

ENROLLED ORDINANCE 178-100

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)

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

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

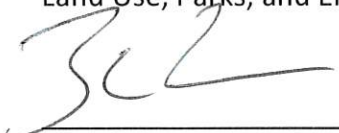
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Town of Delafield Ordinance No. 2024-01 which amends the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, to conditionally rezone from the A-1 Agricultural District to Planned Development District No. 1, certain lands located in part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield, as 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, is hereby approved, subject to the following conditions:

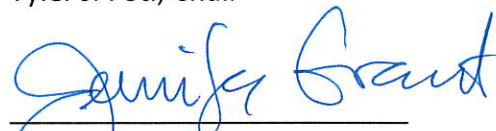
1. Subject to Acceptance. Subject to all of the Owners of the Subject Property acknowledging in writing that they have received a copy of this ordinance, that they understand and accept this zoning amendment as described, and further accept for themselves and their successors and assigns the impact this 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.

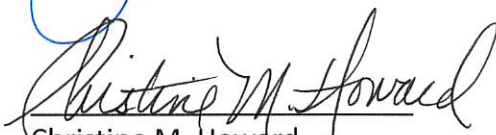
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

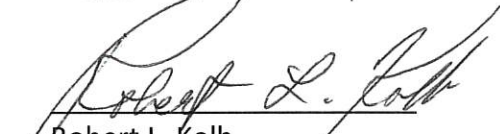
APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2024-01 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN THE NE, SE AND SW ¼ OF SECTION 23, T7N, R18E, TOWN OF DELAFIELD FROM THE A-1 AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT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

Presented by:
Land Use, Parks, and Environment Committee


Tyler J. Foti, Chair

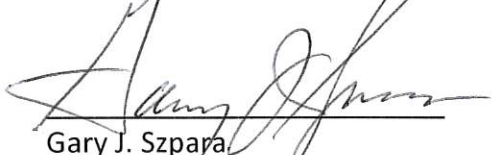

Jennifer Grant


Christine M. Howard


Robert L. Kolb


Brian Meier


Chris Mommaerts


Gary J. Szpara

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

Date: 3/29/24, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____

Date: 3/29/2024, 
Paul Farrow, County Executive

VOTE RESULTS

12 YES 10 NO 0 ABSTAIN 3 ABSENT

Ordinance 178-O-101

 **Passed By Majority Vote**

Ordinance 178-O-101: Ordinance 178-O-101: Approve Town Of Delafield Ordinance No. 2024-01 Which Amends Delafield Zoning Code By Conditionally Rezoning Certain Lands Located In The NE, SE And SW ¼ Of Section 23, 1/4N, R18E, Town Of Delafield From The A-1 Agricultural District To Planned Development District No. 1 (RZ141)


D1 - Foti	M	AVE	D10 - Thieme	ABSENT	D19 - Enriquez	AVE
D2 - Weil		ABSENT	D11 - Howard	AVE	D20 - Schellinger	NAY
D3 - Morris	S	AVE	D12 - Wolff	NAY	D21 - Gaughan	AVE
D4 - Batzko		NAY	D13 - Decker	AVE	D22 - Szpara	AVE
D5 - Grant		ABSENT	D14 - Mommaerts	NAY	D23 - Hammitt	NAY
D6 - Walz		NAY	D15 - Kolb	AVE	D24 - Bangs	NAY
D7 - LaFontain		NAY	D16 - Crowley	AVE	D25 - Johnson	NAY
D8 - Koremenos		NAY	D17 - Meier	AVE		
D9 - Heinrich		AVE	D18 - Nelson	AVE		

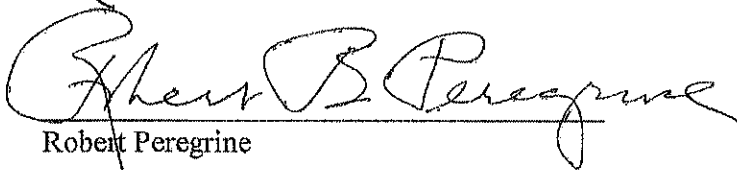
COMMISSION ACTION

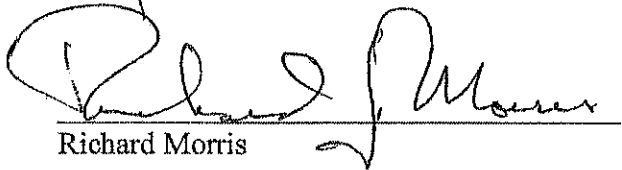
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends approval of **RZ141 (Thomas_Neumann Development)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION


February 28, 2024

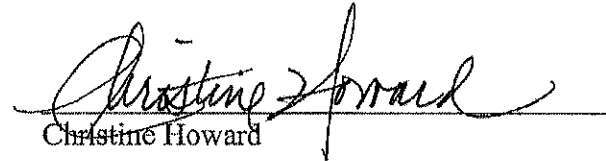

James Siepmann, Chairperson


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

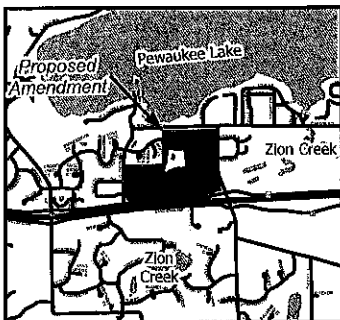
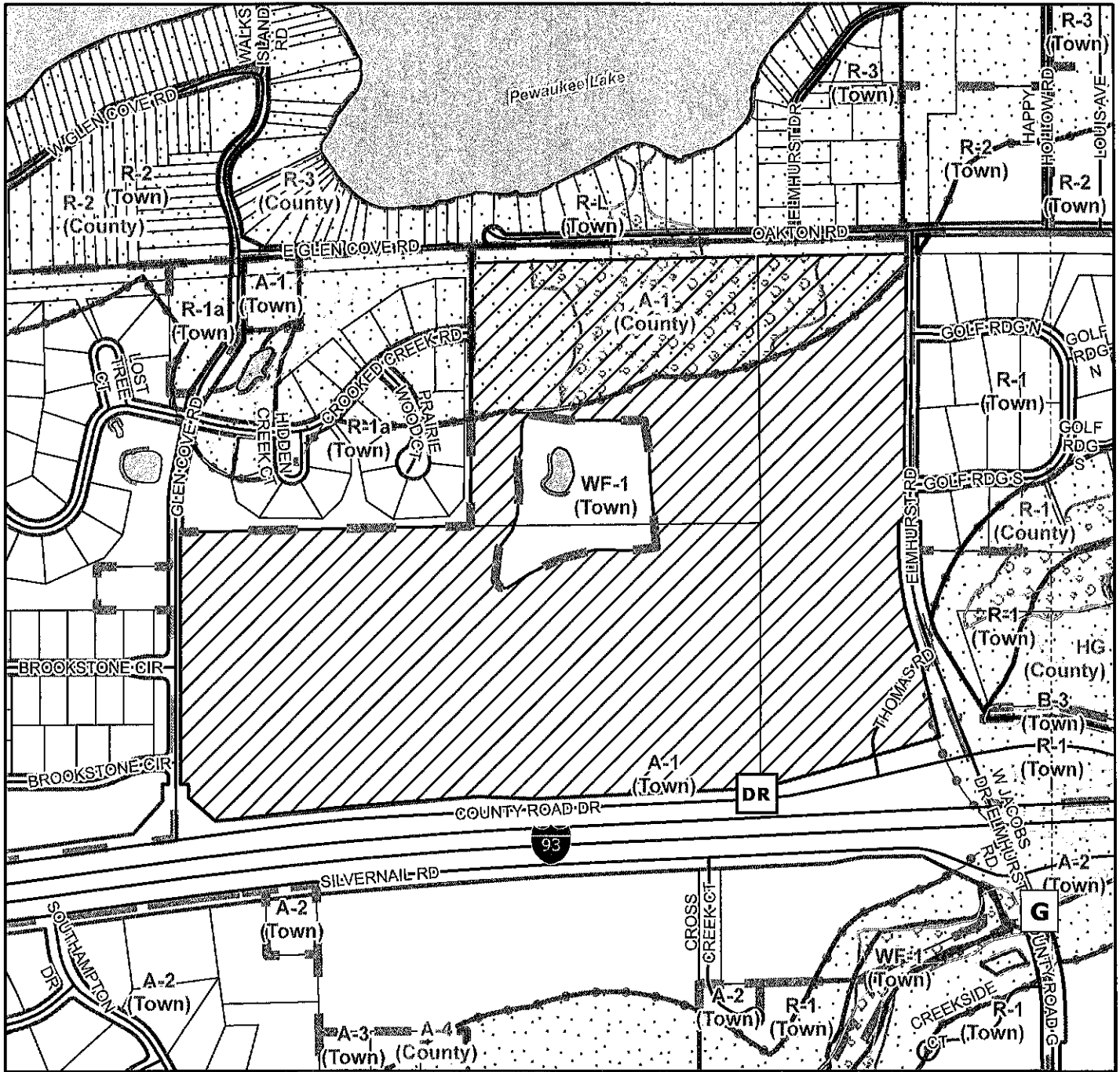
Jason Fruth
Planning & Zoning Manager





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

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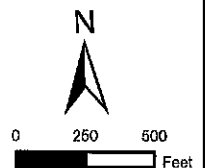
ZONING AMENDMENT

PART OF SECTION 23,
TOWN OF DELAFIELD



-  CONDITIONAL TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 1 (RZ141)
-  EC Environmental Corridor Overlay
-  DSO Delafield Shoreland Overlay
-  C-1 Conservancy Overlay (wetlands)

FILE.....RZ141
 DATE OF PLAN COMMISSION.....02/28/24
 AREA OF CHANGE.....142.4 ACRES
 TAX KEY NUMBER.....DELT 0809995, 0509996, 0811999



Prepared by the Waukesha County Department of Parks and Land Use

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

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.

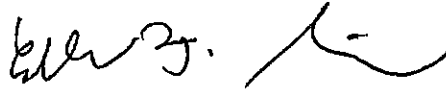
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the 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