

Enrolled Ordinance 172-12

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE W ½ OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT TO THE A-1 AGRICULTURAL DISTRICT (ZT-1849)

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 May 9, 2017; 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 the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield July 20, 1998, is hereby amended to rezone from the A-2 Rural Home District to the A-1 Agricultural District, certain lands located in part of the W 1/2 of Section 31, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, 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 ZT-1849, is hereby approved.

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.

COMMISSION ACTION

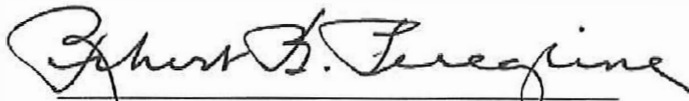
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of ZT-1849 (Bill Zach - Iron Pipe Development LLC) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION


June 15, 2017

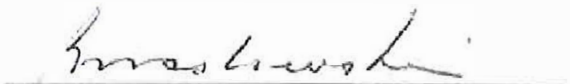

Richard Morris, Chairman


William Mitchell


Robert Peregrine


James Siepmann


Keith Hammit


William Maslowski

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

DATE: June 15, 2017

FILE NO.: ZT-1849

OWNER: Elizabeth Riemer Survivor's Trust
Larry and Judy Sheets Family Trust
P.O. Box 284
Sussex, WI 53089

PETITIONER: Bill Zach – Iron Pipe Development, LLC.

TAX KEY NO.: DELT 0842.999

LOCATION:

Part of the W ½ of Section 31, T7N, R18E, Town of Delafield. More specifically the property is located at S13 W33650 Summit Avenue and contains approximately 139.84 acres.

EXISTING ZONING:

A-2 Rural Home District.

EXISTING LAND USE:

Agricultural and Residential.

PROPOSED ZONING:

A-1 Agricultural District.

PROPOSED LAND USE:

Subdivision to be developed as a Planned Unit Development.

PUBLIC HEARING DATE:

April 11, 2017.

PUBLIC REACTION:

It should be noted that the Town Plan Commission decided to hear combined public comment for both this request to rezone as well as the request for a Conditional Use Permit SCU-1628 to allow a Planned Unit Residential Development subsequent to the re-zone. Therefore, many comments were specific to the Planned Unit Development component and not necessarily the request to rezone from A-2 to A-1.

Scott Hetheron, N1 W33578 Abitz Rd., stated that he has lived at his residence for 21 yrs. He was shocked when he learned that the proposal is from A-2 to A-1, as it doesn't fit the character of the neighborhood. His property overlooks the beauty of nature, wildlife and woods. Whether the proposal includes a planned unit development or not, how will it preserve the neighborhood. He referenced Section 17.05 of the Town Code re: conditional use approvals, 17.05 a.m. PUD conditions and Chapter 18 (residential development control).

Jim Romanowski, W334 S188 Cushing Park Rd., provided information on lot sizes in the adjacent areas of the proposed development. He suggested that the area per home be approximately 4.5 acres per home. He does not want to see a detention basin on the property and would like a trail installed on Abitz Rd.

Bonnie Meerschaert, W334 S490 Cushing Park Rd., is concerned about traffic and safety on Cushing Park Rd. If 36 lots are developed, possibly adding 72 more cars on this narrow road, the road may not handle the traffic. She is also already concerned about winter traffic on the road. Also, she expressed concerns for the safety of people using the recreational trail.

Richard Levine, N1 W33636 Abitz Rd., stated that this is a country road that was built for average daily traffic. He is concerned about current and new residents. The road was not built for a denser population. He suggested to take the hill off. It will need a path for children. The infrastructure of the town does not support the proposed construction.

Jo-Ann Ziesloft, N5 W33828 Lapham Ln., presented a list of possible impacts stressing the effect of the planned development on the surrounding environment. She referenced the logo identifying the Town as a perfect environment – residential, recreational and responsible and stated that the new development, as proposed, does not appear to have rural character. The residents in the area work to restore native prairie grass and wildflowers. The high density and small lot sizes do not fit in their community.

Michael Paik, W334 S822 Cushing Park Rd., questioned Mr. Zach's proposal for a 200 ft. setback to the homes. According to the proposed plan, on Abitz Road and directly across from his home, there are 4 home sites proposed and there is definitely not a 200 ft. setback in those areas. He expressed concerns re: current drainage issues during high rain conditions. He and his neighbor have experienced the problem of dealing with at least 6 inches of water running through their properties. He asked if there will be a stormwater management plan. He stated that he has always been impressed with the stewardship of the Town and is asking that the Town do the right thing when considering this proposal.

Deane Jaeger, W335 N292 Cushing Park Rd., stated that he has lived in his home since 1979. He is concerned about Abitz Rd., as it is roughly 19 ft. wide, and would like to see the road widened to be more consistent with county roads. He provided a handout (24 pages) identifying proposed details of the development and all concerns.

Larry Sheets (property owner), 2606 Lander, Ln., Waukesha, stated that the farm has been in the family for 100 years. He summarized the difficulties in dealing with this proposal.

Renee Linskens, W334 N390 Cushing Park Rd., stated that she has lived at her residence for 50+ years. When Lapham Estates was being proposed, her husband served on the plan commission, and they did not allow 1-acre lots.

TOWN PLAN COMMISSION ACTION:

The Town of Delafield Plan Commission, at their meeting of May 2, 2017, recommended approval of the request to the Town Board.

TOWN BOARD ACTION

On May 9, 2017, the Town of Delafield Board approved the rezoning request without conditions.

CONFORMANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD COMPREHENSIVE DEVELOPMENT PLAN:

The Waukesha County Comprehensive Development Plan and the Town of Delafield Comprehensive Plan designate a majority of the property in the Rural Density and Other Agricultural Lands category, which recommends that lands be developed at a density not to exceed 2.75 acres per dwelling unit. The Town of Delafield uses a different methodology to generate the recommended density for the Rural Density and Other Agricultural Lands category compared to the same plan category in other Townships.

There are 13 acres in the Isolated Natural Resource category, approximately 5 acres in the Secondary Environmental Corridor category, with the remaining acreage south of the creek in the Mixed-Use category. The A-1 District allows 2.75 acres per dwelling unit if developed as a Planned Unit Development. Therefore, this proposal to rezone from A-2 to A-1 is in conformance with Town and County Plan recommendations, as the proposed density of the planned unit development is 3.3 acres per dwelling unit. In addition, the Town and County Plans recommend conservation design within the Rural Density Plan Category and the proposal conforms in this regard.

STAFF ANALYSIS:

The subject property is a 140-acre farm located west of Cushing Park Road, between Summit Ave (US 18) and Abitz Road in the southwest part of the Town of Delafield. The topography ranges from gentle slopes where the land is being farmed to more significant slopes associated with a tree covered ridge (most of it Isolated Natural Resource Area) that runs generally through the middle of the parcel from north to south. The Scuppernong Creek flows from east to west across the parcel connecting to Waterville Pond approximately 2,200 feet to the west. There is 100-year floodplain associated with and adjacent to the creek, with a significant area of mapped floodplain on the southeast portion of the parcel. There are also some mapped wetlands associated with the creek.

Most of the parcel is active farmland, with the isolated resource area kept in undisturbed green space. There is a small single-family residence with accessory buildings located near the north bank of the creek and a large red barn south of the creek, which is visible from Summit Ave. There is also a public bike and walking path that generally runs along Cushing Park Rd. for the full north-south extent of the parcel.

There are established residential neighborhoods to the north and east. Lot sizes in these neighborhoods are generally three (3) acres in size, with some larger. The neighborhood to the north is zoned A-2 and the lots across Cushing Park Road are generally zoned A-1 and A-2. To the northwest is the recently platted Hunt Club Farms (zoned A-2), which contains lots that are also a minimum of 3 acres in size. To the southwest is a large commercial building owned and operated by Wisconsin Electric (M-1 zoning). To the south and across Summit Ave., which is in the Town of Genesee, is a small industrial park. There is also a single-family lot and residence (referred to by many residents as the "Cheese Factory") on Cushing Park Road, which is not part of this proposal for rezoning and subsequent development.

With the exception of a 300-foot buffer around Scuppernong Creek and the associated floodplain, the parcel is outside of the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance and is subject to the Town of Delafield Zoning Code.

The petitioner (developer) is proposing a 35 lot Planned Unit Development (PUD) and is proposing to rezone a portion (approximately 32.5 acres) of the subject parcel from the A-2 Rural Home District to the A-1 Agricultural District. The Town of Delafield Zoning Code requires that any subdivisions on lands zoned A-1 or A-2 must be developed as a PUD. The rezone request is to allow for more consistent lot size

across the entire development and to be able to plat smaller lots to provide more common open space. Current Town PUD requirements call for minimum lot sizes of 36,000 sq. ft. for lots zoned A-1 but a 60,000 sq. ft. minimum lot size for lots zoned A-2. The developer has presented two concept plans to the Town Plan Commission for review and approval. Both plans call for lots in the range of 39,000 sq. ft. to 75,000 sq. ft. with average lot sizes around 50,000 sq. ft. in one plan and 51,000 sq. ft. in the other. Both concept plans are attached as Exhibits "A" and "B" respectively.

STAFF RECOMMENDATION:

This proposal to rezone from A-2 to A-1 would allow the petitioner some additional flexibility from the more restrictive Town A-2 District PUD lot size requirements to develop a Planned Unit Development that adequately protects the Isolated Natural Resource Area and steep (>12% grade) slopes to the greatest degree possible as recommended by the Town and County Comprehensive Development Plans. The proposed conservation design provides more common open space for the enjoyment of all lot owners and ensures protection of natural resources. The proposed rezoning also ensures harmony with surrounding land uses by providing continuous open space surrounding the entire proposed subdivision. The presented concept plans provide even more open space than what is required by code, proposes multiple paths connecting to the trail along Cushing Park Road and adds a significant number of trees to proposed open spaces. Therefore, it is the opinion of the Planning and Zoning Division Staff that this request be approved.

Respectfully submitted,

Ben Greenberg

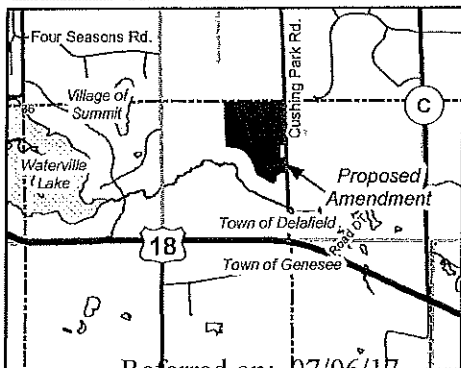
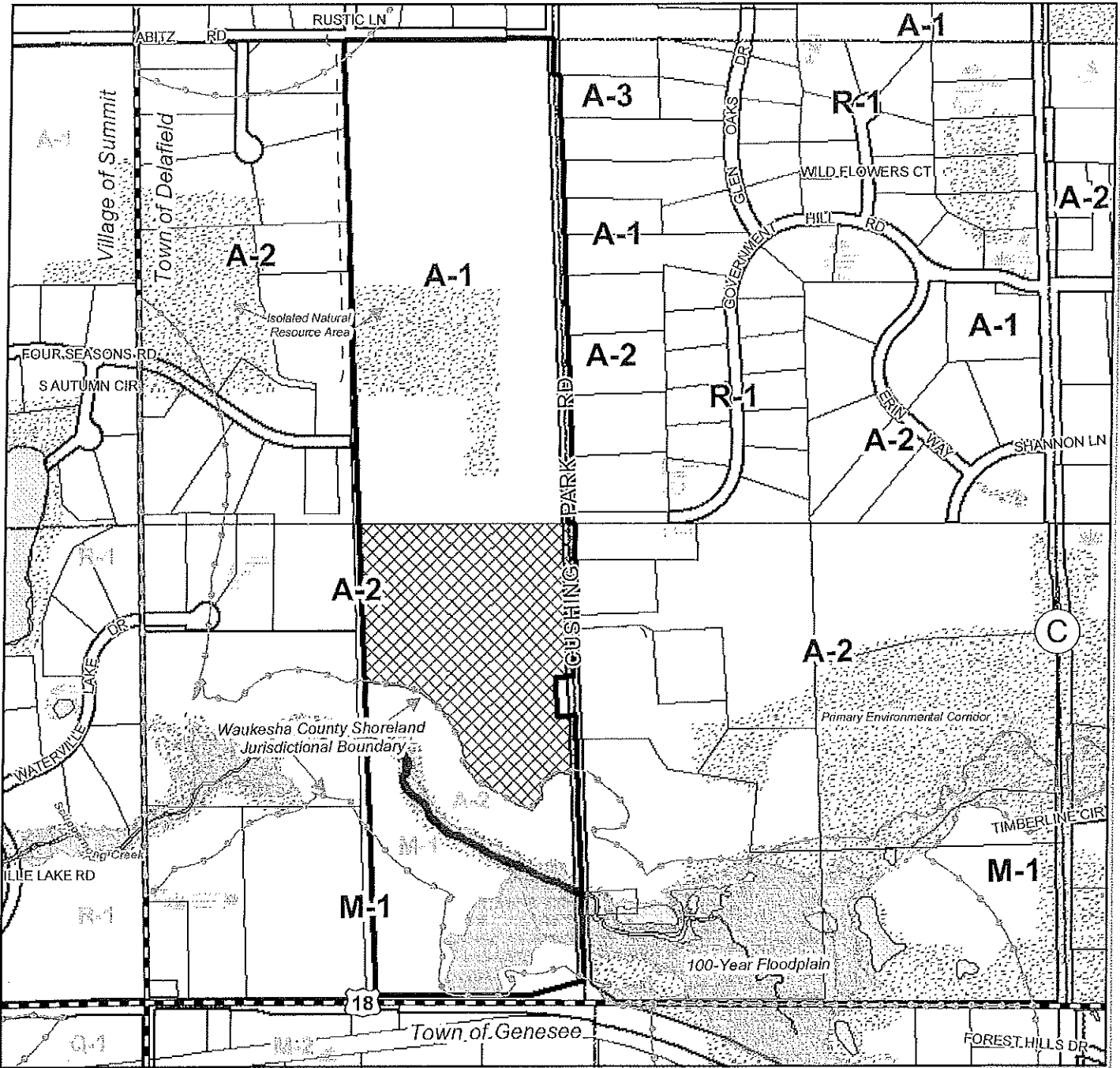
Ben Greenberg
Senior Land Use Specialist


Attachments: Map
Town Ordinance 2017-03
Exhibits "A" and "B"

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ZONING AMENDMENT

PART OF THE SW 1/4 OF SECTION 31
TOWN OF DELAFIELD

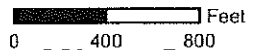


 TOWN ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO A-1 AGRICULTURAL DISTRICT

FILE NO. ZT-1849
 PETITIONER.....IRON PIPE DEVELOPMENT
 DATE OF PLAN COMM. CONSIDERATION.....06/15/17
 AREA OF CHANGE.....32.5 ACRES
 TAXKEY NUMBER.....DELT 0842.999



1 inch = 800 feet



Prepared by the Waukesha County Department of Parks and Land Use

Referred on: 07/06/17

File Number: 172-O-012

Referred to: LU 7

RECEIVED
5/10/2017
DEPT OF PARKS &
LAND USE

State of Wisconsin

Town of Delafield

Waukesha County

Ordinance No. 2017-03

An Ordinance to amend the Zoning Map
of the Town of Delafield from A-2 to A-1 on lands located in the Northeast ¼ and Southeast ¼ of the Southwest ¼ of
Section 31, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin (Riemer/Sheets Property)

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

Section 1:

The Town of Delafield Zoning Map is hereby amended to change the zoning classification from A-2 to A-1 on the following
described parcel of land:

A part of the Northeast ¼ and Southeast ¼ of the Southwest ¼ of Section 31, Town 7 North, Range 18 East, Town of Delafield,
Waukesha County, Wisconsin described as follows: Commencing at the South ¼ corner of said Section 31, thence N
02°39'44"W along the East line of the Southwest ¼ of Section 31 a distance of 526.59 feet; thence S87°20'16"W, 33.00 feet
to the West line of Cushing Park Road and the point of beginning of the hereinafter described lands; thence N65°19'17"W,
219.55 feet; thence N61°43'36"W, 103.71 feet; thence N75°56'15"W, 126.21 feet; thence N62°36'23"W, 406.50 feet; thence
N44°21'00"W, 223.95 feet; thence N23°36'13"W, 372.89 feet; thence N78°27'28"W, 132.57 feet; thence N02°04'37"W,
644.70 feet; thence N41°02'20"W, 1.04 feet; thence N01°53'08"W, 589.23 feet to the North line of the Southwest ¼ of section
31; thence S89°55'47"E, along the North line, 1154.82 feet to the west line of Cushing Park Road; thence S02°39'43"E along
said west line, 843.63 feet; thence S87°35'21"W, 66.00 feet; thence S02°39'44"E, 217.50 feet; thence N87°35'21"E, 66.00
feet to the West line of Cushing Park Road; thence S02°39'44"E along said West line 1060.57 feet to the point of beginning

Said lands contain 2,054,139 square feet or 47.2 acres more or less.

Section 2: Severability.

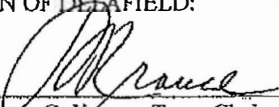
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a
court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section
or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions
thereof 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 3: Effective Date.

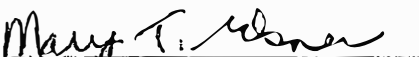
This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by
law.

This ordinance passed this 9th day of May, 2017.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:

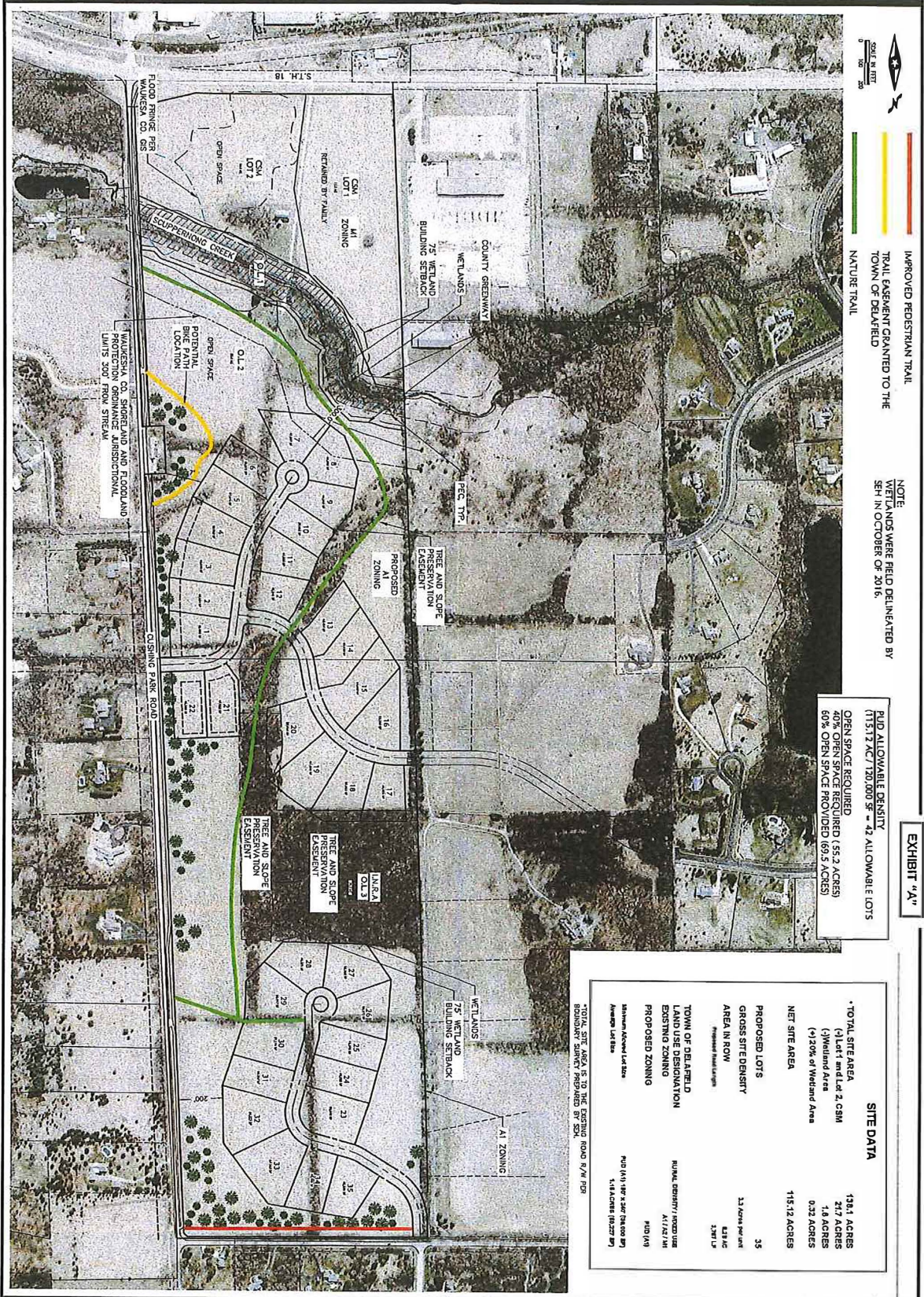

Lawrence G. Krause, Town Chairman

ATTEST:


Mary T. Elsner
Town Clerk/Treasurer

tgb H:\1171600\Doc\O 170508 Riemer_Sheets ezoning.docx

Scale of Drawing: 1/8" = 1'-0" (Vertical) 1/4" = 1'-0" (Horizontal)



File Number: 172-012

IRON PIPE DEVELOPMENT, LLC
 TOWN OF DELAFIELD, WISCONSIN
 CONCEPT PLAN (PUD)-RUSTIC ROAD OPTION



ENGINEERS • ARCHITECTS
 PLANNERS • SCENARISTS
 PROJECTS WISCONSIN SINCE 1913
 WWW.SEHINC.COM
GREEN TIER

NO. 1	DATE	DESCRIPTION
1	APR 2017	REVISED - 4/20/17
2		
3		
4		
5		
6		
7		
8		
9		
10		



IMPROVED PEDESTRIAN TRAIL
TRAIL EASEMENT GRANTED TO THE TOWN OF DELAFIELD
NATURE TRAIL

THE LOTS WERE FIELD DELINEATED
SEH IN OCTOBER OF 2016.

EXHIBIT "B"

PUD ALLOWABLE DENSITY
(115.12 AC / 120,000 SF = 4.2 ALLOWABLE LOTS)
OPEN SPACE REQUIRED (55.2 ACRES)
40% OPEN SPACE PROVIDED (22.08 ACRES)
60% OPEN SPACE PROVIDED (69.12 ACRES)

SITE DATA

*TOTAL SITE AREA	139.1 ACRES
(1) Lot 1 and Lot 2, CSM	217 ACRES
(1) Wetland Area	1.8 ACRES
(*) 20% of Wetland Area	0.32 ACRES
NET SITE AREA	143.12 ACRES
PROPOSED LOTS	35
GROSS SITE DENSITY	22.86 lots per acre
AREA IN ROW	628 AC
Preservation Length	3,208 LF
TOWN OF DELAFIELD LAND USE DESIGNATION EXISTING ZONING	RURAL DENSITY / AERD THE A1/A2/A3
PROPOSED ZONING	PUD (A1)
Minimum Allowed Lot Size	PUD (A1) 1/4 AC (2,500 SF)
Area per Lot (Min)	517 SQUARE FEET (59.7)
*TOTAL SITE AREA, IS TO THE CORNER ROAD 6' W/ PER BOUNDARY SURVEY PREPARED BY SEH.	

Referred on: 07/06/17

File Number: 172-012

IRON PIPE DEVELOPMENT, LLC
TOWN OF DELAFIELD, WISCONSIN
CONCEPT PLAN (PUD)-35 LOTS OPTION


ENGINEERS • ARCHITECTS
PLANNERS • SCIENTISTS
GREEN TIER
UNIVERSITY OF WISCONSIN
200 UNIVERSITY DRIVE
MADISON, WISCONSIN 53706
608.263.1234
WWW.GREENTIER.COM



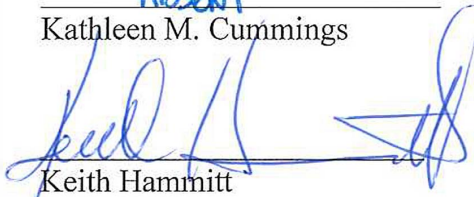
DATE	DESCRIPTION
08/14/17	REVISION
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08/14/17	35

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE W 1/2 OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT TO THE A-1 AGRICULTURAL DISTRICT (ZT-1849)

Presented by:
Land Use, Parks, and Environment Committee

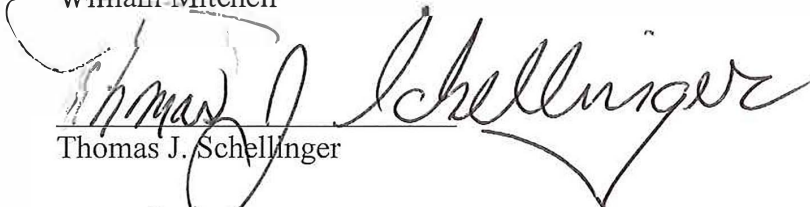

David D. Zimmermann, Chair

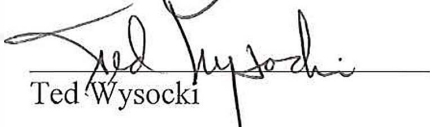
~~ABSENT~~
Kathleen M. Cummings


Keith Hammitt


~~ABSENT~~
Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: 7/25/17, 
Kathleen Novack, County Clerk

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

Approved:

Vetoed:

Date: 8/7/17, 
Paul Farrow, County Executive

D1 - Kolb	AYE	D14 - Wood	AYE
D2 - Zimmermann	(M) AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	Notified	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	Absent
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	NAY	D21 - Zaborowski	(2) AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	Notified
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

172-012

Passed (21 Y - 1 N - 3 Absent)

Majority Vote