

AGENDA - FINAL
WAUKESHA COUNTY PARK AND PLANNING COMMISSION - Regular Meeting
Wednesday, February 28, 2024 1:00 P.M. Room AC 255/259
Administration Center, 515 W. Moreland Blvd., Waukesha, WI 53188

CALL TO ORDER
CORRESPONDENCE
MEETING APPROVAL
MINUTES
PUBLIC COMMENT

Approval of the January 18, 2024, Minutes

SCHEDULED MATTER

- 1:00 p.m. **Public Hearing for a 2024 Amendment to the Comprehensive Development Plan for Waukesha County**
 - 1A Tobolt – Town of Merton

REZONES

- **RZ133 (Mukwonago Town Board - Text Amendment) Town of Mukwonago**
Request: Text amendments to Chapter 36 of the Town of Mukwonago Zoning Code, related to revising the standards for Clydesdale East (PDD-08) for attached garage floor area minimum size, removing ZP as a secondary review for solar energy systems-building mounted, and dimensional standards for lots.
- **RZ142 (Merton Town Board – Text Amendment) Town of Merton**
Request: Text amendment to the Town of Merton Zoning Code to repeal and re-create Section 17.29 relating to swimming pools.
- **RZ143 (Merton Town Board – Text Amendment) Town of Merton**
Request: Text amendment to the Town of Merton Zoning Code to create Sections 17.03 and 17.44(1)(a)11. relating to recreational chicken activities.
- **RZ140 (Wisconsin District of Wesleyan Church) Town of Mukwonago, Section 22**
Part of the NE ¼ and SE ¼ of the SW ¼ of Section 22, T5N, R18E, Town of Mukwonago. More specifically, the property is located at S93 W30580 County Road NN.
Request: Rezone from the SE Suburban Estate and R-1 Residential Districts (Town) to the P-1 Public District (Town).
- **RZ141 (Amy Thomas/Neumann Development, Inc.) Town of Delafield, Section 23**
Part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield.
Request: Rezone from the A-1 Agricultural District (Town) to the Planned Development District No. 1 (Town).
- **RZ116 (Amy Thomas/Neumann Development Inc.) Town of Delafield, Section 23**
Part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield.
Request: Rezone from the A-1 Agricultural District (County) to the R-3 Residential District (County).

CONDITIONAL USE

- **CU89 (Amy Thomas/Neumann Development, Inc.) Town of Delafield, Section 23**
Part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield.
Request: Planned Unit Development for a conservation design subdivision containing 212 residential dwelling units.

MISCELLANEOUS

- **PPC24 004 (Wis. Department of Natural Resources) Town of Ottawa, Section 12**
Part of the NW ¼ of the NW ¼ of Section 12, T6N, R17E, Town of Ottawa.
Request: Remnant parcel not shown on a Certified Survey Map.

ADJOURNMENT


James Siepmann, Chairperson

Park and Planning Commission

Wednesday, February 28, 2024

(The Staff Reports and Recommendations for the issues listed above are available upon request. For questions regarding this agenda, please call (262) 548-7790).

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Waukesha County Park and Planning Commission at 1:00 p.m., on Wednesday, February 28, 2024, in Room AC 255/259, of the Waukesha County Administration Center, 515 W. Moreland Boulevard*, Waukesha, WI, 53188, to consider amendments to the Comprehensive Development Plan for Waukesha County adopted by the Waukesha County Board of Supervisors, on February 24, 2009. The area of amendment include the following specific site and/or plan request:

1. In the Town of Merton, the following request is being made:
 - A. *Liz Tobolt*, 2750A Golf Road, Delafield, WI 53018, requests property owned by Kettle Moraine United Presbyterian Church, N66 W32690 County Road K, Hartland, WI 53029, located in part of the NW ¼ and SW ¼ of Section 20, T8N, R18E, Town of Merton (Tax Key No. MRTT 0366.978), be amended from the Governmental and Institutional category to the Suburban II Density Residential category (3.0 to 4.9 acres per dwelling unit), no changes are proposed to the areas within the PEC, to allow a 4 acre parcel to be divided off for residential use.

Following the Public Hearing, the staff will evaluate public input and prepare a formal recommendation for the above-cited issue to be presented to the Waukesha County Park and Planning Commission, Waukesha County Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors for final consideration.

Plan amendment request files are available for viewing and copying in the offices of the Waukesha County Planning and Zoning Division located in Room AC 230 of the Waukesha County Administration Center located at 515 W. Moreland Blvd., Waukesha, WI 53188. The proposed map amendments will be available for viewing at <https://www.waukeshacounty.gov/landandparks/planning-and-zoning/meeting-information/> under the Waukesha County Park and Planning Commission Meeting Documents heading no later than February 26, 2024.

For more detailed information on the above request, please contact Jason Fruth at (262) 548-7790.

All interested parties will be heard.

A quorum of the Waukesha County Board or its Committees may be present.

***Please note: Due to controlled access screening, you must enter the building via the main entrance of the Courthouse, located at 515 W. Moreland Blvd.**

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

Dale R. Shaver, Director
515 W. Moreland Blvd., Room AC 260
Waukesha, WI 53188

Legal Notice to be published in the
Waukesha Freeman on
Friday, January 26, 2024

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
PLANNING AND ZONING DIVISION
515 W. Moreland Blvd. Room AC230
Waukesha, Wisconsin 53188
Phone (262) 548-7790 Fax (262) 896-8071

Email pod@waukesha-county.gov Website www.waukesha-county.gov/planningandzoning

Received
12.03.23
Waukesha County Dept.
of Parks and Land Use

**REQUEST TO AMEND THE COMPREHENSIVE DEVELOPMENT PLAN
FOR WAUKESHA COUNTY**

Fee Pd. \$ 600.00 Receipt No. 1029954.002 Appl rcvd by bg

**THIS REQUEST MUST BE ACCOMPANIED BY A FILING FEE AND AN ELECTRONIC COPY
OF A SCALED MAP, SURVEY, SITE PLAN OR OTHER SIMILAR MEANS OF DEPICTING
THE SUBJECT PROPERTY.**

Name of Municipality Merton Town City Village

Tax Key No(s). of the subject property:

MRTT0366978

Legal Description of the subject property:

SW 1/4 of the NW 1/4 & the NW 1/4 & NE 1/4 of Section 20 Township 8 North Range 18 East Township of Merton

Address of subject premises: N66W32690 County Road K

Existing Land Use category as designated on the Comprehensive Development Plan (CDP) map
Governmental & Institutional & PEC

Amendment requested (e.g., which Land Use category is being proposed?)
Suburban II Density Residential & PEC (No changes proposed to the areas within PEC)

How much acreage is to be amended to the new Land Use category? 4 acres

Is the amendment within the jurisdiction of a community (locally) adopted Land Use Plan? Y N
If yes, what community? Town of Merton

Is the amendment within the jurisdiction of a community adopted Extra-territorial Plan? Y N
If yes, what community? Village of Chenequa

Is the amendment within an adopted Sewer Service Area? Y N
If yes, is sewer available to the subject property? Y N

Existing Land Use(s) Church

Proposed Land Use(s) Residential

Reasons/Conditions that justify the requested amendment to the CDP (attached addl pages, if necessary):
See attached page

Email address and/or fax number if you would like a copy of the staff report forwarded to you prior to the
(Co. Park and Planning Commission) meeting: ltobolt@firstweber.com

Note: Review of this application may include a site inspection.

The undersigned owner hereby certifies that all of the above statements, information and attachments contained herein are true and accurate to the best of his or her knowledge and belief. By signing this form, the owner or his/her authorized agent is giving their consent for the Dept. of Parks and Land Use to inspect the site as necessary and related to this application even if the property has been posted against trespassing pursuant to Wis. Stat.; and serves as your acceptance of the wetland statement included on your Property Owner letter issued with your permit, as applicable.

Owner Kettle Moraine United Presbyterian Church

Address N66W32690 County Rd K Hartland, WI 53029

Daytime Phone No. 414-379-7400

Dec. Signed by:

John McEron Representative KMUPC

Signature of Owner

Date: January 3, 2024

Applicant Liz Tobolt

Address 2750 A Golf Road Delafield, WI 53018

Daytime Phone No. 414-881-0738

Dec. Signed by:

Liz Tobolt

Signature of Applicant (if different)

Date: January 3, 2024

N66W32690 County Road K Town of Merton Request to Amend

Reason/Conditions that justify the requested amendment to the CDP

The Kettle Moraine United Presbyterian Church, due to budget concerns, wants to parcel off approximately 4 acres from the Church property that they are currently have no need for. The parcel would be sold for residential use. The Comprehensive Land Use Plan shows the Church property as Public and Institutional Use. The request is to change from Institutional/Public Use to Residential use, specially Suburban II Density Residential.

CERTIFIED SURVEY MAP NO. _____

BEING A SUBDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 10455, LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN

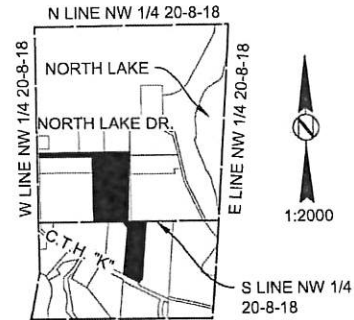
SURVEY FOR:
KETTLE MORAINÉ UNITED
PRESBYTERIAN CHURCH
ATTN: JOHN MCBROOM
N66W32690 COUNTY ROAD K
HARTLAND, WI 53029

SURVEYOR:
KEITH A. KINDRED, PLS S-2082
SEH
501 MAPLE AVE
DELAFIELD, WI 53018
(414) 949-8919
KKINDRED@SEHINC.COM

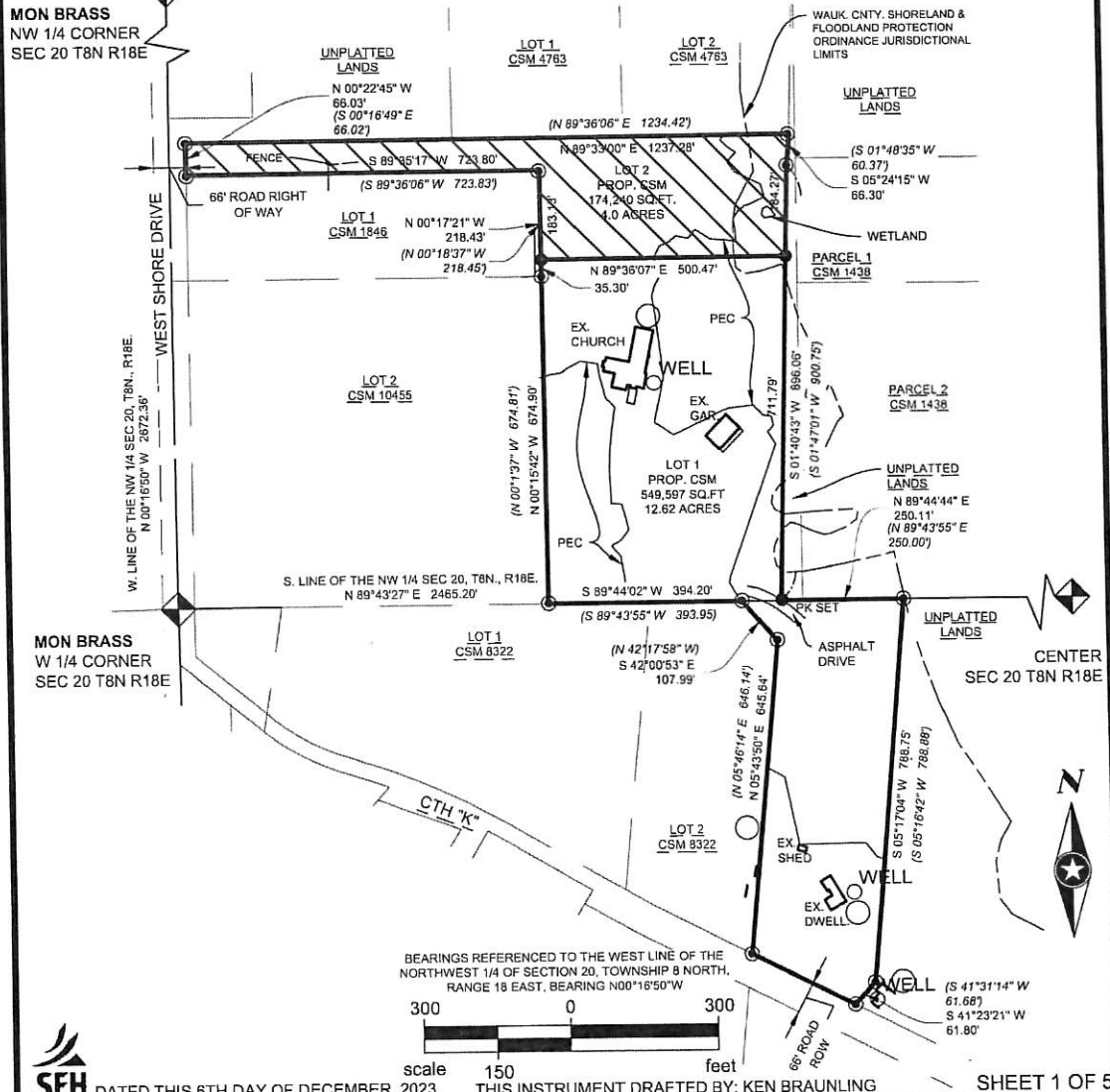
LEGEND

- -1 1/16" O.D. REBAR, 18" LNGLTH, WT. = 1.13 LBS./LIN. FT. SET (UNLESS OTHERWISE STATED)
- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- ◆ - SECTION MONUMENT FOUND AS DESCRIBED
- (XXXXXX) - RECORDED AS / DEEDED AS
- - WELL -WELL
- - SEPTIC TANK

LOCATION MAP



MON BRASS
NW 1/4 CORNER
SEC 20 T8N R18E



CERTIFIED SURVEY MAP NO. _____

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PRIMARY ENVIRONMENTAL CORRIDOR & WETLAND RESTRICTIONS

THOSE AREAS IDENTIFIED AS A PRIMARY ENVIRONMENTAL CORRIDOR AND WETLAND PRESERVATION AREA ON SHEET 1 OF THIS CERTIFIED SURVEY MAP SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. GRADING, FILLING AND REMOVAL OF TOPSOIL OR OTHER EARTHEN MATERIALS ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
2. THE REMOVAL OR DESTRUCTION OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS PROHIBITED, WITH THE EXCEPTION THAT INVASIVE, DEAD, DISEASED, OR DYING VEGETATION MAY BE REMOVED, AT THE DISCRETION OF THE LANDOWNER, AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION. SILVICULTURAL THINNING, UPON THE RECOMMENDATION OF A FORESTER OR NATURALIST AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION, SHALL ALSO BE PERMITTED.
3. GRAZING BY DOMESTICATED ANIMALS, I.E., HORSES, COWS, ETC., IS PROHIBITED, UNLESS GRAZING IS CONDUCTED IN ORDER TO MANAGE INVASIVE VEGETATION AND APPROVAL IS OBTAINED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION.
4. THE INTRODUCTION OF PLANT MATERIAL NOT INDIGENOUS TO THE EXISTING ENVIRONMENT IS PROHIBITED.
5. PONDS ARE PROHIBITED UNLESS DESIGNED TO ENHANCE THE NATURAL ENVIRONMENT. PONDS THAT MAY BE PERMITTED ARE SUBJECT TO THE APPROVAL OF THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
6. THE CONSTRUCTION OF BUILDINGS IS PROHIBITED.

NOTES:

- THE PEC AND WETLAND BOUNDARY SHOWN ON THIS CERTIFIED SURVEY WAS MARKED BY SEWERPC AND LOCATED IN THE FIELD
- PART OF THE PROPERTY IS WITHIN THE JURISDICTION OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE
- ALL ADJACENT WELLS FOUND AND ADJACENT BUILDINGS WITHIN 50 FEET ARE SHOWN

DATED THIS 6TH DAY OF DECEMBER, 2023



CERTIFIED SURVEY MAP NO. _____

BEING A SUBDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 10455, LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Keith A. Kindred, Professional Land Surveyor hereby certify;

That by the direction of owner, Kettle Moraine Presbyterian Church, I have surveyed, divided, and mapped the lands being all of Lot 1 of Certified Survey Map No. 10455, Located in the Northwest 1/4 and the Southwest 1/4 of Section 20, Township 8 North, Range 18 East, in the Town of Merton, Waukesha County, Wisconsin, more fully described as follows:

Lot 1 of Certified Survey Map No. 10455

Said lands contain 723,836.62 Square Feet, and 16.617 Acres

That I have made such survey, land division and plat by the direction of the owner(s) of said lands. That such survey is a correct representation of all the exterior boundaries of the lands surveyed and the division thereof made. That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes, the Town of Merton and Waukesha County in surveying, dividing, and mapping the same.

Dated this 6th day of December, 2023

Keith A Kindred, PLS 2082



CERTIFIED SURVEY MAP NO. _____

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OWNER'S CERTIFICATE:

John McBroom, As Representative of KETTLE MORaine UNITED PRESBYTERIAN CHURCH, we hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided, and mapped as represented on the Certified Survey Map. We also certify that this Certified Survey Map is required by S.236.10 or S.236.12 to be submitted to the following for approval of objection:

- 1) Town of Merton

WITNESS the hand and seal of said Trustee this _____ day of _____, 2023

In Presence of:

STATE OF WISCONSIN)

_____ COUNTY) SS

Personally came before me this _____ day of _____, 2023, the above named JOHN MCBROOM to me known to be the same Trustee who executed the foregoing instrument and acknowledged the same.

Notary Public

_____ County, Wisconsin

My Commission Expires _____

TOWN OF MERTON - PLAN COMMISSION APPROVAL:

Approved by the Plan Commission of the Town of Merton on this ____ day of _____, 20__.

Tim Klink, Chairman

Holly Class, Clerk

TOWN BOARD APPROVAL:

Approved by the Town Board of the Town of Merton on this ____ day of _____, 20__.

Tim Klink, Chairman

Holly Class, Clerk



DATED THIS 6TH DAY OF DECEMBER, 2023

CERTIFIED SURVEY MAP NO. _____

BEING A SUBDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 10455, LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN

VILLAGE OF CHENEQUA VILLAGE BOARD EXTRA-TERRITORIAL APPROVAL:

Approved by the Village of Chenequa on this ____ day of _____, 20__.

Jeanne O'Brien, Village Clerk

Jo Ann Villavicencio, Village President

VILLAGE OF CHENEQUA VILLAGE PLAN COMMISSION EXTRA-TERRITORIAL APPROVAL:

Approved by the Village of Chenequa Plan Commission on this ____ day of _____, 20__.

Jo Ann Villavicencio, Village President

Jeanne O'Brien, Village Clerk

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin State Statutes, is hereby approved on this ____ day of _____, 2023.

Dale R. Shaver, Director



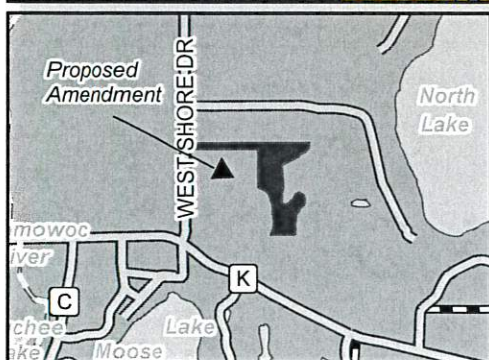
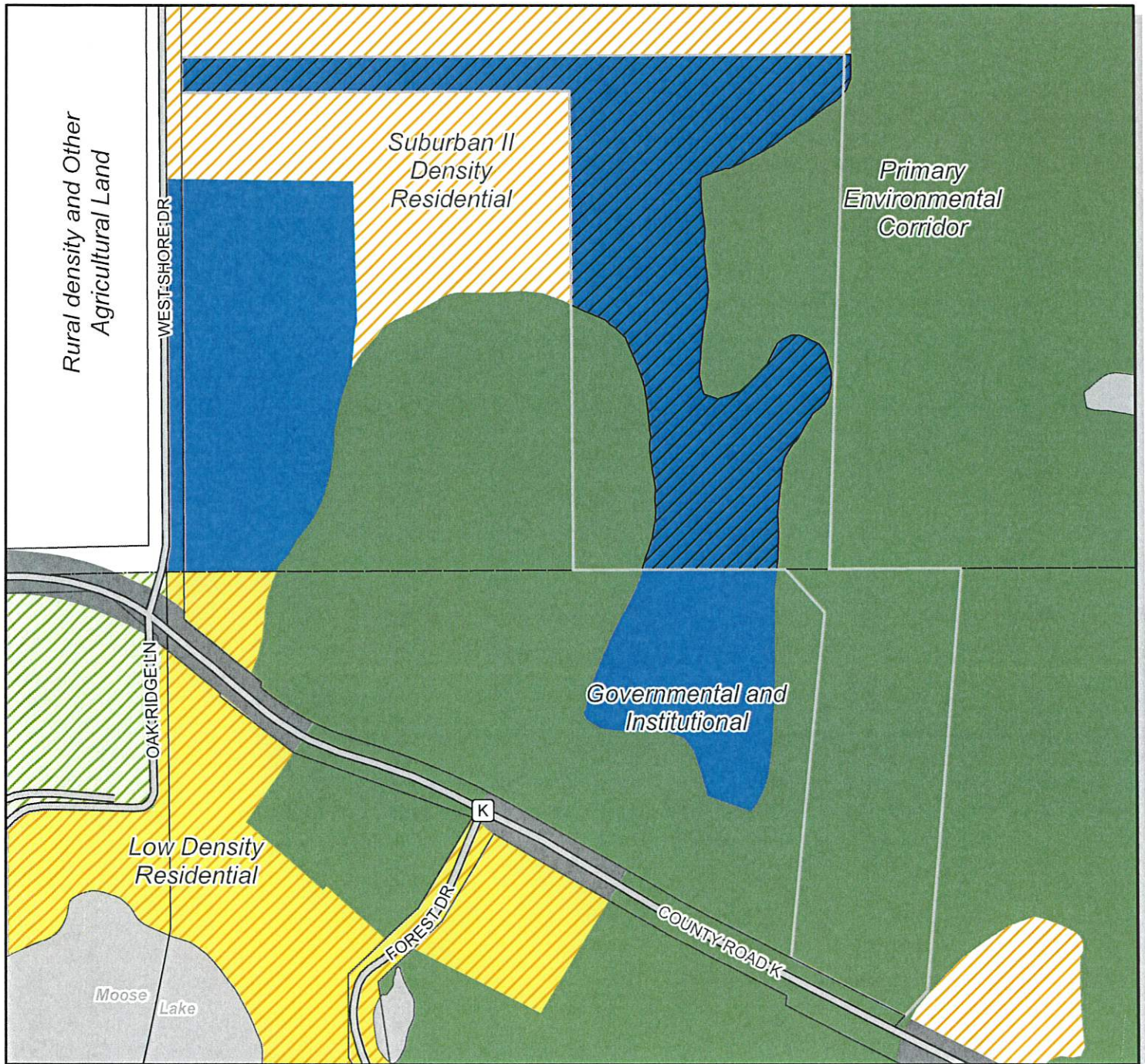
DATED THIS 6TH DAY OF DECEMBER, 2023


THIS INSTRUMENT DRAFTED BY: KEN BRAUNLING

SHEET 5 OF 5

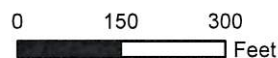
DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 20,
TOWN OF MERTON



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM GOVERNMENTAL AND INSTITUTIONAL TO SUBURBAN II DENSITY RESIDENTIAL

PETITIONER.....Kettle Moraine United Presbyterian Church
 DATE OF PUBIC HEARING.....2/28/24
 AREA OF CHANGE.....7.5 ACRES



Prepared by the Waukesha Department of Parks and Land Use



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

FILE NO: RZ133
DATE: February 28, 2024
NAME OF PETITIONER: Town Board of Mukwonago
Town of Mukwonago Hall
W320 S8315 Beulah Road
Mukwonago, WI 53149

NATURE OF REQUEST:

Text amendments to the Town of Mukwonago Zoning Code to revise Appendix C related to accessory buildings and lot density, revise Appendix D regarding garage size limits for Clydesdale East (PDD-08) and revise Appendix A to remove the zoning permit requirement for solar energy systems.

PUBLIC HEARING DATE:

November 1, 2023 and December 6, 2023.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION ACTION:

At their meeting of December 6, 2023, the Town of Mukwonago Plan Commission recommended approval of the proposed text amendments to the Town Board.

TOWN BOARD ACTION:

At their meeting on December 6, 2023, the Town Board approved the proposed text amendments to Town of Mukwonago Zoning Code.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF MUKWONAGO COMPREHENSIVE PLAN:

The amendments are limited to minor text and rule changes. The amendments are consistent with plan recommendations.

STAFF ANALYSIS:

The Town of Mukwonago is proposing minor changes to the text of the town code relative to three different topics:

- Appendix C of the code is proposed to be revised to eliminate the cap on the number of accessory buildings on properties zoned A-1 District that contain a minimum of 15 acres. The B-2 lot density standards of Appendix C are proposed to be amended to change the specified lot density to 20,000 square feet rather than 30,000 square feet.

- Appendix D relating to the dimensional standards of the Clydesdale East Subdivision is proposed to be amended to specify attached garages of a minimum of 600 square feet rather than a maximum of 600 square feet.
- Appendix A is proposed to be revised to remove “ZP” (zoning permit) as a secondary review for building mounted solar energy systems.

These changes recognize that multiple accessory buildings are fairly customary on larger acreage properties. The changes to the Clydesdale East Subdivision Planned Unit Development (PUD) standards eases the regulations for that subdivision and would allow for garages to be enlarged more consistent with what has become typical in the marketplace. The change to Appendix A eases administrative burden relative to roof mounted solar equipment.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the Town of Mukwonago’s request. The amendments make minor administrative changes that are responsive to consumer demands and simplify permitting processes.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Town Ordinance No. 2023-O-065

STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE 2023-O-65

AN ORDINANCE TO AMEND CHAPTER 36 OF THE MUNICIPAL CODE

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled "Town Zoning;" and

WHEREAS, the Plan Commission at their meeting on October 4, 2023, recommended various revisions to the zoning code as set forth herein; and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on November 1, 2023 and December 6, 2023, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on December 6, 2023; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on December 6, 2023; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in s. 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Town Board for passage and adoption; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Mukwonago, Waukesha County, does hereby ordain as follows:

Section 1. Revise Appendix C as indicated in Exhibit A, attached hereto.

Section 2. Revise the standard for Clydesdale East (PDD-08) in Appendix D as indicated below.

Attached garage floor area, ~~maximum~~ minimum: 600 square feet

Section 3. Remove “ZP” as a secondary review for 13.24 (Solar energy system, building-mounted) in Appendix A.

Section 4. 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 5. The Town of Mukwonago Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

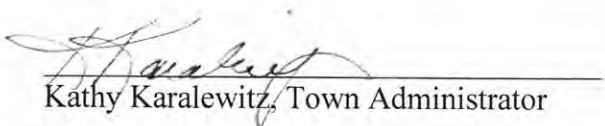
Section 6. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 6th day of December 2023

TOWN OF MUKWONAGO


Peter Topczewski, Town Chair

ATTEST:


Kathy Karalewitz, Town Administrator

Published and/or posted this 4 day of January, 202⁴

Exhibit A

Appendix C. Dimensional standards for lots

Zoning District	Minimum Lot Area [1,2]	Lot Density	Minimum Lot Width [1]	Minimum Residential Living Area	Maximum Floor Area of Attached Garage [3]	Maximum Floor Area of Detached Accessory Buildings [3,4,5]	Maximum Building Coverage [1]	Maximum Height [12,13,14]	Minimum Setback [6]	Minimum Offset [1,6,8,9,10]	Minimum Open Space [1]	Maximum Number of Detached Accessory Buildings [19]
Section in Zoning Code	s. 36-712	s. 36-714	s. 36-715	s. 36-717	s. 36-718	s. 36-719	s. 36-720	s. 36-721	s. 36-722	s. 36-723	s. 36-724	s. 36-731
Conservancy (C-1)	No restriction	Not applicable	No restriction	Not applicable	Not applicable	Not applicable	Not applicable	Principal: 60 feet Accessory: 60 feet	50 feet	50 feet	Not applicable	Not applicable
Agricultural (A-1)	3 acres	3.2 acres	200 feet	See note 15	See note 20	1,500 square feet [11]	10 percent	Nonfarm principal: 35 feet Nonfarm accessory: 18 feet Farm: 60 feet or 100 feet when the setback and offset are equal to or exceed the height of the structure	50 feet	30 feet	2 acres per family	2, per limit on number of agricultural buildings on parcel; more than 15 acres with Plan Commission approval
Rural Home (RH)	5 acres	5 acres	300 feet	See note 15	See note 20	2,000 square feet [11]	10 percent	Principal: 35 feet Accessory: 18 feet	50 feet	50 feet	4 acres per family	2
Suburban Estates (SE)	3 acres	3.2 acres	200 feet	See note 15	See note 20	1,500 square feet [11]	10 percent	Principal: 35 feet Accessory: 18 feet	50 feet or 35 feet if lot is in a residential subdivision established after January 1, 2018, and the lot is served by a town road	30 feet	2 acres per family	2
Residential (R-1)	1 acre	1 acre	150 feet	See note 15	See note 20	720 square feet [11]	10 percent	Principal: 35 feet Accessory: 18 feet	50 feet or 35 feet if lot is in a residential subdivision established after January 1, 2018, and the lot is served by a town road	20 feet	30,000 square feet per family	2
Residential (R-2)	30,000 square feet	30,000 square feet	120 feet	See note 16	See note 20	500 square feet [11]	15 percent	Principal: 35 feet Accessory: 15 feet	50 feet	20 feet	25,000 square feet per family	2
Local Business (B-2)	20,000 square feet	30,000 20,000 square feet	120 feet	See note 17	See note 20	1,000 square feet [11]	50 percent	Principal: 35 feet Accessory: 15 feet	50 feet	Commercial: 10 feet Residential: 20 feet	15,000 square feet per family	2
Public (P-1)	No restriction	Not applicable	No restriction	Not applicable	Not applicable	Not applicable	Not applicable	Principal: 60 feet Accessory: 60 feet	50 feet	50 feet	Not applicable	No restriction

Notes:

- The town board may modify the lot size, lot width, building coverage, offset, and open space requirements pursuant to s. 36-732 if the lot is served by a municipal or municipally-approved communal wastewater system or water system.
- Some land uses may only occur on lots that are larger than the minimum lot area listed in this table. Such land uses are listed in Appendix B.
- The plan commission may allow more floor area pursuant to s. 36-718.
- Pursuant to article 5, the town board may designate an existing building as a rural accessory building, which is not included in the total. In order to qualify as a rural accessory building, the subject property must be 3 acres or larger.
- Temporary buildings, if allowed, are counted as a building for the purpose of this restriction, unless specifically exempted.
- In addition, there are standards for development within 50 feet of the EC overlay district and 75 feet of the conservancy (C-1) district. See s. 36-726 and 36-727, respectively.
- Reserved.
- In the case of any lot of record which has a minimum average width of less than 120 feet, the side lot offset may be reduced proportionately to the ratio between the actual minimum average width and 120 feet, provided that no offset shall in any case be less than 10 feet. Exceptions to these offsets may be permitted for detached accessory buildings on lots of 100 feet in width or less which may be reduced to 5 feet, provided, that no detached accessory building shall be located closer than 10 feet to any structure used for residential purposes. Further reduction in offsets of detached accessory buildings to less than 5 feet must be approved by the plan commission, but in no case shall the offset be reduced to less than 3 feet. Attached open decks and patios shall be permitted to within 40 percent of the limits established in this subsection.
- The offset may be reduced on lots 1.5 acres or less for one detached accessory building, which is less than 200 square feet to a minimum of 5 feet from the lot line, unless otherwise regulated under any other provisions of this chapter.
- Some land uses may have more restrictive offset requirements. Examples include hobby kennels and household livestock. Such land uses are listed in Appendix B.
- The maximum floor area is increased by 50 square feet for every one-half acre of land that the subject property exceeds the district minimum lot size.
- The following are exempt from the height regulations of all districts, but are subject to all other applicable regulations: (1) chimneys and flues, (2) accessory farm buildings, not to exceed 60 feet in height, on lots of 3 acres or more in area, (3) electrical transmission and distribution facilities, and (4) roof-mounted television and radio receiving antennas not exceeding 10 feet in height from the roof and roof-mounted licensed amateur radio operator antennas not exceeding 10 feet in height from the roof.
- Pursuant to the procedures and requirements for special exceptions in article 5 of this chapter, the plan commission may exempt the following from the height regulations of all districts: cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, masts, free standing towers, roof-mounted licensed amateur radio operator antennas 10 feet or more in height from the roof, aerial and necessary mechanical appurtenances.
- Pursuant to the procedures and requirements in article 5 of this chapter, the plan commission may grant a special exception to exceed the stated maximum height for an accessory building provided the setback is increased one foot for each additional foot in height up to a maximum of 10 additional feet. The plan commission may require screening to break up the view of the building from adjacent properties or from a public road.
- Minimum of 900 square feet on first floor and total floor area based on number of bedrooms as follows: one bedroom: 1,200 square feet, two bedrooms: 1,300 square feet, three bedrooms: 1,400 square feet, four or more bedrooms: 1,500 square feet. The minimum total is increased by 200 square feet for any building not having a basement of at least 300 square feet in area.

16. Minimum of 900 square feet on first floor and total floor area based on number of bedrooms as follows: one bedroom: 1,000 square feet, two bedrooms: 1,100 square feet, three bedrooms: 1,200 square feet, four or more bedrooms: 1,400 square feet. The minimum total is increased by 200 square feet for any building not having a basement of at least 300 square feet in area.
17. Minimum of 800 square feet on first floor and total floor area based on number of bedrooms as follows: one bedroom: 900 square feet, two bedrooms: 1,100 square feet, three bedrooms: 1,200 square feet, four or more bedrooms: 1,400 square feet. The minimum total is increased by 200 square feet for any building not having a basement of at least 300 square feet in area.
18. Reserved.
19. Pursuant to article 5, the town board may designate an existing building as a rural accessory building, which is not included in the total. In order to qualify as a rural accessory building, the subject property must be 3 acres or larger.
20. One-story residence: 50 percent of floor area on first floor, bi-level residence: 60 percent of floor area of the first floor entirely above grade, two-story residence: 70 percent of floor area on first floor.

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

DATE: February 28, 2024

FILE NO.: RZ142

APPLICANT: Town of Merton Board
P.O. Box 128
North Lake, WI 53064

REQUEST:
Text amendment to the Town of Merton Zoning Code to repeal and re-create Section 17.29 relating to swimming pools.

PUBLIC HEARING DATE:
January 17, 2024

PUBLIC COMMENT:
None

TOWN PLAN COMMISSION ACTION:
On January 17, 2024, the Town of Merton Plan Commission unanimously recommended approval of the request to the Town Board.

TOWN BOARD ACTION:
On January 22, 2024, the Merton Town Board of Supervisors unanimously approved the request.

STAFF ANALYSIS:
The town is proposing to amend its swimming pool regulations to modernize its rules with specific attention to fencing requirements for safety. The new language prohibits elevated surfaces, such as decks adjacent to fences, to have less than 4' of separation to the top of the fence. The existing code already requires a 4' fence; clarification is being provided regarding adjacent surfaces. More specificity is proposed to be added to the above ground pool standard which states that if the wall of an above ground pool is at least 52" in height, fencing shall not be required. Other mechanical equipment, such as pumps, filters and heaters must be at least 36" from fencing to minimize climbing risk. The amended language maintains the requirement for gates to be self closing and self latching.

STAFF RECOMMENDATION:
Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The proposed text amendments add detail to the town's existing swimming pool rules to help ensure child safety and make code administration easier.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Town Ordinance No. 17.29

ORDINANCE NO. 17.29 Swimming Pools

AN ORDINANCE TO REPEAL AND RE-CREATE §17.29 OF THE GENERAL CODE OF ORDINANCES OF THE TOWN OF MERTON RELATING TO SWIMMING POOLS

The Town Board of Supervisors of the Town of Merton, Waukesha County, Wisconsin does ordain as follows:

SECTION 1. Section 17.29 of the General Code of Ordinances of the Town of Merton is hereby repealed and recreated to read as follows:

17.29 - SWIMMING POOLS.

(1) **USE PERMITTED.** All above and below-ground swimming pools constructed or expanded on or after January 1, 2024 are permitted in any district other than C-1 Districts, subject to the following:

(a) Occupant Use Only; Safe Operation. The swimming pool shall be used solely by the occupants of the principal use of the property on which the swimming pool is located, and their guests. Ladders, stairs, ramps, related equipment of a swimming pool shall be installed to ensure the safe use and access to the swimming pool.

(b) Setback and Offset Requirements. Any swimming pool, together with its surrounding walkways, patios, diving platforms, bathhouses, and accessory structures, shall comply with the setback and offset requirements of the applicable districts, and meet the distance requirements established by Waukesha County and the State of Wisconsin.

(c) Fences.

1. All swimming pools shall be completely surrounded by a permanent fence at least four feet in height at all points regardless of grade. The distance between the vertical rails or any other opening of a fence, gate, or door shall not exceed four inches. A dwelling or accessory building may be used as part of the swimming pool's enclosure. All gates or doors used to access a swimming pool shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times.

2. No horizontal ladder type swimming pool fences are allowed. All swimming pool fences constructed on decks shall be built flush with outside of deck to prevent ledges to crawl, climb or walk on or over.

3. Fencing under Section 17.29(1)(c)1. shall not be required for above-ground swimming pools if the surrounding wall of the above-ground swimming pool is at least 52 inches in height and the ground surface of the above-ground swimming pool, measured at all points three feet from the above-ground swimming pool, is level.

4. Temporary fencing shall be installed and maintained during construction of a swimming pool. Any required permanent fence shall be installed prior to the swimming pool being filled with water or otherwise used by occupants.

5. In order to prevent unauthorized access to a swimming pool, no improvement, structure, or equipment such as pumps, filters, and heaters shall be installed or located within 36 inches of the fence that surrounds a swimming pool.

(2) **PERMIT REQUIRED.** No swimming pool shall be constructed unless building and zoning permits have been issued pursuant to §17.11 and §17.12.

(3) **INSPECTION.** No swimming pool shall be used until the Building Inspector has made his final inspection and has approved all phases of construction, including the erection of necessary fencing. Water in the swimming pool, except for minimal amounts for testing purposes, shall be considered evidence of use.

(4) **BOND REQUIRED.** An application for a permit to construct a swimming pool shall be accompanied by a cash deposit in the amount of \$500.00 to be retained by the Town Treasurer until final inspection and approval. If any person uses the swimming pool prior to final inspection and approval, such bond shall be forfeited. The bond shall be returned upon compliance by permittee with all requirements of this section.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon passage and posting or publication as required by law.

SECTION 3. PRIOR ORDINANCES. All ordinances or parts of ordinances conflicting with or contravening the provisions of this Ordinance are hereby repealed.

[Signature Page to Follow]

DATED: 1-23-2024

TOWN OF MERTON

By: 
Tim Klink, Chairman

ATTEST:


Donna Hann, Clerk

Dated Adopted: 1-22-2024
Date Published: 1-23-2024
Effective Date: 1-23-2024

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

DATE: February 28, 2024

FILE NO.: RZ143

APPLICANT: Town of Merton Board
P.O. Box 128
North Lake, WI 53064

REQUEST:
Text amendments to the Town of Merton Zoning Code to amend Section 17.03 and create Section 17.44(1)(a)11. relating to the keeping of chickens.

PUBLIC HEARING DATE:
January 17, 2024

PUBLIC COMMENT:
One person asked whether the new rules would apply to lots of more than three acres. The Town Planner clarified that the rules for larger parcels would not change; the provisions would allow for chickens to be kept on smaller properties with a limited number of chickens permitted.

TOWN PLAN COMMISSION ACTION:
On January 17, 2024, the Town of Merton Plan Commission unanimously recommended approval of the request to the Town Board.

TOWN BOARD ACTION:
On January 22, 2024, the Merton Town Board of Supervisors unanimously approved the request.

STAFF ANALYSIS:
The Town of Merton is proposing to create provisions to allow for the keeping of chickens on smaller properties. The new rules would allow up to five chickens on properties of at least 40,000 square feet. Chickens would be required to be kept in pens and coops to eliminate conflicts with neighbors, dogs, etc. The ordinance is similar to the county codes and many other town ordinances in making this accommodation. The proposed ordinance would prohibit roosters, commercial use or slaughtering. Coops and pens are allowed in rear yard areas and the ordinance contains standards to ensure animal health and sanitation. Feed must be stored in an enclosed structure or sealed container and waste must be managed so as to not create a nuisance.

STAFF RECOMMENDATION:
Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The new provisions will allow a new option for a limited number of chickens on smaller parcels within the town. The provisions include safeguards such that the use should not become a nuisance to neighbors.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Town Ordinance No. 17.03 and 17.44

STATE OF WISCONSIN:

TOWN OF MERTON:

WAUKESHA COUNTY:

Ordinance No. 17.03 Definitions and Ordinance No. 17.44 A-1 Agricultural District

ORDINANCE CREATING SECTIONS 17.03 AND 17.44(1)(a)11. OF THE MUNICIPAL CODE OF THE TOWN OF MERTON

NOW THEREFORE, the Town Board of the Town of Merton, Wisconsin do ordain as follows:

SECTION 1: The following provision of Section 17.03 of the Town Code is hereby created to read as follows:

Recreational chicken activities. The keeping, breeding, and raising of chickens as an accessory use to a principal residential use or to supplement the household food supply, as provided in this section. Recreational chicken activities is not an agricultural use or farm use.

SECTION 2: Section 17.44(1)(a)11. of the Town Code is hereby created to read as follows:

11. Recreational chicken activities.

- a. Ownership of property. A property owner may utilize its property for recreational chicken activities upon compliance with this section. Leasing property for recreational chicken activities is prohibited.
- b. Minimum lot size. The minimum lot size for property utilized for recreational chicken activities is 40,000 square feet. Except as provided in this section, all structures utilized for recreational chicken activities shall comply with all dimensional requirements of the particular zoning district, including but not limited to offset, setback, and height, and the accessory building regulations. Any building or structure housing chickens shall be at least 30 feet from all property lines.
- c. Number and type of recreational chickens. Up to five chickens are permitted. Roosters are prohibited.


- d. No commercial use. No commercial activities shall be permitted as part of the recreational chicken activity, including but not limited to, bartering, the sale of eggs, live or dressed chickens, live chicks, and feathers. All products produced by the chickens shall be for the personal consumption of the occupants of the property utilized for the recreational chicken activity.
- e. Slaughtering of chickens. The slaughtering of chickens is prohibited and any deceased chicken shall be promptly removed from the property.
- f. Feed; waste. All feed shall be stored in an enclosed structure or sealed container. All waste generated by the chickens shall be promptly disposed in accordance with applicable State of Wisconsin laws and regulations.
- g. Coop and pen regulations. The property owner engaged in recreational chicken activities shall install one chicken coop and one pen to be utilized for recreational chicken activities. Free ranging of chickens is prohibited and chickens must be kept within a coop or pen at all times. The coop and pen shall be located behind the rear line of the principal residence as the structure faces any road, and be at least 10 feet from any portion of the principal residence. The coop and pen shall each be limited to no more than 50 square feet. The coop shall have a roof, sides, and a floor, be kept dry and well-ventilated with fans for warmer months and well-insulated with heating for the winter months. The coop shall not be counted for purposes of determining the maximum number of accessory buildings permitted on a lot. The pen shall be fenced at least 42 inches in height with the top and sides of the pen being covered with fencing to prevent intrusion or escape.
- h. Ceasing of use. The property owner shall notify the Town if the property owner ceases to use the property for recreational chicken activities. The chicken coop, pen, fencing, and all structures utilized for recreational chicken activity shall be removed no later than six months after a property ceases to be used for recreational chicken activities.
- i. Permit. Prior to engaging in recreational chicken activities on property less than three acres, a property owner shall obtain a permit from the Town Clerk and pay the required fee in accordance with the Town's fee schedule. To obtain a permit, the property owner shall provide an accurate, scaled site plan or plat of survey depicting all property lines, public rights-of-way, the location of the residence and any appurtenances, the size and location of the proposed coop and pen, together with a drawing of the coop and pen.
- j. Compliance with law; inspection. A property owner engaged in recreational chicken activities shall comply with all local, Waukesha County, State of Wisconsin, and federal laws and regulations. The Town may inspect any property utilized for recreation chicken activities to ensure compliance with this section. Any person that violates this section shall be subject to the penalties set forth in this chapter and the revocation of the permit issued under section 17.44(1)(a)11.i.

SECTION 2: All ordinances or parts of this Ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 3: This Ordinance shall take effect upon passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Merton, Waukesha County, Wisconsin this 22, day of January, 2024.

By: 
Tim Klink, Chairman

Attest: 
Donna Hann, Clerk

Date Adopted: 1-22-2024

Date Published: 1-23-2024

Effective Date 1-23-2024

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

DATE: February 28, 2024

FILE NO.: RZ140

OWNER: Wisconsin District of Wesleyan Church
3040 Ivanrest Avenue SW
Grandville, MI 49418

APPLICANT: Attorney Joseph A. Abruzzo
111 E. Wisconsin Avenue, #1800
Milwaukee, WI 53202

TAX KEY NO.: MUKT 1959.993.003

LOCATION:
Part of the NE ¼ and SE ¼ of the SW ¼ of Section 22, T5N, R18E, Town of Mukwonago. More specifically, the property is located at S93 W30580 County Road NN containing approximately 6.2 acres.

EXISTING ZONING:
SE Suburban Estate (Town)

PROPOSED ZONING:
P-1 Public District (Town)

EXISTING USE(S):
Church

REQUESTED USE(S):
Church

PUBLIC HEARING DATE:
October 4, 2023

PUBLIC COMMENT:
None

TOWN PLAN COMMISSION ACTION:
On October 4, 2023, the Town of Mukwonago Plan Commission unanimously recommended approval of the rezone request, to the Town Board.

TOWN BOARD ACTION:
On October 4, 2023, the Mukwonago Town Board unanimously adopted the rezone ordinance.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF MUKWONAGO CDP:

The Comprehensive Development Plan for Waukesha County designates the property as Medium Density Residential, which incorporates the Village of Mukwonago extra-territorial plan designation

and the Town of Mukwonago Land Use Plan designates the property as Park, Public and School Lands category. The proposed rezone complies with both plans in that churches are frequently sited in rural and residential plan categories.

STAFF ANALYSIS:

The subject 6.2 acre property contains frontage on both CTH NN and CTH EE just west of the Village of Mukwonago boundary. The property contains a church set in the middle part of the property, a parsonage near CTH NN and an outbuilding near the west property line.

Churches are a conditional use pursuant to the current zoning designation of SE Suburban Estate District. The rezoning would make the church a permitted use which would alleviate the need for public hearings each time the church would seek to make a change to its site plan. Site plan details would still be reviewed by the town but the review period would be abbreviated. This request follows a 2023 amendment to the town's land use plan that similarly designated the property for institutional type use.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request.

The rezone will allow for a church to continue and for future applications to be streamlined as the church would no longer be subject to conditional use requirements.

Respectfully submitted,

Jason Fruth

Jason Fruth

Planning & Zoning Manager

Attachments: Town Ordinance No. 2023-0-64
Map

ORDINANCE 2023-O-64

AN ORDINANCE TO AMEND CHAPTER 36 OF THE MUNICIPAL CODE

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled "Town Zoning;" and

WHEREAS, the Wesleyan Church submitted a petition to the Town to rezone their property located at S93W30580 CTH NN (MUKT1959993003) from S-E (Suburban Estates) to P-1 (Public); and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on October 4, 2023, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on October 4, 2023; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on October 4, 2023; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Mukwonago, Waukesha County, does hereby ordain as follows:

Section 1. Revise the zoning map by changing the zoning designation of the property located at S93W30580 CTH NN (MUKT1959993003) from S-E (Suburban Estates) to P-1 (Public).

Section 2. The conditional use order previously issued is terminated. All terms and conditions of previously reviewed site plans/plans of operation will remain unchanged.

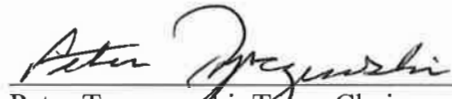
Section 3. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified 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. The Town of Mukwonago Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

Section 5. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

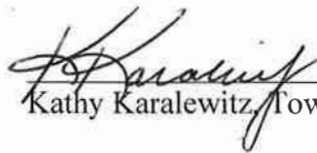
Adopted this 4th day of October 2023

TOWN OF MUKWONAGO



Peter Topczewski, Town Chair

ATTEST:

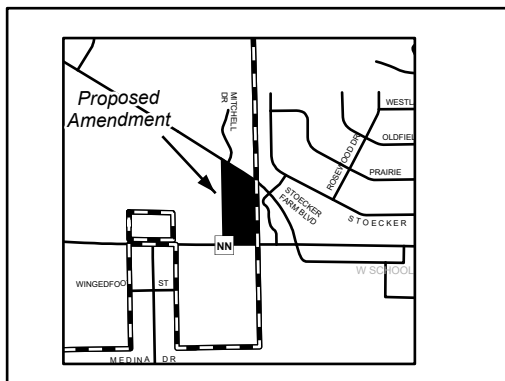
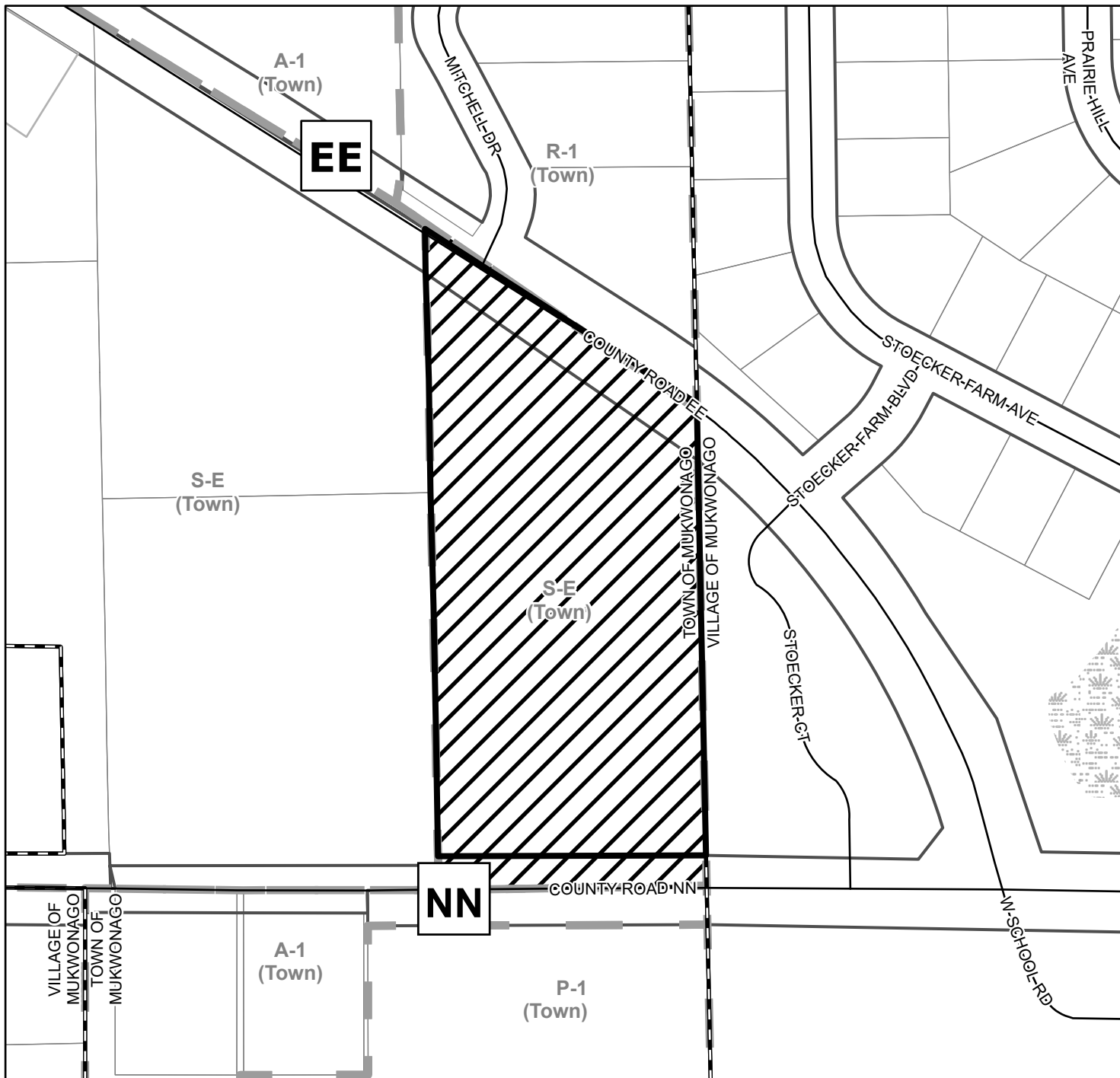


Kathy Karalewitz, Town Administrator

Published and/or posted this 23 day of October, 2023

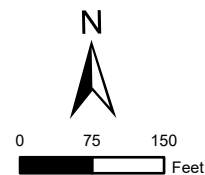
ZONING AMENDMENT

PART OF SECTION 22,
TOWN OF MUKWONAGO



TOWN ZONING CHANGE FROM SE SUBURBAN ESTATE DISTRICT TO P-1 PUBLIC DISTRICT.

FILE.....RZ140
 DATE OF PLAN COMMISSION.....02/28/24
 AREA OF CHANGE.....6.2 ACRES
 TAX KEY NUMBER.....MUKT 1959.993.003



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-1Wetland-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

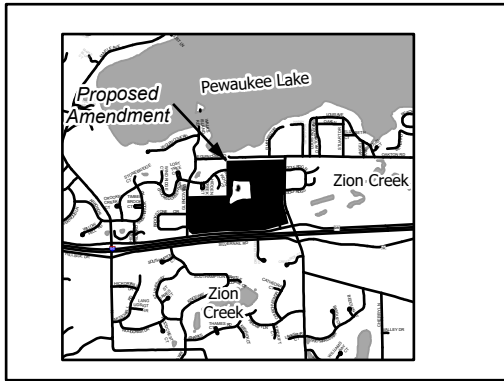
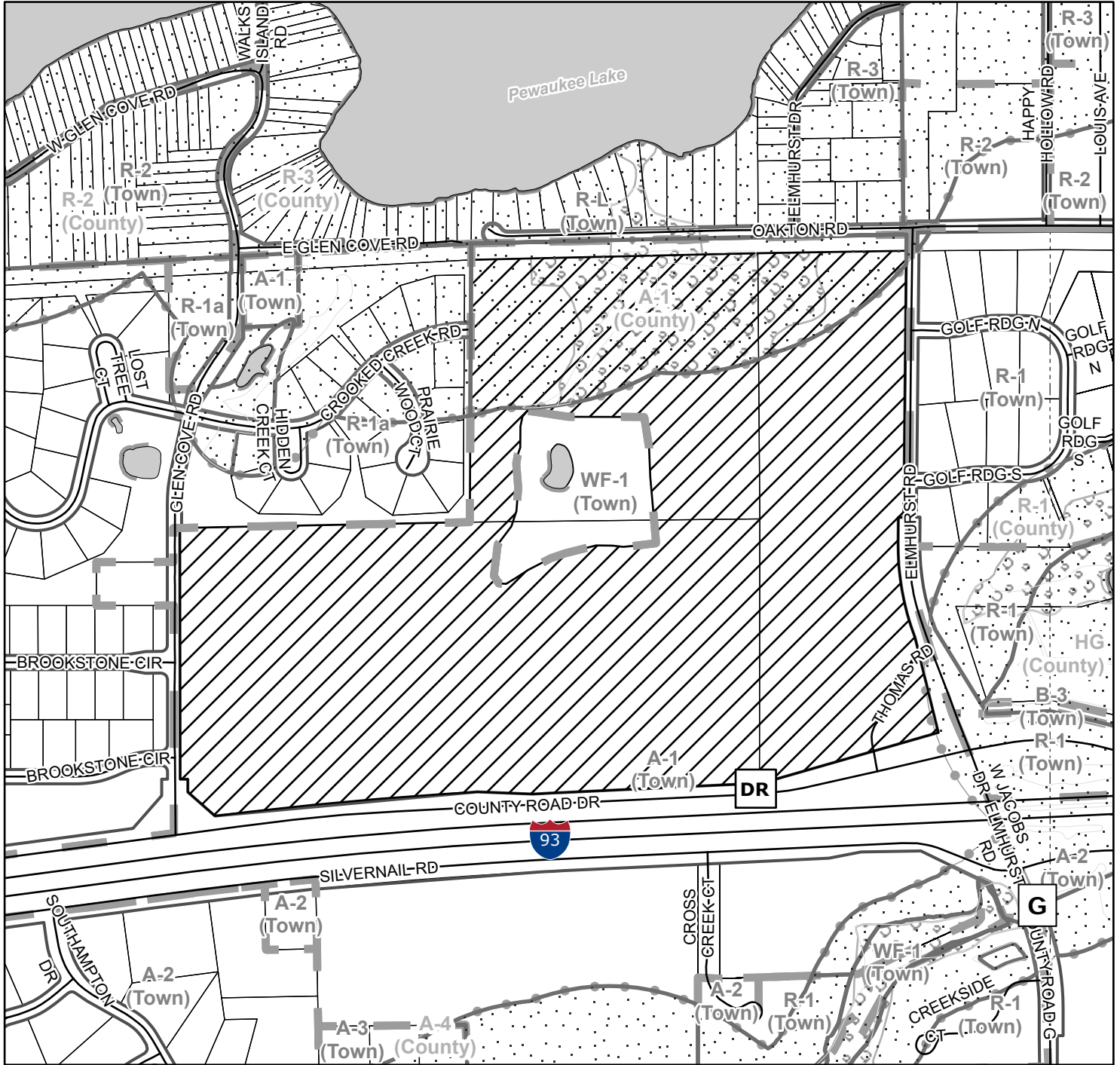
Jason Fruth
Planning & Zoning Manager





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

N:\PRKANDLU\Planning and Zoning\Rezoning\PROJECT FILES\Delafield\RZ141 Thomas_Neumann Town Rezone\Staff Report and Decision Letter\RZ141 Amy Thomas_Neumann Staff Report dlt.doc


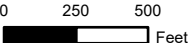
ZONING AMENDMENT

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

LOT CHARACTERISTICS

SINGLE-FAMILY LOW DENSITY
Zone 1: Lots 1 - 8

- Lot Size = 20,000 sf
- Average Lot Width = 100 feet
- Setbacks:
 - Min. Road = 35'
 - Side Offset = 15'
 - Rear Offset = 20'
 - Wetland = 75'
- Max Building Footprint = 17.5% of lot
- Open Space per Lot = 70% of lot

RESIDENTIAL SINGLE-FAMILY LOW-MEDIUM DENSITY
Zone 2: Lots 9 - 37

- Lot Size = 15,000 sf
- Average Lot Width = 90 feet
- Setbacks:
 - Min. Road = 25'
 - Side Offset = 12.5'
 - Rear Offset = 20'
 - Wetland = 75'
 - Elmhurst Rd = 50'
- Max Building Footprint = 25% of lot
- Open Space per Lot = 60% of lot

SINGLE-FAMILY MEDIUM DENSITY
Zones 3 & 4: Lots 38 - 155

- Lot Size = 10,000 sf
- Average Lot Width = 75 feet
- Setbacks:
 - Min. Road = 25'
 - Side Offset = 10'
 - Rear Offset = 20'
 - Wetland = 75'
 - Glen Cove Rd = 100'
 - Golf Rd (CTH DR) = 100'
 - Elmhurst Rd = 50'
- Max Building Footprint = 30% of lot
- Open Space per Lot = 60% of lot

DUPLEX CONDOS
Zone 3: Lots 156 & 157 (Bldgs 1-28)

- Density = 4 un/ac
- Setbacks:
 - Min. Road = 25'
 - Side Offset = 20' (building to building)
- Rear Offset = N/A
- Wetland = 75'
- Glen Cove Rd = 100'
- Golf Rd (CTH DR) = 100'
- Max Building Footprint = 25%
- Open Space per Lot = 60% of lot

SITE DATA TABLE

- Gross Area 151.49 acres
- Road Dedication (Glen Cove Rd & Elmhurst Rd) - 0.44 acres
- TOTAL AREA 151.05 acres

Proposed Zoning: Planned Residential District #1

Zone 1: 23.2 acres	8 lots
Zone 2: 29.94 acres	29 lots
Zone 3: 50.08 acres	37 lots
	+ 56 units
Zone 4: 47.83 acres	81 lots
Existing Farmhouse	1 lot
TOTAL	151.05 acres
	212 units

- DENSITY = 212 / 151.05 = **1.404 un/ac**

STORMWATER PLAN NOTES:

- THE PROPOSED DEVELOPMENT (ALL PHASES) ARE SERVED BY ON-SITE SHARED STORMWATER FACILITIES, AS SHOWN ON THE PRELIMINARY STORMWATER PLAN.
- THE STORMWATER FACILITIES WILL BE CONSTRUCTED WITH THEIR CORRESPONDING PHASE OF DEVELOPMENT.
- THE STORMWATER FACILITIES WILL BE LOCATED WITHIN OUTLOTS AND/OR DRAINAGE EASEMENTS.
- ALL RESIDENTIAL LOTS AND CONDOMINIUM UNITS WILL BE PART OF A MASTER HOMEOWNERS ASSOCIATION.
- THE MASTER HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE REPAIR, MAINTENANCE AND RESTORATION OF THE STORMWATER PRACTICES.

Single-Family Medium Density & Condominium
Zone 3

- Duplex Ranch = 56 units
- 10,000 sf Single Family Lots = 37 units
- Total = 93 units

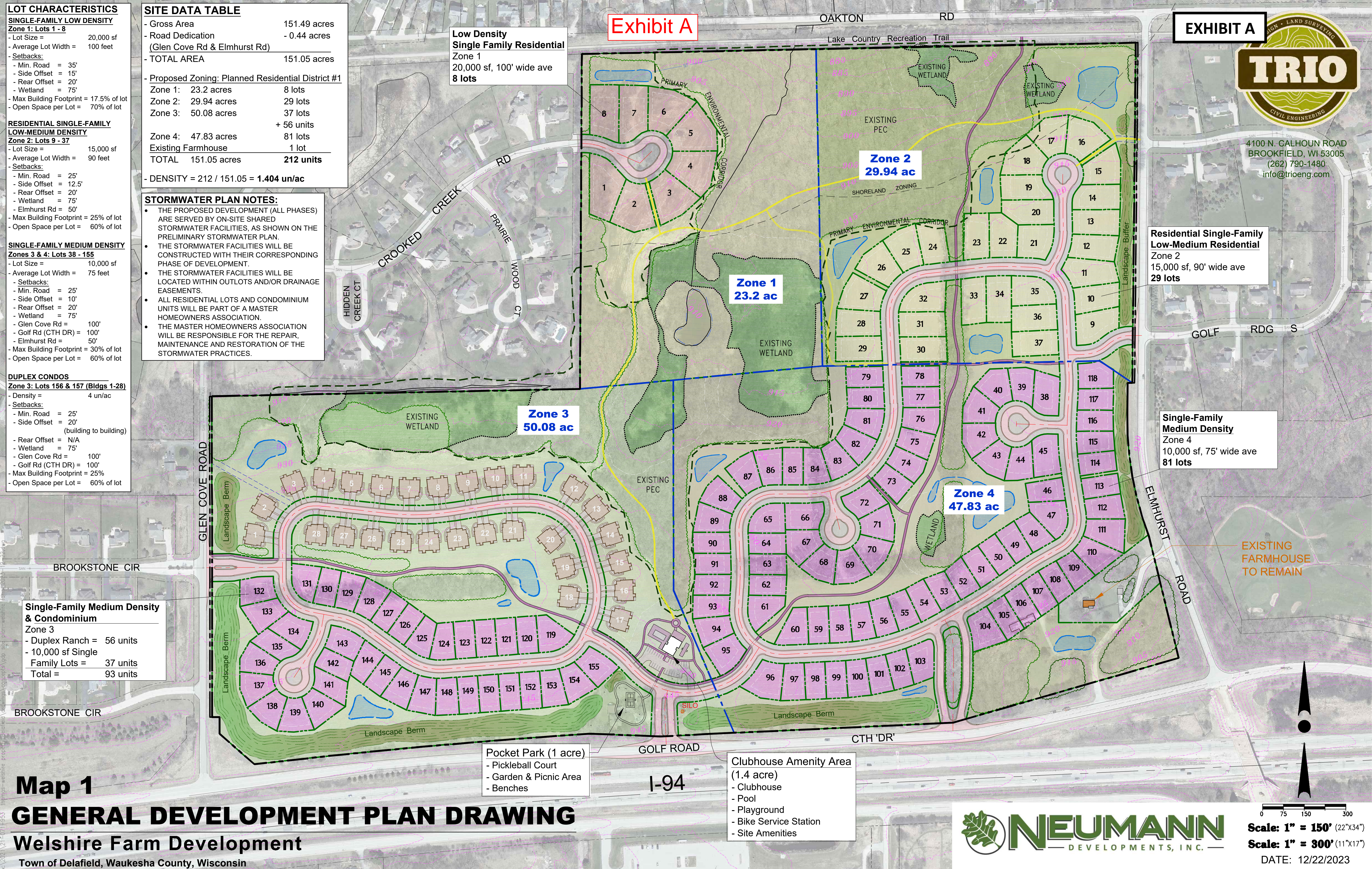
Low Density Single Family Residential
Zone 1
20,000 sf, 100' wide ave
8 lots

EXHIBIT A

4100 N. GALHOUN ROAD
BROOKFIELD, WI 53005
(262) 790-1480
info@trioeng.com

Residential Single-Family Low-Medium Residential
Zone 2
15,000 sf, 90' wide ave
29 lots

Single-Family Medium Density
Zone 4
10,000 sf, 75' wide ave
81 lots



Scale: 1" = 150' (22"x34")
Scale: 1" = 300' (11"x17")
DATE: 12/22/2023

EXHIBIT B

Plan Commission Report for January 16, 2024

Thomas Family Properties Zoning Amendment Agenda Item No. 5. B.

RECEIVED
01/29/2024
DEPT OF
PARKS &

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

OPEN SPACE DATA TABLE - Welshire Farm Date: 4/21/2023

Proposed Zoning = PLANNED DEVELOPMENT DISTRICT #1

ZONE	PROPOSED USE	Total Area (acres)	Incremental Total Area (acres)	Total Area of Lots, Right-of-Way or Condominium Hard Surfaces within Zone (acres)	Total Outlot / Open Space (Gross) (acres)	Lowland in Outlot / Open Space (acres)	Upland in Outlot / Open Space (acres)	Net Lowland (0.2 of total Lowland) (acres)	Outlot / Open Space (Net) (acres)	(%)	Required Open Space (Net) (acres)	(%)
1	Single-Family Low Density	23.20		4.71	18.49	3.98	14.51	0.80	15.31	66.0%	6.96	30.0%
2	Residential Single-Family Low-Medium Density (15,000)	29.94		13.18	16.76	0.90	15.86	0.18	16.04	53.6%	8.98	30.0%
3	Condominium (4 un/ac) ***	50.08	32.59	10.02	22.57	3.77	18.81	0.75	19.56	60.0%	19.56	60.0%
	Single-Family Medium Density (10,000)		17.49	11.33	6.16		6.16		6.16	35.2%	6.12	35.0%
4	Single-Family Medium Density (10,000)	47.83		29.67	18.16	1.45	16.72	0.29	17.00	35.6%	16.74	35.0%
SUBTOTAL		151.05		68.91	82.14	10.09			74.07	49.0%	58.36	38.6%

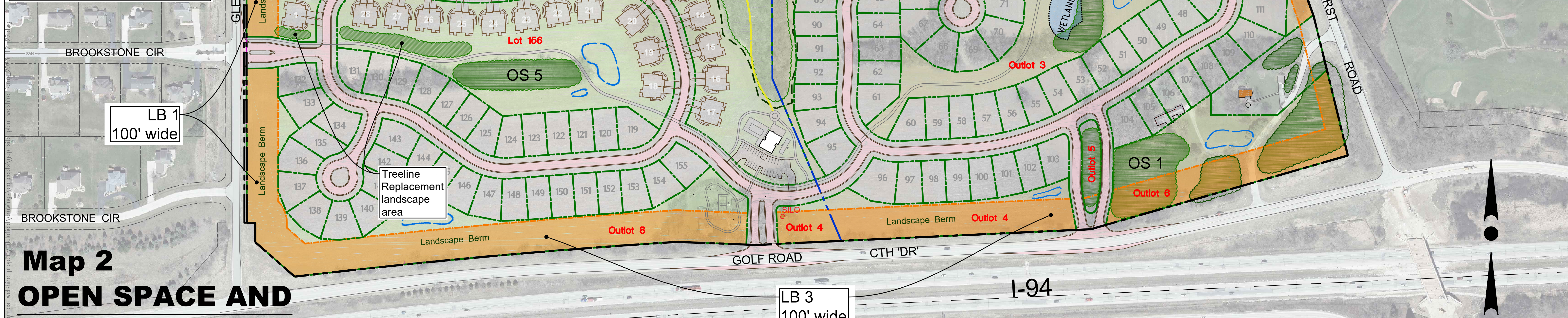
* Required Net Open Space applies to whole development site (Total Area) for each Zone or Use.

** Net Open Space Provided is per Sec. 17.04(5)(R)10 a. Accounts for Lowland Area multiplied by 0.2. Single family open space is located in Outlots. Condo open space is common area.

*** Condo Net Open Space includes: Upland Common Areas + 0.2 of Lowland Common Area in Condominium and Clubhouse area, and portions of OL 4 & OL 8 within Zone 3.

Open Space Plan Legend

- Wetlands**
(Heartland Ecological Group Inc, July 2022)
- Primary Environmental Corridor (PEC)**
(Heartland Ecological Group Inc, July 2022)
- Treelines & Other wooded areas to be preserved (OS)**
- Landscape Buffer (LB)**
- Open Space Areas for Development Site Calculations**
- Single family in Outlot
- Condo is common area



Map 2
OPEN SPACE AND
NATURAL RESOURCE PROTECTION PLAN
Welshire Farm Development
 Town of Delafield, Waukesha County, Wisconsin

Exhibit B

EXHIBIT C

EXHIBIT C

4100 N. GALHOUN ROAD
 BROOKFIELD, WI 53005
 (262) 790-1480
 info@trioeng.com

LB 2
50' wide

LB 1
100' wide

LB 3
100' wide

Scale: 1" = 150' (22"x34")
 Scale: 1" = 300' (11"x17")
 DATE: 12/22/2023



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.

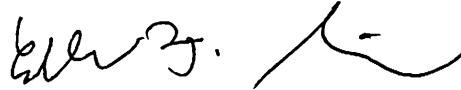
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the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

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

DATE: February 28, 2024

FILE NO.: RZ116

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 (DELT 0811.999 is part of the subject farm but is subject to the Town of Delafield Zoning Code)

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, EC Environmental Corridor Overlay, DSO Delafield Shoreland Overlay, C-1 Conservancy Overlay (County), A-1 Agricultural District and WF-1 Wetland Floodplain District (Town).

PROPOSED ZONING:
R-3 Residential District with EC, DSO and C-1 Overlays to remain (County). A town rezoning request to PDD1 is pending as part of RZ 141.

EXISTING USE(S):
Farm

REQUESTED USE(S):
Single family residential subdivision and side-by-side condominiums

PUBLIC HEARING DATE:
Tuesday, 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 recommended approval of 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 that is subject to the County Shoreland Protection Ordinance (SPO) 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 (maximum of one dwelling unit per five upland acres). 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 northern portion of the subject 151 acre property that is subject to the SPO from the A-1 Agricultural District to the R-3 Residential District (see attached rezoning map). A concurrent request (RZ 141) to rezone the lands on the site that are subject to the Town of Delafield Zoning Code 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 county A-1 Agricultural zoning designation allows for agricultural use of lands and requires a minimum parcel size of three acres. The county zoning designation of nearby lands is mixed including, R-1, R-2 and R-3. The proposed R-3 designation would limit use types to residential and open space uses. The R-3 District requires a minimum of 14,000 square feet when municipal sewer is provided. The lots proposed will be a minimum of 15,000 square feet and will comply with this standard. As previously noted, the petitioner is seeking a Planned Unit Development that would establish specific locational standards such as setbacks and offsets.

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. 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 which is in the town's zoning jurisdiction. 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 would be limited to 230 by the density parameters of the town's PDD1 if finally approved by the county. 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 PDD No.1 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, as part of its review of RZ141 and the subject request, has reviewed the submitted rezoning applications and 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 various reports prepared as part of this rezoning request and the related RZ141 request to rezone to the town's PDD1. The Town of Engineer provided a summary of the analysis of these plans in his January 16, 2024 staff report for RZ141 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 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 workday 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, the town's PDD1 requires conformance to detailed standards for the following. Similarly, consideration of these issues is relevant to this proposed rezoning:

- 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

The use and lot size requirements of the R-3 District are also being complied with. 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 many other treelines would be conserved. 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 (see Exhibit C). 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 concurrent town rezoning request (RZ141) and recommended approval of the subject rezoning.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved subject to the following conditions.**

1. The site shall be limited to a maximum of 230 dwelling units.
2. The development of the site shall be in substantial compliance with the concept site plan (Exhibit A).
3. A minimum of 40% of the site shall be conserved in open space.

The rezoning of the subject lands to R-3 Residential District is consistent with the town and county comprehensive development plans. The Low Density Residential category provides for single family homes which is the only use being proposed within the county's jurisdiction. 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 submitted as part of this application, including traffic, sewer, water and stormwater, have been carefully considered to ensure that the rezoning will not negatively affect the environment or infrastructure. The Town Plan Commission and Town Board recommended approval of the zoning change to R-3 Residential District.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Exhibit A, Concept Site Plan
 Exhibit B, Town staff report
 Exhibit C, Map 2 Natural Resources and Open Space Plan
 Rezone Map

LOT CHARACTERISTICS

SINGLE-FAMILY LOW DENSITY
Zone 1: Lots 1 - 8

- Lot Size = 20,000 sf
- Average Lot Width = 100 feet
- Setbacks:
 - Min. Road = 35'
 - Side Offset = 15'
 - Rear Offset = 20'
 - Wetland = 75'
- Max Building Footprint = 17.5% of lot
- Open Space per Lot = 70% of lot

RESIDENTIAL SINGLE-FAMILY LOW-MEDIUM DENSITY
Zone 2: Lots 9 - 37

- Lot Size = 15,000 sf
- Average Lot Width = 90 feet
- Setbacks:
 - Min. Road = 25'
 - Side Offset = 12.5'
 - Rear Offset = 20'
 - Wetland = 75'
 - Elmhurst Rd = 50'
- Max Building Footprint = 25% of lot
- Open Space per Lot = 60% of lot

SINGLE-FAMILY MEDIUM DENSITY
Zones 3 & 4: Lots 38 - 155

- Lot Size = 10,000 sf
- Average Lot Width = 75 feet
- Setbacks:
 - Min. Road = 25'
 - Side Offset = 10'
 - Rear Offset = 20'
 - Wetland = 75'
 - Glen Cove Rd = 100'
 - Golf Rd (CTH DR) = 100'
 - Elmhurst Rd = 50'
- Max Building Footprint = 30% of lot
- Open Space per Lot = 60% of lot

DUPLEX CONDOS
Zone 3: Lots 156 & 157 (Bldgs 1-28)

- Density = 4 un/ac
- Setbacks:
 - Min. Road = 25'
 - Side Offset = 20' (building to building)
- Rear Offset = N/A
- Wetland = 75'
- Glen Cove Rd = 100'
- Golf Rd (CTH DR) = 100'
- Max Building Footprint = 25%
- Open Space per Lot = 60% of lot

SITE DATA TABLE

- Gross Area 151.49 acres
- Road Dedication (Glen Cove Rd & Elmhurst Rd) - 0.44 acres
- TOTAL AREA 151.05 acres

Proposed Zoning: Planned Residential District #1

Zone 1: 23.2 acres	8 lots
Zone 2: 29.94 acres	29 lots
Zone 3: 50.08 acres	37 lots
	+ 56 units
Zone 4: 47.83 acres	81 lots
Existing Farmhouse	1 lot
TOTAL	151.05 acres
	212 units

- DENSITY = 212 / 151.05 = **1.404 un/ac**

STORMWATER PLAN NOTES:

- THE PROPOSED DEVELOPMENT (ALL PHASES) ARE SERVED BY ON-SITE SHARED STORMWATER FACILITIES, AS SHOWN ON THE PRELIMINARY STORMWATER PLAN.
- THE STORMWATER FACILITIES WILL BE CONSTRUCTED WITH THEIR CORRESPONDING PHASE OF DEVELOPMENT.
- THE STORMWATER FACILITIES WILL BE LOCATED WITHIN OUTLOTS AND/OR DRAINAGE EASEMENTS.
- ALL RESIDENTIAL LOTS AND CONDOMINIUM UNITS WILL BE PART OF A MASTER HOMEOWNERS ASSOCIATION.
- THE MASTER HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE REPAIR, MAINTENANCE AND RESTORATION OF THE STORMWATER PRACTICES.

Single-Family Medium Density & Condominium
Zone 3

- Duplex Ranch = 56 units
- 10,000 sf Single Family Lots = 37 units
- Total = 93 units**

Low Density Single Family Residential
Zone 1
20,000 sf, 100' wide ave
8 lots

Zone 1
23.2 ac

Zone 2
29.94 ac

Zone 3
50.08 ac

Zone 4
47.83 ac

Residential Single-Family Low-Medium Residential
Zone 2
15,000 sf, 90' wide ave
29 lots

Single-Family Medium Density
Zone 4
10,000 sf, 75' wide ave
81 lots

EXHIBIT A



4100 N. GALHOUN ROAD
BROOKFIELD, WI 53005
(262) 790-1480
info@trioeng.com

EXISTING FARMHOUSE TO REMAIN

Map 1
GENERAL DEVELOPMENT PLAN DRAWING
Welshire Farm Development

Town of Delafield, Waukesha County, Wisconsin

Pocket Park (1 acre)
- Pickleball Court
- Garden & Picnic Area
- Benches

Clubhouse Amenity Area (1.4 acre)
- Clubhouse
- Pool
- Playground
- Bike Service Station
- Site Amenities



Scale: 1" = 150' (22"x34")
Scale: 1" = 300' (11"x17")

DATE: 12/22/2023

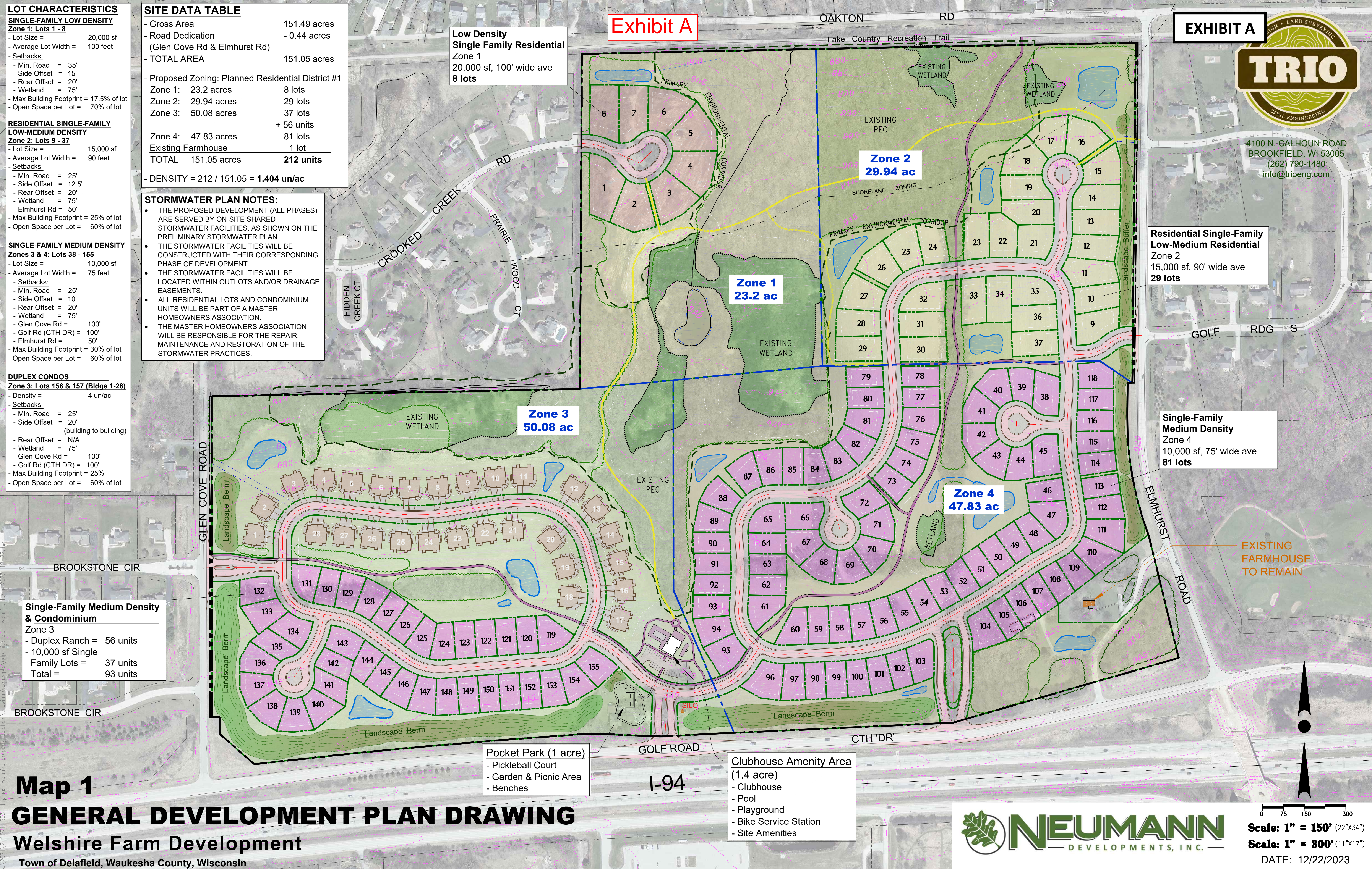


EXHIBIT B

Plan Commission Report for January 16, 2024

Thomas Family Properties Zoning Amendment Agenda Item No. 5. B.

RECEIVED
01/29/2024
DEPT OF
PARKS &

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

OPEN SPACE DATA TABLE - Welshire Farm Date: 4/21/2023

Proposed Zoning = PLANNED DEVELOPMENT DISTRICT #1

ZONE	PROPOSED USE	Total Area (acres)	Incremental Total Area (acres)	Total Area of Lots, Right-of-Way or Condominium Hard Surfaces within Zone (acres)	Total Outlot / Open Space (Gross) (acres)	Lowland in Outlot / Open Space (acres)	Upland in Outlot / Open Space (acres)	Net Lowland (0.2 of total Lowland) (acres)	Outlot / Open Space (Net) (acres)	(%)	Required Open Space (Net) (acres)	(%)
1	Single-Family Low Density	23.20		4.71	18.49	3.98	14.51	0.80	15.31	66.0%	6.96	30.0%
2	Residential Single-Family Low-Medium Density (15,000)	29.94		13.18	16.76	0.90	15.86	0.18	16.04	53.6%	8.98	30.0%
3	Condominium (4 un/ac) ***	50.08	32.59	10.02	22.57	3.77	18.81	0.75	19.56	60.0%	19.56	60.0%
	Single-Family Medium Density (10,000)		17.49	11.33	6.16		6.16		6.16	35.2%	6.12	35.0%
4	Single-Family Medium Density (10,000)	47.83		29.67	18.16	1.45	16.72	0.29	17.00	35.6%	16.74	35.0%
SUBTOTAL		151.05		68.91	82.14	10.09			74.07	49.0%	58.36	38.6%

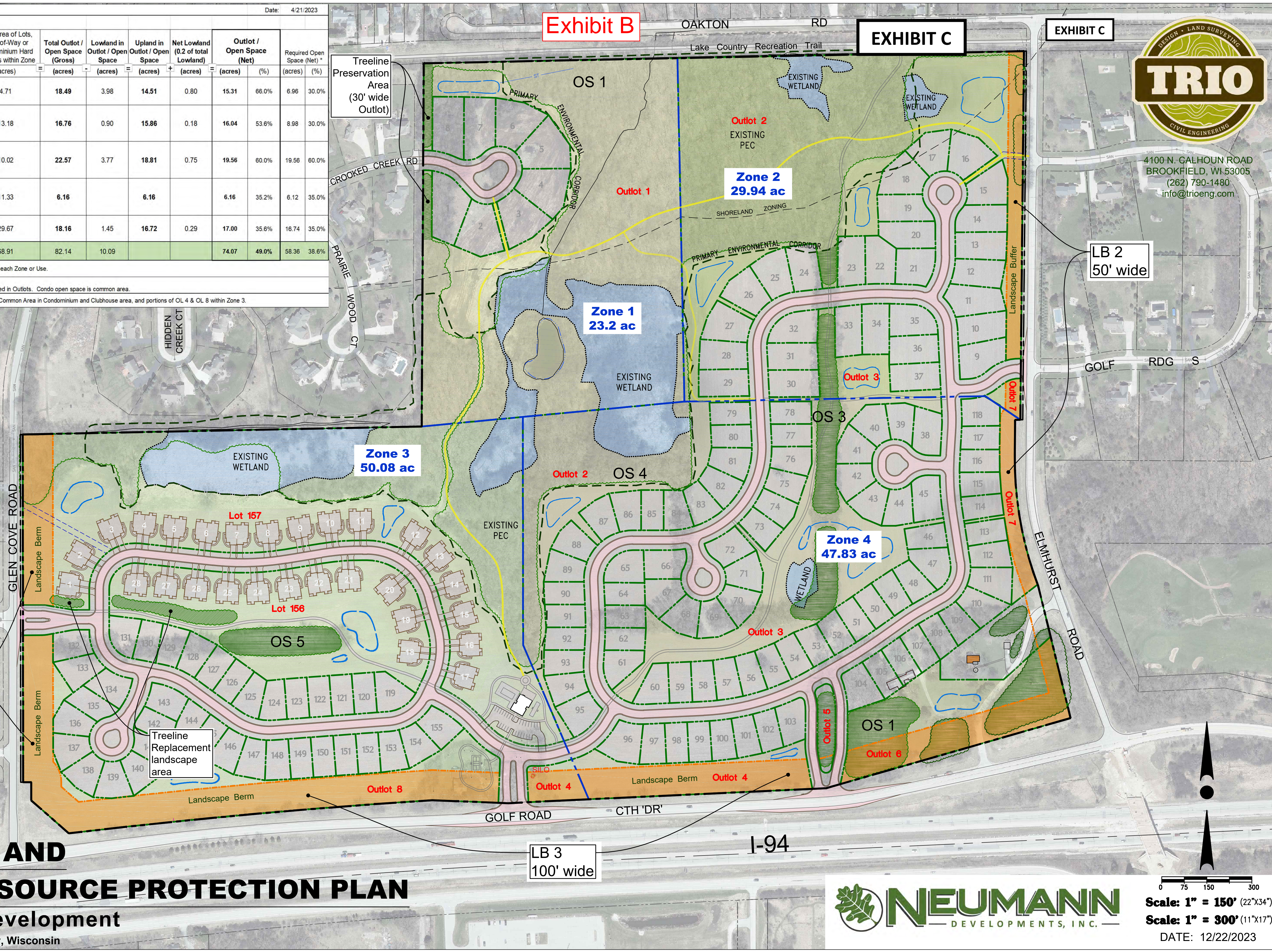
* Required Net Open Space applies to whole development site (Total Area) for each Zone or Use.

** Net Open Space Provided is per Sec. 17.04(5)(R)10 a. Accounts for Lowland Area multiplied by 0.2. Single family open space is located in Outlots. Condo open space is common area.

*** Condo Net Open Space includes: Upland Common Areas + 0.2 of Lowland Common Area in Condominium and Clubhouse area, and portions of OL 4 & OL 8 within Zone 3.

Open Space Plan Legend

- Wetlands**
(Heartland Ecological Group Inc, July 2022)
- Primary Environmental Corridor (PEC)**
(Heartland Ecological Group Inc, July 2022)
- Treelines & Other wooded areas to be preserved (OS)**
- Landscape Buffer (LB)**
- Open Space Areas for Development Site Calculations**
- Single family in Outlot
- Condo is common area



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BROOKFIELD, WI 53005
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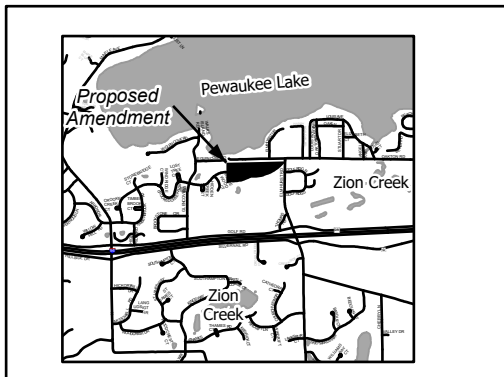
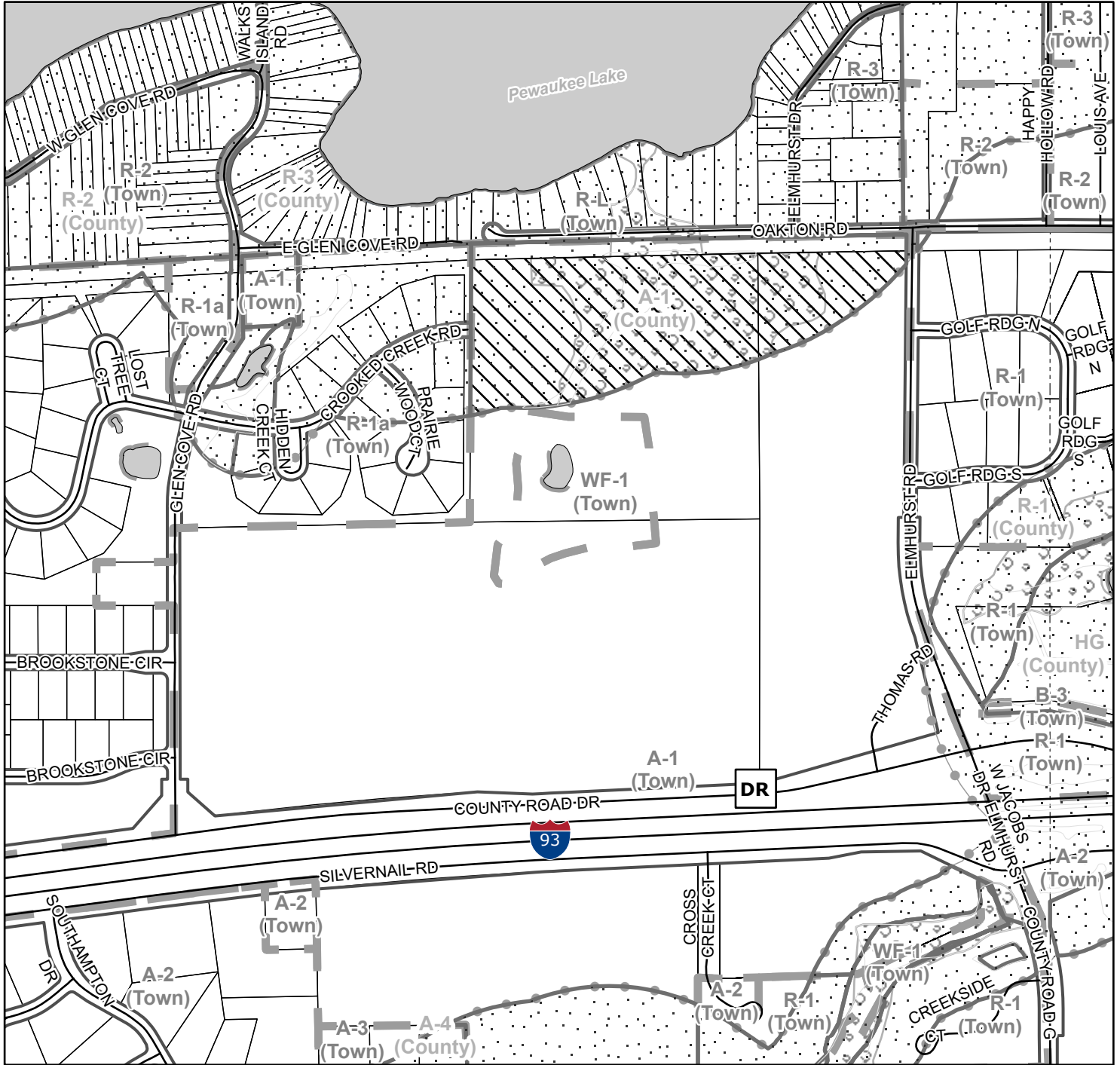
Map 2
OPEN SPACE AND
NATURAL RESOURCE PROTECTION PLAN
Welshire Farm Development
Town of Delafield, Waukesha County, Wisconsin







Scale: 1" = 150' (22"x34")
Scale: 1" = 300' (11"x17")
DATE: 12/22/2023

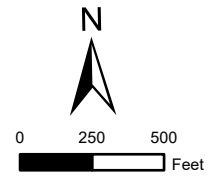
ZONING AMENDMENT

PART OF SECTION 23,
TOWN OF DELAFIELD



	CONDITIONAL COUNTY ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT. EC, C-1, DSO TO REMAIN
	EC Environmental Corridor Overlay
	DSO Delafield Shoreland Overlay
	C-1 Conservancy Overlay (wetlands)

FILE.....RZ116
 DATE OF PLAN COMMISSION.....02/28/24
 AREA OF CHANGE.....23.4 ACRES
 TAX KEY NUMBER.....DELT 0809995, 0509996



WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
CONDITIONAL USE

DATE: February 28, 2023

FILE NO.: CU89

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, (DELT 0811.999 is part of the subject farm but is subject to the Town of Delafield Zoning Code).

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, EC Environmental Corridor Overlay, C-1 Conservancy Overlay, DSO Delafield Shoreland Overlay (County) A-1 Agricultural District, WF-1 Wetland Floodplain District (Town)

PROPOSED ZONING:
R-3 Residential District with overlays to remain (pending as part of RZ 116)
Planned Development District No. 1 (pending as part of RZ141)

EXISTING USE(S):
Farm with three residences

REQUESTED USE(S):
Conservation design subdivision containing 212 residential dwelling units, 156 of the units would be single family lots and 56 duplex condominiums are proposed.

PUBLIC HEARING DATE:
Tuesday, December 5, 2023

PUBLIC COMMENT:

Public comments were concurrently taken regarding RZ 116, RZ 141 and this Conditional Use request.

- 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 recommended approval of the rezone by a vote of 3-2.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF DELAFIELD CDP:

The north part of the property, inclusive of the shoreland jurisdictional area, 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 which provides for a maximum of one dwelling unit per five upland environmental corridor acres. The south part of the property, which is subject to the town's jurisdiction, 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, whereas the provided concept plan shows 212 units. 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 concurrently seeking a rezoning (RZ116) and the subject Conditional Use request for a Planned Unit Development (PUD) pursuant to the County Shoreland Protection Ordinance. The following are excerpts from County Shoreland Protection Ordinance PUD intent/objective language:

- *Due to increased urbanization and the associated greater demands for open space and the need to create a more desired and creative living environment than would result through the strict application of the standard zoning requirements, it is herein provided that there be flexibility in the regulations governing the development of land.*
- *This provision is intended to encourage planned unit development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market.*
- *It is intended that these provisions create imaginative and interesting communities with substantial open area owned in common or dedicated to the public and for the enjoyment of the residents and will encourage a more efficient and desirable use of the land and open space areas thereby resulting in more variety of the physical development of the county.*

The following are some of the key PUD requirements specified in the SPO:

- An overall development plan showing how the above objectives are to be achieved.
- That the proposed development is in conformity with the county and town comprehensive plans, is not contrary to the general welfare or economic balance of the community and that the benefits and amenities of the resultant development justifies the variation from the normal requirements of the district.
- A table provides that R-3 district densities are limited 9,000 square feet per dwelling unit when municipal sewer is provided.
- Open space shall comprise a minimum of 40% of the development.

The area of the 151 acres that is subject to the County Shoreland Protection Ordinance (SPO) is located in the north part of the site within 1000' of Pewaukee Lake. The shoreland zoning boundary is depicted on the site plan which is attached as Exhibit A. Specifically, proposed lots 1-8 and 17 and 18 are subject to the SPO. The Town of Delafield recently approved a rezoning of the property to the town's Planned Development District No. 1 (PDD1). A concurrent request (RZ 116) to rezone the lands on the site that are subject to the Waukesha County SPO is pending.

The property is currently farmed. The property is located immediately north of Golf Rd. and I-94 and is located between Glen Cove Rd. on the west and Elmhurst Rd. on the east. The property has nearly ½ mile of frontage on Golf Rd. that is 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 and north of the site. Western Lakes Golf Course and a subdivision outlot is adjacent to the southeast. A subdivision that contains single family lots and residential condominiums abuts the northeast part of the property.

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. 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 proposal is for a conservation design type subdivision. If the rezoning to the R-3 District is approved, as proposed, the proposed site density of 29,156 square feet per dwelling unit would be well within the code's maximum density of 9,000 square feet per dwelling unit allowance.

The submitted concept plan shows that the lots within the SPO jurisdictional area would be a minimum of 20,000 sq. ft. in the northwest corner of the property and lots in the northeast corner of the property would be a minimum of 15,000 square feet.

The proposed site plan depicts extensive open space on the site. Approximately 49% of the site would be preserved in open space. All areas of environmental corridor and wetlands would be preserved in common open space. Several treelines would be designed into commonly owned outlots. Broad vegetative buffers are proposed along the three perimeter roads (Golf Rd., Elmhurst Rd. and Glen Cove Rd). A trail system is proposed with paved trails connecting from the Brookstone Circle area in the southwest to the Lake Country Trail to the northeast. Passive paths would be provided through wooded areas.

The proposed zoning designation of R-3 allows for lot sizes of 14,000 sq. ft. without the benefit of a PUD. PUDs allow for flexibility in various dimensional standards. In this case, the petitioner is seeking offsets, setbacks and other dimensional requirements to be consistent with those standards contained in the Town of Delafield's PDD No. 1 standards that were recently approved by the town and are currently pending county consideration. The town's PDD No. 1 also contains substantial setback requirements from the existing perimeter roads ringing the site, which allows for landscape buffers and common space in those areas.

The Town's PDD No. 1 standards required numerous detailed studies relative to traffic, stormwater, water supply/groundwater, natural resource protection and bike and pedestrian plans. The town made a determination that all such issues were adequately addressed to proceed with the town rezoning (RZ141). County staff has also similarly reviewed said plans for conformance to PUD and other ordinance requirements and finds said studies to be acceptable. More detailed analysis of these matters is contained in the staff report for RZ 116 (see Exhibit B). More detailed stormwater management plans will be prepared and reviewed as part of the subdivision plat review process if this Conditional Use and the companion rezones are approved.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **conditionally approved**, subject to the following conditions:

1. Prior to this Conditional Use being effective, RZ 116 and RZ 141 must be approved by the County Board.
2. The lands shall be developed in substantial conformance with the presented concept plan. However, changes to the development layout to accommodate final stormwater management requirements or other infrastructure requirements can be authorized by County Planning & Zoning Division staff.
3. The number of dwelling units shall not exceed 212, as proposed.
4. A minimum of 40% of the site shall be preserved as open space and open space shall be configured in substantial compliance with the Site Plan (Exhibit A).
5. All areas of environmental corridor and wetlands shall be conserved in open space, as proposed.

6. A bike and pedestrian trail network in substantial conformity with the trails depicted on the proposed bike and pedestrian plan shall be provided.
7. A maintenance and monitoring plan shall be provided that ensures the long term health and maintenance of conserved natural resource and open space areas.
8. Enhanced stormwater infiltration practices shall be employed for this project, subject to site limitations. The Waukesha County Land Resources Division shall be consulted with regards to the final stormwater design to maximize infiltration opportunities. Such practices may include bio-retention basins, stone trenches and infiltration chambers.
9. Building setback, offset, footprint, height and other dimensional requirements shall be as specified in Town of Delafield PDD No. 1.
10. Road access points shall be in substantial conformance with the submitted site plan.

This Conditional Use request is consistent with the town and county comprehensive development plans. The proposed single family use of the shoreland portion of the site is consistent with the Low Density Residential category. The overall proposed density of the project is also consistent with the Low Density Residential threshold. 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 have been reviewed as part of this application and the companion RZ116 application including traffic, sewer, water and stormwater studies, have been carefully considered to ensure that the environment and infrastructure are not negatively impacted. The Town Plan Commission and Town Board recommended approval of the PUD.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Exhibit A, Site Plan
 Exhibit B, RZ116 staff report

LOT CHARACTERISTICS

SINGLE-FAMILY LOW DENSITY
Zone 1: Lots 1 - 8

- Lot Size = 20,000 sf
- Average Lot Width = 100 feet
- Setbacks:
 - Min. Road = 35'
 - Side Offset = 15'
 - Rear Offset = 20'
 - Wetland = 75'
- Max Building Footprint = 17.5% of lot
- Open Space per Lot = 70% of lot

RESIDENTIAL SINGLE-FAMILY LOW-MEDIUM DENSITY
Zone 2: Lots 9 - 37

- Lot Size = 15,000 sf
- Average Lot Width = 90 feet
- Setbacks:
 - Min. Road = 25'
 - Side Offset = 12.5'
 - Rear Offset = 20'
 - Wetland = 75'
 - Elmhurst Rd = 50'
- Max Building Footprint = 25% of lot
- Open Space per Lot = 60% of lot

SINGLE-FAMILY MEDIUM DENSITY
Zones 3 & 4: Lots 38 - 155

- Lot Size = 10,000 sf
- Average Lot Width = 75 feet
- Setbacks:
 - Min. Road = 25'
 - Side Offset = 10'
 - Rear Offset = 20'
 - Wetland = 75'
 - Glen Cove Rd = 100'
 - Golf Rd (CTH DR) = 100'
 - Elmhurst Rd = 50'
- Max Building Footprint = 30% of lot
- Open Space per Lot = 60% of lot

DUPLEX CONDOS
Zone 3: Lots 156 & 157 (Bldgs 1-28)

- Density = 4 un/ac
- Setbacks:
 - Min. Road = 25'
 - Side Offset = 20' (building to building)
- Rear Offset = N/A
- Wetland = 75'
- Glen Cove Rd = 100'
- Golf Rd (CTH DR) = 100'
- Max Building Footprint = 25%
- Open Space per Lot = 60% of lot

SITE DATA TABLE

- Gross Area 151.49 acres
- Road Dedication (Glen Cove Rd & Elmhurst Rd) - 0.44 acres
- TOTAL AREA 151.05 acres

Proposed Zoning: Planned Residential District #1

Zone 1: 23.2 acres	8 lots
Zone 2: 29.94 acres	29 lots
Zone 3: 50.08 acres	37 lots
	+ 56 units
Zone 4: 47.83 acres	81 lots
Existing Farmhouse	1 lot
TOTAL	151.05 acres
	212 units

- DENSITY = 212 / 151.05 = **1.404 un/ac**

STORMWATER PLAN NOTES:

- THE PROPOSED DEVELOPMENT (ALL PHASES) ARE SERVED BY ON-SITE SHARED STORMWATER FACILITIES, AS SHOWN ON THE PRELIMINARY STORMWATER PLAN.
- THE STORMWATER FACILITIES WILL BE CONSTRUCTED WITH THEIR CORRESPONDING PHASE OF DEVELOPMENT.
- THE STORMWATER FACILITIES WILL BE LOCATED WITHIN OUTLOTS AND/OR DRAINAGE EASEMENTS.
- ALL RESIDENTIAL LOTS AND CONDOMINIUM UNITS WILL BE PART OF A MASTER HOMEOWNERS ASSOCIATION.
- THE MASTER HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE REPAIR, MAINTENANCE AND RESTORATION OF THE STORMWATER PRACTICES.

Single-Family Medium Density & Condominium
Zone 3

- Duplex Ranch = 56 units
- 10,000 sf Single Family Lots = 37 units
- Total = 93 units

Low Density Single Family Residential
Zone 1
20,000 sf, 100' wide ave
8 lots

Zone 1
23.2 ac

Zone 2
29.94 ac

Zone 3
50.08 ac

Zone 4
47.83 ac

Residential Single-Family Low-Medium Residential
Zone 2
15,000 sf, 90' wide ave
29 lots

Single-Family Medium Density
Zone 4
10,000 sf, 75' wide ave
81 lots



4100 N. GALHOUN ROAD
BROOKFIELD, WI 53005
(262) 790-1480
info@trioeng.com

EXISTING FARMHOUSE TO REMAIN

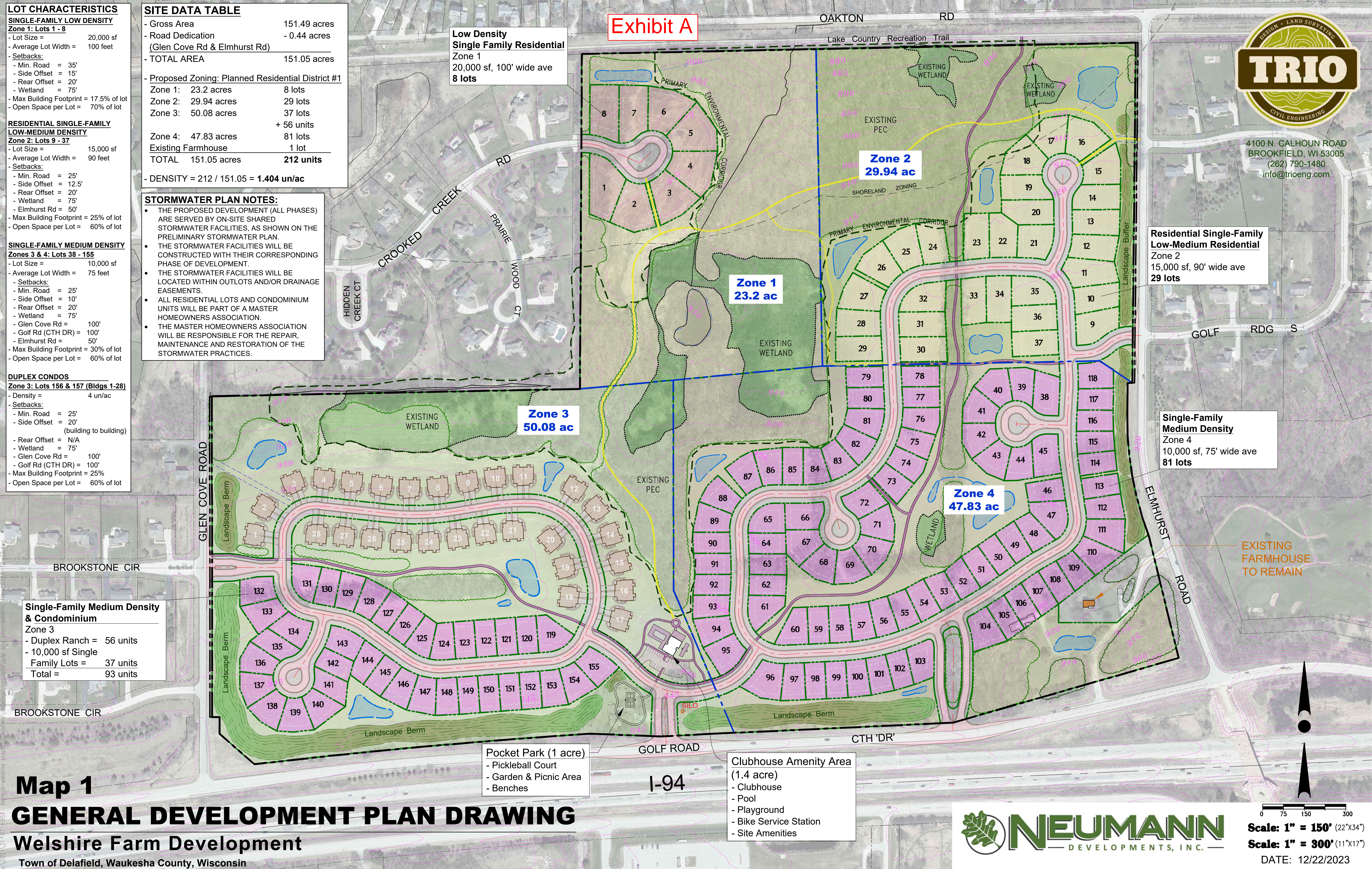
Map 1
GENERAL DEVELOPMENT PLAN DRAWING
Welshire Farm Development
Town of Delafield, Waukesha County, Wisconsin

Pocket Park (1 acre)
- Pickleball Court
- Garden & Picnic Area
- Benches

Clubhouse Amenity Area (1.4 acre)
- Clubhouse
- Pool
- Playground
- Bike Service Station
- Site Amenities



Scale: 1" = 150' (22"x34")
Scale: 1" = 300' (11"x17")
DATE: 12/22/2023



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

DATE: February 28, 2024

FILE NO.: RZ116

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 (DELT 0811.999 is part of the subject farm but is subject to the Town of Delafield Zoning Code)

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, EC Environmental Corridor Overlay, DSO Delafield Shoreland Overlay, C-1 Conservancy Overlay (County), A-1 Agricultural District and WF-1 Wetland Floodplain District (Town).

PROPOSED ZONING:
R-3 Residential District with EC, DSO and C-1 Overlays to remain (County). A town rezoning request to PDD1 is pending as part of RZ 141.

EXISTING USE(S):
Farm

REQUESTED USE(S):
Single family residential subdivision and side-by-side condominiums

PUBLIC HEARING DATE:
Tuesday, 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 recommended approval of 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 that is subject to the County Shoreland Protection Ordinance (SPO) 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 (maximum of one dwelling unit per five upland acres). 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 northern portion of the subject 151 acre property that is subject to the SPO from the A-1 Agricultural District to the R-3 Residential District (see attached rezoning map). A concurrent request (RZ 141) to rezone the lands on the site that are subject to the Town of Delafield Zoning Code 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 county A-1 Agricultural zoning designation allows for agricultural use of lands and requires a minimum parcel size of three acres. The county zoning designation of nearby lands is mixed including, R-1, R-2 and R-3. The proposed R-3 designation would limit use types to residential and open space uses. The R-3 District requires a minimum of 14,000 square feet when municipal sewer is provided. The lots proposed will be a minimum of 15,000 square feet and will comply with this standard. As previously noted, the petitioner is seeking a Planned Unit Development that would establish specific locational standards such as setbacks and offsets.

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. 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 which is in the town's zoning jurisdiction. 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 would be limited to 230 by the density parameters of the town's PDD1 if finally approved by the county. 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 PDD No.1 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, as part of its review of RZ141 and the subject request, has reviewed the submitted rezoning applications and 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 various reports prepared as part of this rezoning request and the related RZ141 request to rezone to the town's PDD1. The Town of Engineer provided a summary of the analysis of these plans in his January 16, 2024 staff report for RZ141 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 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 workday 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, the town's PDD1 requires conformance to detailed standards for the following. Similarly, consideration of these issues is relevant to this proposed rezoning:

- 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

The use and lot size requirements of the R-3 District are also being complied with. 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 many other treelines would be conserved. 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 (see Exhibit C). 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 concurrent town rezoning request (RZ141) and recommended approval of the subject rezoning.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved subject to the following conditions.**

1. The site shall be limited to a maximum of 230 dwelling units.
2. The development of the site shall be in substantial compliance with the concept site plan (Exhibit A).
3. A minimum of 40% of the site shall be conserved in open space.

The rezoning of the subject lands to R-3 Residential District is consistent with the town and county comprehensive development plans. The Low Density Residential category provides for single family homes which is the only use being proposed within the county's jurisdiction. 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 submitted as part of this application, including traffic, sewer, water and stormwater, have been carefully considered to ensure that the rezoning will not negatively affect the environment or infrastructure. The Town Plan Commission and Town Board recommended approval of the zoning change to R-3 Residential District.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Exhibit A, Concept Site Plan
 Exhibit B, Town staff report
 Exhibit C, Map 2 Natural Resources and Open Space Plan
 Rezone Map



Waukesha County

Department of Parks and Land Use

MEMORANDUM

To: Waukesha County Park and Planning Commission

From: Sandy Scherer, Senior Planner

Date: February 28, 2024

Re: **PPC24_004, WDNR, PO Box 7921, Madison, WI 53707-7921**, remnant parcel not shown on a Certified Survey Map. The parcel is described as part of the NW ¼ of Section 12, T6N, R17E, Town of Ottawa. More specifically, the property is located at the intersection of Parry Road and Waterville Road on the east side of Waterville Road. (Tax Key No. OTWT 1630.998).

The petitioner is proposing to create a 10-acre parcel, located at the intersection of Parry Road and Waterville Road on the east side of Waterville Road in the Town of Ottawa. The proposed parcel is being divided from a 38.4-acre parcel which has frontage on Waterville Road. The proposed 10-acre parcel is currently vacant and will be used for single-family residential purposes. An aerial photograph of the parcel is attached as Exhibit A. Sheet 2 of the proposed CSM is attached as Exhibit B. The remnant acreage is also vacant and will be used for agricultural purposes in the near term and recreational use and open space in the long term.

The proposed 10-acre parcel was recently rezoned to the AD-10 District, and the remnant parcel is zoned A-T Agricultural Transition District. The Waukesha County CDP designates the property as Rural Residential and Other Agricultural Land (having a density of 5.0-34.9 acres per dwelling unit), and the Town of Ottawa CDP designates the property as Agricultural 10 Acre Density. The proposal complies with both plans.

Section 2.3 of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance requires that a residual parcel resulting from a division of land must be included in the Certified Survey Map. The Planning and Zoning Division staff feel that including the remnant parcel in the Certified Survey Map would result in significant expense for the owner while serving no useful purpose at this time. The Town of Ottawa approved the remnant parcel waiver in November 2023.

The Planning and Zoning Division staff, recommends **approval** of this request, subject to the following condition:

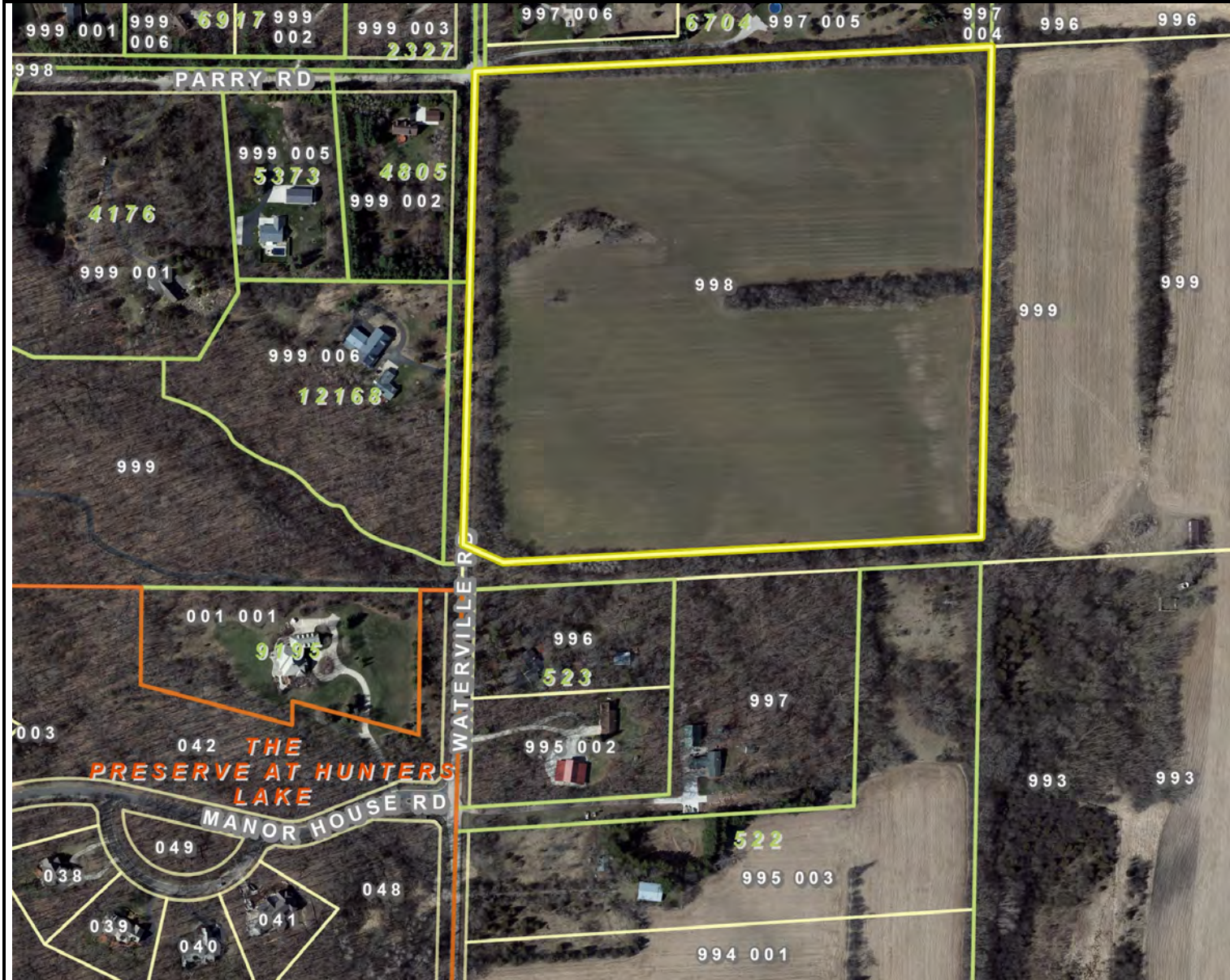
Planning and Zoning

1. It must be noted on the Certified Survey Map that the Waukesha County Park and Planning Commission granted a waiver from the requirement to include the remnant parcel on the Certified Survey Map on February 28, 2024.

Approval of the above waiver request, as conditioned, will allow the property owner to create a new residential lot for single-family development. This approval waives the requirement that the remnant parcel must be included on the Certified Survey Map. A further review of the Certified Survey Map to ensure that it complies with the requirements of the Town of Ottawa Land Division and Development Ordinance has been conducted by the Town of Ottawa Planner as the 10-acre parcel is located outside of the Waukesha County Shoreland Protection Ordinance jurisdiction.

Attachments: Exhibits A and B

N:\PRKANDLU\Planning and Zoning\Miscellaneous PPC Requests\Miscellaneous PPC Project Files\Remnant parcel waivers\PPC24_004 WDNR owt\Memo and Exhibits\PPC24_004 WDNR 02 28 24 PPC mtg owt



Legend

- Municipal Boundary
- Points of Interest
- Parcel_Dimension_2K
- Note_Text_2K
- Lots_2K
- Lot
- Unit
- General Common Element
- Outlot
- SimultaneousConveyance**
- Assessor Plat
- CSM
- Condominium
- Subdivision
- Cartoline_2K**
- EA-Easement_Line
- PL-DA
- PL-Extended_Tie_line
- PL-Meander_Line
- PL-Note
- PL-Tie
- PL-Tie_Line
- <all other values>
- Road Centerlines_2K**
- Railroad_2K**
- TaxParcel_2K
- Waterbodies_2K_Labels**
- Waterlines_2K_Labels**



The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Notes:
 Printed: 2/21/2024

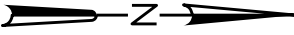
PRELIMINARY

CERTIFIED SURVEY MAP NO. _____

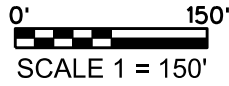
PART OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 6 NORTH, RANGE 17 EAST, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN.

OWNER:
STATE OF WISCONSIN
DEPARTMENT OF
NATURAL RESOURCES
PO BOX 7921
MADISON, WI 53707

SURVEYOR:
V2G SURVEYING LLC.
123 WOLF RUN - STE 4
MUKWONAGO, WI 53149
262-378-5097

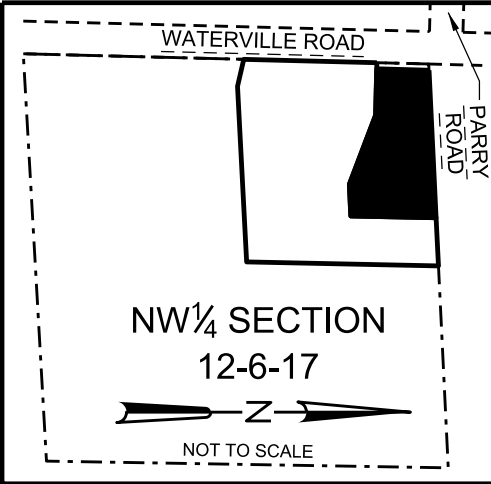
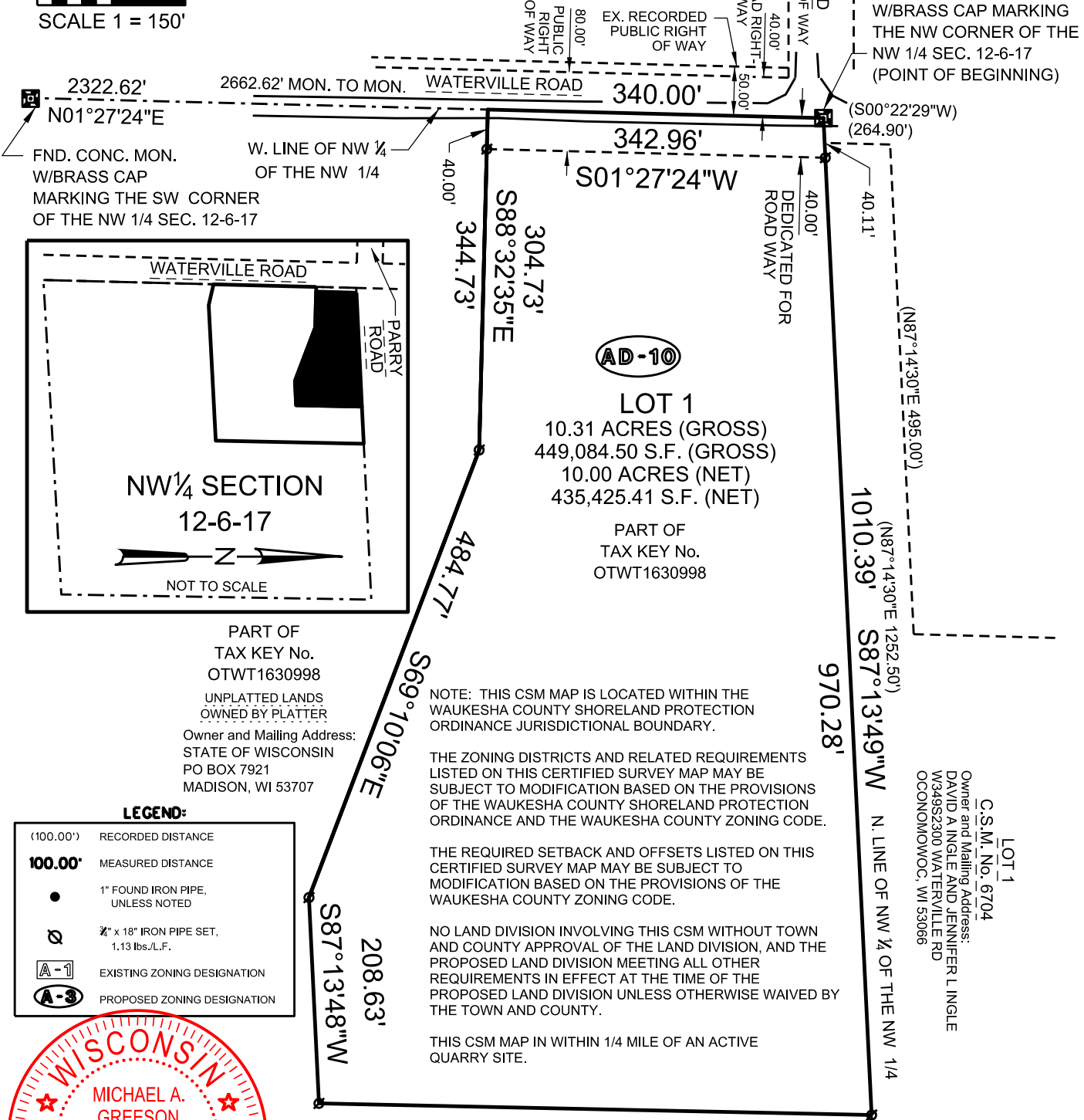


BASIS OF BEARING:
THE SOUTH LINE OF WEST 1/4 OF THE NW 1/4 SEC. 12, T 6 N-R 17 E WAS TAKEN TO BEAR N01°27'24"E.



- (1) Road Setback:
(A) Fifty (50) feet minimum, with the following exceptions when measured from a Local Road:
1. Thirty-five (35) feet minimum if the Lot is part of a subdivision recorded after October 1, 2016.
2. Thirty-five (35) feet minimum if the Lot is served by sewer.
(B) Additional regulations and exceptions from Section 3.09(1) apply.
(2) Wetland Setback:
(A) Seventy-five (75) feet minimum.
(B) Additional regulations and exceptions from Section 3.09(2) apply.
(3) Offset: (A) Twenty (20) feet minimum
(B) Additional regulations and exceptions from Section 3.09(3) apply.

FND. CONC. MON.
W/BRASS CAP MARKING
THE NW CORNER OF THE
NW 1/4 SEC. 12-6-17
(POINT OF BEGINNING)



PART OF
TAX KEY No.
OTWT1630998
UNPLATTED LANDS
OWNED BY PLATTER
Owner and Mailing Address:
STATE OF WISCONSIN
PO BOX 7921
MADISON, WI 53707

NOTE: THIS CSM MAP IS LOCATED WITHIN THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE JURISDICTIONAL BOUNDARY.

THE ZONING DISTRICTS AND RELATED REQUIREMENTS LISTED ON THIS CERTIFIED SURVEY MAP MAY BE SUBJECT TO MODIFICATION BASED ON THE PROVISIONS OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE.

THE REQUIRED SETBACK AND OFFSETS LISTED ON THIS CERTIFIED SURVEY MAP MAY BE SUBJECT TO MODIFICATION BASED ON THE PROVISIONS OF THE WAUKESHA COUNTY ZONING CODE.

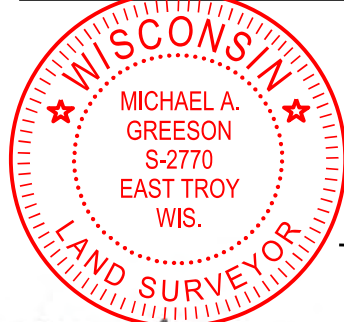
NO LAND DIVISION INVOLVING THIS CSM WITHOUT TOWN AND COUNTY APPROVAL OF THE LAND DIVISION, AND THE PROPOSED LAND DIVISION MEETING ALL OTHER REQUIREMENTS IN EFFECT AT THE TIME OF THE PROPOSED LAND DIVISION UNLESS OTHERWISE WAIVED BY THE TOWN AND COUNTY.

THIS CSM MAP IS WITHIN 1/4 MILE OF AN ACTIVE QUARRY SITE.

LOT 1
 C.S.M. No. 6704
 Owner and Mailing Address:
 DAVID A INGLE AND JENNIFER L INGLE
 W349S2300 WATERVILLE RD
 OCONOMOWOC, WI 53066

LEGEND:

(100.00')	RECORDED DISTANCE
100.00'	MEASURED DISTANCE
●	1" FOUND IRON PIPE, UNLESS NOTED
⊙	3/4" x 18" IRON PIPE SET, 1.13 lbs./L.F.
A-1	EXISTING ZONING DESIGNATION
A-3	PROPOSED ZONING DESIGNATION



PART OF TAX KEY No. OTWT1630998
UNPLATTED LANDS OWNED BY PLATTER
E. LINE OF THE NW ¼ OF THE NW 1/4 SEC. 12-8-17

TaxKey: OTWT1630999
Owner and Mailing Address:
OTTAWA LAND LLC
PO BOX 270518
MILWAUKEE, WI 53227-7211

CALCULATED LOCATEION OF THE NE CORNER OF THE NW 1/4 SEC. 12-6-17