

ENROLLED ORDINANCE 167-14

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF THE NE ¼ OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-3 SUBURBAN HOME DISTRICT (ZT-1736)

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 April 10, 2012, 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 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Delafield Zoning Ordinance, adopted by the Town of Delafield on July 20, 1998, is hereby amended to rezone from the A-1 Agricultural District to the A-3 Suburban Home District, certain lands located in part of the NE ¼ 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-1736, 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.

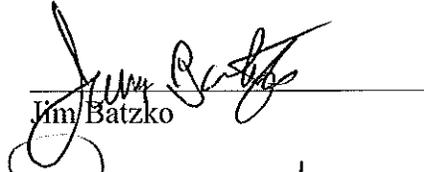
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

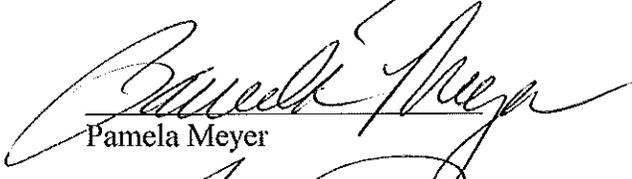
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING
ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE
NW ¼ OF THE NE ¼ OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD,
WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL
DISTRICT TO THE A-3 SUBURBAN HOME DISTRICT (ZT-1736)

Presented by:
Land Use, Parks, and Environment Committee

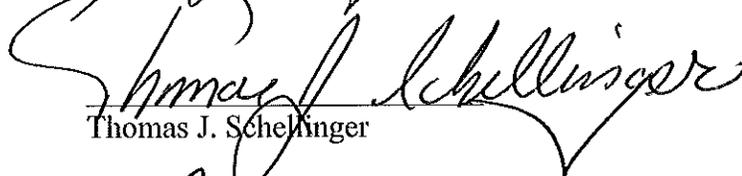

James A. Heinrich, Chair


Jim Batzko


Walter L. Kolb


Pamela Meyer


Fritz Ruf

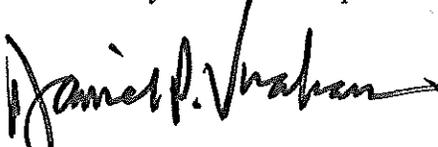

Thomas J. Schellinger


Peter M. Wolff

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

Date: 7-1-2012, 
Kathy Nickolaus, County Clerk

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

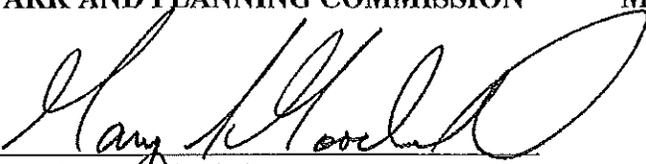
Approved: X
Vetoed: _____
Date: 7-2-12, 
Daniel P. Vrakas, County Executive

COMMISSION ACTION

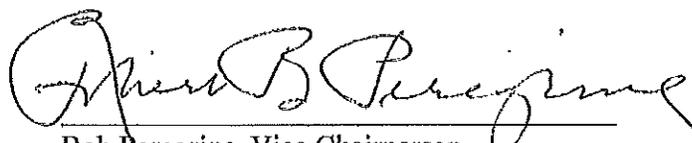
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Ordinance hereby recommends approval of (ZT-1736 James and Karen Romanowski) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

May 17, 2012



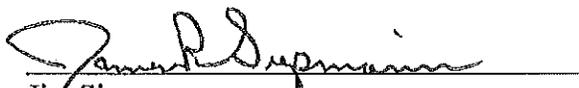
Gary Goodfield, Chairperson



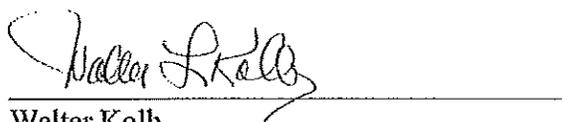
Bob Peregrine, Vice Chairperson

(Absent)

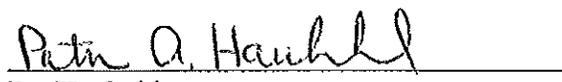
William Mitchell



Jim Siepmann



Walter Kolb



Pat Haukohl



Fritz Ruf

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

DATE: May 17, 2012
FILE NO: ZT-1736
PETITIONERS: James and Karen Romanowski
441 Mulberry Dr.
Delafield, WI 53018
TAX KEY NO'S.: DELT 0841.993

LOCATION:

Part of the NW ¼ of the NE ¼ of Section 31, T7N, R18E, Town of Delafield. More specifically, the property is located approximately 390 ft. south of the intersection of Cushing Park Road and Abitz Road on the east side of Cushing Park Rd.

PRESENT ZONING:

A-1 Agricultural District

PRESENT LAND USE:

Vacant lot

PROPOSED ZONING:

A-3 Suburban Home District

PROPOSED LAND USE:

Single-family residential home site

PUBLIC HEARING DATE:

March 27, 2012

PUBLIC REACTION:

One resident to the east was against the rezoning due to drainage concerns and another was against the rezoning because he felt that the Town should not allow a house on the lot. It should be noted that the Town Engineer pointed out that the property to the east is significantly higher than the subject parcel and that a drainage plan will be required at the time of zoning permit consideration.

TOWN PLAN COMMISSION

On April 4, 2012, the Town of Delafield Plan Commission voted to recommend approval of the rezoning to the Town Board from the A-1 Agricultural District to the A-3 Suburban Home District.

TOWN BOARD ACTION:

On April 10, 2012, the Town of Delafield Board of Supervisors voted to approve the proposed rezone amendment as recommended by the Plan Commission.

CONFORMANCE WITH THE 2035 WAUKESHA COUNTY DEVELOPMENT PLAN (WCDP) AND THE TOWN OF DELAFIELD LAND USE PLAN:

The town and county land use plans designate the subject parcel in the Suburban I Density Residential category which allows a density of 1.5 to 2.9 acres per dwelling unit. The proposed rezoning complies with both plans.

OVERVIEW AND BACKGROUND:

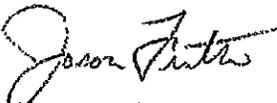
The property owners are seeking a zoning change for their approximately three-acre property located on Cushing Park Road in order to make the parcel conforming to the Town of Delafield Zoning Ordinance. There is no county shoreland zoning jurisdiction for this property, so the property is solely subject to the Town code. The Town Planner indicated that the former farm that was subdivided to create this parcel and several others along Cushing Park Road was zoned A-1 Agricultural District. At the time of the land division, the A-1 District allowed for a minimum lot size of three acres. The proposal to rezone the property to the A-3 Suburban Home District, which requires a two acre minimum lot size, would again make the lot conforming to the effective code. The primary difference between the A-1 and A-3 District standards is that the open space requirements in the A-3 District require less open space (90%) than the A-1 District (95%). However, the Town Planner noted that the petitioners have presented the town with a survey showing that a house can be built on the property while still providing 95% open space.

The proposal is consistent with the Town Land Use Plan and the County Development Plan which identify the property in the Suburban I Density Residential category (1.5-2.9 acres per dwelling unit maximum density). The Town Planner's report indicates that the town considered whether all properties within the town that were zoned A-1 should be examined when the lot area minimum for the A-1 District was altered. Upon the advice of the town attorney, the town chose to instead address each property at the request of individual property owners. If this request is approved, the subject property will be zoned differently than surrounding properties, which will remain zoned A-1 or R-1. However, Planning and Zoning Staff does not see this as spot zoning, because the zoning complies with the effective land use plans and the property owners are being proactive in making their lot conforming. It should be expected that the owners of other vacant lots in the immediate vicinity may also be likely to request similar zoning changes in the future.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. The proposal conforms to the town and county land use plans and will make the subject parcel a conforming lot.

Respectfully submitted,

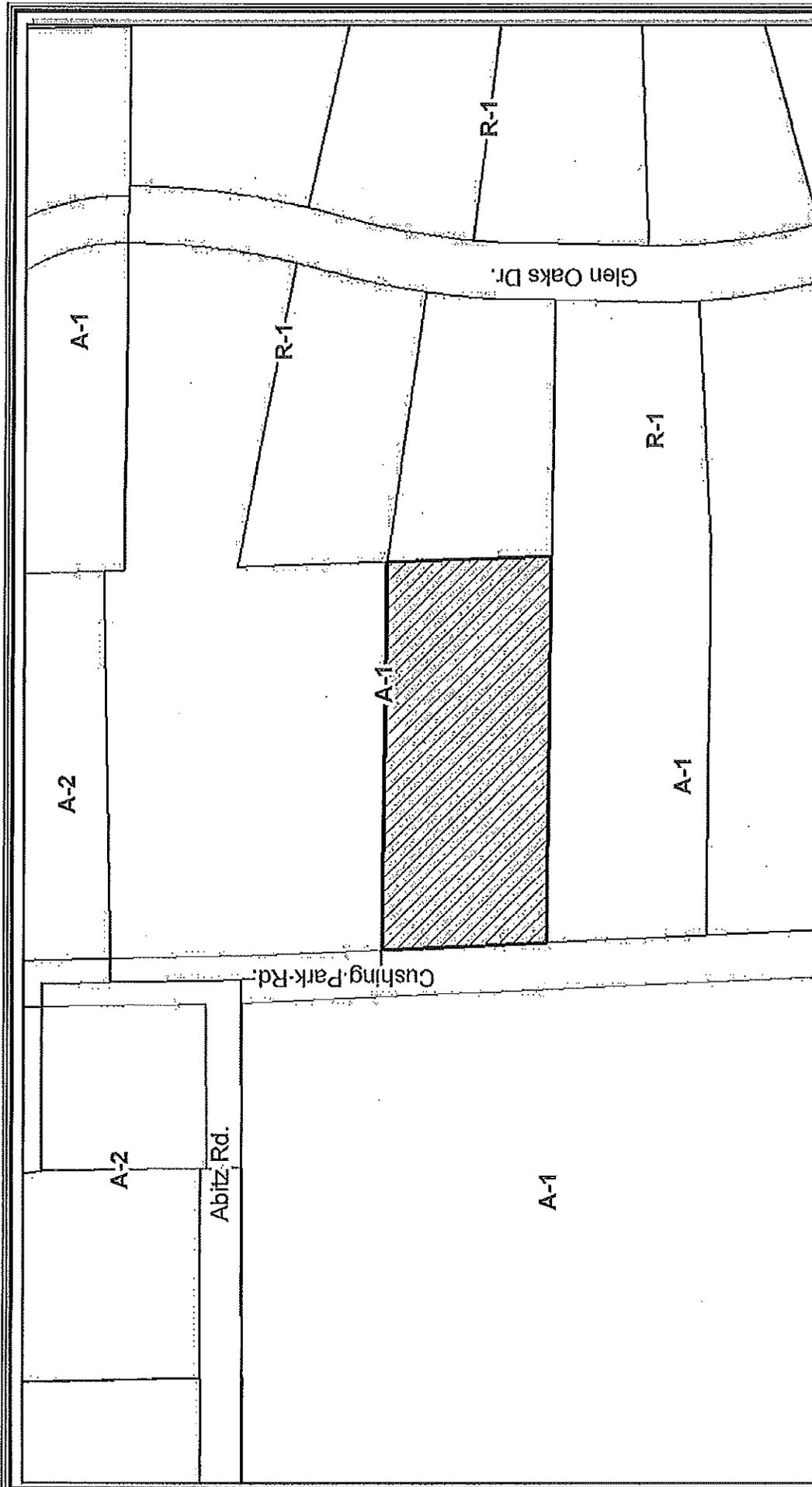


Jason Fruth
Planning and Zoning Manager

JF:es

Attachments: Map
Town Ordinance

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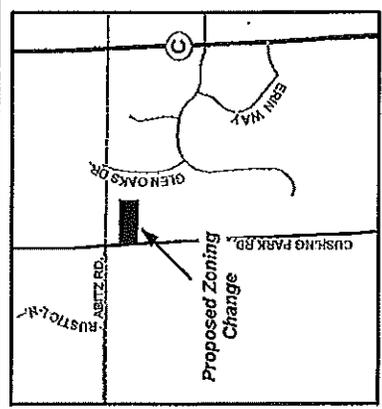
 TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO
 A-3 SUBURBAN HOME DISTRICT (2.89 ac)

FILE.....ZT-1736
 DATE.....05/17/12
 AREA OF CHANGE.....2.89 ACRES
 TAX KEY NUMBER.....DELT 0841.993



ZONING MAP AMENDMENT

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



Prepared by the Waukesha County Department of Parks and Land Use

RECEIVED

APR 16 2012

State of Wisconsin

Town of Delafield

DEPT OF Waukesha County

Ordinance No. 2012-06

An Ordinance to amend the Zoning Map of the Town of Delafield from A-1 Agricultural to A-3 Suburban Home District for lands located in the Northwest ¼ of the Northeast ¼ of Section 31, Township 7 North, Range, 18 East, Town of Delafield, Waukesha County, Wisconsin, also known as Tax Key No. DELT 0841-993 .

The Town Board of the Town 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 A-3 on the following described parcel of land:

All that part of the Northwest ¼ of the Northeast ¼ of Section 31, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the North ¼ corner of Section 31, thence S 02°32'E, 201.00 feet to the point of beginning; thence S89°15'E, 577.44 feet; thence S01°44'E, 232.00 feet; thence N89°15'W, 574.16 feet; thence N02°32'W, 232.17 feet to the point of beginning, EX RD DOC# 3573721.

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 10th day of April, 2012.

BY THE TOWN BOARD OF THE TOWN OF DELAFIELD:

Paul L. Kanter
Paul L. Kanter, Town Chairman

ATTEST:

Mary T. Elner
Mary T. Elner, CMC, WCMC
Town Clerk/Treasurer

tgb:HA1121604 DocO 120405 Romanowski Rezoning ordinance.docx

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/26/12

(ORD) NUMBER-1670014

1 C. SLATTERY.....AYE
 3 R. MORRIS.....AYE
 5 J. BRANDTJEN.....AYE
 7 J. GRANT.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 P. DECKER.....AYE
 15 W. KOLB.....AYE
 17 D. PAULSON.....
 19 C. CUMMINGS.....AYE
 21 W. ZABOROWSKI.....AYE
 23 K. HAMMITT.....AYE
 25 G. YERKE.....AYE

2 D. FALSTAD.....AYE
 4 J. BATZKO.....AYE
 6 J. JESKEWITZ.....AYE
 8 P. HAUKOHL.....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 P. MEYER.....AYE
 16 M. CROWLEY.....AYE
 18 L. NELSON.....AYE
 20 T. SCHELLINGER....AYE
 22 P. JASKE.....
 24 D. DRAEGER.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23