

**ORDINANCE NO. 02-2019****AN ORDINANCE TO CONDITIONALLY AMEND THE VILLAGE OF NORTH PRAIRIE ZONING DISTRICT MAP BY PLACING CERTAIN LANDS OWNED BY SCHROEDL DEVELOPMENT, LLC LOCATED ALONG DABLE ROAD IN THE VILLAGE OF NORTH PRAIRIE FROM A-T AGRICULTURAL TRANSITIONAL TO R-1 RESIDENTIAL**

WHEREAS, a petition has been filed by Lee Schroedl, Schroedl Development, LLC (hereinafter, "Petitioner"), to rezone Lots 1-4, Certified Survey Map No. 11864, as depicted on Exhibit A, which is a portion of tax key NPV1571993005 (Lot 1 of CSM 11863) as depicted on Exhibit B, attached hereto and incorporated herein (hereinafter "Subject Lands"); and

WHEREAS, said rezoning Petition was submitted to rezone the Subject Lands from A-T Agricultural-Transitional to R-1 Residential; and

WHEREAS, the Petitioner has supplied all required data pursuant to the Village of North Prairie Zoning Code, and a public hearing was conducted by the Village of North Prairie Village Board on July 11, 2019, upon due notice as required by Section 12.5 and 13 of Chapter 70 Zoning in the North Prairie Municipal Code; and

WHEREAS, the rezoning Petition has been submitted to the Village Plan Commission of the Village of North Prairie for a report and recommendation; and

WHEREAS, the Village Plan Commission of the Village of North Prairie has determined that the request is in substantial compliance with the Land Use and Transportation Plan Map adopted in June 2007 and recommended the Petition be granted subject to the conditions outlined herein; and

WHEREAS, the Village Board of the Village of North Prairie having carefully reviewed the recommendation of the Plan Commission of the Village of North Prairie, having determined that all procedural requirements and notice requirements have been satisfied, having determined that the rezoning is consistent with the recommendations found in the Village of North Prairie Master Plan, 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 surrounding properties as to noise, dust, smoke and odor, and others, hereby determines that the rezoning will not violate the spirit or intent of the zoning code of the Village of North Prairie, 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.

NOW, THEREFORE, the Village Board of the Village of North Prairie, Waukesha County, Wisconsin, do hereby ordain as follows:

**SECTION 1:** The zoning map of the Village of North Prairie is hereby amended to change the zoning of the Subject Lands from A-T Agricultural Transitional to R-1 Residential, if the conditions stated in Section 2 in this Ordinance are complied with.

**SECTION 2:** The above rezoning is conditioned upon the following conditions:

- A. Subject to Plan Compliance. The Subject Lands must be used in substantial conformity with the presentation at the Village Plan Commission meeting of July 9, 2019, with the presentation at the public hearing held on July 11, 2019, and in compliance with the concerns and other requirements noted by the Village of North Prairie Plan Commission and the Village of North Prairie Village Board in their review of the same.
- B. Subject to County, State and Other Government Approval. The petitioner shall obtain any permits and approvals required by the County of Waukesha, State of Wisconsin, and/or federal government, and/or any agency or department thereof related to the development and use of the Subject Lands in the manner described in Condition A, above; and Petitioner further shall be required to satisfy all conditions of any such permits and approvals before this conditional rezoning shall become effective.
- C. Subject to Acceptance. Subject to the Petitioner of the Subject Lands acknowledging in writing that he has received a copy of this conditional approval, that he understands and accepts the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed not to have been approved, and the Petitioner will therefore need to recommence the application process.
- D. Subject to Payment of Fees. Petitioner shall, on demand, reimburse the Village of North Prairie for all costs and expenses of any type that the Village incurs in connection with this rezoning Petition, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional rezoning ordinance due to a violation of these conditions.

**SECTION 3:** *Zoning Map Amended.* The Village Engineer, or a party authorized by the Village, is hereby directed to note this rezoning on the Official Zoning Map of the Village of North Prairie in satisfaction of all conditions in Section 2 of the Ordinance.

**SECTION 4:** *Severability.* The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the

specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance 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 5: Effective Date.** This ordinance shall be in full force and effect from and after its passage and publication and subject to the conditions stated in Section 2, and this ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

DATED this 11<sup>th</sup> day of July, 2019.

**VILLAGE OF NORTH PRAIRIE**

\_\_\_\_\_  
**GARY K NICKERSON, VILLAGE PRESIDENT**

**ATTEST:**

\_\_\_\_\_  
**RHODA M. BAGLEY, VILLAGE CLERK**

**ACCEPTANCE OF PETITIONER**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**PETITIONER**

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**LEE SCHROEDL  
SCHROEDL DEVELOPMENT, LLC**

EXHIBIT A

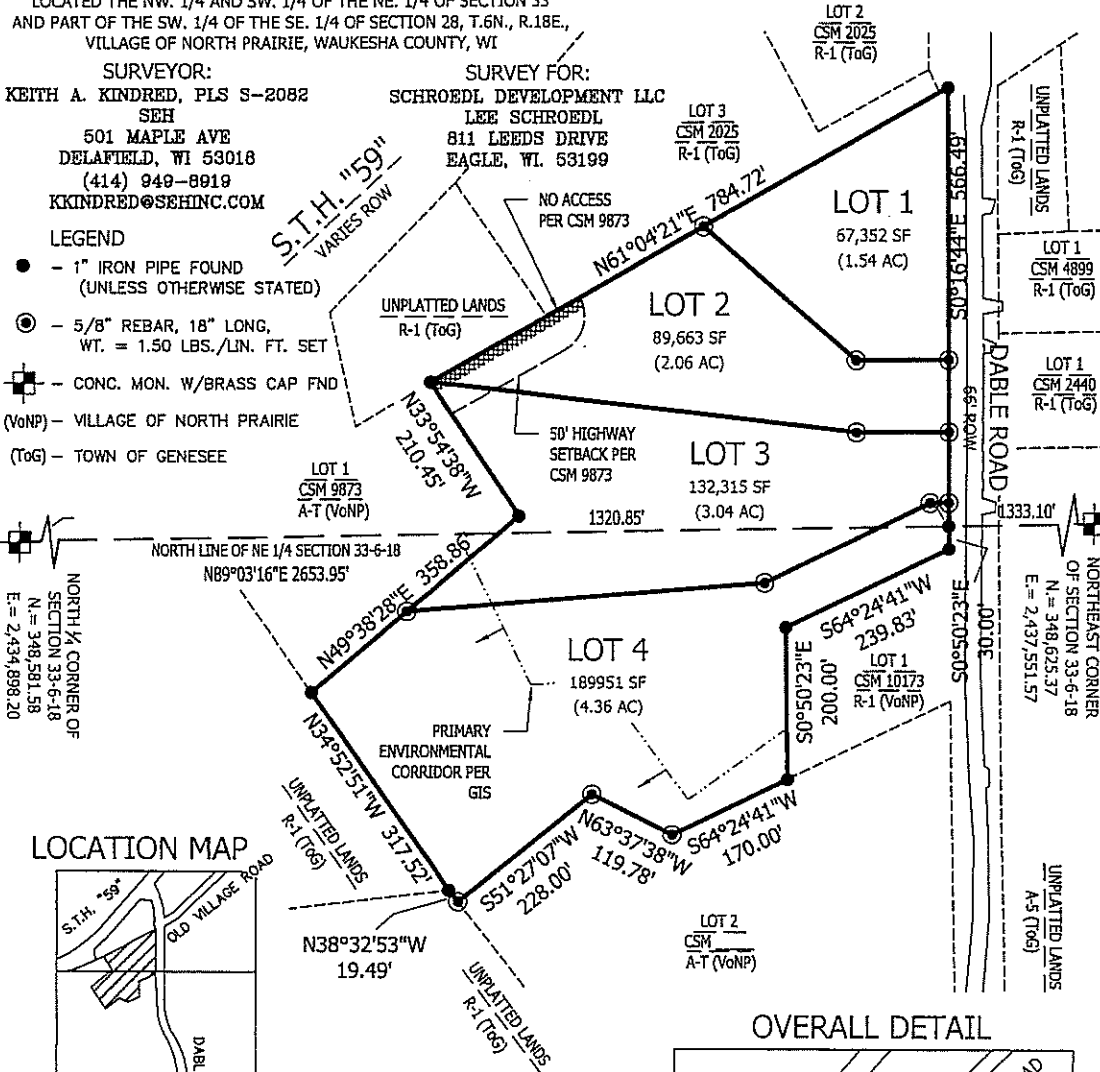
CERTIFIED SURVEY MAP NO. 11864

BEING ALL OF LOT 1 OF CSM 11863,  
LOCATED THE NW. 1/4 AND SW. 1/4 OF THE NE. 1/4 OF SECTION 33  
AND PART OF THE SW. 1/4 OF THE SE. 1/4 OF SECTION 28, T.6N., R.18E.,  
VILLAGE OF NORTH PRAIRIE, WAUKESHA COUNTY, WI

SURVEYOR:  
KEITH A. KINDRED, PLS S-2082  
SEH  
501 MAPLE AVE  
DELAFIELD, WI 53018  
(414) 949-8919  
KKINDRED@SEHINC.COM

SURVEY FOR:  
SCHROEDL DEVELOPMENT LLC  
LEE SCHROEDL  
811 LEEDS DRIVE  
EAGLE, WI 53199

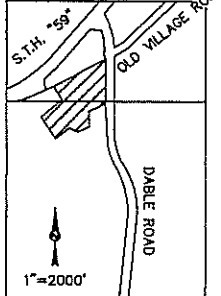
- LEGEND
- - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
  - ⊙ - 5/8" REBAR, 18" LONG, WT. = 1.50 LBS./LIN. FT. SET
  - ⊕ - CONC. MON. W/BRASS CAP FND
- (VoNP) - VILLAGE OF NORTH PRAIRIE  
(ToG) - TOWN OF GENESEE



NORTH 1/4 CORNER OF SECTION 33-6-18  
N = 348,581.58  
E = 2,434,898.20

NORTHEAST CORNER OF SECTION 33-6-18  
N = 348,625.37  
E = 2,437,551.57

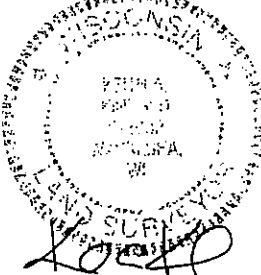
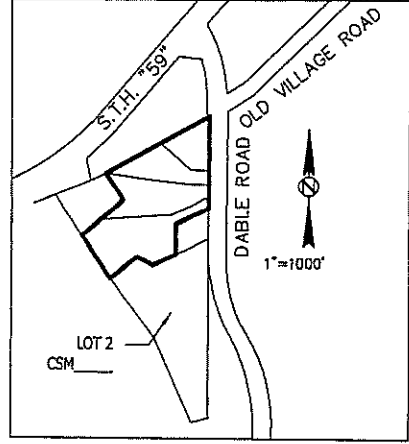
LOCATION MAP



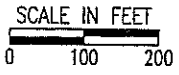
S. 1/2 OF THE SE. 1/4, SEC. 28-6-18  
NE. 1/4, SEC. 33-6-18

- NOTES:
1. SEE SHEET 3 OF 7 FOR TOPOGRAPHIC AND SOILS INFORMATION
  2. THIS PROPERTY LIES IN ZONE "C" "AREAS OF MINIMAL FLOODING" PER FEMA MAP NO. 550476-0110 B DATED AUGUST 1, 1983.
  3. SEE SHEET 3 OF 7 FOR SETBACK INFORMATION.

OVERALL DETAIL



APRIL 5, 2019  
REVISED MAY 7, 2019



BEARINGS REFERENCED TO WISCONSIN STATE PLANE COORDINATES GRID NORTH, SOUTH ZONE, ON THE NORTH LINE OF THE NE. 1/4 OF SECTION 33-6-18 AS N.89°03'16"E.

PHONE: 414.949.8962  
501 MAPLE AVENUE  
DELAFIELD, WI 53018-9351  
www.sehinc.com  
PROJECT NO. DABRD\_150291

EXHIBIT B

CERTIFIED SURVEY MAP NO. 11803

BEING A PART OF LOT 2 OF CSM 9873,  
LOCATED THE NW. 1/4 AND SW. 1/4 OF THE NE. 1/4 OF SECTION 33  
AND PART OF THE SW. 1/4 OF THE SE. 1/4 OF SECTION 28, T.6N., R.18E.,  
VILLAGE OF NORTH PRAIRIE, WAUKESHA COUNTY, WI

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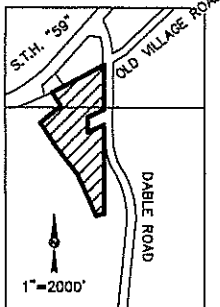
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E = 2,434,898.20

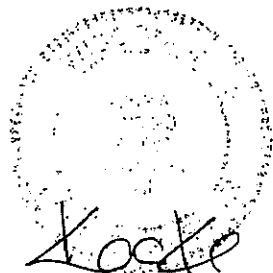
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LOCATION MAP



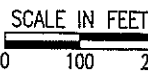
S. 1/2 OF THE SE. 1/4, SEC. 28-6-18  
NE. 1/4, SEC. 33-6-18

- NOTES:
1. SEE SHEET 2 OF 6 FOR TOPOGRAPHIC AND SOILS INFORMATION
  2. THIS PROPERTY LIES IN ZONE "C" "AREAS OF MINIMAL FLOODING" PER FEMA MAP NO. 550476-0110 B DATED AUGUST 1, 1983.
  3. SEE SHEET 3 OF 6 FOR SETBACK INFORMATION.



APRIL 5, 2019  
REVISED MAY 7, 2019

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THIS INSTRUMENT DRAFTED BY PETER A. TUFTEE

LOT 1 CSM 6619 EC (ToG)

SHEET 1 OF 6

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