

Enrolled Ordinance 171-83

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW 1/4 OF SECTION 36, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (ZT-1843)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Delafield Town Board on November 9, 2016, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, is hereby amended to rezone from the A-1 Agricultural District to the A-2 Rural Home District, certain lands located in part of the NW 1/4 of Section 36, 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-1843, is hereby approved.

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

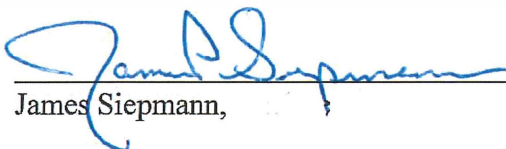
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

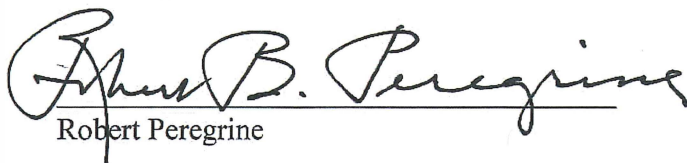
COMMISSION ACTION

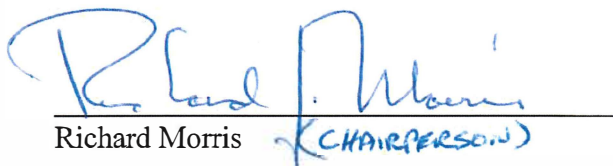
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of ZT-1843 (Archebald and Judith Pequet Joint Revocable Trust Dated December 19, 2002) in accordance with the attached "Staff Report and Recommendation".

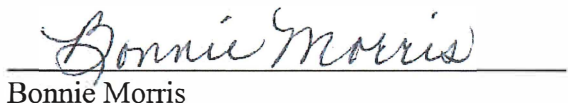
PARK AND PLANNING COMMISSION

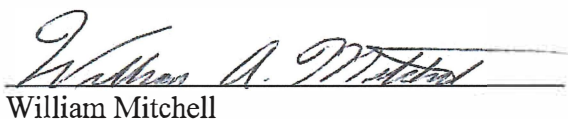
February 23, 2017


James Siepmann,


Robert Peregrine


Richard Morris (CHAIRPERSON)


Bonnie Morris


William Mitchell


Keith Hammitt

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

DATE: February 23, 2017

FILE NO.: ZT-1843

PETITIONER/OWNER: Archebald and Judith Pequet Joint Revocable Trust
Dated December 19, 2002
S4 W28701 Norms Road
Waukesha, WI 53188-9422

TAX KEY NO.: DELT 0862.999.001

LOCATION:
Part of the NW ¼ of Section 36, T7N, R18E, Town of Delafield. More specifically the property is located at S4 W28701 Norms Road and contains approximately 49.5 acres.

EXISTING ZONING:
A-1 Agricultural District.

EXISTING LAND USE:
Single Family Residence.

PROPOSED ZONING:
A-2 Rural Home District.

PROPOSED LAND USE:
Single family residential (two lot land division proposed to allow for home and north part of acreage to be divided off.)

PUBLIC HEARING DATE:
October 4, 2016

PUBLIC REACTION:
One nearby property owner expressed concerns about stormwater. She also expressed a desire to know how future development would be dealt with and the width of Norms Road. She also asked about the Town's thoughts regarding the possible diminishing aquifer beneath them.

TOWN PLAN COMMISSION ACTION:
The Town of Delafield Plan Commission, at their meeting of November 1, 2016, recommended approval of the request to the Town Board with the understanding that any future land division may not be more than 8 lots and that stubbing the road at the property line is not sufficient to allow more than 14 units without a second access.

TOWN BOARD ACTION
On November 9, 2016, the Town of Delafield Board approved the rezoning request.

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

The Waukesha County Comprehensive Development Plan and the Town of Delafield Comprehensive Plan designate the majority of the lands in the Rural Density and Other Agricultural Land category. This plan designation allows for a density of one dwelling unit per 2.755 acres. To achieve this density, the Town's Land Use Plan Unit Determination Chart identifies that the land would have to ultimately be developed as a Planned Unit Development. The provided concept plan for the ultimate site build-out would need to be further revised to comply with this plan consideration and

the current Town zoning requirements. A portion of the site is in the Isolated Natural Resource Area category that allows a maximum of one dwelling unit per five acres. Restrictions protecting the Isolated Natural Resource Area would need to be considered specific to any future land division proposal. From a density standpoint, the immediate proposal to rezone the land to facilitate a division of the acreage into two parcels complies with plan recommendations.

STAFF ANALYSIS:

The petitioner is proposing to rezone a 49.5 acre parcel located at the east end of Norms Rd., which terminates approximately 830' east of C.T.H. "G" (Elmhurst Road). The property contains significant topography, with an existing home and related improvements sitting atop a drumlin that is 70-80' higher than the surrounding lands. The current proposal is to rezone the lands from the Town's A-1 Agricultural District to the A-2 Rural Home District. The A-1 District requires a minimum parcel size of 40 acres, whereas the A-2 District requires a minimum lot area of three acres. The A-2 District requires that subdivisions be developed in accordance with the Town's Planned Unit Development requirements, which would require 40% of the site to be set aside in common open space if the lands were eventually further divided.

As part of the rezoning proceedings, the Town required a concept plan for both the near term proposal to divide the land into two large parcels and for the ultimate full build out of the lands. The two-lot master plan (see Exhibit "A") depicts the property generally being divided on a line that parallels and is just southeast of the existing driveway. There would be a large buildable area outside of the INRA on the proposed southerly lot. The two-lot concept plan shows the potential for a future extension of Norms Road. The future roadway would sever the southerly proposed lot.

The ultimate build out plan (see Exhibit "B") shows eleven large lots with the same east-west road extension and shows a cul-de-sac also extending to the north. Because this concept layout does not provide any common open space, whereas the Town's Land Use Plan and A-2 District requirements would require a minimum of 40% open space to be commonly owned, it appears as though the ultimate buildout plan will need significant revisions. Alternatively, the Town would need to amend the A-2 district requirements in the Town Zoning Ordinance, prior to this concept plan being considered as a subdivision plat. The Waukesha County Planning and Zoning Division Staff have made the Town Planner aware of these constraints. In addition, the eleven lot concept layout does not reserve any common area for stormwater management facilities, nor does the layout appear to properly account for steep slopes with the concept road layout.

STAFF RECOMMENDATION:

The rezoning would allow for future development that is consistent with Town and County Plan recommendations. The proposed road location for the two lot CSM concept plan will accommodate a future build out of the subject parcel and is designed to provide future public road access to the undeveloped lands to the east. Therefore, it is the opinion of the Planning and Zoning Division Staff that this request be **approved**.

Respectfully submitted,

Jason Fruth

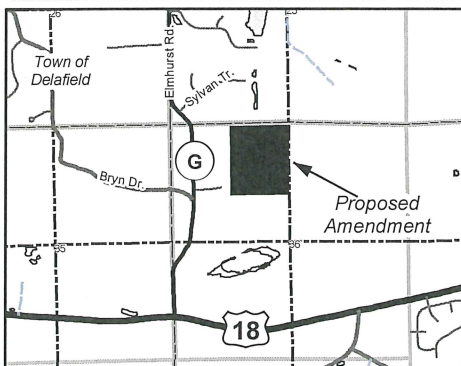
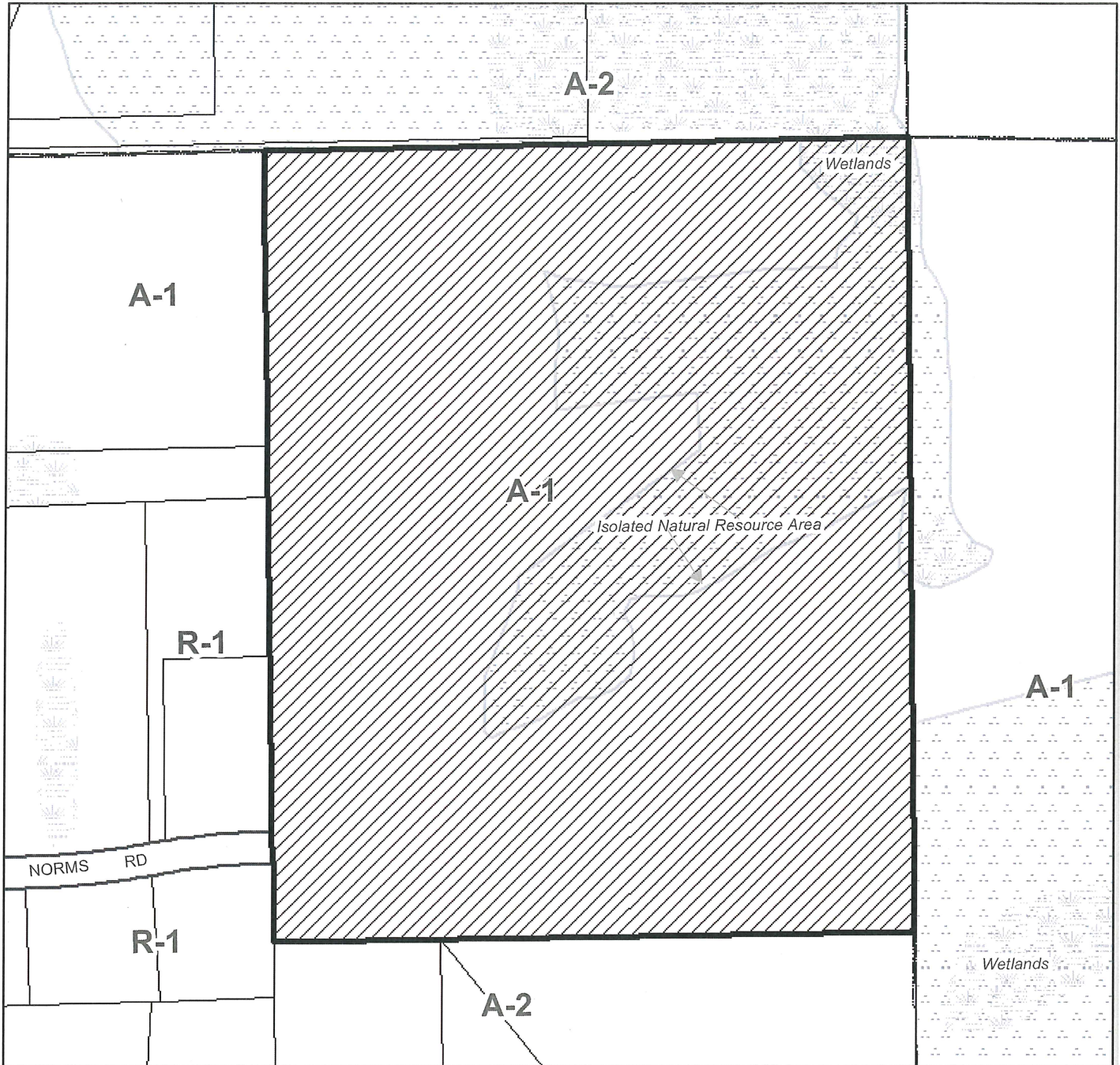
Jason Fruth
Planning and Zoning Manager

Attachments: Map, Town Ordinance and Exhibits "A" and "B"

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1843 Pequet Dlt.Doc

ZONING AMENDMENT

PART OF THE NW 1/4 OF SECTION 36
TOWN OF DELAFIELD

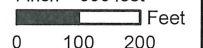


 TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-2 RURAL HOME DISTRICT

FILE NO.....ZT-1843
 PETITIONER.....PEQUET
 DATE OF PLAN COMM. CONSIDERATION.....02/23/17
 AREA OF CHANGE.....49.5 ACRES
 TAX KEY NUMBER.....DELT 0862.999.001



Prepared by the Waukesha County Department of Parks and Land Use

1 inch = 300 feet
 Feet
 0 100 200

Ordinance No. _____

An Ordinance to amend the Zoning Map of the Town of Delafield from A-1 to A-2 on lands located in the Northeast and Southeast ¼ of the Northwest ¼ of Section 36, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin

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

Section 1:

The Town of Delafield Zoning Map is hereby amended to change the zoning classification from A-1 to A-2 on the following described parcel of land:

A part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 36, Town 7 North, Range 18 East Town of Delafield, Waukesha County, Wisconsin more fully described as follows: Beginning at the North ¼ corner of said Section 36, thence South 00°47'48" East along the East line of said Northwest ¼, 1631.85 feet to the Northeast corner of CSM No. 9811; thence South 88°59'06" West, along the north line of said CSM, 1321.71 feet to the east line of CSM No. 2915; thence North 01°01'06" West along said east line, 587.28 feet to the Northeast corner of Parcel C of said CSM; thence North 00°59'25" West along the east line of CSM No. 6465, and as extended, 1039.45 feet to the North line of said Northwest ¼; thence North 88°45'52" East along said North line, 1327.53 feet to the place of beginning. Said lands containing 2,158,320 square feet (49.548 acres) more or less.

Section 2: Severability.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 3: Effective Date.

This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this _____ day of _____, 2016.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:

Lawrence G. Krause, Town Chairman

ATTEST:

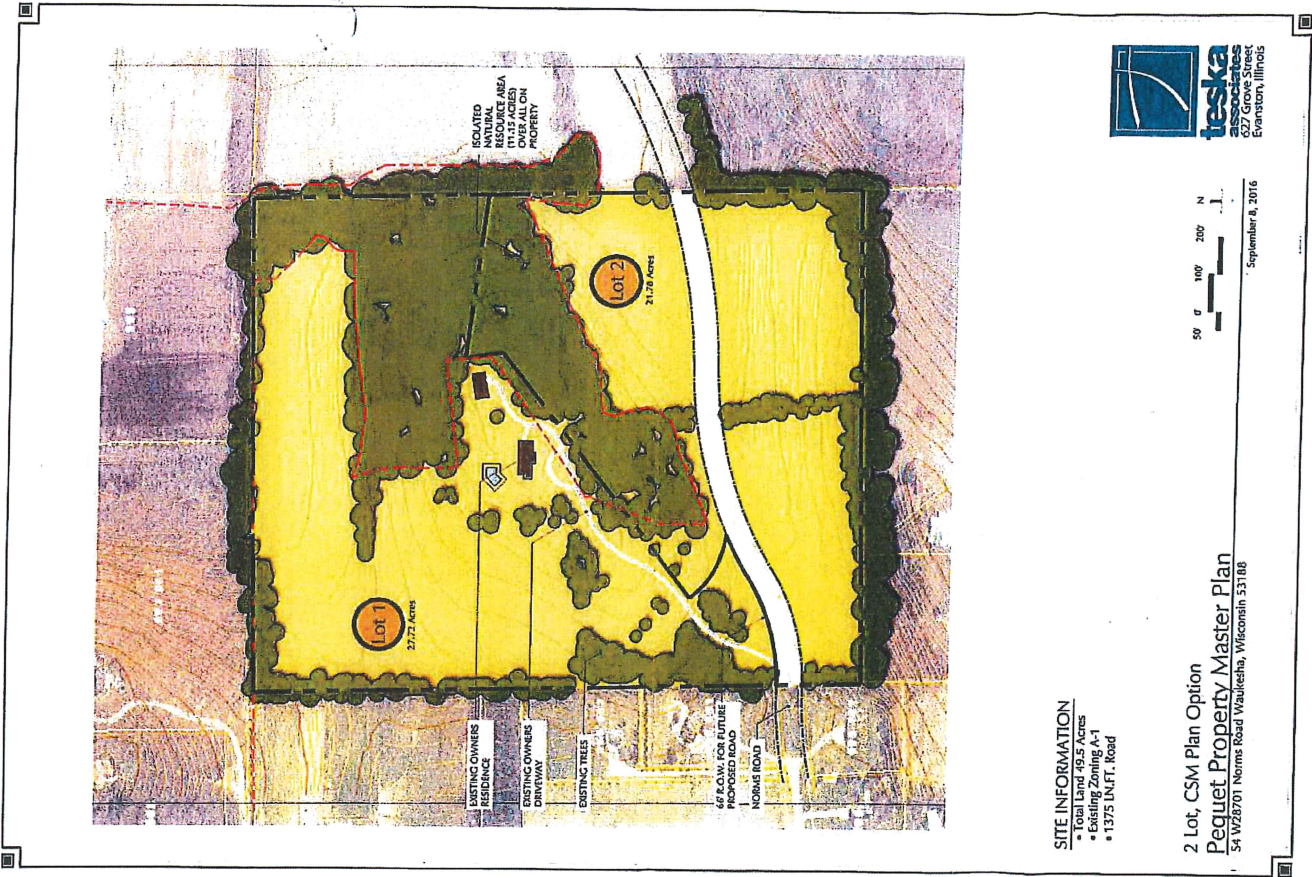
Mary T. Elsner
Town Clerk/Treasurer

RECEIVED

10/23/2016

DEPT OF PARKS & LAND USE

EXHIBIT "A"



SITE INFORMATION

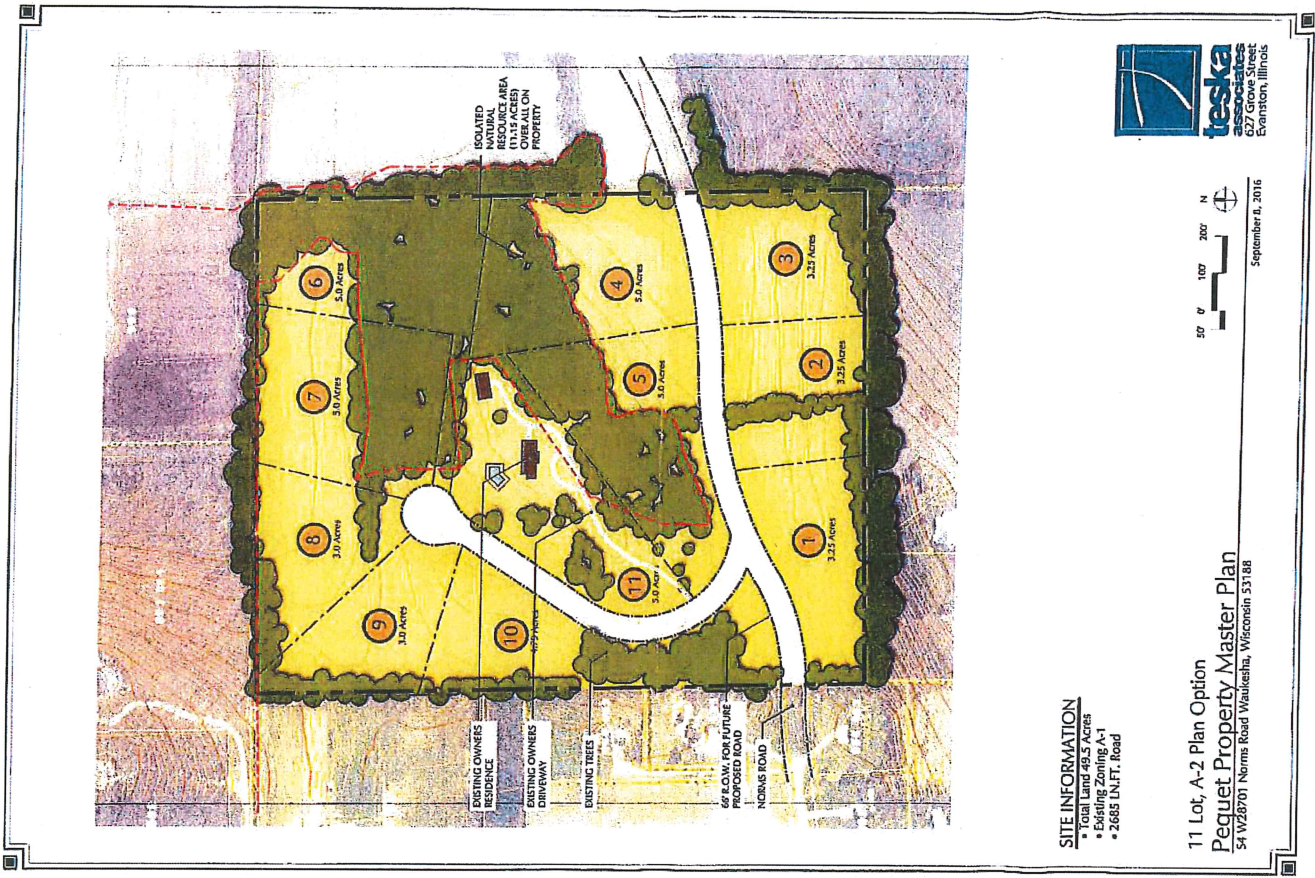
- Total Land: 49.5 Acres
- Existing Zoning: A-1
- 1375 IN.F.T. Road

2 Lot, CSM Plan Option
Pequet Property Master Plan
 54 W28701 Normas Road, Waukegan, Wisconsin 53110



50' 100' 200' N
 September 8, 2016

EXHIBIT "B"



SITE INFORMATION
 • Total Lot: 33.5 Acres
 • Existing Zoning: A-1
 • 2685 LN.FT. Road

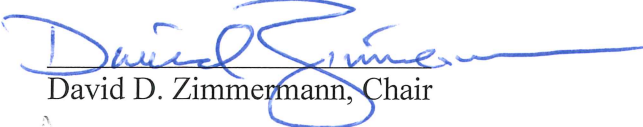
11 Lot, A-2 Plan Option
 Pequet Property Master Plan
 54 W28701 Normas Road Waukegan, Wisconsin 53186

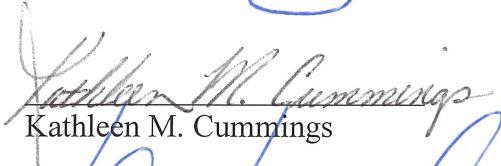


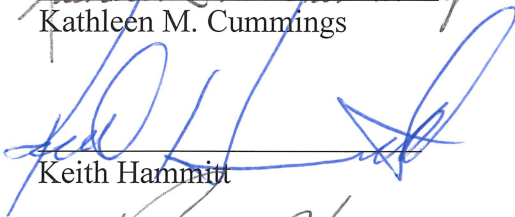
50' 100' 200' N
 September 11, 2016

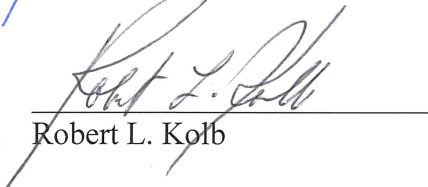
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 36, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (ZT-1843)

Presented by:
Land Use, Parks, and Environment Committee

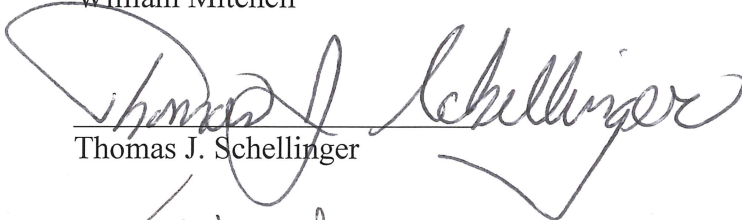

David D. Zimmermann, Chair

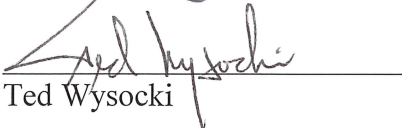

Kathleen M. Cummings


Keith Hammit


Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki


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

Date: 3/28/17, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 3/31/17, 
Paul Farrow, County Executive

D1 - Kolb	AYE		D14 - Wood	AYE
D2 - Zimmermann	Absent		D15 - Mitchell	(M) AYE
D3 - Morris	AYE		D16 - Crowley	AYE
D4 - Batzko	AYE		D17 - Paulson	AYE
D5 - Dondlinger	AYE		D18 - Nelson	AYE
D6 - Walz	AYE		D19 - Cummings	AYE
D7 - Grant	Absent		D20 - Schellinger	AYE
D8 - Michalski	Absent		D21 - Zaborowski	AYE
D9 - Heinrich	AYE		D22 - Wysocki	AYE
D10 - Swan	AYE		D23 - Hammitt	(2) AYE
D11 - Howard	AYE		D24 - Whittow	AYE
D12 - Wolff	AYE		D25 - Johnson	AYE
D13 - Decker	AYE			

171-0-085

Passed (22 Y - 0 N - 3 Absent)

Majority Vote

