

ENROLLED ORDINANCE 162-23

AMEND THE ZONING DISTRICT MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE AND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD, BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 24 AND PART OF THE NE ¼ OF SECTION 25, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT (TOWN) AND ESTABLISH ZONING FOR PREVIOUSLY UNZONED LANDS TO THE A-3 SUBURBAN ESTATE AND C-1 CONSERVANCY DISTRICTS (COUNTY) (SZT-1604A)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 59.692 and 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Delafield, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of Delafield Zoning Ordinance adopted on July 20, 1998, is hereby amended to conditionally rezone from the A-2 Rural Home District to the A-3 Suburban Estate District (Town) and establish zoning for previously unzoned lands to the A-3 Suburban Estate and C-1 Conservancy Districts (County), certain lands located in part of the SE ¼ of Section 24 and part of the NE ¼ of Section 25, T7N, R18E, Town of Delafield and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (SZT-1604A) and subject to the following conditions:

- A. The land shall be developed as a Residential Planned Unit Development.
- B. The development of the lands shall generally conform to the Conceptual Neighborhood Plan dated November 21, 2006 prepared by Teska, with the addition of an interior trail system through the Outlots and a 66-foot access to the land to the east (Pfeiffer property) south of Lot 13.
- C. Development shall commence within one (1) year of the approval of this Ordinance (time starts at time of publication by the Town Clerk after County approval).
- D. Completion of a Conditional Use Permit.
- E. Submittal and approval of a Preliminary Plat and Developer's Agreement.
- F. Submittal and approval of a Letter of Credit.
- G. Waukesha County approval of the rezoning, Conditional Use and Stormwater Management Plan.

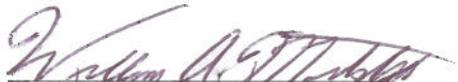
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

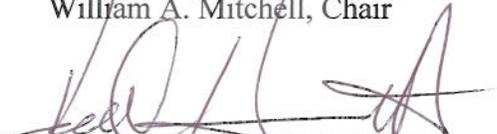
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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

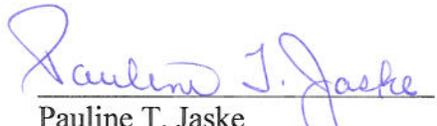
AMEND THE ZONING DISTRICT MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE AND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD, BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 24 AND PART OF THE NE ¼ OF SECTION 25, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT (TOWN) AND ESTABLISH ZONING FOR PREVIOUSLY UNZONED LANDS TO THE A-3 SUBURBAN ESTATE AND C-1 CONSERVANCY DISTRICTS (COUNTY) (SZT-1604A)

Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair


Keith Hammitt


Keith Harénda

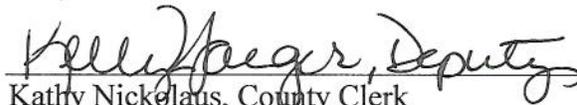

Pauline T. Jaske


Walter L. Kolb


Vera Stroud


Peter M. Wolff

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

Date: June 29, 2007, 
Kathy Nickelaus, County Clerk

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

Approved: _____

Vetoed: _____

Date: 7-9-07

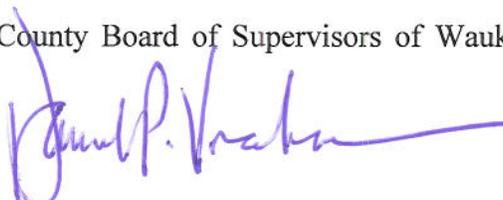

Daniel P. Vrakas, County Executive

EXHIBIT "A"

Document Number _____ Document Title _____



**TOWN OF DELAFIELD
ORDER GRANTING CONDITIONAL USE**

**NORTHVIREW RIDGE
NORTHEAST 1/4 OF SECTION 25**

WHEREAS, Lloyd Williams, agent for Ronald O. Roschi, et al (Ronald and Richard Roschi) has petitioned the Town of Delafield to grant a Conditional Use under Section 17.05 5 AM, Residential Planned Unit Development to allow for the development of an 23-lot single family subdivision, and

WHEREAS, the legal description for the subject property is:

All that part of the Southeast Quarter (SE 1/4) of Section 24 and the Northeast 1/4 of Section 25, Town 7 North, Range 19 East, Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows:

Tax Key No. DELT0817.998:

N1/2NE1/4 SEC 25 T7N R18E 76AC EX VOLS 296/175, 357/120, 461/242 VOL 541 OF DEEDS PAGE 190 & EX VOL 860/71 VOL 1179/547 DEEDS EX VOL 1184/23 DEEDS 45.51 AC EX CERT SURV 1973 EX CERT SURV 4605

Tax Key No. DELT 0916-984:

E1/2 SW1/4 SE1/4 S OF HY SEC 24 T7N R18E 16 AC VOL 1179/547 DEEDS

WHEREAS, the owner of the land at time of approval of this agreement by the Town Board is Ronald O. Roschi, et al (Ronald and Richard Roschi) however, it is the intent of the landowners to change ownership to Northview Ridge, LLC (Ronald Roschi, Richard Roschi and Lloyd Williams) prior to the time of execution of this agreement, and

WHEREAS, the land is currently zoned A-2, with a pending A-3 Suburban Home District zoning designation, and

WHEREAS, the owner agreed to develop the land as a Residential Planned Unit Development as a condition of the rezoning, and

Recording Area
Name and Return Address
Town of Delafield N14 W30782 Golf Road Delafield, WI 53018-2117
0817-998 and 0816-984
Parcel Identification Number (PIN)

WHEREAS, a public hearing was held on November 21, 2006, to hear all parties regarding this matter, and

WHEREAS, Waukesha County Park and Planning Commission did, on March 1, 2007, table the rezoning and sent it back to the Town of Delafield so that the Town can specifically address traffic safety issues at the intersection of Cherry lane and Northview Road, and

WHEREAS, the Town of Delafield Plan Commission did address the safety issue at the intersection of Cherry Lane and Northview Road on March 20, 2007 and made a recommendation to the Town Board to require a four-way stop to be placed at the intersection and installation of warning signals in advance of the intersection on both the easterly and westerly legs of Northview Road, and

WHEREAS, the Town Board did, on March 27, 2007 approve the installation of the four-way stop and warning signals as recommended by the Plan Commission, and

WHEREAS, the Town has determined that it is in the interest of the Town to allow this land to be developed as a Residential Planned Unit Development to allow for an open space (cluster) type of development, and

WHEREAS, the Town of Delafield Plan Commission has given the matter due consideration, and the Town Board has based its determination on the effect of granting a Conditional Use permit on the health, general welfare, safety and economic prosperity of the Town and specifically of the immediate neighborhood in which said use is located, and has given due consideration as to the effect of the Conditional Use on the established character and quality of the area, the rights of the adjoining owners, the overall appearance, the landscaping, the type of construction, the movement of traffic, parking, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect on the neighborhood as a result of noise, dust, smoke, odor or other similar factors, and has determined that a Conditional Use would be appropriate provided that the Conditional Use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE, IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, a Conditional Use permit for the subject premises is hereby granted. The Conditional Use permit herein shall apply only to use of the premises as described above and the Conditional Use permit shall continue in existence only so long as the Conditional Use is operated in compliance with this permit. This Conditional Use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

- A. The project shall be developed as a subdivision and meet all Town requirements for platting and improvements as defined in Chapter 18 of the Delafield Town Code. The general layout of lots and open space shall be as shown on the Conceptual Neighborhood Plan prepared by Teska dated November 21, 2006.
- B. No more than 23 single-family lots shall be allowed on the lands described above.
- C. All residential parcels shall meet the lot size, open space, lot width, setback and offset requirements as listed in Section 17.05 5 AM g. and h. of the Delafield Zoning Code.
- D. Developer shall enter into an agreement (Developer's Agreement) with the Town which will set forth all required improvements, financial surety and agreements with the Town. The financial guarantee shall

include, but is not limited to grading, roadways, landscaping, stormwater facilities, signs, lighting, restoration and erosion control.

- E. The deed restrictions shall be submitted and reviewed for approval at the time the preliminary plat is submitted and reviewed for approval.
- F. The deed restrictions and subdivision plat shall state that no sound attenuating structures of any kind shall be allowed and that the Town will not participate financially or be a party to any public mitigation of sound or noise abatement associated with any adjacent roads or highways.
- G. All stormwater ponds and drainage facilities shall meet Town of Delafield and Waukesha County requirements and be constructed on outlots within the subdivision. They shall be maintained by the developer or property owners within the subdivision in accordance with a maintenance agreement required at the time of platting. The location, size, computations and specific area of disturbance shall be prepared and submitted to the satisfaction of the Town Plan Commission and Waukesha County prior to preliminary plat approval.
- H. The final plat shall state on its face that the individual homeowners or homeowners association are fully responsible for improvements and maintenance of Items F, and G.
- I. Developer shall submit a landscaping plan for the development to the Plan Commission for review and approval, prior to commencement of construction.
- J. All lots shall be served by private onsite septic systems.
- K. The developer shall dedicate a 66-foot access between the primary public entrance road and the land to the east (currently known as the Pfeiffer property).
- L. The developer shall design and construct an interior trail system within the Outlots of the subdivision.
- M. The developer shall install a four way stop at the intersection of Cherry Lane and Northview Road. Warning signals, meeting the requirements of the Manual on Uniform Traffic Control Devices, shall be installed in advance of the easterly and westerly approaches to the stop signs.
- N. In the management and operation of the project as a residential subdivision, every attempt possible should be made to alleviate the potential for nuisances and disturbances to surrounding residential neighborhoods. Any complaints by adjacent property owners or any other person affected shall be reviewed by the Town Plan Commission which will make findings as to whether or not such nuisance exist, and, if so, what provisions ought to be made to abate the nuisances. All complaints regarding nuisances shall be subject to the nuisance provisions of the Town and other appropriate state or county laws. The findings and recommendations of the Town Plan Commission shall be forwarded to the Town Board for action.
- O. No use is hereby authorized unless that use is conducted in a lawful, orderly and peaceful manner. Nothing in this permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Town of Delafield, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority. This Conditional Use permit shall not be deemed to constitute a building permit, nor shall this permit constitute any other license or permit required by town ordinance or other law.

- P. The Conditional Use hereby authorized shall be confined to the premises described, without extension or expansion, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Town Board as being in compliance with all pertinent ordinances, after review and recommendation by the Town Plan Commission.
- Q. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for 12 months, or continued other than in strict conformity with the conditions of this approval, or should a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with the surrounding areas, or considerations of public health, safety or welfare, said Conditional Use may be terminated by action of the town board following referral to the Town Plan Commission for public hearing and recommendation thereof.
- R. Any subsequent change, alteration, or addition to the use approved herein shall first be submitted for approval to the Town Plan Commission and, if in the opinion of the Plan Commission, such change, alteration, or addition constitutes a substantial change, alteration, or addition based on the standards set forth herein, a public hearing before the Town Plan Commission shall be required pursuant to Section 17.10(6) of the town code. Any change, addition, or alteration of the physical premises, lands, or ownership, shall be considered substantial and shall require a new Conditional Use permit requiring full compliance with all town procedures and ordinances in place at the time.
- S. Should any paragraph or phrase of this Conditional Use permit be determined by a court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use and the remainder shall continue in full force and effect.
- T. The Conditional Use for the residential portion of the development shall be in effect for as long as the use remains residential as described herein.

Signatures appear on the next page

Let copies of this order be filed in the permanent records of the Town Board of the Town of Delafield, let a copy of this permit be recorded at the Waukesha County Register of Deeds as a covenant on the title for the premises for which this Conditional Use is granted, and let copies be sent to the proper Town authorities and the grantee.

Approved this _____ day of _____, 2007.

TOWN OF DELAFIELD

Paul L. Kanter, Chairman

Mary T. Elsner, Town Clerk

APPROVAL

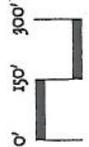
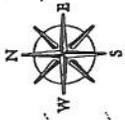
I hereby accept the terms of this Conditional Use in its entirety.

Dated this _____ day of _____, 2007.

Northview Ridsge, LLC
Lloyd Williams, Managing Partner

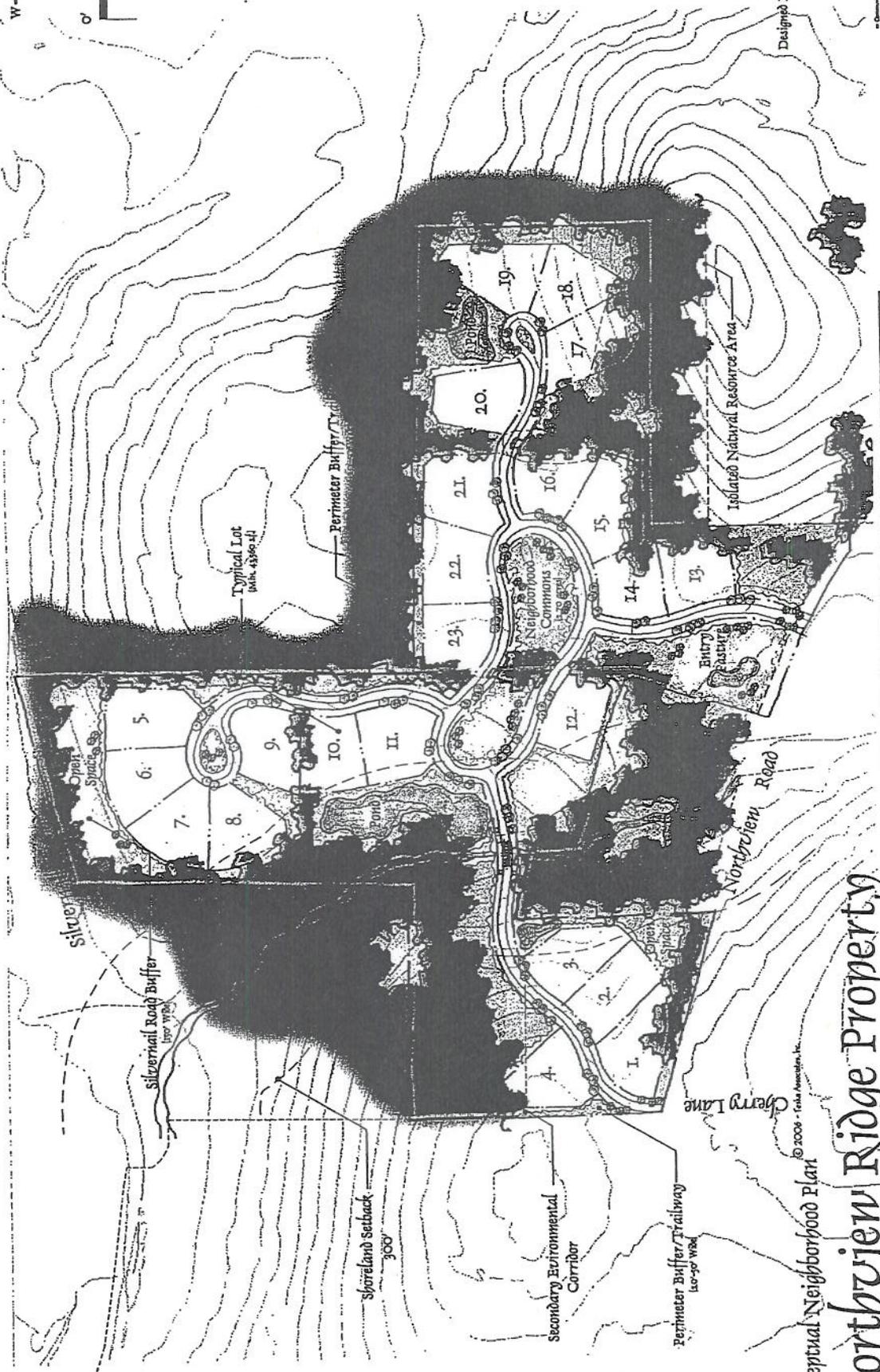
This document drafted by Timothy G. Barbeau, P.E., R.L.S. (12/21/06) (1/3/07)(5/14/07 stop sign)

tgb:H:\Delafield-T\1051619 Northview Ridge\Doc\Conditional Use.doc



Designed By

EXHIBIT "B"



Conceptual Neighborhood Plan © 2006 - Teska Associates, Inc.

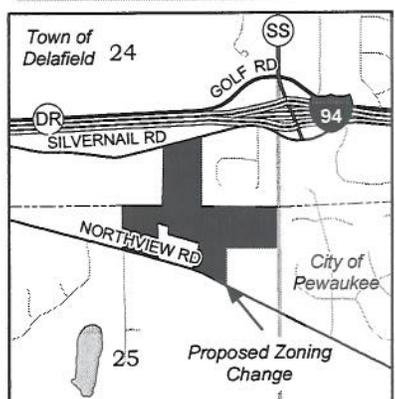
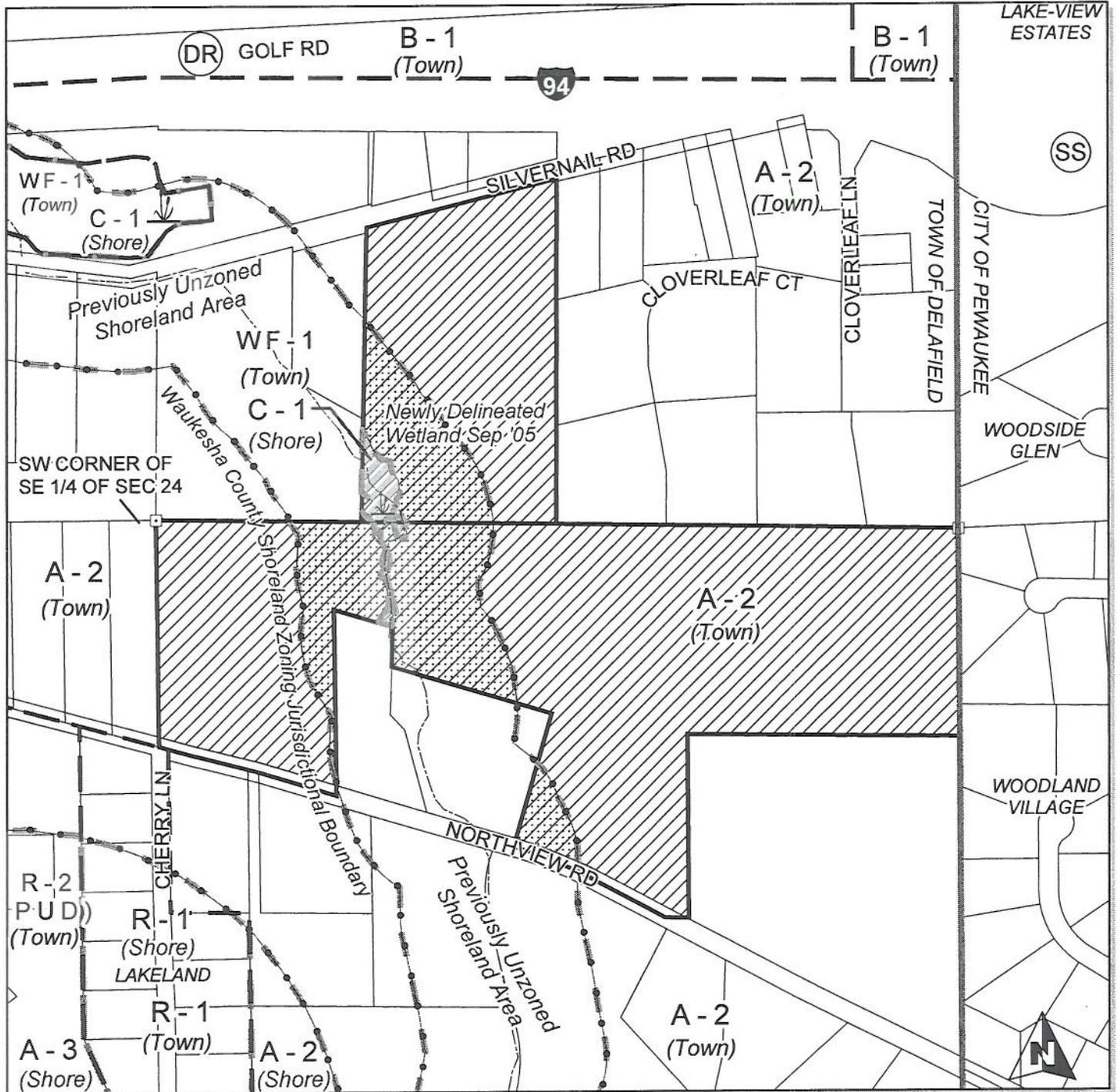
Northview Ridge Property

Town of Delafield, Wisconsin

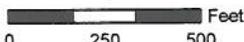
21 November 2006

ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 24 AND THE NE 1/4 SECTION OF 25
TOWN OF DELAFIELD



	ESTABLISH A-3 SUBURBAN ESTATE SHORELAND ZONING WITH PUD (11.5 ACRES)
	ESTABLISH C-1 CONSERVANCY SHORELAND ZONING (0.8 ACRES)
	CONDITIONAL TOWN ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO A-3 SUBURBAN ESTATE DISTRICT WITH PUD (63.0 ACRES)
FILE.....	SZT-1604A
DATE.....	03-01-07
AREA OF CHANGE.....	64.9 ACRES
TAX KEY NUMBER.....	DELT 0817.998 & DELT 0816.984

1 inch equals 500 feet

 Prepared by the Waukesha County Department of Parks and Land Use

162-0-017

12.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/26/07

(ORD) NUMBER-1620017

- 1 K. HERRO.....AYE
- 3 T. ROLFS.....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 J. TORTOMASI.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 T. BULLERMANN.....
- 31 V. STROUD.....AYE
- 33 K. HAMMITT.....
- 35 P. MEYER.....AYE

- 2 R. THELEN.....AYE
- 4 R. HUTTON.....AYE
- 6 D. BROESCH.....
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 T. SCHELLINGER....AYE
- 14 S. WIMMER.....AYE
- 16 R. STEVENS.....AYE
- 18 B. MORRIS.....AYE
- 20 P. WOLFF.....
- 22 G. BRUCE.....
- 24 J. VITALE.....
- 26 F. RUF.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-28

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-28