

ENROLLED ORDINANCE 169-77

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 23 AND PART OF THE S ½ OF SECTION 24, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE B-P MIXED USE BUSINESS PARK DISTRICT (SZ-1798)

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 October 21, 2014, 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 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Delafield, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the A-1 Agricultural District to the B-P Mixed Use Business Park District, certain lands located in part of the SE ¼ of Section 23 and part of the S ½ of Section 24, T7N, R18E, Town of Delafield, 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-1798, is hereby approved subject to the following conditions:

1. The maximum amount of building space on the subject lands shall not exceed 250,000 sq. ft.
2. A maximum of 1,000 parking spaces will be allowed on the subject lands.
3. The landscape ratio shall be a minimum of 72% (a minimum of 72% overall open space or a maximum of 28% overall impervious surface) and shall be based on the entire acreage of the current 45.5 acre parcel. If, in the future, the Town of Delafield amends its open space requirements to be less restrictive than the above stated 72% standard, the less restrictive measure shall apply to the subject site so long as County Shoreland Ordinance impervious surface standards are complied with.
4. The permitted uses are limited to offices, studios, business centers, and similar operations. There shall be no retail, industrial, or residential uses.

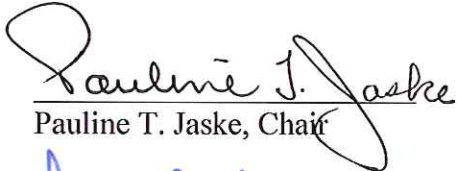
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Delafield Clerk.

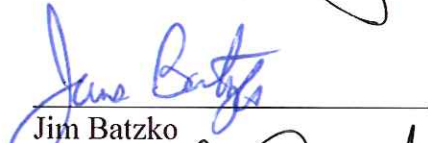
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

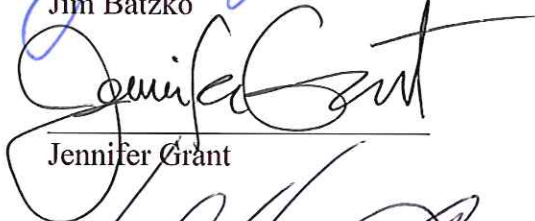
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

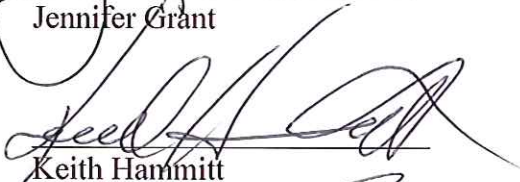
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF
THE SE ¼ OF SECTION 23 AND PART OF THE S ½ OF SECTION 24, T7N,
R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN,
FROM THE A-1 AGRICULTURAL DISTRICT TO THE B-P MIXED
USE BUSINESS PARK DISTRICT (SZ-1798)

Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair


Jim Batzko


Jennifer Grant


Keith Hammitt


Eric Highum



William Mitchell


Thomas J. Schellinger

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

Date: 12/16/14, 
Kathleen Novack, County Clerk

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

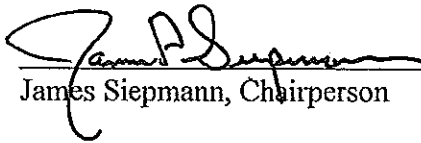
Approved: _____
Vetoed: _____
Date: 12-22-14, 
Daniel P. Vrakas, County Executive

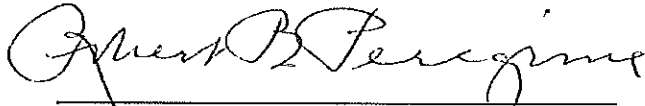
COMMISSION ACTION

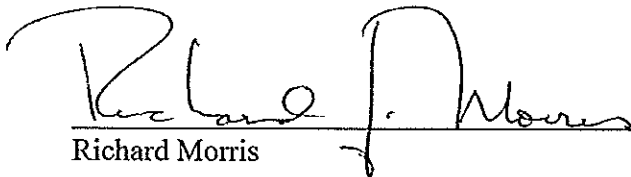
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZ-1798 (Fred Tumblebrook Ltd. Partnership) in accordance with the attached "Staff Report and Recommendation."

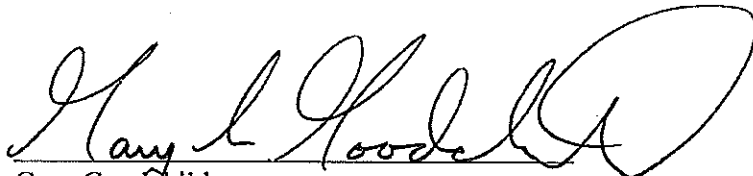
PARK AND PLANNING COMMISSION

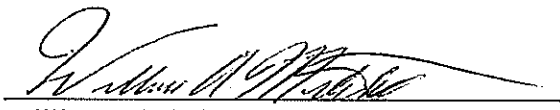
November 20, 2014

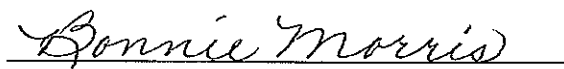

James Siepmann, Chairperson


Robert Peregrine


Richard Morris


Gary Goodchild


William Mitchell


Bonnie Morris

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

DATE: November 20, 2014

FILE NO.: SZ-1798

OWNER: FRED – Tumblebrook Limited Partnership
Rep. by: Fiduciary – Craig Raddatz
789 North Water St., Suite 200
Milwaukee, WI 53202

AGENT: Orthopaedic Associates of Wisconsin
Rep. by: HIS-Properties, Inc.
Ryan Schultz – President
18500 W. Corporate Dr., Suite 120
Brookfield, WI 53045

TAX KEY NO.: DELT 0813.983.003

LOCATION:

Part of the SE ¼ of Section 23 and part of the S ½ of Section 24, T7N, R18E, Town of Delafield. More specifically, the property is located directly north of Golf Road (C.T.H. “DR”) and west of C.T.H. “SS”, containing approximately 45.5 acres.

EXISTING ZONING:

A-1 Agricultural District and C-1 Conservancy District (County)
Conditional B-3 Business Park, WF-1 Wetland-Floodplain, and C-1 Conservancy Overlay Districts (Town)

EXISTING LAND USE:

Undeveloped land.

PROPOSED ZONING:

B-P Mixed Use Business Park and C-1 Conservancy District (County).

PROPOSED LAND USE:

Office with a new Orthopedic Specialty Clinic proposed on one of three proposed future lots.

PUBLIC HEARING DATE:

October 21, 2014.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION ACTION:

The Town of Delafield Plan Commission, at their meeting of October 21, 2014 recommended approval of the request to the County upon the recommendation that the zoning approved by the County be fully consistent with the Town's conditional zoning for the property that was approved in 1996, specifically meaning that it complies with the Town's B-3 zoning as defined in current code, and specifically that the open space be a minimum of 72%.

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 lands in the Commercial and Office Park category with Secondary Environmental Corridor on the west side of the property and Isolated Natural Resource Area on the north and east sides of the property. The proposed business zoning designation complies with the purpose and intent of both plans. The Secondary Environmental Corridor and Isolated Natural Resource Areas will be protected.

STAFF ANALYSIS:

The property is located north of Golf Road or C.T.H. "DR", which is a frontage road to I-94, and just west of C.T.H. "SS". There is some floodplain and wetland associated with Zion Creek to the west and additional wetland on the east and west sides of the property. There is also Secondary Environmental Corridor identified on the west side of the property and Isolated Natural Resource Area identified on the north side of the property. The property is currently undeveloped.

The petitioner is proposing to rezone the upland area of the property consistent with the Town's existing conditional zoning, which was approved in 1996. A copy of the enrolled ordinance for the Town's 1996 rezone is attached as Exhibit "A". The County did not have zoning jurisdiction over the site in 1996. However, in 2009, the WDNR deemed several ponds navigable that are connected to Zion Creek on the Western Lakes Golf Course property located to the north, which increased the area of the County's zoning jurisdiction to 1,000 ft. from the newly deemed navigable ponds. The County's shoreland jurisdictional boundary is shown on the enclosed zoning map exhibit. Several years ago, as part of the Countywide zoning map modernization project, the shoreland jurisdictional area on site was placed within the County's A-1 Agricultural District. The lands were zoned as used (agricultural) in accordance with County Development Plan recommendations. Only the area within the County's shoreland jurisdictional boundary is subject to this rezone.

More specifically, the petitioner is proposing to rezone all upland areas within the County's shoreland jurisdictional limits to the B-P Mixed Use Business Park District to be consistent with the Town's Zoning District (B-3 Business Park District). After a meeting with the developer and County, it was determined that the County's B-P Zoning District matched the Town's B-3 Business District uses the best. Furthermore, the developer indicated that the terms of the 1996 Town rezoning action for the site remained acceptable to him and he subsequently filed the subject petition accordingly.

The County's B-P Zoning District is intended for office, commercial, or light industrial uses that serve the needs of the region. The County's B-P zoning district is only permitted on sites that are located within one mile of a freeway interchange or at an intersection of two state trunk highways. The property location is well suited for uses that serve regional needs because the site is located adjacent to and has high visibility from I-94 and is also located on a frontage road which should keep traffic away from nearby residential neighborhoods. It should be noted that the County's B-P Zoning District is more permissive than the

Town's B-3 Zoning District. The Town's B-3 District only permits offices, studios, business centers and similar operations not involving retail or commercial sales, industrial use or residential use. It should be noted that the Town impervious surface requirements for their parallel B-3 Business Park Zoning District require 80% open space per parcel. However, Town staff has indicated that this threshold will likely be reduced as part of a subsequent Town Zoning Code amendment.

The petitioner is currently proposing to split the property into 3 lots for uses that will comply with the existing Town zoning and proposed County zoning districts. A large orthopedic specialty clinic is proposed on proposed Lot 2 and there may be an ambulatory center component added at some point. There are no current development plans for the other two proposed lots. The proposed Certified Survey Map for the 3-lot development is attached as Exhibit "B". All wetlands and floodplain would remain in the C-1 Conservancy District and remain undisturbed.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**, subject to the conditions stated below. The recommended conditions generally mirror the existing Town rezone conditions that were enacted for the future development of the site in 1996. The Town has the ability to enforce their B-3 Zoning District setback, area, and open space standards, etc. through their review of the Site Plan/Plan of Operation and Zoning/Building Permits. The rezoning, as conditioned, is consistent with the Town and County Land Use Plan recommendations for the Commercial and Office Park category and will allow substantial investment and job creation in the community. The recommended conditions of approval are as follows:

1. The maximum amount of building space on the subject lands shall not exceed 250,000 sq. ft.
2. A maximum of 1,000 parking spaces will be allowed on the subject lands.
3. The landscape ratio shall be a minimum of 72% (a minimum of 72% overall open space or a maximum of 28% overall impervious surface) and shall be based on the entire acreage of the current 45.5 acre parcel. If, in the future, the Town of Delafield amends its open space requirements to be less restrictive than the above stated 72% standard, the less restrictive measure shall apply to the subject site so long as County Shoreland Ordinance impervious surface standards are complied with.
4. The permitted uses are limited to offices, studios, business centers, and similar operations. There shall be no retail, industrial, or residential uses.

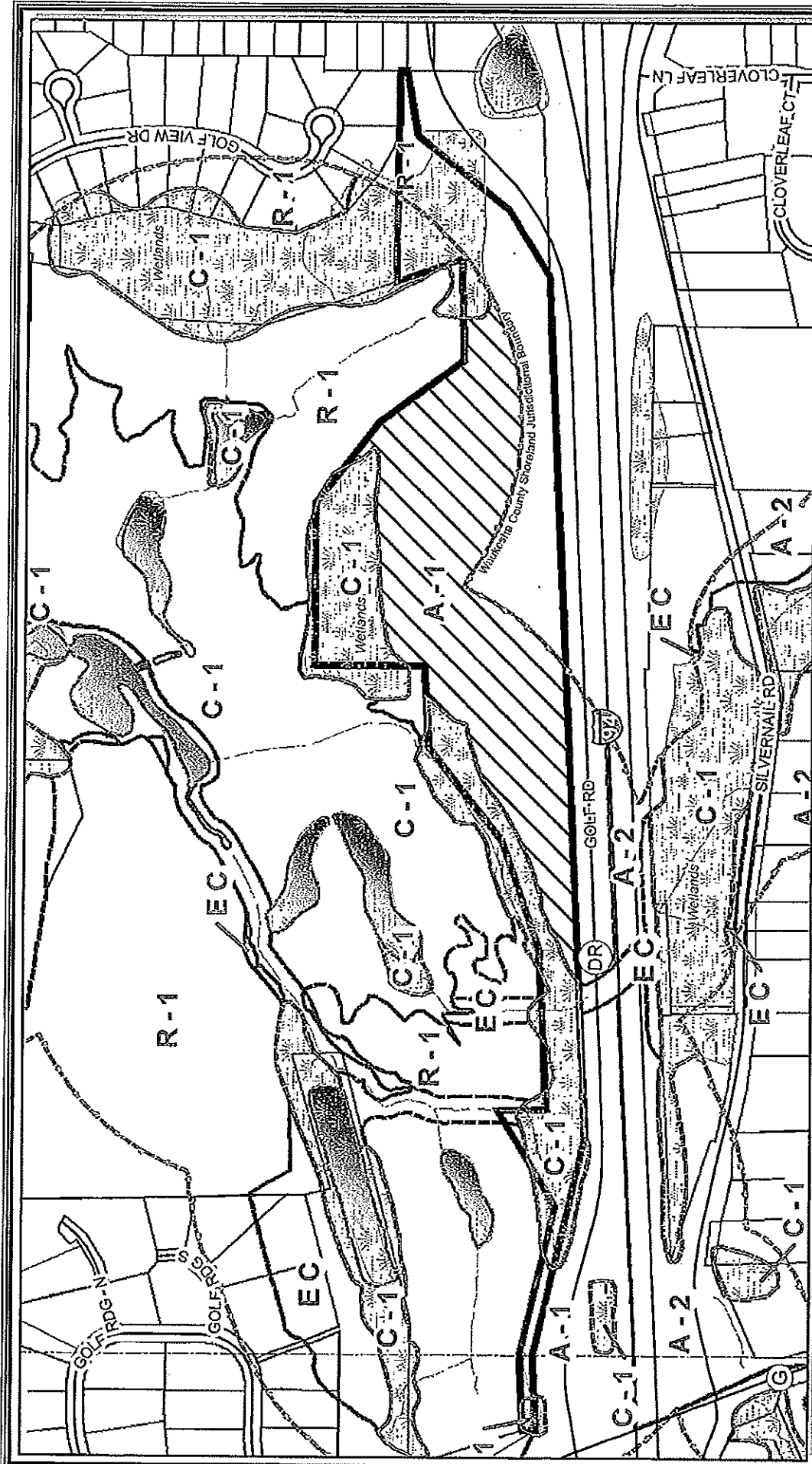
Respectfully submitted,


Amy Barrows

Amy Barrows
Senior Land Use Specialist

Attachments: Exhibits "A" and "B" and rezone map.

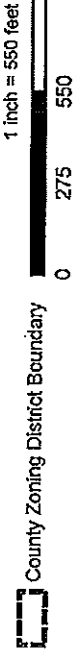
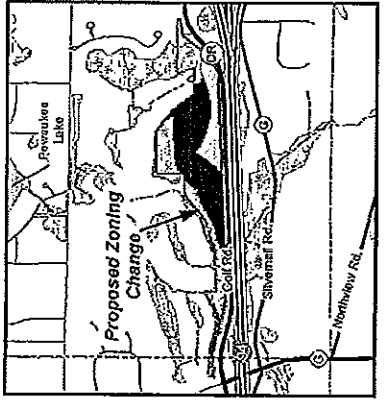
N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1798 FRED - Tumblebrook Limited Partnership Dlt.Doc



 COUNTY SHORELAND ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO B-P MIXED USE BUSINESS PARK DISTRICT
 FILE.....SZ-1798
 DATE.....11/20/14
 AREA OF CHANGE.....21.72 ACRES
 TAX KEY NUMBER.....DELT 0813.983.003

ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 23 &
 PART OF THE S 1/2 OF SECTION 24
 TOWN OF DELAFIELD



Prepared by the Waukesha County Department of Parks and Land Use

Referred on: 11/26/14

File Number: 169-O-080

Referred to: LU 6

ENROLLED ORDINANCE 151-19

AMEND TOWN OF DELAFIELD DISTRICT ZONING MAP OF TOWN OF DELAFIELD ZONING ORDINANCE BY CONDITIONALLY REZONING LANDS LOCATED IN PART OF THE EAST 1/2 OF SECTION 23 AND PART OF SECTION 24, T7N, R18E, TOWN OF DELAFIELD FROM R1-A RESIDENTIAL DISTRICT TO B-3 BUSINESS PARK DISTRICT (ZT-983)

WHEREAS the subject matter of this ordinance having been approved by the Delafield Board on April 23, 1996, and 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 as required by Section 60.61 of the Wisconsin Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the district zoning map of the Town of Delafield Zoning Ordinance, adopted by the Town of Delafield, on February 19, 1991, is hereby amended to conditionally rezone from the R1-A Residential District to the B-3 Business Park District under the Town of Delafield Zoning Ordinance, certain lands consisting of approximately 50.9 acres located in the E 1/2 of Section 23 and part of Section 24 of the Town of Delafield, and more specifically described in the staff recommendation and map on file in the office of the Waukesha County Parks and Land Use Department, and made a part of this ordinance by reference (ZT-983) subject to the following conditions:

1. The maximum amount of building space on the parcel will not exceed 250,000 sq.ft.
2. A maximum of 1,000 parking spaces will be allowed on the parcel.
3. The landscape ratio shall be a minimum of 72%, and shall be based on the entire acreage of 50.9 acres, less that land acquired by the State of Wisconsin for improvements to the C.T.H. "SS"/I-94 Interchange (72% green space and 28% impervious surface).

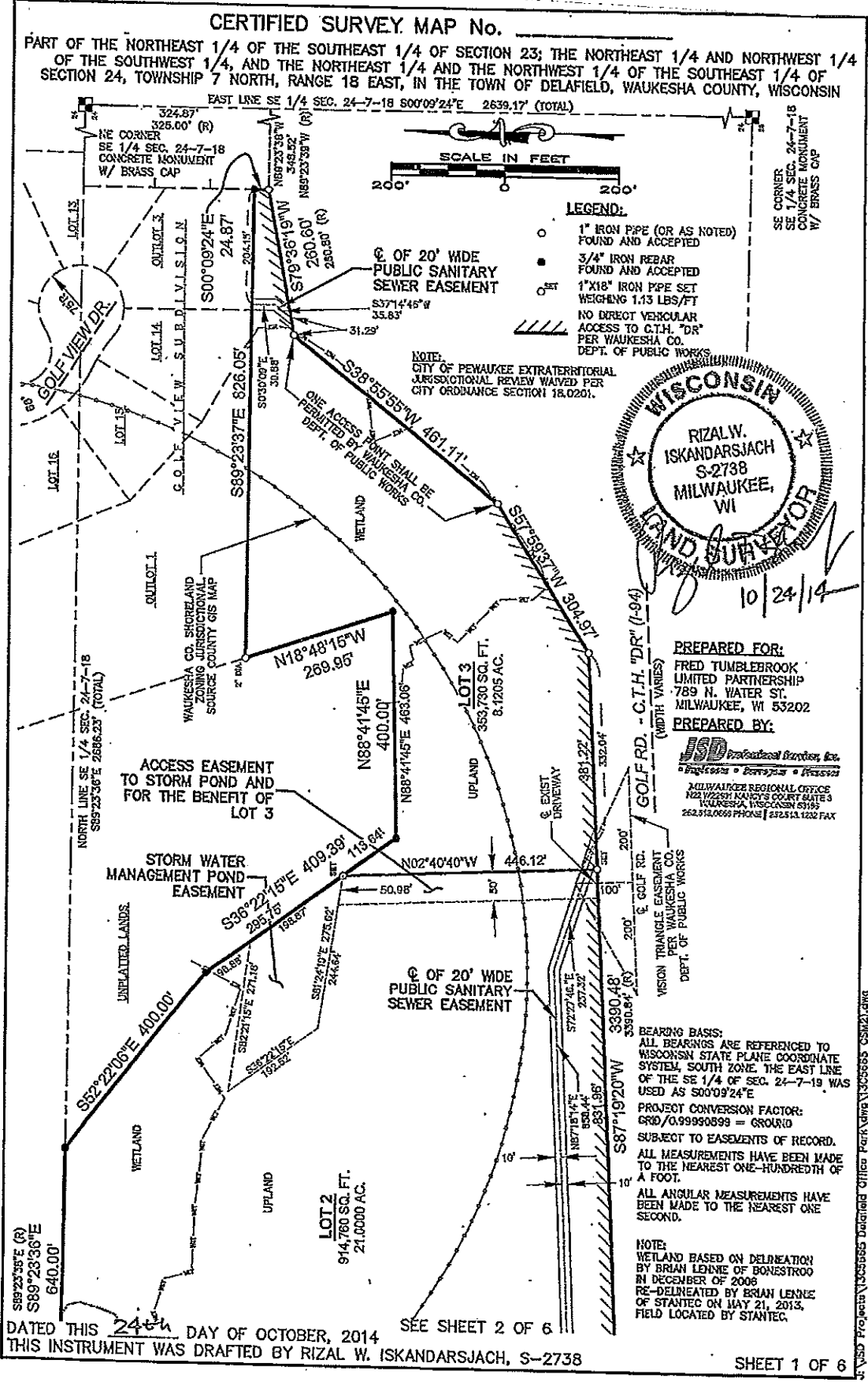
4. The developer may commence with and complete up to 100,000 sq.ft. of buildings prior to completion of the C.T.H. "SS"/I-94 Interchange. The buildings, to be constructed under this condition, shall be in a contiguous area so as to minimize disturbance of the entire site.

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 with contravention of provisions of this ordinance are hereby repealed.

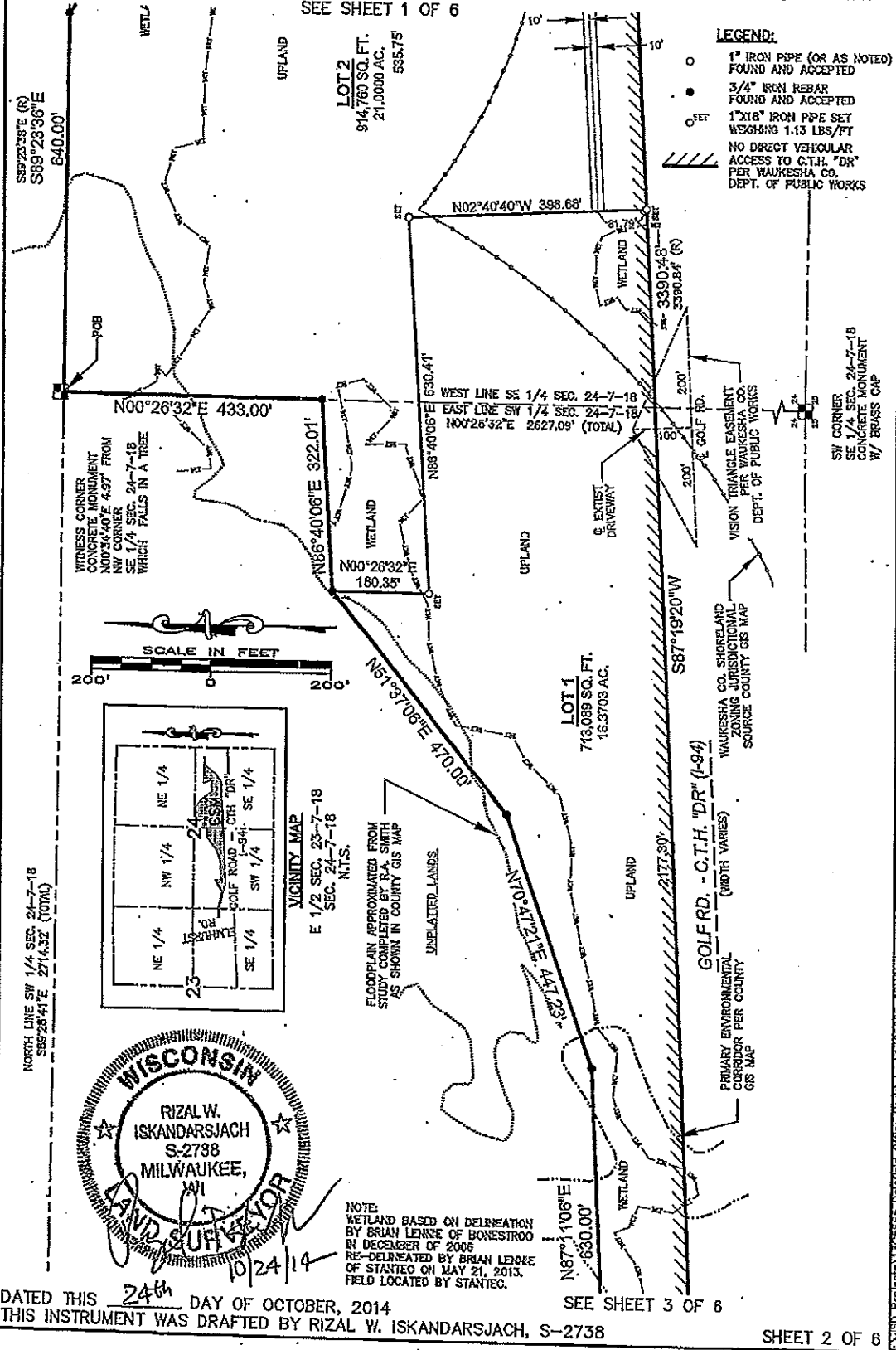
EXHIBIT "B"



DATED THIS 24th DAY OF OCTOBER, 2014
THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

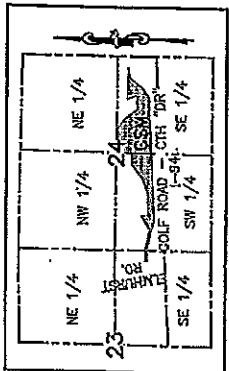
CERTIFIED SURVEY MAP No.

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23; THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN
SEE SHEET 1 OF 6



- LEGEND:**
- 1" IRON PIPE (OR AS NOTED) FOUND AND ACCEPTED
 - 3/4" IRON REBAR FOUND AND ACCEPTED
 - 1"X18" IRON PIPE SET WEIGHING 1.13 LBS/FT
 - ▨ NO DIRECT VEHICULAR ACCESS TO G.T.H. "DR" PER WAUKESHA CO. DEPT. OF PUBLIC WORKS

WITNESS CORNER CONCRETE MONUMENT AND STAKE 4.97 FROM SE 1/4 SEC. 24-7-18 WHICH FALLS IN A TREE



NOTE: WETLAND BASED ON DELINEATION BY BRIAN LENNE OF BONESTROO IN DECEMBER OF 2006 RE-DELINEATED BY BRIAN LENNE OF STANTEC ON MAY 21, 2013. FIELD LOCATED BY STANTEC.

DATED THIS 24th DAY OF OCTOBER, 2014
THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

SEE SHEET 3 OF 6

SHEET 2 OF 6

S:\VSD Projects\Accesses\Delafield Office Park\dwg\1305665 GS121.dwg

CERTIFIED SURVEY MAP No.

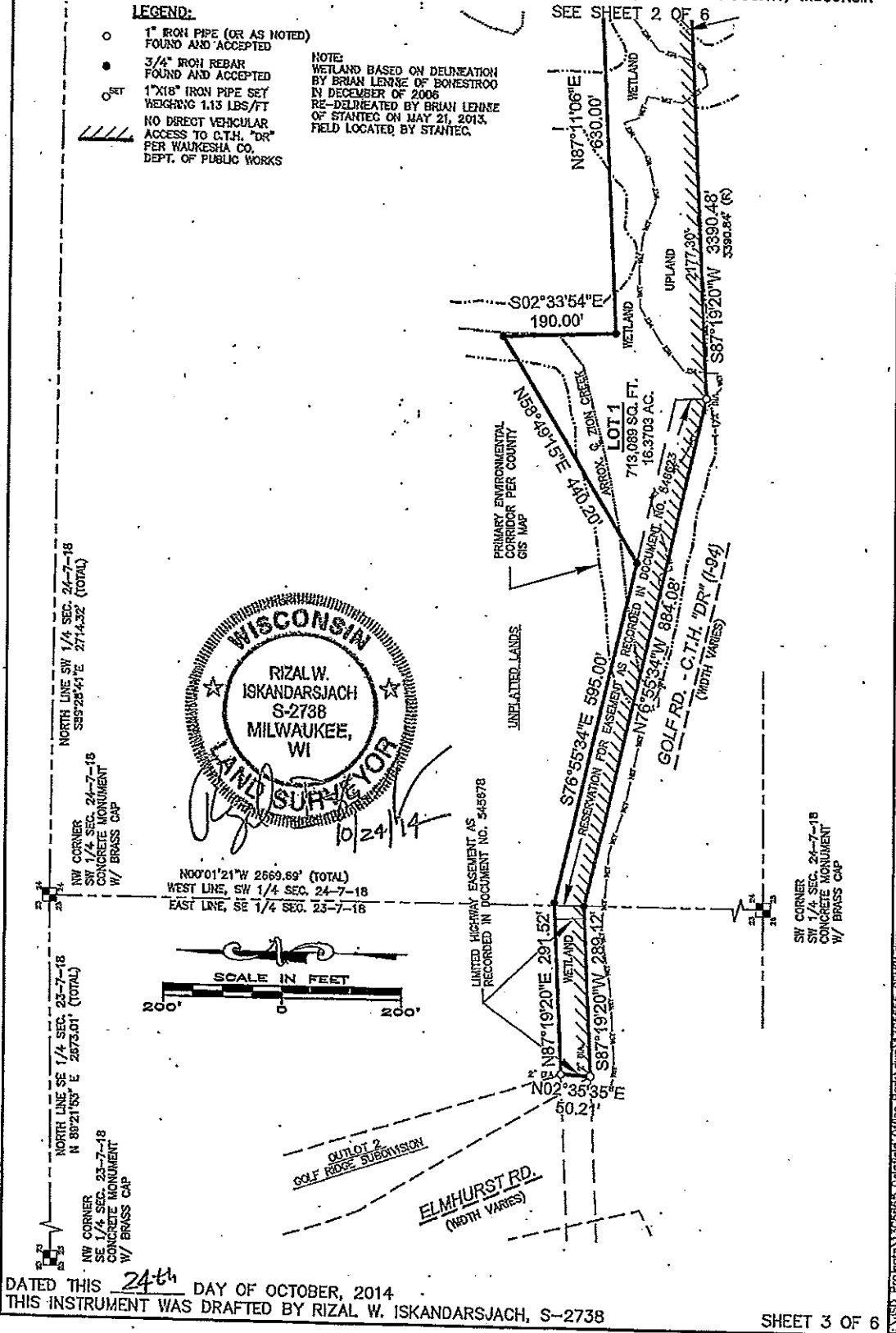
PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23; THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

LEGEND:

- 1" IRON PIPE (OR AS NOTED) FOUND AND ACCEPTED
- 3/4" IRON REBAR FOUND AND ACCEPTED
- SET 1"X18" IRON PIPE SET WEIGHING 1.13 LBS/FT
- //// NO DIRECT VEHICULAR ACCESS TO C.T.H. "DR" PER WAUKESHA CO. DEPT. OF PUBLIC WORKS

NOTE:
WETLAND BASED ON DELINEATION BY BRIAN LENNE OF BONESTROO IN DECEMBER OF 2006
RE-DELINEATED BY BRIAN LENNE OF STANTEC ON MAY 21, 2013.
FIELD LOCATED BY STANTEC.

SEE SHEET 2 OF 6



DATED THIS 24th DAY OF OCTOBER, 2014
THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

SHEET 3 OF 6

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/16/14 (ORD) NUMBER-1690080

- 1 R. KOLB.....AYE
- 2 D. Zimmermann.....AYE
- 3 R. MORRIS.....AYE
- 4 J. BATZKO.....AYE
- 5 J. BRANDTJEN.....AYE
- 6 J. WALZ.....AYE
- 7 J. GRANT.....AYE
- 8 E. HIGHUM.....AYE
- 9 J. HEINRICH.....AYE
- 10 D. SWAN.....AYE
- 11 C. HOWARD.....AYE
- 12 P. WOLFF.....AYE
- 13 P. DECKER.....AYE
- 14 C. PETTIS.....AYE
- 15 B. MITCHELL.....AYE
- 16 M. CROWLEY.....AYE
- 17 D. PAULSON.....AYE
- 18 L. NELSON.....AYE
- 19 K. CUMMINGS.....
- 20 T. SCHELLINGER....AYE
- 21 W. ZABOROWSKI.....AYE
- 22 P. JASKE.....AYE
- 23 K. HAMMITT.....AYE
- 24 S. WHITTOW.....AYE
- 25 G. YERKE.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24