

Enrolled 158-11
PROPOSED ORDINANCE 158-10

1
2
3 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING
4 ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF
5 THE NW ¼ OF SECTION 3, T7N, R18E, TOWN OF DELAFIELD,
6 WAUKESHA COUNTY, WISCONSIN, FROM THE R-3 RESIDENTIAL
7 DISTRICT TO THE B-1 RESTRICTED BUSINESS DISTRICT
8 (ZT-1482)
9

10 WHEREAS the subject matter of this Ordinance having been approved by the Delafield Town
11 Board on March 25, 2003, after Public Hearing, and the giving of requisite notice of said
12 hearing, and duly referred to and considered by the Waukesha County Park and Planning
13 Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and
14 Environment Committee and the Waukesha County Board of Supervisors, as required by Section
15 60.61 of the Wisconsin State Statutes.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the District Zoning Map for the Town of Delafield Zoning Ordinance, adopted by
19 the Town of Delafield on July 20, 1998, is hereby amended to rezone from the R-3 Residential
20 District to the B-1 Restricted Business District, certain lands located in part of the NW ¼ of
21 Section 3, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, and more specifically
22 described in the "Staff Report and Recommendation" and map on file in the office of the
23 Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by
24 reference (ZT-1482).
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 Delafield.
28

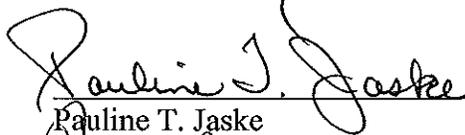
29 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
30 approval and publication.
31

32 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
33 provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING
ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF
THE NW ¼ OF SECTION 3, T7N, R18E, TOWN OF DELAFIELD,
WAUKESHA COUNTY, WISCONSIN, FROM THE R-3 RESIDENTIAL
DISTRICT TO THE B-1 RESTRICTED BUSINESS DISTRICT
(ZT-1482)

Presented by:
Land Use, Parks, and Environment Committee

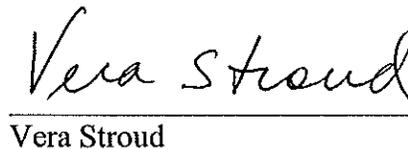

Walter L. Kolb, Chair

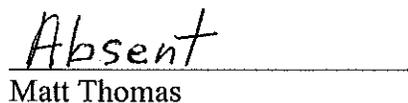

Pauline T. Jaske


James Jeskewitz

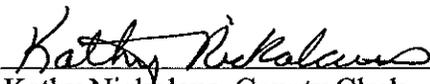

Scott J. Klein


Daniel Pavelko


Vera Stroud


Matt Thomas

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date: May 16, 2003, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, is hereby:

Approved:

Vetoed:

Date: 5-16-03, 
Daniel M. Finley, County Executive

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 (ZT-1482 Gwen Condon-Golden Gate Nursery) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

April 3, 2003

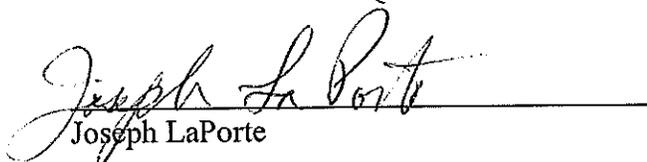

Betty Willert, Chairperson


Vybanusonis

(not present at time of vote)
Mareth Kipp


Ellen Gennrich


Walter Kolb


Joseph LaPorte


Walter Baade

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

FILE NO.: ZT-1482

TAX KEY NO.: DELT 0730.999

DATE: April 3, 2003

PETITIONER/OWNER: Gwen Condon
Garden Gate Nursery
N48 W30782 Hill Street
Hartland, WI 53029

LOCATION:
The property is located in the NW ¼ of Section 3, T7N, R18E, Town of Delafield. More specifically, the property is located at the southwest corner of Palmer Street and Hill Street, containing approximately 0.87 acres.

PRESENT ZONING:
R-3 Residential District.

PRESENT LAND USE:
Single-Family Residential.

PROPOSED ZONING:
B-1 Restricted Business District.

PROPOSED LAND USE:
Landscape design office and business office, and to allow for overflow parking for the existing business across the street.

PUBLIC HEARING DATE:
March 18, 2003.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:
The Town of Delafield Plan Commission, at their meeting of March 18, 2003, voted to recommend to the Town Board, approval of the rezoning request. The Town of Delafield Board, at their meeting of March 25, 2003, voted to approve the Town of Delafield Plan Commission's recommendation.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The County Development Plan identifies the parcel in the High Density Residential category, specifying more than seven units per acre. While the use of the site as an office and overflow parking site for an existing nursery business would on the surface seem to conflict, we feel such a low intensity of existing business use together with multi-family uses adjacent to the site and its close proximity to the freeway interchange suggests that its use for an office does not compromise or conflict with the County Development Plan, especially since it represents an expansion of the existing nursery operation which is also designated in a Medium-Density Residential category rather than a Commercial category. These kinds of uses blend well with higher density Residential uses and function as a service to the neighborhood as well as a retail outlet to non-neighborhood users.

OTHER CONSIDERATIONS:

The property in question is single parcel located in the Town of Delafield as an island and is completely surrounded by the Village of Hartland, the City of Delafield and the Town of Merton and is the only parcel left in this area of the township which remains in the Town. It is located on a dead end street, which services a multi-family structure, immediately adjacent and on the west. Across the street to the north is the existing Garden Gate Nursery business. The intention of the Garden Gate Nursery is to utilize this site as an office for its operation and to provide for additional parking when the need exists. It should be noted that the property is served with an on-site septic system, although sewer appears to be available to the adjacent multi-family structures to the southwest.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff this request be **approved**. We feel the proposed use of the site as an extension of the existing nursery represents a logical use providing for additional parking and office space use of the nursery without introducing a new use incompatible with the surrounding multi-family uses.

Respectfully submitted,

Richard L. Mace / kab

Richard L. Mace
Planning and Zoning Manager

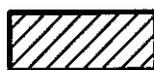
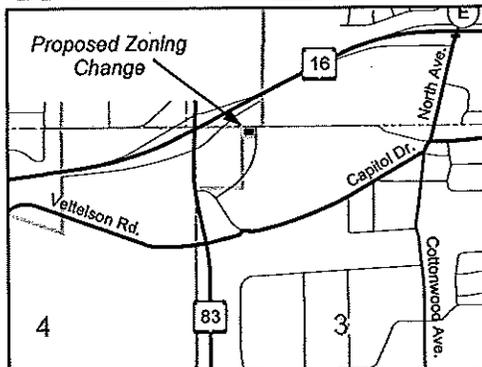
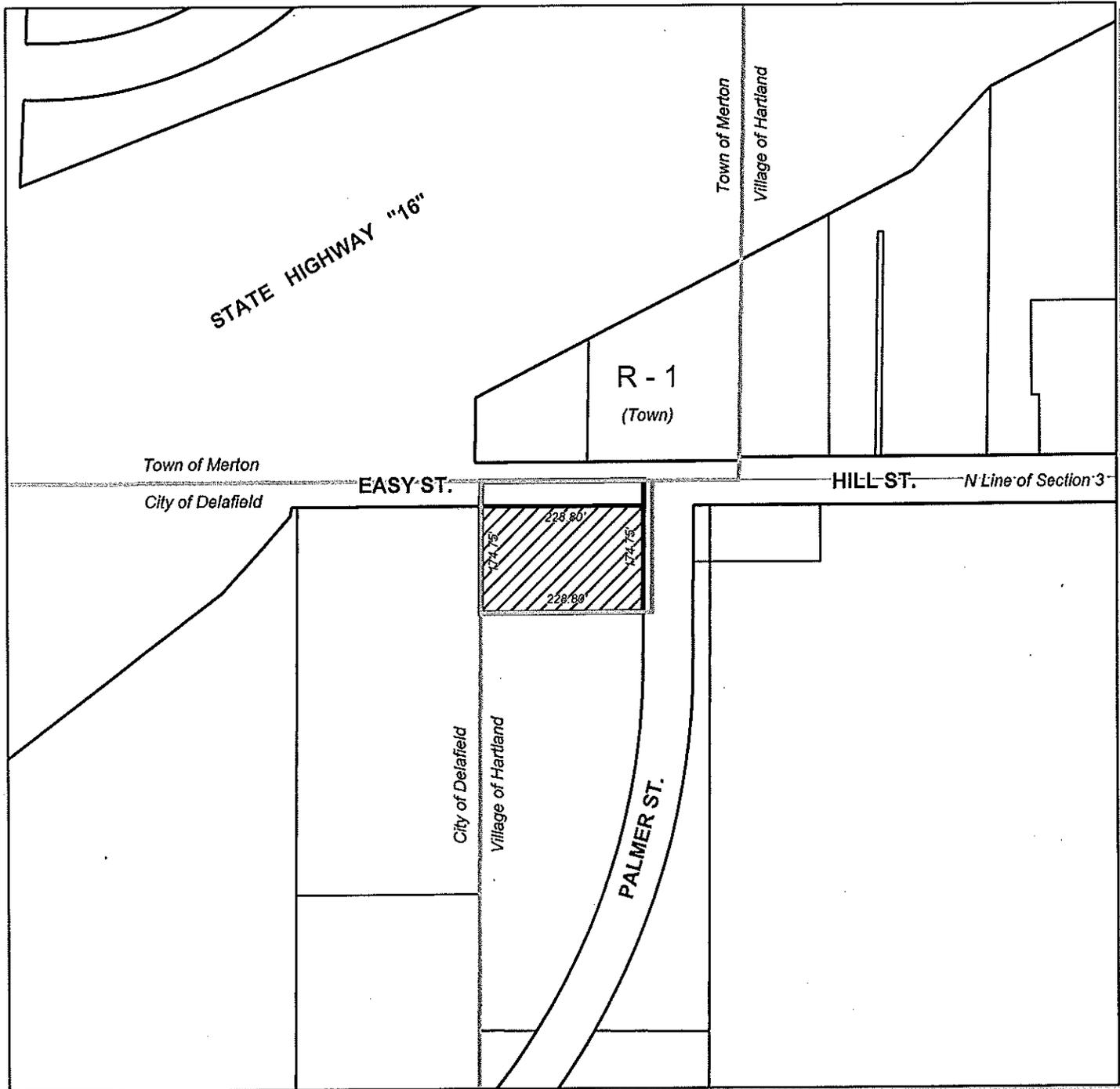
RLM:smv

Attachments: Map

N:\PLU NEW FILE SYSTEM\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1482(GARDENGATE NURSERY)_DLT.DOC

ZONING MAP AMENDMENT

PART OF THE NORTHWEST 1/4 OF SECTION 3
TOWN OF DELAFIELD



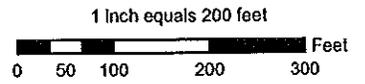
TOWN ZONING CHANGE FROM R-3 RESIDENTIAL DISTRICT
TO B-1 RESTRICTED BUSINESS DISTRICT

FILE.....ZT-1482

DATE.....4-03-03

AREA OF CHANGE.....0.87 ACRES

TAX KEY NUMBER.....DELT 0730.999



Prepared by the Waukesha County Department of Parks and Land Use

Ordinance Number 2003-001

An Ordinance to rezone lands located in the Northwest ¼ of Section 3, T7N, R18E from R-3 Residential to B-1 Restricted Business.

The Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

The zoning map of the Town of Delafield is hereby amended to change the zoning classification from R-3 Residential to B-1 Restricted Business on the following described property:

All that part of the Northwest ¼ of section 3, T7N, R18E, Town of Delafield, bounded and described as follows: Commencing at the North ¼ corner of said Section 3, thence West along the Section line and the centerline of a public road, 1603.0 feet to the point of beginning of lands herein described: thence S 0° 27' W, 174.75 feet; thence West and parallel with the Section line and the center line of the aforesaid road, 228.80 feet to the east line of the premises as described in Volume 779 of Deeds, on page 383, as Document No. 485288; thence N0° 27'W along the said East line 174.45 feet to the Section line and center line of said road at the Northeast corner of the premises described in said Document No. 485288; thence East along said centerline and Section line 228.80 feet to the point of beginning.

Section 2: Severability

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof 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.

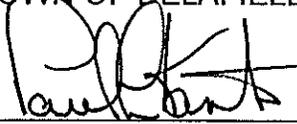
158-0-007

Section 3: Effective date

This Ordinance shall take effect immediately upon publication or posting as provided by law.

Dated this 25th day of March, 2003.

TOWN OF DELAFIELD



Paul L. Kanter, Town Chairman

ATTEST:



Janet Sue Jahnke, Town Clerk

Published the ____ day of _____, 2003.

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WAUKESHA COUNTY BOARD OF SUPERVISORS

EO 158-11

V

DATE-05/13/03

(ORD) NUMBER-1580007

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 M. SONNENTAG.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 D. FANFELLE.....
- 20 M. KIPP.....
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....
- 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-32