

Enrolled 158.34
PROPOSED ORDINANCE 158-36

1
2
3 AMEND THE TOWNS OF GENESEE AND DELAFIELD DISTRICT ZONING MAPS
4 OF THE WAUKESHA COUNTY ZONING CODE AND THE TOWN OF DELAFIELD
5 ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE
6 NE ¼ OF SECTION 1, T6N, R18E, TOWN OF GENESEE, AND THE SE ¼ OF SECTION 36,
7 T7N, R18E, TOWN OF DELAFIELD, FROM THE A-1 AGRICULTURAL DISTRICT TO
8 THE P-I PUBLIC AND INSTITUTIONAL DISTRICT (TOWN OF GENESEE/COUNTY)
9 AND THE P-1 PARK AND RECREATIONAL DISTRICT (TOWN OF DELAFIELD)
10 (CZ-1487)
11

12 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
13 the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of
14 requisite notice of said hearing, and a recommendation for approval thereon reported to the Land
15 Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors,
16 Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
19 ORDAIN that the Towns of Genesee and Delafield District Zoning Maps of the Waukesha
20 County Zoning Code and the Town of Delafield Zoning Ordinance, Waukesha County,
21 Wisconsin, adopted by the Waukesha County Board of Supervisors on February 26, 1959 and
22 July 20, 1998, respectively, are hereby amended to rezone certain lands located in part of the NE
23 ¼ of Section 1, T6N, R18E, Town of Genesee, and the SE ¼ of Section 36, T7N, R18E, Town of
24 Delafield, from the A-1 Agricultural District to the P-I Public and Institutional District (Town of
25 Genesee/County) and the P-1 Park and Recreational District (Town of Delafield), and more
26 specifically described in the "Staff Report and Recommendation" and map on file in the office of
27 the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by
28 reference (CZ-1487).
29

30 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
31 this Ordinance with the Town Clerks of Genesee and Delafield.
32

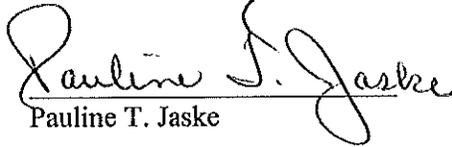
33 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
34 approval and publication.
35

36 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the
37 provisions of this Ordinance are hereby repealed.

AMEND THE TOWNS OF GENESEE AND DELAFIELD DISTRICT ZONING MAPS
OF THE WAUKESHA COUNTY ZONING CODE AND THE TOWN OF DELAFIELD ZONING
ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION
1, T6N, R18E, TOWN OF GENESEE, AND THE SE ¼ OF SECTION 36, T7N, R18E, TOWN OF
DELAFIELD, FROM THE A-1 AGRICULTURAL DISTRICT TO THE P-1 PUBLIC AND
INSTITUTIONAL DISTRICT (TOWN OF GENESEE/COUNTY) AND THE P-1 PARK AND
RECREATIONAL DISTRICT (TOWN OF DELAFIELD)
(CZ-1487)

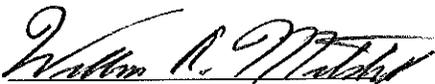
Presented by:
Land Use, Parks, and Environment Committee

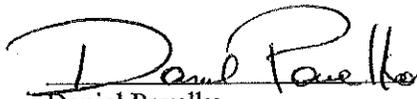

Walter L. Kolb, Chair

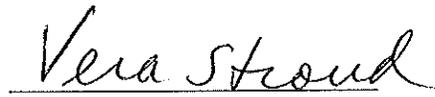

Pauline T. Jaske

Absent
James Jeskewitz


Scott J. Klein


William A. Mitchell

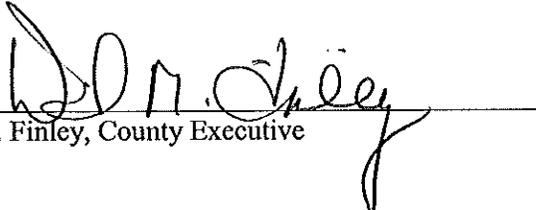

Daniel Pavelko


Vera Stroud

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

Date: July 25, 2003 
Kathy Nickolaus, County Clerk

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

Approved:
Vetoed:
Date: 7-29-03 
Daniel M. Finley, County Executive

COMMISSION ACTION

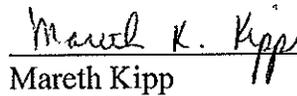
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of (CZ-1487 Waukesha County Parks System – Retzer Nature Center) in accordance with the attached “Staff Report and Recommendation”.

PARK AND PLANNING COMMISSION

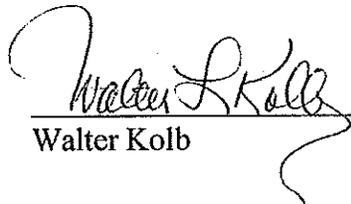
June 19, 2003


Betty Wilfert, Chairperson


Vy Vanusonis


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

DATE: June 19, 2003

FILE NO.: CZ-1487

PETITIONER/OWNER: Waukesha County Department of Parks and Land Use
Parks System Division
1320 Pewaukee Road Room 230
Waukesha, WI 53188

TAX KEY NOS.: GNT 1441.998.002, and DELT 0864.995 and 0864.993.001

Note: The Retzer property contains additional tax key numbers (refer to PO-03-GNT-7), however, only the parcels with the above tax key numbers are proposed to be rezoned and will be discussed herein.

LOCATION:

The subject properties are located in the NE ¼ of Section 1, T6N, R18E, Town of Genesee containing 68 acres, and the SE ¼ of Section 36, T7N, R18E, Town of Delafield containing approximately 2 acres.

EXISTING ZONING:

COUNTY

A-1 Agricultural requiring a minimum of 3 acres
C-1 Conservancy

TOWN OF DELAFIELD

A-1 Agricultural requiring a minimum of 40 acres

PROPOSED ZONING:

COUNTY

P-I Public and Institutional which has no minimum lot size requirement, and C-1 Conservancy (no C-1 lands will be rezoned)

TOWN OF DELAFIELD

P-1 Park and Recreation requiring a minimum lot size of 1 acre

EXISTING LAND USE: Undeveloped parkland.

REQUESTED LAND USES:

The parcel located in the Town of Genesee will be further developed as part of the improvements to Retzer Nature Center. The lands in the Town of Delafield will not contain any improvements with the exception of the existing entrance drive.

158-0-033

CONFORMANCE WITH THE ADOPTED COUNTY LAND DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD LAND USE PLAN:

The Waukesha County Land Development Plan (WCLDP) designates these lands as Other Open Lands to be Preserved and Primary Environmental Corridor (PEC). The proposal conforms with the plan. The Town of Delafield Land Use Plan designates the subject property as Recreational, and the proposal conforms with the plan.

PUBLIC REACTION/HEARING DATE:

Any public reaction will be noted in the minutes of the public hearing, which was a special order of business at the Waukesha County Park and Planning Commission meeting on June 19, 2003.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

In accordance with the procedures set forth in Section 59.69 (9) (a) of the Wisconsin State Statutes and Section 20.03 of the Waukesha County Zoning Code, the County Board may rezone any lands owned by the County without the necessity of securing the approval of the Town Boards of the Towns wherein such lands are situated, and without following the procedure outlined in Section 59.69 (5) of the State Statutes, provided that the County Board shall give written notice to the Town Boards of the Towns wherein such lands are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning petition and give notice of such hearing by posting a notice in five (5) public places in the Towns wherein such lands are situated. These requirements have been met.

STAFF ANALYSIS:

The Parks System Division of the Waukesha County Department of Parks and Land Use is requesting to rezone a portion of the Retzer property to P-I (County) and P-1 (Town of Delafield) so they may further develop the Retzer Nature Center property and also to have all of the Retzer lands appropriately zoned, consistent with its recreational use. All of the other Retzer lands are zoned appropriately as P-I and C-1. Park uses are permitted uses in the P-I (County) and P-1 (Town of Delafield) Zoning Districts. The portions of the Retzer property located in the Town of Delafield are less than two acres in size and do not and will not contain any improvements with the exception of the existing entrance road off of Town Road "DT". The Town of Genesee and the Waukesha County Park and Planning Commission are required to review a Site Plan and Plan of Operation for the existing Center uses as well as the proposed improvements, and the Parks System Division has submitted a request for approval of the existing operation as well as approval of a few preliminary improvements prior to submitting their request for a future building addition. The preliminary improvements include the relocation of the entrance drive and signage, to be off of Madison Street rather than Road "DT", conversion of the existing entrance road to a 10' wide pedestrian path, and the expansion of the parking lot, including additional lighting. The Center is considering and has bid out a large addition, which will be built on lands already zoned P-I. The existing Center uses include five (5) miles of public hiking trails that are also used in conjunction with group tours, training and educational presentations and programs in addition to walking, cross country skiing and snowshoeing; an Adventure Trail for accessible needs; special events such as Apple Harvest Festival,

Waukesha County Department of Parks and Land Use – Parks System Division

Winter JanBoree, Earth Week, an annual Bird Seed Sale, a Spring/Fall Native Plant Sale, Winter Wildlife on Snowshoes, concerts, and other fundraising events; and the Nature Center building (visitor center) which is used for training and educational presentations and programs, and can be rented out for private events such as weddings. The Nature Center building also includes a lab, staff offices, a large meeting room, a maintenance room, the reception area/gift shop, an exhibit area, a kitchen, restrooms, and storage. There are also two sheds, a barn, a compost demonstration area, and two observation towers on the property. The out buildings are used for storage and the towers are used for elevated observation while hiking.

Two acres of the Retzer Nature Center property, known as Brown's Fen, is an NA-3 site, which is a Natural Area of Local significance. The Waukesha County Parks System has developed the Nature Center in sympathy with this significant natural area. Since the property has been developed as a Nature Center, it is part of the mission of the center to preserve and protect the conservancy lands and primary environmental corridors. Even though some of the soils on the site indicate high groundwater conditions and slopes in excess of 12%, the soils are suitable for the proposed improvements and uses. Prior converted wetlands have also been identified on the site and the Army Corps of Engineers is conducting a review to determine if they want to take jurisdiction of and of the prior converted wetlands.

STAFF RECOMMENDATION:

The Planning and Zoning Staff recommends approval of the request. The improvement of the Nature Center as proposed will provide a public benefit to the Towns of Genesee, Delafield, and the surrounding community by providing expanded park and recreational facilities for County residents while preserving and maintaining the natural areas of the property. The improvement of the Nature Center will not pose any adverse impacts on adjacent properties, which are primarily agricultural and large-lot residential. Approval allows the use of the site to conform with the zoning district in which it will be located. Further, the use of the site conforms with the Waukesha County Land Development Plan, the Park and Open Space Plan, the Town of Delafield Land Use Plan, and is compatible with the other uses in the area.

Respectfully submitted,



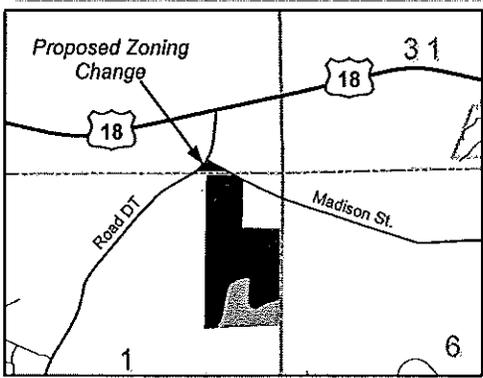
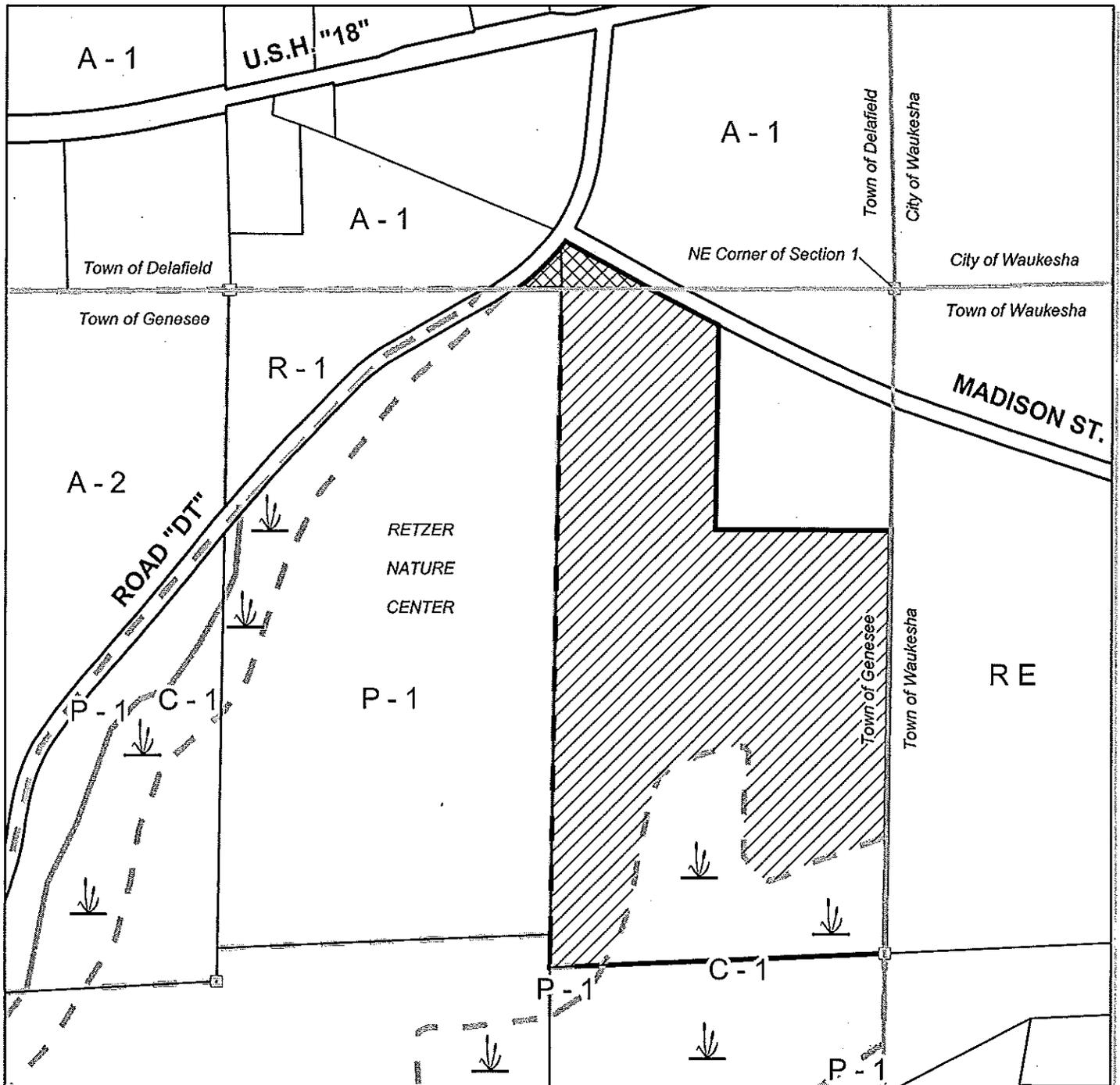
Sandy Scherer
Senior Planner

SS/smv

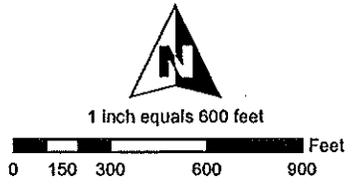
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ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 1 T6N R18E (GENESEE)
& THE SE 1/4 OF SECTION 36 T7N R18E (DELAFIELD)



 COUNTY ZONING CHANGE FROM A-1 TO P-1 (53.1 AC)
 T/DELAFIELD ZONING CHANGE FROM A-1 TO P-1 (1.2 AC)
 FILE.....CZ-1487
 DATE.....6-19-03
 AREA OF CHANGE.....54.3 ACRES
 TAX KEY NUMBER.....GNT 1441.998.002
 DELT 0864.995 (PART), DELT 0864.993.001
 Prepared by the Waukesha County Department of Parks and Land Use



158-0-033

6.

WAUKESHA COUNTY BOARD OF SUPERVISORS

E0-158-34

V

DATE-07/22/03

(ORD) NUMBER-1580033

- 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 W. MITCHELL.....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 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-35

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-35