

178th BOARD YEAR
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref:	To:	Title
178-O-100	03/05/24 03/05/24	LU	ORD: Authorize Participation In Wisconsin Outdoor Motorized Recreational Trails Aid For Waukesha County Snowmobile Trails
178-O-101	03/05/24 03/05/24	LU	ORD: Approve Town Of Delafield Ordinance No. 2024-01 Which Amends The District Zoning Map Of The Town Of Delafield Zoning Code By Conditionally Rezoning Certain Lands Located In The NE, SE And SW ¼ Of Section 23, T7N, R18E, Town Of Delafield From The A-1 Agricultural District To Planned Development District No. 1 (RZ141)
178-O-102	03/05/24 03/05/24	LU	ORD: Amend The Town Of Delafield District Zoning Map Of The Waukesha County Shoreland Protection Ordinance By Conditionally Rezoning Certain Lands Located In Part Of The NE ¼ Of Section 23, T7N, R18E, Town Of Delafield, Waukesha County, Wisconsin, From The A-1 Agricultural District To The R-3 Residential District (RZ116)
178-O-103	03/05/24 03/05/24	LU	ORD: Approve Town Of Mukwonago Ordinance No. 2023-O-064 Which Amends The District Zoning Map Of The Town Of Mukwonago Zoning Code By Rezoning Certain Lands Located In Part Of The NE ¼ And SE ¼ And SW ¼ Of Section 22, T5N, R18E, Town Of Mukwonago, From The SE Suburban Estate District To The P-1 Public District (RZ140)
178-O-104	03/05/24 03/05/24	LU	ORD: Approve Town Of Merton Ordinances No. 17.03 And No. 17.44 To Allow For The Recreational Keeping Of Chickens On Smaller Properties (RZ143)
178-O-105	03/05/24 03/05/24	LU	ORD: Approve Town Of Merton Ordinance No. 17.29 That Repeals And Recreates Section 17.29 Of The Town Of Merton General Code Of Ordinances Relating To Swimming Pools (RZ142)
178-O-106	03/05/24 03/05/24	LU	ORD: Approve Town Of Mukwonago Ordinance 2023-O-65 That Amends Appendices A, C And D Of The Town Of Mukwonago Zoning Code Relative To Miscellaneous Zoning Matters (RZ133)
178-O-107	03/06/24 03/06/24	LU FI	ORD: Modify The 2024 Community Development Fund Budget To Accept Additional Home Investment Partnership (HOME) Program Income And Carryover Budget Authority From 2023 To 2024
178-O-108	03/06/24 03/06/24	EX LU FI	ORD: Modify The 2024-2028 Capital Plan And 2024 Capital Projects Budget To Appropriate Additional Expenditures For Capital Project #202212, Fox River Park Improvements
178-O-109	03/06/24 03/06/24	EX LU FI	ORD: Modify The 2024-2028 Capital Plan And The 2024 Capital Budget To Create Capital Project #202419 Naga-Waukee Beach House Repair
178-A-049	02/12/24	EX	APPT: Reappointment of Christine Beck as Waukesha County Representative to the Health and Human Services Advisory Board
178-A-050	02/12/24	EX	APPT: Reappointment of Mary Baer as Waukesha County Representative to the Health and Human Services Advisory Board
178-A-051	02/12/24	EX	APPT: Reappointment of Robert Menefee, Jr. as Waukesha County Representative to the Health and Human Services Advisory Board

178th BOARD YEAR
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref:	To:	Title
178-A-052	03/05/24	EX	APPT: Appointment of Dr. Kimberly McElroy as a Waukesha County Representative to the Health and Human Services Advisory Board
178-O-110	03/05/24 03/05/24	CB	ORD: Authorization To Enter Into Settlement Agreement In The Condemnation Lawsuit Of Associated Bank, N.A. V. Waukesha County, Case Number 23CV470

1 AUTHORIZE PARTICIPATION IN WISCONSIN OUTDOOR MOTORIZED
2 RECREATIONAL TRAILS AID FOR WAUKESHA COUNTY SNOWMOBILE TRAILS
3

4 WHEREAS, the Waukesha County Department of Parks and Land Use, in cooperation with the
5 Waukesha County Snowmobile Association, Inc., utilizes the State of Wisconsin Department of
6 Natural Resources – Outdoor Motorized Recreational Trails Aid for acquisition, insurance,
7 development and maintenance of public snowmobile trails; and
8

9 WHEREAS, Waukesha County Snowmobile Association, Inc. acquires, insures, and maintains
10 snowmobile trails for public outdoor snowmobile trail use; and
11

12 WHEREAS, a Waukesha County Board ordinance indicating a desire to participate in the
13 program is required annually to apply for and receive Outdoor Motorized Recreational Trails Aid
14 for public snowmobile trails under sec. 23.09(26), Wis. Stats.; and
15

16 WHEREAS, Waukesha County has been a successful annual participant in the Outdoor
17 Motorized Recreational Trails Aid grant program since 2000; and
18

19 WHEREAS, the State of Wisconsin requires Waukesha County to coordinate, apply for and
20 disburse snowmobile funds; and to execute a separate agreement with Waukesha County
21 Snowmobile Association, Inc. which includes all required grant documentation for funding to be
22 provided to Waukesha County; and
23

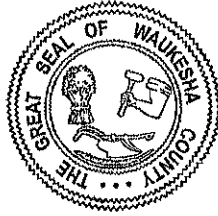
24 WHEREAS, the grant funds to be received and disbursed have been incorporated in the 2024
25 Waukesha County Department of Parks and Land Use budget.
26

27 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
28 that Waukesha County desires to receive Outdoor Motorized Recreational Trails Aid pursuant to
29 sec. 23.09(26), Wis. Stats. for program year 2024-2025.
30

31 BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use or his
32 designee is authorized to act on behalf of Waukesha County to submit an application to the State
33 of Wisconsin Department of Natural Resources for any financial aid that may be available
34 pursuant to sec. 23.09(26), Wis. Stats.
35

36 BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use or his
37 designee is authorized to execute an agreement on behalf of Waukesha County with Waukesha
38 County Snowmobile Association, Inc., in a form to be approved by Corporation Counsel, for the
39 maintenance of Waukesha County public snowmobile trails and distribution of related program
40 funds.
41

42 BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use or his
43 designee is authorized to take all necessary actions and execute any necessary additional
44 documents in order to effectuate the purposes of the agreement and to undertake, direct and
45 complete approved projects with Outdoor Motorized Recreational Trails Aid received.



Waukesha County

Department of Parks and Land Use

Agreement Between Waukesha County Snowmobile Association, Inc. and Waukesha County for Maintenance of Waukesha County Public Snowmobile Trails and Distribution of Funds Under the Wisconsin Department of Natural Resources Snowmobile Aids Program

This Agreement is made by and between Waukesha County Snowmobile Association, Inc. herein called "Contractor", and Waukesha County, herein called "County", a Wisconsin municipal corporation, for the maintenance of public snowmobile trails located within Waukesha County pursuant to §23.09(26) and §350.12(4), Wis. Stats.

A. TERM OF AGREEMENT:

- 1) This Agreement is in effect from November 1, 2024 through March 30, 2025, renewable annually at the option of County.

B. SCOPE OF WORK:

Parties agree that the scope of work under this Agreement shall be limited to public snowmobile trails within the legal boundaries of Waukesha County. Contractor must obtain the County's written approval for any work performed outside the County's borders to be made part of this Agreement.

The Contractor shall perform the following services on an annual basis:

- 1) Verify with private landowners and the County that there are valid land use agreements on file with the County securing public access and use of land for snowmobiling by the public.
- 2) Prepare the trails for public use by grading, brushing, leveling, and performing other preparatory work necessary to provide safe riding conditions.
- 3) Install deck protection over surface of all multi-use trail bridges, to protect bridge decking and to provide for safe riding conditions. Inspect planking regularly, and close trail at bridge crossing immediately upon discovery of damaged or missing planking. Re-open bridge crossing only after repairs to planking are complete. All planking to be removed by April 1st each year.
- 4) Install and maintain snowmobile highway, trail, and guide signs conforming to NR 50.09 requirements. Coordinate signage with County and State departments.

- 5) Provide equipment and labor necessary to maintain and groom the trails in a safe riding condition.
- 6) Groom and maintain snowmobile trails to the minimum standards required under NR 50.09 and any other State or County rule or regulation.
- 7) Periodically inspect trails to ensure safe riding conditions. Notify Waukesha County Department of Parks and Land Use, Parks System Division of trail conditions as requested and provide current trail maps as requested.
- 8) Keep Snow Conditions Recorded Hotline up to date with trail condition/status. Indicate conditions as "Closed, Poor, Fair, Good, or Excellent", status as "Closed, Partially Open (indicate which trails), or Open", the amount of snow base in inches, and if the trails have been groomed. Inform County whenever conditions change so Department of Tourism website and County website can be updated.
- 9) Install and maintain approved trail open/closed signage that includes snow depth requirements at all major access points where snowmobile trail follows a multi-use trail corridor (i.e. Ice Age Trail, Bugline). Multi-use trail signs shall not be removed or covered without permission of agency placing the sign.

A. DISTRIBUTION OF FUNDS UNDER THE SNOWMOBILE AIDS PROGRAM

The County shall distribute funds available under the Snowmobile Aids Program as follows:

- 1) The County shall reimburse the Contractor for actual maintenance performed by multiplying the State of Wisconsin Department of Natural Resources approved Snowmobile Trail Maintenance rate per mile then in effect times the number of certified miles of Waukesha County public snowmobile trails maintained by Contractor, up to the maximum grant funding provided by the State of Wisconsin Department of Natural Resources. County agrees to distribute supplementary snowmobile trail maintenance payments provided by the State to Contractor subject to availability and eligibility.
- 2) Contractor agrees that above outlined services shall be provided for the amount stated in the preceding paragraph. Contractor understands that supplementary snowmobile trail maintenance payments are subject to availability and conditions and that as such, may not be available for distribution to Contractor. Contractor agrees that trails shall be maintained in a safe riding condition until the end of the snowmobiling season even if funds are exhausted prior to the end of the season.
- 3) Contractor shall submit to County requests for distribution of funds on Snowmobile Automated Recording System (SNARS) provided by the Department of Natural Resources. Requests must be submitted to the County by the 25th day of each month. Distribution of funds by County is contingent upon approval of work by County and/or the Department of Natural Resources and the availability of State Snowmobile Aids Program funds.

B. ADDITIONAL PROVISIONS

- 1) Contractor agrees that it is working in the capacity of an independent contractor with respect to the services provided. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties.

- 2) Contractor agrees that it will, at all times during the term of this Agreement, keep in force and effect insurance policies required by this Agreement as noted below. Insurance certificates must be issued by a company or companies authorized to do business in the State of Wisconsin and that are satisfactory to the County. Such insurance shall be primary. Prior to commencing any on-site activity, the Contractor shall furnish the County with a Certificate of Insurance issued and upon request, certified copies of the required insurance policies. The Certificate shall reference this Agreement and provide for thirty (30) days' advance notice of cancellation or non-renewal during the term of this Agreement.

Failure to submit or maintain the insurance requirements may void this Agreement at the County's discretion. Minimum requirements are as follows:

Commercial General Liability: Policy shall be written to provide coverage for, but not limited to, the following: (1) Premises and Operations, (2) Products and completed operations, (3) Personal injury, (4) Blanket contractual coverage, (5) Broad form property damage and (6) Independent Corporation's coverage.

Limits of liability not less than: \$1,000,000 General aggregate; \$1,000,000 Products/Completed operations aggregate; \$1,000,000 Personal Injury; \$1,000,000 Each Occurrence. Waukesha County, its boards, commissions, agencies, officers, employees and representatives shall be named as additional insureds and be so stated on the Certificate(s) of Insurance.

- 3) Contractor agrees to protect, indemnify, defend and hold harmless Waukesha County, its boards, commissions, officers, agents, employees and representatives from and against any and all liability, including claims, causes of actions, damages, demands, costs, expenses, losses and damage to any property or bodily injury to any person including death, as a result of any act or omission of the Contractor, its officers, members, employees, agents, representatives, directors in connection with the terms of this Agreement. In case any action or proceeding is brought against Waukesha County by reason of any such claim or cause of action, the Contractor upon notice from Waukesha County shall defend Waukesha County and be responsible for payment of attorney fees and costs.
- 4) All changes that are mutually agreed upon by and between the County and the Contractor shall be in writing and designated as written amendments to this Agreement. Parties understand that County does not control the availability of funds and that funds may not be available for each year of the Agreement.
- 5) Nothing in this Agreement shall bind County to fund the snowmobile maintenance program should State funds no longer be available. County shall notify the Contractor on an annual basis as soon as funding amounts for the following snowmobiling season become available.
- 6) Termination of Agreement for Cause. If, through any cause, the Contractor fails to fulfill in a timely and proper manner its obligations under this Agreement, or if the Contractor violates the covenants, agreements or stipulations of this Agreement, the County shall

have the right to terminate this Agreement by giving written notice to the Contractor of such termination delivered pursuant to Section 8. The written notice shall be provided to the Contractor at least thirty days before the effective date of such termination. County may permit the Contractor a reasonable amount of time to cure a breach of the terms of this Agreement if the breach is amenable to a cure and County shall not unreasonably withhold such permission.

- 7) Any lawsuits related to or arising out of disputes under this Agreement shall be commenced and tried in the Circuit Court of Waukesha County, Wisconsin and the County and Contractor shall submit to the jurisdiction of the Circuit Court for such lawsuits. This Agreement and any disputes arising under it shall be governed by the laws of the State of Wisconsin.
- 8) Any and all notices shall be in writing and deemed served upon depositing same with the United States Postal Service as "Certified Mail, Return Receipt Requested", addressed to the Contractor at:

Harold Butschke
Waukesha County Snowmobile Association
730 East Harvard Street
Oconomowoc WI 53066
Cell 262-468-8437

and to the County at:

Rebecca Mattano
Waukesha County Department of Parks & Land Use
515 W. Moreland Blvd. AC 230
Waukesha, WI 53188
262-548-7807

All other correspondence shall be addressed as above but may be sent by "Regular Mail" and deemed delivered upon receipt by the addressee.

In Witness Whereof, the parties hereto have executed this Agreement on the dates recited below:

Signatures Follow

WAUKESHA COUNTY

By: _____ Date _____
Rebecca Mattano, Park System Manager

WAUKESHA COUNTY SNOWMOBILE ASSOCIATION, INC.

By: _____ Date: _____
(Signature)

By: _____ Title: _____
(Print name)

The above signatory on behalf of the Waukesha County Snowmobile Association, Inc. does hereby state that he is authorized to execute agreements and contracts on behalf of the Waukesha County Snowmobile Association, Inc. and to so bind the Waukesha County Snowmobile Association, Inc. to its terms.

Initials

1 APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2024-01 WHICH AMENDS THE
2 DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD
3 ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN
4 THE NE, SE AND SW ¼ OF SECTION 23, T7N, R18E, TOWN OF DELAFIELD FROM THE
5 A-1 AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 1
6 (RZ141)
7

8 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
9 this Ordinance was approved by the Delafield Town Board on January 23, 2024; and
10

11 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
12 Planning Commission, which recommended approval and reported that recommendation to the
13 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
14 as required by Section 60.62, Wis. Stats.
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
17 that Town of Delafield Ordinance No. 2024-01 which amends the District Zoning Map for the
18 Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, to
19 conditionally rezone from the A-1 Agricultural District to Planned Development District No. 1,
20 certain lands located in part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of
21 Delafield, as more specifically described in the “Staff Report and Recommendation” and map on
22 file in the office of the Waukesha County Department of Parks and Land Use and made a part of
23 this Ordinance by reference, is hereby approved, subject to the following conditions:
24

- 25 1. Subject to Acceptance. Subject to all of the Owners of the Subject Property
26 acknowledging in writing that they have received a copy of this ordinance, that they
27 understand and accept this zoning amendment as described, and further accept for
28 themselves and their successors and assigns the impact this ordinance may have on their
29 property.
30
- 31 2. 90 Days to Satisfy Condition. Subject to the Petitioner satisfying the aforementioned
32 acceptance condition within 90 days of the Town Board adopting this ordinance, unless
33 extended by the Town Board.
34
- 35 3. Waukesha County Approval. Subject to this ordinance being approved by the Waukesha
36 County Board, as required by Section 60.62(3)(b), Wisconsin Statutes.
37


38 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
39 this Ordinance with the Town Clerk of Delafield.

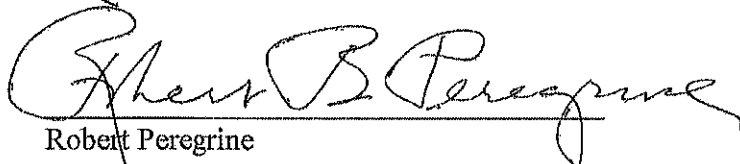
COMMISSION ACTION

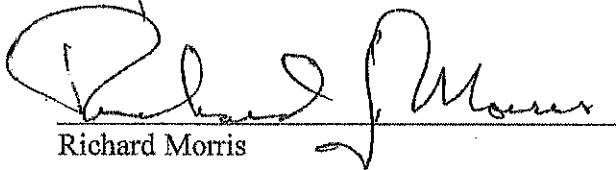
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **RZ141 (Thomas_Neumann Development)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

February 28, 2024

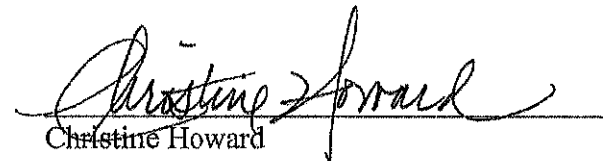

James Siepmann, Chairperson


Robert Peregrine


Richard Morris

Absent
William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: February 28, 2024

FILE NO.: RZ141

OWNER: Amy E. Thomas
N64 W31243 Beaver Lake Road
Hartland, WI 53029

APPLICANT: Neumann Development, Inc.
N27 W24025 Paul Court, Ste 100
Pewaukee, WI Nashotah, WI 53058

TAX KEY NO's: DELT 0809.995, DELT 0809.996 and DELT 0811.999

LOCATION:
The property is described as part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield containing approximately 151 acres.

EXISTING ZONING:
A-1 Agricultural District, WF-1 (Wetland-Floodplain), C-1 Upland Environmental Corridor Overlay District

PROPOSED ZONING:
Planned Development District No. 1, WF-1 Wetland-Floodplain District

EXISTING USE(S):
Farm with three residential structures.

REQUESTED USE(S):
Single family residential subdivision and side-by-side condominiums.

PUBLIC HEARING DATE:
December 5, 2023

PUBLIC COMMENT:
Ten people spoke during the December 5, 2023 public hearing. The following is a brief summary of comments offered:

- Fragile watershed- pay attention to sewer improvements needed, springs can be disrupted.
- Who would pay for a community well?
- GZA water study based upon surrounding property data that is decades old.
- If homeowner's associations can manage stormwater facilities, why can't they manage a community well?
- No new soil borings were done, no new tests done in area of infiltration basins
- A question was asked about stormwater discharge points near the northwest pond and which direction will spillway drainage flow.
- Concerns raised about bedrock blasting
- Traffic report clarification sought regarding Oakton Rd. not going through.
- Comment that boat transport adds traffic in summer, need roundabouts, will I-94 be widened, did traffic study consider Orthopaedic Associates?
- A speaker stated a preference against eight lots being connected to Crooked Creek Rd.

- A speaker talked about the legacy of what is done with the property and called out the density of the project.
- Concern was raised about the traffic study being done on a Wednesday and not being done in summer.
- Why are there no soil borings in the GZA reports?
- LPSD has to work with the developer.
- Don't have sufficient information to act regarding traffic, stormwater and water.
- Arbors subdivision has a community well and it works fine.
- Concern regarding lack of information regarding sewer.
- Orthopaedic Associates water use is five times what was estimated.
- Urges more communication regarding this project regarding traffic, sewer, stormwater, lake health, environmental impact.
- Traffic is a problem.
- One speaker stated that their property was once affected by a sewer back-up.
- There may be more than one swale going through the wooded area and swales are eroded. Would like engineer to inspect the swales to address sedimentation in the lake.
- Concerns about groundwater depletion and that infiltration would need to double to hit the infiltration standard.
- Uses should be closer in alignment to the town's motto.
- The attorney for the owner spoke and indicated that the family has tried to be accommodative of the town's use preferences and indicated that other uses kept getting removed from consideration. He questioned when the family will be allowed to develop their property for a reasonable use. He stated that the developer has done studies but are told they are never good enough.

TOWN PLAN COMMISSION AND BOARD ACTION:

On January 16, 2024, the Town of Delafield Plan Commission unanimously recommended approval of the rezone.

On January 23, 2024, the Town of Delafield Board approved the rezone on a 3-2 vote.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF DELAFIELD CDP:

The north part of the property is designated Low Density Residential (20,000 sq. ft. to 1.4 acres per dwelling unit). Wetland and woodland areas of the site are designated in the Environmental Corridor category. The south part of the property is designated Mixed Use which allows for residential, office, commercial or institutional type uses. A plan amendment to these categories was approved in 2023. The conditions of the amendment require the following:

1. No industrial uses shall be allowed.
2. Future development proposals must provide for a recreational path system that is open to the public and connects the subject lands to the Lake Country Trail.
3. If developed solely for residential use, the overall density of the site shall be within the range of the Low Density Residential category.

The proposed development of the site for 212 single family and residential condominium units is consistent with the use and density recommendations of the town and county plans. The Low Density Residential and Environmental Corridor categories allow for a maximum of 248 units on the site. The provided concept plan shows 212 units, which is less than the maximum recommended allowance for the property. The preservation of the environmental corridor, in its entirety, is consistent with plan recommendations. The proposal is also consistent with plan recommendations that call for a variety of housing types accessible to persons of all ages.

STAFF ANALYSIS:

The petitioner is seeking a rezoning of the subject 151 acre property from the A-1 Agricultural District to Planned Development District No. 1 (PDD1) pursuant to the Town of Delafield Zoning Code. A concurrent request (RZ116) to rezone the lands on the site that are subject to the Waukesha County Shoreland Protection Ordinance is pending. A County Conditional Use (CU 89) request for a Planned Unit Development is also concurrently pending.

The property is currently farmed and is located immediately north of Golf Rd. and I-94 between Glen Cove Rd. on the west and Elmhurst Rd. on the east. The property has nearly ½ mile of frontage on Golf Rd. immediately adjacent to I-94. The Lake Country Trail abuts the north end of the site. Single family residential subdivisions sit to the west and north. A subdivision that contains single family lots and residential condominiums abuts the northeast part of the property. Western Lakes Golf Course and a subdivision outlot is adjacent to the southeast.

The site contains some unique conditions in that the southern portion of the property is visible from I-94 and experiences noise from traffic passing at high speeds on the nearby interstate highway. The north part of the property contains extensive wetlands and woodlands. There are three existing homes on the site. The oldest home is a Welsh farmhouse with a stone exterior that dates to the 1940s. The petitioner is proposing to preserve the home on a separate lot. Portions of the site are mapped as containing high bedrock conditions. The south part of the property is fairly flat with a significant depression in the far southeast corner. The wooded and wetland areas on the west part of the site slope towards the north property boundary.

The existing A-1 Agricultural zoning designation allows for agricultural use of lands and requires a minimum parcel size of 40 acres. The zoning designation of nearby lands is mixed including, R-1, R-1a, R-3, RL and B-3. The proposed PDD1 designation would limit use types to residential and open space uses. The district provides for different residential densities and lot sizes within several different zones of the district. A description of the zone requirements and setting follows:

- Zone 1 borders woods and is adjacent to the High Ridge East subdivision to the northwest. Allowable use types are single family lots at a minimum of 20,000 sq. ft.
- Zone 2 borders woods and is opposite Elmhurst Rd. from the Golf Ridge single family and condominium neighborhood to the east. Allowable use types are single family lots at a minimum of 15,000 sq. ft.
- Zone 3 borders Golf Rd./I-94 and Glen Cove Rd. and is opposite Glen Cove Rd. Allowable use types are single family lots at a minimum of 10,000 sq. ft. and condominiums at a maximum of four units per acre.
- Zone 4 borders Golf Rd./I-94 and Elmhurst Rd. and is opposite the Western Lakes golf course and an outlot in the southeast part of the property. Allowable use types are single family lots at a minimum of 10,000 sq. ft. and condominiums at a maximum of four units per acre.

The submitted concept plan (see Exhibit A) depicts a conservation design neighborhood with single family lots and side by side condominiums. Each lot and condominium is proposed to abut conserved open space. While the town and county land use plans provide for mixed commercial and residential uses in the southern part of the property near I-94, the petitioner is seeking a rezoning to the existing PDD1 which only allows for residential use types. The concept plan shows two access points being provided to Golf Rd. and one access point would align with existing intersections on Glen Cove Rd. and Elmhurst Rd. Single family lots are proposed in each of the zones with side by side condominiums limited to a portion of Zone 3. The lots and condominiums depicted upon the concept plan comply with the above stated requirements. The development is proposed to be served by municipal sewer and private wells.

The overall maximum number of dwelling units allowed on the property is limited to 230 by the density parameters of PDD 1. The submitted concept plan depicts 212 dwelling units. This equates to 0.71

acres/dwelling unit across the entirety of the site. The county land use plans limit densities to the Low Density Residential threshold, which on this site would allow for a total of 248 units.

The PDD1 zoning district, approved by the Town of Delafield and the Waukesha County Board in 2023, requires a number of design elements and studies to be provided as part of a General Development Plan (GDP) submittal prior to a rezoning being considered. The town has reviewed the submitted rezoning application, all supplemental studies and the concept plan and determined that all GDP requirements have been met. This includes consideration of the following:

- General Development Plan drawing
- Open Space and natural resource protection plan
- Traffic Impact Analysis
- Road Access Plan
- Sanitary Sewer Plan
- Water Study
- Preliminary Stormwater Plan
- Bike and Pedestrian Plan
- Active Recreation Plan

The Department of Parks and Land Use, the Town Engineer and other subject matter expert organizations reviewed the analysis and reports prepared to comply with the PDD1 zoning district requirements. The Town of Engineer provided a summary of the analysis of these plans in his January 16, 2024 staff report which is attached as Exhibit B. He describes that some of the above studies have required consultation with other agencies. As noted in the public comment section of this report, a number of speakers raised concerns regarding the traffic study, sewer improvements, water supply and groundwater considerations. The Town Engineer's staff report (see attached) addressed these site considerations in detail and the Town Plan Commission and Town Board discussed these issues in their deliberations.

Traffic Study: The Waukesha County Department of Public Works and Town of Delafield Engineer have accepted the traffic consultant's traffic study and the road access plan. The traffic impact analysis was conducted using weekday traffic information due to a typical work day and when schools are in session. This allows for the collection of data during greatest potential for daily traffic impact. Using Level of Service (LOS) scales ranging from very good (LOS A) to very poor (LOS F), ratings at intersections were A or B. WisDOT and Waukesha County Public Works consider LOS D or better to define acceptable peak hour operating conditions. The traffic analysis recommends that turn and bypass lanes are required on Golf Road at the new intersections into the development. This recommendation is consistent with Waukesha County code requirements.

Road Access Plan: The road access plan addresses proper traffic movement by having four access points, two of them being on Golf Road (CTH DR).

Sanitary Sewer: Lake Pewaukee Sanitary District has verified sewer system capacity.

Water Study: The Town Engineer, Southeastern Wisconsin Regional Planning Commission and Waukesha County Parks and Land Use communicated with the consulting hydrogeologist to develop recommendations for the scope of the water study to comply with the intent of the zoning district requirements. In addition, the parties considered another groundwater analysis that was prepared by the Lake Pewaukee Sanitary District's (LPSD) consultant. The developer retained hydrogeologic consultants to assess anticipated groundwater and surface water impacts. The consultant's report has concluded that Pewaukee Lake levels will not be negatively impacted by the proposed use of private wells to serve the site. The consultant reviewed an extensive number of nearby well logs and projected water use demands and concluded that water table drawdown would be similar to nearby developments and within the range of normal groundwater fluctuations (4-5') at the subject property boundaries. Flows of groundwater to Pewaukee

Lake will be maintained. All of the involved experts agreed that stormwater infiltration is an effective means to re-charge groundwater. The County Stormwater Management & Erosion Control Ordinance requires infiltration, and the preliminary stormwater management plan depicts multiple infiltration practices.

Preliminary Stormwater Plan: A preliminary stormwater plan has been approved by the Waukesha County Department of Parks and Land Use - Land Resources Division.

Bike and Pedestrian Plan: The project incorporates approximately 1.9 miles of trails and paths within the subdivision. A paved path extends from Glen Cove Road to the Lake Country Trail.

Active Recreation Plan: The project incorporates a public park, including pickleball court, garden and picnic areas.

In addition, PDD1 requires conformance to detailed standards for the following:

- Use Regulations
- Density Requirements
- Building Location Standards
- Height/Bulk Regulations
- Area Regulations
- Open Space standards
- Signage Regulations
- Parking Regulations
- Open Space for each lot
- Dumpster Enclosures
- Road Layout
- Cul-de-sac Length
- Development Agreement

As noted previously, the use and density standards of PDD1 are being adhered to in that the application and concept plan depict 212 single family and residential condominiums, which is lower than the district maximum of 230 units. The provided concept plan depicts extensive conserved green space consistent with Map 2 of PDD1. The submitted concept plan shows that 49% of the site would be preserved as green space. The submitted concept plan shows that all environmental corridor and wetland areas would be preserved in common open space and other treelines would be conserved, consistent with Map 2 (attached as Exhibit C). In addition, landscape buffers would be provided along all three bordering arterial roads and highways, consistent with the 100' buffer requirements for Glen Cove Rd. and Golf Rd. and the 50' buffer required along Elmhurst Rd. A trail network would connect to Glen Cove Rd. near Brookstone Circle and would extend to the northeast part of the site to provide a connection to the Lake Country Trail.

The Town Plan Commission and Town Board approved the rezoning.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that Town Ordinance 2024-01 be **approved**. The rezoning of the subject lands to PDD1 is consistent with the town and county comprehensive development plans. The Low Density Residential and Mixed Use categories provide for single family homes and residential condominiums, which are the only uses being proposed. The proposed density of the project is consistent with the Low Density Residential thresholds. Neighborhood compatibility is considered with wide vegetative buffers provided along perimeter roadways, by the transitioning of density from south to north and in the recreational trail system that will connect adjacent neighborhoods to the Lake Country Trail. The proposal is also consistent with the plans' natural resource protection recommendations in that the entirety of the environmental corridor on site is proposed to be conserved in open space. Furthermore, the proposal complies with the housing recommendations of both plans in providing housing that would

accommodate people of all ages and offering a variety of housing types. The specific studies that were required within the PDD1 zoning district, including traffic, sewer, water and stormwater, have been carefully considered and determined to meet the intent of the zoning district. The Town Plan Commission and Town Board approved the zoning change to PDD1.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Rezone Map
 Exhibit A, Concept Plan
 Exhibit B, Town Engineer Staff Report
 Exhibit C, Map 2 of PDD1
 Town Ordinance No. 2024-01

N:\PRKANDLU\Planning and Zoning\Rezoning\PROJECT FILES\Delafield\RZ141 Thomas_Neumann Town Rezone\Staff Report and Decision Letter\RZ141 Amy Thomas_Neumann Staff Report dlt.doc

LOT CHARACTERISTICS

SINGLE-FAMILY LOW DENSITY

- Zone 1: Lots 1-8
- Lot Size = 20,000 sf
 - Average Lot Width = 100 feet
 - Setbacks:
 - Min. Road = 35'
 - Side Offset = 15'
 - Rear Offset = 20'
 - Wetland = 75'
 - Max Building Footprint = 17.5% of lot
 - Open Space per Lot = 70% of lot

RESIDENTIAL SINGLE-FAMILY LOW-MEDIUM DENSITY

- Zone 2: Lots 9-37
- Lot Size = 15,000 sf
 - Average Lot Width = 90 feet
 - Setbacks:
 - Min. Road = 25'
 - Side Offset = 12.5'
 - Rear Offset = 20'
 - Wetland = 75'
 - Max Building Footprint = 25% of lot
 - Open Space per Lot = 60% of lot

SINGLE-FAMILY MEDIUM DENSITY

- Zones 3 & 4: Lots 38-155
- Lot Size = 10,000 sf
 - Average Lot Width = 75 feet
 - Setbacks:
 - Min. Road = 25'
 - Side Offset = 10'
 - Rear Offset = 20'
 - Wetland = 75'
 - Glen Cove Rd = 100'
 - Golf Rd (CTH DR) = 100'
 - Elmhurst Rd = 50'
 - Max Building Footprint = 30% of lot
 - Open Space per Lot = 60% of lot

DUPLEX CONDOS

- Zone 3: Lots 156 & 157 (Bldgs 1-28)
- Density = 4 un/ac
 - Setbacks:
 - Min. Road = 25'
 - Side Offset = 20'
 - Rear Offset = N/A (building to building)
 - Wetland = 75'
 - Glen Cove Rd = 100'
 - Golf Rd (CTH DR) = 100'
 - Elmhurst Rd = 50'
 - Max Building Footprint = 25%
 - Open Space per Lot = 60% of lot

SITE DATA TABLE

- Gross Area	151.49 acres
- Road Dedication (Glen Cove Rd & Elmhurst Rd)	- 0.44 acres
- TOTAL AREA	151.05 acres
- Proposed Zoning: Planned Residential District #1	
Zone 1:	23.2 acres / 8 lots
Zone 2:	29.94 acres / 29 lots
Zone 3:	50.08 acres / 37 lots + 56 units
Zone 4:	47.83 acres / 81 lots
Existing Farmhouse	1 lot
TOTAL	151.05 acres / 212 units
- DENSITY = 212 / 151.05 = 1,404 un/ac	

STORMWATER PLAN NOTES:

- THE PROPOSED DEVELOPMENT (ALL PHASES) ARE SERVED BY ON-SITE SHARED STORMWATER FACILITIES, AS SHOWN ON THE PRELIMINARY STORMWATER PLAN.
- THE STORMWATER FACILITIES WILL BE CONSTRUCTED WITH THEIR CORRESPONDING PHASE OF DEVELOPMENT.
- THE STORMWATER FACILITIES WILL BE LOCATED WITHIN OUTLOTS AND/OR DRAINAGE EASEMENTS.
- ALL RESIDENTIAL LOTS AND CONDOMINIUM UNITS WILL BE PART OF A MASTER HOMEOWNERS ASSOCIATION.
- THE MASTER HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE REPAIR, MAINTENANCE AND RESTORATION OF THE STORMWATER PRACTICES.

Low Density Single Family Residential
Zone 1
20,000 sf, 100' wide ave
8 lots

Zone 2
29.94 ac

Zone 1
23.2 ac

Zone 3
50.08 ac

Zone 4
47.83 ac

Single-Family Medium Density & Condominium
Zone 3

- Duplex Ranch = 56 units
- 10,000 sf Single Family Lots = 37 units
- Total = 93 units

Pocket Park (1 acre)

- Pickleball Court
- Garden & Picnic Area
- Benches

Clubhouse Amenity Area (1.4 acre)

- Clubhouse
- Pool
- Playground
- Bike Service Station
- Site Amenities



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Residential Single-Family Low-Medium Residential
Zone 2
15,000 sf, 90' wide ave
29 lots

Single-Family Medium Density
Zone 4
10,000 sf, 75' wide ave
81 lots

EXISTING FARMHOUSE TO REMAIN

Map 1
GENERAL DEVELOPMENT PLAN DRAWING
Welshire Farm Development
Town of Delafield, Waukesha County, Wisconsin



Scale: 1" = 150' (22"x34")
Scale: 1" = 300' (11"x17")
DATE: 12/22/2023

EXHIBIT B

Plan Commission Report for January 16, 2024

RECEIVED
01/29/2024
DEPT OF
PARKS &

**Thomas Family Properties Zoning Amendment
Agenda Item No. 5. B.**

Applicant: Neumann Development, Inc. by Bryan Lindgren

Owner: Amy Thomas, et.al.

Project: Welshire Farm subdivision

Requested Action: Recommendation to Town Board on an amendment to rezone the Thomas Family properties from A-1 Agricultural to PDD No.1 - Planned Development District No. 1 within areas of Town zoning jurisdiction.

Zoning: A-1 Agricultural (Town)

Location: North of Golf Road, west of Elmhurst Road, south of Lake Country Bike Trail and High Ridge East Add'n No. 1 subdivision and east of Glen Cove Road

Report

List of clarifications on documents since the December 5, 2023 meeting

- Map 1: Total No. of units updated to show 212 units, which includes the existing house/property currently on Thomas Lane to remain.
- Map 1C: Modified biofiltration to basins.
- Map 2: Identifies and labels Outlots; updated open space chart.
- Map 5: Adjusted pond/basin elevations; clearly identified stormwater discharge points.
- TIA: Revised Exhibit 1-3 (and similar figures) to show that Oakton Road and Glen Cove Road do not connect; added language about Oakton Road on page 6.
- Water Study: GZA (consultant to Neumann Developments) provided summary letter.
- Bedrock Boring Plan Sheet provided.
- Test Hole Spreadsheet provided.

Background (from previous report)

On December 3, 2019, the Plan Commission unanimously recommended approval of a Land Use Plan amendment on the Thomas family properties as follows (no change to Primary Environmental Corridor designation):

DELT 0811-999: Commercial and/or Office Park to Mixed Use
DELT 0809-966: Suburban Density I Residential to Low Density Residential
DELT 0809-995: Suburban Density I Residential to Low Density Residential (north of a line between the southeast corner of tax parcel DELT 0809-966 and the centerline of Elmhurst Road directly west of Lot 9 Golf Ridge subdivision)
DELT 0809-995: Commercial and/or Office Park to Mixed Use (south of line described above)

On December 10, 2019, the Town Board approved the Land Use Plan amendment on a 4:1 vote. Waukesha County Board approved the Land Use Plan Amendment on May 23, 2023.

Uses allowed in the mixed-use land use category include "development that may contain residential and could contain a combination of public, institutional, office, retail, service, light industrial, research and development, and/or other commercial uses, including off street parking and may take the form of a business park." The low-density residential use allows residential development at a density of 20,000 square feet to 1.4 acres of area per dwelling unit.

Between the time that the Land Use Plan Amendment was approved by the Town Board (December 10, 2019) and October of 2022, the Town Plan Commission developed a zoning district for mixed uses. The ordinance set forth the regulations by which a development can take place on the specific Thomas Family properties. On October 4, 2022, the Plan Commission recommended approval of an ordinance that created a Planned Development District that would meet the mixed-use land use intent, on a 5:0 vote. On October 11, 2022, the Town Board approved the recommended ordinance on a 4:1 vote, with a change in the number of residential units on the specific property to be a maximum of 230 units. Waukesha County Board approved the creation of the Planned Development District No. 1 ordinance on May 23, 2023.

Considerations

The request before the Plan Commission is to amend the Town's zoning map for the Thomas Family properties from A-1 Agricultural District to Planned Development District No. 1 (PDD No. 1).

The ordinance includes the following Statement of Intent:

- Provide for mixed residential use in an attractive, integrated environment which is complimentary to the surroundings.
- Preserve the natural environment by conserving environmental corridor areas, wetlands and tree lines designated for preservation to the extent practicable.
- Provide for landscape buffer along Glen Cove Road, Elmhurst Road and Golf Road to ensure harmony with surrounding neighborhoods.
- Provide a trail network that links existing neighborhoods, individual development sites and the Lake Country Trail.
- Mitigate traffic impacts by splitting access between both local roads and the county trunk highway system.
- Provide a heightened level of site design and connectivity between development sites.
- Provide a broad range of potential living unit options that will accommodate residents of varying ages.

The specific regulations contained in the PDD No. 1 zoning district implement the intent of the ordinance. The ordinance requires that General Development Plan (GDP) materials be

included with an application to rezone to the PDD No. 1 district. The table below provides the findings of the submittal:

Item	Submitted?	Findings	Requirement Met?
General Development Plan Drawing	Yes	Proposal is for 212 new units; one existing unit is to remain on the Thomas property (existing historic house on Thomas Lane). Code allowance in the PDD district is a maximum of 230 units.	
Open Space and Natural Protection Plan	Yes	No wetlands or environmental corridor will be disturbed, except for bike and pedestrian path construction. Partial tree line in zone 3 to be preserved and enhanced with additional tree line replacement; tree line in zone 4 will be preserved except for road right-of-way areas; Various stands of trees in Outlot 6 will be preserved; landscaped berm buffers will be constructed along the east side of Glen Cove Road, north side of Golf Road and west side of Elmhurst Road. The projected open space for the development will be 49% outside of the individual home lots and condominium structures. The minimum required common open space is 38.8% based on the uses in each zone.	
Traffic Impact Analysis (TIA)	Yes	<p>The PDD code required that a TIA be prepared to determine improvement recommendations for the development. The following intersections were considered in the study and are shown with the existing and proposed level of service (LOS) (Scale A-F):</p> <ul style="list-style-type: none"> Glen Cove at Brookstone Circle North (A/A) Glen Cove at Brookfield Circle South (A/A) Glen Cove at Golf Road (B/B) Golf Road at new intersections (2) (-/B) Golf Road at Elmhurst Road (A/A) Elmhurst Road at Golf Ridge South (A/A) Elmhurst at Golf Ridge North (A/A) Elmhurst at Oakton Road (A/A) <p>LOS is a quantitative measure that refers to the overall quality of traffic flow at an intersection, ranging from very good (LOS A) to very poor (LOS F). WisDOT and Waukesha County consider LOS D or better to define acceptable peak hour operating conditions. The TIA recommends that turn and bypass lanes are required on Golf Road at the new intersections into the development. This recommendation is based on a Waukesha County code requirement for turn and bypass lanes for all T intersections on roads that have volumes greater</p>	

		than 2,500 vehicles per day. The 2018 volumes on Golf Road were 4,400 vehicles per day. The TIA was reviewed by Waukesha County Dept. of Public Works staff and the Town Engineer.	
Road Access Plan	Yes	Map 1 shows two access points from the development onto Golf Road; one access point from the development onto Glen Cove Road across from Brookstone Circle North in the same geometric configuration as Brookstone Circle North; and one access point from the development onto Elmhurst Road across from Golf Ridge South in the same configuration as Golf Ridge South. Traffic impacts are mitigated by having four access points, two of them being on Golf Road (CTH DR).	
Sanitary Sewer Plan	Yes	In a letter received May 22, 2023, from LPSD, they confirmed that the formula to be used for the design capacity is 7 persons per developable acre. That results in the allowance of 770 persons on 110 developable acres. The projected number of persons for the development is 583. There is sufficient hydraulic capacity in the existing gravity pipe system. According to LPSD, there is adequate capacity at the Fox River Pollution Control Center in Brookfield for the flow.	
Water Study	Yes	The PDD code requires that the applicant demonstrate that SEWRPC, WDNR, and LPSD have been consulted with regards to anticipated water table impacts of any planned private water supply. A detailed water study was submitted by the developer's environmental consulting engineer. The study was reviewed by the Town, County, and SEWRPC. The study must, to the satisfaction of the Town Plan Commission and Town Engineer, demonstrate that a private water supply will adequately serve the project and not adversely impact private wells or other natural resources. Several iterations of the water system analysis were performed based on comments from Town, County and SEWRPC. Findings from the study are as follows: 1. The methodology used to calculate drawdown (Theis solution for Non-Leaky Confines Aquifers) is the most widely used and accepted solution for calculating drawdown. 2. Average drawdown in the proposed development, assuming infiltration and groundwater recharge, is estimated to be approximately 4 to 5 feet at and decreasing from the property line. 3. The cumulative drawdown at the property boundary for the developments to the east and	

		<p>west of the proposed development is estimated to be approximately 7 to 14 feet.</p> <p>4. The maximum drawdown is less than the natural groundwater fluctuation of 6 feet as observed at USGS monitoring wells in the neighborhood.</p> <p>5. Flows of groundwater to Pewaukee Lake will be maintained.</p>	
Preliminary Stormwater Plan	Yes	<p>Preliminary review by Waukesha County concluded that the development will likely be able to meet their ordinance requirements. The stormwater management plan includes opportunities to infiltrate the water into the ground. Calculations indicate that the development will be able to infiltrate 94% of the pre-development flow. The required infiltration percentage is 90% per County and WDNR requirements. There are several design and modeling details that require attention which will take place during detailed construction plan review.</p>	
Bike and Pedestrian Plan	Yes	<p>The developer has incorporated approximately 10,200 linear feet (1.9 miles) of trails/paths within the subdivision. Map 1 provides an overview of the locations of said facilities. A paved path extends from Glen Cove Road to the Lake Country Trail. Natural walking paths extend from open space in the subdivision to and through the environmental corridor.</p>	
Active Recreation Plan	Yes	<p>A one-acre public pocket park is included in the development plans and will be located to the west of the westerly entrance to the subdivision off Golf Road. Amenities include a pickleball court, garden and picnic areas and benches. The plans also show a clubhouse, pool, and playground for subdivision residents.</p>	

I have reviewed the development layout to determine if the GDP plans meet or will meet specific code regulations. Conclusions are as follows:

Subsection Heading	Code Met?	Notes
5. Use Regulations	Yes	Proposed uses on GDP meet designated uses for each zone.
6. Density	Yes	230 units allowed; 212 proposed; lots meet minimum lot sizes for each zone.
7. Building Location	Yes	Meets road setbacks for Golf, Glen Cove and Elmhurst; all internal lots meet setbacks and offsets for each specific use type

8. Height/Bulk Regulations	Yes	To be determined at time a building permit is submitted for each house.
9. Area Regulations	Yes	To be determined at time a building permit is submitted for each house; Minimum average lot width is met for all proposed lots.
10. Open Space for Development Site	Yes	Open space for each development zone is met; wetlands and environmental corridor are preserved; tree lines removed will be re-vegetated; landscape buffers are provided on Glen Cove Road, Golf Road and Elmhurst Road.
11. Signage Regulations	-	To be determined when signs are submitted for approval
12. Parking Regulations	-	Parking provided for clubhouse; landscape screening required on sides; detailed plan to be reviewed at time specific development plan is submitted.
13. Open Space for Each Lot	Yes	Designated on the GDP; actual open space to be determined at time a building permit is submitted for each house.
14. Dumpster Enclosures	-	No dumpsters proposed for the site.
15. Road Layout	Yes	The road layout winds through the development. Glen Cove Road to Elmhurst Road requires 4 stops or corner turns, which will discourage people cutting through the development.
16. Cul-de-Sac Length	Yes	Crooked Creek cul-de-sac extends into the Welshire development; No other cul-de-sacs extend beyond 400 feet.
17. Developer's Agreement	-	To be reviewed and approved at time the preliminary plat is submitted

Staff Recommendation:

Based on the findings described above for all of the required submittal materials, and consideration that the proposed development meets the PDD district Statement of Intent, I recommend that the petition for zoning amendment and the General Development Plan be forwarded to the Town Board with a recommendation to approve based on the following:

- The request is in compliance with the Town Land Use Plan.
- The application is complete and all information required by Section 17.04 (5)(R)4. b. has been submitted for review.
- Findings indicate that each of the GDP required submittal; materials identified in the PDD ordinance has been adequately addressed.
- The proposed development meets the PDD Statement of Intent.
- The General Development Plan (GDP) layout has been reviewed in light of the regulations within each subsection of Section 17.04 (5)(R) and have been found in compliance with the ordinance, subject to a detailed review when subdivision plats and construction plans are submitted for review and approval in accordance with normal Town review processes. Development of the subject property shall be in substantial conformance with the maps and studies identified in the GDP as follows:

Map No.	Date	Title
1, 1A, 1B, 1C	12/22/2023	General Development Plan Drawing
2, 2A, 2B	12/22/2023	Open Space and Natural Resource Protection Plan
3	12/22/2023	Road Access Plan
4	12/22/2023	Sanitary Sewer Plan
5	12/22/2023	Preliminary Stormwater Plan
6	12/22/2023	Bike and Pedestrian Plan
7	12/22/2023	Active Recreation Plan
L1 – L7	3/27/2023	Landscape Plan
	12/16/2023	Traffic Impact Analysis
	3/24/2023	Hydrogeologic Assessment Report
	7/14/2023	Response to SEWRPC Comments
	9/29/2023	Response to SEWRPC Comments
	12/21/2023	Groundwater Evaluation Summary

Tim Barbeau, Town Engineer
January 8, 2024

OPEN SPACE DATA TABLE - Welshire Farm Date: 4/21/2023

Proposed Zoning = PLANNED DEVELOPMENT DISTRICT #1												
ZONE	PROPOSED USE	Total Area (acres)	Incremental Total Area (acres)	Total Area of Lts. Right-of-Way or Condominium Hard Surfaces within Zone (acres)	Total Outlot / Open Space (acres)	Lowland in Outlot / Open Space (acres)	Upland in Outlot / Open Space (acres)	Net Lowland (0.2 of total Lowland) (acres)	Outlot / Open Space (Net) (acres)	(%)	Required Open Space (Net)* (acres)	(%)
1	Single-Family Low Density	23.20		4.71	18.49	3.98	14.51	0.80	15.31	66.0%	6.00	30.0%
2	Residential Single-Family Low-Medium Density (15,000)	29.04		13.16	18.76	0.50	15.86	0.18	16.04	53.6%	8.98	30.0%
3	Condominium (4 unit)***	60.08	32.59	10.02	22.57	3.77	18.81	0.75	19.56	60.0%	19.56	60.0%
	Single-Family Medium Density (10,000)		17.49	11.33	6.16	6.16	6.16	35.2%	6.12	35.0%		
4	Single-Family Medium Density (10,000)	47.83		29.67	18.16	1.45	16.72	0.29	17.00	36.0%	16.74	35.0%
SUBTOTAL		151.05		66.91	82.14	10.99			74.07	49.0%	56.36	38.6%

* Required Net Open Space applies to whole development site (Total Area) for each Zone or Use.
 ** Net Open Space Provided is per Sec. 17.04(5)(R)10.
 *** Condo Net Open Space includes Upland Common Area + 0.2 of Lowland Common Area in Condominium and Clubhouse area, and portions of OL 4 & OL 8 within Zone 3.

Open Space Plan Legend

- Wetlands**
(Heartland Ecological Group Inc. July 2022)
- Primary Environmental Corridor (PEC)**
(Heartland Ecological Group Inc. July 2022)
- Treelines & Other wooded areas to be preserved (OS)**
- Landscape Buffer (LB)**
- Open Space Areas for Development Site Calculations**
- Single family in Outlot
- Condo is common area

**Map 2
OPEN SPACE AND
NATURAL RESOURCE PROTECTION PLAN
Welshire Farm Development**

Town of Delafield, Waukesha County, Wisconsin

Referred on: 03/05/24



File Number: 178-O-101



Scale: 1" = 150' (22"x34")
 Scale: 1" = 300' (11"x17")
 DATE: 12/22/2023

Referred to: LU 18



4109 N. CALHOUN ROAD
 BROOKFIELD, WI 53005
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 info@trioeng.com

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2024-01

AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DELAFIELD FROM A-1 TO PLANNED DEVELOPMENT DISTRICT #1 ON LANDS KNOWN AS THE THOMAS FARM, TOWN OF DELAFIELD, WAUKESHA COUNTY WISCONSIN

WHEREAS, a petition has been filed by Neumann Development, Inc. by Bryan Lindgren (“Petitioners”), seeking to rezone certain lands owned by numerous members of the Thomas family (“Owners”), located North of Golf Road, west of Elmhurst Road, south of Lake Country Bike Trail and High Ridge East Add’n No. 1 subdivision and east of Glen Cove Road (the “Subject Property”), in the Town of Delafield; and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, and notice to the clerk of every contiguous municipality as required by Wisconsin Statutes Section 62.23(7)(d), the Town Board and Town Plan Commission held a joint public hearing to consider input regarding the proposed rezoning on December 5, 2023; and

WHEREAS, by his Plan Commission Report for January 16, 2024, the Town Engineer reported his conclusion that all procedural requirements of the General Development Plan and Planned Development District #1 rezoning have been met; and

WHEREAS, on January 16, 2024, the Town Plan Commission recommended to the Town Board that the ordinance be adopted; and

WHEREAS, the Town Board hereby adopts the findings of the Town Engineer as stated in his Plan Commission Report for January 16, 2024, and finds that all requirements for the General Development Plan and rezoning the Subject Property to Planned Development District #1 have been met; and

WHEREAS, the Town Board finds that the proposed rezoning to planned development district no. 1 in the Town Zoning Code is not a down zoning ordinance because it is supported by the Owners of the property, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, while a protest petition was filed pursuant to 17.04(5)(R) of the Town Code, the Town Board finds the protest petition is inadequate to impose a super-majority voting requirement for this ordinance, because the protest petition does not include the required number of signatures, and the petition was not directed toward the adoption of this ordinance; and

WHEREAS, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of adopting the such zoning amendment 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 determine that the zoning amendments will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offensive and

will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan. The Town Board of Delafield, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1: The General Development Plan for the Subject Property is hereby approved, and the Town of Delafield Zoning Map is hereby amended to change the zoning classification from A-1 to Planned Development District #1 on the following described parcel of land, except those in Waukesha County Shoreland Zoning:

All that part of the Northeast 1/4 of the Southwest 1/4, and the Northwest 1/4, Northeast 1/4 of the Southeast 1/4, and the Southwest 1/4, Southeast 1/4 of the Northeast 1/4 all in Section 23, Township 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of said Southwest 1/4 Section, Thence North 88°51'15" East along the North line of Said Southwest 1/4, 1345.64 feet to a point on the East Right-of-Way of "Glen Cove Road" and the place of beginning of the lands hereinafter described.

Thence continuing North 88°51'15" East along said North line, 1335.76 feet to the Northeast corner of Said Southwest 1/4 Section; Thence North 00°19'12" East along the West line of Said Northeast 1/4 Section, 1208.72 feet to a point on the South line of a 75' wide "W.E.P.C.O." Right-of-Way; Thence North 88°50'36" East along said South line, 2005.82 feet to a point on the West Right-of-Way line of "Elmhurst Road"; Thence South 00°34'32" West along said West line, 1226.97 feet to a point; Thence South 89°21'41" West along said West line, 25.26 feet to a point; Thence South 00°33'48" West along said West line, 116.67 feet to a point; Thence Southerly 446.63 feet along the arc of a curve whose center lies to the East, whose radius is 1196.28 feet, whose central angle is 21°23'29" and whose chord bears South 10°07'56" East 444.04 feet to a point; Thence South 13°45'04" East along said West line, 451.55 feet to a point on the Northerly Right-of-Way line of "Interstate "94"; Thence South 73°59'23" West along said Northerly line, 846.37 feet to a point; Thence South 87°20'08" West along said Northerly line, 889.36 feet to a point; Thence Westerly 168.94 feet along the arc of a curve whose center lies to the North, whose radius is 23,123.33 feet, whose central angle is 00°25'07" and whose chord bears South 87°07'34" West 168.94 feet to a point; Thence North 87°44'18" West along said Northerly line, 253.63 feet to a point; Thence Southwesterly 1214.05 feet along the arc of a curve whose center lies to the South, whose radius is 23,148.33 feet, whose central angle is 03°00'18" and whose chord bears South 84°47'22" West 1213.91 feet to a point; Thence North 48°47'43" West along said Northerly line, 166.11 feet to a point on the East Right-of-Way of "Glen Cove Road"; Thence North 00°03'57" West along said East line, 60.72 feet to a point; Thence South 89°56'03" West along said East line, 35.00 feet to a point; Thence North 00°03'57" West along said East line, 1157.05 feet to the point of beginning.

SECTION 2: The above zoning amendment is conditioned upon the following conditions, which must be met or this ordinance is null and void:

1. **Subject to Acceptance.** Subject to all of the Owners of the Subject Property acknowledging in writing that they have received a copy of this ordinance, that they understand and accept this zoning amendment as described, and further accept for themselves and their successors and assigns the impact this ordinance may have on their property.
2. **90 Days to Satisfy Condition.** Subject to the Petitioner satisfying the aforementioned acceptance condition within 90 days of the Town Board adopting this ordinance, unless extended by the Town Board.

3. Waukesha County Approval. Subject to this ordinance being approved by the Waukesha County Board, as required by Section 60.62(3)(b), Wisconsin Statutes.

SECTION 3. The Town Administrator is hereby authorized and directed to note this zoning change on the zoning map of the Town of Delafield upon satisfaction of the conditions described in Section 2.

SECTION 4: Severability.

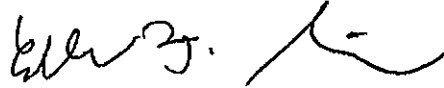
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the 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 following satisfaction of the conditions stated in Section 2, and this ordinance is null and void if said conditions are not complied with on the terms and conditions stated herein.

This ordinance passed this 23th day of January 2024.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Edward Kranick, Town Chairman

ATTEST:



Dan Green
Town Administrator/Clerk/Treasurer

1 AMEND THE TOWN OF DELAFIELD DISTRICT ZONING MAP OF THE WAUKESHA
2 COUNTY SHORELAND PROTECTION ORDINANCE BY CONDITIONALLY REZONING
3 CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 23, T7N, R18E,
4 TOWN OF DELAFIELD WAUKESHA COUNTY, WISCONSIN, FROM THE A-1
5 AGRICULTURAL DISTRICT TO THE
6 R-3 RESIDENTIAL DISTRICT
7 (RZ116)
8

9 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
10 this Ordinance was approved by the Delafield Town Board on January 23, 2024; and
11

12 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
13 Planning Commission, which recommended approval and reported that recommendation to the
14 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
15 as required by Section 59.592, Wis. Stats.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
18 that the Town of Delafield District Zoning Map of the Waukesha County Shoreland Protection
19 Ordinance enacted on October 19, 2023, is hereby amended to conditionally rezone certain lands
20 located in part of the NE ¼ of Section 23, T7N, R18E, Town of Delafield, Waukesha County,
21 Wisconsin from the A-1 Agricultural District to the R-3 Residential District, with the EC, DSO
22 and C-1 Overlays to remain, as more specifically described in the “Staff Report and
23 Recommendation” and map on file in the office of the Waukesha County Department of Parks
24 and Land Use and made a part of this Ordinance by reference, is hereby approved, subject to the
25 following conditions:
26

- 27 1. The site shall be limited to a maximum of 230 dwelling units.
- 28 2. The development of the site shall be in substantial compliance with the concept site plan
29 marked as Exhibit A in the Staff Report and Recommendation.
- 30 3. A minimum of 40% of the site shall be conserved in open space.
31
32
33

34 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
35 this Ordinance with the Town Clerk of Delafield.

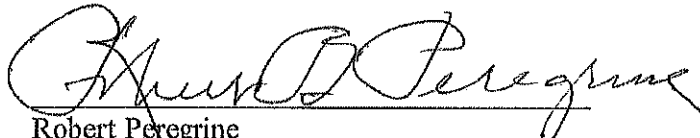
COMMISSION ACTION

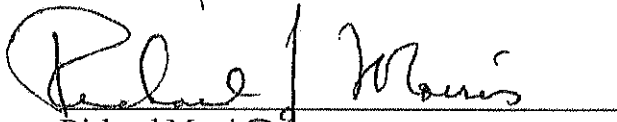
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland Protection Ordinance, hereby recommends approval of **(RZ116 Thomas_Neumann Development)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION


February 28, 2024

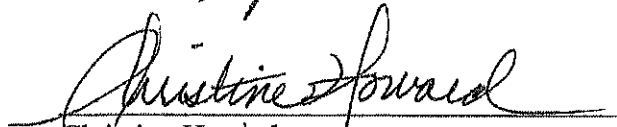

James Siepmann, Chairperson


Robert Peregrine


Richard Morris

Absent
William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: February 28, 2024

FILE NO.: RZ116

OWNER: Amy E. Thomas
N64 W31243 Beaver Lake Road
Hartland, WI 53029

APPLICANT: Neumann Development, Inc.
N27 W24025 Paul Court, Ste 100
Pewaukee, WI Nashotah, WI 53058

TAX KEY NO's.: DELT 0809.995, DELT 0809.996 (DELT 0811.999 is part of the subject farm but is subject to the Town of Delafield Zoning Code)

LOCATION:
The property is described as part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield containing approximately 151 acres.

EXISTING ZONING:
A-1 Agricultural District, EC Environmental Corridor Overlay, DSO Delafield Shoreland Overlay, C-1 Conservancy Overlay (County), A-1 Agricultural District and WF-1 Wetland Floodplain District (Town).

PROPOSED ZONING:
R-3 Residential District with EC, DSO and C-1 Overlays to remain (County). A town rezoning request to PDD1 is pending as part of RZ 141.

EXISTING USE(S):
Farm

REQUESTED USE(S):
Single family residential subdivision and side-by-side condominiums

PUBLIC HEARING DATE:
Tuesday, December 5, 2023

PUBLIC COMMENT:

Ten people spoke during the December 5, 2023 public hearing. The following is a brief summary of comments offered:

- Fragile watershed- pay attention to sewer improvements needed, springs can be disrupted.
- Who would pay for a community well?
- GZA water study based upon surrounding property data that is decades old.
- If homeowner's associations can manage stormwater facilities, why can't they manage a community well?
- No new soil borings were done, no new tests done in area of infiltration basins
- A question was asked about stormwater discharge points near the northwest pond and which direction will spillway drainage flow.
- Concerns raised about bedrock blasting
- Traffic report clarification sought regarding Oakton Rd. not going through.

- Comment that boat transport adds traffic in summer, need roundabouts, will I-94 be widened, did traffic study consider Orthopaedic Associates?
- A speaker stated a preference against eight lots being connected to Crooked Creek Rd.
- A speaker talked about the legacy of what is done with the property and called out the density of the project.
- Concern was raised about the traffic study being done on a Wednesday and not being done in summer.
- Why are there no soil borings in the GZA reports?
- LPSD has to work with the developer.
- Don't have sufficient information to act regarding traffic, stormwater and water.
- Arbors subdivision has a community well and it works fine.
- Concern regarding lack of information regarding sewer.
- Orthopaedic Associates water use is five times what was estimated.
- Urges more communication regarding this project regarding traffic, sewer, stormwater, lake health, environmental impact.
- Traffic is a problem.
- One speaker stated that their property was once affected by a sewer back-up.
- There may be more than one swale going through the wooded area and swales are eroded. Would like engineer to inspect the swales to address sedimentation in the lake.
- Concerns about groundwater depletion and that infiltration would need to double to hit the infiltration standard.
- Uses should be closer in alignment to the town's motto.
- The attorney for the owner spoke and indicated that the family has tried to be accommodative of the town's use preferences and indicated that other uses kept getting removed from consideration. He questioned when the family will be allowed to develop their property for a reasonable use. He stated that the developer has done studies but are told they are never good enough.

TOWN PLAN COMMISSION AND BOARD ACTION:

On January 16, 2024, the Town of Delafield Plan Commission unanimously recommended approval of the rezone.

On January 23, 2024, the Town of Delafield Board recommended approval of the rezone on a 3-2 vote.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF DELAFIELD CDP:

The north part of the property that is subject to the County Shoreland Protection Ordinance (SPO) is designated Low Density Residential (20,000 sq. ft. to 1.4 acres per dwelling unit). Wetland and woodland areas of the site are designated in the Environmental Corridor category (maximum of one dwelling unit per five upland acres). The south part of the property is designated Mixed Use which allows for residential, office, commercial or institutional type uses. A plan amendment to these categories was approved in 2023. The conditions of the amendment require the following:

1. No industrial uses shall be allowed.
2. Future development proposals must provide for a recreational path system that is open to the public and connects the subject lands to the Lake Country Trail.
3. If developed solely for residential use, the overall density of the site shall be within the range of the Low Density Residential category.

The proposed development of the site for 212 single family and residential condominium units is consistent with the use and density recommendations of the town and county plans. The Low Density Residential and Environmental Corridor categories allow for a maximum of 248 units on the site. The provided concept

plan shows 212 units, which is less than the maximum recommended allowance for the property. The preservation of the environmental corridor, in its entirety, is consistent with plan recommendations. The proposal is also consistent with plan recommendations that call for a variety of housing types accessible to persons of all ages.

STAFF ANALYSIS:

The petitioner is seeking a rezoning of the northern portion of the subject 151 acre property that is subject to the SPO from the A-1 Agricultural District to the R-3 Residential District (see attached rezoning map). A concurrent request (RZ 141) to rezone the lands on the site that are subject to the Town of Delafield Zoning Code is pending. A County Conditional Use (CU 89) request for a Planned Unit Development is also concurrently pending.

The property is currently farmed and is located immediately north of Golf Rd. and I-94 between Glen Cove Rd. on the west and Elmhurst Rd. on the east. The property has nearly ½ mile of frontage on Golf Rd. immediately adjacent to I-94. The Lake Country Trail abuts the north end of the site. Single family residential subdivisions sit to the west and north. A subdivision that contains single family lots and residential condominiums abuts the northeast part of the property. Western Lakes Golf Course and a subdivision outlot is adjacent to the southeast.

The site contains some unique conditions in that the southern portion of the property is visible from I-94 and experiences noise from traffic passing at high speeds on the nearby interstate highway. The north part of the property contains extensive wetlands and woodlands. There are three existing homes on the site. The oldest home is a Welsh farmhouse with a stone exterior that dates to the 1940s. The petitioner is proposing to preserve the home on a separate lot. Portions of the site are mapped as containing high bedrock conditions. The south part of the property is fairly flat with a significant depression in the far southeast corner. The wooded and wetland areas on the west part of the site slope towards the north property boundary.

The existing county A-1 Agricultural zoning designation allows for agricultural use of lands and requires a minimum parcel size of three acres. The county zoning designation of nearby lands is mixed including, R-1, R-2 and R-3. The proposed R-3 designation would limit use types to residential and open space uses. The R-3 District requires a minimum of 14,000 square feet when municipal sewer is provided. The lots proposed will be a minimum of 15,000 square feet and will comply with this standard. As previously noted, the petitioner is seeking a Planned Unit Development that would establish specific locational standards such as setbacks and offsets.

The submitted concept plan (see Exhibit A) depicts a conservation design neighborhood with single family lots and side by side condominiums. Each lot and condominium is proposed to abut conserved open space. The concept plan shows two access points being provided to Golf Rd. and one access point would align with existing intersections on Glen Cove Rd. and Elmhurst Rd. Single family lots are proposed in each of the zones with side by side condominiums limited to a portion of Zone 3 which is in the town's zoning jurisdiction. The lots and condominiums depicted upon the concept plan comply with the above stated requirements. The development is proposed to be served by municipal sewer and private wells.

The overall maximum number of dwelling units allowed on the property would be limited to 230 by the density parameters of the town's PDD1 if finally approved by the county. The submitted concept plan depicts 212 dwelling units. This equates to 0.71 acres/dwelling unit across the entirety of the site. The county land use plans limit densities to the Low Density Residential threshold, which on this site would allow for a total of 248 units.

The PDD No.1 zoning district, approved by the Town of Delafield and the Waukesha County Board in 2023, requires a number of design elements and studies to be provided as part of a General Development Plan (GDP) submittal prior to a rezoning being considered. The town, as part of its review of RZ141 and the subject request, has reviewed the submitted rezoning applications and all supplemental studies and the

concept plan and determined that all GDP requirements have been met. This includes consideration of the following:

- General Development Plan drawing
- Open Space and natural resource protection plan
- Traffic Impact Analysis
- Road Access Plan
- Sanitary Sewer Plan
- Water Study
- Preliminary Stormwater Plan
- Bike and Pedestrian Plan
- Active Recreation Plan

The Department of Parks and Land Use, the Town Engineer and other subject matter expert organizations reviewed the analysis and various reports prepared as part of this rezoning request and the related RZ141 request to rezone to the town's PDD1. The Town of Engineer provided a summary of the analysis of these plans in his January 16, 2024 staff report for RZ141 which is attached as Exhibit B. He describes that some of the above studies have required consultation with other agencies. As noted in the public comment section of this report, a number of speakers raised concerns regarding the traffic study, sewer improvements, water supply and groundwater considerations. The Town Engineer's staff report addressed these site considerations in detail and the Town Plan Commission and Town Board discussed these issues in their deliberations.

Traffic Study: The Waukesha County Department of Public Works and Town of Delafield Engineer have accepted the traffic consultant's traffic study and the road access plan. The traffic impact analysis was conducted using weekday traffic information due to a typical workday and when schools are in session. This allows for the collection of data during greatest potential for daily traffic impact. Using Level of Service (LOS) scales ranging from very good (LOS A) to very poor (LOS F), ratings at intersections were A or B. WisDOT and Waukesha County Public Works consider LOS D or better to define acceptable peak hour operating conditions. The traffic analysis recommends that turn and bypass lanes are required on Golf Road at the new intersections into the development. This recommendation is consistent with Waukesha County code requirements.

Road Access Plan: The road access plan addresses proper traffic movement by having four access points, two of them being on Golf Road (CTH DR).

Sanitary Sewer: Lake Pewaukee Sanitary District has verified sewer system capacity.

Water Study: The Town Engineer, Southeastern Wisconsin Regional Planning Commission and Waukesha County Parks and Land Use communicated with the consulting hydrogeologist to develop recommendations for the scope of the water study to comply with the intent of the zoning district requirements. In addition, the parties considered another groundwater analysis that was prepared by the Lake Pewaukee Sanitary District's (LPSD) consultant. The developer retained hydrogeologic consultants to assess anticipated groundwater and surface water impacts. The consultant's report has concluded that Pewaukee Lake levels will not be negatively impacted by the proposed use of private wells to serve the site. The consultant reviewed an extensive number of nearby well logs and projected water use demands and concluded that water table drawdown would be similar to nearby developments and within the range of normal groundwater fluctuations (4-5') at the subject property boundaries. Flows of groundwater to Pewaukee Lake will be maintained. All of the involved experts agreed that stormwater infiltration is an effective means to re-charge groundwater. The County Stormwater Management & Erosion Control Ordinance requires infiltration, and the preliminary stormwater management plan depicts multiple infiltration practices.

Preliminary Stormwater Plan: A preliminary stormwater plan has been approved by the Waukesha County Department of Parks and Land Use - Land Resources Division.

Bike and Pedestrian Plan: The project incorporates approximately 1.9 miles of trails and paths within the subdivision. A paved path extends from Glen Cove Road to the Lake Country Trail.

Active Recreation Plan: The project incorporates a public park, including pickleball court, garden and picnic areas.

In addition, the town's PDD1 requires conformance to detailed standards for the following. Similarly, consideration of these issues is relevant to this proposed rezoning:

- Use Regulations
- Density Requirements
- Building Location Standards
- Height/Bulk Regulations
- Area Regulations
- Open Space standards
- Signage Regulations
- Parking Regulations
- Open Space for each lot
- Dumpster Enclosures
- Road Layout
- Cul-de-sac Length
- Development Agreement

The use and lot size requirements of the R-3 District are also being complied with. The submitted concept plan shows that 49% of the site would be preserved as green space. The submitted concept plan shows that all environmental corridor and wetland areas would be preserved in common open space and many other treelines would be conserved. In addition, landscape buffers would be provided along all three bordering arterial roads and highways, consistent with the 100' buffer requirements for Glen Cove Rd. and Golf Rd. and the 50' buffer required along Elmhurst Rd (see Exhibit C). A trail network would connect to Glen Cove Rd. near Brookstone Circle and would extend to the northeast part of the site to provide a connection to the Lake Country Trail.

The Town Plan Commission and Town Board approved the concurrent town rezoning request (RZ141) and recommended approval of the subject rezoning.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved subject to the following conditions.**

1. The site shall be limited to a maximum of 230 dwelling units.
2. The development of the site shall be in substantial compliance with the concept site plan (Exhibit A).
3. A minimum of 40% of the site shall be conserved in open space.

The rezoning of the subject lands to R-3 Residential District is consistent with the town and county comprehensive development plans. The Low Density Residential category provides for single family homes which is the only use being proposed within the county's jurisdiction. The proposed density of the project is consistent with the Low Density Residential thresholds. Neighborhood compatibility is considered with wide vegetative buffers provided along perimeter roadways, by the transitioning of density from south to north and in the recreational trail system that will connect adjacent neighborhoods to the Lake Country

Trail. The proposal is also consistent with the plans' natural resource protection recommendations in that the entirety of the environmental corridor on site is proposed to be conserved in open space. Furthermore, the proposal complies with the housing recommendations of both plans in providing housing that would accommodate people of all ages and offering a variety of housing types. The specific studies submitted as part of this application, including traffic, sewer, water and stormwater, have been carefully considered to ensure that the rezoning will not negatively affect the environment or infrastructure. The Town Plan Commission and Town Board recommended approval of the zoning change to R-3 Residential District.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Exhibit A, Concept Site Plan
 Exhibit B, Town staff report
 Exhibit C, Map 2 Natural Resources and Open Space Plan
 Rezone Map

N:\PRKANDLU\Planning and Zoning\Rezoning\PROJECT FILES\Delafield\RZ116 Thomas_Neumann County Shoreland Rezone\Staff Report and Decision Letter\RZ116 Thomas Farm_Neumann Staff Report dlt.doc

LOT CHARACTERISTICS

SINGLE-FAMILY LOW DENSITY
 Zone 1: Lots 1-8
 Lot Size = 20,000 sf
 Average Lot Width = 100 feet
 Setbacks:
 - Min. Road = 35'
 - Side Offset = 15'
 - Rear Offset = 20'
 - Wetland = 75'
 - Max Building Footprint = 17.5% of lot
 - Open Space per Lot = 70% of lot

RESIDENTIAL SINGLE-FAMILY LOW-MEDIUM DENSITY
 Zone 2: Lots 9-37
 Lot Size = 15,000 sf
 Average Lot Width = 90 feet
 Setbacks:
 - Min. Road = 25'
 - Side Offset = 12.5'
 - Rear Offset = 20'
 - Wetland = 75'
 - Elmhurst Rd = 50'
 - Max Building Footprint = 25% of lot
 - Open Space per Lot = 60% of lot

SINGLE-FAMILY MEDIUM DENSITY
 Zones 3 & 4: Lots 38-155
 Lot Size = 10,000 sf
 Average Lot Width = 75 feet
 Setbacks:
 - Min. Road = 25'
 - Side Offset = 10'
 - Rear Offset = 20'
 - Wetland = 75'
 - Glen Cove Rd = 100'
 - Golf Rd (CTH DR) = 100'
 - Elmhurst Rd = 50'
 - Max Building Footprint = 30% of lot
 - Open Space per Lot = 60% of lot

DUPLEX CONDOS
 Zone 3: Lots 156 & 157 (Bldgs 1-28)
 Density = 4 un/ac
 Setbacks:
 - Min. Road = 25'
 - Side Offset = 20' (building to building)
 - Rear Offset = N/A
 - Wetland = 75'
 - Glen Cove Rd = 100'
 - Golf Rd (CTH DR) = 100'
 - Max Building Footprint = 25%
 - Open Space per Lot = 60% of lot

SITE DATA TABLE

- Gross Area 151.49 acres
 - Road Dedication -0.44 acres
 (Glen Cove Rd & Elmhurst Rd)
 - TOTAL AREA 151.05 acres
 - Proposed Zoning: Planned Residential District #1
 Zone 1: 23.2 acres 8 lots
 Zone 2: 29.94 acres 29 lots
 Zone 3: 50.08 acres 37 lots
 + 56 units
 Zone 4: 47.83 acres 81 lots
 Existing Farmhouse 1 lot
 TOTAL 151.05 acres 212 units
 - DENSITY = 212 / 151.05 = 1,404 un/ac

STORMWATER PLAN NOTES:

- THE PROPOSED DEVELOPMENT (ALL PHASES) ARE SERVED BY ON-SITE SHARED STORMWATER FACILITIES AS SHOWN ON THE PRELIMINARY STORMWATER PLAN.
- THE STORMWATER FACILITIES WILL BE CONSTRUCTED WITH THEIR CORRESPONDING PHASE OF DEVELOPMENT.
- THE STORMWATER FACILITIES WILL BE LOCATED WITHIN OUTLOTS AND/OR DRAINAGE EASEMENTS.
- ALL RESIDENTIAL LOTS AND CONDOMINIUM UNITS WILL BE PART OF A MASTER HOMEOWNERS ASSOCIATION.
- THE MASTER HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE REPAIR, MAINTENANCE AND RESTORATION OF THE STORMWATER PRACTICES.

Low Density Single Family Residential
 Zone 1
 20,000 sf, 100' wide ave
 8 lots

Zone 2
 29.94 ac

Zone 1
 23.2 ac

Zone 3
 50.08 ac

Zone 4
 47.83 ac

Residential Single-Family Low-Medium Residential
 Zone 2
 15,000 sf, 90' wide ave
 29 lots

Single-Family Medium Density
 Zone 4
 10,000 sf, 75' wide ave
 81 lots



4100 N. GALHOUN ROAD
 BROOKFIELD, WI 53005
 (262) 790-1480
 info@trioeng.com

EXISTING FARMHOUSE TO REMAIN

Single-Family Medium Density & Condominium
 Zone 3
 - Duplex Ranch = 56 units
 - 10,000 sf Single Family Lots = 37 units
 Total = 93 units

Pocket Park (1 acre)
 - Pickleball Court
 - Garden & Picnic Area
 - Benches

Clubhouse Amenity Area (1.4 acre)
 - Clubhouse
 - Pool
 - Playground
 - Bike Service Station
 - Site Amenities

Map 1 GENERAL DEVELOPMENT PLAN DRAWING

Welshire Farm Development
 Town of Delafield, Waukesha County, Wisconsin



Scale: 1" = 150' (22"x34")
 Scale: 1" = 300' (11"x17")
 DATE: 12/22/2023

EXHIBIT B

Plan Commission Report for January 16, 2024

Thomas Family Properties Zoning Amendment Agenda Item No. 5. B.

RECEIVED
01/29/2024
DEPT OF
PARKS &

Applicant: Neumann Development, Inc. by Bryan Lindgren
Owner: Amy Thomas, et.al.
Project: Welshire Farm subdivision
Requested Action: Recommendation to Town Board on an amendment to rezone the Thomas Family properties from A-1 Agricultural to PDD No.1 - Planned Development District No. 1 within areas of Town zoning jurisdiction.

Zoning: A-1 Agricultural (Town)

Location: North of Golf Road, west of Elmhurst Road, south of Lake Country Bike Trail and High Ridge East Add'n No. 1 subdivision and east of Glen Cove Road

Report

List of clarifications on documents since the December 5, 2023 meeting

- Map 1: Total No. of units updated to show 212 units, which includes the existing house/property currently on Thomas Lane to remain.
- Map 1C: Modified biofiltration to basins.
- Map 2: Identifies and labels Outlots; updated open space chart.
- Map 5: Adjusted pond/basin elevations; clearly identified stormwater discharge points.
- TIA: Revised Exhibit 1-3 (and similar figures) to show that Oakton Road and Glen Cove Road do not connect; added language about Oakton Road on page 6.
- Water Study: GZA (consultant to Neumann Developments) provided summary letter.
- Bedrock Boring Plan Sheet provided.
- Test Hole Spreadsheet provided.

Background (from previous report)

On December 3, 2019, the Plan Commission unanimously recommended approval of a Land Use Plan amendment on the Thomas family properties as follows (no change to Primary Environmental Corridor designation):

DELT 0811-999: Commercial and/or Office Park to Mixed Use
DELT 0809-966: Suburban Density I Residential to Low Density Residential
DELT 0809-995: Suburban Density I Residential to Low Density Residential (north of a line between the southeast corner of tax parcel DELT 0809-966 and the centerline of Elmhurst Road directly west of Lot 9 Golf Ridge subdivision)
DELT 0809-995: Commercial and/or Office Park to Mixed Use (south of line described above)

On December 10, 2019, the Town Board approved the Land Use Plan amendment on a 4:1 vote. Waukesha County Board approved the Land Use Plan Amendment on May 23, 2023.

Uses allowed in the mixed-use land use category include "development that may contain residential and could contain a combination of public, institutional, office, retail, service, light industrial, research and development, and/or other commercial uses, including off street parking and may take the form of a business park." The low-density residential use allows residential development at a density of 20,000 square feet to 1.4 acres of area per dwelling unit.

Between the time that the Land Use Plan Amendment was approved by the Town Board (December 10, 2019) and October of 2022, the Town Plan Commission developed a zoning district for mixed uses. The ordinance set forth the regulations by which a development can take place on the specific Thomas Family properties. On October 4, 2022, the Plan Commission recommended approval of an ordinance that created a Planned Development District that would meet the mixed-use land use intent, on a 5:0 vote. On October 11, 2022, the Town Board approved the recommended ordinance on a 4:1 vote, with a change in the number of residential units on the specific property to be a maximum of 230 units. Waukesha County Board approved the creation of the Planned Development District No. 1 ordinance on May 23, 2023.

Considerations

The request before the Plan Commission is to amend the Town's zoning map for the Thomas Family properties from A-1 Agricultural District to Planned Development District No. 1 (PDD No. 1).

The ordinance includes the following Statement of Intent:

- Provide for mixed residential use in an attractive, integrated environment which is complimentary to the surroundings.
- Preserve the natural environment by conserving environmental corridor areas, wetlands and tree lines designated for preservation to the extent practicable.
- Provide for landscape buffer along Glen Cove Road, Elmhurst Road and Golf Road to ensure harmony with surrounding neighborhoods.
- Provide a trail network that links existing neighborhoods, individual development sites and the Lake Country Trail.
- Mitigate traffic impacts by splitting access between both local roads and the county trunk highway system.
- Provide a heightened level of site design and connectivity between development sites.
- Provide a broad range of potential living unit options that will accommodate residents of varying ages.

The specific regulations contained in the PDD No. 1 zoning district implement the intent of the ordinance. The ordinance requires that General Development Plan (GDP) materials be

included with an application to rezone to the PDD No. 1 district. The table below provides the findings of the submittal:

Item	Submitted?	Findings	Requirement Met?
General Development Plan Drawing	Yes	Proposal is for 212 new units; one existing unit is to remain on the Thomas property (existing historic house on Thomas Lane). Code allowance in the PDD district is a maximum of 230 units.	
Open Space and Natural Protection Plan	Yes	No wetlands or environmental corridor will be disturbed, except for bike and pedestrian path construction. Partial tree line in zone 3 to be preserved and enhanced with additional tree line replacement; tree line in zone 4 will be preserved except for road right-of-way areas; Various stands of trees in Outlot 6 will be preserved; landscaped berm buffers will be constructed along the east side of Glen Cove Road, north side of Golf Road and west side of Elmhurst Road. The projected open space for the development will be 49% outside of the individual home lots and condominium structures. The minimum required common open space is 38.8% based on the uses in each zone.	
Traffic Impact Analysis (TIA)	Yes	<p>The PDD code required that a TIA be prepared to determine improvement recommendations for the development. The following intersections were considered in the study and are shown with the existing and proposed level of service (LOS) (Scale A-F):</p> <ul style="list-style-type: none"> Glen Cove at Brookstone Circle North (A/A) Glen Cove at Brookfield Circle South (A/A) Glen Cove at Golf Road (B/B) Golf Road at new intersections (2) (-/B) Golf Road at Elmhurst Road (A/A) Elmhurst Road at Golf Ridge South (A/A) Elmhurst at Golf Ridge North (A/A) Elmhurst at Oakton Road (A/A) <p>LOS is a quantitative measure that refers to the overall quality of traffic flow at an intersection, ranging from very good (LOS A) to very poor (LOS F). WisDOT and Waukesha County consider LOS D or better to define acceptable peak hour operating conditions. The TIA recommends that turn and bypass lanes are required on Golf Road at the new intersections into the development. This recommendation is based on a Waukesha County code requirement for turn and bypass lanes for all T intersections on roads that have volumes greater</p>	

		than 2,500 vehicles per day. The 2018 volumes on Golf Road were 4,400 vehicles per day. The TIA was reviewed by Waukesha County Dept. of Public Works staff and the Town Engineer.	
Road Access Plan	Yes	Map 1 shows two access points from the development onto Golf Road; one access point from the development onto Glen Cove Road across from Brookstone Circle North in the same geometric configuration as Brookstone Circle North; and one access point from the development onto Elmhurst Road across from Golf Ridge South in the same configuration as Golf Ridge South. Traffic impacts are mitigated by having four access points, two of them being on Golf Road (CTH DR).	
Sanitary Sewer Plan	Yes	In a letter received May 22, 2023, from LPSD, they confirmed that the formula to be used for the design capacity is 7 persons per developable acre. That results in the allowance of 770 persons on 110 developable acres. The projected number of persons for the development is 583. There is sufficient hydraulic capacity in the existing gravity pipe system. According to LPSD, there is adequate capacity at the Fox River Pollution Control Center in Brookfield for the flow.	
Water Study	Yes	The PDD code requires that the applicant demonstrate that SEWRPC, WDNR, and LPSD have been consulted with regards to anticipated water table impacts of any planned private water supply. A detailed water study was submitted by the developer's environmental consulting engineer. The study was reviewed by the Town, County, and SEWRPC. The study must, to the satisfaction of the Town Plan Commission and Town Engineer, demonstrate that a private water supply will adequately serve the project and not adversely impact private wells or other natural resources. Several iterations of the water system analysis were performed based on comments from Town, County and SEWRPC. Findings from the study are as follows: 1. The methodology used to calculate drawdown (Theis solution for Non-Leaky Confines Aquifers) is the most widely used and accepted solution for calculating drawdown. 2. Average drawdown in the proposed development, assuming infiltration and groundwater recharge, is estimated to be approximately 4 to 5 feet at and decreasing from the property line. 3. The cumulative drawdown at the property boundary for the developments to the east and	

		<p>west of the proposed development is estimated to be approximately 7 to 14 feet.</p> <p>4. The maximum drawdown is less than the natural groundwater fluctuation of 6 feet as observed at USGS monitoring wells in the neighborhood.</p> <p>5. Flows of groundwater to Pewaukee Lake will be maintained.</p>	
Preliminary Stormwater Plan	Yes	<p>Preliminary review by Waukesha County concluded that the development will likely be able to meet their ordinance requirements. The stormwater management plan includes opportunities to infiltrate the water into the ground. Calculations indicate that the development will be able to infiltrate 94% of the pre-development flow. The required infiltration percentage is 90% per County and WDNR requirements. There are several design and modeling details that require attention which will take place during detailed construction plan review.</p>	
Bike and Pedestrian Plan	Yes	<p>The developer has incorporated approximately 10,200 linear feet (1.9 miles) of trails/paths within the subdivision. Map 1 provides an overview of the locations of said facilities. A paved path extends from Glen Cove Road to the Lake Country Trail. Natural walking paths extend from open space in the subdivision to and through the environmental corridor.</p>	
Active Recreation Plan	Yes	<p>A one-acre public pocket park is included in the development plans and will be located to the west of the westerly entrance to the subdivision off Golf Road. Amenities include a pickleball court, garden and picnic areas and benches. The plans also show a clubhouse, pool, and playground for subdivision residents.</p>	

I have reviewed the development layout to determine if the GDP plans meet or will meet specific code regulations. Conclusions are as follows:

Subsection Heading	Code Met?	Notes
5. Use Regulations	Yes	Proposed uses on GDP meet designated uses for each zone.
6. Density	Yes	230 units allowed; 212 proposed; lots meet minimum lot sizes for each zone.
7. Building Location	Yes	Meets road setbacks for Golf, Glen Cove and Elmhurst; all internal lots meet setbacks and offsets for each specific use type

8. Height//Bulk Regulations	Yes	To be determined at time a building permit is submitted for each house.
9. Area Regulations	Yes	To be determined at time a building permit is submitted for each house; Minimum average lot width is met for all proposed lots.
10. Open Space for Development Site	Yes	Open space for each development zone is met; wetlands and environmental corridor are preserved; tree lines removed will be re-vegetated; landscape buffers are provided on Glen Cove Road, Golf Road and Elmhurst Road.
11. Signage Regulations	-	To be determined when signs are submitted for approval
12. Parking Regulations	-	Parking provided for clubhouse; landscape screening required on sides; detailed plan to be reviewed at time specific development plan is submitted.
13. Open Space for Each Lot	Yes	Designated on the GDP; actual open space to be determined at time a building permit is submitted for each house.
14. Dumpster Enclosures	-	No dumpsters proposed for the site.
15. Road Layout	Yes	The road layout winds through the development. Glen Cove Road to Elmhurst Road requires 4 stops or corner turns, which will discourage people cutting through the development.
16. Cul-de-Sac Length	Yes	Crooked Creek cul-de-sac extends into the Welshire development; No other cul-de-sacs extend beyond 400 feet.
17. Developer's Agreement	-	To be reviewed and approved at time the preliminary plat is submitted

Staff Recommendation:

Based on the findings described above for all of the required submittal materials, and consideration that the proposed development meets the PDD district Statement of Intent, I recommend that the petition for zoning amendment and the General Development Plan be forwarded to the Town Board with a recommendation to approve based on the following:

- The request is in compliance with the Town Land Use Plan.
- The application is complete and all information required by Section 17.04 (5)(R)4. b. has been submitted for review.
- Findings indicate that each of the GDP required submittal; materials identified in the PDD ordinance has been adequately addressed.
- The proposed development meets the PDD Statement of Intent.
- The General Development Plan (GDP) layout has been reviewed in light of the regulations within each subsection of Section 17.04 (5)(R) and have been found in compliance with the ordinance, subject to a detailed review when subdivision plats and construction plans are submitted for review and approval in accordance with normal Town review processes. Development of the subject property shall be in substantial conformance with the maps and studies identified in the GDP as follows:

Map No.	Date	Title
1, 1A, 1B, 1C	12/22/2023	General Development Plan Drawing
2, 2A, 2B	12/22/2023	Open Space and Natural Resource Protection Plan
3	12/22/2023	Road Access Plan
4	12/22/2023	Sanitary Sewer Plan
5	12/22/2023	Preliminary Stormwater Plan
6	12/22/2023	Bike and Pedestrian Plan
7	12/22/2023	Active Recreation Plan
L1 – L7	3/27/2023	Landscape Plan
	12/16/2023	Traffic Impact Analysis
	3/24/2023	Hydrogeologic Assessment Report
	7/14/2023	Response to SEWRPC Comments
	9/29/2023	Response to SEWRPC Comments
	12/21/2023	Groundwater Evaluation Summary

Tim Barbeau, Town Engineer
January 8, 2024

OPEN SPACE DATA TABLE - Welshire Farm Date: 4/21/2023

Proposed Zoning = PLANNED DEVELOPMENT DISTRICT #1

ZONE	PROPOSED USE	Total Area (acres)	Incremental Total Area (acres)	Total Area of Lots, Right-of-Way or Condominium Hard Surfaces within Zone (acres)	Total Outlot / Open Space (acres)	Lowland in Outlot / Open Space (acres)	Upland in Outlot / Open Space (acres)	Net Lowland (0.2 of total Lowland) (acres)	Outlot / Open Space (Net) (acres)	Outlot / Open Space (%)	Required Open Space (Net)* (acres)	Required Open Space (%)
1	Single-Family Low Density	23.20		4.71	18.49	3.58	14.51	0.80	15.31	66.0%	6.00	30.0%
2	Residential Single-Family Low-Medium Density (15,000)	29.94		13.18	16.76	0.50	15.86	0.18	16.04	53.6%	8.06	30.0%
3	Condominium (4 units)***	60.08	32.59	10.02	22.57	3.77	18.81	0.75	19.56	60.0%	14.56	60.0%
	Single-Family Medium Density (10,000)		17.49	11.33	6.16		6.16		6.16	35.2%	8.12	35.0%
4	Single-Family Medium Density (10,000)	47.83		29.07	18.16	1.45	16.72	0.29	17.00	36.6%	16.74	35.0%
SUBTOTAL		151.05		66.91	82.14	10.59			74.87	49.8%	56.36	36.6%

* Required Net Open Space applies to whole development site (Total Area) for each Zone or Use

** Net Open Space Provided is per Sec. 17.04(5)(R)10.a. Accounts for Lowland Area multiplied by 0.2. Single family open space is located by Outlots. Condo open space is common area.

*** Condo Net Open Space includes: Upward Common Area + 0.2 of Lowland Common Area in Condominium and Clubhouse area, and portions of DL 4 & OL 6 within Zone 3.

Open Space Plan Legend

- Wetlands (Heartland Ecological Group Inc. July 2022)
- Primary Environmental Corridor (PEC) (Heartland Ecological Group Inc. July 2022)
- Treelines & Other wooded areas to be preserved (OS)
- Landscape Buffer (LB)
- Open Space Areas for Development Site Calculations
 - Single family in Outlot
 - Condo is common area



Map 2
OPEN SPACE AND
NATURAL RESOURCE PROTECTION PLAN
 Welshire Farm Development
 Town of Delafield, Waukesha County, Wisconsin

NEUMANN DEVELOPMENTS, INC.

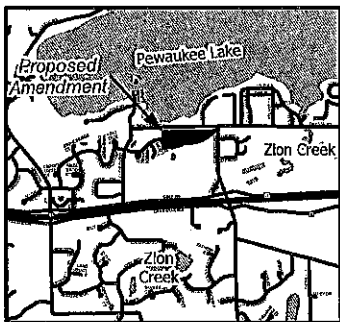
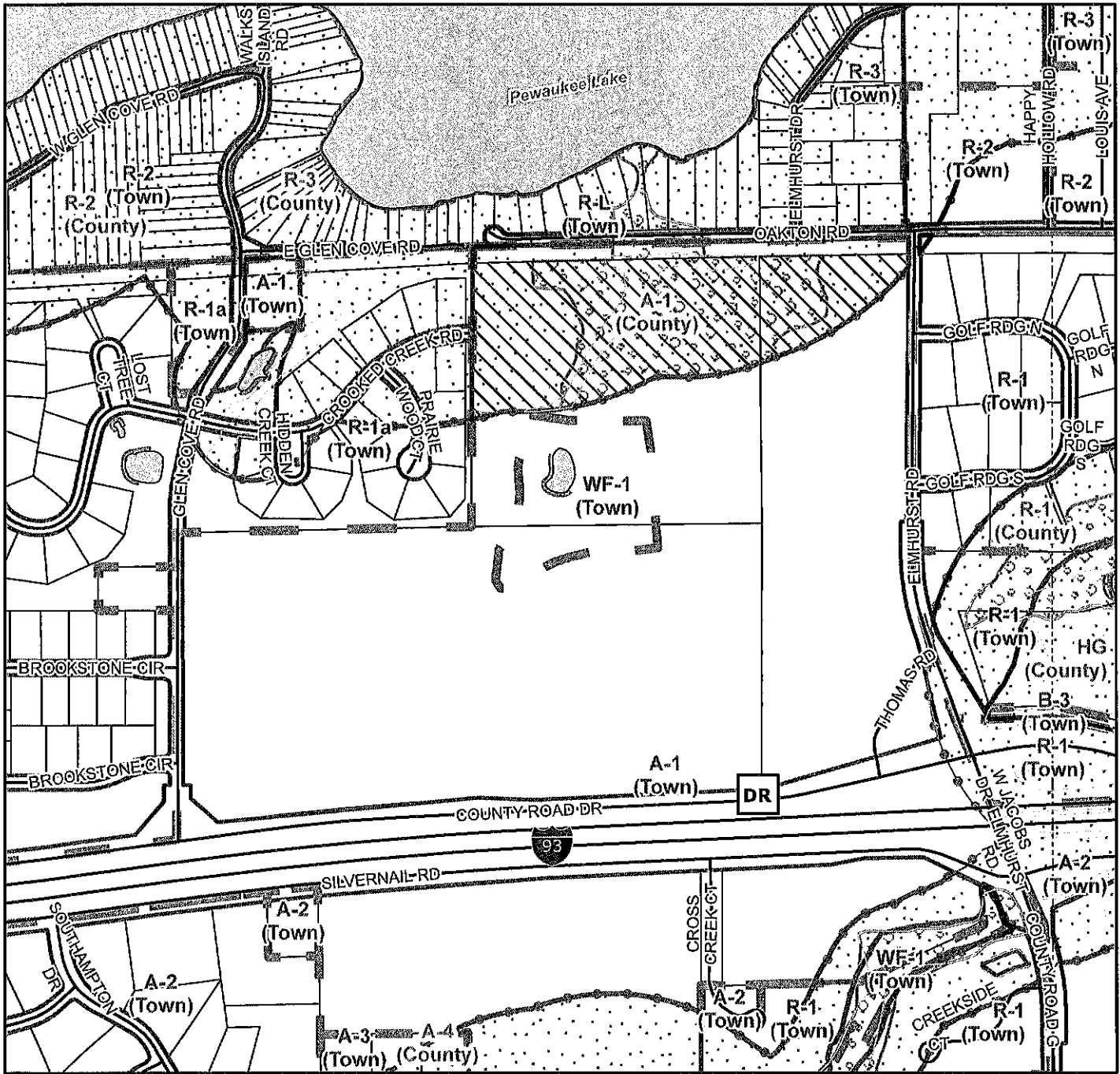
Scale: 1" = 150' (22"x34")
 Scale: 1" = 300' (11"x17")
 DATE: 12/22/2023





TRIO
 CIVIL ENGINEERING

4100 N. GALHOUN ROAD
 BROOKFIELD, WI 53005
 (262) 790-1480
 info@trioeng.com

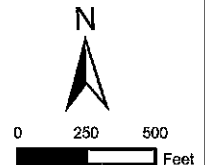
ZONING AMENDMENT

PART OF SECTION 23,
TOWN OF DELAFIELD



-  CONDITIONAL COUNTY ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT. EC, C-1, DSO TO REMAIN
-  EC Environmental Corridor Overlay
-  DSO Delafield Shoreland Overlay
-  C-1 Conservancy Overlay (wetlands)

FILE.....RZ116
 DATE OF PLAN COMMISSION.....02/28/24
 AREA OF CHANGE.....23.4 ACRES
 TAX KEY NUMBER.....DELT 0809995, 0509996



Prepared by the Waukesha County Department of Parks and Land Use

1 APPROVE TOWN OF MUKWONAGO ORDINANCE NO. 2023-O-064 WHICH AMENDS
2 THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING CODE BY
3 REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ AND SE ¼ AND SW ¼
4 OF SECTION 22, T5N, R18E, TOWN OF MUKWONAGO, FROM THE SE SUBURBAN
5 ESTATE DISTRICT TO THE P-1 PUBLIC DISTRICT (RZ140)
6

7 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
8 this Ordinance was approved by the Mukwonago Town Board on October 4, 2023; and
9

10 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
11 Planning Commission, which recommended approval and reported that recommendation to the
12 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
13 as required by Section 60.62, Wis. Stats.
14

15 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
16 that Town of Mukwonago Ordinance No. 2023-O-064 which amends the District Zoning Map
17 for the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on November
18 30, 2020, to rezone from the SE Suburban Estate District to the P-1 Public District, certain lands
19 located in part of the NE ¼ and SE ¼ and SW ¼ of Section 22 T5N, R18E, Town of
20 Mukwonago, as more specifically described in the “Staff Report and Recommendation” and map
21 on file in the office of the Waukesha County Department of Parks and Land Use and made a part
22 of this Ordinance by reference, is hereby approved.
23


24 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
25 this Ordinance with the Town Clerk of Mukwonago.

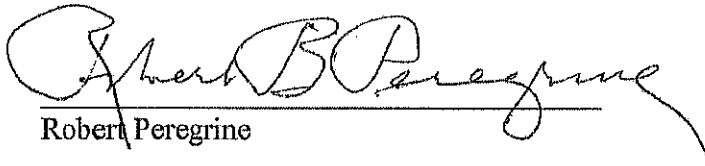
COMMISSION ACTION

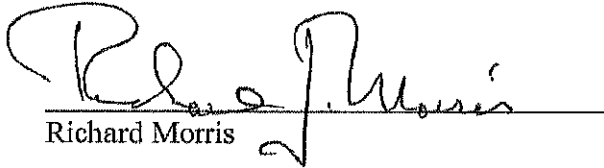
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Genesee Zoning Code, hereby recommends approval of **RZ140 (Wisconsin District of Wesleyan Church)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

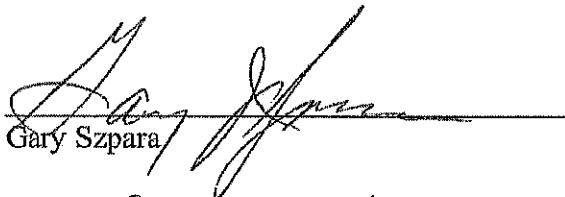
February 28, 2024

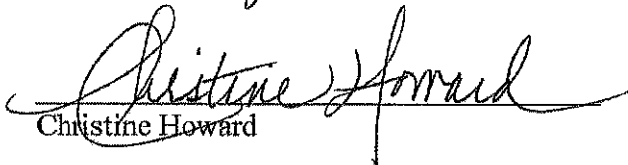

James Siepmann, Chairperson


Robert Peregrine


Richard Morris

Absent
William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: February 28, 2024

FILE NO.: RZ140

OWNER: Wisconsin District of Wesleyan Church
3040 Ivanrest Avenue SW
Grandville, MI 49418

APPLICANT: Attorney Joseph A. Abruzzo
111 E. Wisconsin Avenue, #1800
Milwaukee, WI 53202

TAX KEY NO.: MUKT 1959.993.003

LOCATION:
Part of the NE ¼ and SE ¼ of the SW ¼ of Section 22, T5N, R18E, Town of Mukwonago. More specifically, the property is located at S93 W30580 County Road NN containing approximately 6.2 acres.

EXISTING ZONING:
SE Suburban Estate (Town)

PROPOSED ZONING:
P-1 Public District (Town)

EXISTING USE(S):
Church

REQUESTED USE(S):
Church

PUBLIC HEARING DATE:
October 4, 2023

PUBLIC COMMENT:
None

TOWN PLAN COMMISSION ACTION:
On October 4, 2023, the Town of Mukwonago Plan Commission unanimously recommended approval of the rezone request, to the Town Board.

TOWN BOARD ACTION:
On October 4, 2023, the Mukwonago Town Board unanimously adopted the rezone ordinance.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF MUKWONAGO CDP:

The Comprehensive Development Plan for Waukesha County designates the property as Medium Density Residential, which incorporates the Village of Mukwonago extra-territorial plan designation

and the Town of Mukwonago Land Use Plan designates the property as Park, Public and School Lands category. The proposed rezone complies with both plans in that churches are frequently sited in rural and residential plan categories.

STAFF ANALYSIS:

The subject 6.2 acre property contains frontage on both CTH NN and CTH EE just west of the Village of Mukwonago boundary. The property contains a church set in the middle part of the property, a parsonage near CTH NN and an outbuilding near the west property line.

Churches are a conditional use pursuant to the current zoning designation of SE Suburban Estate District. The rezoning would make the church a permitted use which would alleviate the need for public hearings each time the church would seek to make a change to its site plan. Site plan details would still be reviewed by the town but the review period would be abbreviated. This request follows a 2023 amendment to the town's land use plan that similarly designated the property for institutional type use.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request.

The rezone will allow for a church to continue and for future applications to be streamlined as the church would no longer be subject to conditional use requirements.

Respectfully submitted,

Jason Fruth

Jason Fruth

Planning & Zoning Manager

Attachments: Town Ordinance No. 2023-0-64
Map

N:\PRKANDLU\Planning and Zoning\Rezoning\PROJECT FILES\Mukwonago\RZ140 WI Dist of Wesleyan Church muk\RZ140 WI Dist of Wesleyan Church Staff Report mkt.docx

ORDINANCE 2023-O-64

AN ORDINANCE TO AMEND CHAPTER 36 OF THE MUNICIPAL CODE

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled "Town Zoning;" and

WHEREAS, the Wesleyan Church submitted a petition to the Town to rezone their property located at S93W30580 CTH NN (MUKT1959993003) from S-E (Suburban Estates) to P-1 (Public); and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on October 4, 2023, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on October 4, 2023; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on October 4, 2023; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Mukwonago, Waukesha County, does hereby ordain as follows:

Section 1. Revise the zoning map by changing the zoning designation of the property located at S93W30580 CTH NN (MUKT1959993003) from S-E (Suburban Estates) to P-1 (Public).

Section 2. The conditional use order previously issued is terminated. All terms and conditions of previously reviewed site plans/plans of operation will remain unchanged.

Section 3. 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 4. The Town of Mukwonago Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

Section 5. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.


Adopted this 4th day of October 2023

TOWN OF MUKWONAGO



Peter Topczewski, Town Chair

ATTEST:

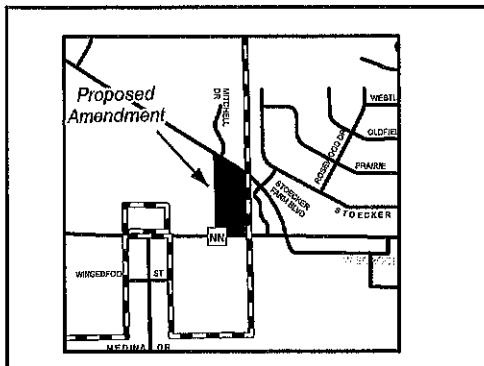
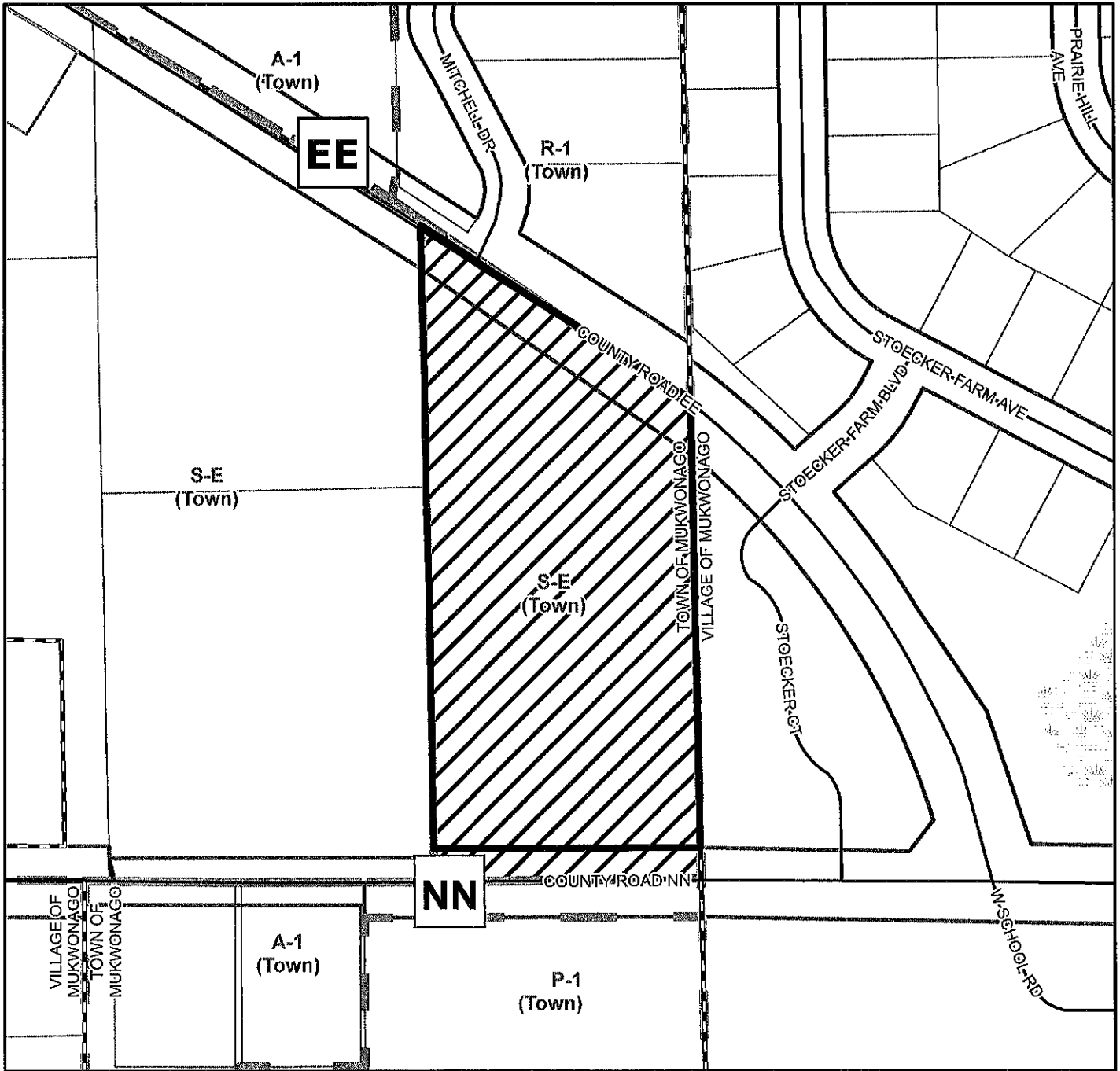



Kathy Karalewitz, Town Administrator

Published and/or posted this 23 day of October, 2023

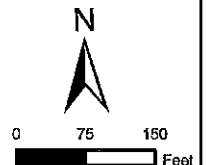
ZONING AMENDMENT

PART OF SECTION 22,
TOWN OF MUKWONAGO



 TOWN ZONING CHANGE FROM SE SUBURBAN ESTATE DISTRICT TO P-1 PUBLIC DISTRICT.

FILE.....RZ140
 DATE OF PLAN COMMISSION.....02/28/24
 AREA OF CHANGE.....6.2 ACRES
 TAX KEY NUMBER.....MUKT 1959.993.003



Prepared by the Waukesha County Department of Parks and Land Use

1 APPROVE TOWN OF MERTON ORDINANCES NO. 17.03 AND NO. 17.44 TO ALLOW
2 FOR THE RECREATIONAL KEEPING OF CHICKENS ON SMALLER PROPERTIES
3 (RZ143)
4

5 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
6 this Ordinance was approved by the Merton Town Board on January 22, 2024; and
7

8 WHEREAS, Town of Merton Ordinances No. 17.03 and No. 17.44 amend Section 17.03 and
9 create Section 17.44(1)(a)11 of the Town of Merton Zoning Code to allow for the recreational
10 keeping of chickens on smaller properties; and
11

12 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
13 Planning Commission, which recommended approval and reported that recommendation to the
14 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
15 as required by Section 60.62, Wis. Stats.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
18 that the amendments to the Town of Merton Zoning Code, approved by the Town of Merton
19 Board by Town of Merton Ordinances No. 17.03 and No. 17.44, to allow for the recreational
20 keeping of chickens on smaller properties, as more specifically described in the "Staff Report
21 and Recommendation" on file in the office of the Waukesha County Department of Parks and
22 Land Use and made a part of this Ordinance by reference, are hereby approved.
23

24 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
25 this Ordinance with the Town Clerk of Merton.

COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Merton Zoning Code hereby recommends **approval** of **RZ143 (Town of Merton Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

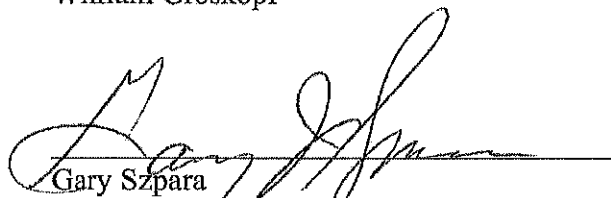
February 28, 2024

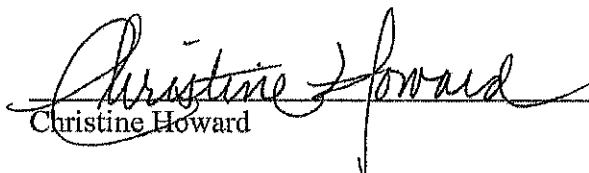

James Siepmann, Chairperson


Robert Peregrine


Richard Morris

Absent
William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

DATE: February 28, 2024

FILE NO.: RZ143

APPLICANT: Town of Merton Board
P.O. Box 128
North Lake, WI 53064

REQUEST:
Text amendments to the Town of Merton Zoning Code to amend Section 17.03 and create Section 17.44(1)(a)11. relating to the keeping of chickens.

PUBLIC HEARING DATE:
January 17, 2024

PUBLIC COMMENT:
One person asked whether the new rules would apply to lots of more than three acres. The Town Planner clarified that the rules for larger parcels would not change; the provisions would allow for chickens to be kept on smaller properties with a limited number of chickens permitted.

TOWN PLAN COMMISSION ACTION:
On January 17, 2024, the Town of Merton Plan Commission unanimously recommended approval of the request to the Town Board.

TOWN BOARD ACTION:
On January 22, 2024, the Merton Town Board of Supervisors unanimously approved the request.

STAFF ANALYSIS:
The Town of Merton is proposing to create provisions to allow for the keeping of chickens on smaller properties. The new rules would allow up to five chickens on properties of at least 40,000 square feet. Chickens would be required to be kept in pens and coops to eliminate conflicts with neighbors, dogs, etc. The ordinance is similar to the county codes and many other town ordinances in making this accommodation. The proposed ordinance would prohibit roosters, commercial use or slaughtering. Coops and pens are allowed in rear yard areas and the ordinance contains standards to ensure animal health and sanitation. Feed must be stored in an enclosed structure or sealed container and waste must be managed so as to not create a nuisance.

STAFF RECOMMENDATION:
Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The new provisions will allow a new option for a limited number of chickens on smaller parcels within the town. The provisions include safeguards such that the use should not become a nuisance to neighbors.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Town Ordinance No. 17.03 and 17.44

STATE OF WISCONSIN:

TOWN OF MERTON:

WAUKESHA COUNTY:

Ordinance No. 17.03 Definitions and Ordinance No. 17.44 A-1 Agricultural District

ORDINANCE CREATING SECTIONS 17.03 AND 17.44(1)(a)11. OF THE MUNICIPAL CODE OF THE TOWN OF MERTON

NOW THEREFORE, the Town Board of the Town of Merton, Wisconsin do ordain as follows:

SECTION 1: The following provision of Section 17.03 of the Town Code is hereby created to read as follows:

Recreational chicken activities. The keeping, breeding, and raising of chickens as an accessory use to a principal residential use or to supplement the household food supply, as provided in this section. Recreational chicken activities is not an agricultural use or farm use.

SECTION 2: Section 17.44(1)(a)11. of the Town Code is hereby created to read as follows:

11. Recreational chicken activities.

- a. Ownership of property. A property owner may utilize its property for recreational chicken activities upon compliance with this section. Leasing property for recreational chicken activities is prohibited.
- b. Minimum lot size. The minimum lot size for property utilized for recreational chicken activities is 40,000 square feet. Except as provided in this section, all structures utilized for recreational chicken activities shall comply with all dimensional requirements of the particular zoning district, including but not limited to offset, setback, and height, and the accessory building regulations. Any building or structure housing chickens shall be at least 30 feet from all property lines.
- c. Number and type of recreational chickens. Up to five chickens are permitted. Roosters are prohibited.

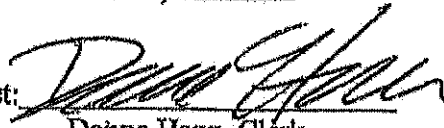
- d. No commercial use. No commercial activities shall be permitted as part of the recreational chicken activity, including but not limited to, bartering, the sale of eggs, live or dressed chickens, live chicks, and feathers. All products produced by the chickens shall be for the personal consumption of the occupants of the property utilized for the recreational chicken activity.
- e. Slaughtering of chickens. The slaughtering of chickens is prohibited and any deceased chicken shall be promptly removed from the property.
- f. Feed; waste. All feed shall be stored in an enclosed structure or sealed container. All waste generated by the chickens shall be promptly disposed in accordance with applicable State of Wisconsin laws and regulations.
- g. Coop and pen regulations. The property owner engaged in recreational chicken activities shall install one chicken coop and one pen to be utilized for recreational chicken activities. Free ranging of chickens is prohibited and chickens must be kept within a coop or pen at all times. The coop and pen shall be located behind the rear line of the principal residence as the structure faces any road, and be at least 10 feet from any portion of the principal residence. The coop and pen shall each be limited to no more than 50 square feet. The coop shall have a roof, sides, and a floor, be kept dry and well-ventilated with fans for warmer months and well-insulated with heating for the winter months. The coop shall not be counted for purposes of determining the maximum number of accessory buildings permitted on a lot. The pen shall be fenced at least 42 inches in height with the top and sides of the pen being covered with fencing to prevent intrusion or escape.
- h. Ceasing of use. The property owner shall notify the Town if the property owner ceases to use the property for recreational chicken activities. The chicken coop, pen, fencing, and all structures utilized for recreational chicken activity shall be removed no later than six months after a property ceases to be used for recreational chicken activities.
- i. Permit. Prior to engaging in recreational chicken activities on property less than three acres, a property owner shall obtain a permit from the Town Clerk and pay the required fee in accordance with the Town's fee schedule. To obtain a permit, the property owner shall provide an accurate, scaled site plan or plat of survey depicting all property lines, public rights-of-way, the location of the residence and any appurtenances, the size and location of the proposed coop and pen, together with a drawing of the coop and pen.
- j. Compliance with law; inspection. A property owner engaged in recreational chicken activities shall comply with all local, Waukesha County, State of Wisconsin, and federal laws and regulations. The Town may inspect any property utilized for recreation chicken activities to ensure compliance with this section. Any person that violates this section shall be subject to the penalties set forth in this chapter and the revocation of the permit issued under section 17.44(1)(a)11.i.

SECTION 2: All ordinances or parts of this Ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 3: This Ordinance shall take effect upon passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Merton, Waukesha County, Wisconsin this 22, day of January, 2024.

By: 
Tim Klink, Chairman

Attest: 
Donna Hann, Clerk

Date Adopted: 1-22-2024

Date Published: 1-23-2024

Effective Date 1-23-2024

1 APPROVE TOWN OF MERTON ORDINANCE NO. 17.29 THAT REPEALS AND
2 RECREATES SECTION 17.29 OF THE TOWN OF MERTON GENERAL CODE OF
3 ORDINANCES RELATING TO SWIMMING POOLS (RZ142)
4

5 WHEREAS, after proper notice was given, a public hearing was held, and the subject matter of
6 this Ordinance was approved by the Merton Town Board on January 22, 2024; and
7

8 WHEREAS, the Town of Merton Ordinance No. 17.29 repeals and recreates Section 17.29 of the
9 Town of Merton General Code of Ordinances relating to swimming pools; and
10

11 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
12 Planning Commission, which recommended approval and reported that recommendation to the
13 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
14 as required by Section 60.62, Wis. Stats.
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
17 that the Town of Merton Ordinance No. 17.29 to repeal and recreate Section 17.29 of the Town
18 of Merton General Code of Ordinances relating to swimming pool regulations, as more
19 specifically described in the "Staff Report and Recommendation" on file in the office of the
20 Waukesha County Department of Parks and Land Use and made a part of this Ordinance by
21 reference, is hereby approved.
22

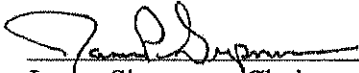
23 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
24 this Ordinance with the Town Clerk of Merton.

COMMISSION ACTION

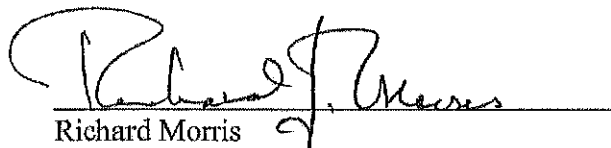
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Merton Zoning Code hereby recommends **approval** of **RZ142 (Town of Merton Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

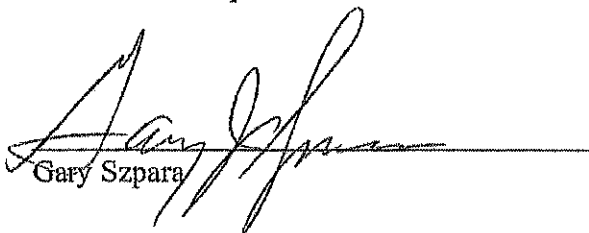
February 28, 2024

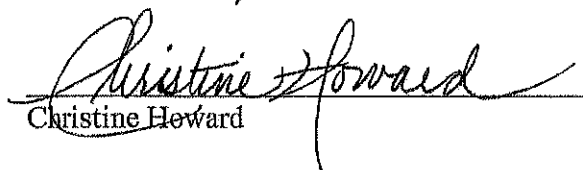

James Siepmann, Chairperson


Robert Peregrine


Richard Morris

Absent
William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

DATE: February 28, 2024

FILE NO.: RZ142

APPLICANT: Town of Merton Board
P.O. Box 128
North Lake, WI 53064

REQUEST:
Text amendment to the Town of Merton Zoning Code to repeal and re-create Section 17.29 relating to swimming pools.

PUBLIC HEARING DATE:
January 17, 2024

PUBLIC COMMENT:
None

TOWN PLAN COMMISSION ACTION:
On January 17, 2024, the Town of Merton Plan Commission unanimously recommended approval of the request to the Town Board.

TOWN BOARD ACTION:
On January 22, 2024, the Merton Town Board of Supervisors unanimously approved the request.

STAFF ANALYSIS:
The town is proposing to amend its swimming pool regulations to modernize its rules with specific attention to fencing requirements for safety. The new language prohibits elevated surfaces, such as decks adjacent to fences, to have less than 4' of separation to the top of the fence. The existing code already requires a 4' fence; clarification is being provided regarding adjacent surfaces. More specificity is proposed to be added to the above ground pool standard which states that if the wall of an above ground pool is at least 52" in height, fencing shall not be required. Other mechanical equipment, such as pumps, filters and heaters must be at least 36" from fencing to minimize climbing risk. The amended language maintains the requirement for gates to be self closing and self latching.

STAFF RECOMMENDATION:
Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The proposed text amendments add detail to the town's existing swimming pool rules to help ensure child safety and make code administration easier.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Town Ordinance No. 17.29

ORDINANCE NO. 17.29 Swimming Pools

AN ORDINANCE TO REPEAL AND RE-CREATE §17.29 OF THE GENERAL CODE OF ORDINANCES OF THE TOWN OF MERTON RELATING TO SWIMMING POOLS

The Town Board of Supervisors of the Town of Merton, Waukesha County, Wisconsin does ordain as follows:

SECTION 1. Section 17.29 of the General Code of Ordinances of the Town of Merton is hereby repealed and recreated to read as follows:

17.29 - SWIMMING POOLS.

(1) **USE PERMITTED.** All above and below-ground swimming pools constructed or expanded on or after January 1, 2024 are permitted in any district other than C-1 Districts, subject to the following:

(a) **Occupant Use Only; Safe Operation.** The swimming pool shall be used solely by the occupants of the principal use of the property on which the swimming pool is located, and their guests. Ladders, stairs, ramps, related equipment of a swimming pool shall installed to ensure the safe use and access to the swimming pool.

(b) **Setback and Offset Requirements.** Any swimming pool, together with its surrounding walkways, patios, diving platforms, bathhouses, and accessory structures, shall comply with the setback and offset requirements of the applicable districts, and meet the distance requirements established by Waukesha County and the State of Wisconsin.

(c) **Fences.**

1. All swimming pools shall be completely surrounded by a permanent fence at least four feet in height at all points regardless of grade. The distance between the vertical rails or any other opening of a fence, gate, or door shall not exceed four inches. A dwelling or accessory building may be used as part of the swimming pool's enclosure. All gates or doors used to access a swimming pool shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times.

2. No horizontal ladder type swimming pool fences are allowed. All swimming pool fences constructed on decks shall be built flush with outside of deck to prevent ledges to crawl, climb or walk on or over.

3. Fencing under Section 17.29(1)(c)1. shall not be required for above-ground swimming pools if the surrounding wall of the above-ground swimming pool is at least 52 inches in height and the ground surface of the above-ground swimming pool, measured at all points three feet from the above-ground swimming pool, is level.

4. Temporary fencing shall be installed and maintained during construction of a swimming pool. Any required permanent fence shall be installed prior to the swimming pool being filled with water or otherwise used by occupants.

5. In order to prevent unauthorized access to a swimming pool, no improvement, structure, or equipment such as pumps, filters, and heaters shall be installed or located within 36 inches of the fence that surrounds a swimming pool.

(2) PERMIT REQUIRED. No swimming pool shall be constructed unless building and zoning permits have been issued pursuant to §17.11 and §17.12.

(3) INSPECTION. No swimming pool shall be used until the Building Inspector has made his final inspection and has approved all phases of construction, including the erection of necessary fencing. Water in the swimming pool, except for minimal amounts for testing purposes, shall be considered evidence of use.

(4) BOND REQUIRED. An application for a permit to construct a swimming pool shall be accompanied by a cash deposit in the amount of \$500.00 to be retained by the Town Treasurer until final inspection and approval. If any person uses the swimming pool prior to final inspection and approval, such bond shall be forfeited. The bond shall be returned upon compliance by permittee with all requirements of this section.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon passage and posting or publication as required by law.

SECTION 3. PRIOR ORDINANCES. All ordinances or parts of ordinances conflicting with or contravening the provisions of this Ordinance are hereby repealed.

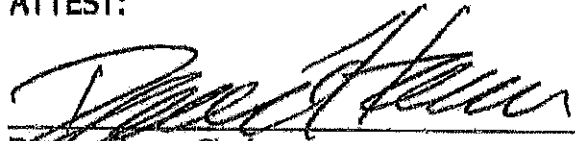
[Signature Page to Follow]

DATED: 1-23-2024

TOWN OF MERTON

By: 
Tim Klink, Chairman

ATTEST:


Donna Hann, Clerk

Dated Adopted: 1-22-2024
Date Published: 1-23-2024
Effective Date: 1-23-2024

1 APPROVE TOWN OF MUKWONAGO ORDINANCE 2023-O-65 THAT AMENDS
2 APPENDICES A, C AND D OF THE TOWN OF MUKWONAGO ZONING CODE
3 RELATIVE TO MISCELLANEOUS ZONING MATTERS
4 (RZ133)
5

6 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
7 this Ordinance was approved by the Mukwonago Town Board on December 6, 2023; and
8

9 WHEREAS, the Town of Mukwonago Ordinance No. 2023-O-65, revises Appendix A, C and D
10 of the Town Zoning Code relative to accessory buildings and lot density, garage size limits for a
11 single planned unit development, and removing zoning permit requirements for solar energy
12 systems; and
13

14 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
15 Planning Commission, which recommended approval and reported that recommendation to the
16 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
17 as required by Section 60.62, Wis. Stats.
18

19 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
20 that the amendments to the Town of Mukwonago Zoning Code, approved by the Town Board of
21 Mukwonago by Town of Mukwonago Ordinance No. 2023-O-65, which revises Appendix A, C
22 and D, as more specifically described in the "Staff Report and Recommendation" on file in the
23 office of the Waukesha County Department of Parks and Land Use and made a part of this
24 Ordinance by reference, are hereby approved.
25

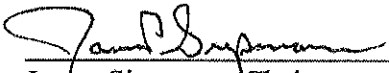
26 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
27 this Ordinance with the Town Clerk of Mukwonago.

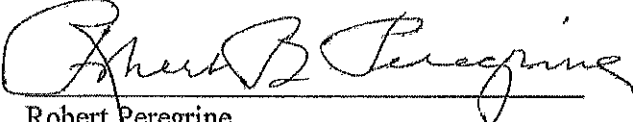
COMMISSION ACTION

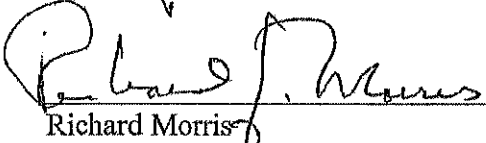
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Mukwonago Zoning Code hereby recommends **approval** of **RZ133 (Town of Mukwonago Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

February 28, 2024

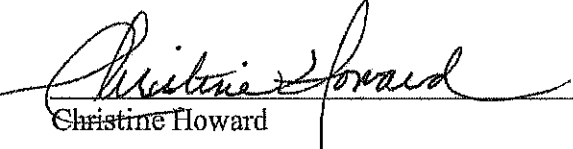

James Siepmann, Chairperson


Robert Peregrine


Richard Morris

Absent
William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

FILE NO: RZ133
DATE: February 28, 2024
NAME OF PETITIONER: Town Board of Mukwonago
Town of Mukwonago Hall
W320 S8315 Beulah Road
Mukwonago, WI 53149

NATURE OF REQUEST:

Text amendments to the Town of Mukwonago Zoning Code to revise Appendix C related to accessory buildings and lot density, revise Appendix D regarding garage size limits for Clydesdale East (PDD-08) and revise Appendix A to remove the zoning permit requirement for solar energy systems.

PUBLIC HEARING DATE:

November 1, 2023 and December 6, 2023.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION ACTION:

At their meeting of December 6, 2023, the Town of Mukwonago Plan Commission recommended approval of the proposed text amendments to the Town Board.

TOWN BOARD ACTION:

At their meeting on December 6, 2023, the Town Board approved the proposed text amendments to Town of Mukwonago Zoning Code.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF MUKWONAGO COMPREHENSIVE PLAN:

The amendments are limited to minor text and rule changes. The amendments are consistent with plan recommendations.

STAFF ANALYSIS:

The Town of Mukwonago is proposing minor changes to the text of the town code relative to three different topics:

- Appendix C of the code is proposed to be revised to eliminate the cap on the number of accessory buildings on properties zoned A-1 District that contain a minimum of 15 acres. The B-2 lot density standards of Appendix C are proposed to be amended to change the specified lot density to 20,000 square feet rather than 30,000 square feet.

- Appendix D relating to the dimensional standards of the Clydesdale East Subdivision is proposed to be amended to specify attached garages of a minimum of 600 square feet rather than a maximum of 600 square feet.
- Appendix A is proposed to be revised to remove “ZP” (zoning permit) as a secondary review for building mounted solar energy systems.

These changes recognize that multiple accessory buildings are fairly customary on larger acreage properties. The changes to the Clydesdale East Subdivision Planned Unit Development (PUD) standards eases the regulations for that subdivision and would allow for garages to be enlarged more consistent with what has become typical in the marketplace. The change to Appendix A eases administrative burden relative to roof mounted solar equipment.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the Town of Mukwonago’s request. The amendments make minor administrative changes that are responsive to consumer demands and simplify permitting processes.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Town Ordinance No. 2023-O-065

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STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE 2023-O-65

AN ORDINANCE TO AMEND CHAPTER 36 OF THE MUNICIPAL CODE

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled "Town Zoning;" and

WHEREAS, the Plan Commission at their meeting on October 4, 2023, recommended various revisions to the zoning code as set forth herein; and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on November 1, 2023 and December 6, 2023, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on December 6, 2023; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on December 6, 2023; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in s. 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Town Board for passage and adoption; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Mukwonago, Waukesha County, does hereby ordain as follows:

Section 1. Revise Appendix C as indicated in Exhibit A, attached hereto.

Section 2. Revise the standard for Clydesdale East (PDD-08) in Appendix D as indicated below.

Attached garage floor area, ~~maximum~~ minimum: 600 square feet

Section 3. Remove "ZP" as a secondary review for 13.24 (Solar energy system, building-mounted) in Appendix A.

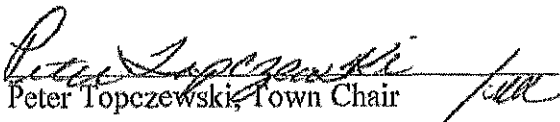
Section 4. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified 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. The Town of Mukwonago Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

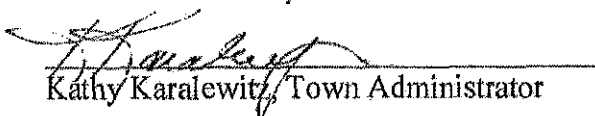
Section 6. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 6th day of December 2023

TOWN OF MUKWONAGO


Peter Topczewski, Town Chair

ATTEST:


Kathy Karalewitz, Town Administrator

Published and/or posted this 4 day of December, 2023

Exhibit A

Appendix C. Dimensional standards for lots

Zoning District	Minimum Lot Area [1-1]	Minimum Lot Width [1]	Minimum Residential Garage [3]	Minimum Floor Area of Attached Garage [3]	Maximum Floor Area of Detached Accessory Building [2, 2-1]	Maximum Building Coverage [1]	Maximum Height [12, 13, 14]	Minimum Setback [6]	Minimum Other [11, 13, 13.1, 13.1B]	Minimum Open Space [13]	Maximum Number of Detached Accessory Buildings [13]
Residential (R-1)	3 acres	200 feet	See note 15	See note 20	1,300 square feet [11]	10 percent	Principal: 60 feet Accessory: 40 feet	50 feet	50 feet	Not applicable	Not applicable
Residential (R-2)	3 acres	300 feet	See note 15	See note 20	2,000 square feet [11]	10 percent	Nonfarm principal: 55 feet Accessory: 18 feet Farm: 60 feet or 100 feet when the setback and offset are equal to or exceed the height of the structure	50 feet	70 feet	2 acres per family	2 maximum detached accessory buildings on one lot; 10 maximum detached accessory buildings on a lot
Residential (R-3)	3 acres	200 feet	See note 15	See note 20	1,300 square feet [11]	10 percent	Principal: 55 feet Accessory: 18 feet	50 feet	50 feet	4 acres per family	2
Residential (R-4)	1 acre	150 feet	See note 15	See note 20	700 square feet [11]	10 percent	Principal: 35 feet Accessory: 15 feet	50 feet or 55 feet if lot is in a residential subdivision established after January 1, 2018, and the lot is served by a town road	20 feet	10,000 square feet per family	2
Local Business (B-1)	20,000 square feet	36,000 square feet	See note 16	See note 20	400 square feet [11]	15 percent	Principal: 35 feet Accessory: 15 feet	50 feet	Commercial: 10 feet Residential: 20 feet	15,000 square feet per family	2
Public (P-1)	No restriction	No restriction	Not applicable	Not applicable	Not applicable	Not applicable	Principal: 60 feet Accessory: 60 feet	50 feet	50 feet	Not applicable	No restriction

- Notes:**
- The town board may modify the lot size, lot width, building coverage, offset, and open space requirements pursuant to s. 56-732 if the lot is served by a municipal or municipally-approved communal wastewater system or water system.
 - Some land uses may only occur on lots that are larger than the minimum lot area listed in this table. Such land uses are listed in Appendix B.
 - The plan commission may allow more floor area pursuant to s. 56-718.
 - Pursuant to article 4, the town board may designate an existing building as a rural accessory building, which is not attached to the main lot. In order to qualify as a rural accessory building, the subject property must be 3 acres or larger.
 - Temporary buildings, if allowed, are counted as a building for the purpose of this restriction, unless specifically exempted.
 - In addition, there are standards for development within 50 feet of the EC or view district and 75 feet of the conservatory (C-1) district. See s. 56-726 and 56-727, respectively.
 - Reserved.
 - In the case of any lot of record which has a minimum average width of less than 120 feet, the side lot offset may be reduced proportionately to the ratio between the actual minimum average width and 120 feet, provided that no offset shall be less than 10 feet. Exceptions to these offsets may be permitted for detached accessory buildings on lots of 200 feet or more which may be reduced to 5 feet; provided, that no detached accessory building shall be located closer than 10 feet to any structure used for residential purposes. Further reduction in offset of detached accessory buildings to less than 5 feet must be approved by the plan commission, but in no case shall the offset be reduced to less than 3 feet. Attached open decks and porches shall be permitted to within 40 percent of the floor area established in this subsection.
 - The offset may be reduced to less than 1.5 acres on lots for one detached accessory building, which is less than 100 square feet to a minimum of 5 feet from the lot line, unless otherwise regulated under any other provisions of this chapter.
 - Some land uses may have more restrictive offset requirements. Examples include hobby business and household business. Such land uses are listed in Appendix B.
 - The maximum floor area is increased by 50 square feet for every one-half acre of land that the subject property exceeds the district minimum lot size.
 - The following are exempt from the height regulations of all districts, but are subject to all other applicable regulations: (1) chimneys and flues; (2) accessory farm buildings, not to exceed 60 feet in height, on lots of 3 acres or more in area; (3) detached transmission and distribution facilities; and (4) post-mounted television and radio receiving antennas not exceeding 10 feet in height from the top and not-mounted licensed amateur radio operator antennas not exceeding 10 feet in height from the roof.
 - Pursuant to the procedures and requirements for special exceptions in article 5 of this chapter, the plan commission may exempt the height regulations of all districts, including towers, stacks, smokestacks, towers, spires, masts, free standing towers, roof-mounted internet weather radio repeater antennas, or any other antenna or tower, from the roof, aerial and accessory mechanical apparatuses.
 - Pursuant to the procedures and requirements in article 5 of this chapter, the plan commission may grant a special exception to exceed the stated maximum height for an accessory building provided the setback is increased one foot for each additional foot in height up to a maximum of 10 additional feet. The plan commission may require setbacks to be back up the rear of the building from adjacent properties or from a public road.
 - Minimum of 900 square feet on one first floor and total floor area based on number of bedrooms as follows: one bedroom: 1,200 square feet; two bedrooms: 1,500 square feet; three bedrooms: 1,800 square feet. The minimum total is increased by 200 square feet for any building not having a basement of at least 500 square feet in area.

16. Minimum of 900 square feet on first floor and total floor area based on number of bedrooms as follows: one bedroom: 1,000 square feet, two bedrooms: 1,100 square feet, three bedrooms: 1,200 square feet, four or more bedrooms: 1,400 square feet. The minimum total is increased by 200 square feet for any building not having a basement of at least 300 square feet in area.
17. Minimum of 800 square feet on first floor and total floor area based on number of bedrooms as follows: one bedroom: 900 square feet, two bedrooms: 1,100 square feet, three bedrooms: 1,200 square feet, four or more bedrooms: 1,400 square feet. The minimum total is increased by 200 square feet for any building not having a basement of at least 300 square feet in area.
18. Reserved.
19. Pursuant to article 5, the town board may designate an existing building as a rural accessory building, which is not included in the total. In order to qualify as a rural accessory building, the subject property must be 5 acres or larger.
20. One-story residence: 50 percent of floor area on first floor, bi-level residence: 60 percent of floor area of the first floor entirely above grade, two-story residence: 70 percent of floor area on first floor.

1 MODIFY THE 2024 COMMUNITY DEVELOPMENT FUND BUDGET TO ACCEPT
2 ADDITIONAL HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM INCOME AND
3 CARRYOVER BUDGET AUTHORITY FROM 2023 TO 2024
4

5 WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has qualified
6 Waukesha County as an entitlement Urban County and, along with participating counties and
7 municipalities, is eligible to receive federal funding to provide benefits primarily to low and
8 moderate income households as well as to meet specific community needs through the
9 Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME)
10 programs; and

11
12 WHEREAS, Waukesha County, as the grantee, has been authorized by the Waukesha County
13 Board of Supervisors to participate and accept funding; and

14
15 WHEREAS, unencumbered and unexpended CDBG grant funds of \$457,952 and HOME grant
16 funds of \$3,813,435 are requested for carryover from 2023 to 2024; and

17
18 WHEREAS, excess HOME Program Income of \$24,462 was received in 2023; and

19
20 WHEREAS, HUD requires Program Income to be used first, and can be given out as entitlement
21 grants to satisfy this requirement, and these funds are requested for appropriation in order to
22 reconcile to HUD financial records; and

23
24 WHEREAS, Enrolled Ordinances 175-9 and 175-47 accepted and appropriated \$2,196,332 for
25 the CDBG-Coronavirus (CV) program grant; and

26
27 WHEREAS, the CDBG-CV program is scheduled to conclude in December 2025; and

28
29 WHEREAS, \$210,069 of remaining CDBG-CV grant funds were not expended or encumbered
30 and are being requested to be carried over to 2024; and

31
32 WHEREAS, Enrolled Ordinances 176-73 appropriated \$2,500,000 for the US Treasury
33 Department Emergency Rental Assistance (ERA #2) program grant; and

34
35 WHEREAS, \$840,181 of remaining ERA#2 grant funds were not expended or encumbered and
36 are being requested to be carried over to 2024; and

37
38 WHEREAS, Enrolled Ordinances 176-26 accepted the HOME-American Rescue Plan Act
39 (ARPA) program grant; 176-73 appropriated \$1,250,000 in the 2022 Adopted Budget, with
40 \$1,204,170 being carried over into 2023 (177-98); and 177-63 appropriated \$1,250,000 in the
41 2023 Adopted Budget to create affordable housing and services to assist individuals at risk of
42 experiencing homelessness; and

43
44 WHEREAS, \$2,412,016 of remaining HOME-ARPA subgrantee grant funds were not expended
45 or encumbered and are being requested to be carried over to 2024; and
46

47 WHEREAS, subgrantees, participating counties and municipalities will enter into subgrantee
48 agreements with Waukesha County to use HUD funds mainly designated to benefit low and
49 moderate income (at-risk) persons and specific needs of participating jurisdictions.

50
51 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
52 that that the Community Development program administration is authorized to accept the
53 additional 2023 HUD funding for the HOME program income of \$24,462.

54
55 BE IT FURTHER ORDAINED that the 2024 Community Development Fund budget be
56 modified by appropriating operating expenditures of \$457,952 for the CDBG program,
57 appropriating operating expenditures of \$3,837,897 for the HOME program, appropriating
58 operating expenditures of \$210,069 for the CDBG-CV grant program, appropriating operating
59 expenditures of \$840,181 for the Emergency Rental Assistance grant program (ERA #2),
60 appropriating operating expenditures of \$2,412,016 for the HOME-ARPA grant program, and
61 increasing general government revenue by \$7,758,115 to fund these expenditures.

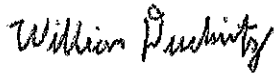
62
63 BE IT FURTHER ORDAINED that the Community Development program be authorized to
64 execute agreements or appropriate amendments to existing subgrantee agreements which are
65 deemed reasonable and appropriate by the County Executive and the Community Development
66 Block Grant Board and the HOME Consortium Board.

FISCAL NOTE

MODIFY THE 2024 COMMUNITY DEVELOPMENT FUND BUDGET TO ACCEPT
ADDITIONAL HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM INCOME, AND
CARRYOVER BUDGET AUTHORITY FROM 2023 TO 2024

This ordinance authorizes the Community Development Fund budget to accept additional funding for the HOME program and modifies the budget accordingly. The ordinance also authorizes the carryover of expenditure authority for the CDBG, HOME, CDBG-CV, Emergency Rental Assistance (ERA #2), and HOME-ARPA grants from 2023 to 2024 (see table below).

Category	Amount
Excess 2023 HOME program income	\$24,462
Carryover for CDBG program	\$457,952
Carryover for HOME program	\$3,813,435
Carryover for Coronavirus (CV) program	\$210,069
Carryover for US Treasury Emergency Rental Assist. (ERA2) program	\$840,181
Carryover for HOME-ARPA program	\$2,412,016
Total	\$7,758,115



William Duckwitz
Budget Manager
3/5/2024
CH
JE# 2024-00001973

1 MODIFY THE 2024-2028 CAPITAL PLAN AND 2024 CAPITAL PROJECTS BUDGET TO
2 APPROPRIATE ADDITIONAL EXPENDITURES FOR CAPITAL PROJECT #202212, FOX
3 RIVER PARK IMPROVEMENTS
4

5 WHEREAS, the Waukesha County Board of Supervisors approved Capital Improvement Project
6 #202212, Fox River Park Improvements, in the 2022-2026 Capital Plan, which included repair of
7 the Fox River embankment, creation of a new ADA-accessible fishing pier/overlook, a new
8 ADA-accessible kayak/canoe launch, and an ADA-accessible walkway with a total budget of
9 \$313,300; and

10 WHEREAS, in 2022 the extent of the riverbank repair and site work expanded due to continual
11 deterioration along the Fox River; and

12
13
14 WHEREAS, in the final design of the project, the length of the accessible pathway expanded for
15 additional pathway connection, and the fishing pier/overlook and canoe/kayak launch were
16 redesigned to account for the expanded riverbank repair; and

17
18 WHEREAS, the final construction phase of the project was bid and the low bid amount exceeded
19 available funding within the Fox River Park Improvements project budget; and

20
21 WHEREAS, Waukesha County has been awarded \$111,400 in additional funding for the project
22 from the following funding sources that had previously awarded funds for the project: \$42,000
23 from the Community Development Block Grant (CDBG) Program, \$59,200 from the Southeast
24 Wisconsin Fox River Commission (SEWFRC), and \$10,200 from the Wisconsin Department of
25 Agriculture and Consumer Protection's Soil and Water Resource Management (SWRM) grant to
26 fund the Fox River Park Improvement project; and

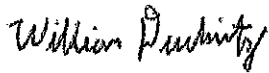
27
28 WHEREAS, approval of the additional revenue and expenditure authorization will allow the
29 County to proceed on schedule with the final construction phase of the Fox River Park
30 Improvements project in the Spring of 2024.

31
32 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
33 that the 2024-2028 Capital Plan and 2024 Capital Projects budget be modified to appropriate
34 additional expenditure authority of \$111,400 and increase general government revenues by a
35 corresponding amount for Capital Project #202212, Fox River Park Improvements project.

FISCAL NOTE

MODIFY THE 2024-2028 CAPITAL PLAN AND 2024 CAPITAL PROJECTS BUDGET TO APPROPRIATE ADDITIONAL EXPENDITURES FOR CAPITAL PROJECT #202212, FOX RIVER PARK IMPROVEMENTS

This ordinance modifies the 2024-2028 Capital Plan and 2024 Capital Budget to increase expenditure authority for capital project #202212, Fox River Park Improvements by \$111,400. The increase in project expenditures is needed to cover an expanded scope and resulting higher-than-budget bid results. The additional project costs are covered with additional grant funds from multiple sources noted in the ordinance.



William Duckwitz
Budget Manager
3/5/2024
JE# 2024-00001982

Project Title:	Fox River Park improvements	Project #:	202212
Department:	Parks & Land Use	Project Type:	Renovation/Upgrade
Phase:	Design / Construction	Sponsor:	
Budget Action:	C - Rev Update C - Scope C - \$ Update	Manager:	Dale Shaver
Date:	March 5, 2024	Map / Image:	

CAPITAL BUDGET SUMMARY						
Year	2022	2023	2024	2025	2026	Total
Expenditure Budget	\$313,300	\$0	\$111,400	\$0	\$0	\$424,700
Revenue Budget	<u>\$313,300</u>	<u>\$0</u>	<u>\$111,400</u>	<u>\$0</u>	<u>\$0</u>	<u>\$424,700</u>
Net Costs After Revenues Applied	\$0	\$0	\$0	\$0	\$0	\$0
COST DOCUMENTATION			REVENUE			
Construction of Improvements		\$276,700				\$90,000
Riverbank Restoration		\$108,000				\$134,200
Contingency		<u>\$40,000</u>				\$46,500
						\$25,000
						<u>\$129,000</u>
Total Project Cost		\$424,700				\$424,700
EXPENDITURE BUDGET		\$424,700	REVENUE BUDGET			\$424,700

Project Scope & Description: Fox River Park was developed by the Department of Parks and Land Use (PLU) and opened to the public in June 2003. The original park master plan included a carry-in launch for watercraft on the Fox River. The launch consisted of an asphalt ramp down to the edge of the river. In the years since, heavy use of the area by park patrons, along with powerful water flow, have eroded the riverbank and the end sections of the asphalt ramp to the point where it is no longer accessible or usable as a watercraft launch. The site is now frequently used by anglers, but the eroded site conditions are also not conducive to fishing. Several years ago, a low-cost solution of soil-filled stabilization bags was installed to slow the erosion and to maintain the access to the water. These measures have also since started to erode and wash into the river. The access point has been identified as *Site 7* along the *Fabulous Fox Water Trail*, which is a blue (water) recreational trail route that extends almost 200 miles from just south of Chicago to Menomonee Falls. Development of the trail is a partnership between numerous Wisconsin and Illinois organizations and municipalities and the National Park Service.

This proposed capital project would implement a new ADA-accessible fishing pier/overlook, a new ADA-accessible kayak/canoe launch, an ADA-accessible walkway to connect park patrons from existing parking to the new features, and 305 feet of riverbank stabilization/restoration. The bank stabilization component of the project has long been considered a priority project in the Fox River watershed by the Southeast Wisconsin Fox River Commission (SEWFRC), because of the high potential that it has to benefit water quality. SEWFRC previously awarded funds to the County that were used to create construction documents and cost estimates for the new pier/overlook and launch features, and Department of Agriculture, Trade and Consumer Protection (DATCP) engineers provided design services for the riverbank stabilization. All funding has been secured for construction of the project, which includes the following grants: \$134,200 from SEWFRC, \$46,500 from Soil and Water Resource Management (SWRM) from DATCP, \$25,000 from the Village of Mukwonago Wastewater Treatment Plant (WWTP), \$90,000 from Wisconsin Department of Natural Resources, and \$129,000 from the Community Development Block Grant (CDBG). Project costs are updated through an ordinance to increase project expenditures with added revenues to cover expanded scope of the project with Fox River embankment repair, additional length of the accessible pathway, and revised design of the fishing pier/overlook & canoe/kayak launch.

Location: Fox River Park, W264 S4500, River Rd, Waukesha, WI 53189

Analysis of Need: Completion of this project will provide safe and barrier-free access to a variety of recreational opportunities connected to the Fox River. The current site conditions are not conducive to outdoor water recreation. The site is a recently-designated access point for the new Fabulous Fox Water Trail, which will attract new users seeking to access the river at this location. Repair and restoration of the riverbank is a priority project that will benefit water quality in the Fox River watershed.

Alternatives: Maintain existing conditions, which will continue to provide barriers to outdoor recreation tied to the Fox River, and also continue to contribute to water quality degradation.

Ongoing Operating Costs: Maintenance of the new facilities will be by existing Fox River Park staff. It is expected that minimal increases in maintenance requirements will be offset by increased revenue from park sticker sales by patrons who are drawn to Fox River Park to use the new facilities.

Previous Action: Approved as a new project in the 2022-2026 Capital Plan.

1 MODIFY THE 2024-2028 CAPITAL PLAN AND THE 2024 CAPITAL BUDGET TO
2 CREATE CAPITAL PROJECT #202419 NAGA-WAUKEE BEACH HOUSE REPAIR

3
4 WHEREAS, the Naga-Waukee Beach House is a heavily used facility that serves the public with
5 restrooms and showers for the users of the campgrounds, boat launch, beach, and general park;
6 and

7
8 WHEREAS, the Naga-Waukee Beach House was originally constructed in 1975 and immediate
9 repairs to the building are needed to allow for continued use of the facility, and to prevent further
10 degradation; and

11
12 WHEREAS, the existing cedar shake roof of the Naga-Waukee Beach House has exceeded its
13 expected lifespan, and temporary patches are no longer a viable option. The roof continues to
14 leak, which has caused mold and now requires remediation associated with interior damage; and

15
16 WHEREAS, some original interior elements of the Naga-Waukee Beach House used
17 construction materials that are no longer permitted, and these materials need to be remediated for
18 public safety; and

19
20 WHEREAS, some of the restroom fixtures have surpassed their expected lifespans or have been
21 damaged and are in need of repair; and

22
23 WHEREAS, there is considerable damage in need of repair on the exterior building siding and
24 some replacement windows are needed to repair leaks and lower energy costs; and

25
26 WHEREAS, completing work in 2024 will address immediate safety concerns and will prevent
27 the expansion of further repairs and potential facility closures; and

28
29 WHEREAS, in 2022 Waukesha County received Wisconsin Department of Natural Resource
30 grant funding to improve the adjacent boat launch and the parking lot associated with the launch,
31 and a condition of that grant includes the operation of the restrooms and showers at the Naga-
32 Waukee Beach House; and

33
34 WHEREAS, repairs at the Naga-Waukee Beach House in 2024 will prevent further degradation
35 to the facility, allow the public to safely use the facility, and reduce utility costs.

36
37 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
38 that the 2024-2028 Capital Plan be modified to create capital project #202419 Naga-Waukee
39 Beach House Repair.

40
41 BE IT FURTHER ORDAINED that the 2024 Capital Projects budget be modified to appropriate
42 additional expenditures of \$192,000 and increase use of Parkland Management and Land
43 Acquisition (Tarmann) Fund balance by \$192,000 to repair the Naga-Waukee Beach House.

FISCAL NOTE

MODIFY THE 2024-2028 CAPITAL PLAN AND THE 2024 CAPITAL BUDGET TO
CREATE CAPITAL PROJECT #202419 NAGA-WAUKEE BEACH HOUSE REPAIR

This ordinance modifies the 2024-2028 Capital Plan and 2024 Capital Budget to create capital project #202419 Naga-Waukee Beach House Repair. The project is expected to cost \$192,000 and would be funded with Parkland Management and Land Acquisition (Tarmann) Fund balance.

William Duckwitz

William Duckwitz

Budget Manager

3/4/2024

JE# 2024-00001983

Project Title:	Naga-Waukee Beach House Repair	Project #:	202419
Department:	Parks & Land Use	Project Type:	Renovation/Upgrade
Phase:	Construction	Sponsor:	
Budget Action:	New	Manager:	Dale Shaver, PLU Director
Date:	March 6, 2024	Map / Image:	

CAPITAL BUDGET SUMMARY						
Year	2024	2025	2026	2027	2028	Total
Project Phase	Design/Const					Project
Expenditure Budget	\$192,000	\$0	\$0	\$0	\$0	\$192,000
Revenue Budget	\$192,000	\$0	\$0	\$0	\$0	\$192,000
Net Costs After Revenues Applied	\$0	\$0	\$0	\$0	\$0	\$0
COST DOCUMENTATION		REVENUE				
Design fees	\$19,000	Parkland Management & Land Acquisition				
Construction costs	\$148,000	(Tarmann) Fund Balance				\$192,000
Contingency	\$25,000					
Total Project Cost	\$192,000	Total Revenue				\$192,000
EXPENDITURE BUDGET	\$192,000	REVENUE BUDGET				\$192,000

Project Scope & Description

The Naga-Waukee Beach House is a heavily used public facility at Waukesha County's 240-acre Naga-Waukee Park in Delafield and is adjacent to the Nagawicka Lake access point. The beach house is used by patrons of the park's campgrounds, picnic shelters, boat launch, and beach, as well as by users of the nearby Lake Country Trail. The beach house was built in the late 1970s, and some of the building facilities have failed and are in need of replacement.

The project plans for design and construction in 2024. Repairs to the facility will include the following:

- 1) Full replacement of the roof. The original cedar shake is still on the building, and patches from previous years have failed. The current roof is tarped in an effort to remediate further degradation.
- 2) Remediation of mold within the building from the roof failure and removal of asbestos from original construction materials.
- 3) Replacement of damaged ceilings.
- 4) Replacement and/or repair of interior deteriorated restroom/shower facilities, including broken or non-functional plumbing fixtures and elements.
- 5) Exterior siding repair and replacement of select windows.

The roof repair will be planned for fall 2024 to minimize user impact. Other repairs that can be completed with minimal user impact will start in Summer 2024. Since this is a one-year project, funds for construction will not be spent until a standing committee of the County Board approves the project bid process.

Location

Naga-Waukee Park is located in the central portion of Waukesha County, within the City and Town of Delafield. The park includes land along the shoreline of both Pewaukee and Nagawicka Lakes and encompasses 240 acres. The main park area is West of Highway 83. The Naga-Waukee War Memorial Golf Course and the Pewaukee Lake Boat Launch are east of the park. The Lake Country Recreation Trail is located along the southern boundary of the park.

The beach house is located adjacent to Nagawicka Lake.

Analysis of Need

The project will repair a highly used facility that serves public patrons year-round. At this time, half of the roof is tarped, and mold and ceiling damage from the leaks continue to expand. The facility also has repairs needed for high-traffic basic interior items that have shorter life spans such as interior doors, plumbing items, water heaters, etc.

For reference regarding park utilization, in 2023, Naga-Waukee Park had 41,695 vehicles enter through the main entrance.

Alternatives

1. **Do nothing:** The temporary tarping of the roof will remain and realistically will need be replaced semi-annually. This will not guarantee that further degradation of the facility will be stopped and annual expenditures will continue for patching. Mold will continue to grow within the facility and damaged interior elements will continue to deteriorate. Structural & hazardous materials impacts could expand and equate to a higher repair cost and potential building closure. Building closure will then directly impact many park users.

Project Title:	Naga-Waukee Beach House Repair	Project #:	202419
Department:	Parks & Land Use	Project Type:	Renovation/Upgrade
Phase:	Construction	Sponsor:	
Budget Action:	New	Manager:	Dale Shaver, PLU Director
Date:	March 6, 2024	Map / Image:	

2. **Consider the project during the regular Capital Improvement Plan cycle:** The project would not be approved for expenditures until 2025 and repairs needed will continue to expand and construction costs will continue to increase.
3. **Close the Beach House and replace with portable restrooms:** Revenues may decrease to the park, the launch, and the campgrounds, and it is anticipated that the public would not receive the reduction in public services positively since showers and changing areas would no longer be provided in the park. In addition, in 2022 Waukesha County received Wisconsin Department of Natural Resource grant funding to improve the adjacent boat launch and the parking lot associated with the launch and a condition of that grant includes the operation of the restrooms and showers at the Naga-Waukee Beach House.
4. **Demolish the existing facility & build a new facility:** Demolishing the existing beach house and building a new facility would be considerably more expensive, and this process would require a long-term closure of the beach house. With limited space in the use area adjacent to the lake, impacts from a closure would also be expected for the launch and the beach.

Previous Action:

None



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: February 12, 2024
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Re-appointment to the Waukesha County Health and Human Services Advisory Board

I am pleased to submit to the County Board for your consideration, the re-appointment of Christine Beck to the Waukesha County Health and Human Services Advisory Board.

Ms. Beck, a county representative, has served on the Waukesha County Health & Human Services Advisory Board since 2018.

Ms. Beck's term, if re-appointed, will expire in April of 2027.

PF:ha

cc: Elizabeth Aldred



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: February 12, 2024
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Re-appointment to the Waukesha County Health and Human Services Advisory Board

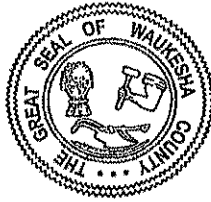
I am pleased to submit to the County Board for your consideration, the re-appointment of Mary Baer to the Waukesha County Health and Human Services Advisory Board.

Ms. Baer, a county representative, has served on the Waukesha County Health & Human Services Advisory Board since 2020.

Ms. Baer's term, if re-appointed, will expire in April of 2027.

PF:ha

cc: Elizabeth Aldred



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: February 12, 2024
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Re-appointment to the Waukesha County Health and Human Services Advisory Board

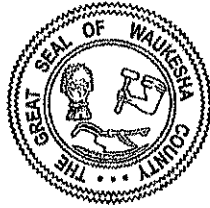
I am pleased to submit to the County Board for your consideration, the re-appointment of Robert Menefee, Jr. to the Waukesha County Health and Human Services Advisory Board.

Mr. Menefee, Jr., a county representative, has served on the Waukesha County Health & Human Services Advisory Board since 2018.

Mr. Menefee's term, if re-appointed, will expire in April of 2027.

PF:ha

cc: Elizabeth Aldred



Waukesha County
Office of the County Executive

DATE: March 5, 2024
TO: Paul Decker, County Board Chairman
FROM: Paul Farrow, County Executive
SUBJECT: Appointment of Dr. Kimberly McElroy to the Health and Human Services Advisory Board

I am pleased to submit to the County Board for your consideration the appointment of Dr. Kimberly McElroy to the Health and Humans Services Advisory Board.

A Pewaukee resident for 20 years, resides at N32 W23163 Stonewall Court. Dr. McElroy has been an active member of her community. I am seeking approval and appointment of Dr. McElroy to the Health and Human Services board to fill the requirement to have a physician as a voting member. The Health and Human Services board is required to have a physician as a full member of the board to meet the requirements to serve as the board of health as well as the 51.42 board. Dr. McElroy is a physician serving in our community as a part of Quad Medical Services. She is a pediatrician and provided care and treatment to individuals from birth to age 21. She is well versed in Mental Health care as this is a growing area of focus for all youth in our community. She serves on the Board of the Waukesha Free Clinic and has been an active member of her church.

Dr. McElroy received her bachelor's degree in chemistry from Marquette University and from there went on to receive her medical degree from the Medical College of Wisconsin. She completed her medical training at Children's Hospital in Milwaukee and has continued her medical career in the Milwaukee/ Waukesha County area.

Dr. Kimberly McElroy is looking forward to serve our community in this important role. Thank you for your consideration.

cc: Elizabeth Aldred

1 AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE
2 CONDEMNATION LAWSUIT OF ASSOCIATED BANK, N.A. V. WAUKESHA COUNTY,
3 CASE NUMBER 23CV470
4

5 WHEREAS, Waukesha County undertook a highway project (Project ID 2722-07-22) to
6 rehabilitate Moorland Road (CTH O) in the City of New Berlin; and
7

8 WHEREAS, as part of the highway project, the County acquired, by eminent domain, a strip of
9 land and a temporary limited easement for construction purposes owned by Associated Bank,
10 N.A. and further identified as Waukesha County tax key number NBC 1212-990-001; and
11

12 WHEREAS, pursuant to Chapter 32 of the Wisconsin Statutes, Associated Bank, N.A. has
13 appealed the Award of Damages to the Circuit Court for a determination of just compensation to
14 be paid for the taking of the property; and
15

16 WHEREAS, Waukesha County and Associated Bank, by the Scheduling Order dated July 21,
17 2023, were ordered to attend mediation; and
18

19 WHEREAS, Waukesha County and Associated Bank reached a settlement agreement on
20 February 13, 2024, the terms of which are conditioned upon County Board approval; and
21

22 WHEREAS, the continuation of the litigation causes substantial financial risk to both the
23 landowner and Waukesha County and both parties will incur additional significant expenses if a
24 settlement of the litigation is not reached at this time; and
25

26 WHEREAS, it has been determined that settlement of the litigation at this time is in the best
27 interest of Waukesha County.
28

29 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
30 that the settlement in the condemnation litigation against Waukesha County brought by
31 Associated Bank, N.A. is approved according to the terms of the settlement agreement, which
32 was previously shared with the County Board in closed session.
33

34 BE IT FURTHER ORDAINED that Waukesha County Corporation Counsel, or his designee, is
35 authorized to negotiate, finalize, and execute a settlement agreement and release necessary to
36 effectuate the settlement approved by the County Board.