

ENROLLED ORDINANCE 175-85

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 30, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ75)

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 July 14, 2020; 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.

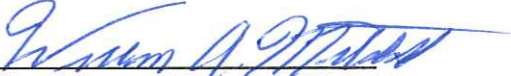
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, is hereby amended to rezone from the A-1 Agricultural District to the A-2 Rural Home District, certain lands located in part of the SE ¼ of Section 30, 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 RZ75, 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.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 30, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ75)

Presented by:
Land Use, Parks, and Environment Committee



William A. Mitchell, Chair

Absent

Keith Hammitt



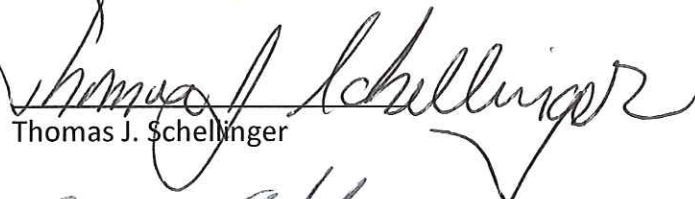
Thomas A. Michalski



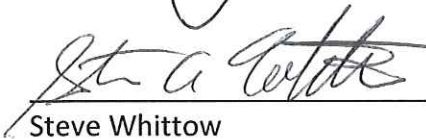
Chris Mommaerts



Richard Morris



Thomas J. Schellinger



Steve Whittow

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

Date: 3/26/2021, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____
Date: 4/1/2021, 
Paul Farrow, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **RZ75 (Gerke_Brock)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

February 25, 2021

William Mitchell (via Microsoft Teams)

William Mitchell, Chairperson

Absent

James Siepmann, Vice Chairperson

Robert Peregrine (via Microsoft Teams)

Robert Peregrine

Richard Morris (via Microsoft Teams)

Richard Morris

Thomas Michalski (via Microsoft Teams)

Thomas Michalski

Bonnie Morris (via Microsoft Teams)

Bonnie Morris

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

DATE: February 25, 2021
FILE NO.: RZ75
TAX KEY NO.: DELT 0840.990.002
OWNER: Joel Gerke and Kellie Brock
N48 W19045 Joetta Drive
Menomonee Falls, WI 53051-6433

LOCATION:
Lot 2, Certified Survey Map No. 725, part of the SE ¼ of Section 30, T7N, R18E, Town of Delafield. More specifically, the property is located on the east side of Cushing Park Road, approximately 800 feet south of Lapham Lane containing approximately 4 acres.

PRESENT ZONING CLASSIFICATION:
A-1 Agricultural District (Town).

PRESENT LAND USE:
Residential.

PROPOSED ZONING:
A-2 Rural Home District (Town).

PROPOSED LAND USE:
Residential.

PUBLIC HEARING DATE:
July 7, 2020.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION:
On July 7, 2020, the Town Plan Commission unanimously recommended approval of the rezoning request.

TOWN BOARD ACTION
On July 14, 2020, the Town Board unanimously approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (CDP) AND THE TOWN OF DELAFIELD LAND USE PLAN:
The Town and County CDP's designate the subject parcels as Suburban Density Residential II (3.0 – 4.9 ac/du) and the proposed rezone will comply with both plans.

OTHER CONSIDERATIONS:

The subject property is located on the east side of Cushing Park Road and is 4 acres in size. The wooded lot is considered legal nonconforming as it does not meet the 40-acre minimum lot size required by the A-1 Agricultural District. The property is currently being developed for a single-family residence. Rezoning the property to the A-2 Rural Home District will bring the property into compliance with the Code and will provide a larger buildable area by reducing the open space requirements. The A-1 Agricultural District requires 95% open space, whereas the A-2 Rural Home District requires 85% open space. The proposed home (Exhibit A) complies with the open space provision of the Town's A-2 Rural Home District.

The surrounding neighborhood is primarily zoned in the A-1 Agricultural or A-2 Rural Home Districts. The subdivision to the west (Lapham Peak Estates) is zoned A-2 Rural Home District, as is the property two lots to the south. The Kelly-Glen subdivision to the southeast is zoned R-1 Residential. Lapham Peak State Park is located just two lots to the north and is zoned P-1 Park and Recreational District. The proposed zoning is consistent with the neighboring developments.

STAFF RECOMMENDATION

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezone request. The proposal is consistent with plan recommendations and will bring the lot into conformance with the Town of Delafield Zoning Code.

Respectfully submitted,

Jacob Heermans

Jacob Heermans
Senior Land Use Specialist

Attachments: Exhibit A, Grading Plan
Town Ordinance No. 2020-04
Map

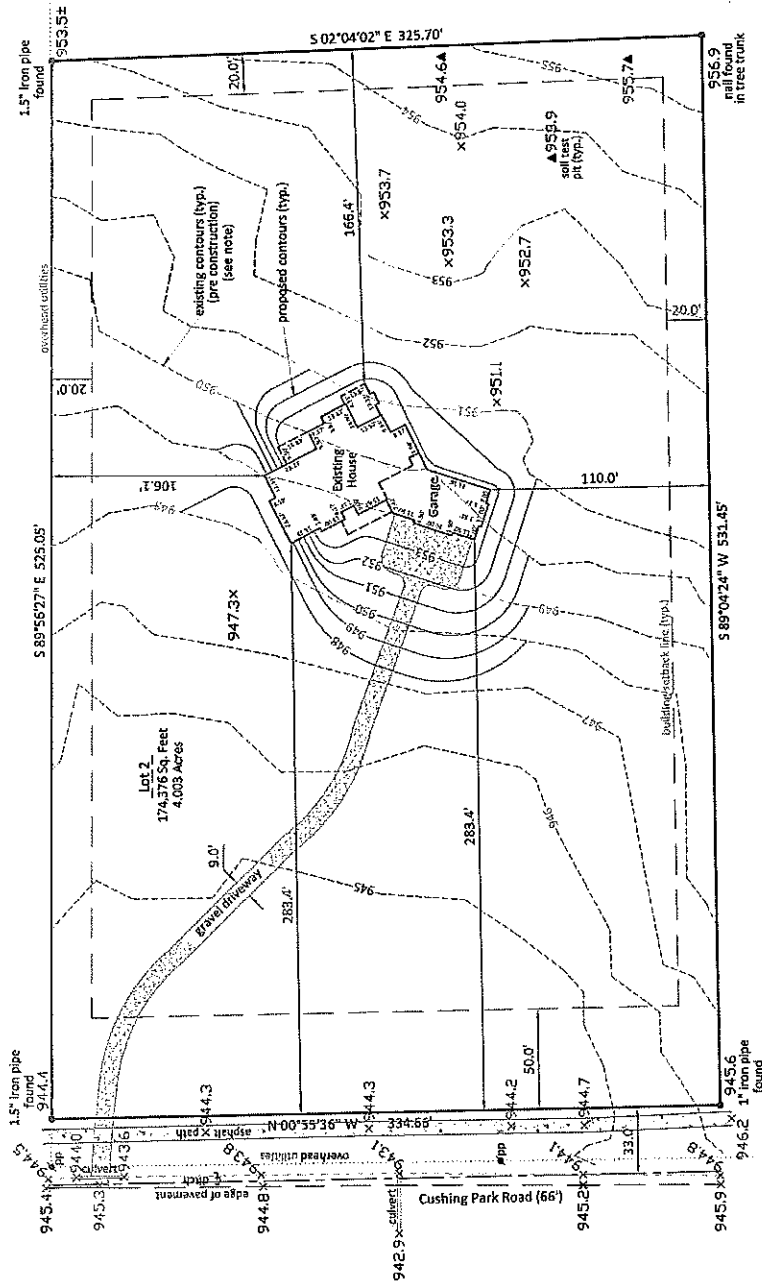
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EXHIBIT A

Bernklau Surveying, Inc.
 N60 W25864 Walnut Road
 Sussex, WI 53089
 (262) 538-0708
 www.bernklausurveying.com
 Plat of Survey



SCALE 1" = 60'



Survey Notes:
 Offsets shown to the existing house foundation.
 Existing top of foundation elevation = 954.0
 This survey does not guarantee location or existence of any easements that may be part of this property. A Title Policy was not provided to Bernklau Surveying, Inc.
 Gray scale existing contours under pine trees are approximate.
 Impervious surface areas: existing houses, garages = 4,750 sq. ft. Gravel driveway = 3,565 sq. ft.

Prepared for:
 Steeple Pointe Homes, LLC
 2426 N. Grandview Blvd., Suite G
 Waukesha, WI 53188
 Owner: Gerke

Legal Description:
 Lot 2, Certified Survey Map No. 6725, being a re-division of Lot 2, Certified Survey Map No. 4865, being part of the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 7 North, Range 18 East, Town of Deerfield, Waukesha County, Wisconsin.

I, Thomas M. Bernklau, Professional Land Surveyor, certify that I have surveyed the above described property to the official records, to the best of my knowledge and belief, and that the map shown hereon is a true representation thereof, and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary lines, apparent easements, and all visible improvements thereon.
 This survey is made for the exclusive use of the present owners of the property, also those who purchase hereafter, and shall run with the title thereto, within one year hereof.

Date February 12, 2020
 Revised March 30, 2020
 Re-certified April 23, 2020



STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2020-04

AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DELAFIELD FROM A-1 TO A-2 ON LANDS LOCATED IN THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 30, TOWN 7 NORTH RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY WISCONSIN (GERKE PROPERTY)

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:

Lot 2 of Certified Survey Map No. 6725, being a re-division of Certified Survey Map 4865 located in part of the Southwest ¼ of the Southeast ¼ of Section 30, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

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.

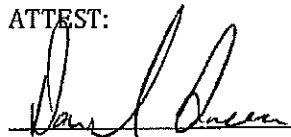
This ordinance passed this 14th day of July 2020.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Ronald A. Troy, Town Chairman

ATTEST:



Dan Green
Town Administrator/Clerk/Treasurer

tgbl H:\1201600\Doc\0 200714 Gerke Rezoning.docx

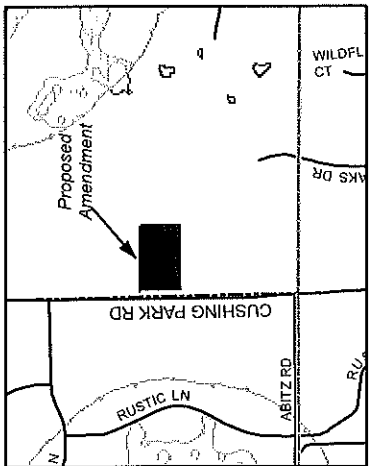
P-1
(Town)

A-2
(Town)

A-1
(Town)

A-1
(Town)

CUSHING-PARK-RD



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

FILE.....RZ75
 DATE OF PLAN COMMISSION.....2/25/21
 AREA OF CHANGE.....4.0 ACRES
 TAX KEY NUMBER.....DELT 0840.990.002



Prepared by the Waukesha County Department of Parks and Land Use

ZONING AMENDMENT

PART OF THE SE 1/4 OF SECTION 30,
TOWN OF DELAFIELD

VOTING RESULTS

AYE 24 **NAY 0** **ABSTAIN 1** **ABSENT 1**

Ordinance 175-O-085

Ordinance 175-O-085: Amend The District Zoning Ma...

 **Passed By Majority Vote**

D1 - Foti	AYE	D14 - Mommaerts	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	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 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whitlow	ABSENT
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

March 23 2021 - March 23 2021 07:48:35 PM

