

Enrolled 156-33
-PROPOSED ORDINANCE 156-35

1
2
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
4 ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF EAGLE, AND THE TOWN OF
5 EAGLE ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS
6 LOCATED IN PART OF THE SE ¼ OF SECTION 1, T5N, R17E, TOWN OF EAGLE, FROM
7 THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE A-5 MINI-FARM
8 DISTRICT (COUNTY), AND THE A-P AGRICULTURAL LAND PRESERVATION
9 DISTRICT TO THE RRE-1 RURAL RESIDENTIAL ESTATE DISTRICT (TOWN)
10 (SZT-1409)
11
12

13 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
14 the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of
15 requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks
16 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha
17 County, Wisconsin, as required by Sections 59.692 and 60.61 of the Wisconsin State Statutes.
18

19 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
20 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District
21 Zoning Map for the Town of Eagle, Waukesha County, Wisconsin, adopted on June 23, 1970,
22 and the Town of Eagle Zoning Ordinance adopted on December 1, 1990, is hereby amended to
23 conditionally rezone from the A-P Agricultural Land Preservation District to the A-5 Mini-Farm
24 District (County), and the A-P Agricultural Land Preservation District to the RRE-1 Rural
25 Residential Estate District (Town), certain lands located in part of the SE ¼ of Section 1, T5N,
26 R17E, Town of Eagle, and more specifically described in the "Staff Report and
27 Recommendation" and map on file in the office of the Waukesha County Department of Parks
28 and Land Use and made a part of this Ordinance by reference (SZT-1409) and subject to the
29 following condition:
30

31 No further division of the 50.5 acre parcel, other than to create one
32 new parcel by Certified Survey Map procedures, shall be permitted.
33

34 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
35 Ordinance with the Town Clerk of Eagle.
36

37 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon
38 passage, approval and publication.
39

40 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
41 provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF EAGLE, AND THE TOWN OF EAGLE
ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART
OF THE SE ¼ OF SECTION 1, T5N, R17E, TOWN OF EAGLE, FROM THE A-P AGRICULTURAL
LAND PRESERVATION DISTRICT TO THE A-5 MINI-FARM DISTRICT (COUNTY), AND THE A-
P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE RRE-1 RURAL
RESIDENTIAL ESTATE DISTRICT (TOWN)
(SZT-1409)

Presented by:
Land Use, Parks, and Environment Committee

Paul G. Vrakas
Paul G. Vrakas, Chair

Pauline T. Jöske
Pauline T. Jöske

James Jeskewitz
James Jeskewitz

Walter L. Kolb
Walter L. Kolb

Absent
Karen J. McNelly

Daniel F. Meissner
Daniel F. Meissner

Ronald V. Rydberg
Ronald V. Rydberg

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

Date: August 31, 2001, Patricia E. Madden
Patricia E. Madden, County Clerk

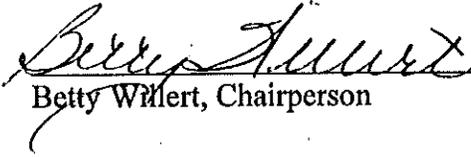
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

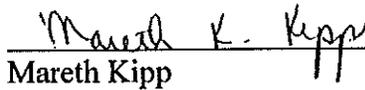
Approved: ✓
Vetoed: _____
Date: 9-4, Daniel M. Finley
Daniel M. Finley, County Executive

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 SZT-1409 in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION June 7, 2001


Betty Willert, Chairperson


Mareth Kipp


Vy Janusonis


Ellen Gennrich


Joseph LaPorte


Walter Kolb

Absent
Walter Baade

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

FILE NO: SZT-1409

TAX KEY NUMBER: EGLT 1732.994

DATE: June 7, 2001

PROPERTY OWNER: Jeannie Herold
3703 N. Bell Avenue
Chicago, IL 60618

LOCATION OF PROPERTY:

The property is located in the SE ¼ of Section 1 in the Town of Eagle, and more specifically located on the north side of Road X at S70 W34138 Road X, containing 50 acres.

PRESENT ZONING:

The western portion of the property is zoned A-P Agricultural Preservation District under the Town of Eagle's Zoning Ordinance, which requires a minimum lot size of 35 acres. The eastern half of the property is zoned A-P Agricultural Preservation District under the Waukesha County Shoreland and Floodland Protection Ordinance, which requires a minimum lot size of 35 acres, and C-1 Conservancy District.

PROPOSED ZONING:

RRE-1 Rural Residential Estate District, permitting three acre lots within the Town of Eagle's jurisdiction, and A-5 Mini-Farm District, permitting five acre lots within Waukesha County's jurisdiction. It should be noted that no portion of the C-1 Conservancy area is being proposed to be rezoned.

PRESENT LAND USE:

Agricultural crop land, residence, a barn and silo.

PROPOSED LAND USE:

Two single-family residential parcels.

PUBLIC HEARING DATE:

May 7, 2001

PUBLIC REACTION:

No one in the audience made a comment regarding the proposed request.

TOWN PLANNING COMMISSION ACTION:

The Town of Eagle Planning Commission, at its meeting on May 7, 2001, moved to recommend approval of the proposed rezoning with the condition that no further divisions of the parcels be allowed. (Exhibit "A")

156-0-036

TOWN BOARD ACTION:

The Town of Eagle Board, at its meeting on May 7, 2001, approved the amendment with the proposed restriction.

CONFORMANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF EAGLE LAND USE PLAN:

The Waukesha County Development Plan indicates this area of the Town falls within the Rural Density Residential and Primary Environmental Corridor categories, which both require a minimum lot size of 5 acres. The Park and Open Space element of the County Development Plan indicates the eastern portion of the property, within the Primary Environmental Corridor, is located in an area designated as Open Space to be protected by Public Land Use Regulation. The proposed division of the property would not be in conflict with the proposed Development Plan and Park and Open Space Plan if the residence is located outside of the Primary Environmental Corridor.

The Town of Eagle Land Use Plan has the property in question in the Transitional Agricultural (Medium Density Residential) category, which encourages the full use of the land for farm operations, but indicates the lands may be developed later; Upland Conservancy category, which encourages the protection of areas such as woods, fencerows, wildlife habitats, prairie, and unique glacial features; and Conservancy & Historic Sites category. With the restriction imposed by the Town, the proposed rezoning is compliant with the Town's Plan.

OTHER CONSIDERATIONS:

The 50-acre property in question currently has a residence, barn and silo, which are located in the north central portion of the property. The area west of the existing drive and buildings consists of approximately 22 acres in row crops, with lands to the east of the drive and structures in row crops, (7 acres approximately) wetlands and heavily wooded areas. Also, it should be noted that a small portion of Jericho Creek runs through the southeastern corner of the property.

The owner is proposing to split off divide the parcel and create a new building site on the eastern half of the property, consisting of the wetland(s), Primary Environmental Corridor, and an area large enough to accommodate a single-family residence. Soil tests were performed on the property, which established that while the southern portions of the property could not support a septic system, a septic site was found in the northeastern portion of the property just west of areas labeled conservancy on the Waukesha County Shoreland and Floodland zoning maps. The remaining parcel, which consists of prime agricultural soils according to the Soil Survey Maps for Waukesha County, will contain the existing buildings/structures and a majority of the currently farmed lands.

The surrounding Town Zoning is RRE-1 Rural Residential Estate District to the west, and A-P Agricultural Land Preservation District to the north and south of the property. Waukesha County's Shoreland and Floodland Ordinance designates adjacent properties in the A-P Agricultural Land Preservation District and C-1 Conservancy District.

STAFF RECOMMENDATION:

It is the opinion of the staff that this request be **approved** in accordance with the restriction of the Town, prohibiting any further division of the land than is necessary to accommodate this one division. The staff further recommends the land division be accommodated by a Certified Survey Map of the two parcels encompassing the entire 50 acres. Staff feels the proposed division is consistent with the Town of Eagle Land Use Plan, the County Development Plan and existing zoning within the area. The proposed division will not greatly affect the existing agricultural operations within the area and will allow currently farmed lands to remain in agricultural production.

Respectfully submitted,

Handwritten signature of Brian Depies in cursive, with "Kab" written to the right.

Brian P. Depies
Senior Land Use Specialist

Attachment: Exhibit "A"

N:\PLU NEW FILE SYSTEM (IN-PROGRESS)\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1409_ELT(HEROLD).DOC

EXHIBIT "A"

TOWN OF EAGLE
 Planning & Zoning Commission Meeting
 Held Jointly with the Town Board
 May 7, 2001 8:00 p.m.
 Unapproved Minutes

Present: P & Z- Wilton, Burton, Orchard, Pasterski, Moomey, Samuels, Rudy. Town Board- Wilton, Burton, Malek, Orchard, Kwiatkowski. Also present: Brian DePies, representing the Waukesha County Dept. of Parks and Land Use, Town Planner Jason Zimmermann and Clerk/Secretary McMillan.

Minutes- Motion by Orchard, seconded by Moomey to approve the minutes from April 2, 2001 as submitted. Motion carried unanimously.

Joint Public Hearing: ZT01-01 Randall and Jeannie Herrold, Road X, Rezone- Mr. DePies read the public hearing notice as published. Jeannie Herrold and Atty. Steve Steinhoff were present to request rezoning a portion of the 50.5-acre property located at S70 W34138 Road X. 14½ acres of the property is now zoned C-1 (Conservancy), and the remainder is A-P (Agricultural Preservation). The applicant requests rezoning the AP portion to RRE-1 (Rural Residential). Upon approval of the rezone, the owner will propose a land division to create a parcel for a new primary residence. There is currently one dwelling on the property that is rented. Mr. Steinhoff explained that soil testing was performed and a proposed building site was located. The building site presented was contrary to that which was discussed last month, which was found to be unbuildable. According to Mr. DePies, a request was filed with SEWRPC to delineate the wetland area and primary environmental corridor line. Further discussion revealed that depending on the results of that delineation, the rezone may not be necessary. Mr. Wilton asked for public comment. There was none. Mr. Wilton suggested that the rezone could be granted with a Town restriction that no further divisions are allowed. Mr. DePies advised that action must be taken within 30 days unless the applicant grants an extension. Mr. Malek would like to see the 35 acres preserved if possible. Motion by Rudy, seconded by Samuels to close the public hearing. Motion carried unanimously. Mr. Zimmermann advised the owner should obtain a Certified Survey, which will delineate acreage of C-1 district and recommended approval with the restriction of no further divisions. Motion was made and amended by Orchard, seconded by Samuels of the P & Z to approve the rezone with the Town-imposed restriction that no further divisions of either RRE-1 tax key number be allowed. Motion carried 7-0. Motion by Kwiatkowski, seconded by Orchard of the Town Board to accept the recommendation of the P & Z and approve with the restrictions as stated. Motion carried 4-1.

Sorge, Highway LO: Rezone Amendment- Steve Sorge was present for a preliminary review of his request to amend the rezone of 38.57 acres located at S103 W37241 Highway LO. By rezoning an additional ten acres to RRE-1, the amendment would allow for creation of two 5-acre parcels that would be purchased by adjacent landowners and adjoined to the existing lots in Prairie Farms subdivision. Mr. Depies advised that for this to occur, the owners would have to apply to have the subdivision re-platted. Restrictions on the original plan called for a maximum number of five homesites; the amendment proposal requests a maximum of four homesites and also calls for prohibition of outbuilding construction on the two five-acre parcels. Discussion followed on legality issues. Consensus was that a zoning change may not necessary for this proposal. Mr. Sorge was advised that if he wishes to proceed with this new plan, he should first pursue making changes to the subdivision plot.

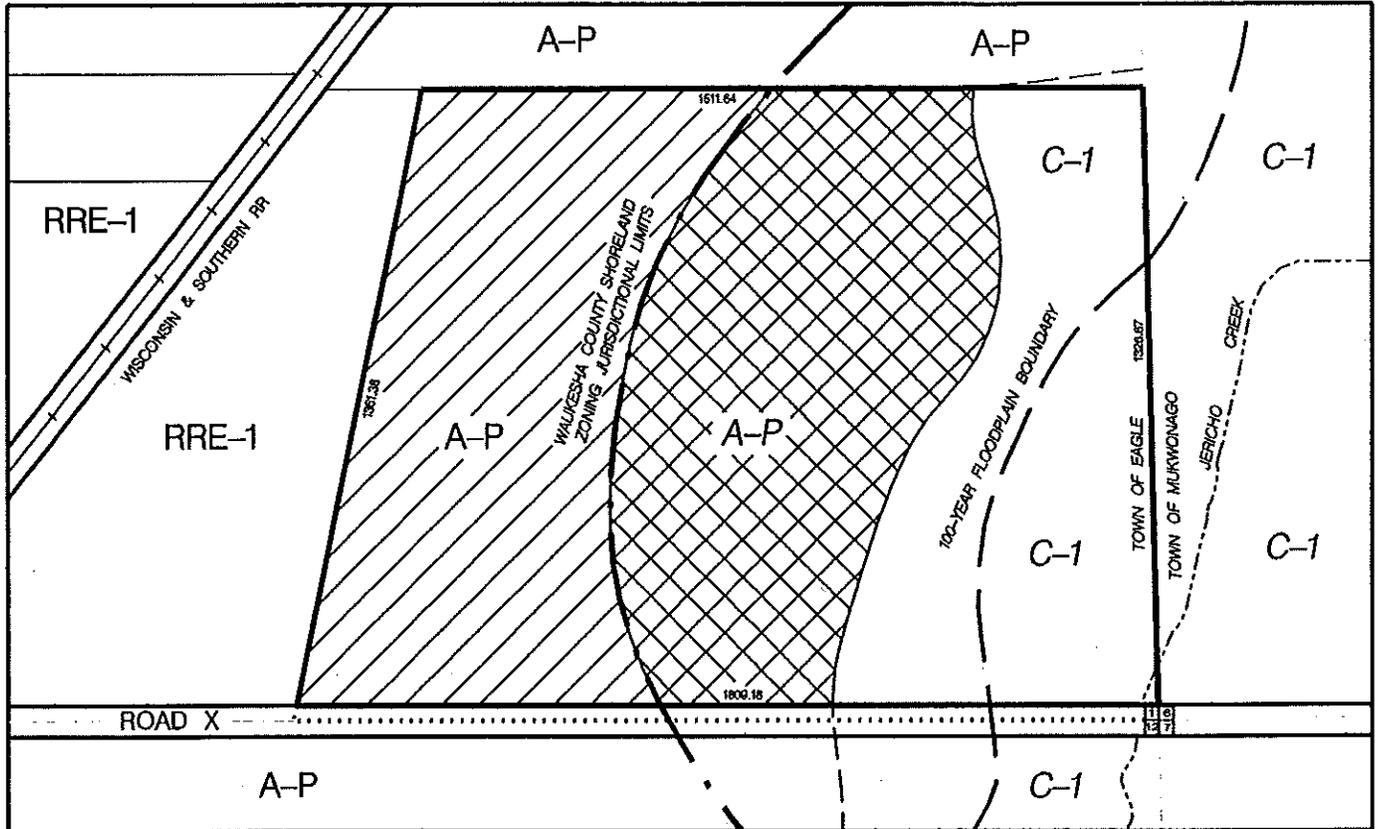
Public Hearing CU01-02: Mishler, Draper Road, Conditional Use- Juanita Mishler was present to request approval for a conditional use and plan of operations for the property located at S108 W37107 Draper Rd. to operate an electronic claims processing business out of the home. Property is zoned RRE-3. There would be no signage, no employees other than the applicant and no outside traffic coming into the neighborhood. Hours of operation would be variable- approximately 3 p.m. to 11 p.m. Mr. Wilton asked for public comment. There was none. Motion by Pasterski, seconded by Rudy to close the public hearing. Motion carried unanimously. Motion by Burton, seconded by Orchard of the P & Z that the CU be granted. Motion carried 7-0. Motion by Orchard seconded by Burton of the Town Board that the Conditional Use be granted for a term of five years with the restrictions as applied for and the draft conditions recommended by the Town Planner. Motion carried 5-0. Motion by Samuels, seconded by Pasterski of the P & Z that the plan of operations for the business be approved. Motion carried 7-0. A complete list of the conditions are on file at the Town Hall.

156-0-036

6.

ZONING CHANGE

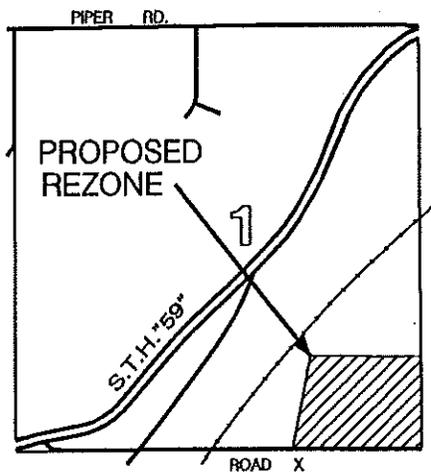
SE 1/4 OF SECTION 1
TOWN OF EAGLE



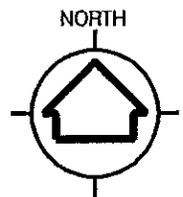
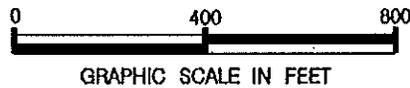
COUNTY SHORELAND ZONING CHANGE FROM A-P TO A-5
TOWN ZONING CHANGE FROM A-P TO RRE-1 (17.4 ACRES)



TOWN ZONING CHANGE FROM A-P TO RRE-1 (18.0 ACRES)



LOCATION MAP SECTION 1



FILE.....SZT-1409

DRAWN.....6-7-01

SCALE.....1" = 400'

AREA.....35.4 ACRES

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

ORDINANCE NO. 01- 02
 AN ORDINANCE TO REZONE LAND AT S70 W34138 HWY X
 From A-P to RRE-1

Whereas the owners of property with a postal address of S70 W34138 Hwy X applied to rezone that portion of the property zoned A-P to RRE-1 to enable one land division of the property,

Upon the statements made at the public hearing on May 7, 2001 and upon the recommendation of the Plan Commission, the Town Board of Eagle finds as follows:

Adequate public facilities exist to serve one land division of the property as proposed by the property owner;

The land is suitable for the proposed development of one land division;

The proposed division of the property into two parcels will not cause air pollution, water pollution or soil erosion exceeding governmental standards, adversely affect rare or irreplaceable natural areas or otherwise harm the environment;

The proposed use for small agricultural uses is consistent with other agricultural uses in the area;

The proposed use is for small-scale agriculture;

The proposed development is consistent with local economic development plans;

There is no alternative, suitable use for the property.

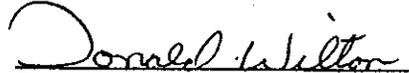
Now therefore, the Town Board of Eagle rezones that portion of the following described property which is zoned A-P to the RRE-1 District on condition that the property be divided from one into two parcels and no additional divisions take place:

That part of the SE one quarter (1/4) of section one (1) Township 5 North, Range 17 East in the Town of Eagle, Waukesha County Wisconsin bounded and described as follows: commencing at the SW corner of said SE 1/4 ; thence due East along the South line of said SE 1/4 851.51 feet to the place of beginning, thence continuing due East along said South line 1788 feet more or less to the SE corner of said SE 1/4; thence North along the East line of said SE 1/4 1320 feet more or less to the 1/16th line; thence West along the 1/16th line 1450 feet more or less to the NE corner of a parcel of land described in volume 27 of Certified Survey Maps on pages 228, 229 and 230 and has a document no. of 1094001 and a Map no. of 3592; thence South 11° 34' 15" West along the Easterly line of said Map no. 3592, 1350.75 feet to the place of beginning. Tax key no. EGLT 1732-994.

This Ordinance shall take effect after enactment by the Waukesha County Board of Supervisors.

Upon motion of Supervisor _____, seconded by Supervisor _____, enacted this ___ day of _____, 2001.

Approved


Donald Wilton, Town Chairman

Attest


Sally McMillan, Town Clerk

Ayes _____

Noes _____

Absent _____

Eag/002

156-0-036

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/28/01

(ORD) NUMBER-1560036

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 S. WOLFF.....AYE
- 11 B. TESMER.....AYE
- 13 E. LA MONTE.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 C. SEITZ.....AYE
- 21 W. KOLB.....AYE
- 23 E. KRAUS.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 J. MAAS.....AYE
- 31 V. STROUD.....AYE
- 33 P. GUNDRUM.....AYE
- 35 K. McNELLY.....AYE

- 2 C. WILSON.....AYE
- 4 D. MEISSNER.....AYE
- 6 D. BROESCH.....
- 8 J. DWYER.....AYE
- 10 P. HAUKOHL.....AYE
- 12 J. WILLIAMS.....AYE
- 14 J. LA PORTE.....
- 16 R. MANKE.....AYE
- 18 J. ARNDT.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 R. RYDBERG.....AYE
- 26 P. VRAKAS.....AYE
- 28 P. JASKE.....AYE
- 30 M. THOMAS.....AYE
- 32 C. WICHGERS.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-33

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS_____

TOTAL VOTES-33