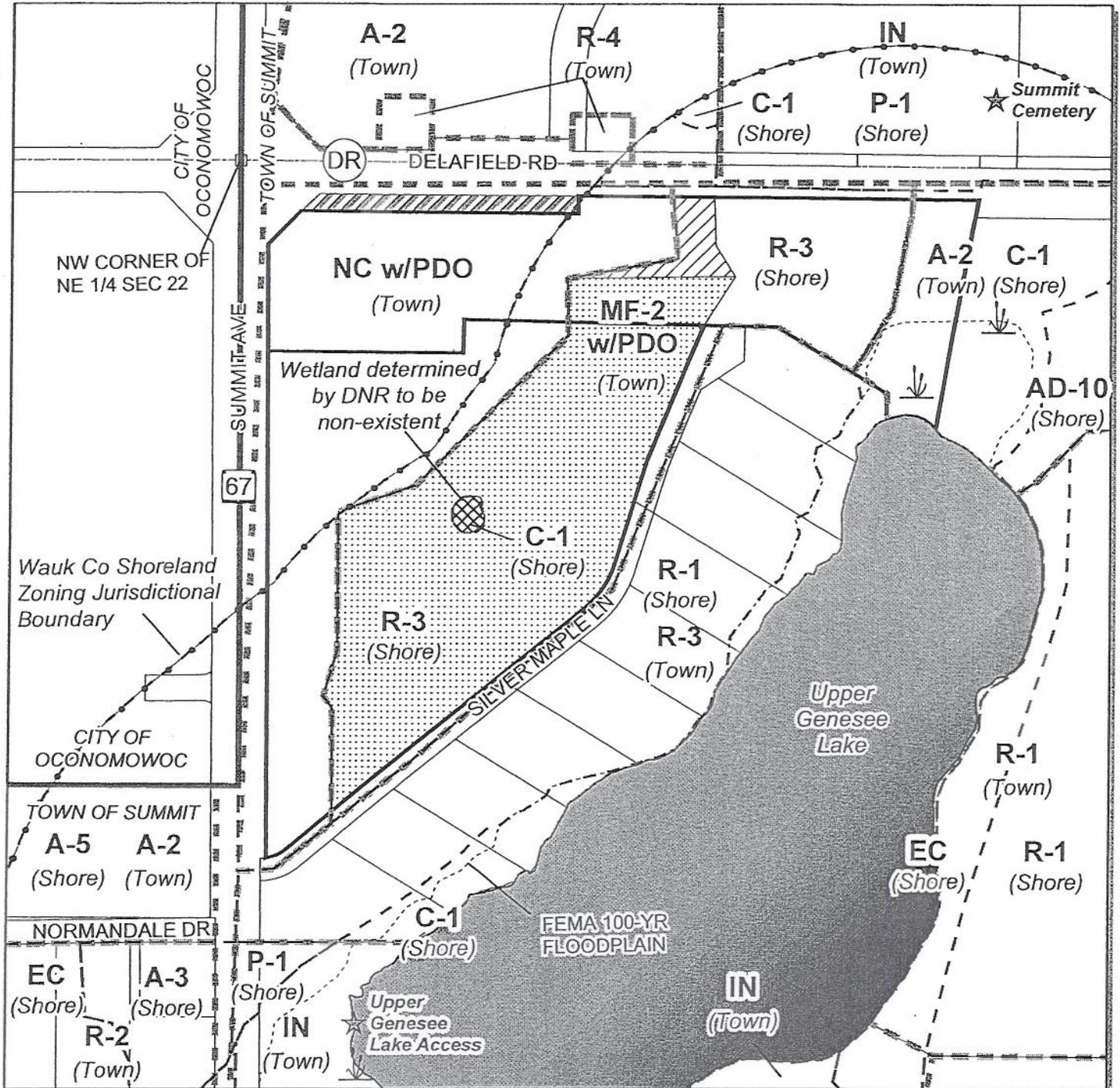
SOUTH ELEVATION

162-0-096

24.

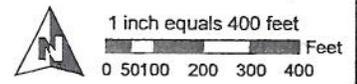
ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 22
TOWN OF SUMMIT



- SHORELAND ZONING CHANGE FROM C-1 CONSERVANCY TO P-I PUBLIC AND INSTITUTIONAL (.16 AC)
- SHORELAND ZONING CHANGE FROM R-3 RESIDENTIAL TO P-I PUBLIC AND INSTITUTIONAL (15.5 AC)
- SHORELAND ZONING CHANGE FROM R-3 RESIDENTIAL TO B-2 LOCAL BUSINESS AND TOWN ZONING CHANGE FROM MF2 MULTI-FAMILY WPDO TO NC NEIGHBORHOOD COMMERCIAL WPDO (.74 AC)
- ESTABLISH NC NEIGHBORHOOD COMMERCIAL TOWN ZONING IN FORMER DOT LAND (.79 AC)

FILE.....SZT-1586B
 DATE.....01-24-08
 AREA OF CHANGE.....17.1 ACRES
 TAX KEY NUMBERS.....SUMT 0661.997 & .998.001



Prepared by the Waukesha County Department of Parks and Land

162-0-096

1 K. HERRO.....AYE
 3 T. ROLFS.....AYE
 5 J. MARCHESE.....AYE
 7 J. JESKEWITZ.....AYE
 9 P. HAUKOHL.....AYE
 11 VACANT.....
 13 J. HEINRICH.....AYE
 15 D. SWAN.....AYE
 17 J. BEHREND.....AYE
 19 W. MITCHELL.....AYE
 21 W. KOLB.....AYE
 23 J. TORTOMASI.....AYE
 25 K. CUMMINGS.....AYE
 27 D. PAULSON.....AYE
 29 T. BULLERMANN.....
 31 V. STROUD.....
 33 K. HAMMITT.....
 35 P. MEYER.....AYE

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

TOTAL AYES-30

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-30