

VILLAGE OF MENOMONEE FALLS ORDINANCE NO. 922-O-24

**AN ORDINANCE CREATING THE HAWKS VIEW
PLANNED RESIDENTIAL DEVELOPMENT**

WHEREAS, Herb Gross and Ella Gross own lands south of W180N7777 Town Hall Road, on the parcels identified by Tax Key Numbers 62.983.004 and 63.999); and

WHEREAS, the subject lands are legally described as:

Part of Parcel 2 of Certified Survey Map No. 6963 and lands being part of the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 16, T.08N, R.20EN, Village of Menomonee Falls, Waukesha County, Wisconsin bounded and described as follows:

Beginning at the West 1/4 of Section 16, thence North 00°23'57" East along the West line of the Northwest 1/4 of said Section 16 a distance of 1323.75 feet; thence North 87°17'55" East, 919.56 feet; thence South 00°08'08" West, 400.04 feet to the South line of Parcel 1 of Certified Survey Map No. 6963 and the extension thereof; thence North 87°18'13" East along said South line 720.51 feet to the West line of Parcel 1 of Certified Survey Map No. 2329; thence South 00°03'18" East along said West line 419.63 feet to the South line of said Parcel 1; thence North 87°17'17" East along said South line 997.95 feet to the West line of Town Hall Road; thence South 00°00'27" West along said West line 508.38 feet to the North line of the Southwest 1/4 of Section 16; thence North 87°23'54" East along said North line 40.04 feet to the East line of the Southwest 1/4 of Section 16; thence South 00°00'47" West along the East line 325.25 feet; thence South 87°23'53" West, 670.02 feet; thence North 00°08'24" West, 324.82 feet to the South line of the Northwest 1/4 of Section 16; thence South 87°24'34" West along said South line 2015.55 feet to the point of beginning.; and

WHEREAS, the subject lands contain 60.0 acres, of which 55.471-acres are developable; and

WHEREAS, Bryan Lindgren, Neumann Developments, Inc. (registered agent) proposes a development consisting of 81 single family lots on the developable portion of these lands; and

WHEREAS, Bryan Lindgren has requested this development be known as Hawks View Subdivision; and

WHEREAS, the Village Comprehensive Plan classifies the subject lands for "Low Density Residential" Development, allowing a maximum of 2 dwelling units per acre; and

WHEREAS, the net density of the Hawk's View Planned Residential Development is 1.46 dwelling units per developable acre (81 dwelling units on 55.471-acres); and

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

WHEREAS, details concerning the general character, timetable for development, and organizational structure of the developer were submitted as part of this application; and

WHEREAS, covenants and restrictions will be put in place for the Hawk's View Planned Residential Development, consistent with the information submitted with this development, which will be recorded at the Waukesha County Register of Deeds with the Final Plat of the development; and

WHEREAS, the developer stated the project will have average estimated sales price around \$700,000 for all homes in the development; and

WHEREAS, the Hawk's View Planned Residential Development is consistent with the spirit and intent of the Zoning Ordinance; and

WHEREAS, the Hawk's View Planned Residential Development is in keeping with current economic and social considerations; and

WHEREAS, the Hawk's View Residential Development justifies the application of the Planned Residential Development District requirements; and

WHEREAS, the Hawk's View 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 November 12, 2024 recommended the Hawks View Planned Residential Development be approved subject to the following conditions:

1. Preliminary and Final Plat review will be required.
2. Architectural Control Board (ACB) approval required for the Planned Residential District (PRD), including landscaping buffer zones along Town Hall Road or any adjacent development (residential or otherwise) and any entry features.
3. Minimum lot width is 90'. Setbacks proposed are front 30', rear 30' and side 15'. These meet the PRD requirements.
4. Maximum building height is 42'.
5. Minimum lot size is 15,000 sq. ft. Proposed lots 29 & 30 will need to be adjusted to meet minimum.
6. Some lots (21, 26, 27 & 28) may have limits on buildable areas. Rear setbacks required.
7. All road connections to adjacent parcels shall be reviewed for future road patterns and connections and be approved by the Village Engineering Department.
8. A road needs to be stubbed out to the southerly property line of the subdivision to allow for the future extension of Narrow Lane.

9. The centerline radius shall be a minimum of 150 feet for all public roads to provide safe sight distances.
10. Accel/decel lanes and tapers meeting Village design standards need to be provided at the proposed road intersection at Town Hall Road.
11. Stormwater management meeting the Village's stormwater ordinance must be provided for the development. The Stormwater Management Plan must be approved by the Village Engineering Department and MMSD prior to starting construction.
12. Wisconsin DNR – NR 151 requirements must be met and a Notice of Intent (NOI) needs to be submitted to the Wisconsin DNR for NR 216 Permit Coverage. A copy of the DNR Certificate of Permit Coverage is to be forwarded to the Village Engineering Department prior to issuance of the Village Erosion Control Permit.
13. The site will need to be analyzed for stormwater infiltration per Wisconsin DNR Technical Standard 1002 of the NR 151 guidelines.
14. Wisconsin DNR NR 151 requirements must be met for water quality management. 80% Total Suspended Solid (TSS) removal is to be provided for this development.
15. A Village Stormwater Permit is required. The Stormwater Permit Application must be submitted with the permit review fee as required by the Village's stormwater ordinance.
16. A Village Erosion Control Permit is required prior to any land disturbing activities.
17. A geotechnical study will have to be done by a licensed soils engineer to determine the high seasonal groundwater elevations. Basement or lowest floor elevations will have to be kept at least 3 feet above the high seasonal groundwater elevations to comply with Village code.
18. A wetland delineation will have to be done.
19. Wetland fill permits from the Wisconsin DNR will have to be obtained by the Developer for the wetlands impacted by the road crossings.
20. Lots 7-9 appear to be outside of the MMSD sewer service boundary. An amendment to the sewer service boundary may be needed to service these lots with sanitary sewer.
21. Sanitary sewer will need to be extended from the existing sanitary manholes in Town Hall Road to service the development. The sanitary sewer shall be extended to ensure future service to the adjacent parcels.
22. A route and easement will need to be provided through the parcel to allow for the construction of a future 30-inch gravity municipal sanitary sewer interceptor.
23. All sanitary sewer, water main, storm sewer, and street design must follow the Village of Menomonee Falls Standards and Requirements for Development.
24. The Village Comprehensive Outdoor Recreation Plan shows a proposed future multi-use path along Town Hall Road. It's recommended that the developer provide an asphalt multi-use path along Town Hall Road in conjunction with the development as recommended by the Village Comprehensive Outdoor Recreation Plan.
25. Landscaping within and around the stormwater detention ponds and any municipal sewer easements shall comply with the Village's Policy for Landscaping in and Around Infrastructure and Village Landscape Design Guidelines.

26. A Development Agreement will have to be entered into, approved by the Village Board, and signed prior to construction of any public utilities or improvements.
27. A Letter of Credit or other financial guarantee must be provided in accordance to the development agreement prior to construction of any public utilities or improvements.
28. Detailed utility, street, grading and stormwater management plans are required. Further engineering review is needed once these plans are submitted.
29. The facilities layout for electric, telephone, and cable shall conform to section 94-155 of the municipal code.

WHEREAS, at its meeting on November 26, 2024, the Architectural Control Board recommended the Hawks View Planned Residential Development be approved with conditions;

1. Compliance with the submitted Village staff comments and all applicable requirements of the Municipal Code.
2. Submitting a landscape plan and entry feature details for review and approval by the Architectural Control Board.
3. Submitting a grading plan showing proposed grading elevations for all berms over three feet in height for review and approval by the Architectural Control Board.

WHEREAS, it is deemed to be in the best interest of the Village of Menomonee Falls that the Municipal Code of the Village of Menomonee Falls, be further modified and amended;

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 Hawks View 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 2nd day of December, 2024.

By: _____
Jeremy Walz, Village President

Date Posted: 12/6/24-12/19/24

Attest: _____
Amy Dishinger, Village Clerk