

VILLAGE OF MENOMONEE FALLS ORDINANCE NO. 811-O-21

**AN ORDINANCE AMENDING THE EVERGREEN FIELDS
PLANNED RESIDENTIAL DEVELOPMENT**

WHEREAS, Veridian Homes, LLC intends to purchase land located at N56W20077 and N56W19813 Silver Spring Drive, on the parcels identified by Tax Key Numbers 126.998 and 126.999.005; and

WHEREAS, the subject lands are legally described as follows:

The East 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 32, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin. EXCEPTING therefrom that part acquired by Award of Damages recorded in Volume 1217, Page 635, as Document No. 777317. FURTHER EXCEPTING therefrom all that part of those lands located in the Northwest 1/4 of Section 32, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin conveyed to Waukesha County by Warranty Deed recorded on September 14, 2012, as Document No. 3950313, more particularly described as follows:

Commencing at the Northwest corner of said Section 32; thence North 88° 49' 14" East along the North line of said Section 667.47 feet to a point; thence South 01° 10' 46" East 60.00 feet to a point that is the intersection of the existing Southerly right of way line of C.T.H. "VV" and the owners' Westerly property line and the point of beginning of those lands described herein; thence North 88° 49' 14" East along said existing right of way line 264.46 feet to a point; thence North 01° 10' 46" West 10.00 feet to a point; thence North 88° 49' 14" East 250.00 feet to a point; thence South 01° 10' 46" East 10.00 feet to a point; thence North 88° 49' 14" East 153.68 feet to a point on the owners' Easterly property line; thence South 00° 29' 34" East along said Easterly property line 5.00 feet to a point; thence South 88° 49' 14" West 668.14 feet to a point on the owners' Westerly property line; thence North 00° 29' 34" West along said Westerly property line 5.00 feet to the point of beginning.

And

Parcel 2 of Certified Survey Map No. 8541, recorded on May 22, 1998, in Volume 75 of Certified Survey Maps, on Page 60, as Document No. 2321633, being a re-division of Parcel 2 of Certified Survey Map No. 8373, being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 32, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Wisconsin, EXCEPTING THEREFROM the Northerly 5 feet thereof conveyed to Waukesha County by Warranty Deed recorded on September 14, 2012, as Document No. 3950314; and

WHEREAS, on November 16, 2020 the Village Board of Trustees approved Ordinance No. 802-O-20 creating the Evergreen Fields Planned Residential Development; and

WHEREAS, the Evergreen Fields Planned Residential Development allowed a development containing 109 single family lots and 58 condominium units contained within 29 duplex buildings; and

WHEREAS, Veridian Homes, LLC requested the Village amend Ordinance 802-O-20 allowing 13 single family lots to replace 10 duplex buildings (20 dwelling units); and

WHEREAS, the average lot area of the 13 proposed single family lots would be 10,450 square feet, and

WHEREAS, the net density of the development will decrease from 2.45 dwelling units per net developable acre (167 dwelling units on 68.16 developable acres) to 2.35 dwelling units per net developable acre (160 dwelling units on 68.16 developable acres); and

WHEREAS, the requested densities are consistent with the Village Comprehensive Plan; and

WHEREAS, the Amended Evergreen Fields Planned Residential Development is consistent with the spirit and intent of the Zoning Ordinance; and

WHEREAS, the Amended Evergreen Fields Planned Residential Development is in keeping with current economic and social considerations; and

WHEREAS, the Amended Evergreen Fields Planned Residential Development justifies the application of the Planned Residential Development District requirements; and

WHEREAS, the Amended Evergreen Fields Planned Residential Development will create an attractive and satisfying residential environment of sustained desirability and economic stability beneficial to the Village; and

WHEREAS, the Plan Commission, at its meeting of October 13, 2020 originally recommended the Evergreen Fields Planned Residential Development be approved subject to the following conditions:

1. The lots along the Southwest cul de sac shall be reconfigured to align with the rear lot lines of the subdivision to the west.
2. A tree preservation easement shall be placed over the existing tree line behind lots 47 to 53.
3. Sidewalks shall be added along the both sides of the main north/south street and the main east/west street.
4. Sidewalks shall be added along the south side of the east/west connecting road, and the west side of the north/south connecting road.
5. The developer shall shift the location of the trail along the southern boundary of the development to the northern edge of the Village owned lands in order to preserve the existing tree line on the subject site, and this section of the trail shall consist of an 8 foot wide paved trail.

; and

WHEREAS, at its meeting on October 27 2020, the Architectural Control Board originally recommended the Evergreen Fields Planned Residential Development be approved subject to the following conditions:

1. Submitting a landscape plan for any landscaped areas within the Evergreen Fields Planned Residential Development to the Architectural Control Board for review and approval prior to the submittal of the Final Plat.
 2. Landscaped areas within the condo development shall consist of 2-3" of naturally shredded hardwood mulch or enviromulch and shall be consistent in color throughout the condo development.
- ; and

WHEREAS, at its meeting on March 2, 2021, the Plan Commission recommended the Village Board of Trustees adopt an Ordinance amending the Evergreen Fields Planned Residential Development allowing 13 single family lots to replace 20 condominium units; and

WHEREAS, the Amended Evergreen Fields Planned Residential Development will contain a total of 160 dwelling units comprised by 122 single family homes and 38 dwelling units within 19 duplex condominium buildings; and

NOW, THEREFORE, the Board of Trustees of the Village of Menomonee Falls do hereby ordain as follows:

Section 1. The conditions and restrictions as recommended by the Plan Commission and Architectural Control Board hereinabove set forth be and the same are hereby adopted and approved as the conditions and restrictions for the construction, location and operation of the Amended Evergreen Fields Planned Residential Development.

Section 2. This Ordinance shall take effect and be in full force from and after its passage and posting.

Adopted by the Village Board of Trustees of the Village of Menomonee Falls on the 15th day of March, 2021.

David Glasgow, Village President

Date Posted: 3/19/21 to 4/1/21

Janice Moyer, Village Clerk