

ENROLLED ORDINANCE 169-45

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE W ½ OF THE SW ¼ OF SECTION 11, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT WITH A C-1 CONSERVANCY OVERLAY DISTRICT TO THE R-1 RESIDENTIAL DISTRICT WITH A C-1 CONSERVANCY OVERLAY DISTRICT (ZT-1790)

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 April 22, 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 60.61, 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-2 Rural Home District with a C-1 Conservancy Overlay District to the R-1 Residential District with a C-1 Conservancy Overlay District, certain lands located in part of the W ½ of the SW ¼ of Section 11, 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-1790, is hereby approved subject to the following conditions:

1. The land shall be developed as a residential Planned Unit Development.
2. The development of the lands shall generally conform to the concept plan prepared by Yaggy Colby dated April 8, 2014.

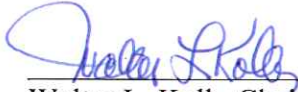
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

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

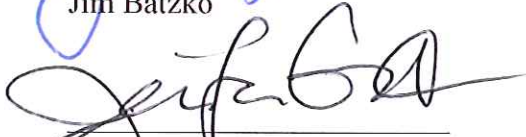
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 11, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT WITH A C-1 CONSERVANCY OVERLAY DISTRICT TO THE R-1 RESIDENTIAL DISTRICT WITH A C-1 CONSERVANCY OVERLAY DISTRICT (ZT-1790)

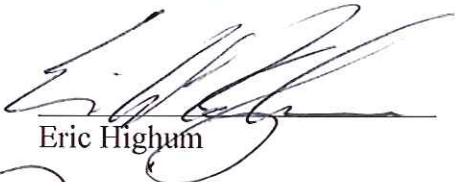
Presented by:
Land Use, Parks, and Environment Committee

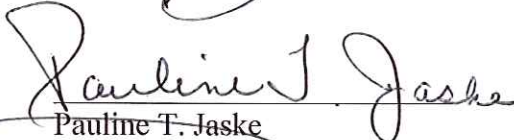

Walter L. Kolb, Chair

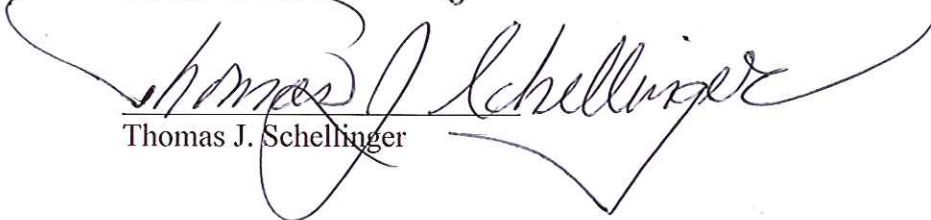

Jim Batzko


Jennifer Grant



Keith Hammitt


Eric Highum



Pauline T. Jaske


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: 8/26/14, 
Kathleen Novack, County Clerk

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

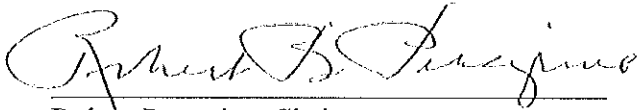
Approved: X
Vetoed: _____
Date: 8-27-14, 
Daniel P. Vrakas, County Executive

COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends approval of ZT-1790 (Thomas and Polly Kranick) in accordance with the attached "Staff Report and Recommendation".


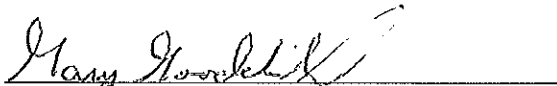
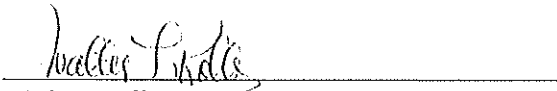
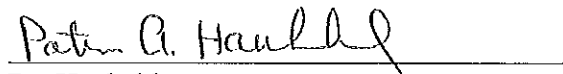
PARK AND PLANNING COMMISSION

July 17, 2014



Robert Peregrine, Chairperson

ABSTAINED 
Jim Siepmann, Vice Chairperson


William Mitchell
Gary Goodchild
Walter Kolb
Pat Haukohl

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

DATE: July 17, 2014

FILE NO.: ZT-1790

PETITIONER: Thomas and Polly Kranick
1517 W. Pierce St.
Milwaukee, WI 53204

TAX KEY NO.'s: DELT 0763.983 and 0764.997

LOCATION:
Part of the West ½ of the SW ¼ of Section 11, T7N, R18E, Town of Delafield, containing approximately 151.29 acres.

EXISTING ZONING: A-2 Rural Home District with a C-1 Conservancy Overlay District (Town) and the portions of the site that are subject to County Shoreland Zoning are zoned EC Environmental Corridor District.

EXISTING LAND USE: Agricultural and natural resource lands.

PROPOSED ZONING: R-1 Residential District with C-1 Conservancy Overlay District to remain (Town). EC Environmental Corridor District to remain unchanged (County).

PROPOSED LAND USE: Conservation design subdivision.

PUBLIC HEARING DATE: March 4, 2014.

PUBLIC REACTION:
Several members of the public spoke. Comments generally included concerns about the proposed density being too high, impacts on the aquifer, pond maintenance, screening of adjacent lands and drainage. It should be noted that the density of the project was reduced (from 95 to 80 lots) after the initial public hearing.

TOWN PLAN COMMISSION ACTION:
The Town of Delafield Plan Commission, at their meeting of April 15, 2014, voted to approve the rezoning conditioned upon the land being developed as a Planned Unit Development Conditional Use in general conformance with the concept plan prepared by Yaggy Colby dated April 8, 2014.

TOWN BOARD ACTION
On April 22, 2014, the Town of Delafield Board recommended conditional approval subject to the property being developed as a PUD and subject to general conformance with the concept plan with a date of April 8, 2014.

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 Plans designate the lands in the Suburban I Density Residential Category (1.5 to 2.9 acres per dwelling unit) with lands in the southeastern part of the property designated Environmental Corridor (maximum one dwelling unit per five acres). There are 80 lots proposed on a total of 151 acres. Plan density requirements would allow for 86 lots, so the proposal complies with density parameters. All building envelopes are located outside of the environmental corridor. The proposed use complies with the purpose and intent of both plans.

STAFF ANALYSIS:

The lands that are proposed to be rezoned are located to the north of Pewaukee Lake between C.T.H. "KE" on the north and Franciscan Road to the south. The property is a little more than 150 acres in size. A preliminary plat has been prepared which shows the lands being developed in a conservation design format (see Exhibit "A"). The vast majority of the environmental corridor (EC) lands will be conserved in an outlot to be owned in common by all subdivision lot owners. Some EC extends onto the back portion of eight (8) of the proposed lots in the southeast corner of the subdivision. As part of the subdivision review process, the Planning and Zoning Division Staff has required that the EC be field delineated and recommended that the plat layout be revised to place still more of the EC acreage within the outlot area. However, it should be noted that the EC areas are proposed to be subject to preservation restrictions, regardless as to whether the EC areas are located within outlots or on the back of private lots.

The project would be served by two points of access to existing roadways to the north and west (C.T.H. "KE" and Maple Avenue). A third access point is likely to occur in the future to connect to lands to the east should they develop. The property will be developed under the Town's PUD provisions. The Town's PUD provisions call for density of 60,000 square feet per dwelling unit under the proposed R-1 District with EC areas permitted density credit of one dwelling unit per five acres. The R-1 PUD provisions require a minimum of 40% of the site to be conserved in open space. The project well exceeds this threshold in providing approximately 52% open space. The R-1 PUD provisions allow for lot sizes of a minimum of 30,000 square feet and require 75% open space for each lot. However, the Town is considering further amendments to the lot open space requirements which may allow for more hard surfaces on the proposed lots in the future.

Open space areas will be provided around the entire perimeter of the proposed subdivision plat. A large outlot will also be provided within the central portion of the plat with lots configured to back up to the open space. The largest proposed area of conserved open space is located in the southeast corner of the property and will include the majority of the EC area that is characterized by wooded and sloping conditions. This area is also traversed by a small navigable stream. This conserved natural land will preserve the substantial buffer zone that currently exists between the developed lands both north and south of the lands proposed to be platted.

In response to concerns raised by neighbors at the public hearing, the developer's consultants have researched well logs for existing homes in the area and found that the vast majority of wells in the area are not experiencing draw down of water supply. Of the few that are, it appears as though there is a shale layer that is a constricting factor. The petitioner has indicated that the proposed new wells would be located within the shallow aquifer where water supply has not been documented to be an issue. County resources suggest that the subject lands are located in either a moderate or high groundwater recharge area. It should

also be noted that storm water runoff will be collected in storm water facilities and a portion will be infiltrated on site which will help re-charge ground water supply. In addition, considerable open space and vegetative cover will be preserved in perpetual open space, which should also provide additional groundwater recharge on the site.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved subject to the conditions imposed by the Town as follows:

1. The land shall be developed as a residential Planned Unit Development.
2. The development of the lands shall generally conform to the concept plan prepared by Yaggy Colby dated April 8, 2014.

The rezoning and the related subdivision plat being proposed comply with plan recommendations relative to density and preservation of natural resources. The proposed conservation design layout will ensure the preservation of the large area of environmental corridor on site, predominantly in perpetual open space to be held in common by all lot owners within the development.

Respectfully submitted,

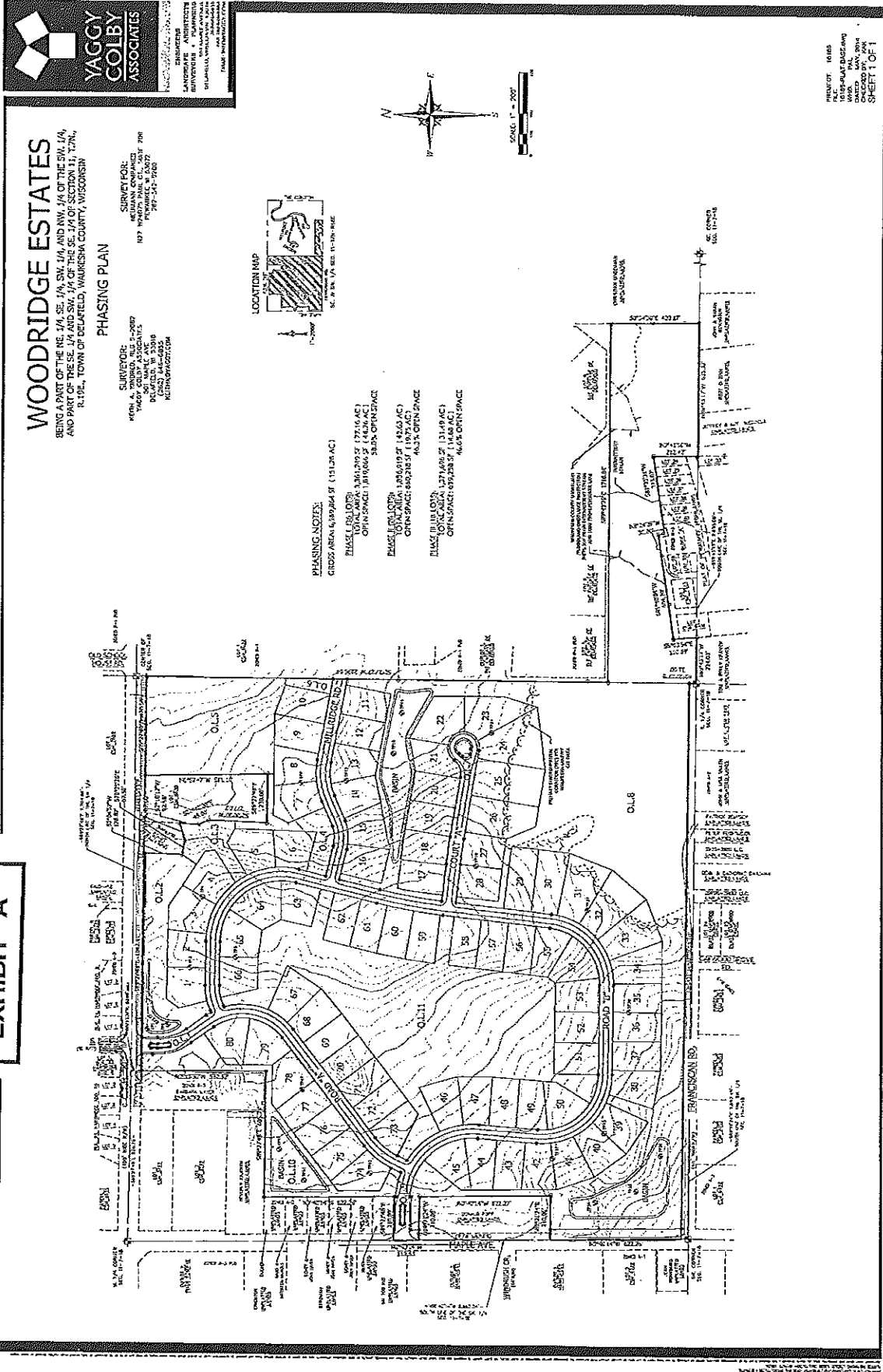
Jason Fruth

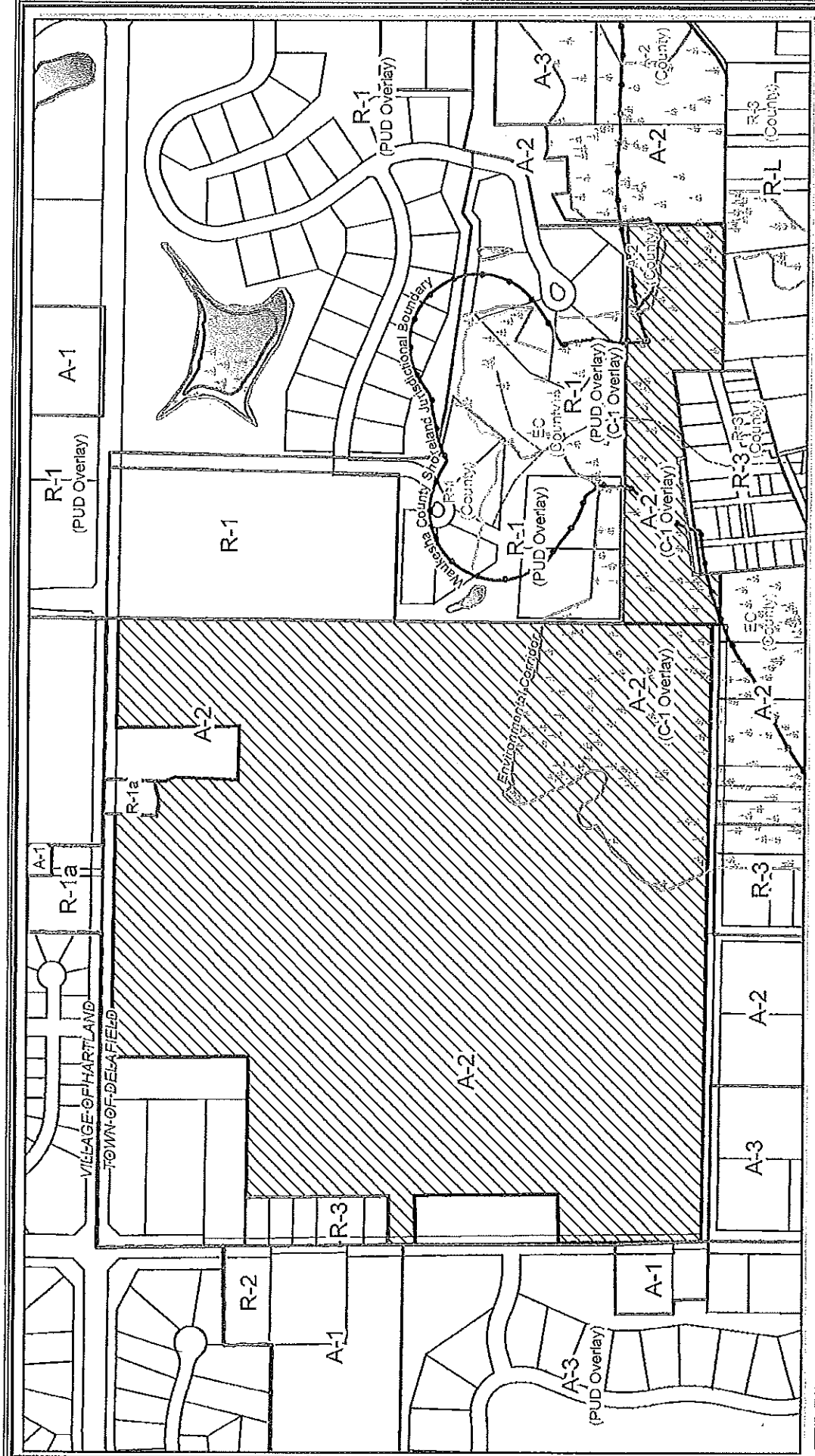
Jason Fruth
Planning and Zoning Manager

Attachments: Exhibit "A", Map and Town Ordinance

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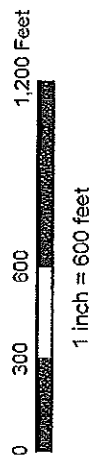
EXHIBIT "A"






ZONING AMENDMENT

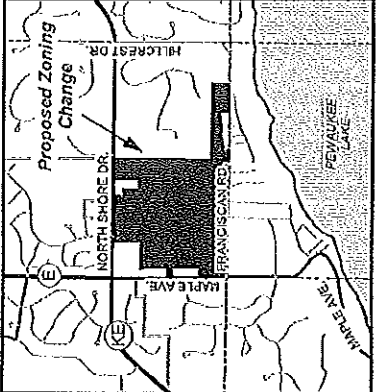
PART OF THE SW 1/4 OF SECTION 11 TOWN OF DELAFIELD



Prepared by the Waukesha County Department of Parks and Land Use

 CONDITIONAL TOWN ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO R-1 RESIDENTIAL DISTRICT; C-1 OVERLAY DISTRICT TO REMAIN UNCHANGED

PETITIONER.....THOMAS & POLLY KRANICK
 FILE.....ZT-1790
 DATE.....07/17/14
 AREA OF CHANGE.....151.51 ACRES
 TAX KEY NUMBER.....DELT 0763.983 & 0764.997



Ordinance No. 2014-05

An Ordinance to amend the Zoning Map of the Town of Delafield from A-2 to R-1 (PUD) on lands located in the Southeast 1/4 and Southwest 1/4 of Section 11, 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-2 to R-1PUD on the following described parcels of land:

Being all that part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southwest 1/4, and part of the Southeast 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, Township 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 11; thence S89°27'48"E, along the North line of the Southwest 1/4 of said Section 11, 820.76 feet; thence S00°13'30"E, 50.00 feet to the Southerly right-of-way of North Shore Drive (C.T.H. "KE") and the point of beginning of the hereinafter described lands; thence S89°27'48"E, along said South right-of-way, 1,042.41 feet; thence S02°04'57"W, 178.82 feet; thence S78°35'36"E, 67.50 feet; thence N74°33'13"E, 87.60 feet; thence S02°10'12"W, 92.58 feet; thence S22°40'00"E, 48.00 feet; thence S02°00'00"W, 277.00 feet; thence S89°27'48"E, 230.00 feet; thence N00°52'47"W, 581.10 feet; thence S89°27'48"E, 470.58 feet to the East line of the Southwest 1/4 of said Section 11; thence S00°27'27"W, along said East line, 2,196.61 feet; thence S89°43'25"E, 1,717.13 feet; thence S00°34'50"E, 420.20 feet to the South line of the Southeast 1/4 of said Section 11; thence N89°43'17"W, along the South line of the Southeast 1/4 of said Section 11, 635.61 feet; thence N00°41'10"W, 212.42 feet; thence S81°35'31"W, 373.07 feet; thence N08°24'29"W, 30.00 feet; thence S81°40'05"W, 504.20 feet; thence S05°03'54"E, 110.69 feet to the South line of the Southeast 1/4 of said Section 11; thence N89°43'17"W, along said South line, 224.03 feet to the South 1/4 corner of said Section 11; thence N00°27'27"E, along the West line of the Southeast 1/4 of said Section 11, a distance of 33.00 feet to the Northerly right-of-way of Franciscan Road as extended; thence N89°21'24"W, along said Northerly right-of-way as extended, 2,653.10 feet to the West line of the Southwest 1/4 of said Section 11; thence N00°40'14"W, along the West line of the Southwest 1/4 of said Section 11, a distance of 622.27 feet; thence S89°21'24"E, 210.06 feet; thence N00°40'14"W, 622.27 feet; thence N89°21'24"W, 210.06 feet to the West line of the Southwest 1/4 of said Section 11; thence N00°40'14"W, along said West line, 119.53 feet; thence S89°27'48"E, 210.00 feet; thence N00°40'14"W, 622.26 feet; thence S89°27'48"E, 605.75 feet; thence N00°13'30"W, 592.92 feet to the point of beginning. Said lands contain 6,590,038 sq.ft. or 151.29 acres.

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JUN 26 2014

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Section 2:

The rezoning of these lands is conditioned upon satisfaction of the following items:

- A. The land shall be developed as a residential Planned Unit Development.
- B. The development of the lands shall generally conform to the concept plan prepared by Yaggy Colby dated April 8, 2014.

Section 3: Severability.

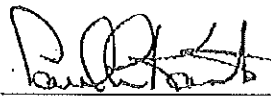
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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.

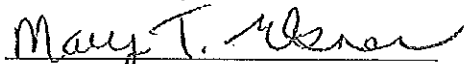
This ordinance passed this 22nd day of April, 2014.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Elzner
Town Clerk/Treasurer

lgb H:\141600\Doc\O 140416 Kranick Farm Rezoning.docx

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JUN 26 2014

DEPT OF PARKS & LAND USE

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/26/14

(ORD) NUMBER-1690045

- | | |
|--------------------------|--------------------------|
| 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 W. KOLB.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 K. CUMMINGS.....AYE | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT..... | 24 S. WHITTOW..... |
| 25 G. YERKE.....AYE | |

TOTAL AYES-23

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-23