

ENROLLED ORDINANCE 170-35

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 10, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-1A RESIDENTIAL DISTRICT (ZT-1810)

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 12, 2015, 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 on July 20, 1998, is hereby amended to rezone from the A-1 Agricultural District to the R-1A Residential District, certain lands located in part of the SE ¼ of Section 10, 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-1810, is hereby approved.

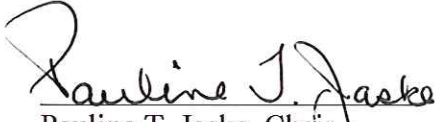
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.


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

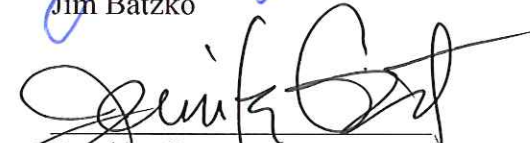
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 10, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-1A RESIDENTIAL DISTRICT (ZT-1810)

Presented by:
Land Use, Parks, and Environment Committee

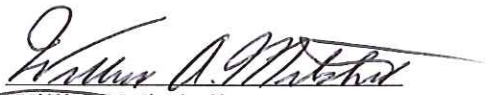

Pauline T. Jaske, Chair

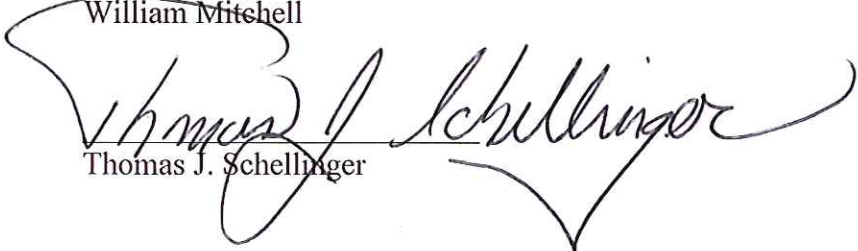

Jim Batzko


Jennifer Grant


Keith Hammitt


Eric Highum


William Mitchell

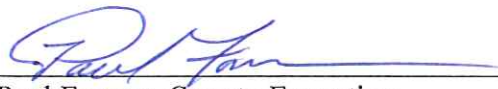

Thomas J. Schellinger

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

Date: 7/28/2015, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed:
Date: 8/4/15


Paul Farrow, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/28/15

NUMBER-1700035

- | | |
|--------------------------|--------------------------|
| 1 R. KOLB.....AYE | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS..... | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJEN.....AYE | 6 J. WALZ.....AYE |
| 7 J. GRANT.....AYE | 8 E. HIGHUM.....AYE |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 C. HOWARD.....AYE | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 C. PETTIS.....AYE |
| 15 B. MITCHELL.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 K. CUMMINGS.....AYE | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT..... | 24 S. WHITTOW.....AYE |
| 25 G. YERKE.....AYE | |

TOTAL AYES-23

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS

X


TOTAL VOTES-23

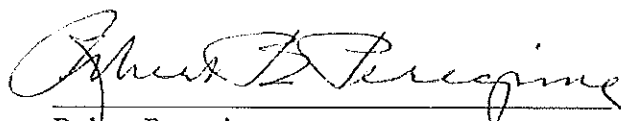
COMMISSION ACTION

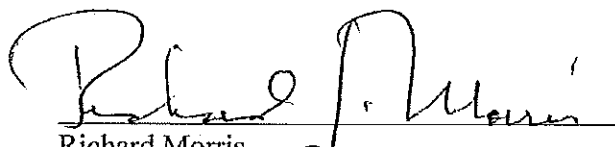
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends approval of ZT-1810 (RM100 Inc./Dale Bergman) in accordance with the attached "Staff Report and Recommendation".

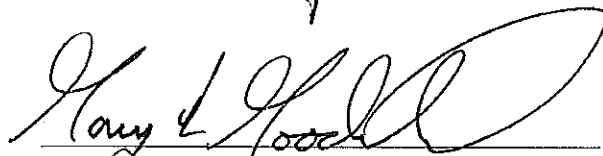
PARK AND PLANNING COMMISSION

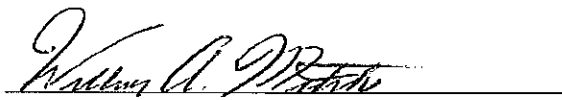
June 18, 2015

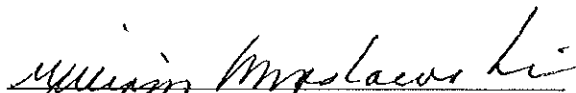

James Siepmann, Chairperson



Robert Peregrine


Richard Morris


Gary Goodchild


William Mitchell


William Maslowski


Keith Hammitt

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

DATE: June 18, 2015

FILE NO.: ZT-1810

PETITIONER/OWNER: RM 100 Inc.
Dale Bergman
155 E. Capitol Dr.
Hartland, WI 53029

TAX KEY NO.s: DELT 0760.998.004 and DELT:0760.998.005

LOCATION:

Part of the SE ¼ of Section 10, T7N, R18E, Town of Delafield. More specifically the properties are located at approximately W300 N3317 Maple Avenue and contain approximately 16.8 acres.

EXISTING ZONING:

A-1 Agricultural District.

EXISTING LAND USE:

Former landscape center, agricultural

PROPOSED ZONING:

R-1A Residential District.

PROPOSED LAND USE:

Residential.

PUBLIC HEARING DATE:

May 3, 2015.

PUBLIC REACTION:

Three nearby property owners spoke. One suggested that debris was incorporated into the berm near the property line and expressed concerns that Rookery Rd. will become a construction entrance. She also expressed concerns about flooding. Another resident expressed that she likes the privacy of the berm but is concerned about the information provided by the prior speaker about the composition of the berm. Another resident expressed concern about additional traffic on Rookery Rd. and suggested that the development should be served by Maple Ave.

TOWN PLAN COMMISSION ACTION:

The Town of Delafield Plan Commission, at their meeting of May 5, 2015 recommended approval of the request to the Town Board conditioned upon development of the land in general conformance with the Hawks Haven Conceptual Plan dated March 2015 and limited to no more than eleven home sites.

TOWN BOARD ACTION

On May 12, 2015, the Town of Delafield Board approved the rezoning request.

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 the lands in the Suburban I Density Residential category, which calls for a maximum density of 1.5 acres per dwelling unit. The proposal complies with the plan recommendations.

STAFF ANALYSIS:

The petitioner is seeking the ability to, in the future, subdivide two parcels that constitute approximately 16.8 acres along the west side of Maple Avenue in the Town of Delafield. The current zoning designation for the lands is A-1 Agriculture District which requires a minimum parcel size of 40 acres. The proposal is to rezone to the R-1A Residential District which would allow for minimum one-acre lots.

A conceptual layout for the property was provided along with the rezone petition (see Exhibit "A"). The concept plan shows that future proposed lots would be accessed via an extension of Rookery Road. Rookery Road serves the Hawks Nest subdivision and currently terminates at the south property line. A buffer of Maple Avenue is shown along the east property line and an outlot for storm water management is proposed in the northwest part of the site. There are no mapped natural resources on the site and soils are generally well drained. The site is fairly level and there is a large berm along the south property line. The site previously contained a landscaping operation.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The rezoning is consistent with Town and County Plan recommendations and will provide the property owner with the ability to subdivide his land in the future. Specific layout issues and road access issues will be further considered by the Town during the review of any subsequent subdivision plat submittal.

Respectfully submitted,

Jason Fruth

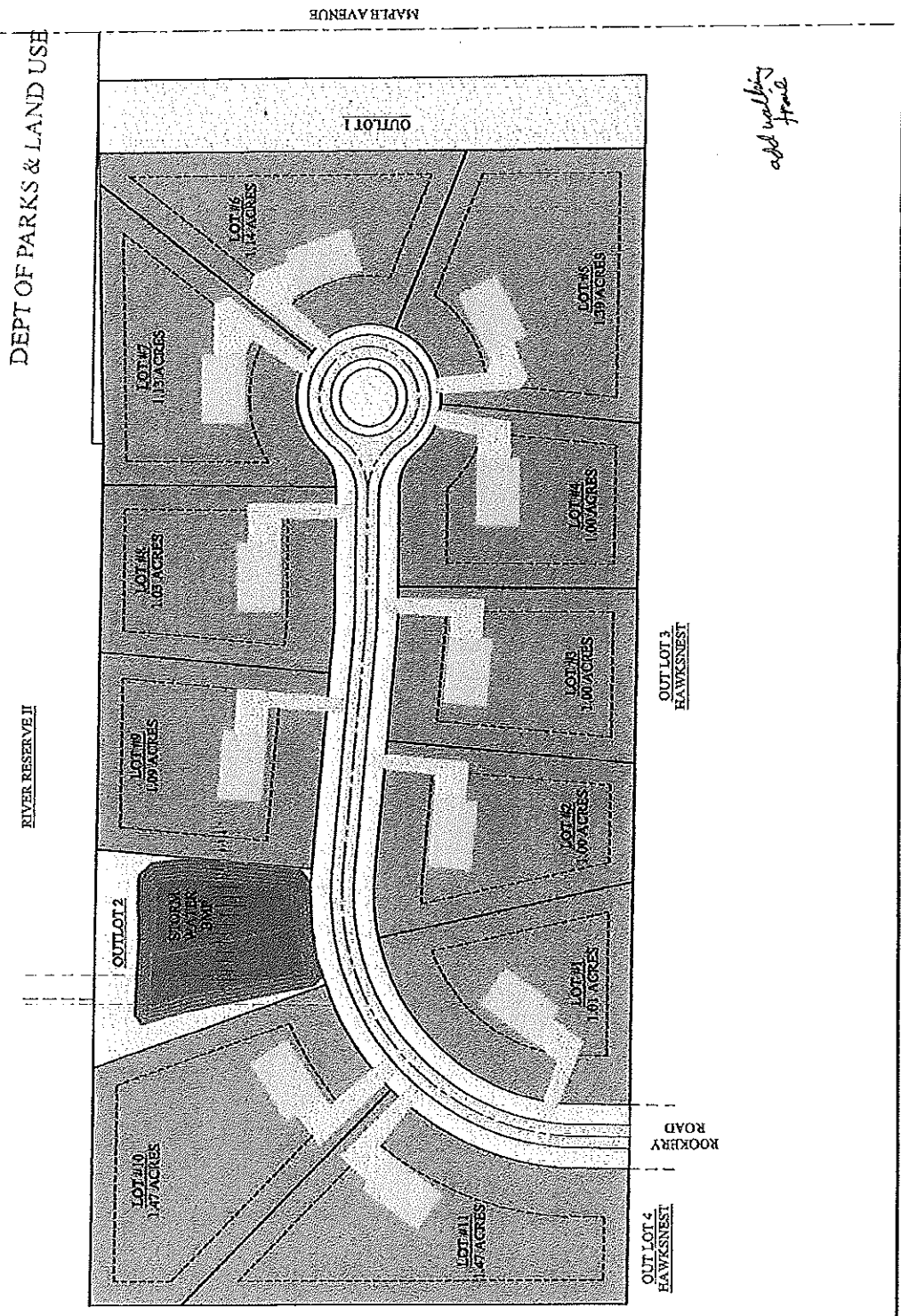
Jason Fruth
Planning and Zoning Manager

Attachments: Exhibit "A", Map and Town Ordinance

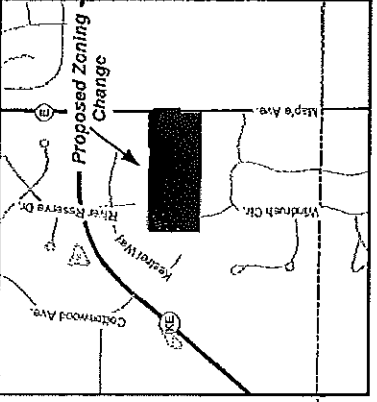
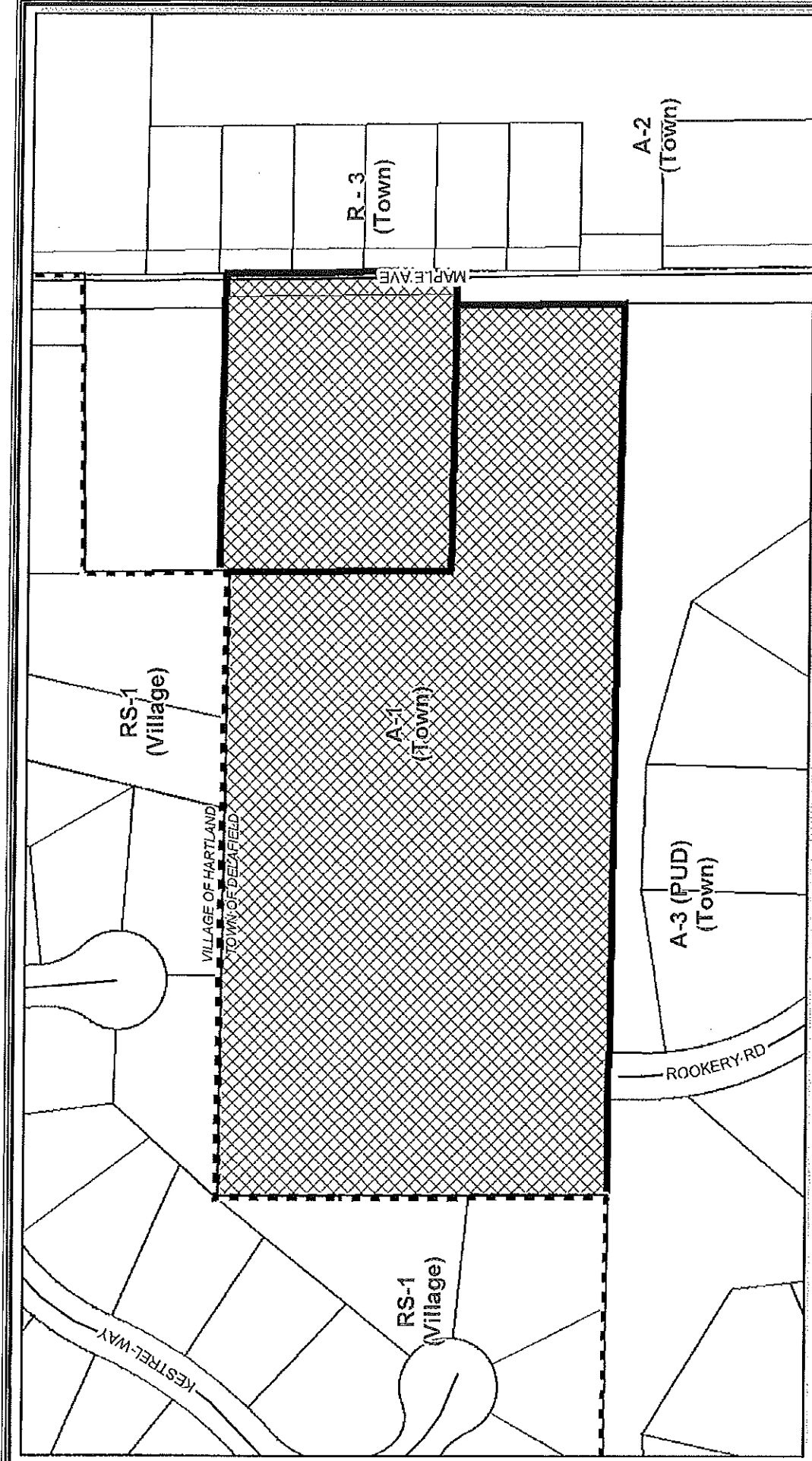
EXHIBIT "A"

RECEIVED
JUN 02 2015
DEPT OF PARKS & LAND USE

HAWKS HAVEN CONCEPTUAL LAND USE PLAN
ALL OF THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 10, TOWN 1 NORTH, RANGE 18 EAST IN THE
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN



PROJ. # 15-2023	DATE 15-08-2015	PROJECT HAWKS HAVEN SUBDIVISION DALE BERGMAN / MAPLE AVENUE 55 1/4 S10, 1 7/8 R18E, TOWN OF DELAFIELD
SHEET # 1 OF 1	PERSON DATE	SCALE
Lake Country Engineering, Inc. Consulting Engineers - Surveyors 405 S. Shaw Lake Road, P.O. Box 100, Delafield, WI 53018 Phone: 262.228.2222 Fax: 262.228.2223 www.lakecountryeng.com		



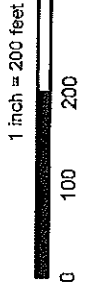
ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 10
TOWN OF DELAFIELD



 TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-1A RESIDENTIAL DISTRICT

FILE.....ZT-1810
 DATE.....06/18/15
 AREA OF CHANGE.....16.83 ACRES
 TAX KEY NUMBERS.....DELT 0760.998.004 & .005



Prepared by the Waushara County Department of Parks and Land Use

Referred on: 07/09/15

File Number: 170-O-035

Referred to: LU

State of Wisconsin

Town of Delafield

Waukesha County

Ordinance No. 2015-03

**An Ordinance to amend the Zoning Map
of the Town of Delafield from A-1 to R-1A on lands located in the Northeast ¼ of the Southeast ¼ of
Section 10, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin**

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-1 to R-1A on the following described parcels of land:

PT NE1/4 SE1/4 SEC 10 T7N R18E COM NE COR; S00°40'14"E 1331.16 FT; N89°21'49"W, 594.51 FT THE BGN; N89°21'49"W 724.64 FT; N00°14'08"W 562.25 FT; S89°22'22"E 889.76 FT; S00°30'45"E 322.38 FT; N89°21'49"W 168.51 FT; S00°40'14"E 240.07 FT TO BGN :: ALSO PT NE1/4 SE1/4 SEC 10 T7N R18E COM NE COR; S00°41'14"E 1331.16 FT; N89°21'49"W 50.01 FT THE BGN; N89°21'14"W 544.50 FT; N00°40'14"W 240.07 FT; S89°21'49"E 544.50 FT; S00°40'14"E 240.07 FT TO BGN DOC# 3235027 & DOC# 3951959 and

PT SE1/4 NE1/4 SE1/4 SEC 10 T7N R18E COM SE COR NE1/4 SE1/4; WLY 1320.00; FT NLY 581.00 FT; ELY 1320.00; FT SLY 561.00 FT TO BGN EX VOL 219/366 DEEDS :: ALSO COM SE COR NE1/4 SE1/4 SEC 10 N00°40'47"W, 240.07 FT; N89°22'21"W, 405.53 FT THE BGN; N89°22'21"W, 20.47 FT; N00°40'47"W, 322.33 FT; S89°22'21"E, 20.47 FT; S00°40'47"E, 322.33 FT TO BGN DOC# 3951957

Section 2:

The rezoning of these lands is conditioned upon satisfaction of the following items:

- A. The development of the lands shall generally conform to the concept plan for Hawks Haven dated March, 2015.
- B. Under no circumstances shall the development exceed 11 homesites.

Section 3: Severability.

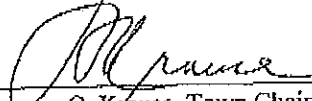
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 4: Effective Date.

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

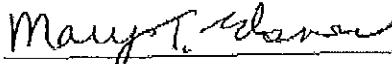
This ordinance passed this 12th day of May, 2015.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Lawrence G. Krause, Town Chairman

ATTEST:



Mary T. Elsner
Town Clerk/Treasurer

tgb H:\1151600\Doc\O 150508 Bergman Rezoning.docx