

ENROLLED ORDINANCE 168-45

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (ZT-1760)

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 23, 2013, 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 Ordinance, 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 NE ¼ of Section 31, 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-1760, 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.

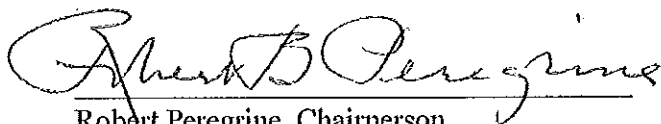
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

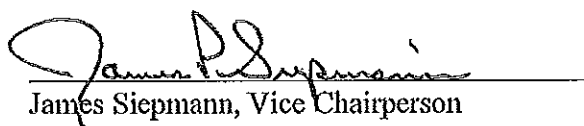
COMMISSION ACTION

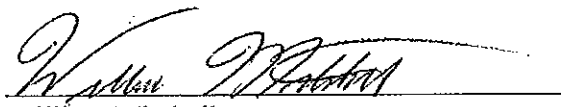
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Ordinance hereby recommends **approval** of (ZT-1760 John and Bonnie Meerschaert) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

September 19, 2013

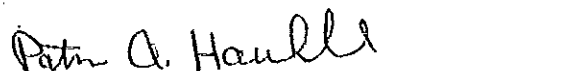

Robert Peregrine, Chairperson


James Siepmann, Vice Chairperson


William Mitchell

Absent
Gary Goodchild


Walter Kolb


Pat Haukohl

Absent
Fritz Ruf

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

DATE: September 19, 2013

FILE NO.: ZT-1760

PETITIONER: John and Bonnie Meerschaert
N70 W23150 Homestead Ct.
Sussex, WI 53089

TAX KEY NO.: DELT 0841.997.001

LOCATION:

Parcel 2, Certified Survey Map No. 6387, Volume 53, Page 10, located in part of the NE ¼ of Section 31, T7N, R18E, Town of Delafield. More specifically, the property is located approximately 1,800 feet south of the intersection of Cushing Park Road and Abitz Road on the east side of Cushing Park Road, containing approximately 4.0 acres.

EXISTING ZONING: A-1 Agricultural District.

EXISTING LAND USE: Vacant parcel.

PROPOSED ZONING: A-2 Rural Home District.

PROPOSED LAND USE: Single family residence.

PUBLIC HEARING DATE: July 23, 2013.

PUBLIC REACTION: None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Delafield Plan Commission, at their meeting of July 2, 2013, voted to recommend in favor of the rezoning to the Town Board.

On July 23, 2013, the Town of Delafield Board approved the rezoning to the A-2 Rural Home District, as recommended by the Town Plan Commission.

CONFORMANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD COMPREHENSIVE DEVELOPMENT PLAN:

The Waukesha County and Town of Delafield Comprehensive Development Plans designate this property as Suburban Density 1 Residential (1.5 to 2.9 acres per dwelling unit). The proposed use complies with the purpose and intent of both plans.

STAFF ANALYSIS:

The petitioner is proposing to rezone the subject parcel from the A-1 Agricultural District to the A-2 Rural Home District to bring the parcel into a district that better matches the dimensions and proposed use of the existing parcel. The property is subject to the Town of Delafield Zoning Ordinance. The A-1 District requires a minimum parcel size of 40 acres, whereas the A-2 District requires a minimum three acre parcel

size. Prior to 1998, the A-1 District only required a three acre minimum lot size. The parcel and many nearby it became substandard relative to lot area when the Town amended its zoning code in 1998 to increase the A-1 District minimum lot size to 40 acres. As was noted during the review of a similar rezoning request in 2012 for one of the similar nearby parcels, the Town, acting upon the advice of the Town Attorney, chose not to place the lots that were rendered substandard into a new zoning classification but instead left the decision to rezone to individual owners, if and when they were so inclined. The majority of the parcels in the immediate area are developed, so the need for additional rezoning in the area would likely be spurred by future proposals for building additions, new outbuildings or new hard surfaces.

The A-2 District requires 85% of a lot to remain in green space, whereas the A-1 District requires 95% green space because parcels within the A-1 District are expected to be much larger in area. The petitioners wish to build a new home on the parcel and the house and associated improvements will meet all A-2 District requirements but would not comply with the A-1 District open space (green space) standard, given the small parcel size in comparison to the district 40 acre minimum. The parcel contains no mapped natural resources and slopes gradually from east to west. Soils are well drained. Surrounding uses include agricultural lands to the west of Cushing Park Road and single family residential to the north, south and east.

As referenced above, a parcel several hundred feet to the north was rezoned from A-1 to the A-3 District in 2012 because it fell just short of the required two acre minimum lot size. The Town Engineer has indicated that the remaining substandard parcels along Cushing Park Road in the vicinity would be candidates for rezoning to the A-2 District if other neighboring property owners come forward in the future. Therefore, it appears as though the Town will, over time, look to guide the neighborhood towards the A-2 District. Therefore, Staff does not feel that the proposed single lot zoning is an illegal spot zone but instead another incremental rezone in an area that will likely continue to evolve into an A-2 neighborhood.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. The proposed rezoning meets the purpose and intent of the County and Town Land Use Plans and the new zoning category better accommodates the existing parcel. The proposed zoning designation will make the development of the parcel more viable. The Planning and Zoning Division Staff continue to feel that it would be much more preferable for the Town to initiate a neighborhood level rezoning effort to alleviate the expense, time and burden that will continue to fall to individual owners along this stretch of Cushing Park Road as they look to further improve their properties over time. The County Development Plan recommends that lands be zoned as used and properties in this area are no longer in agricultural use and should be considered for rezoning to a more appropriate residential district in the future.

Respectfully submitted,

Jason Fruth / kb

Jason Fruth
Planning & Zoning Manager

JF:kb

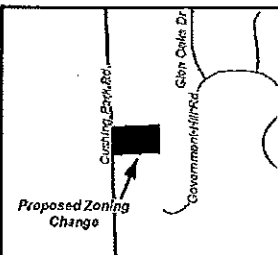
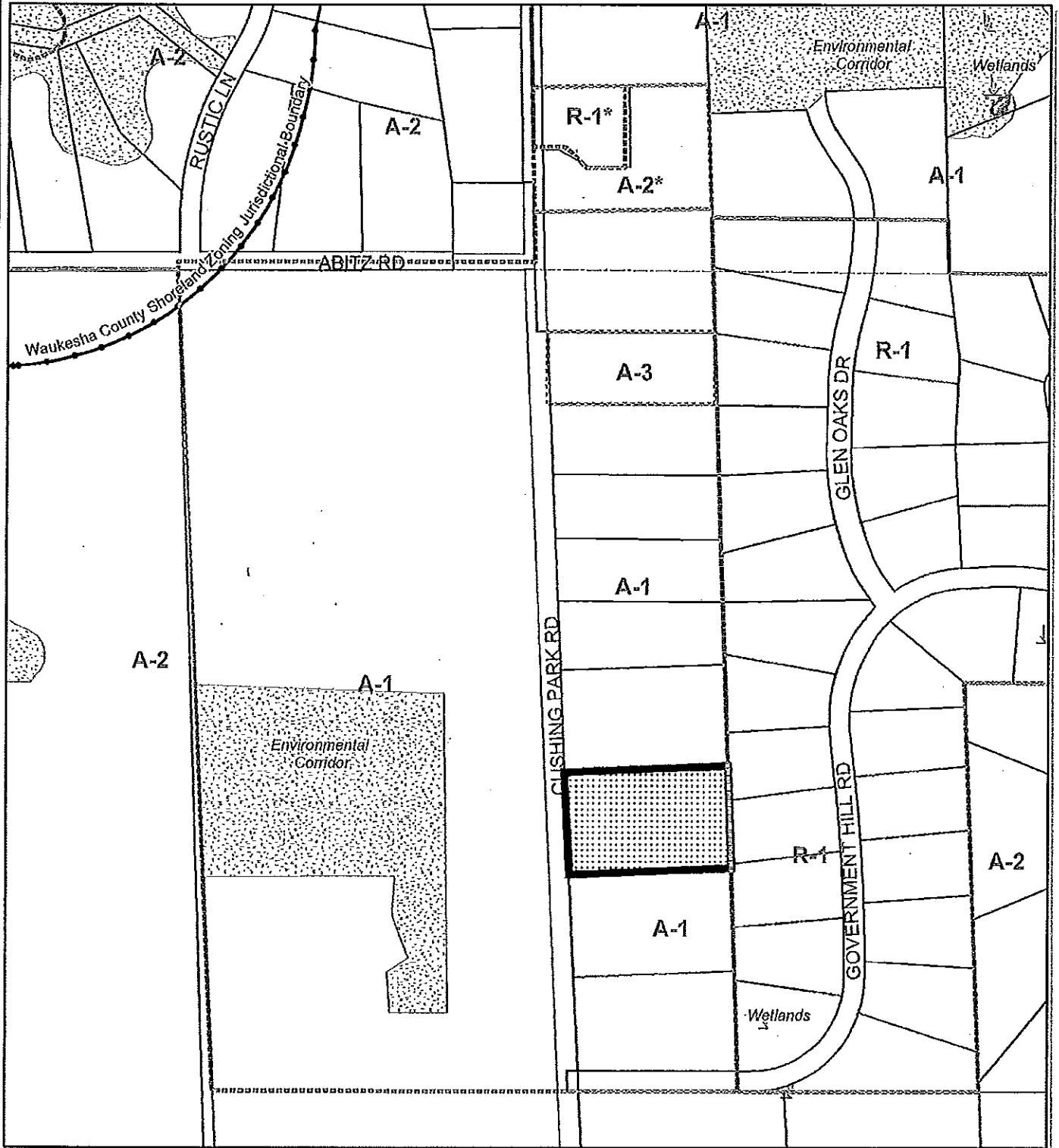
Attachments: Map and Town Ordinance
N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1760 Meerschaert DII.Doc



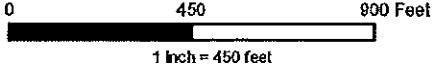
168-0-045

4.

ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 31
TOWN OF DELAFIELD



	TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-2 RURAL HOME DISTRICT (4.00 AC)	  Prepared by the Waukesha County Department of Parks and Land Use
FILE.....	ZT-1760	
DATE.....	9/19/13	
AREA OF CHANGE.....	4.00 ACRES	
TAX KEY NUMBER.....	DELT 0841.997.001	

168-0-045

Ordinance No. 2013-06

An Ordinance to amend the Zoning Map of the Town of Delafield from A-1 Agricultural to A-2 Rural Home district on lands located in the in the Northeast ¼ of Section 31, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin

The Town of Delafield Town Board, 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. 6387, found in Volume 53, Page 10, Document No. 6388289, Waukesha County Register of Deeds.

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.

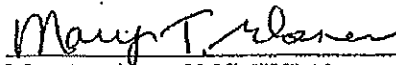
This ordinance passed this 23rd day of July, 2013.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:

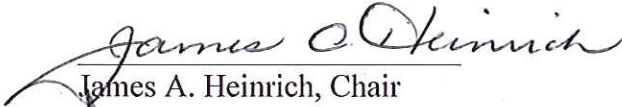


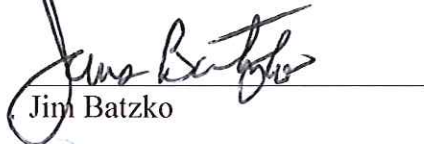
Mary T. Elsner, CMC, WCMC
Town Clerk

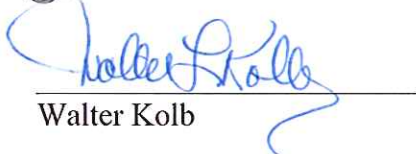
tgb: H:\1131600\Doc\O 130805 Meerschaert Rezoning.docx

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (ZT-1760)

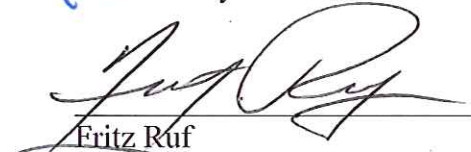
Presented by:
Land Use, Parks, and Environment Committee



James A. Heinrich, Chair

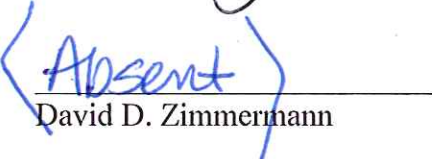

Jim Batzko


Walter Kolb



Pamela Meyer


Fritz Ruf



Thomas J. Schellinger


David D. Zimmermann

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

Date: 10/22/2013, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 10-24-13, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/22/13

(ORD) NUMBER-1680045

- | | |
|--------------------------|-----------------------------------|
| 1 C. SLATTERY.....AYE | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS.....AYE | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJEN.....AYE | 6 J. JESKEWITZ..... |
| 7 J. GRANT.....AYE | 8 P. HAUKOHL.....AYE ^① |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 F. RUF..... | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 P. MEYER.....AYE |
| 15 W. KOLB.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 C. CUMMINGS.....AYE | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT.....AYE | 24 D. DRAEGER.....AYE |
| 25 G. YERKE.....AYE | |

① VOICE VOTE AFTER IT WAS NOTED ONLY 22 MEMBERS WERE ON WITH 23 PRESENT AT THAT TIME.

TOTAL AYES-22

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-22