

ENROLLED ORDINANCE 179-44

APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2024-05 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY 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 (RZ149)

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 August 6, 2024; 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 Town of Delafield Ordinance No. 2024-05 which amends the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, to rezone from the A-1 Agricultural District to the A-2 Rural Home District, certain lands located in the part of the SW ¼ of Section 35, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, as 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, 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.

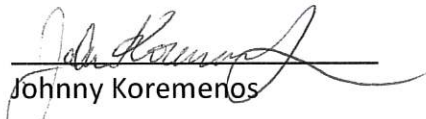
APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2024-05 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 35, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ149)

Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair

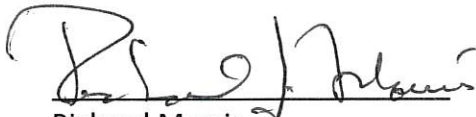

Wayne Euclide

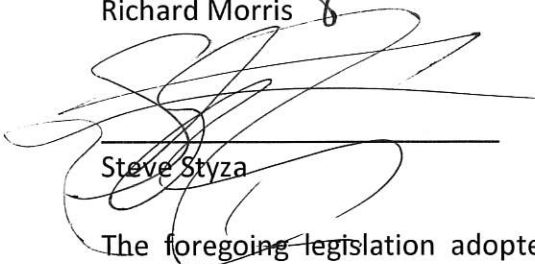

Robert L. Kolb


Johnny Koremenos

Absent

Brian Meier


Richard Morris


Steve Styza

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

Date: 10/28/24, Margaret Wartman
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

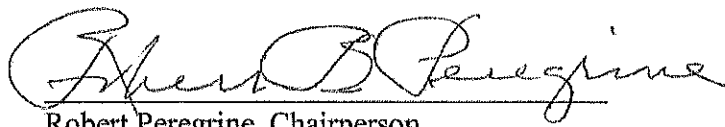
Date: 10/28/2024, Paul Farrow
Paul Farrow, County Executive


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 **RZ149 (Lifestriders, Inc.)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

September 19, 2024

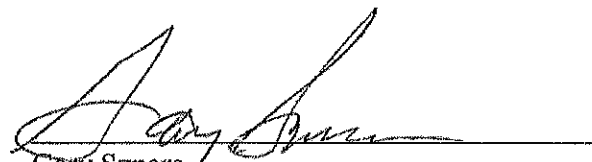

Robert Peregrine, Chairperson

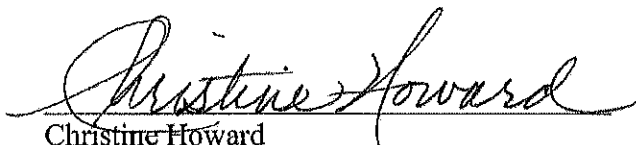

James Siepmann


Richard Morris

Absent

William Groskopf


Gary Szpara


Christine Howard

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

DATE: September 19, 2024

FILE NO.: RZ149

OWNER: Rob Conley
Lifestriders, Inc.
S11 W29667 Summit Avenue
Waukesha, WI 53118

TAX KEY NO.: DELT 0859.999.001

LOCATION:

The property is described as part of the SW ¼ of Section 35, T7N, R18E, Town of Delafield. More specifically the property is located at S11 W29667 Summit Avenue, containing approximately 21.5 acres. The rezone area is that part of the property outside of Waukesha County Shoreland jurisdiction to the east, an area of approximately 15.9 acres.

EXISTING ZONING:

A-1 Agricultural District (Town & County)
County Shoreland Overlays: EC – Primary Environmental Corridor, Wetland, Delafield Shoreland Overlay

PROPOSED ZONING:

A-2 Rural Home District.

EXISTING USE(S):

Equestrian boarding and riding, social services and youth programs.

REQUESTED USE(S):

Construction of a hay barn and future caretaker residence.

PUBLIC HEARING DATE:

August 6, 2024

PUBLIC COMMENT:

None

TOWN PLAN COMMISSION AND BOARD ACTION:

On August 6, 2024, the Town of Delafield Plan Commission unanimously recommended rezone approval.
On August 6, 2024, the Town of Delafield Board recommended approval of the rezone unanimously.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF DELAFIELD CDP:

The Town and County land use plans designate the subject parcel as Rural Density and Other Agricultural Land (maximum one dwelling unit per five acres). The zoning change will not increase the density of the parcel. However, a future caretaker unit may be added consistent with the plans' density recommendations. Continuation and improvement of the horse therapy use is consistent with the plan designation.

STAFF ANALYSIS:

The subject parcel is agricultural in an agrarian setting on US Highway 18 (Summit Avenue). The west part of the property is subject to County Shoreland jurisdiction because the lands are within 300' of a tributary to Brandy Brook. There are wooded and isolated wetland areas on the far western fringe of the property within the area that is designated Primary Environmental Corridor. This area is not affected by the proposal.

The subject parcel is owned and operated by Lifestriders Inc., a 501(c)(3) nonprofit organization which advertises that it “provides integrative and nature-based therapies to individuals with physical, emotional, and cognitive disabilities” through “life-enhancing, physical and psychological experiences and services, to individuals and families with special needs.” Such services include therapeutic equine riding, occupational and physical therapy, counseling, life and wellness coaching, social skills groups, community leadership opportunities, and support groups. Existing improvements include an indoor riding arena, office space, parking lot near the highway and an outdoor riding area (see Exhibit A).

The applicant has requested rezoning the segment of the property under the Town of Delafield’s jurisdiction from A-1 Agricultural to A-2 Rural Home due to open space provisions within the Town’s Zoning Code. At the Town of Delafield Plan Commission meeting on August 6, 2024, it was noted that the applicant does not currently conform to the Town’s open space requirements, but the Town A-2 designation would bring the parcel into conformity and allow for the applicant’s desired additions. The Town A-1 District requires 95 percent open space while the A-2 allows for 85 percent, enabling the construction of the proposed 40’ x 80’ hay barn and future caretaker residence. The hay barn will be used primarily for the storage of hay and partially for the storage of some farm equipment which presently is stored outside. The future caretaker residence will allow an individual to be onsite 24 hours per day.

A Site Plan/Plan of Operations within Conditional Use CU 1641 governs the operations and contains a Manure Management Recommendation Plan while also being subject to a Declaration of Restrictions on file with the Register of Deeds as Document No. 3889239. The Conditional Use, among other things, limits the applicant to 21 horses and designates hours of operation from 7 am to 8 pm, seven days a week. The CU allows for Special Events upon review of the Town of Delafield Plan Commission. Per the CU, if the Town Plan Commission and Waukesha County find these changes to be minor and consistent with the existing SPPO, the existing SPPO may be amended without a new Conditional Use order.

An approved amended County Site Plan/Plan of Operations will be required to accommodate the proposal. Lifestriders has not stated it wishes to intensify its current operation, beyond the hay barn and potential future caretaker quarters. The proposed hay barn will be entirely within County Shoreland jurisdiction and will require County Zoning and Erosion Control Permits congruent with Town permitting requirements. The proposed caretaker residence is planned for the far eastern end of the parcel outside of County jurisdiction.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposal conforms to the Town and County land use plans and will continue the subject parcel’s conformity to existing County regulations and bring the parcel into conformity with the Town of Delafield Zoning Code. The new designation would be consistent with surrounding agricultural zoning classifications.

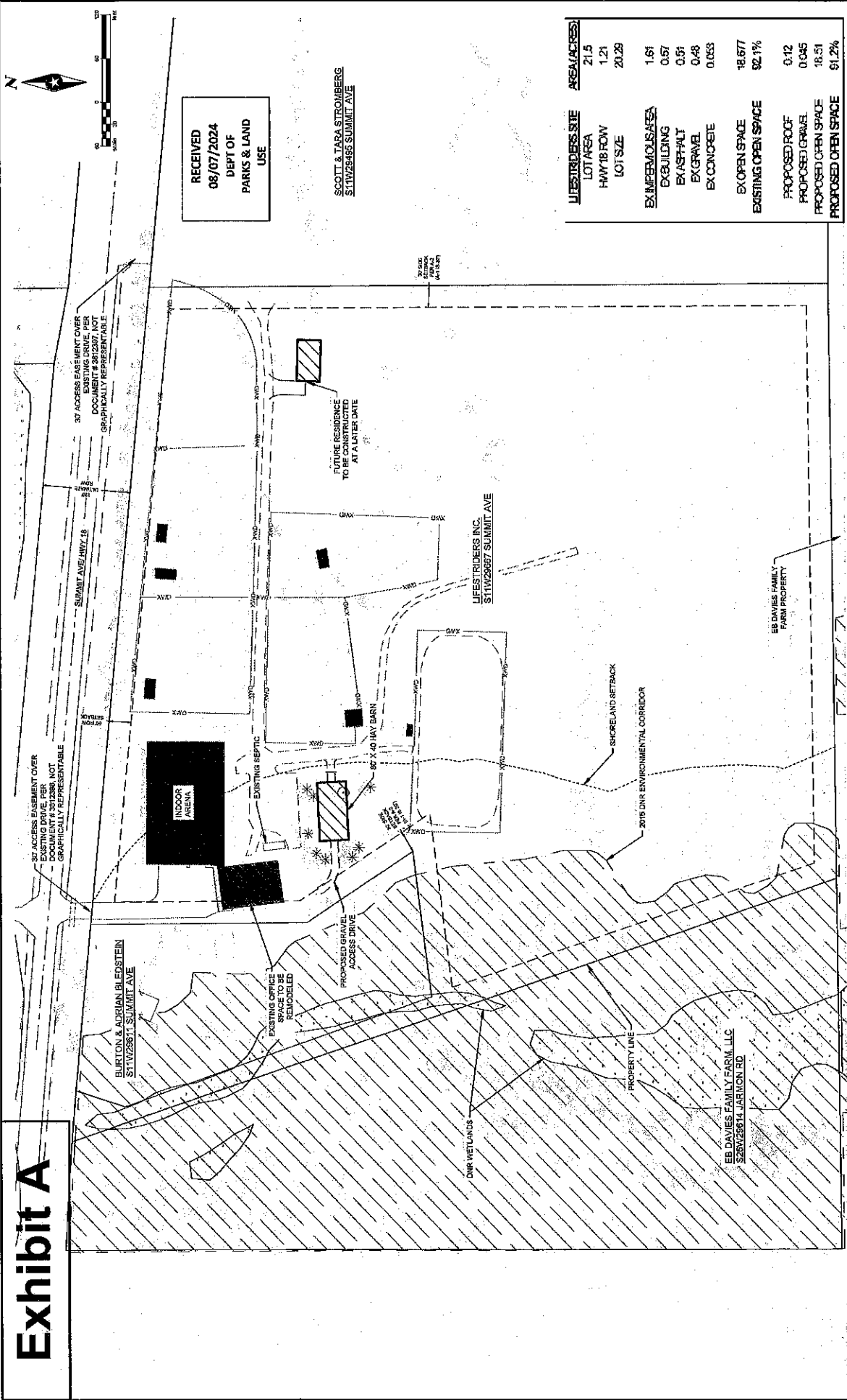
Respectfully submitted,

Kenneth Smith

Kenneth Smith
Senior Land Use Specialist

Attachments: Exhibit A
 Rezone Map
 Town Ordinance – 2024-05

Exhibit A



RECEIVED
08/07/2024
DEPT OF
PARKS & LAND
USE

SCOTT & TARA STROMBERG
S11W28455 SUMMIT AVE

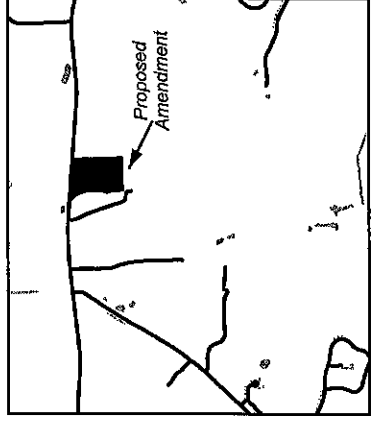
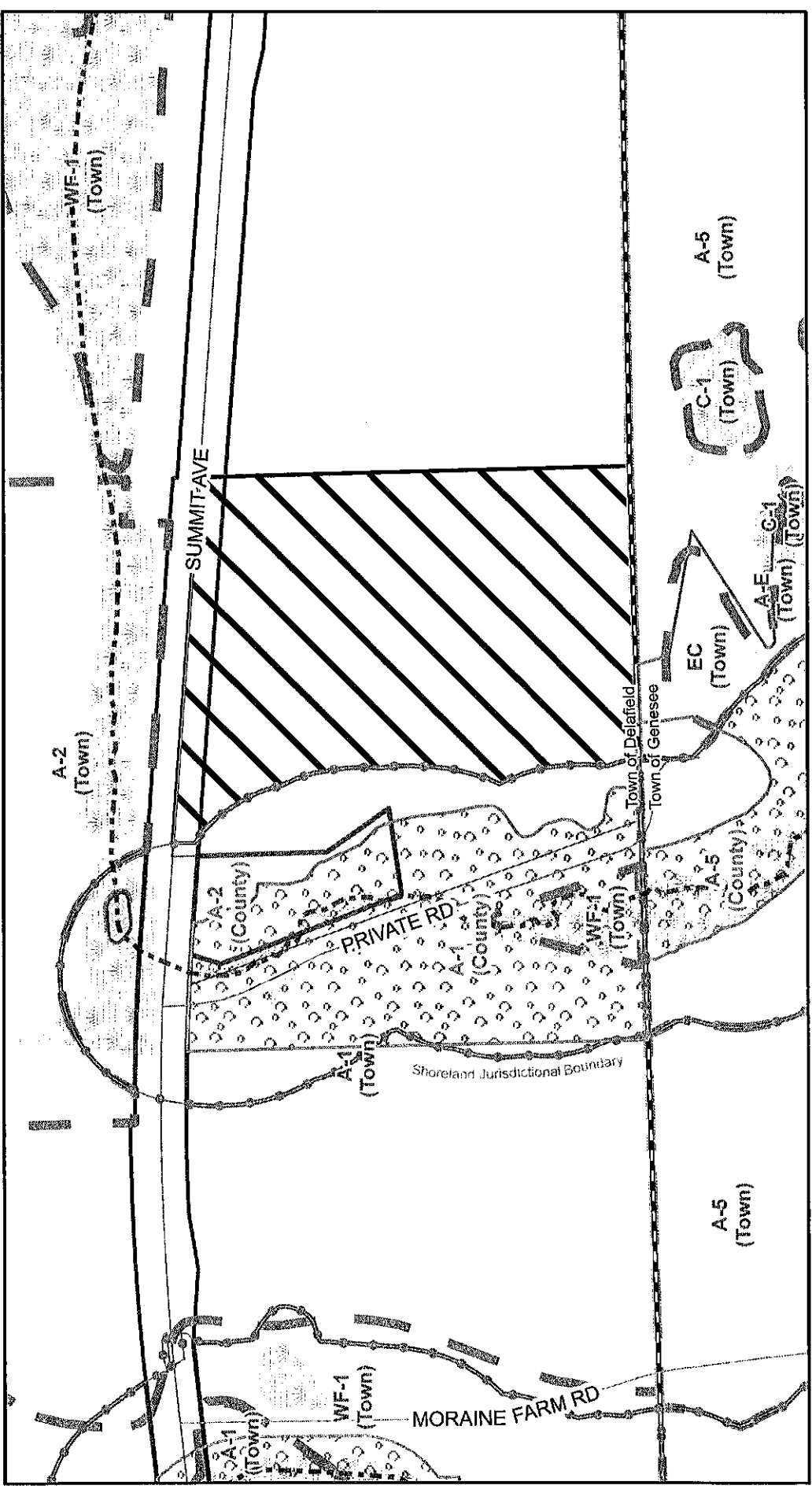
LIFESTRIDERS SITE	AREA ACRES
LOT AREA	21.5
Hwy 18 ROW	1.21
LOT SIZE	20.29
EX. IMPERVIOUS AREA	
EX. BUILDING	1.61
EX. ASPHALT	0.57
EX. GRAVEL	0.91
EX. CONCRETE	0.48
EX. OPEN SPACE	0.053
EXISTING OPEN SPACE	18.677
PROPOSED ROOF	0.12
PROPOSED GRAVEL	0.945
PROPOSED OPEN SPACE	18.51
PROPOSED OPEN SPACE	01.22%

Drawn By	Rev#	Revision/Issue Description	Date	Rev#	Date	Revision/Issue Description	Scale	Project Name	Sheet Number
LJK								LIFESTRIDERS HAY BARN	1
Designed By								TOWN OF DELAFIELD, WI	of 3
Checked By									

Referred on: 10/01/24

File Number: 179-O-045

Referred to: LU 5



N

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

EC Environmental Corridor Overlay

C-1 Conservancy Overlay

FILE.....RZ149

DATE OF PLAN COMMISSION.....09/19/24

AREA OF CHANGE.....15.9 ACRES

TAX KEY NUMBER.....DELT 0859.999.001

ZONING AMENDMENT

PART OF SW 1/4 SECTION 35
T7N R18E, TOWN OF DELAFIELD

0

170

340

Feet

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2024-05

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DELAFIELD
FROM A-1 TO A-2 ON LANDS LOCATED IN THE TOWN'S ZONING JURISDICTION
AT S11W29667 SUMMIT AVE, TAX KEY DELT 0859-999-001, 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 for 15.9 acres of the parcel DELT 0859.999.001, within the Town of Delafield zoning jurisdiction, 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 One-quarter (1/4) of Section Thirty-five (35), in Township Seven (7) North, Range Eighteen (18) East, in Town of Delafield, County of Waukesha, State of Wisconsin, bounded and described as follows: Commencing at the South ¼ corner of said Section 35, said point being the point of beginning of the land herein to be described, thence North 0°18'45" East along the South ¼ line of Section 35, 1002.33 feet to the former centerline of U.S. Highway 18, thence North 83°55'15" West along the former centerline of said highway, 104.00 feet; thence North 0°18'45" East and parallel to the South ¼ line of Section 35, 169.00 feet; thence South 83°55'15" East and parallel to the former center line of U.S. Highway 18, 104.00 feet; thence North 0°18'45" East along the South ¼ line of Section 35, 1478.22 feet; thence South 89°49'45" West, 1316.22 feet; thence South 0°40'15" East, 629.22 feet; thence South 84°34'15" West, 152.02 feet; thence South 1°44'15" West, 875.52 feet to the former centerline of U.S. Highway 18; thence South 86°43' East along said former centerline, 303.22 feet; thence South 4°53' East, 143.75 feet thence South 21°28' East, 328.76 feet; thence South 18°37' East, 245.42 feet; thence South 17°43' East, 160.77 feet; thence South 12°8' East, 279.56 feet to the South line of Section 35, thence due East along the South line of said Section, 860.98 feet to the point of beginning.

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.

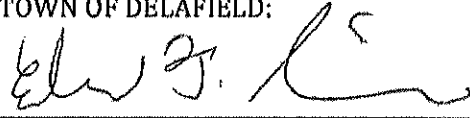
SECTION 3: Effective Date.

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

This ordinance passed this 6th day of August 2024.

BY THE TOWN BOARD OF THE

TOWN OF DELAFIELD:



Edward Kranick, Town Chairman

ATTEST:



Dan Green

Town Administrator/Clerk/Treasurer

VOTE RESULTS >

25

YES

0

NO

0

ABSTAIN

0

ABSENT

Ordinance 179-O-045

Ordinance 179-O-045: Approve Town Of Delafield Ordinance No. 2024-05 Which Amends The District Zoning 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 (RZ149)

 **Passed By Majority Vote**

D1 - Styza	S	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE	
D2 - Euclide		AYE	D11 - Howard	M	AYE	D20 - Schellinger	AYE
D3 - Morris		AYE	D12 - Wolff		AYE	D21 - Gaughan	AYE
D4 - Batzko		AYE	D13 - Leisemann		AYE	D22 - Szpara	AYE
D5 - Grant		AYE	D14 - Mommaerts		AYE	D23 - Hammitt	AYE
D6 - Walz		AYE	D15 - Kolb		AYE	D24 - Bangs	AYE
D7 - LaFontain		AYE	D16 - Crowley		AYE	D25 - Johnson	AYE
D8 - Koremenos		AYE	D17 - Meier		AYE		
D9 - Heinrich		AYE	D18 - Nelson		AYE		

7th Meeting, 179th Year of the County Board of Supervisors - October 22 2024 07:07:45 PM

October 22, 2024

