

ENROLLED ORDINANCE 173-006

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 35, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ6)

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 February 27, 2018; 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.

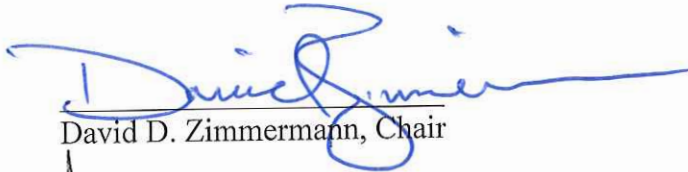
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, is hereby amended to conditionally rezone from the A-1 Agricultural District to the A-2 Rural Home District, certain lands located in part of the SW ¼ of Section 35, 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 RZ6, is hereby approved, subject to the following condition:

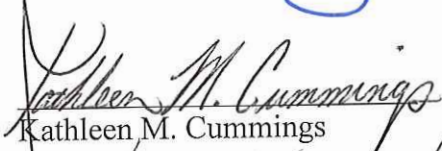
1. No other divisions will be allowed for this parcel of land.

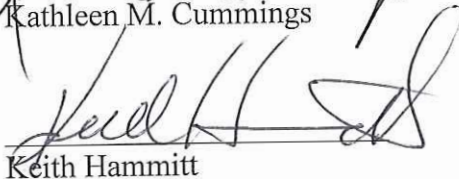
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 35, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ6)

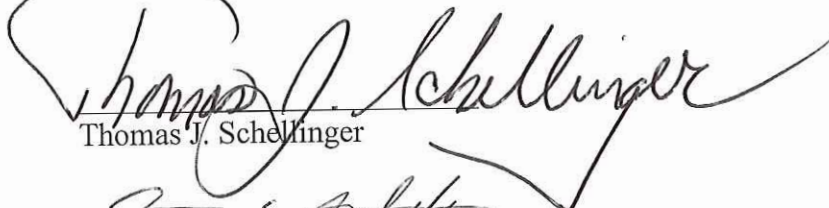
Presented by:
Land Use, Parks, and Environment Committee

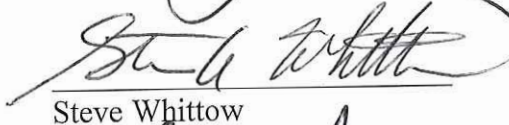

David D. Zimmermann, Chair

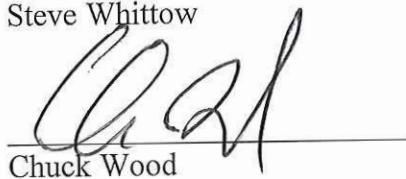

Kathleen M. Cummings


Keith Hammitt


William A. Mitchell


Thomas J. Schellinger


Steve Whittow


Chuck Wood

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

Date: 5/22/18, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____


Date: 5-29-18, 
Paul Farrow, County Executive

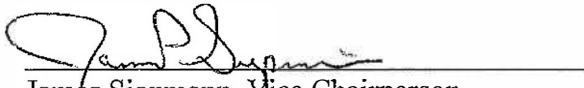
COMMISSION ACTION

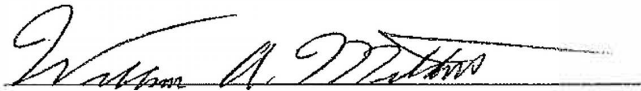
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **RZ6 (Anthony Fronczak)** in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION

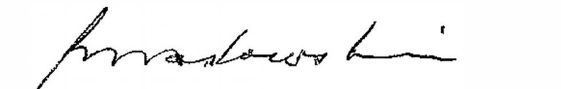
April 19, 2018


Richard Morris, Chairperson


James Siepmann, Vice Chairperson


William Mitchell, Secretary


Robert Peregrine


William Maslowski

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

DATE: April 19, 2018

FILE NO.: RZ6

PETITIONER: Jon Spheeris
175 East Wisconsin Avenue, Suite A
Oconomowoc, WI 53066

OWNER: Anthony Fronczak
S11 W29586 Summit Avenue
Waukesha, WI 53188

TAX KEY NO.: DELT 0859.999

LOCATION:
Part of the SW ¼ of Section 35, T7N, R18E, Town of Delafield. More specifically, the property is located at S11 W29586 Summit Avenue, containing approximately 48.9 acres.

EXISTING ZONING:
A-1 Agricultural District.

EXISTING LAND USE:
Residential and agricultural.

PROPOSED ZONING:
A-2 Rural Home District.

PROPOSED LAND USE:
Residential and agricultural (divide into two large parcels).

PUBLIC HEARING DATE:
September 5, 2017.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION ACTION:
The Town of Delafield Plan Commission, at their meeting of February 6, 2018, recommended approval of the request to the Town Board with a condition stating that the property may not be further divided.

TOWN BOARD ACTION
On February 27, 2018, the Town of Delafield Board approved the rezoning request subject to the property not being further divided.

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 property in the Rural Density and Other Agricultural Land category (maximum one dwelling unit per five acres). The proposed two-lot division complies with the density parameters.

STAFF ANALYSIS:

The subject property is located to the north of U.S.H. 18 in the Town of Delafield. The north part of the property contains a residence, outbuilding and ponds. The south part of the property is in agricultural use. The property contains significant terrain, with very steep slopes on the east part of the property. There are wetlands on the north and south ends of the property.

The property owner has submitted a Certified Survey Map (see Exhibit "A") proposing to divide the property on a generally north/south line that coincides with the current driveway location. This would leave the residence on the proposed 27-acre easterly lot with a metal building being located on the westerly 21 acres. The Town has approved the proposal with a condition that the lands not be further subdivided.

The A-1 District requires a 40-acre minimum lot size whereas the A-2 District allows for a minimum 3-acre lot size. Both proposed lots will comply with A-2 dimensional standards.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**, subject to the following condition imposed by the Town of Delafield:

1. No other divisions will be allowed for this parcel of land.

Respectfully submitted,

Jason Fruth

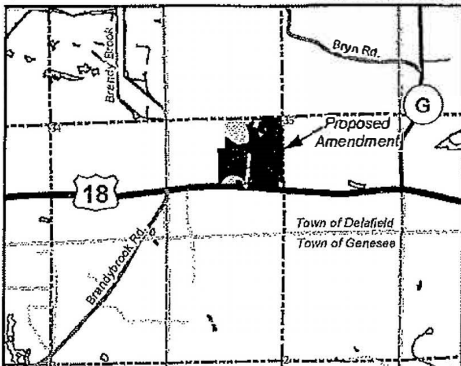
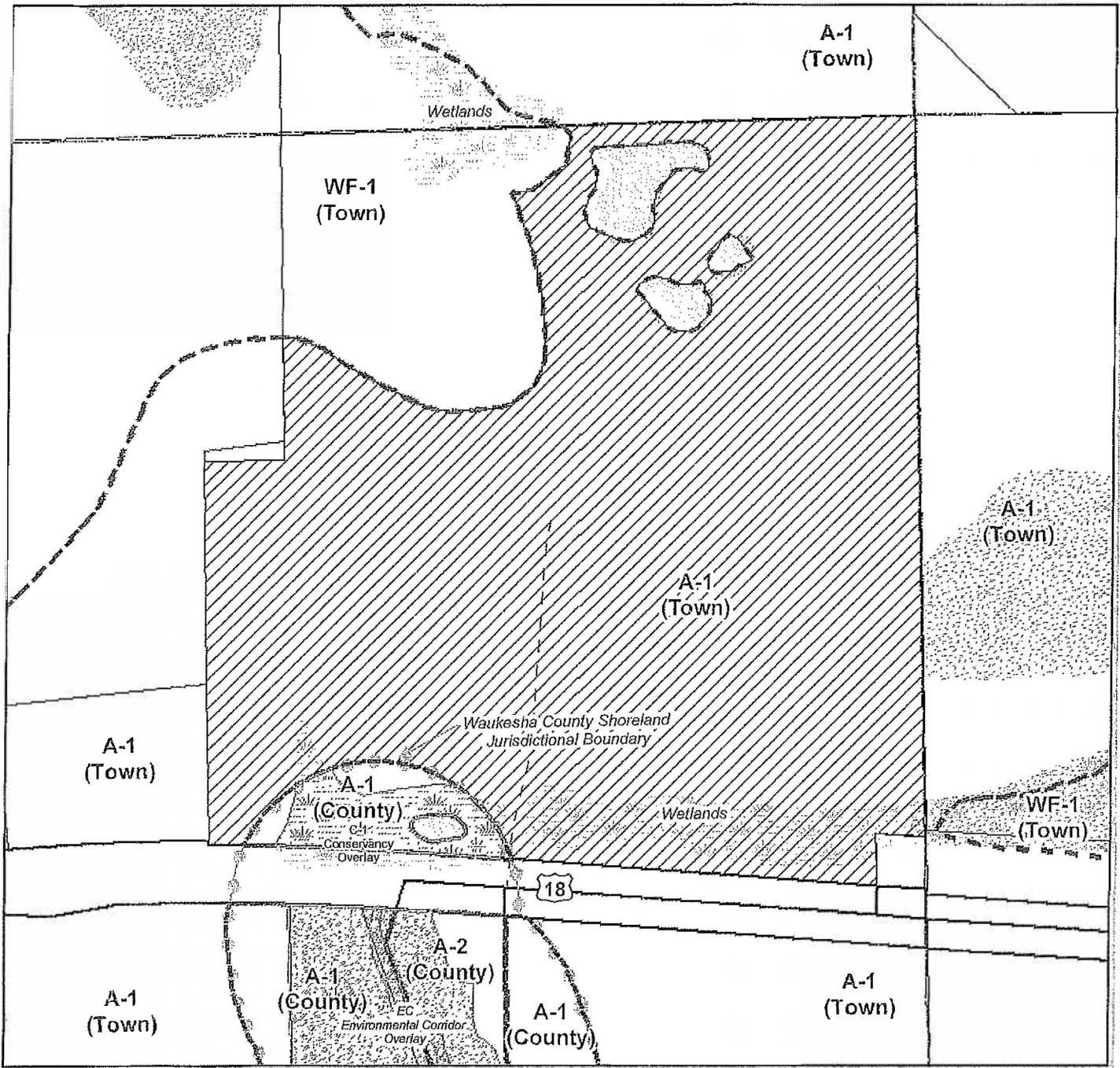
Jason Fruth
Planning and Zoning Manager

Attachment: Map
Exhibit "A"
Town Ordinance 2018-01

N:\PRKANDL\Planning And Zoning\Rezoning\Staff Reports\RZ6 Fronczak Dlt.Doc

ZONING AMENDMENT

PART OF THE SW 1/4 OF SECTION 35
TOWN OF DELAFIELD

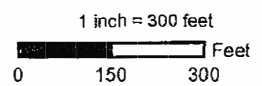


 TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-2 RURAL HOME DISTRICT

FILE NO.....RZ-6
 PETITIONER.....FRONCZAK
 DATE OF PLAN COMM. CONSIDERATION.....04/19/18
 AREA OF CHANGE.....49.7 ACRES
 TAXKEY NUMBER.....DELT 0859.999



Prepared by the Waukesha County Department of Parks and Land Use



File Number: 173-O-004

RECEIVED

APR 11 2018

ARC™
(262) 542-8200

EXHIBIT "A"

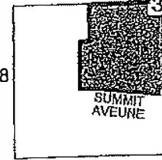
DEPT OF PARKS & LAND USE

CERTIFIED SURVEY MAP NO. _____
Being Part of the NR(1/4), NW(1/4), SW(1/4), and SE(1/4), of
the SW(1/4) of Section 35 Town 7 North, Range 18 East
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

Sheet 1 of 5



SCALE IN FEET



REFERENCE BEARING:

THE EAST LINE OF THE SW (1/4) OF SECTION 35, TOWN 7 NORTH, RANGE 18 EAST WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF NORTH 01°29'10" WEST PER THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)

SURVEYOR:
JOHN R. STIGLER
JAHNIKE & JAHNIKE
ASSOCIATES INC.
711 W. MORELAND BLVD.
WAUKESHA, WI 53188
(262) 642-5787

OWNER:
ANTHONY G. FRONCZAK
LANA FRONCZAK
S11 W25588 SUMMIT AVENUE
WAUKESHA, WI 53188

BENCH MARK: 979.35 (USGS)
TOP OF CONCRETE
MOUND WITH BRASS
CAP LOCATED AT THE
SOUTHEAST CORNER
OF THE SOUTHWEST 1/4
OF SECTION 35-T7N-R18E,
BASED ON NATIONAL
GEODETIC VERTICAL DATUM
OF 1929

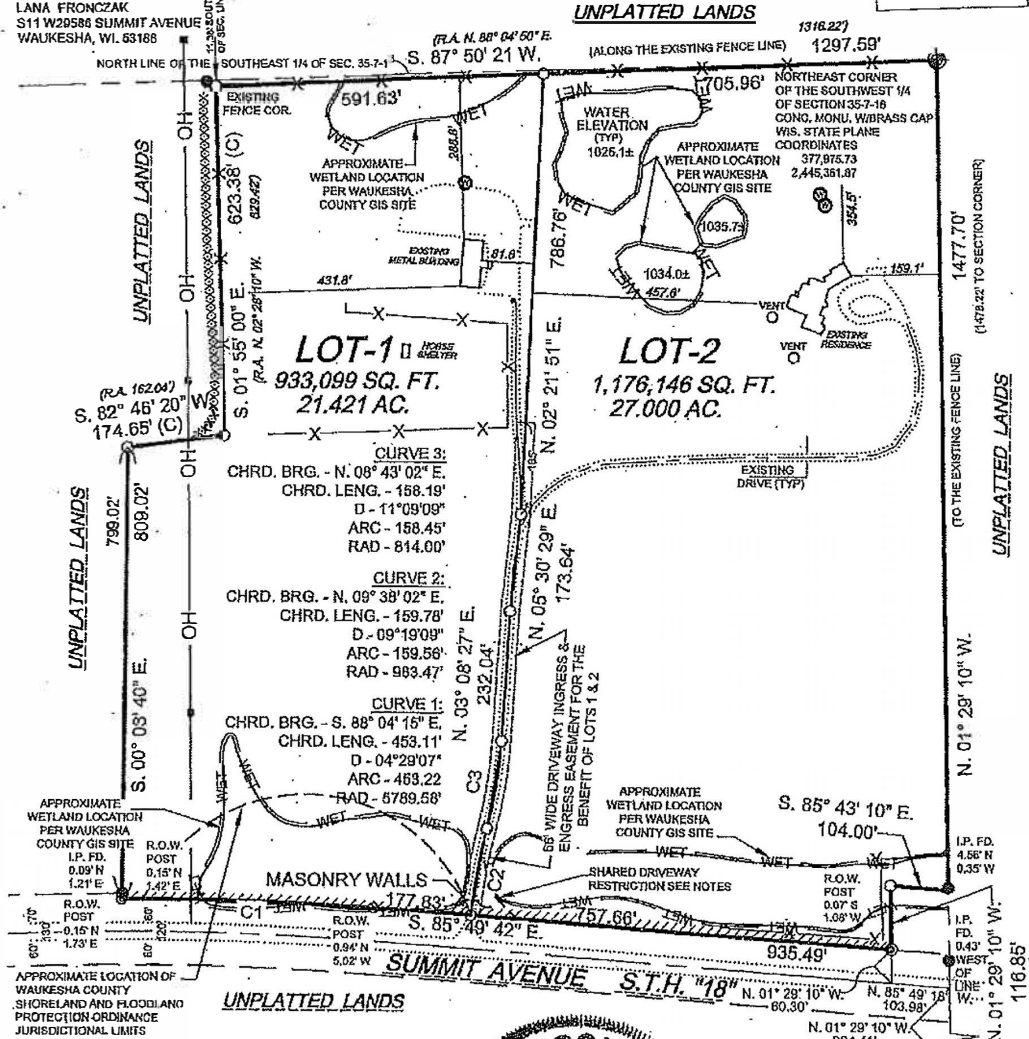
LEGEND:

- (C) CALCULATED CONC. MOUN. FD. W/BRASS CAP
- WET WETLAND
- XXXXXXX- RETAINING WALL
- (R.A.) IRON PIPE FOUND
- IRON PIPE 16" x 1" DIA. (PLACED)
- 1.13 = LBS. PER LIN. FT.

CURRENT ZONING:

- A-1 RURAL HOME DISTRICT
- MIN. LOT AREA: 40 ACRES
- MIN. LOT WIDTH: 200'
- SETBACKS:
- FRONT 50'
- SIDE & REAR 20'
- 76' FROM WETLANDS

LOCATION MAP
SW 1/4 OF SEC-35-7-18
NO SCALE



John R. Stigler
 JOHN R. STIGLER - Wis. Reg. No. S - 1820
 DATED this 9TH DAY of JAN, 2018
 REVISED this 30TH DAY of FEB., 2018



INSTRUMENT DRAFTED BY JOHN R. STIGLER
 FILE NAME: S-8664 P.S. DELAFIELD 1140



Ordinance No. 2018-01

An Ordinance to amend the Zoning Map of the Town of Delafield from A-1 to A-2 on lands located in the Northeast ¼, Northwest ¼, Southeast ¼ and Southwest ¼ of the Southwest ¼ of Section 35, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin (Fronczak 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:

All that part of the Southwest ¼ of Section 35, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin described as follows: Commencing at the South ¼ corner of said Section 35; thence North 01°29'10" West along the east line of the Southwest Quarter of said Section 35, 994.41 feet to the centerline of USH 18; thence North 85°49'18" West along said USH 18 centerline, 103.98 feet; thence North 01°29'10" West, 60.30 feet to the north right-of-way line of USH 18 (Summit Avenue) and the place of beginning of lands hereinafter described; thence continuing North 01°29'10" West, 116.85 feet; thence South 85°43'10" East, 104.00 feet to the east line of the Southwest Quarter; thence North 01°29'10" West along said east line, 1477.70 feet to the northeast corner of the Southwest Quarter of above said Section 35; being marked by a concrete monument with a brass cap; thence South 87°50'21" West along an existing fence line 1297.59 feet; thence South 01°55'00" East along an existing fence line, 623.38 feet; thence South 82°46'20" West, 174.65 feet (recorded as 162.04 feet); thence South 00°03'40" East, 809.02 feet to the north right-of-way line of USH 18 (Summit Avenue); thence easterly 453.22 feet on the arc of a curve and said north right-of-way line, curve center lies to the south, chord bears South 88°04'15" East, 453.11 feet; thence South 85°49'42" East along said north right-of-way line, 935.49 feet to the place of beginning.

Section 2

As a condition of the rezoning, no other divisions will be allowed for this parcel the land.

Section 3: 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 4: Effective Date.

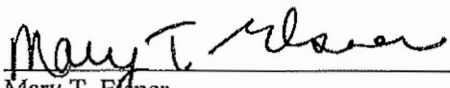
This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 27th day of February, 2018.

BY THE TOWN BOARD OF THE TOWN OF DELAFIELD:


Lawrence G. Krause, Town Chairman

ATTEST:


Mary T. Eisner
Town Clerk/Treasurer

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

173-0-004 **Passed (23 Y - 0 N - 2 Absent)** **Majority Vote** **>**