

VILLAGE OF MENOMONEE FALLS ORDINANCE NO. 926-O-25

**AN ORDINANCE AMENDING THE FIDUCIARY VILLAS
PLANNED RESIDENTIAL DEVELOPMENT**

WHEREAS, Home Path Financial Limited Partnership owns the land located at N48W19272 Lisbon Road, on the parcel identified by Tax Key Number 128.998.004; and

WHEREAS, the subject lands are legally described as follows:

Lot 1 in Certified Survey Map No. 10744, Outlot 16 and part of Outlot 13 in Tamarind Addition No.2, being in the Southwest 1/4 of the Southeast 1/4 of Section 32, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of said Section 32; thence North 00° 01' 28" West along the West line of said 1/4 Section a distance of 65.01 feet to the point of beginning of lands to be described; thence North 00° 01' 29" West 1119.18 feet to a point; thence North 88° 45' 19" East 186.59 feet to a point; thence South 50° 19' 18" East 706.36 feet to a point; thence South 56° 13' 10" East 56.35 feet to point in the West line of Tea Tree Drive, Known as Point A; thence South 56° 13' 10" East 60.19 feet to point in the East line of Tea Tree Drive, known as Point B; thence South 56° 13' 10" East 86.14 feet to a point; thence South 89° 56' 09" East 382.29 feet to a point; thence South 00° 03' 51" West 531.30 feet to a point; thence South 88° 45' 19" West 1280.16 feet to the point of beginning.

ALSO:

Part of Outlot 13 in Tamarind Addition No.2, being in the Southwest 1/4 of the Southeast 1/4 of Section 32, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at said Point A; thence North 29° 16' 42" East along the West line of Tea Tree Drive 21.67 feet to the point of beginning of lands to be described; thence North 50° 42' 15" West 111.96 feet to a point; thence North 08° 08' 30" East 80.32 feet to a point; thence South 80° 38' 28" East 142.15 feet to a point in the West line of Tea Tree Drive; thence Southwesterly along said West line and an arc of a curve to the right with an arc length of 36.72 feet, whose radius is 120.00 feet and whose chord bears South 20° 30' 46" West 36.57 feet to a point; thence South 29° 16' 42" West 106.68 feet to the point of beginning.

ALSO:

Outlot 16 in Tamarind Addition No.2, being in the Southwest 1/4 of the Southeast 1/4 of Section 32, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, bounded and described as follows:

Total land contains 1,028,133 square feet or 23.6026 acres.

WHEREAS, on June 25, 2009 the Village Board of Trustees approved Ordinance No. 449-O-09 creating the Fiduciary Villas Planned Residential Development; and

WHEREAS, the Fiduciary Villas Planned Residential Development allowed a development containing 76 condominium units in 20 buildings; and

WHEREAS, Home Path Financial Limited Partnership requested the Village amend Resolution 449-O-09 allowing 35 single-family dwelling units; and

WHEREAS, the net density of the development will decrease from 3.3 dwelling units per acre to 1.79 dwelling units per acre; and

WHEREAS, the requested density is consistent with the Village Comprehensive Plan; and

WHEREAS, the amended Fiduciary Villas Planned Residential Development is consistent with the spirit and intent of the Zoning Ordinance; and

WHEREAS, the amended Fiduciary Villas Planned Residential Development is in keeping with the current economic and social considerations; and

WHEREAS, the amended Fiduciary Villas Planned Residential Development justifies the application of the Planned Residential Development District requirements; and

WHEREAS, the amended Fiduciary Villas Lakes 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 May 5, 2009 recommended the Fiduciary Villas Planned Residential Development be approved subject to the following conditions:

1. Constructing by-pass acceleration/ deceleration lanes to the satisfaction of the Village Engineering Department at the modified entrance to the development shown on the June 8 Conceptual Master Plan.

2. The modified entrance to the development shall be designed so that headlights from vehicles leaving the development do not shine directly into residences across the street.
3. Obtaining a Village Erosion Control Permit prior to any site grading.
4. Obtaining a Village Stormwater Permit.
5. Obtaining Wisconsin DNR permits prior to conducting any filling on the site.
6. Working with the Engineering Department to obtain their approval on all of the proposed utilities, stormwater, grading, and street plans.
7. The Developer shall deposit funds with the Village for the future construction of the proposed path consistent with what has been done with other developments.
8. A Development Agreement will have to be entered into, approved by the Village Board, and signed prior to utility construction.
9. A Letter of Credit or other financial guarantee must be provided in accordance to the development agreement prior to utility construction.
10. Paying water, sewer and park impact fees within 14 days of the issuance of any building permits for the development.
11. The Developer submitting details about the berms and any proposed outdoor lighting.
12. Shifting all vegetation out of the ANR easement, and detention pond embankments.
13. The Developer shall pay all costs associated with the required acceleration/ deceleration lanes, modified driveway approaches, culverts and ditch.
14. The side elevations detailing the 2- car garages shall be broken from the same plane a minimum of 1 foot and include the plane of the roof in this offset.
15. Condominium buildings with shared automobile courts adjacent to each other shall not have the same color schemes.
16. The roofs of all buildings shall be shingled with 30- year dimensional shingles in a weatherwood color.

WHEREAS, at its meeting on May 6, 2005, the Architectural Control Board originally recommended the Fiduciary Villas Planned Residential Development be approved;

WHEREAS, at its meeting on December 10, 2024, the Plan Commission recommended the Village Board of Trustees adopt an Ordinance amending the Fiduciary Villas Planned Residential Development allowing 35 single family dwelling units to replace 76 condominium units in 20 buildings subject to the following conditions:

1. Architectural Control Board (ACB) approval required for the Planned Residential District (PRD), including any landscaping buffer zones along Lisbon and One Mile Roads and any entry features.
2. Preliminary and Final plat approval required.

3. Sidewalk should continue on the west side of Tea Tree Drive and the south side of the proposed Pleasantview Drive.
4. The Village Comprehensive Outdoor Recreation Plan shows a proposed future multi-use path along Lisbon Road (CTH "K") and One Mile Road. The developer should provide an asphalt multi-use path along Lisbon Road (CTH "K") and One Mile Road in conjunction with the development as recommended by the Village Comprehensive Recreation Plan.
5. Subdivision entry monument signs near the intersection of One Mile Road and Pleasantview Drive will need to be located outside of the vision corner. Landscaping in the vision corner will need to be two feet in height or less.
6. Minimum lot width is 78'. Setbacks proposed are front 30', rear 30' and side 12.5'. These meet the PRD requirements. Lot 105 & 106 will need a rear setback of 35' to meet PRD requirements for lots that directly abut a public street under Sec. 122-524(1)b.1.i.
7. Maximum building height is 42'.
8. The applicant will need to pay the "Fee in Lieu of Dedication" in the amount of \$1,000 for every lot created in a Final Plat - prior to the recording of the Final Plat.
9. The Developer shall extend 16" diameter municipal water main along Lisbon Road (CTH "K") or alternate internal route and One Mile Road along the entire frontage of the development parcel as required by Village ordinance.
10. A permit from the Waukesha County Department of Public Works is required prior to any construction within the public road right-of-way of Lisbon Road (CTH "K").
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 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 wetland delineation is needed.
18. Wetland fill permits from the Wisconsin DNR will have to be obtained by the Developer for the wetlands impacted by the road crossings. The wetland fill areas shall be sufficient to accommodate the roads, terrace areas behind the curbs with a minimum width of 4 feet, sidewalks and safety shelves behind the sidewalk with a minimum width of 3 feet.
19. A geotechnical study will have to be done by a licensed soil 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.
20. Any roadway or building pad areas where 5 feet or more of fill will be placed shall have the filling operations overseen by a geotechnical engineering firm to assure proper compaction to Village Specifications. Soil compaction reports are to be submitted to the Village Engineering Department.
21. The centerline radius shall be a minimum of 150 feet for all public roads to provide safe sight distances meeting AASHTO design guidelines.
22. Accel/decel lanes and tapers meeting Village design standards need to be provided at the proposed road intersection at One Mile Road.
23. An interior island is to be provided in the cul de sac.
24. An outlet is to be provided at the cul de sac island.
25. All sewer, water main and laterals are to be kept out of the cul de sac island.
26. The proposed sanitary sewer through easements between homes will not be permitted. All sanitary sewer is to be kept in the roads. The depth of the adjacent existing sanitary sewer in Tamarind Addn. No. 2 subdivision was designed to allow for all sanitary sewer to be kept in the roads.
27. Storm sewer needs to be provided in backyard areas so the flow length in the backyard drainage swales doesn't exceed 350 feet before the drainage is captured by a storm inlet.
28. All sanitary sewer, water main, storm sewer, and street design must follow the Village of Menomonee Falls Standards and Requirements for Development.
29. 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.
30. Street trees are to be kept out of the road right-of-way and placed within the front 10 feet of the private lots and outlots.
31. 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.

32. 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.
33. Detailed utility, street, grading and stormwater management plans are required. Further engineering review is needed once these plans are submitted.
34. The facilities layout for electric, telephone, and cable shall conform to section 94-155 of the municipal code.
35. Fire department access roads shall:
 - Have an unobstructed width of not less than 20 ft.
 - Have unobstructed vertical clearance of not less than 13 ft 6 in.
 - Be designed and maintained to support the imposed loads of fire apparatus.
 - Have an unobstructed width of not less than 26 ft. for aerial apparatus access if grade to highest roof surface exceeds 30 ft.
 - Have an angle of approach and departure not exceed 1 ft drop in 20 ft.
 - Have turning radii that meet the WB-50 Template
 - Dead-end fire department access roads in excess of 150 ft in length shall be provided with approved provisions for the fire apparatus to turn around.
 - Landscaping and plantings must be installed/maintained so that it does not interfere with fire department access.
 - Fire Department access per NFPA 1 and fire lanes must be maintained throughout project; and

WHEREAS, at its meeting on December 17, 2024, the Architectural Control Board recommended amending the Fiduciary Villas Planned Residential Development with the following conditions:

1. Satisfying the conditions identified in the Ordinance.
2. Compliance with the submitted Village staff comments.
3. Submitting a revised landscape plan to for staff review and approval which:
 - a. Includes entry feature planting details near the intersection of Pleasantview Drive and One Mile Road.
 - b. Removes trees and woody vegetation from the downslope of storm water pond facilities or in drainage ditches.
 - c. Includes design detail for the monument sign (or signs) for the entrance from One Mile Road if the applicant proposes to install one (or more).

WHEREAS, the amended Fiduciary Villas Planned Residential Development will contain a total of 35 single family dwelling units and be called Tamarind Addition No. 3.

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 Fiduciary Villas 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 6th day of January, 2025.

By: _____
Jeremy Walz, Village President

Date Posted: 1/10/25-1/23/25

Attest: _____
Amy Dishinger, Village Clerk