

VILLAGE OF MENOMONEE FALLS ORDINANCE NO. 783-0-20

AN ORDINANCE MODIFYING THE HIGHLANDS AT AERO PARK PLANNED RESIDENTIAL DEVELOPMENT

WHEREAS, Lisbon Senior Apartments LLC and Aero Park Single Family LLC have an interest in Lot 1 and Lot 2 of Certified Survey Map No. 11210;

WHEREAS, said lands contain 30 acres; and

WHEREAS, on November 19, 2012 the Village Board adopted Ordinance No. 548-O-12 approving the Waterside Highlands and Waterside Single Family Planned Residential Development over the subject lands; and

WHEREAS, on October 19, 2015 the Village Board adopted Ordinance No. 633-O-15 modifying and renaming the Waterside Highlands and Waterside Single Family Planned Residential Development to the Highlands at Aero Park Planned Residential Development; and

WHEREAS, on January 6, 2020 the Village Board adopted Ordinance No. 781-O-20 rezoning 10.6623 acres within the larger 30 acres described above from the PRD Planned Residential Development District to the P-2 Institutional District; and

WHEREAS, the remaining 19.3377 acres within the larger 30 acres described above are located in a Planned Residential Development District; and

WHEREAS, the Highlands at Aero Park Planned Residential Development previously consisted of 168 dwelling units in a senior apartment building, 32 dwelling units in four 8-unit senior townhomes, and 18 single family homes; and

WHEREAS, the modified Highlands at Aero Park Planned Residential Development now consists of 32 dwelling units in four 8-unit senior townhomes, and 17 single family homes; and

WHEREAS, covenants and restrictions will be put in place for the Highlands at Aero Park Planned Residential Development, which will be recorded at the Waukesha County Register of Deeds; and

WHEREAS, deed restrictions for the single family residential lots will be reviewed by the Village and finalized prior to the recording of the final plat; and

WHEREAS, the modified Highlands at Aero Park Planned Residential Development is consistent with the spirit and intent of the Zoning Ordinance; and

WHEREAS, the modified Highlands at Aero Park Planned Residential Development is in keeping with current economic and social considerations; and

WHEREAS, the modified Highlands at Aero Park Planned Residential Development justifies the application of the Planned Residential Development District requirements; and

WHEREAS, the modified Highlands at Aero Park 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 on September 10, 2019 recommended the modified Highlands at Aero Park Planned Residential Development be approved subject to the following 18 conditions:

1. The proposed sewage flow shall be within the capacity allotted for under the adopted Southwest Area Land Use Plan.
2. 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 Notice of Intent submittal is to be forwarded to the Village Engineering Department prior to issuance of the Village Erosion Control Permit.
3. The site will need to be analyzed for stormwater infiltration per Wisconsin DNR Technical Standard 1002 of the NR 151 guidelines.
4. Stormwater management meeting the Village's stormwater ordinance must be provided for the development.
5. 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. The Village Engineering Department will not review the stormwater management plan until this is received.
6. A Village Erosion Control Permit is required.
7. 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.
8. Landscaping around the detention ponds shall comply with the *Village Landscape Design Guidelines*.
9. Permitting from the Waukesha County Department of Public Works is required for the access onto Lisbon Road (CTH "K").
10. A Village Driveway Permit is required prior to the construction of each driveway approach off of public streets. Standard flared concrete driveway approaches meeting Village Specifications are to be used.
11. The Developer shall, in conformance with the Village Comprehensive Plan, construct a multi-use asphalt path along Lisbon Road in conjunction with the development, including a proportional share (29%) of the trail in front of the 4 single family homes located at N48W19978, N48W19950, N48W19902, and N48W19750 Lisbon Road.
12. The Developer shall install 16" water main along Lisbon Road or internally through the development up to the furthest east property line extended at Lisbon Road.
13. The Developer will have to extend water main along Lisbon Road to service the adjacent existing single family properties.
14. The Developer will have to install sanitary sewer to service the adjacent single family properties.
15. All sanitary sewer, water main, and storm sewer design must follow the *Village of Menomonee Falls Standards and Requirements for Development*.

16. A Development Agreement will have to be entered into, approved by the Village Board, and signed prior to utility construction.
17. A Letter of Credit or other financial guarantee must be provided in accordance to the development agreement prior to utility construction.
18. Further engineering review is needed once detailed utility, street, grading and stormwater management plans are submitted.
19. Six (6) inch diameter PVC laterals shall be used from the sanitary sewer main to the property right-of-way line.
20. Adding plantings along Lisbon Road; and

WHEREAS, the Architectural Control Board, at its meeting on September 29, 2015 recommended the modified Highlands at Aero Park Planned Residential Development be approved subject to the following 3 conditions:

1. Submit layouts and color/material samples to staff for review and approval.
2. Improve landscaping as discussed at the meeting and including additional plantings along Lisbon Road and along the west side of the northwest 8-unit building.
3. Submit drawings along with color and material samples for the dumpster enclosures to staff for review and approval; 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 modified Highlands at Aero Park Planned Residential Development.

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

Section 3. The Village Clerk shall cause a Certified Copy of this ordinance to be recorded with the Waukesha County Register of Deeds.

Adopted by the Village Board of Trustees of the Village of Menomonee Falls on the 6th day of January, 2020.

By: _____

David Glasgow, Village President

Date Posted: 6-12-20 to 6-25-20

Attest _____

Janice Moyer, Village Clerk