

ENROLLED ORDINANCE 163-24

AMEND THE ZONING DISTRICT MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ AND NE ¼ OF SECTION 27, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-3 SUBURBAN HOME DISTRICT (ZT-1676)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Town of Delafield Zoning District Map of the Town of Delafield, adopted on July 20, 1998, is hereby amended to conditionally rezone from the A-1 Agricultural District)to the A-3 Suburban Home District, certain lands located in part of the SE ¼ and NE ¼ of Section 27, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, and more specifically described in the “Staff Report and Recommendation” and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (ZT-1676), subject to the following conditions:

1. The creation of a Certified Survey Map (CSM) to create the two (2) large parcels (5 acres and 13 acres).
2. The future division of Lot 1 (13 acres) be restricted to not more than four (4) additional lots.

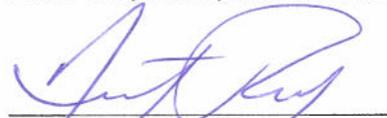
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

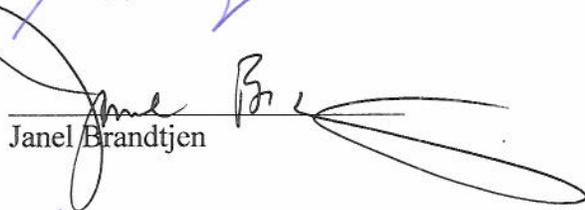
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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

AMEND THE ZONING DISTRICT MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ AND NE ¼ OF SECTION 27, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-3 SUBURBAN HOME DISTRICT (ZT-1676)

Presented by:
Land Use, Parks, and Environment Committee


Fritz Ruf, Chair

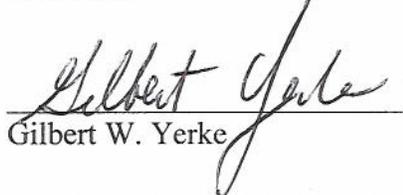

Janel Brandtjen

Absent
Robert Hutton


James Jeskewitz


Walter L. Kolb

Absent
Ted Rolfs


Gilbert W. Yerke

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

Date: 8-29-08, 
Kathy Nickolaus, County Clerk

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

Approved:
Vetoed:
Date: 9-2-08, 
Daniel P. Vrakas, County Executive

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

DATE: July 17, 2008

FILE NO: ZT-1676

PETITIONER: Michael Southard
N7 W30323 Maple Avenue
Waukesha, WI 53188

TAX KEY NO'S.: DELT 0825.989 and DELT 0828.998

LOCATION:

The property is located in part of the NE ¼ and SE ¼ of Section 27, T7N, R18E, Town of Delafield. More specifically, the property is located south of Maple Avenue and west of Bryn Drive, containing approximately 17.9 acres.

PRESENT ZONING:

A-1 Agricultural District and wetland floodplain under the Town of Delafield Ordinance and portions of the property in the floodplain are zoned C-1 Conservancy under the Waukesha County Shoreland and Floodland Protection Ordinance.

PRESENT LAND USE:

Farmhouse, small out buildings and agricultural land as well as wooded areas and wetlands.

PROPOSED ZONING:

A-3 Suburban Home District, permitting two (2) acre lots under the Town of Delafield Ordinance.

PROPOSED LAND USE:

Create a five (5) acre and a 13 acre parcel at the present time with the ability to create four (4) additional lots in the future for a total of not more than five (5) parcels as conditioned by the Town of Delafield.

PUBLIC HEARING DATE:

July 1, 2008.

PUBLIC REACTION:

None, as indicated in the Town of Delafield Plan Commission Minutes.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Delafield Plan Commission, at their meeting of July 1, 2008, voted to recommend in favor of the rezoning, subject to the creation of a Certified Survey Map (CSM) to create the two (2) large parcels (5 acres and 13 acres) and that the future division of Lot 1 (13 acres) be restricted to not more than four (4) additional lots. They also noted the floodplain elevations historically used for this

area of the County may be approved by the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA) based upon a detailed hydrologic study for this area of the Town and the Town would recognize the newly created floodplain boundaries if approved.

On July 8, 2008, the Town of Delafield Board approved the rezoning to the A-3 Suburban Home District, as recommended by the Town Plan Commission.

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

The Town Land Use Plan indicates this area of uplands is categorized in a three (3) acre rural category and the Waukesha County Development Plan identifies this area in the Suburban I Residential category, which is 1.5 to 2.9 acres per dwelling unit. The proposed ultimate development containing five (5) parcels for this area south of Maple Avenue conforms with the intent and purpose of both plans.

STAFF ANALYSIS:

Mr. Southard is proposing to rezone this land from the A-1 Agricultural District under the Town's Ordinance, which has a 40-acre minimum lot size requirement, to the A-3 Suburban Home District, which is a two (2) acre minimum lot size requirement, in order to create two (2) parcels as noted above. A conceptual layout of the ultimate creation of the five (5) lots was submitted and indicates that each of the lots will have at least two (2) acres or more in size with one being five (5) acres in size. It is important to note that Mr. Southard has also solicited the help of Yaggy Colby Associates to consider an amendment to the newly adopted FEMA floodplain maps as it affects his property, which indicates an approximate floodplain elevation of 1,012' above mean sea level for this area formerly known as the Nitrogen peat operation. The new 100-year floodplain maps prepared by FEMA have identified the 1,012' contour as the regulatory floodplain. Mr. Southard is proposing to request a "Letter of Map Revision" (LOMR) from FEMA, which would revise the 100-year floodplain to approximately 1,007.6. This study has been submitted to the DNR for their review and comment and indicates that the analysis submitted met the standards of NR 116 of the Wisconsin Administrative Code, but requires that the LOMR from FEMA has to be requested and approved by FEMA before that revised elevation is officially recognized. For the time being, the existing elevation suggested by the 2008 revisions of the FEMA map is being shown on this property and the zoning map attached, but may be revised subject to FEMA review and approval.

The Town's A-1 District requires 40-acre parcels and is mapped throughout numerous areas south of Maple Avenue and Bryn Drive in this portion of the Town of Delafield, although numerous parcels within that area are substantially less than 40 acres in size. The proposed conceptual lot layout presented by Mr. Southard indicates the four (4) additional parcels on the 13 acre lot would be served by a private easement and combined access points to Maple Avenue with the existing drive serving the farm residence being relocated to a safer location, further east on Maple Drive. All of the lots should have suitable building sites on which to build residences based upon the soils in this area being identified on the USDA Soils Maps as having suitable characteristics for such land uses. Detailed soil borings and tests have not been conducted on the 13-acre parcel, although they have been conducted on the five (5) acre parcel and indicate a suitable location near the road. The future final layout, which may be reviewed and approved by the Town, will be subject to further review in the future at such time the division of the 13-acre tract would occur.

163-0-025

4.

STAFF RECOMMENDATION:

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

1. Subject to the creation of a Certified Survey Map (CSM) to create the two (2) large parcels (5 acres and 13 acres).
2. The future division of Lot 1 (13 acres) be restricted to not more than four (4) additional lots.

We feel the proposed rezoning of this site to accommodate the five (5) lots on approximately 17.9 acres meets the intent and purposes of the Waukesha County Development Plan, as well as the Town's Land Use Plan and is a more appropriate zoning category than the A-1 category which requires a 40 acre parcel size, recognizing the fact that this parcel only contains 18 acres.

Respectfully submitted,

Richard L. Mace / kab

Richard L. Mace
Planning and Zoning Division Manager

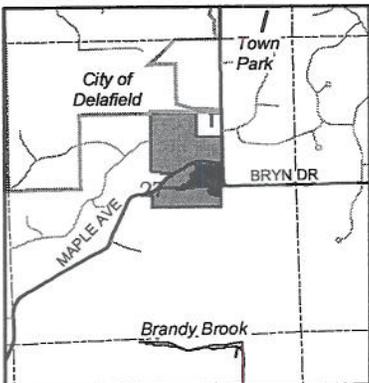
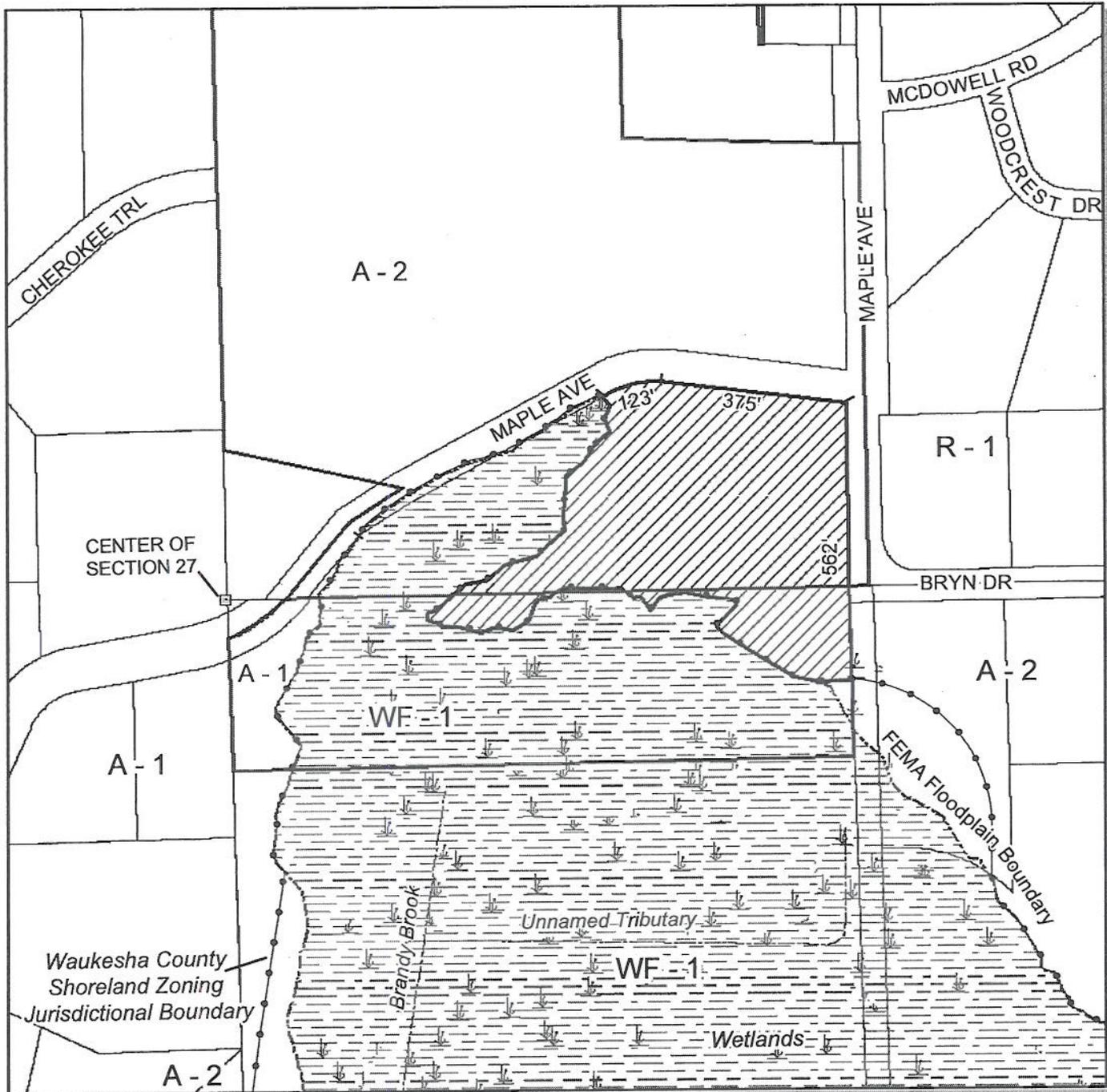
RLM:kab

Attachments: Map and Town Ordinance

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ZONING MAP AMENDMENT

PART OF THE EAST 1/2 OF SECTION 27
TOWN OF DELAFIELD



TOWN ZONING CHANGE FROM A-1 AGRICULTURAL TO A-3 SUBURBAN HOME DISTRICT

FILE.....ZT-1676

DATE.....07-17-08

AREA OF CHANGE.....7.5 ACRES

TAX KEY NUMBER.....DELT 0828-998,
0825-989



1 inch equals 300 feet
0 50 100 200 300 Feet

Prepared by the Waukesha County Department of Parks and Land Use

163-0-025

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/26/08

(ORD) NUMBER-1630025

1 D. FALSTAD.....AYE
 3 R. HUTTON.....AYE
 5 J. JESKEWITZ.....AYE
 7 P. HAUKOHL.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 J. BEHREND.....AYE
 15 P. MEYERS.....AYE
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....AYE
 23 J. PLEDL.....AYE
 25 G. YERKE.....AYE

2 T. ROLFS.....AYE
 4 J. DWYER.....AYE
 6 J. BRANDTJEN.....AYE
 8 T. SCHELLINGER....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 B. MORRIS.....AYE
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....AYE
 20 P. JASKE.....AYE
 22 P. GUNDRUM.....
 24 W. KOLB.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24