

Enrolled 157-33  
PROPOSED ORDINANCE 157-34

1  
2  
3 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING  
4 ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN THE  
5 SE ¼ AND SW ¼ OF SECTION 27, T7N, R18E, TOWN OF DELAFIELD, FROM THE A-1  
6 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT  
7 (ZT-1452)  
8  
9

10 WHEREAS the subject matter of this ordinance having been approved by the Delafield Town  
11 Board on April 23, 2002, after public Hearing, and the giving of requisite notice of said hearing,  
12 and duly referred to and considered by the Waukesha County Park and Planning Commission,  
13 and a recommendation for approval, thereon reported to the Land Use, Parks and Environment  
14 Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the  
15 Wisconsin State Statutes.  
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
18 ORDAIN that the District Zoning Map for the Town of Delafield Zoning Ordinance, adopted by  
19 the Town of Delafield on July 20, 1998, is hereby amended to conditionally rezone from the A-1  
20 Agricultural District to the A-2 Rural Home District, certain lands located in the SE ¼ and SW ¼  
21 of Section 27, T7N, R18E, Town of Delafield, and more specifically described in the "Staff  
22 Report and Recommendation" and map on file in the office of the Waukesha County  
23 Department of Parks and Land Use, and made a part of this Ordinance by reference (ZT-1452),  
24 subject to the following conditions:  
25

- 26 1. The lands shall be developed as a Residential Planned Unit Development in  
27 accordance with Section 17.05 5 AM of the Town of Delafield Zoning Code.  
28
- 29 2. There may not be more than five single-family parcels.  
30
- 31 3. The development shall conform substantially with the Plan dated April 4, 2002,  
32 prepared by Jahnke & Jahnke Associates, Inc. and shall be subject to further  
33 comments by the Town during specific reviews of the development.  
34
- 35 4. The Developer shall grant a Conservation Easement on lands shown to be Outlot  
36 1 of the proposed subdivision layout dated April 4, 2002.  
37

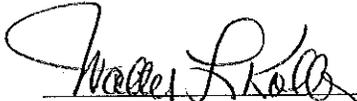
38 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
39 this Ordinance with the Town Clerk of Delafield.  
40

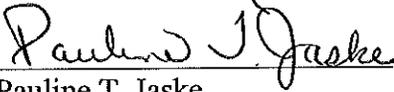
41 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
42 approval and publication.  
43

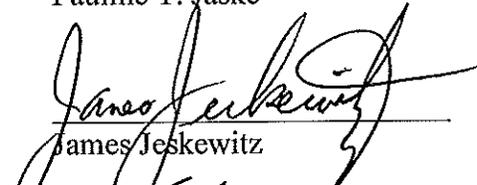
44 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of  
45 provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN THE SE ¼ AND SW ¼ OF SECTION 27, T7N, R18E, TOWN OF DELAFIELD, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (ZT-1452)

Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

  
Pauline T. Jaske

  
James Jeskewitz

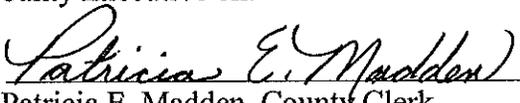
  
Scott J. Klein

  
Daniel Pavelko

Absent  
Vera Stroud

  
Matt Thomas

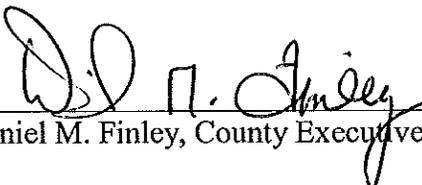
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: August 16, 2002,   
Patricia E. Madden, County Clerk

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

Approved: ✓

Vetoed: \_\_\_\_\_

Date: 8-19,   
Daniel M. Finley, County Executive

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

**FILE NO.:** ZT-1452  
**DATE:** June 20, 2002  
**PETITIONER/OWNER:** MO, LLC  
W292 N2125 Elmhurst Drive  
Pewaukee, Wisconsin 53072  
**TAX KEY NO.:** DELT 082.8997.003

**LOCATION:**

The property is located in part of the South ½ of Section 27, T7N, R18E, Town of Delafield. More specifically, this site is located on the east side of Maple Avenue approximately 1-1/2 miles north of U.S.H. 18, containing 37.2 acres.

**PRESENT ZONING:**

A-1 Agricultural District, under the Town of Delafield Ordinance.

**PRESENT LAND USE:**

Vacant.

**PROPOSED ZONING:**

A-2 Rural Home (PUD) District, requiring a minimum lot size of 60,000 sq.ft.

**PROPOSED LAND USE:**

Five-lot subdivision on 37.2 acres with 29 acres of common open space and wetlands.

**PUBLIC HEARING DATE:**

March 19, 2002.

**PUBLIC REACTION:**

Three persons were present who were concerned with the proposed development because of the small proposed lots, which are smaller than their existing older lots. There were concerns/questions regarding the extensive wetlands on the property and how those lands would relate to the Lipha-Tech property immediately to the east and south of the property, and whether conservation easements or restrictions could be placed on the property.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

The Town of Delafield Plan Commission, on April 16, 2002, recommended approval of the proposed rezoning and Conditional Use subject to the provision for a bike path at the end of the cul-de-sac and providing for safe/adequate vision at the intersecting street and Maple Avenue. On April 23, 2002, the Town Board approved the rezoning amendment subject to the issuance of a Planned Unit Development/Conditional Use Permit, conformance with the layout dated April 4, 2002, and a conservation easement being provided on

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and across the proposed Outlot No. 1, and that there be no more than five single-family parcels available for the property.

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD LAND USE PLAN:**

The County Development Plan identifies the parcel in the Other Agricultural and Rural Residential category and Primary Environmental Corridor, specifying a minimum density of one unit per five acres. The proposed development conforms substantially with that standard. The Town's Land Use Plan calls for Low Density Residential uses. The proposed development conforms with both the County and Town's Land Use Plans.

**OTHER CONSIDERATIONS:**

The property in question contains approximately 25 acres of wetlands, some of which are wooded, as well as approximately 12 acres of uplands. The site is surrounded on both the north, south and west by single-family residential uses ranging from approximately one acre up to in excess of five acres. Each of the proposed lots will be a minimum of 60,000 sq.ft. (1.4 acres ±) served by a small cul-de-sac, along with a 29-acre common open space area. Soils on the property appear to be suitable for onsite waste disposal. It is unknown at this writing whether or not access has been reviewed and conceptually approved by the County Department of Public Works. The outlot proposed for the property will at this time be owned in common with the five lot owners. In addition, the Town has required a conservation easement over the area to protect its natural condition. One issue discussed by the Town was the provision for a bike and pedestrian way at the end of the cul-de-sac, and it was decided that it not be improved until the property to the south is developed so a connection can be made at that time with the property to the south. Issues regarding the access to Maple Avenue and safe visibility were also discussed as there are a number of trees in the area that obstruct adequate vision, but as indicated previously, those issues will need to be resolved at the time of the subdivision plat review.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning Staff this request be **approved**. We feel the proposed use of the property, having an overall density greater than one unit for seven acres, is in conformance with the goals and objectives of the Waukesha County Development Plan. The proposed lots are compatible in size with a number of the surrounding lots and the proposed development as approved by the Town will result in a land use consistent with other uses in the area and serves to implement the County and Town Land Use Plans.

Respectfully submitted,

  
Richard L. Mace  
Planning and Zoning Manager

RLM:smv/kab

Attachments: Map

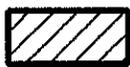
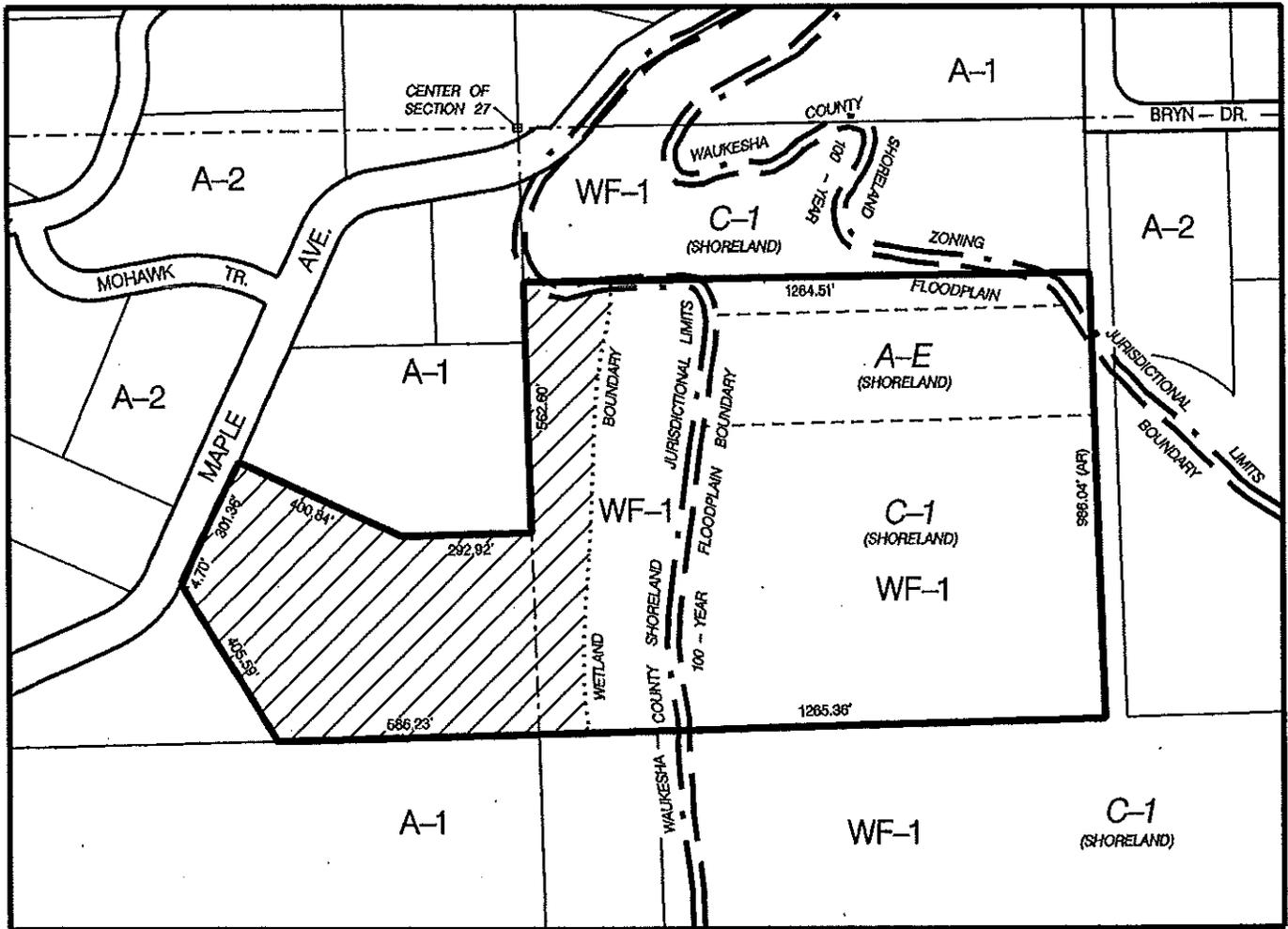
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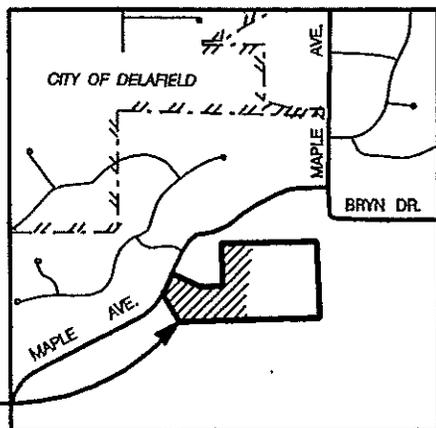
# ZONING CHANGE

PART OF THE SE & SW 1/4 OF SECTION 27  
TOWN OF DELAFIELD



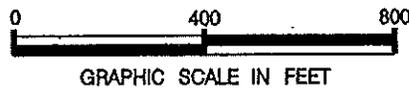
ZONING CHANGE FROM A-1 (AGRICULTURAL) TO A-2 (RURAL HOME)

LOCATION MAP  
SECTION 27  
T7N R18E



PROPOSED REZONE

FILE.....ZT-1452  
DRAWN.....6-20-02  
SCALE.....1" = 400'  
AREA OF CHANGE.....11.28 ACRES



PREPARED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

Ordinance Number 2002-04-011

An Ordinance to rezone lands located in the Southeast ¼ and the Southwest ¼ of Section 27, T7N, R18E from A-1 to A-2

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

Section 1:

The zoning map of the Town of Delafield is hereby amended to change the zoning classification from A-1 to A-2 on the following described property (excepting therefrom those lands currently zoned WF-1):

Parcel 3 of Certified Survey Map No. 5428 as recorded in Vol. 43 of CSMs on Pages 345-350 as Document #1467955.

Section 2:

The zoning map amendment described in Section 1 is subject to the lands being developed as a Residential Planned Unit Development in accordance with Section 17.05 5. AM. of the Town Zoning Code as 5 single family parcels. The layout of the development shall conform substantially to the plan dated April 4, 2002 by Jahnke & Jahnke Associates, Inc., but shall be subject to further comments by the Town during specific reviews of the development.

Section 3:

The zoning map amendment shall also be conditioned on the Developer granting a conservation easement on lands shown to be Outlot 1 of the proposed subdivision layout dated April 4, 2002.

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 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 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 take effect immediately upon publication as provided by law.

Dated this 23<sup>rd</sup> day of April, 2002.

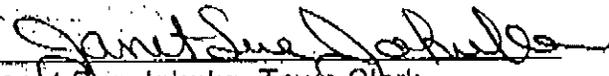
TOWN OF DELAFIELD



Paul L. Kanter Chairperson



ATTEST:



Janet Sue Jahnke, Town Clerk

Published the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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157-0-034

7.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/13/02

(ORD) (RES.) NUMBER-1570034

1 K. HERRO.....AYE  
 3 D. STAMSTA.....AYE  
 5 J. MARCHESE.....AYE  
 7 J. JESKEWITZ.....AYE  
 9 P. HAUKOHL.....NAY  
 11 K. HARENDA.....AYE  
 13 J. MORRIS.....  
 15 D. SWAN.....AYE  
 17 J. BEHREND.....AYE  
 19 M. SONNENTAG.....AYE  
 21 W. KOLB.....AYE  
 23 P. PRONOLD.....AYE  
 25 K. CUMMINGS.....AYE  
 27 D. PAULSON.....AYE  
 29 M. THOMAS.....AYE  
 31 V. STROUD.....AYE  
 33 D. PAVELKO.....AYE  
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE  
 4 H. CARLSON.....AYE  
 6 D. BROESCH.....AYE  
 8 J. DWYER.....AYE  
 10 S. WOLFF.....AYE  
 12 J. GRIFFIN.....AYE  
 14 J. LA PORTE.....AYE  
 16 R. MANKE.....AYE  
 18 D. FANFELLE.....AYE  
 20 M. KIPP.....AYE  
 22 G. BRUCE.....AYE  
 24 A. SILVA.....AYE  
 26 S. KLEIN.....AYE  
 28 P. JASKE.....AYE  
 30 K. NILSON.....NAY  
 32 P. GUNDRUM.....AYE  
 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-02

CARRIED     

DEFEATED     

UNANIMOUS     

TOTAL VOTES-34