

Enrolled 157-1
..PROPOSED ORDINANCE 157-1

1
2
3 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING
4 ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE
5 SW ¼ OF SECTION 12, T7N, R18E, TOWN OF DELAFIELD, FROM THE A-2
6 RURAL HOME DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (PUD)
7 (ZT-1401B)
8
9

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

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the District Zoning Map for the Town of Delafield Zoning Ordinance, adopted by
19 the Town of Delafield on July 20, 1998, is hereby amended to rezone from the A-2 Rural Home
20 District to the R-1 Residential District (PUD), certain lands located in part of the SW ¼ of
21 Section 12, T7N, R18E, Town of Delafield, and more specifically described in the "Staff Report
22 and Staff Recommendation" and map on file in the office of the Waukesha County Department
23 of Parks and Land Use, and made a part of this ordinance by reference (ZT-1401B).
24

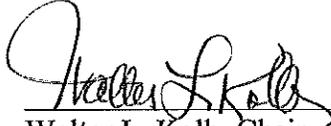
25 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
26 this ordinance with the Town Clerk of Delafield.
27

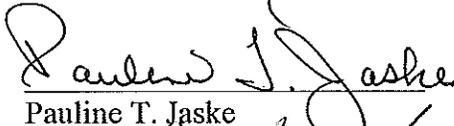
28 BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect upon passage,
29 approval and publication.
30

31 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
32 provisions of this ordinance are hereby repealed.

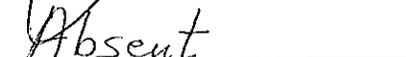
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING
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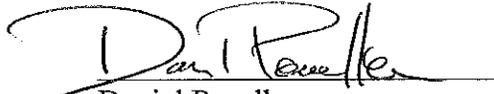
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz

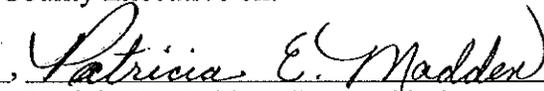

Absent
Scott J. Klein


Daniel Pavelko


Vera Stroud


Matt Thomas

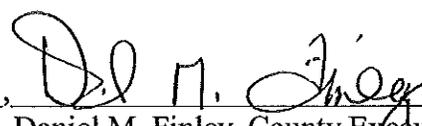
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date: May 17, 2002, 
Patricia E. Madden, County Clerk

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

Approved:

Vetoed:

Date: 5-17-02, 
Daniel M. Finley, County Executive

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

FILE NO: ZT-1401B

TAX KEY NUMBER: DELT 767.046.
DELT 767.052
DELT 767.049.001

DATE: February 21, 2002

NAME OF PETITIONER: Siepmann Realty Corporation
W240 N1221 Pewaukee Road
Waukesha, WI 53188

OWNER OF PROPERTY: Lakeside Investment Company
W287 N3192 Lakeside Road
Pewaukee, WI 53072

LOCATION OF PROPERTY:

Part of the SW ¼ of Section 12, T7N, R18E, Town of Delafield. More specifically, the property is located on the south side of old North Shore Drive and east of Lakeside Road, containing approximately 66.5 acres.

PRESENT ZONING:

A-2 Rural Home District.

PROPOSED ZONING:

R-1 Residential PUD.

PRESENT LAND USE:

Nine hole golf course and clubhouse.

PROPOSED LAND USE:

32-lot Residential Planned Unit Development with common open (green) space.

PUBLIC HEARING DATE:

January 15, 2002.

PUBLIC REACTION:

Some residents in the area were concerned with the removal of large trees, density of the development, loss of the golf course, impact on their property values, traffic, stormwater, and the impact on Pewaukee Lake.

TOWN PLAN COMMISSION ACTION:

The Town of Delafield Plan Commission, at their meeting on February 5, 2002, voted in favor to recommend to the Town Board approval of the rezoning request.

TOWN BOARD ACTION:

The Town of Delafield Board, at their meeting on February 12, 2002, approved the rezoning request in accordance with the Town Plan Commission's recommendation.

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COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The Waukesha County Development Plan was amended for the subject property in 2001 to the "Low Density Urban Residential" category, allowing development at 20,000 sq. ft. to 1.4 acres per dwelling unit. The conditions of the amendment allowed no more than 48 dwelling units and required that the Primary Environmental Corridor (PEC) be preserved as much as possible. The proposed rezoning request, at 32 living units with preservation of the majority of the PEC as open space, is consistent with the Waukesha County Development Plan and the conditions of the 2001 amendment.

OTHER CONSIDERATIONS:

The applicant's are proposing to divide the 66.5-acre parcel into 32 single-family home sites, ranging in size from 30,000 to 40,000 sq. ft. in area. More than 54% of the site, or 34 acres, will be in open (green) space uses, open to the public and having a conservation easement on the southerly portion, which contains PEC, all as an amenity for the homeowners association. The applicant is proposing to construct some amenities, such as a clubhouse, swimming pool, and possibly a "sport court". It is the intention of the developer that the majority of the non-PEC open space will be planted in natural meadows with wildflowers, ponds and trails. Each property owner will have an undivided interest in the open space. The open space will be protected by a Permanent Preservation Easement. The current golf course will be eliminated. The home sites will be served by sanitary sewer and have individual wells. The overall density is 2.08 acres per lot. The proposal includes two (2) stormwater retention ponds, one north of the road, and one on the southerly portion. The existing clubhouse and parking lot will be removed and converted to open space.

STAFF RECOMMENDATION:

It is the opinion of the Planning Staff this request be **approved**. We feel that the proposed zoning is consistent with existing development in the Town of Delafield, is consistent with the Waukesha County Development Plan, and complies with the Waukesha County Board of Supervisor's policy on open space, as more than 54% of the site will be common open space and will alleviate some of the water quality issues for Pewaukee Lake, in lieu of the stormwater retention facilities, which must meet water quality and quantity requirements.

Respectfully submitted,



Kathy Moore
Senior Planner

KM:rmb

Attachment: "Exhibit A" and Map

EXHIBIT "A"

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TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING – March 12, 2002 – Page 3

accepting the changes drafted by the Town Attorney. Carried.

- B. (Tabled 2/26/02) Consideration of Ordinance to appoint clerk, treasurer, deputy clerks, and/or deputy treasurer as an alternate election officials if reside in the municipality. A motion by Ms. Dundon, seconded by Mr. Schommer to remove from table the consideration of ordinance to appoint clerk, treasurer, deputy clerks, and/or deputy treasurer as an alternate election officials if reside in the municipality. Carried.

Ms. Jahnke explained that this ordinance is necessary if the Town Board would need to appoint a town employee (if they reside in the Town) as an alternate election official or inspector, as long as their name did not appear on the ballot.

A motion by Mr. Van Horn, seconded by Ms. Dundon to approve Ordinance 2002-03-006 to create alternate election officials and inspectors for the Town of Delafield. Carried.

Eighth order of business: NEW BUSINESS –

- A. Consideration of Operator's Licenses for period of July 1, 2000 to June 30, 2002
- Colin Huibregtse Thorpe for Western Lakes Golf Course
A motion by Ms. Dundon, seconded by Mr. Schommer to approve Operator's License for Colin Huibregtse Thorpe for Western Lakes Golf Course for period of July 1, 2000 to June 30, 2002. Carried.
- Athena A Webster for BW's Hide-A-Way.
Although Ms. Webster has a record in 1998 for party to retail theft, the charges were dropped. Also her father is the owner of this establishment.
A motion by Mr. Van Horn, seconded by Mr. Schommer to approve the clerk's recommendation to approve an Operator's License for Athena Webster for BW's Hide-A-Way for period of July 1, 2000 to June 30, 2002. Carried.
- B. Consideration of request for approval of final plat for Grandhaven subdivision located in the Northeast ¼ of Section 15. (Bill Hinzey, Grandhaven Subdivision)
Mr. Richards said that Waukesha County did approve the private road and the extended cul-de-sac, and this comes with the recommendation of the Plan Commission.
A motion by Ms. Dundon, seconded by Mr. Perry to approve the final plat for Grandhaven subdivision located in the Northeast ¼ of Section 15. (Bill Hinzey, Grandhaven Subdivision) Carried 3 to 1 (Nay – Mr. Van Horn).
- C. Consideration of request for approval of a Certified Survey Map to split off the existing farmette from the balance of the proposed residential development. (Mike Hoffman, Creekside Properties).
This certified survey map is conditional upon the execution of the Conditional Use Permit, previously approved and the DOT Trans 233 approval.
A motion by Ms. Dundon, seconded by Mr. Schommer to approve the Certified Survey Map to split off the existing farmette from the balance of the proposed residential development subject to the execution of the Conditional Use Permit and DOT Trans 233 approval. Carried.

- D. Reaffirmation of motion from 2/13/02 Town Board Meeting for consideration of request for zoning amendment from A-2 to R-1 and Conditional Use Grant for a residential development on lands south of Old North Shore Drive and east of Lakeside Road (Lakeside Golf Course). (Jim Siepmann, Siepmann Development)

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5.

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING - March 12, 2002 - Page 4

Since the actual motion approved did not state the conditions, even though the conditions were written in ordinance for rezoning, Waukesha County wanted the Town to reaffirm the motion to make sure that the Town Board approved with the listed conditions of the Plan Commission.

A motion by Ms. Dundon, seconded by Mr. Van Horn to reaffirm the Town Boards motion of 2/21/02 under item 8E to include the conditions listed under the minutes of the Plan Commission motion under 7C, which require public access to the large open spaces on both the south and north west corners of the property and that sometime before the preliminary approval of the Subdivision Plat the specific acreage for public access be delineated and identified with the goal of maximizing the amount of acreage open to the public recognizing a buffer zone for future residents of the development and that the development to provide a single community swimming pool and preclude private pools on all lots in the development and that the Town Board adopt the appropriate amendment to the Land Use Plan consistent with this development proposal with recognition of the fact that it recognizes and attempts to achieve the spirit and intent of the Land Use Plan already in existence. Carried 3 to 1 (Nay - Perry).

- E. Consideration of amendment to Resolution 01-525 to divide the Town of Delafield into wards pursuant to Wisconsin Statutes Section 5.15(4).

The Clerk was notified by Waukesha County that a single property located in the Town in Section 3 was missed when the County helped divide the town into wards. This parcel will need to be treated like an island, since it would fall into an additional county supervisor district that is not part of the Town.

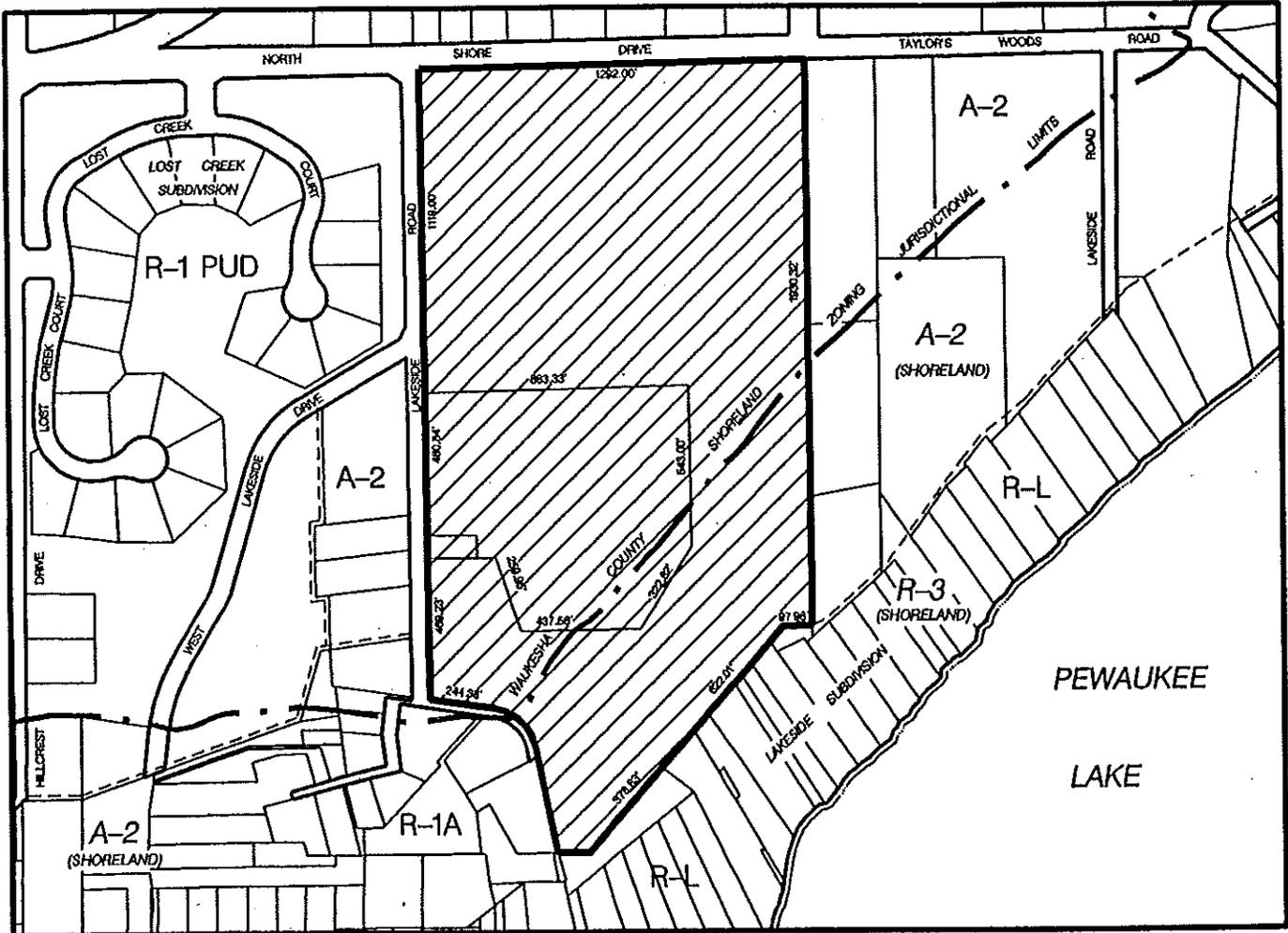
A motion by Ms. Dundon, seconded by Mr. Schommer to approve Resolution 02-525-A, which is an amendment to the Resolution to divide the Town of Delafield into wards pursuant to Wisconsin Statutes Section 5.15(4) to include the single parcel located at N47 W30815 Hill Street. Carried.

- F. Park & Recreation Fund Raising Ideas

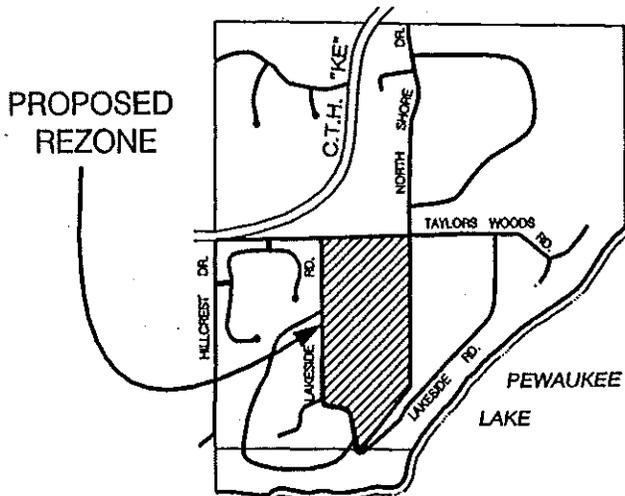
1. **Plans for Skateboard Area.** Mr. Brouwer showed preliminary plans for the skateboard area. The design of the skate area would be geared for the beginner skater. The board area would be 4' down in order to accommodate the length of the skateboard.
2. **Possibility for Naming Rights for the skateboard area.** Is there objection to allowing this?
3. **Possibility for Selling Bricks in the park.** Since the skateboard area would be cement, the bricks would need to be placed in a walkway or bench area.
4. **Possibility for to sell booth rental spaces for vendors to sell their Flowers.** P&R would like to use the Sports Commons parking lot one weekend (2 days) in May in order to sell booth rental space to area greenhouses or nurseries. P&R would profit from the rental space sales, but each vendor would be able to keep their profit. P&R would like an answer on this ASAP since this event would need to be planned very soon.
5. **Possibility for Barbeque Contest in the Park.** P&R would like to sell tickets to this event to be held in the Sports Commons. They would like to be able to include beer sales with this. They may also want a tent and music.
6. **Possibility for Battle of the Bands.** P&R would also sell tickets for this event. A tent would be needed at the Sports Commons.

ZONING CHANGE

PART OF THE SW 1/4 OF SECTION 12
TOWN OF DELAFIELD



ZONING CHANGE FROM A-2 TO R-1 (PUD)

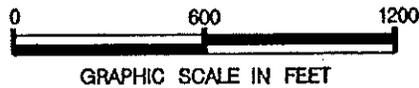


FILE.....ZT-1401B

DRAWN.....2-21-02

SCALE.....1" = 600'

AREA OF CHANGE.....66.5 ACRES



PREPARED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2002-02-005

An Ordinance to rezone lands located in the Northeast ¼ and Southeast ¼ of the Southwest ¼ of Section 12, T7N, R18E from A-2 to R-1 (PUD)

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

Section 1:

The zoning map of the Town of Delafield is hereby amended to change the zoning classification from A-2 to R-1 on the following described property:

All that part of the Northeast Quarter (NE ¼) and Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section 12, Town 7 North, Range 19 East, Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows: Beginning at the northeast corner of the Southwest Quarter (SW ¼) of Section 12; thence South 00°16'23" East along the east line of said Southwest Quarter (SW ¼) 1930.32 feet; thence South 88°05'37" West 97.98 feet; thence South 40°49'27" West 622.01 feet; thence South 40°43'37" West 377.05 feet; to the south line of said Southwest Quarter (SW ¼); thence South 89°35'22" West along said South Quarter line 104.50 feet; thence North 11°40'23" West along the centerline of Lakeside Road 371.34 feet; thence Northwesterly 209.25 feet along said centerline and the arc of a curve of radius 170.95 feet; center lies to the west, chord bears North 46°44'23" West 198.34 feet; thence North 81°48'23" West along said centerline 213.52 feet; thence North 00°26'23" West along the east right of way line of Lakeside Road 2105.64 feet to the north line of said Southwest Quarter (SW ¼); thence North 88°57'37" East along said north line 1292.00 feet to the place of beginning. Containing a gross area of 67.505 acres of land. EXCEPTING the north 33.00 feet and southwest 30.00 feet for public road purposes.

Section 2

The zoning map amendment described in Section 1 is subject to the lands being developed as a Residential Planned Unit Development in accordance with Section 17.05 5. AM. of the Town Zoning Code as 32 single family parcels. The layout of the development shall conform substantially to the plan dated December 20, 2001 by Jahnke & Jahnke Associates, Inc., but shall be subject to further comments by the Town during specific reviews of the development. The development shall allow public access to the large open spaces on both the south and northwest corners of the development (the specific acreage for public access shall be delineated on the preliminary and final plats). The development shall provide a single community pool and preclude private pools on all lots in the development.

157-0-001

8.

Section 3

The rezoning of this parcel by the Town Board recognizes the fact that the development proposal attempts to achieve the spirit and intent of the land use plan already in existence. The Town Board shall adopt the appropriate amendment to the Land Use plan consistent with the development.

Section 4: Severability

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof 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 take effect immediately upon publication as provided by law.

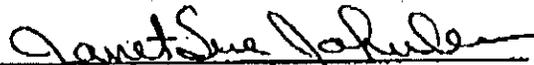
Dated this 12th day of February, 2002.

TOWN OF DELAFIELD



Paul L. Kanter, Town Chairperson

ATTEST:


Janet Sue Jahnke, Town Clerk

Published the ____ day of _____, 2002.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/14/02

~~RES~~^{ORD} NUMBER-1570001

- | | |
|------------------------|------------------------|
| 1 K. HERRO.....AYE | 2 R. THELEN.....AYE |
| 3 D. STAMSTA.....AYE | 4 H. CARLSON.....AYE |
| 5 J. MARCHESE.....AYE | 6 D. BROESCH.....AYE |
| 7 J. JESKEWITZ.....AYE | 8 J. DWYER.....AYE |
| 9 P. HAUKOHL.....AYE | 10 S. WOLFF.....AYE |
| 11 K. HARENDA.....AYE | 12 J. GRIFFIN.....AYE |
| 13 J. MORRIS.....AYE | 14 J. LA PORTE.....AYE |
| 15 D. SWAN.....AYE | 16 R. MANKE.....AYE |
| 17 J. BEHREND.....AYE | 18 D. FANFELLE.....AYE |
| 19 M. SONNENTAG..... | 20 M. KIPP.....AYE |
| 21 W. KOLB.....AYE | 22 G. BRUCE.....AYE |
| 23 P. PRONOLD.....AYE | 24 A. SILVA.....AYE |
| 25 K. CUMMINGS.....AYE | 26 S. KLEIN.....AYE |
| 27 D. PAULSON.....AYE | 28 P. JASKE.....AYE |
| 29 M. THOMAS.....AYE | 30 K. NILSON.....NAY |
| 31 V. STROUD.....AYE | 32 P. GUNDRUM..... |
| 33 D. PAVELKO.....AYE | 34 R. SINGERT.....AYE |
| 35 C. SEITZ.....AYE | |

TOTAL AYES-32

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-33