

ENROLLED ORDINANCE 179-59

APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2024-09 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE 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-3 SUBURBAN ESTATE DISTRICT (RZ155)

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 22, 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.

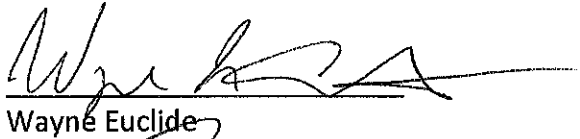
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Town of Delafield Ordinance No. 2024-09 which amends the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, to rezone from the A-1 Agricultural District to the A-3 Suburban Estate District, certain lands located in part of the NE ¼ of Section 31, 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.

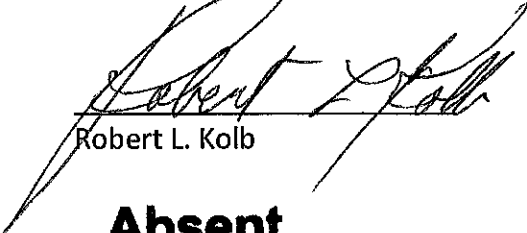
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2024-09 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE 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-3 SUBURBAN ESTATE DISTRICT (RZ155)

Presented by:
Land Use, Parks, and Environment Committee

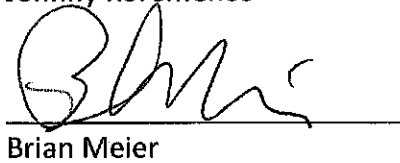

Christine M. Howard, Chair

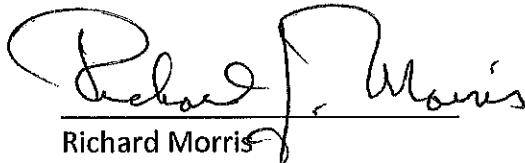

Wayne Euclide


Robert L. Kolb

Absent

Johnny Koremenos



Brian Meier


Richard Morris

Absent

Steve Styza

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

Date: 12/20/24, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____


Date: 12/20/2024, 
Paul Farrow, County Executive

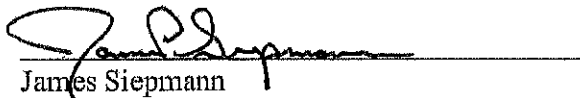
COMMISSION ACTION

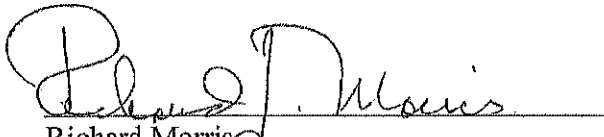
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **RZ155 (Geboy)** in accordance with the attached "Staff Report and Recommendation".

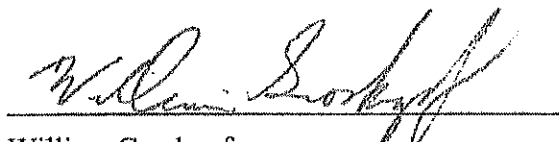
PARK AND PLANNING COMMISSION

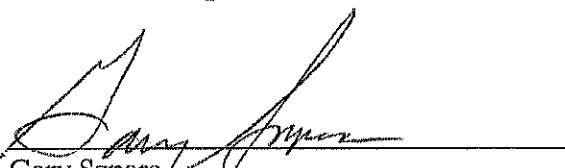
November 21, 2024


Robert Peregrine, Chairperson


James Siepmann


Richard Morris


William Groskopf


Gary Szpara


Christine Howard

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

DATE: November 21, 2024

FILE NO.: RZ155

OWNER: Sarah Geboy
622 Main Street
Delafield, WI 53018-1506

TAX KEY NO.: DELT 0841.029.002

LOCATION:

The property is described as part of the NE ¼ of Section 31, T7N, R18E, Town of Delafield. More specifically, the property is a vacant lot located on the east side of Cushing Park Road, containing approximately 2.5 acres.

EXISTING ZONING:

A-1 Agricultural District

PROPOSED ZONING:

A-3 Suburban Estate District

EXISTING USE(S):

Vacant lot.

REQUESTED USE(S):

Construction of a new single family residence.

PUBLIC HEARING DATE:

October 1, 2024

PUBLIC COMMENT:

None

TOWN PLAN COMMISSION AND BOARD ACTION:

On October 1, 2024, the Town of Delafield Plan Commission unanimously recommended rezone approval. On October 22, 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 plans designate the property in the Suburban Density 1 Residential (1.5-2.9 acres per dwelling unit) category. The proposal does not add any additional density. Therefore, the proposal is consistent with both plans.

STAFF ANALYSIS:

The subject 2.5 acre parcel is proposed to be rezoned from the A-1 Agricultural District, which is a 40-acre minimum district, to the A-3 Suburban Home District, which is a two acre minimum category. The zoning change is being sought because the petitioner would like to build a new home in the future. The open space requirements for the A-3 District are 85% of a lot's area whereas the A-1 District requires 95% open space. A couple of other nearby lots on this stretch of Cushing Park Rd. have been similarly rezoned to the A-3 District.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The rezoning will place the parcel in a zoning category that more closely aligns with the parcel's size and will allow a reasonably sized home to be built.

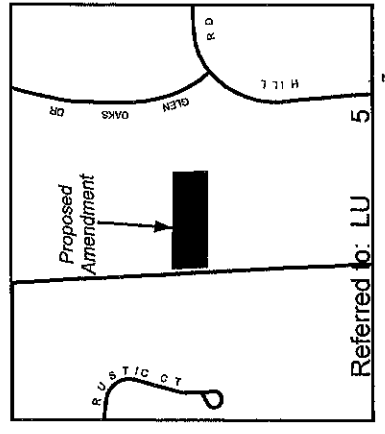
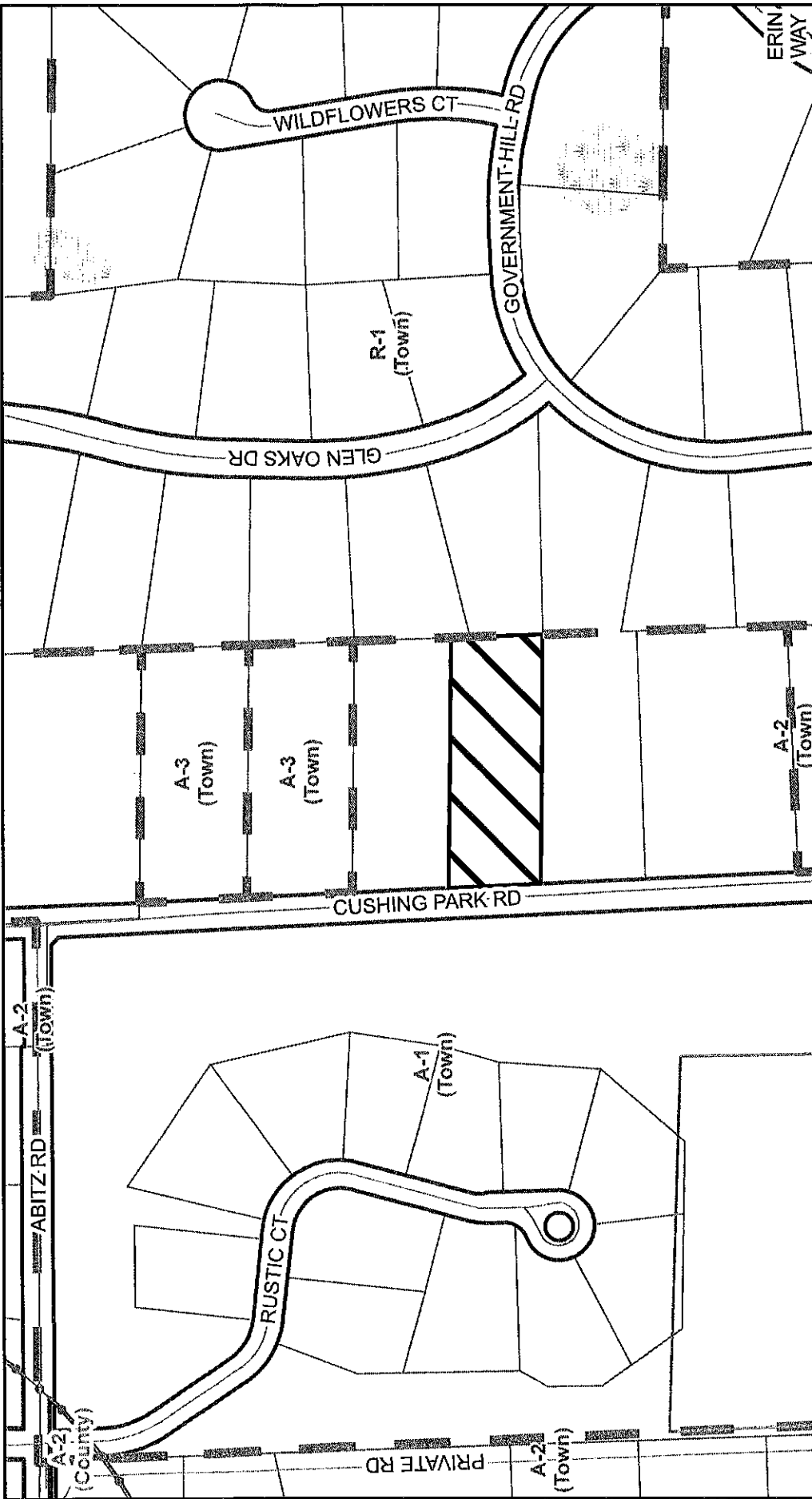
Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Rezone Map
 Town Ordinance – 2024-09

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TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-3 SUBURBAN ESTATE DISTRICT



EC Environmental Corridor Overlay



C-1 Conservancy Overlay



FILE.....RZ155
 DATE OF PLAN COMMISSION.....11/21/2024
 AREA OF CHANGE.....2.47 ACRES
 TAX KEY NUMBER.....DELT0841029002
 Prepared by the Waukesha County Department of Parks and Land Use

ZONING AMENDMENT

PART OF NE 1/4 SECTION 31
 T7N R18E, TOWN OF DELAFIELD

0 160 320 Feet

Referred on: 11/25/24

Referred to: LU 5

File Number: 179-O-062

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2024-09

AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DELAFIELD FROM A-1 TO A-3 ON LANDS LOCATED 980 FEET SOUTH OF ABITZ ROAD ON CUSHING PARK ROAD IN THE NORTHEAST ¼ OF SECTION 31, T7N, R18E, 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-1 to A-3 on the following described parcel of land:

Part of the Northeast ¼ of Section 31, T7N R18E, commencing at the North ¼ corner of said section, thence S02°32'E 867.48 feet to the beginning; thence S89°15'E, 568.03 feet; thence S01°44'E 201.00 feet; thence N89°15'W, 565.2 feet; thence N02°32'W, 201.14 feet to the point of beginning, excluding the westerly 33 feet for road purposes.

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.

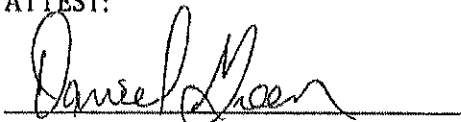
This ordinance passed this 22nd day of October 2024.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Edward Kranick, Town Chairman

ATTEST:



Dan Green
Town Administrator/Clerk/Treasurer

VOTE RESULTS

21 YES 0 NO 0 ABSTAIN 4 ABSENT

Ordinance 179-O-062

Ordinance 179-O-062: Approve Town Of Delafield Ordinance No. 2024-09 Which Amends The District Zoning Rezoning Certain Lands Located In Part Of The NE 1/4 Of Section 31, T7N, R18E, Town Of Delafield, Waukesha County, Wisconsin, From The A-1 Agricultural District To The A-3 Suburban Estate District (RZ155)

Passed By Majority Vote

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

10th Meeting, 179th Year of the County Board of Supervisors - December 17 2024 06:10:35 PM

