

REVISED AGENDA - FINAL
WAUKESHA COUNTY PARK AND PLANNING COMMISSION - Regular
Thursday, February 26, 2026 1:00 PM Room AC255/259
Administration Center, 515 W. Moreland Blvd., Waukesha, WI 53188

CALL TO ORDER
CORRESPONDENCE
MEETING APPROVAL
MINUTES
PUBLIC COMMENT

Approval of the December 11, 2025 Minutes

SCHEDULED MATTER

- 1:00 p.m. **Public Hearing for the 2026 Amendments to the Comprehensive Development Plan for Waukesha County**
 - 1A – KCG Companies_Alexander - Town of Brookfield

- **Consideration of a Year 2026 Request for Amendment to the Comprehensive Development Plan for Waukesha County**
 - 1A – KCG Companies_Alexander - Town of Brookfield

REZONES

- **RZ173 (KCG Companies/Alexander) Town of Brookfield, Section 31**
Part of the SE ¼ of Section 31, T7N, R20E, Town of Brookfield. More specifically, the property is located at 1345 S. Barker Road.
Request: Rezone from the RS-3 Single Family Residential District (Town) to the MU-1 Mixed-Use District (Town).

- **RZ167 (Map Amendment) Town of Eagle**
Request: Amendments to the Town of Eagle Zoning Map incorporating modified floodplain boundaries which were adopted in 2024.

- **RZ168 (Cary and Pollyanna Rogers) Town of Delafield, Section 33**
Lot 1, Certified Survey Map No. 8603, being a part of the NE ¼ of Section 33, T7N, R18E, Town of Delafield. More specifically, the property is located at W310 S231 Maple Avenue.
Request: Rezone from the A-1 Agricultural District to the A-2 Rural Home District.

- **RZ169 (RED Properties LLC/William B & Cathy J Davies Revocable Trust) Town of Delafield, Section 35**
Part of the SE ¼ of Section 35, T7N, R18E, Town of Delafield. More specifically, the property is located on the south side of USH 18, west of Elmhurst Road.
Request: Rezone from the A-1 Agricultural District to the A-2 Rural Home District.

- **RZ170 (Text Amendment) Town of Merton**
Request: Text amendment to the Town of Merton Zoning Code to amend section 17.03(2) and create Sections 17.22(4)(h) and (i) relating to shipping containers.

CONDITIONAL USE AND PLAN OF OPERATIONS

- **CU140 (Lisa Love) Town of Eagle, Section 1**
Lot 1, Certified Survey Map No. 9498, part of the SE ¼ of Section 1, T5N, R17E, Town of Eagle. More specifically, the property is located at S70 W34138 Road X.
Request: Amend the existing Conditional Use for a horse boarding and training facility known as At Liberty Equestrian Center by increasing the number of horses from 15 to 20 and the addition of small classes/clinics.

- **SP293 (Lisa Love) Town of Eagle, Section 1**
Lot 1, Certified Survey Map No. 9498, part of the SE ¼ of Section 1, T5N, R17E, Town of Eagle. More specifically, the property is located at S70 W34138 Road X.
Request: Amend the existing Site Plan/Plan of Operation for a horse boarding and training facility known as At Liberty Equestrian Center by increasing the number of horses from 15 to 20 and the addition of small classes/clinics.

ADJOURNMENT

Robert Peregrine

Robert Peregrine, Chairperson

Park and Planning Commission
Thursday, February 26, 2026

(The Staff Reports and Recommendations for the issues listed above are available upon request. For questions regarding this agenda, please call (262) 896-8300).

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Waukesha County Park and Planning Commission at 1:00 p.m., on Thursday, February 26, 2026, in Room AC 255/259, of the Waukesha County Administration Center, 515 W. Moreland Boulevard*, Waukesha, WI, 53188, to consider amendments to the Comprehensive Development Plan for Waukesha County adopted by the Waukesha County Board of Supervisors, on February 24, 2009. The area of amendment pertains to the following specific site and/or plan request:

1. In the Town of Brookfield, the following request is being made:

- A. **Megan Schuetz, KCG Companies**, 9311 North Meridian Street, Suite 100, Indianapolis, IN 46260, requests property owned by Michael and Sally Alexander, 757 N. Broadway, Suite 700, Milwaukee, WI 53202, located in part of the SE ¼ of Section 31, T7N, R20E, Town of Brookfield (Tax Key No. BKFT 1132.994), be amended from the Commercial and Office Park category to the Mixed Use category, to allow for multi-family residential and/or mixed use development.

2. In the Town of Merton, the following requests are being made:

- A. **Amundsen Davis, LLC**, c/o Chris J. Jaekels, Esq., 111 East Kilbourne Ave, Ste. 1400, Milwaukee, WI 53202, requests property owned by Gideon Farms, LLC, c/o Jill C. Gehl, 6196 STH 83, Hartland, WI 53029-9706, described as Parcel 1, Certified Survey Map No. 7611, part of the SE ¼ of Section 27, T8N, R18E, Town of Merton (Tax Key No. MRTT 0396.999.002), be amended from the Governmental and Institutional category to the Mixed Use category for a proposed retail and recreational project.

WITHDRAWN

- B. **Amundsen Davis, LLC**, c/o Chris J. Jaekels, Esq., 111 East Kilbourne Ave, Ste. 1400, Milwaukee, WI 53202, requests property owned by Gideon Farms, LLC, c/o Jill C. Gehl, 6196 STH 83, Hartland, WI 53029-9706, located in part of the SW ¼ and SE ¼ of the SE ¼ of Section 27, T8N, R18E, Town of Merton (Tax Key No. MRTT 0396.999.006), be amended from the Governmental and Institutional category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to align the land use designation with that of neighboring properties.

WITHDRAWN

Following the Public Hearing, the staff will evaluate public input and prepare a formal recommendation for the above-cited issue to be presented to the Waukesha County Park and Planning Commission, Waukesha County Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors for final consideration.

Plan amendment request files are available for viewing and copying in the offices of the Waukesha County Planning and Zoning Division located in Room AC 260 of the Waukesha County Administration Center located at 515 W. Moreland Blvd., Waukesha, WI 53188. The proposed map amendment will be available for viewing at [Meeting Information | Waukesha County](#) under the Park and Planning Commission Meeting Documents heading no later than Monday, February 23, 2026.

For more detailed information on the above request, please contact Jason Fruth at (262) 896-8300 or jfruth@waukeshacounty.gov.

All interested parties will be heard.

A quorum of the Waukesha County Board or its Committees may be present.

***Please note: Due to controlled access screening, you must enter the building via the main entrance of the Courthouse, located at 515 W. Moreland Blvd.**

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

Dale R. Shaver, Director
515 W. Moreland Blvd., Room AC 260
Waukesha, WI 53188

Legal Notice to be published in the
Waukesha Freeman on
Thursday, January 22, 2026

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WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

Dale R. Shaver, Director
515 W. Moreland Blvd., Room AC 260
Waukesha, WI 53188

Legal Notice to be published in the
Waukesha Freeman on
Thursday, January 22, 2026

**REQUEST TO AMEND THE COMPREHENSIVE DEVELOPMENT PLAN
FOR WAUKESHA COUNTY**

Fee Pd. \$ 560 Receipt No. 1012690.002 Appl recvd by _____

THIS REQUEST MUST BE ACCOMPANIED BY A FILING FEE AND AN ELECTRONIC COPY OF A SCALED MAP, SURVEY, SITE PLAN OR OTHER SIMILAR MEANS OF DEPICTING THE SUBJECT PROPERTY.

Name of Municipality Town of Brookfield Town City Village

Tax Key No(s). of the subject property:

BKFT-1132-994

Legal Description of the subject property:

PT E1/2 SE1/4 SE1/4 & W1/2 SE1/4 SE1/4 SEC 31 T7N R20E LYING SELY POPLAR CREEK EX 22 FT 6 IN STRIP ON W SIDE OF E1/2 SE1/4 SE1/4 EXT S FROM N LI TO POPLAR CREEK EX TRIANGULAR PCL IN SE COR E1/2 SE1/4 SE1/4 EX VOL 433/470 DEEDS R201/855 EX R2278/39 EX R2409/1392

Address of subject premises: 1345 South Barker Road, Brookfield, WI 53045

Existing Land Use category as designated on the Comprehensive Development Plan (CDP) map
Commercial and Office Park, Primary Environmental Corridor

Amendment requested (e.g., which Land Use category is being proposed?)

Mixed Use

How much acreage is to be amended to the new Land Use category? Approximately 3 acres

Is the amendment within the jurisdiction of a community (locally) adopted Land Use Plan? Y N

If yes, what community? Town of Brookfield Comprehensive Plan

Is the amendment within the jurisdiction of a community adopted Extra-territorial Plan? Y N

If yes, what community? _____

Is the amendment within an adopted Sewer Service Area? Y N

If yes, is sewer available to the subject property? Y N

Existing Land Use(s) Residential, wetlands

Proposed Land Use(s) Multi-family residential or mixed use development

Reasons/Conditions that justify the requested amendment to the CDP (attached addl pages, if necessary):

The amendment will allow Poplar Point Apartments, a 60-unit family LIHTC community on the upland portion of a 7.4-acre parcel along S Barker Rd. The site is served by existing urban utilities and arterials and is close to jobs, retail, schools, and services in the Town and City of Brookfield. Updating the CDP to permit multi-family use will help meet affordable/workforce housing demand in Waukesha County while preserving the environmental corridor/wetland at the rear of the parcel.

Email address and/or fax number if you would like a copy of the staff report forwarded to you prior to the (Co. Park and Planning Commission) meeting: mschuetz@kcgcompanies.com

Note: Review of this application may include a site inspection.

The undersigned owner hereby certifies that **all** of the above statements, information and attachments contained herein are true and accurate to the best of his or her knowledge and belief. By signing this form, the owner or his/her authorized agent is giving their consent for the Dept. of Parks and Land Use to inspect the site as necessary and related to this application even if the property has been posted against trespassing pursuant to Wis. Stat.; and serves as your acceptance of the wetland statement included on your Property Owner letter issued with your permit, as applicable.

Owner Michael Alexander and Sally Alexander

Address 757 N. Broadway, Suite 700, Milwaukee, WI 53202

Daytime Phone No. 414-395-4683

Michael Alexander

Signature of Owner

Sally J Alexander

Date: 1-12-26

Applicant KCG Companies, LLC

Address 9311 N. Meridian Street, Suite 100, Indianapolis, IN 46260

Daytime Phone No. 608-692-1667

Megan Schuetz

Signature of Applicant (if different)

Date: 12/19/25

POPLAR POINT APARTMENTS – PROJECT NARRATIVE

Poplar Point Apartments is a proposed 60-unit community located at 1345 South Barker Road in the Town of Brookfield. The development is designed to serve families and will feature a mix of 1-, 2-, and 3-bedroom apartments in a single, four-story, elevator-served building.

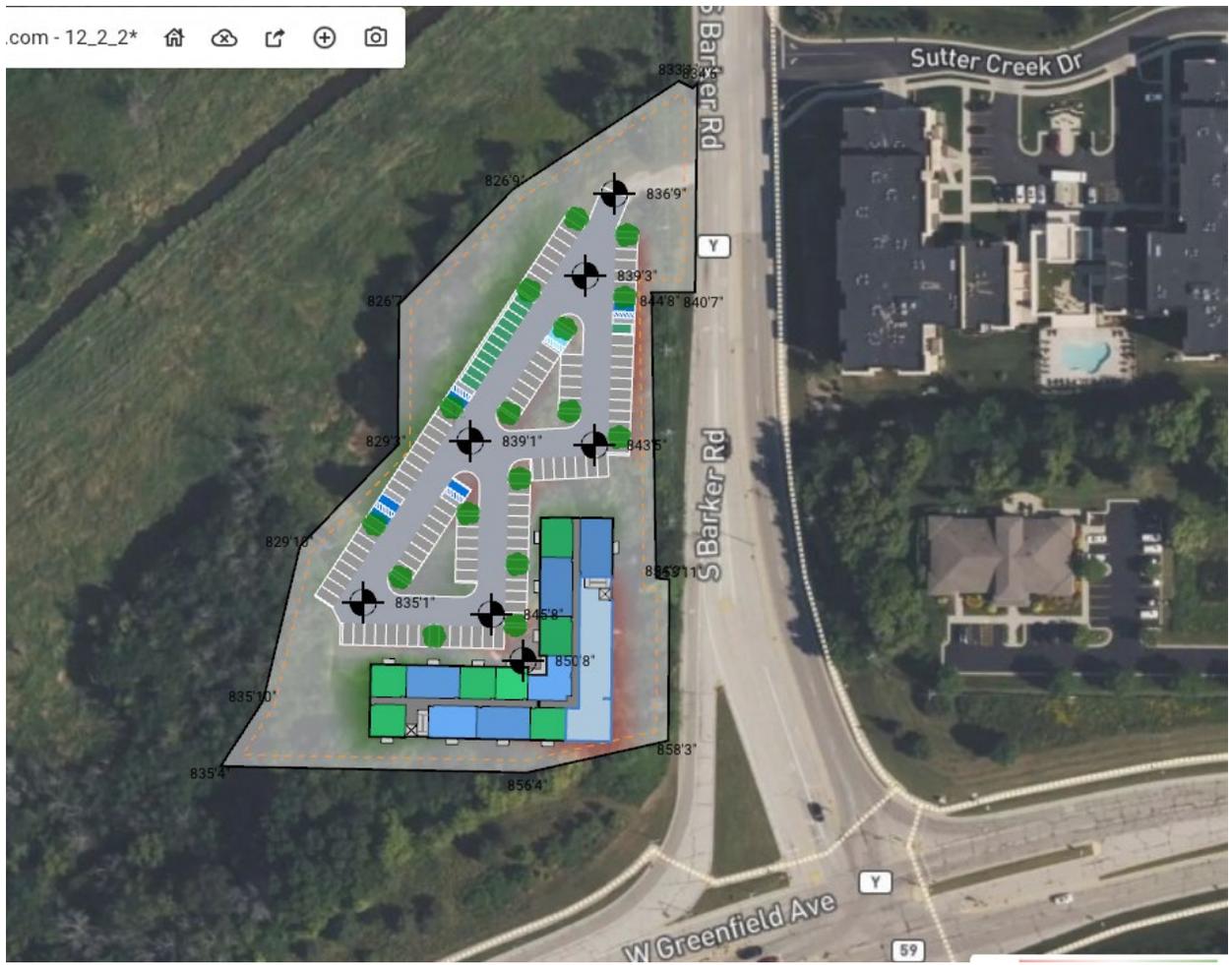
Poplar Point Apartments will provide high-quality housing, modern design, and community-focused amenities within a high-opportunity suburban community characterized by strong schools, job access, and a very limited supply of affordable rental housing.

The Poplar Point Apartments site includes approximately three buildable acres located along S. Barker Road, immediately south of the I-94 interchange. The parcel includes natural conservancy areas and protected wetlands that will be preserved and incorporated into the site plan through landscaping, stormwater features, and green buffers. The development itself will include an on-site leasing office, community room, and fitness center as well as private, off-street parking.

The site is located across the street from an existing large multi-family development with over 150 apartments and other commercial uses. To the west of the site there lies a natural buffer of wetlands creating a site that can only develop the three acres of buildable area. The proposed project is consistent with adjacent land uses. While this is a busy intersection the building would be set off of the corner a bit and accommodate its own parking needs by providing approximately 115 parking stalls for the 60 units.

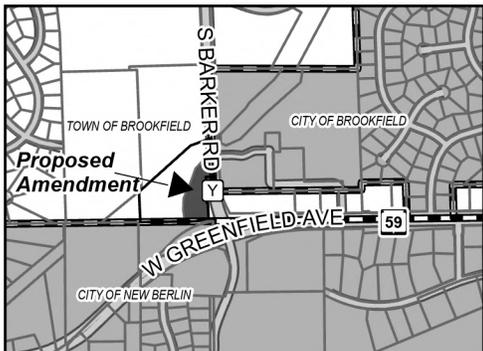
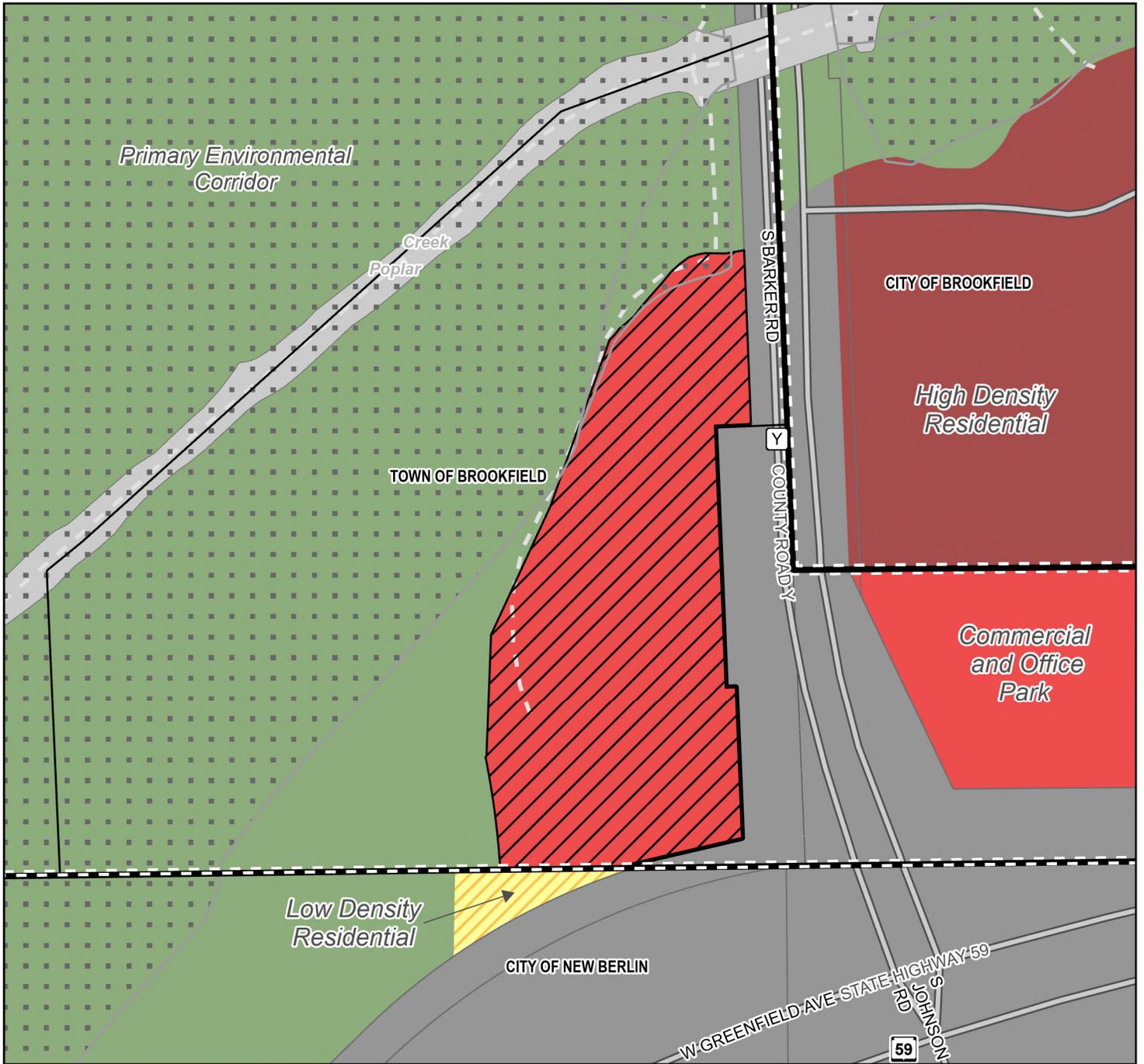
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Below is a preliminary rendering of the site as proposed. The orange dashed line indicates the existing edges of the wetland delineation and elevations are noted as well.



DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 31,
TOWN OF BROOKFIELD



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM COMMERCIAL AND OFFICE PARK TO MIXED USE

 FLOODWAY

PETITIONER.....Michael & Sally Alexander
 DATE OF PUBLIC HEARING.....02/26/26
 AREA OF CHANGE.....2.2 Acres



WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2026 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
1(A), TOWN OF BROOKFIELD

DATE: February 26, 2026

PUBLIC HEARING DATE:
Thursday, February 26, 2026, 1:00 p.m.

REQUEST:

1. In the Town of Brookfield, the following request is being made:
 - A. *Megan Schuetz, KCG Companies*, 9311 North Meridian Street, Suite 100, Indianapolis, IN 46260, requests property owned by Michael and Sally Alexander, 757 N. Broadway, Suite 700, Milwaukee, WI 53202, located in part of the SE ¼ of Section 31, T7N, R20E, Town of Brookfield (Tax Key No. BKFT 1132.994), be amended from the Commercial and Office Park category to the Mixed Use category, to allow for multi-family residential and/or mixed use development.

EXISTING LAND USE CATEGORY:
Commercial and Office Park.

PROPOSED LAND USE CATEGORY
Mixed Use.

PUBLIC REACTION:
Public testimony will be taken at the public hearing to be held on February 26, 2026.

TOWN ACTION:
On January 27, 2026, the Town of Brookfield Plan Commission recommended approval of the parallel request to amend the Town Plan designation to Mixed Use.

On February 17, 2026, the Town of Brookfield Board unanimously approved the parallel town plan amendment request to amend the designation from the Commercial and Office Park to the Mixed Use category.

STAFF ANALYSIS:
The subject property is at the intersection of S. Barker Rd. (CTH Y) and Greenfield Ave. (STH 59) and shares joint zoning jurisdiction between the County and the Town of Brookfield. The property is 7.7 acres and Waukesha County's jurisdiction stems from Poplar Creek on the northern edge of the parcel. There are significant environmental features (floodplain, wetlands, and environmental corridor) adjacent to the creek. The approximately three acres of upland (developable) acres are primarily within the Town of Brookfield's jurisdiction.

The subject parcel is located approximately 1.5 miles from Interstate 94/Goerkes Corners interchange, one of the largest transportation nodes in the county. The parcel is well located to major highways, jobs, and recreation. The applicant is proposing to amend the Land Use Plan from Commercial and Office Park to the Mixed Use category. While the request to amend the plan category is broad, the concept plan currently being contemplated would accommodate a four-story,

60-unit multifamily residential building. A concept site plan is attached as Exhibit A and a project narrative is attached as Exhibit B. The petitioner has indicated that a mix of one to three bedroom units would be available and units would be subsidized for affordability. The property was subject of a similar plan amendment request in 2023; that proposal never advanced beyond a public hearing, as the developer never formally advanced plans for consideration.

Planned land uses in the immediate vicinity of the intersection of Barker Rd. and Greenfield Ave. are either Commercial or High Density Residential. Primary Environmental Corridor, consisting primarily of wetlands and floodplain, wraps around three sides of property. There are institutional uses to the north, including a large church and a park.

East of the subject parcel is the Sutter Creek development, located in the City of Brookfield, which is a three-building, 170-unit apartment complex. There is also a medical clinic (cosmetic surgery) on the east corner of the intersection in the Town with other commercial uses fronting Greenfield Ave.

Amending the designation from Commercial and Office Park to the Mixed Use category reflects the multiple uses that are both existing and envisioned for this area. A Mixed Use designation would allow for a mix of use types on the parcel but would also allow for a single use project.

The petitioner has filed concurrent requests to rezone the property and expects to seek conditional use authorization for a planned unit development with the Town of Brookfield. The specific details of the development would be defined within the town conditional use and site plan documents if this land use change request is ultimately approved. The conditional use review would include examination of traffic, parking, pedestrian facilities, building size and orientation, landscaping and site amenities.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following condition:

1. The allowable mixed uses are residential, office or low intensity commercial.

The current designation of Commercial/Office Park limits development to business activities, including retail, office, research and development, or services activities. By changing the future land use designation to Mixed Use, a broader range of complementary uses can be considered on the site, providing more flexibility for a property positioned at a busy intersection in an existing mixed use setting. As conditioned, the approval would only authorize use types that are commonplace in the surroundings, which includes multi-family residential, office and low intensity commercial uses. With the office market being flat and site access being limited by grade changes and existing access constraints, a high traffic commercial use is not desirable in this location.

The Mixed Use designation is compatible with the surrounding development pattern which includes a mix of housing types and densities, commercial services and institutional uses. The site is quite isolated from other nearby uses because of the extensive surrounding natural resources and the adjacency to two four-lane highways. The fine details of any future planned development will be considered as part of a site plan and/or conditional use process. Should the currently

contemplated multi-family residential development proceed, the town's Planned Unit Development Conditional Use process would ensure that the site plan, access, parking, architecture, natural resource considerations and stormwater planning are sufficiently addressed.

Respectfully submitted,

Emily Goodman

Emily Goodman
Senior Land Use Specialist

Attachments: Exhibit A, Concept site Plan
Exhibit B, Concept narrative
Map
Town Ordinance

N:\PRKANDLU\Planning and Zoning\Comprehensive Development Plan\PROJECT FILES\2026\1A KCG Companies_Alexander\Staff Report and Exhibits\1A KCG Companies_Alexander Staff Report.docx

EXHIBIT A

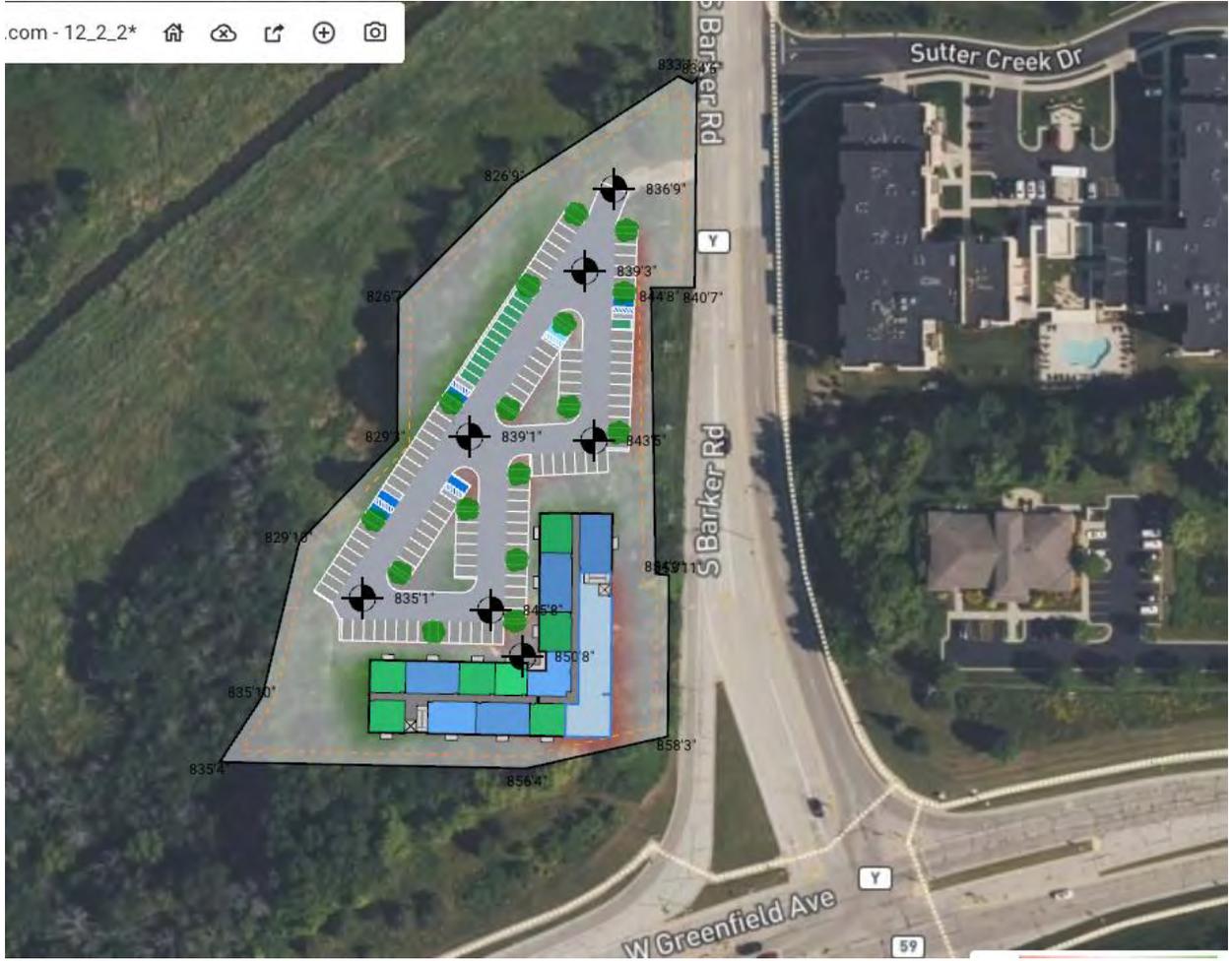


EXHIBIT B

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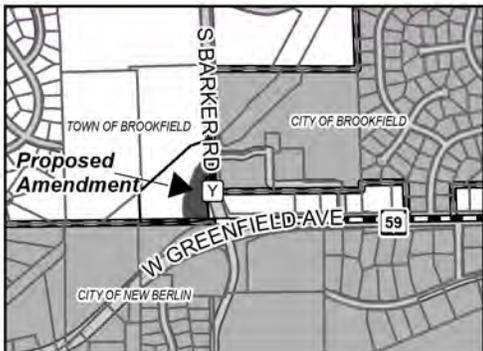
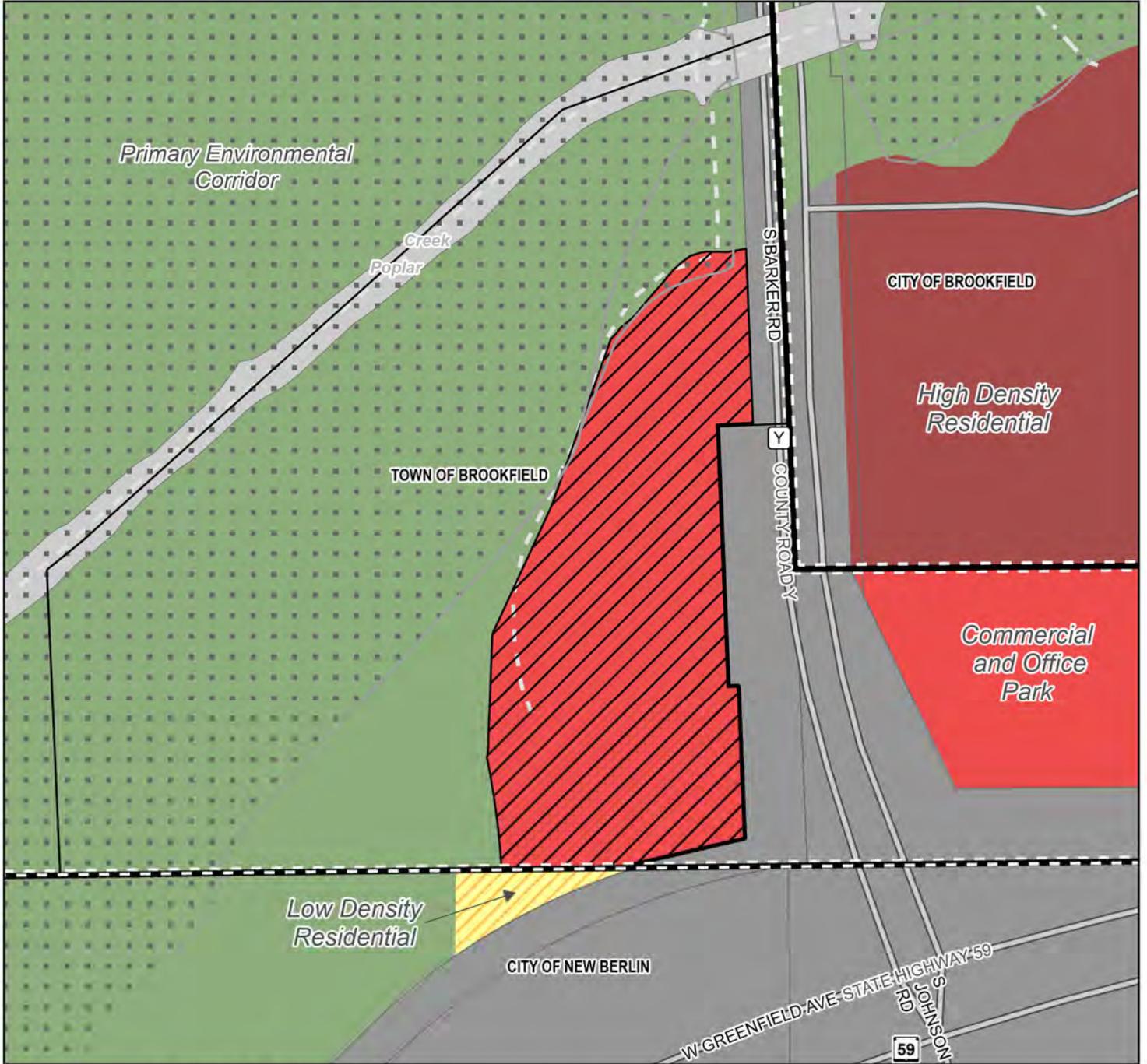
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PART OF SECTION 31,
TOWN OF BROOKFIELD



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PETITIONER.....Michael & Sally Alexander
 DATE OF PUBLIC HEARING.....02/26/26
 AREA OF CHANGE.....2.2 Acres



**ORDINANCE APPROVING AN AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR THE TOWN OF BROOKFIELD**

WHEREAS, Pursuant to Wis. Stat. §§ 62.23, 61.35, and 60.22(3), the Town of Brookfield is authorized to prepare and adopt a Comprehensive Plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2);

WHEREAS, the Town Board, by the enactment of an ordinance, formally adopted the *Town of Brookfield Comprehensive Plan – 2022-2042* on January 24, 2023;

WHEREAS, the Plan Commission, by a majority vote of the entire Commission at a meeting held on January 27, 2026, recommended to the Town Board the adoption of an amendment to change the land use designation of approximately 7.7 acres of real property located at the northwest corner of the S.T.H. 59 (W. Greenfield Ave.) and C.T.H. Y (Barker Road) intersection, as further described on the attached Exhibit A, from Commercial and Office Park and Primary Environmental Corridor to Mixed Use and Primary Environmental Corridor on the Town Land Use Plan Map adopted by the Town Board as part of its Comprehensive Plan, subject to the condition that all future uses are limited to residential, office, and low-intensity commercial uses; and

WHEREAS, the Town published or posted a Class 1 public notice and held a public hearing regarding the proposed amendment.

NOW THEREFORE, The Town Board of the Town of Brookfield, Waukesha County, Wisconsin do ordain as follows:

SECTION 1: The Land Use Plan Map of the Town of Brookfield Comprehensive Plan – 2022-2042 that designates the real property described and depicted on the attached Exhibit A as Commercial and Office Park and Primary Environmental Corridor is hereby amended to Mixed Use and Primary Environmental Corridor, subject to the condition that all future uses are limited to residential, office, and low-intensity commercial uses.

SECTION 2: The Town Clerk is directed to send a copy of this Ordinance and the plan amendment to the parties listed in Wis. Stat. § 66.1001(4)(b).

SECTION 3: All ordinances or parts of this Ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 4: This Ordinance shall take effect upon passage and posting or publication as provided by law.

[Signature Page to Follow]

PASSED AND ADOPTED by the Town Board of the Town of Brookfield, Waukesha
County, Wisconsin this _____, day of _____, 2026.

BY: _____
KEITH HENDERSON, Chairman

BY: _____
STEVE KOHLMANN, Supervisor

BY: _____
JOHN CHARLIER, Supervisor

BY: _____
JOHN R. SCHATZMAN, SR. Supervisor

BY: _____
RYAN STANELLE, Supervisor

ATTEST: _____
Emily Howells, Clerk

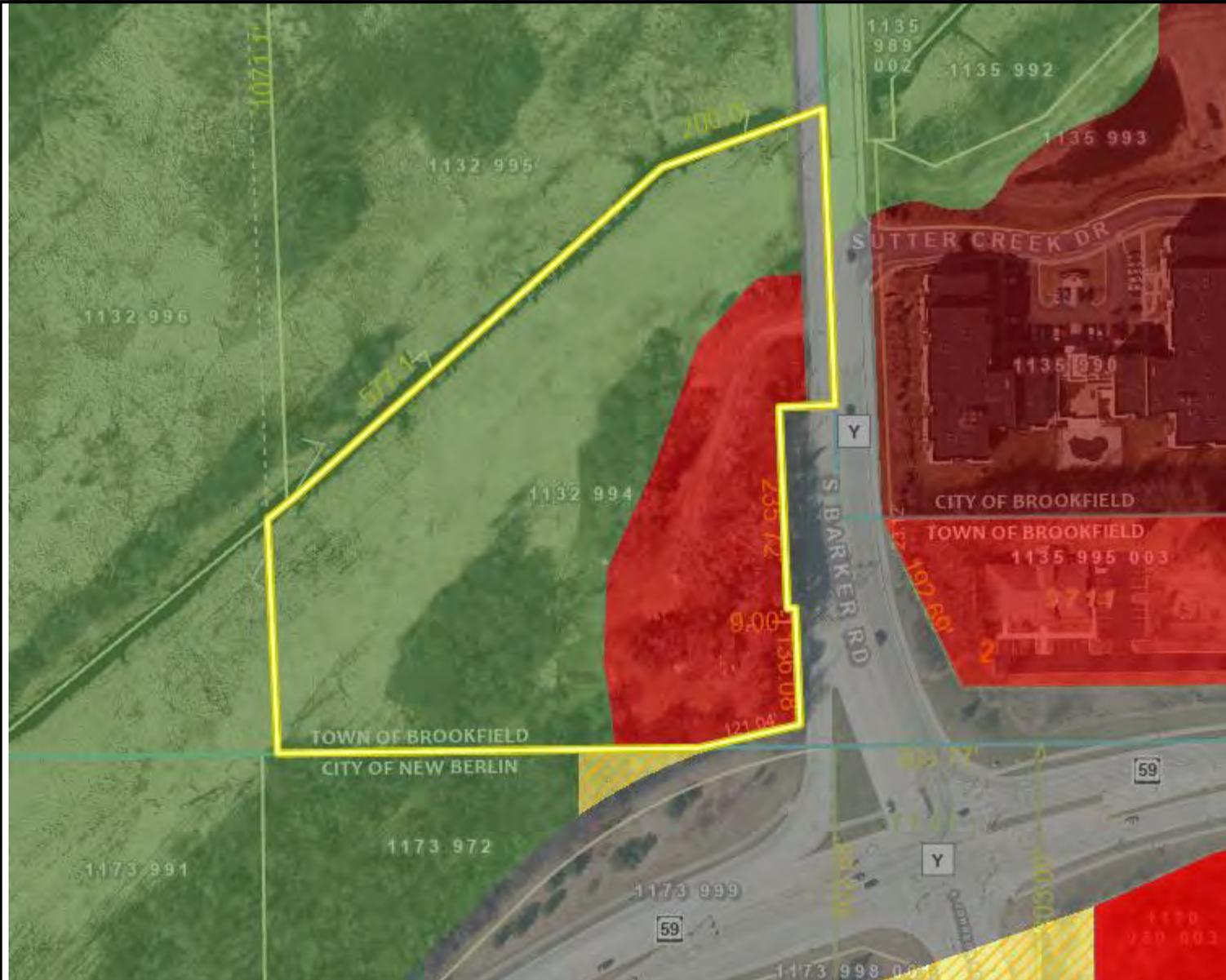
EXHIBIT A

Property Legal Description and Map

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 20 EAST, ALSO THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 20 EAST, THAT LIES SOUTHEASTERLY OF POPLAR CREEK, EXCEPTING AND RESERVING FROM THIS TRACT FIRST ABOVE DESCRIBED A STRIP OF LAND OFF THE WEST SIDE THEREOF, 22 FEET 6 INCHES IN WIDTH EXTENDING SOUTH FROM THE NORTH LINE OF SAID EAST 1/2 OF SOUTHEAST 1/4 OF SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 20 EAST TO POPLAR CREEK ALSO EXCEPTING FROM SAID FIRST TRACT ABOVE DESCRIBED THE FOLLOWING BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 31, DISTANT 38 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION, THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF SAID SECTION 31, 175 FEET WESTERLY FROM THE SOUTHEAST CORNER OF SAID SECTION, THENCE EASTERLY ON THE SECTION LINE TO THE SOUTHEAST CORNER OF SAID SECTION 31, THENCE NORTHERLY ON THE SECTION LINE, 38 FEET TO THE PLACE OF BEGINNING ALSO EXCEPTING AND RESERVING FROM THE ABOVE DESCRIBED LANDS THAT PORTION THEREOF CONVEYED TO LOUIS ZARNEY AND MARY ZARNEY, HUSBAND AND WIFE BY WARRANTY DEED RECORDED MARCH 3, 1947 IN VOL. 433 OF DEEDS, PAGE 470 AS DOCUMENT NO. 298582. RECORDS OF WAUKESHA COUNTY, WISCONSIN.

For informational purposes only:

Address: 1345 S Barker Road, Brookfield, WI 53045
Tax Key No.: BKFT1132994



Legend

County Development Plan

- HDR (<6,000 sf/du)
- MDR (6,000 - 19,000 sf/du)
- LDR (20,000 sf - 1.4 ac/du)
- SDR I (1.5 - 2.9 ac/du)
- SDR II (3.0 - 4.9 ac/du)
- Rural density and Other Ag* (5 ac/du)
- Other Open Lands to be Preserved
- Farmland Pres w/EC Overlay (35 ac/du)
- Farmland Pres (> 35 ac/du)
- Primary Environmental Corridor
- Secondary Environmental Corridor
- Isolated Natural Resource Area
- Recreational
- Commercial and Office Park
- Governmental and institutional
- Mixed Use
- Industrial
- Transportation, Communication and Utilities
- Highway and Railway Rights of Way
- Extractive
- Landfill
- Surface water

Municipal Boundary_2K

Parcel_Dimension_2K

Note_Text_2K

Lots_2K

- Lot
- Unit
- General Common Element
- Outlot

0 182.36 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Notes: Tax Key BKFT
1132.994

Printed: 1/22/2026



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

DATE: February 26, 2026

FILE NO.: RZ173

OWNER: Michael and Sally Alexander
757 N. Broadway, Suite 700
Milwaukee, WI 53202

APPLICANT: KCG Companies, LLC
Megan Schuetz
9311 North Meridian Street, Suite 100
Indianapolis, IN 46260

TAX KEY NO.: BKFT 1132.994

LOCATION:
Part of the SE ¼ of Section 31, T7N, R20E, Town of Brookfield. More specifically, the property is located at 1345 S. Barker Road, containing approximately 7.7 acres.

EXISTING ZONING:
RS-3 Single Family Residential District and C-1 Conservancy (Town).

PROPOSED ZONING:
MU-1 Mixed Use District (Town), no changes to the Conservancy land.

EXISTING USE(S):
Vacant.

REQUESTED USE(S):
Multi-family residential and/or mixed-use development.

PUBLIC HEARING DATE:
January 27, 2026

PUBLIC COMMENT:
No one spoke at the hearing. The Town Planner acknowledged a letter from a resident that lives approximately ½ mile to the north that generally opposed additional apartments in the area and raised traffic concerns.

TOWN PLAN COMMISSION AND BOARD ACTION:
On January 27, 2026, the Town of Brookfield Plan Commission recommended approval of the rezone. On February 17, 2026, the Town of Brookfield Board approved the rezoning by a 4-1 vote.

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

The Town of Brookfield recently amended the Town Land Use Plan for the property to the Mixed Use category. An application to amend the County Plan from Commercial and Office Park to Mixed Use is currently pending and must be acted upon prior to consideration of this rezoning. If the County Plan is amended to Mixed Use, the proposal would conform to both plans.

STAFF ANALYSIS:

The proposal is to rezone approximately three acres of the subject parcel from the Town of Brookfield's RS-3 district, which is a single-family residential district, to the Town's MU-1 Mixed Use District. The RS-3 district accommodated the single-family home on the parcel which will be razed. The parcel is located at the intersection of Barker Rd. (CTH Y) and Greenfield Ave. (STH 59). The parcel has split jurisdiction between the Town and the County. Poplar Creek runs along the northern lot line, with wetlands and floodplain adjacent to the creek. The parcel lies along the Town of Brookfield's boundary; across Barker Road is the City of Brookfield and to the south and southeast of Greenfield Ave. is the City of New Berlin.

The concept plan advanced with the application depicts a four-story, 60-unit apartment building (see Exhibits A and B). Access to the site would be provided from Barker Rd. Rents are expected to be subsidized to provide affordability. Additional zoning approvals would be needed from the Town of Brookfield prior to a more specific development plan advancing further. The wetlands and floodplain on the property will continue to be zoned to protective conservancy zoning categories; these resources provide a substantial natural buffer with regards to adjacent properties.

There is a three-building, 170-unit apartment complex called Sutter Creek to the east of the subject parcel in the City of Brookfield. There is a medical clinic (cosmetic surgery) on the east corner of the intersection with other commercial uses fronting Greenfield Ave. A broad area of wetlands and floodplain wraps around three sides of the parcel. There is a church and park located further north on Barker Rd.

The proposed MU-1 Mixed Use designation encourages well-designed, higher-density development that promotes a range of land uses including residential, commercial, office, and institutional uses. The district encourages efficient land use near key highway intersections.

Any specific development proposal would require Conditional Use and Site Plan approvals from the town. The subject concept plan would require a Planned Unit Development Conditional Use. The Conditional Use review would include examination of traffic, access, parking, architecture, pedestrian facilities, building size and orientation, landscaping and site amenities.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved subject to the following conditions that were advanced by the Town:**

1. The property's zoning classification shall revert back to the RS-3 Single Family Residential District, unless all of following occurs:
 - A. No later than February 17, 2027, the landowner submits a complete application to the Town to obtain all necessary Town approvals and permits to construct a multi-family residential development on the property.
 - B. Construction of a multi-family residential development shall commence on the property no later than one year after the date that all approvals and permits are granted by the Town of Brookfield Board for such multi-family residential development.

The MU-1 District allows for a limited mix of use types to be available for the site (residential, office and low intensity commercial). As noted above, the Town has conditioned their approval upon a multi-family development being brought forward in the next year. As noted above, this district is available

only near key highway intersections. With the site being located at the intersection of a state highway and county trunk highway with ready access to I-94, the site meets this criterion. In addition, the existing environment is a mixed-use setting and the site is quite isolated from surrounding properties because of extensive wetlands and adjacent divided highways. The change in zoning would allow multi-family residential use to be considered for the property. With the Sutter Creek multi-family development just opposite of Barker Rd. from the site in the City of Brookfield, a location on two major highways and wetlands that surround the site, this use fits this site very well. The proposed zoning district encourages a range of mixed uses and well-designed higher density developments. The town's Site Plan review process and Planned Unit Development standards will ensure that any future development design is complementary to the neighborhood and that site access is appropriate.

Respectfully submitted,

Emily Goodman

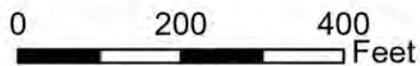
Emily Goodman
Senior Land Use Specialist

Attachment: Rezone Map
 Exhibit A, Concept site plan
 Exhibit B, Concept narrative
 Town Ordinance



ZONING AMENDMENT

PART OF SE1/4,
TOWN OF BROOKFIELD



-  CONDITIONAL TOWN ZONING CHANGE FROM RS-3 SINGLE FAMILY RESIDENTIAL DISTRICT TO MU-1 MIXED USE DISTRICT
-  EC Environmental Corridor Overlay
-  C-1 Conservancy Overlay
-  Floodplain

FILE.....RZ173
 DATE OF PLAN COMMISSION.....02/26/26
 AREA OF CHANGE.....3.0 ACRE PARCEL
 TAX KEY NUMBER.....BKFT1132994



EXHIBIT A

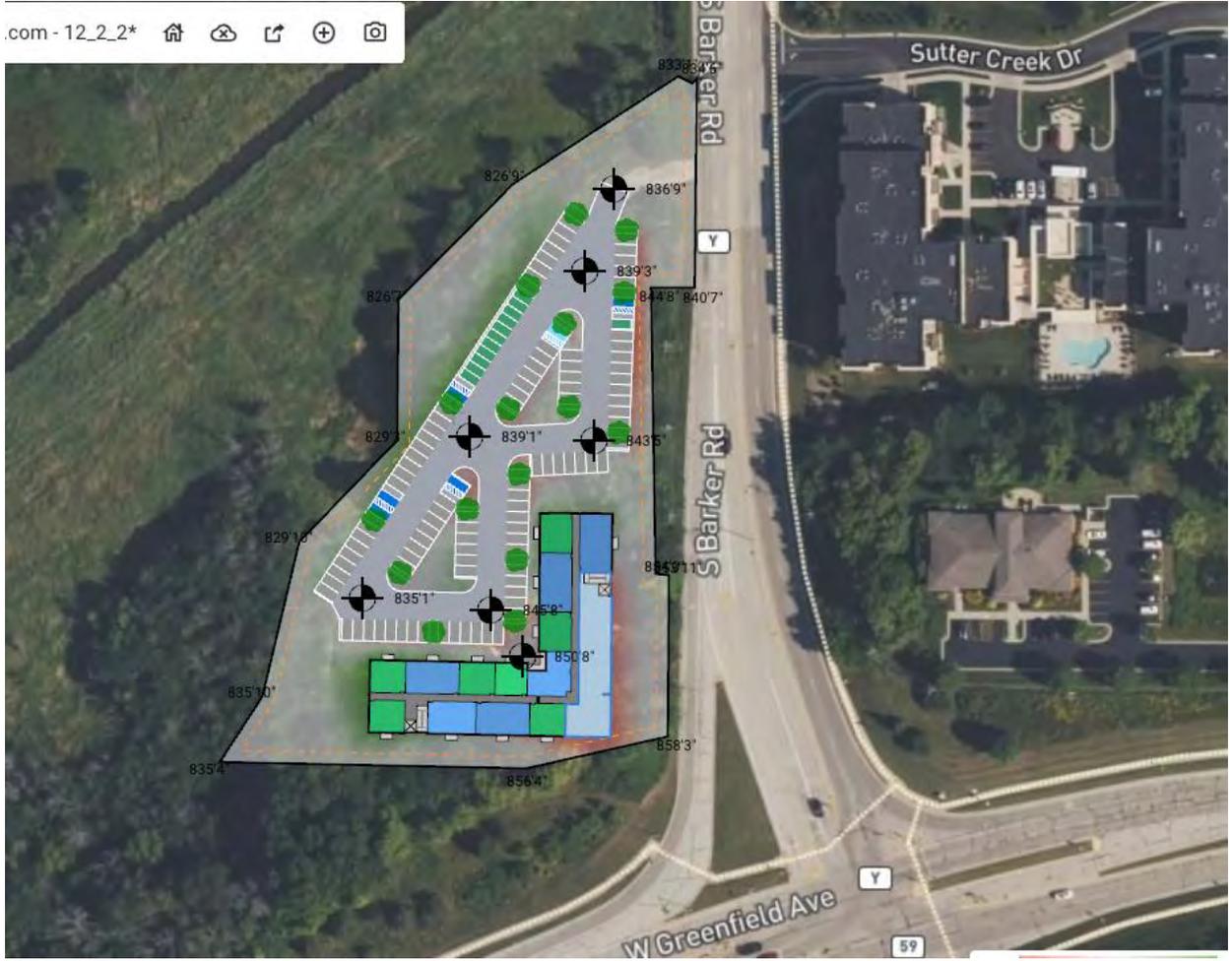


EXHIBIT B

POPLAR POINT APARTMENTS – PROJECT NARRATIVE

Poplar Point Apartments is a proposed 60-unit community located at 1345 South Barker Road in the Town of Brookfield. The development is designed to serve families and will feature a mix of 1-, 2-, and 3-bedroom apartments in a single, four-story, elevator-served building.

Poplar Point Apartments will provide high-quality housing, modern design, and community-focused amenities within a high-opportunity suburban community characterized by strong schools, job access, and a very limited supply of affordable rental housing.

The Poplar Point Apartments site includes approximately three buildable acres located along S. Barker Road, immediately south of the I-94 interchange. The parcel includes natural conservancy areas and protected wetlands that will be preserved and incorporated into the site plan through landscaping, stormwater features, and green buffers. The development itself will include an on-site leasing office, community room, and fitness center as well as private, off-street parking.

The site is located across the street from an existing large multi-family development with over 150 apartments and other commercial uses. To the west of the site there lies a natural buffer of wetlands creating a site that can only develop the three acres of buildable area. The proposed project is consistent with adjacent land uses. While this is a busy intersection the building would be set off of the corner a bit and accommodate its own parking needs by providing approximately 115 parking stalls for the 60 units.

KCG Companies is a vertically integrated real estate development firm with over ten years of experience specializing in multi-family housing. Our team has completed more than 31 transactions and built or rehabilitated 26 communities across nine states, representing over \$1.5 billion invested and 5,000 homes delivered. KCG's disciplined and relationship-driven approach to development ensures high-quality outcomes from concept through completion. Our in-house subsidiaries—KCG Development, KCG Construction, and KCG Design Services—work collaboratively to streamline project delivery, control costs, and uphold the highest standards of design and construction.

Below is a preliminary rendering of the site as proposed. The orange dashed line indicates the existing edges of the wetland delineation and elevations are noted as well.

STATE OF WISCONSIN:

TOWN OF BROOKFIELD:

WAUKESHA COUNTY:

ORDINANCE CHANGING THE ZONING CLASSIFICATION

NOW THEREFORE, the Town Board of the Town of Brookfield, Wisconsin do ordain as follows:

SECTION 1: The zoning classification for the real property described and depicted on the attached Exhibit A (“Property”) is hereby changed from the RS-3 Single-Family Residential District and C-1 Conservancy District to MU-1 Mixed-Use District and C-1 Conservancy District. The zoning classification for the portion of the Property that was C-1 Conservancy District prior to the adoption of this Ordinance shall remain C-1 Conservancy District upon adoption of this Ordinance.

SECTION 2: The Property’s zoning classifications shall revert to the zoning classifications that existed prior to the adoption of this Ordinance, unless all of the following occur:

1. No later than February 17, 2027, the landowner submits a complete application to the Town to obtain all necessary Town approvals and permits to construct a multi-family residential development on the property.
2. Construction of a multi-family residential development shall commence on the property no later than one year after the date that all approvals and permits are granted by the Town of Brookfield Board for such multi-family residential development.

SECTION 3: All ordinances or parts of this Ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 4: This Ordinance shall take effect upon passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Brookfield, Waukesha County, Wisconsin this _____, day of _____, 20_____.

BY: _____
KEITH HENDERSON, Chairman

BY: _____
STEVE KOHLMANN, Supervisor

BY: _____
JOHN CHARLIER, Supervisor

BY: _____
JOHN R. SCHATZMAN, SR. Supervisor

BY: _____
RYAN STANELLE, Supervisor

ATTEST: _____
Emily Howells, Clerk

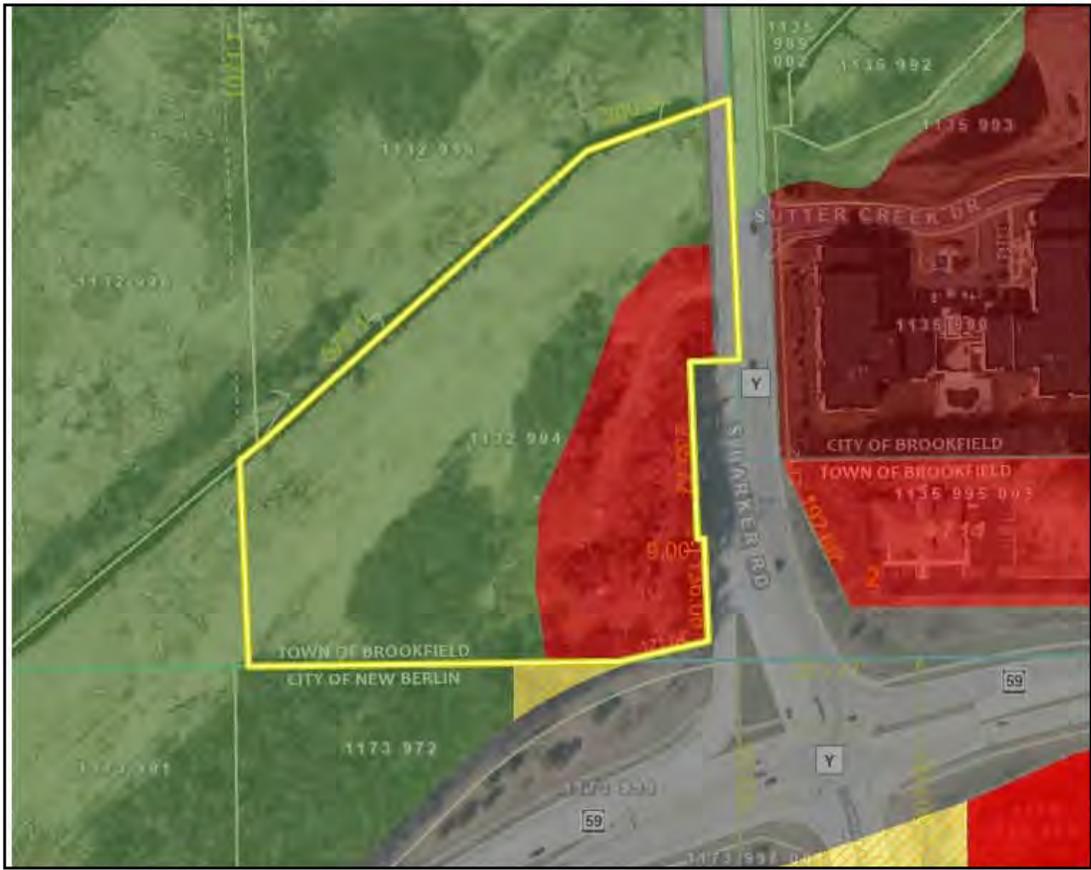
EXHIBIT A

Property Legal Description and Map

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For informational purposes only:

Address: 1345 S Barker Road, Brookfield, WI 53045
Tax Key No.: BKFT1132994



- Legend**
- County Development Plan**
- HDR (<6,000 sf/du)
 - MDR (6,000 - 19,000 sf/du)
 - LDR (20,000 sf - 1.4 ac/du)
 - SDR I (1.5 - 2.9 ac/du)
 - SDR II (3.0 - 4.9 ac/du)
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 - Farmland Pres (> 35 ac/du)
 - Primary Environmental Corri
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 - Isolated Natural Resource A
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 - Commercial and Office Park
 - Governmental and Institution
 - Mixed Use
 - Industrial
 - Transportation, Communicat
 - Highway and Railway Rights
 - Extractive
 - Landfill
 - Surface water
- Municipal Boundary_2K**
- Parcel_Dimension_2K**
- Note_Text_2K**
- Lots_2K**
- Lot
 - Unit
 - General Common Element
 - Outlot
- SimultaneousConveyance**
- Assessor Plat
 - CSM
 - Condominium
 - Subdivision
- Cartoline_2K**
- EA-Easement_Line
 - PL-DA
 - PL-Extended_Tile_line
 - PL-Meander_Line
 - PL-Note
 - PL-Tie

0 182.36 Feet

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Notes: Tax Key BKFT
1132.994
Printed: 1/22/2026

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

DATE: February 26, 2025

FILE NO.: RZ167

APPLICANT: Town Board of Eagle
Eagle Town Hall
820 East Main Street
Eagle, WI 53119

TAX KEY NO(s): Multiple - areawide change

NATURE OF REQUEST:

Amendments to the Town of Eagle Zoning Map incorporating modified floodplain boundaries which were adopted in 2024.

PUBLIC HEARING DATE: December 3, 2025

PUBLIC COMMENT: None

TOWN PLAN COMMISSION ACTION:

On December 3, 2025, the Town of Eagle Planning and Zoning Commission unanimously recommended approval of the map amendments.

TOWN BOARD ACTION:

On December 3, 2025, the Eagle Town Board unanimously approved Ordinance No. 2025-01.

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

The proposed maps are consistent with plan recommendations in assigning properties to appropriate “as used” zoning categories.

STAFF ANALYSIS:

The Town of Eagle is proposing comprehensive amendments to the Town Zoning Map in response to revised floodplain boundaries that changed the town’s zoning jurisdictional boundaries. New FEMA floodplain mapping was adopted by Waukesha County in late 2023 and the county’s shoreland zoning maps for each of the towns were updated at that time. Since that time, most of the towns in the county have been working to make similar updates to their town zoning maps which govern the areas outside of floodplains and shoreland areas. In some instances, floodplain boundaries have reduced in area along waterways which also reduced county floodplain/shoreland jurisdiction. Therefore, the town is now proposing to establish town zoning in those areas that were formerly subject to county shoreland/floodland jurisdiction.

The lands affected by the changes are generally limited to those lying along the Scuppernong River and are largely state-owned lands within the Kettle Moraine State Forest. The FEMA floodplain in this area was previously unstudied and a new engineered basis was applied as part of the FEMA update which has reduced the boundaries of the floodplain area. Much of the same area is wetland, so many affected lands will remain in a protective C-1 Conservancy zoning category. Other lands will be zoned P-I to match the state-owned designation. Other parcels affected are generally large agricultural parcels which fall within the Agricultural

Preservation zoning category. The proposed town zoning parallels the manner in which the previous county zoning designated the land and matches the town zoning that already exists on the balance of the affected parcels.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The proposed map changes establish appropriate zoning for parcels that are no longer part of the regulatory floodplain. In accordance with plan recommendations, the lands will be zoned as used and proposed zoning categories match the adjacent zoning categories. These updates ensure that the town’s zoning maps are consistent with recently adopted FEMA floodplain maps and that there are no un-zoned gaps between areas of town zoning and county shoreland zoning.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jacob Heermans". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jacob Heermans
Senior Planner

Attachment: Town Ordinance No. 2025-01
Exhibit A, New v. Existing FEMA Floodplain
Eagle Zoning Map, May 2025 (also see www.waukeshacounty.gov/planningandzoning, click Mapping Resources, Draft Maps)

STATE OF WISCONSIN

TOWN OF EAGLE

WAUKESHA COUNTY

ORDINANCE 2025-01

AN ORDINANCE TO AMEND THE TOWN OF EAGLE ZONING MAP

WHEREAS, the Town Board for the Town of Eagle adopted a zoning code for the Town of Eagle in 1990 and has amended it from time to time since then; and

WHEREAS, the Federal Emergency Management Agency (FEMA) prepared new floodplain maps for the Town of Eagle and other parts of Waukesha County in 2023; and

WHEREAS, Waukesha County adopted the new FEMA floodplain mapping into the Waukesha County Floodland Protection Ordinance and Zoning Map, effective October 19, 2023; and

WHEREAS, the changes to FEMA floodplain boundaries resulted in changes to county and town's zoning jurisdictional boundaries; and

WHEREAS, former floodplain areas that are no longer subject to the County Shoreland Protection Ordinance and Floodland Protection Ordinance need to be incorporated into the town's zoning map; and

WHEREAS, the town's zoning map is proposed to be revised to update floodplain and other natural resource boundaries and to establish zoning designations for lands newly subject to the town's zoning map ; and

WHEREAS, the Town Clerk for the Town of Eagle has (1) referred the draft zoning map revisions to the Plan Commission, (2) notified the Waukesha County Park and Planning Commission of the proposed amendment, and (3) published a class II public hearing notice; and

WHEREAS, the Plan Commission has conducted the necessary investigation, and scheduled a public hearing for the Plan Commission and the Town Board; and

WHEREAS, upon due notice the Town Board and the Plan Commission conducted a joint public hearing on December 3, 2025; and

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; and

WHEREAS, the Town Board finds that the proposed zoning map revisions are consistent with the Town's comprehensive plan recommendations; and

WHEREAS, the Town Board for the Town of Eagle, after carefully reviewing the recommendation of the Plan Commission and having given the matter due consideration, having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Eagle, will enhance

property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Eagle, Waukesha County, does hereby ordain as follows:

SECTION 1: ZONING MAP CHANGE.

The Town Zoning Map is revised as set forth in Exhibit A, attached hereto.

SECTION 2: CONDITIONS OF REZONING.

The amendment of the zoning map of the Town of Eagle is conditioned on the approval of the Waukesha County Board of Supervisors within one year of the date of this decision.

SECTION 3: CERTIFICATION.

Upon certification by the Town Clerk that the aforementioned conditions have been satisfied, the Town Planner shall change the zoning classification of the affected properties on the Town of Eagle zoning map as indicated herein.

SECTION 4. SUBMITTAL TO WAUKESHA COUNTY.

The Town of Eagle Town Clerk is directed to a signed copy of this ordinance to Waukesha County for approval by the Waukesha County Board of Supervisors.

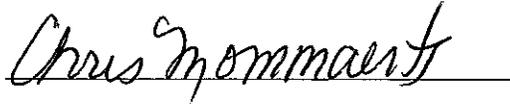
SECTION 5. SEVERABILITY.

Several sections this ordinance are declared to be severable and if any section or portion thereof shall be declared by a decision of the 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 which shall remain. The remainder of the ordinance shall remain in full force and effect and any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.

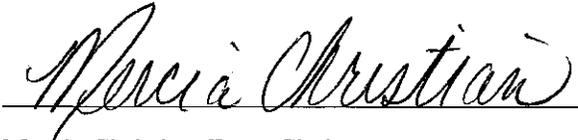
Adopted this 3rd day of December 2025

TOWN OF EAGLE



Chris Mommaerts, Town Chairperson

ATTEST:

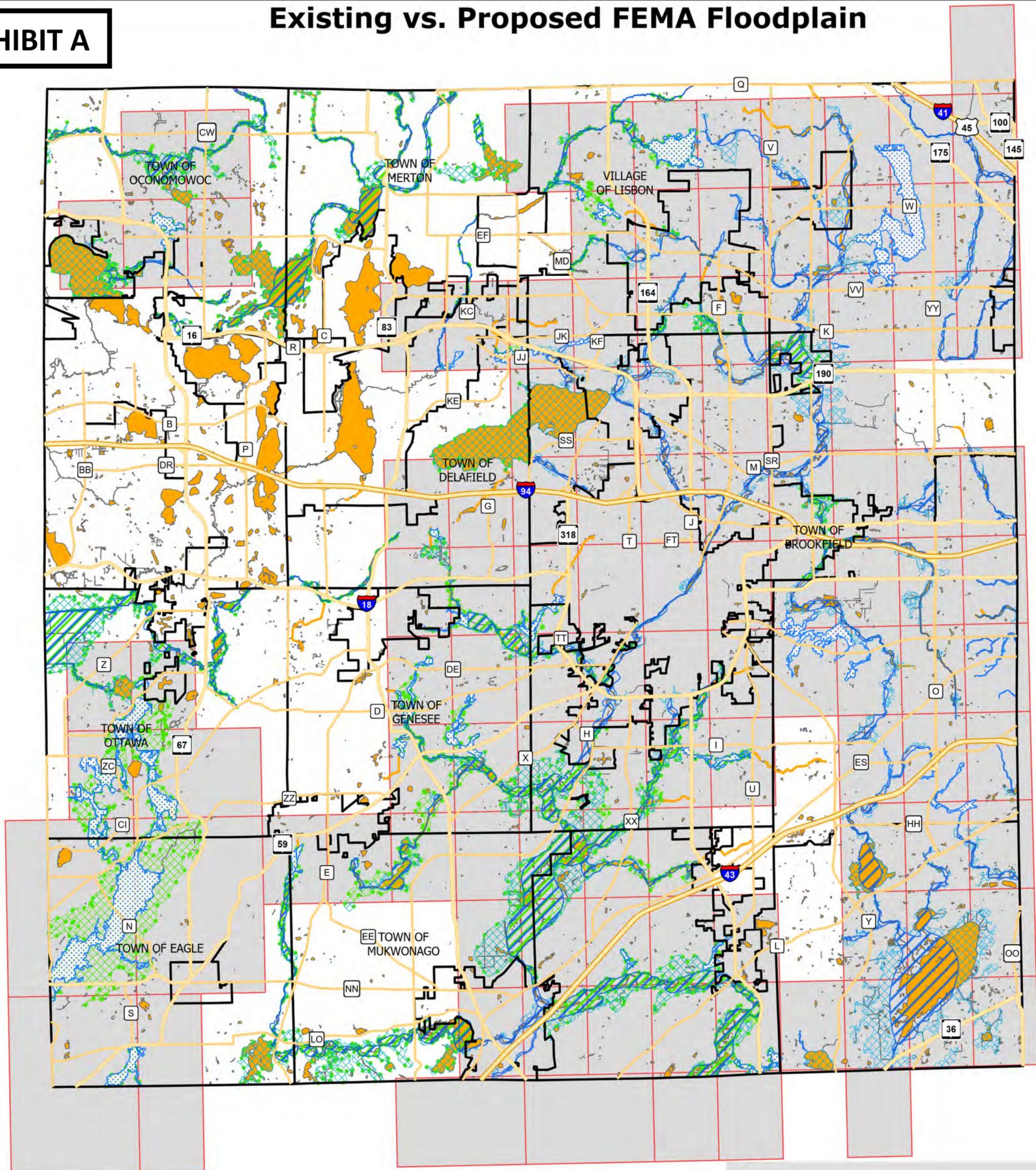


Mercia Christian, Town Clerk

Published and posted this 18 day of Dec. 20 25

EXHIBIT A

Existing vs. Proposed FEMA Floodplain



0 5,000 10,000 20,000 Feet

Legend

Civil Division	Water
Proposed Floodplain Overlay Districts	Interstate
General Floodplain	Interstate Ramp
Floodplain (FEMA)	US
Floodway (FEMA)	State
2023 Affected FIRM Panels	State
Existing Floodplain Overlay	County
Floodway (FEMA)	
Floodplain (FEMA)	

Town of Eagle Zoning Map

WAUKESHA COUNTY, WISCONSIN
DRAFT - revision date 12/02/25

LEGEND

- Civil Division Boundary
- Section Line
- Parcel Lines
- Water
- Waukesha County Shoreland & Floodland Zoning^[1]
- Historic District
- Historic Landmark
- Development Districts
- Major Roads
- Railroad

[1] In 2015, lands which were removed from town jurisdiction are now located in Waukesha County's shoreland zoning jurisdiction. For areas within the county's jurisdiction, please see the Waukesha County Shoreland Protection Ordinance or the Waukesha County Floodland Protection Ordinance for zoning district standards.

Town Zoning Districts

- AP Ag. Land Preservation
- RR Rural Residential^[2]
- R-1 Residential
- B-1 Neighborhood Business
- B-2 Local Business
- B-4 Mixed Business
- M-1 Limited Industrial
- M-2 General Industrial
- UC Upland Conservancy^[3]
- C-1 Conservancy^[3]
- P-1 Public
- T-1 Railroad
- Q-1 Quarrying

Town Overlay Zoning Districts

- AP/UC Upland Conservancy Overlay^[1]
- AP/C-1 Conservancy Overlay^[2]
- HS Hydric Soils^[3]
- WP Wellhead Protection^[4]

[1] C-1 and UC district boundaries and overlay district boundaries were derived from the 2023 FEMA Floodplain and current Waukesha County floodplain inventories, the 2015 DNR Wetland Inventory, and the 2015 SCWRPC Environmental Corridor Inventory.
[2] This district was previously referred to as A-3 Agricultural.
[3] The boundaries correspond to soils identified by the Natural Resources Conservation Service as being hydric and which are not otherwise included in the C-1 Conservancy District.
[4] The WP District extends 1,200 feet from the center of the corresponding well head.

Historic Districts and Landmarks				
Type	Description	Designating Ordinance	Tax Key(s)	S/T/R
District	Stute/Welch Farm; approximately 160 acres	1996-06	EGLT 1845.999	Sec. 30, T5N, R17E
District	Palestine School located at W351 S7510 STH 59; approximately 1.5 acres	1996-07	EGLT 1772.998	Sec. 11, T5N, R17E
Landmark	A.C. Clark/A.O. Smith Property located at W345 S10503 CTH E; approximately 0.6 acres	1996-08	EGLT 1870.032	Sec. 36, T5N, R17E
Landmark	Edward Hunkley House located at W364 S7310; approximately 5.0 acres	1996-09	EGLT 1765.998	Sec. 10, T5N, R17E

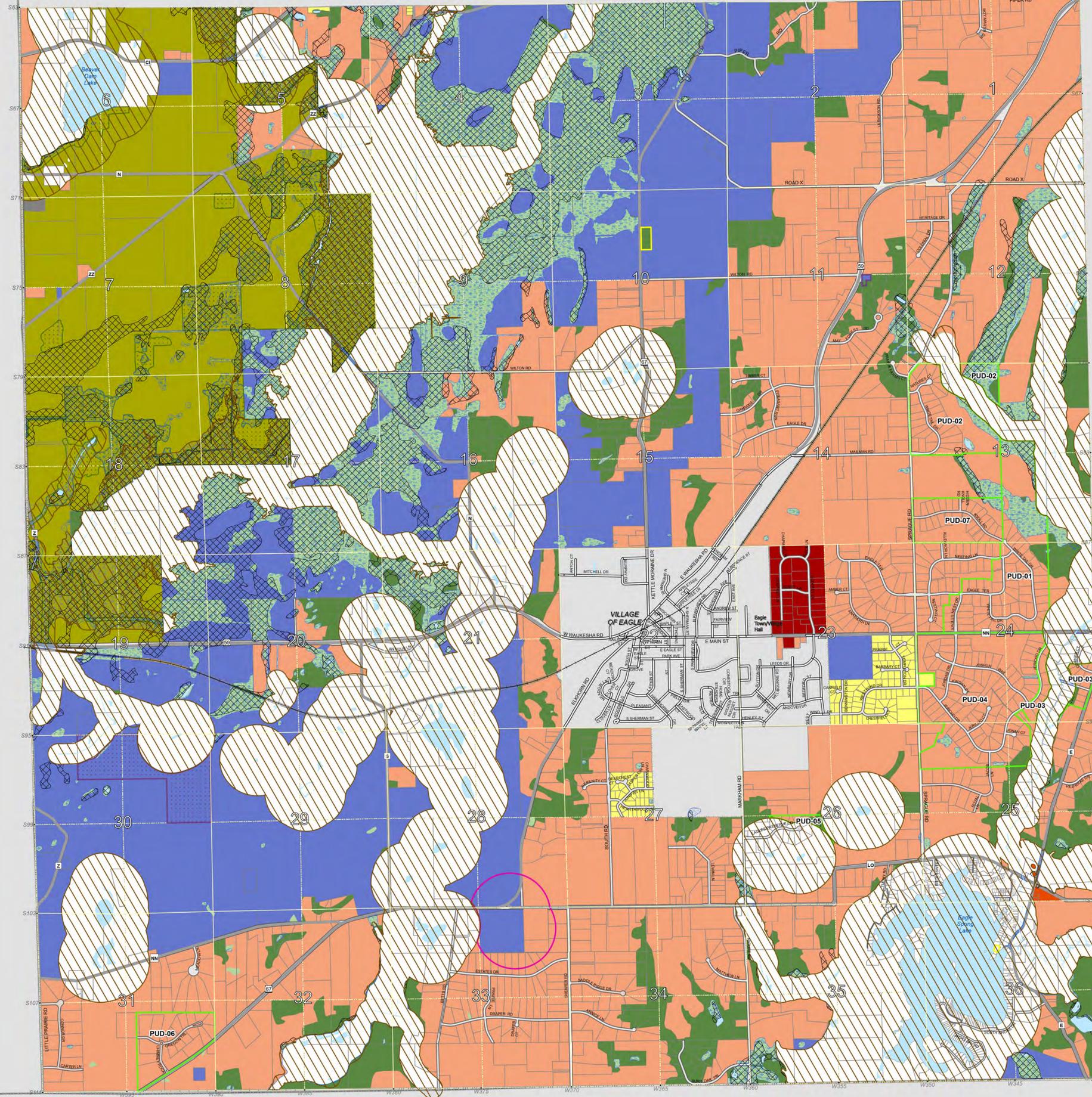
Development Districts

File ID	Description
PUD-01	Eagle's Aire Subdivision
PUD-02	Eagle Aires North
PUD-03	Jericho Corners
PUD-04	Jericho Corners Additions No. 1
PUD-05	Eagle's Preserve
PUD-06	Orchards Grove
PUD-07	Hidden Knoll

Recent Map Amendments

Town Ordinance Number	Date of Town Approval	Date of County Approval	Description
2014-03	11/3/2014	12/22/2014	Rezoned portion of property from C-1 to R-1
2016-04	12/21/2016	3/29/2017	Zoning map revision in conjunction with repeal & recreation of zoning text
2018-03	2/5/2018	5/22/2018	Rezoned portion of property from C-1 & RR to UC & C-1
2020-02	2/3/2020	3/30/2020	Rezoned a portion of EGLT1772998 from RR to P-1
2020-03	2/3/2020	3/30/2020	Rezoned EGLT1772998 from R-1 to P-1
2021-03	7/21/2021	11/30/2021	Rezoned lands for T-1 (Railroad) Zoning District
2023-01	1/3/2023	5/31/2023	Rezoned EGLT1761998 from P-1 to RR

Certification	
Town Chair	Date
Town Clerk	Date



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

DATE: February 26, 2026

FILE NO.: RZ168

OWNER: Cary and Pollyanna Rogers
W310 S231 Maple Avenue
Delafield, WI 53188

TAX KEY NO.: DELT 0849.997.009

LOCATION:

The property is described as Lot 1, Certified Survey Map No. 8603, being a part of the NE ¼ of Section 33, T7N, R18E, Town of Delafield. More specifically, the property is located at the Maple Avenue address cited above containing approximately 4 acres.

EXISTING ZONING:

A-1 Agricultural District, WF-1 Wetland-Floodplain District (Town)

PROPOSED ZONING:

A-2 Rural Home District (Town) with WF-1 Wetland-Floodplain District (to remain unchanged)

EXISTING USE(S):

Residential (single-family residence)

REQUESTED USE(S):

Residential (construct accessory building)

PUBLIC HEARING DATE:

December 2, 2025

PUBLIC COMMENT:

No public comment.

TOWN PLAN COMMISSION AND BOARD ACTION:

On December 2, 2025, the Town of Delafield Plan Commission unanimously recommended approval of the rezone. On December 12, 2025, the Town of Delafield Board unanimously recommended approval of the rezone as recommended by the Plan Commission.

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

The town and county plans designate the parcel in the Suburban Density II Residential (3.0-4.9 acres per dwelling unit) category. The proposal is consistent with the density recommendations of both plans.

STAFF ANALYSIS:

The proposal is to rezone approximately 2.8 acres of the subject parcel from the Town of Delafield's A-1 Agricultural District, which is a 40-acre minimum district, to the Town's A-2 Rural Home District, which is a three-acre minimum category. The property is located on the west side of Maple Avenue in the southwest portion of the town. This request was prompted by the petitioner's desire to construct an accessory building (see Exhibit A). The change in zoning designation would allow for the building to

be constructed while adhering to the A-2 district’s open space requirements. Existing improvements include a single-family residence with an attached garage, a shed, a poly-structure, and a patio. There is also an approximately 1.13-acre wetland complex that is located to the west of the residence.

The subject property sits amongst similarly sized parcels on Maple Avenue that are also zoned A-1 Agricultural District. The adjacent A-1 lots are likely to be candidates for rezoning to the A-2 district in the future. The surrounding area is zoned with a variety of single-family residential zoning designations. Other areas west of Maple Avenue consist of 1.5 acre lots that are zoned A-3 Suburban Home District. Immediately west of the subject parcel is a subdivision with 3-4 acre lots that is zoned A-2 Rural Home District.

The Town’s A-1 Agricultural District requires an open space of 95%. The construction of the proposed accessory building would not comply with the open space requirements under the A-1 limitations. The A-1 open space requirement was established for conforming lots within that district that contain 40 acres or more. The A-2 Rural Home District requires an open space of 85%, which is a more customary requirement for lots of the subject parcel’s size.

As noted above, the town and county plans designate the lands as Suburban Density II Residential, which requires 3.0-4.9 acres per dwelling unit. This land use designation is consistent with the use and size of the parcel. Finally, the town has been consistently rezoning smaller parcels out of the A-1 District over the past several years, recognizing that the 40-acre parcel size minimum is often out of sync with existing parcel sizes and land use plan recommendations.

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 better aligns with the parcel’s size. The rezoning will allow the property a more reasonable open space requirement.

Respectfully submitted,



Kassie Slotty
Senior Land Use Specialist

Attachment: Town Ordinance No. 2025-07
 Rezone Map
 Exhibit A, site plan

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2025-07

**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 W310 S231 MAPLE AVE, TAX KEY DELT 0849.997.009, 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 approximately 2.88 acres of the 4.01 parcel identified as DELT 0849.997.009 is hereby amended to change the zoning classification from A-1 to A-2 on the following described parcel of land:

Lot 1 of Certified Survey Map No. 8603, being a part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 33, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

SECTION 2: Severability.

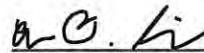
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 2nd day of December 2025.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



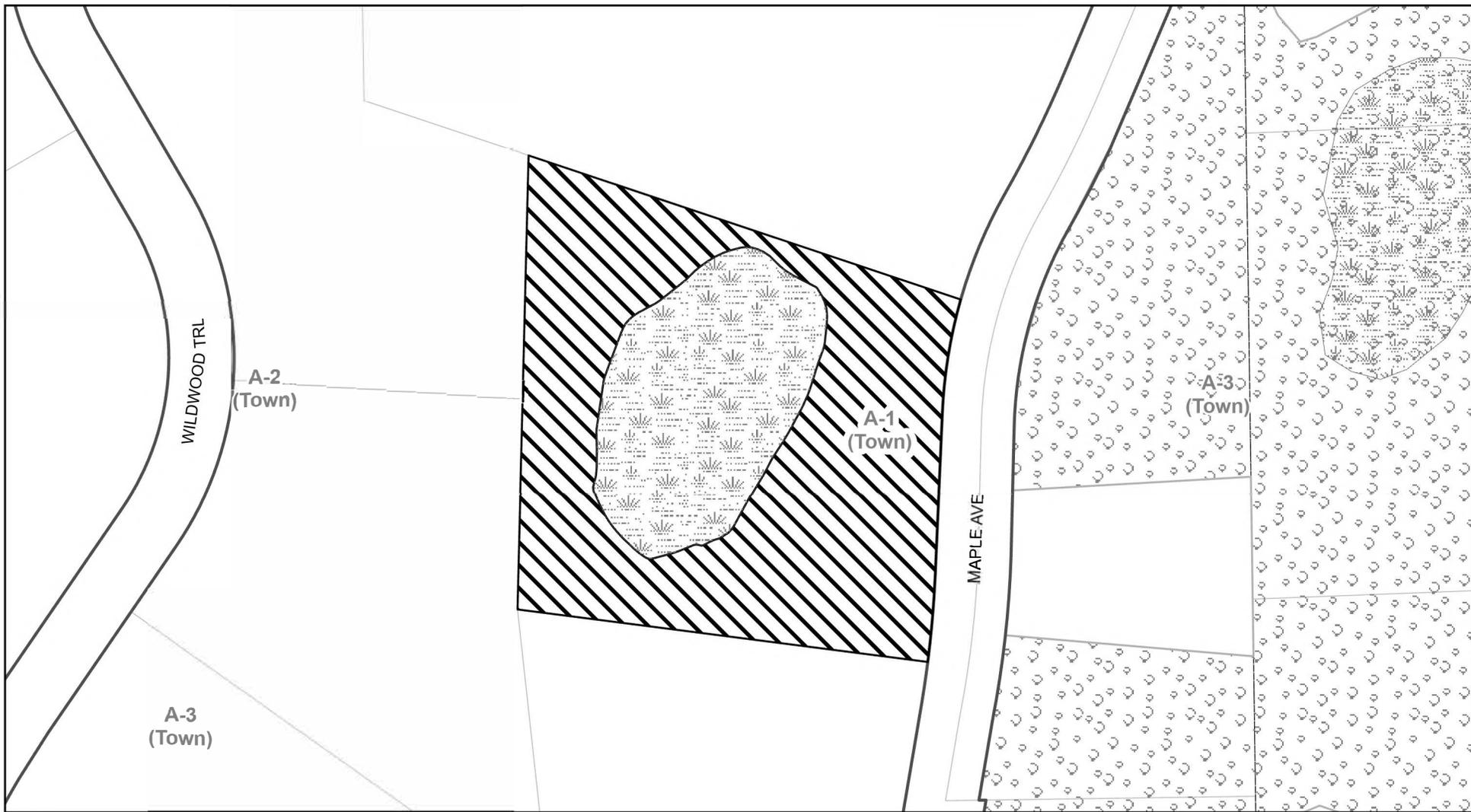
Edward T. Kranick (Dec 17, 2025 11:54:31 CST)

Edward Kranick, Town Chairman

ATTEST:

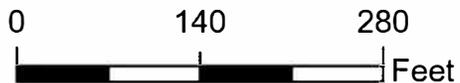


Michelle Luedtke
Town Administrator/Clerk/Treasurer



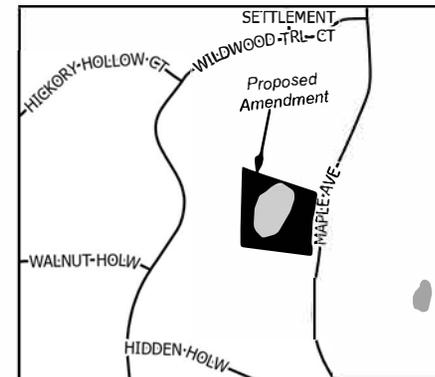
ZONING AMENDMENT

PART OF NE1/4 SEC 33 T7N R18E,
TOWN OF DELAFIELD



-  TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-2 RURAL HOME DISTRICT
-  Isolated Natural Resource Area (INRA)
-  WF-1 Wetland Floodplain District (to remain)

FILE.....RZ168
 DATE OF PLAN COMMISSION.....02/26/26
 AREA OF CHANGE.....2.8 ACRES
 TAX KEY NUMBER.....DELT0849997009



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

DATE: February 26, 2026

FILE NO.: RZ169

OWNER/APPLICANT: RED Properties LLC and
William B and Cathy J Davies Revocable Trust
S26 W29614 Jarmon Road
Waukesha, WI 53188-9224

TAX KEY NO.: DELT 0860.991.001

LOCATION:

The property is described as Parcel 2, Certified Survey Map No. 1723, part of the SE ¼ of Section 35, T7N, R18E, Town of Delafield. More specifically, the property is located on the south side of USH 18, west of Elmhurst Rd. and contains approximately 10.5 acres.

EXISTING ZONING:

A-1 Agricultural District (Town)

PROPOSED ZONING:

A-2 Rural Home District (Town)

EXISTING USE(S):

Vacant.

REQUESTED USE(S):

Residential.

PUBLIC HEARING DATE:

December 2, 2025

PUBLIC COMMENT:

None.

TOWN PLAN COMMISSION AND BOARD ACTION:

On July 1, 2025, Town of Delafield Plan Commission did not take action on the rezoning amendment pending questions regarding the proposed public road and other details for the project.

On December 2, 2025, the Town of Delafield Plan Commission unanimously recommended approval of the rezone request to the Town Board, subject to the following condition:

To preserve the Isolated Natural Resource area, disturbance on Lots 1 and 2 is limited to 30,000 sq. ft. on each lot, excluding the grading required for the public road on Lot 2. The Disturbance Envelope includes grading, tree removal, all structures, and the septic system. In addition, Isolated Natural Resource Area Preservation Restrictions shall be added to the CSM.

On December 12, 2025, the Town of Delafield Town Board unanimously approved the rezone request as conditioned by the Town Plan Commission.

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

The Town and County plans designate the parent parcel in the Isolated Natural Resource Area (INRA) category. This plan designation calls for either preservation or limited development with a minimum, five acres of land per dwelling unit. The proposed Certified Survey Map (CSM) provided by the applicant shows two units off the new access road proposed for the site. Therefore, the proposal is consistent with the density recommendations of both plans.

STAFF ANALYSIS:

The proposal is to rezone the entirety of the subject 10.5-acre parcel from the Town of Delafield's A-1 Agricultural District, which is a 40-acre minimum district, to the Town's A-2 Rural Home District, which is a three-acre minimum category to allow for the creation of the two new residential lots, two outlots and a new public road extending from USH 18 to the south property line (see Exhibit A). The property is currently vacant and heavily wooded, located between a cluster of residential lots to the east and row cropped lands to the west. The property has direct access to US Highway 18 on its north side.

The subject rezone and related CSM are being brought forward at the same time the petitioner is also seeking to subdivide the commonly held lands just to the south. An eight-lot subdivision plat is pending and its road network would tie into the proposed public road that is depicted upon the CSM. The proposed lots would be 3.5 and 4.1 acres, respectively.

As noted above, the Town of Delafield Comprehensive Plan designates the lands as the Isolated Natural Resource Area (INRA). It appears as though the vegetative cover is dominated by planted evergreen species that first appear in aerial photos in 1980. As noted in the Town Planner's report to the Town's Planning Commission, INRA areas are recommended to be protected in the town and county comprehensive plans. This includes recommending these lands *"be preserved in natural, open uses insofar as is practicable, recognizing that such areas are often well suited for use as public or private parks and open space reservation. Such areas may, at the discretion of local units of government, also accommodate intensive urban uses."*

To meet the conservation intentions of the comprehensive plan, the town has conditioned their approval upon creation of a delineated disturbance envelope for the new lots. These envelopes will create a separation between parcels and define the maximum extent where structures, driveways, septic systems, and activities like clearing and mowing can take place. This helps preserve the natural state of the properties while providing plenty of space for building and site improvements. Maintaining the preservation areas can lessen the degree of runoff, improve soil health, provide habitat for wildlife, and keep the rural nature of these areas intact. The applicant's CSM has also designated a 60-foot wide tree preservation easement on the south side of the subdivision, with many of these trees being identified as high quality.

There are multiple nearby parcels similarly zoned A-2 while the other larger parcels in the vicinity are zoned A-1. Topographically, the parcel has some areas with steep slopes that should be accounted for in the design of disturbance envelopes and grading plans. There is also indication of soils that may exhibit high groundwater on the proposed parcel and any proposed residence may require soil testing and groundwater separation requirements from either the Town or County. The town will review access to USH 18 and future road connections to the south and west as part of the CSM review.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following condition:

1. To preserve the Isolated Natural Resource area, disturbance on Lots 1 and 2 is limited to 30,000 sq. ft. on each lot, excluding the grading required for the public road on Lot 2. The Disturbance Envelope includes grading, tree removal, all structures, and the septic system. In addition, Isolated Natural Resource Area Preservation Restrictions shall be added to the CSM.

The rezoning will allow for the subject parcel to be divided and developed for homesites, consistent with town and county plan recommendations, while also limiting overall disturbance within the Isolated Natural Resource Area.

Respectfully submitted,

Evan G. Hoier

Evan G. Hoier
Senior Land Use Specialist

Attachment: Town Ordinance No. 2025-06
 Rezone Map
 Exhibit A

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 ON LANDS KNOWN AS THE DAVIES FARM, TAX KEY DELT 0860.991.001, 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 the 10.48-acre parcel identified as DELT0860.991.001 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. 1723, located in part of the Southeast ¼ of the Southeast ¼ of Section 35, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

SECTION 2: The above zoning amendment is conditioned upon the following conditions, which must be met or this ordinance is null and void:

1. To preserve the Isolated Natural Resource Area, disturbance on Lots 1 and 2 is limited to 30,000 sq. ft. on each lot, excluding the grading required for the public road on Lot 2. The Disturbance Envelope includes grading, tree removal, all structures, and the septic system. In addition, Isolated Natural Resource Area Preservation Restrictions shall be added to the CSM.

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.

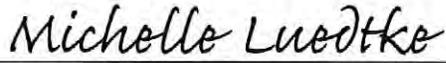
SECTION 4: Effective Date.

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

This ordinance passed this 2nd day of December 2025.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:


Edward T. Kranick (Dec 17, 2025 11:56:02 CST)
Edward Kranick, Town Chairman

ATTEST:

Michelle Luedtke - Town Administrator



ZONING AMENDMENT

PART OF SE1/4 SEC 35 T7N R18E,
TOWN OF DELAFIELD



-  CONDITIONAL TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-2 RURAL HOME DISTRICT
-  Isolated Natural Resource Area (INRA)
-  C-1 Conservancy District

FILE.....RZ169
 DATE OF PLAN COMMISSION.....2/26/2026
 AREA OF CHANGE.....10.4946 ACRES
 TAX KEY NUMBER.....DELT0860991001

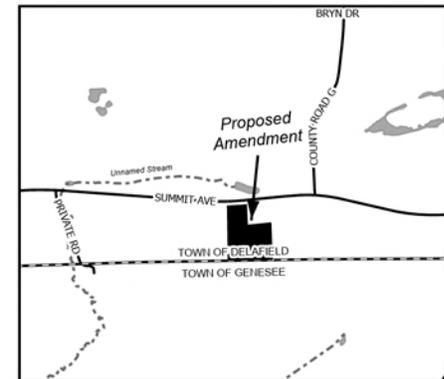


EXHIBIT A

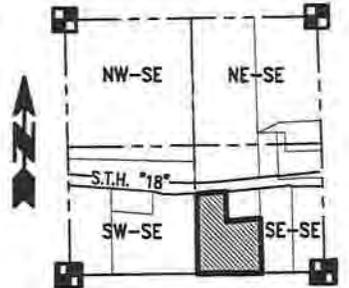
CERTIFIED SURVEY MAP NO. _____

BEING A REDMISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 1723, LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35. TOWN 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

OVERALL DETAIL SHEET

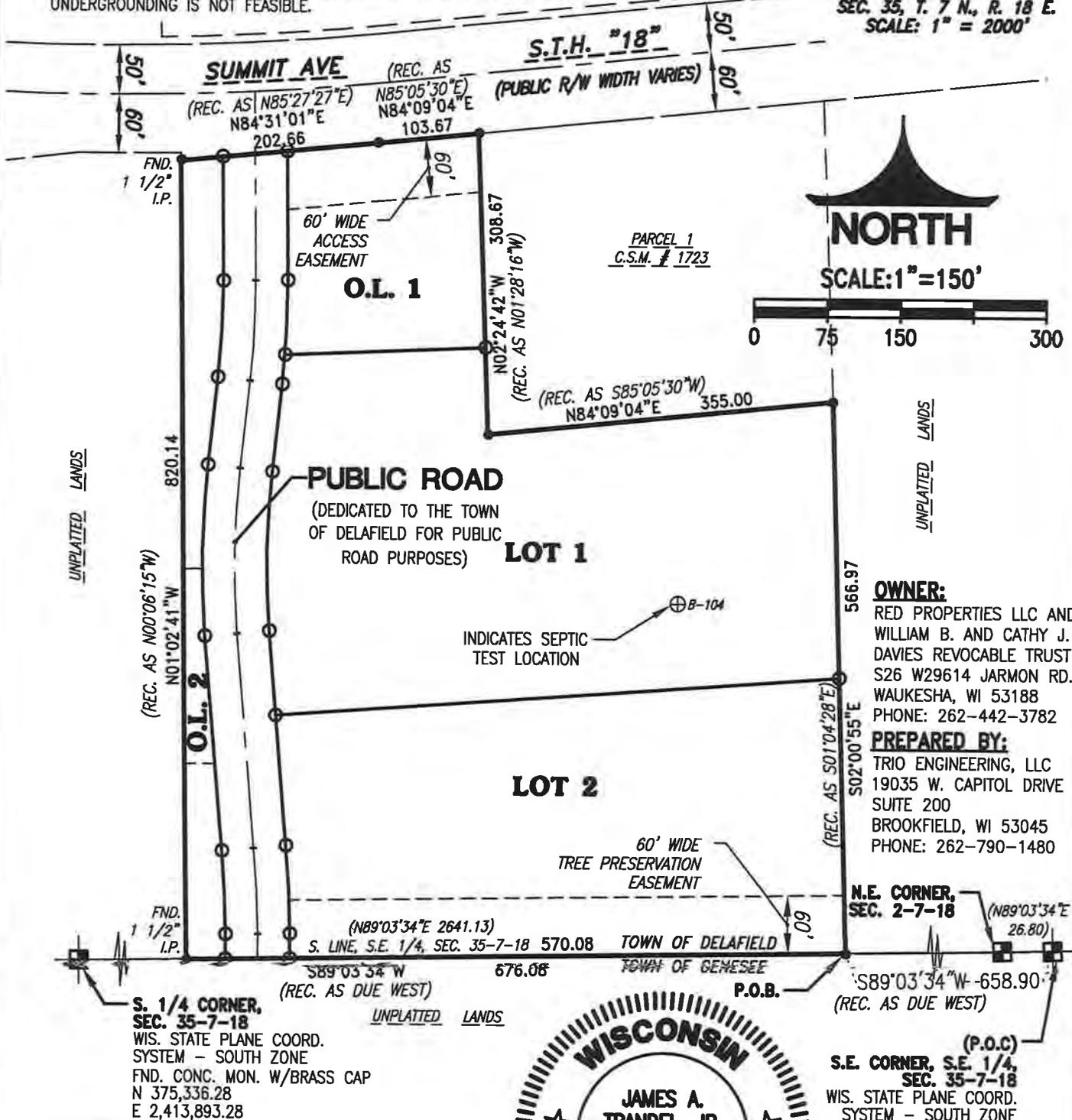
NOTES:

- ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-83/2011), IN WHICH THE SOUTH LINE OF THE S.E. 1/4 OF SECTION 35, TOWN 7 NORTH, RANGE 18 EAST, BEARS N89°03'34"E.
- THE ENTIRE PROPERTY IS LOCATED IN AN ISOLATED NATURAL RESOURCE AREA AS DESIGNATED BY THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION.
- ALL TELEPHONE LINES, ELECTRIC LINES, CABLE TELEVISION LINES, TELECOMMUNICATIONS LINES, AND OTHER SIMILAR UTILITY SERVICES SHALL BE PLACED UNDERGROUND UNLESS THE APPLICANT OR UTILITY CAN DEMONSTRATE THAT UNDERGROUNDING IS NOT FEASIBLE.



LOCALITY MAP

S.E. 1/4
SEC. 35, T. 7 N., R. 18 E.
SCALE: 1" = 2000'



- LEGEND:**
- - INDICATES Section Corner
 - - INDICATES "Set" 0.75" O.D. x 18" long Reinforcing Bar weighing 1.502 lbs. per lineal foot.
 - - INDICATES "Found" 1" Iron Pipe, unless otherwise noted.

DRAFTED THIS 11th DAY OF NOVEMBER, 2025
THIS INSTRUMENT WAS DRAFTED BY JAMES A. TRANDEL, JR., S-4069

JOB NO. 24-039-1229
SHEET 1 OF 7

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

DATE: February 26, 2026

FILE NO.: RZ170

APPLICANT: Town of Merton Board
P.O. Box 128
North Lake, WI 53064

REQUEST:
Text amendment to the Town of Merton Zoning Code to amend section 17.03(2) and create Sections 17.22(4)(h) and (i) relating to shipping containers.

PUBLIC HEARING DATE:
October 1, 2025

PUBLIC COMMENT:
One person stated a preference for shipping containers to be limited based upon square footage of containers rather than specifying two containers up to 45' in length.

TOWN PLAN COMMISSION ACTION:
On October 15, 2025 the Town Plan Commission recommended approval of the request to the Town Board.

TOWN BOARD ACTION:
On October 27, 2025, the Merton Town Board of Supervisors unanimously approved the request.

STAFF ANALYSIS:
The Town of Merton has created provisions for regulating shipping containers in business, industrial and residential zoning districts. The town has clarified that shipping containers shall be classified as accessory structures and that business and industrial zoned properties are entitled to two shipping containers when incorporated into a Site Plan/Plan of Operation approval. The maximum size of each container would be 45' long, 8.5' wide and 10' in height. Containers cannot be stacked and must be painted or maintained to match the principal structure on a property.

In residential districts, one container may be permitted during construction or renovation of a home with prior approval of the building inspector. Shipping containers would need to be removed within 30 days of obtaining occupancy.

STAFF RECOMMENDATION:
Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The new provisions will accommodate shipping containers on commercial and industrial properties with site plan review to ensure that the location does not conflict with easements or cause other conflicts. Incidental use of a single shipping container would be allowed during times of construction on residential properties. These provisions will ensure limited use of shipping containers while also ensuring that nuisance conditions are not created by an overabundance of containers or undesirable placement of containers.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Town Ordinance

STATE OF WISCONSIN: TOWN OF MERTON: WAUKESHA COUNTY:

**ORDINANCE AMENDING SECTION 17.03(2) AND CREATING SECTIONS 17.22(4)(h),
AND (i), OF THE MUNICIPAL CODE OF THE TOWN OF MERTON**

NOW THEREFORE, the Town Board of the Town of Merton, Wisconsin does ordain as follows:

SECTION 1. Section 17.03(2) of the Town Code is hereby amended by creating the definition "SHIPPING CONTAINER" to read as follows:

SHIPPING CONTAINER. A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship that is used for the storage of personal property and placed on private property. Shipping container includes cargo containers, storage units, portable on demand storage (generally known as "PODS"), or other prefabricated storage structures.

SECTION 2: Sections 17.22(4)(h) and (i), of the Town Code are hereby created to read as follows:

- (h) Shipping containers are classified as accessory structures and only permitted if expressly stated in the Town's Code. In the Business and Industrial Districts, up to two shipping containers are permitted when included as part of the approved plan of operation and site plan and if the shipping containers are used solely as accessory to the principal use on the subject property. Shipping containers in the Business and Industrial Districts shall also be subject to the following provisions:
1. No shipping container shall exceed 45 feet in length, eight and one-half feet in width, and 10 feet in height.
 2. Shipping containers may be located adjacent to each other without minimum separation requirements, but shall not be connected by roof or walkway.
 3. Stacking of shipping containers is prohibited.
 4. Shipping containers must meet the setback, offset, and other requirements of the district.
 5. No wording, numbers, advertising, or graffiti shall be visible on the shipping container. Shipping containers shall be painted and maintained to match the principal structure.
 6. Shipping containers shall be located in the rear of the principal structure.
 7. If a shipping container is used for other than cold storage, it must obtain all permits and approvals from the State of Wisconsin.
 8. Shipping containers shall be used by the owner or actual occupant of the property, and be used in conjunction with the property's principal use. Shipping containers shall not be leased or rented. Shipping containers shall not cause an increase in traffic.

9. The removal of a shipping container may be ordered by the Town of Merton if it is determined to constitute a public nuisance. The cost for such removal shall be the responsibility of the property owner. If the property owner fails to pay for the removal, the Town of Merton may assess the cost of removal against the property.
10. All shipping containers must obtain a building permit before installation.
11. If property is located under Waukesha County Shoreland Protection Ordinance, owner must apply to Waukesha County Parks and Land Use for permission and a permit.
- (i) In residential districts, one shipping container may be permitted during construction of a new home, addition, or renovation, subject to prior approval of the Building Inspector and upon the provision to the Town of a bond. The shipping container shall be removed within 30 days of issuance of an occupancy permit and prior to releasing the bond. The failure to timely remove the shipping container shall result in the forfeiture of the bond. The Town may remove the shipping container and assess the cost of the removal against the property.

SECTION 3: The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

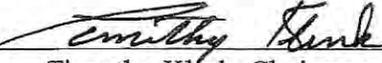
SECTION 4: Except as expressly provided in this Ordinance, all provisions of the Town Code remain in full force and effect.

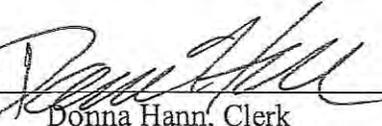
SECTION 5: All ordinances or parts of ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall take effect upon passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Merton, Waukesha County, Wisconsin this 27, day of October, 2025.

TOWN OF MERTON

By: 
Timothy Klenk, Chairman

By: 
Donna Hann, Clerk

Date Adopted 10-27-2025

Date Published 10-30-2025

Effective Date 10-30-2025

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
CONDITIONAL USE AND SITE PLAN/PLAN OF OPERATION

DATE: February 26, 2026

FILE NO: CU140 and SP293

OWNER: Lisa Love
S70 W34138 Township Road X
Eagle, WI 53119-1346

NAME OF OPERATION: At Liberty Equestrian Center, LLC

TAX KEY NO.: EGLT 1732.994.001

LOCATION:
The subject property is described as Lot 1, Certified Survey Map No. 9498, part of the SE ¼ of Section 1, T5N, R17E, Town of Eagle. More specifically, the property is located at S70 W34138 Road X and contains approximately 25.5 acres.

ZONING CLASSIFICATION:
A-5 Mini-Farm (County Shoreland), RR Rural Residential (Town of Eagle Zoning Code)

EXISTING USE: Single family residential and commercial horse boarding operation (Private Clubs and Resorts Conditional Use Permit (CUP) - Section 4(g)23)

PROPOSED USE:
Amend the existing Conditional Use for a horse boarding and training facility known as At Liberty Equestrian Center by increasing the number of horses from 15 to 20 and the addition of small classes/clinics.

PUBLIC HEARING DATE: February 4, 2026

PUBLIC REACTION: No public comment.

TOWN PLAN COMMISSION & TOWN BOARD ACTION:
On February 4, 2026, the Town of Eagle Planning and Zoning Commission and Town Board voted to recommend unanimous approval of the request, subject to several conditions incorporated below.

COMPREHENSIVE DEVELOPMENT PLAN (CDP) AND TOWN LAND USE PLAN:
The subject property is designated as Rural Density and Other Agricultural Land (5.0-9.9 acres per dwelling unit) and Other Open Lands to be Preserved pursuant to the Waukesha County Comprehensive Development Plan and Other Agricultural Lands (35-acre density) and Other Open Lands to be Preserved pursuant to the Town of Eagle Land Use Plan. The proposal complies with both plans.

STAFF ANALYSIS:
The approximately 25.7-acre property is on the eastern edge of the Town of Eagle, with approximately 860' of frontage on the north side of Town Road X. The property contains a single-family residence, an approximately 2,400 SF barn that is not included in the horse boarding operation, and an approximately 8,160 SF pole building which provides ten (10) indoor stables and an indoor riding arena. A site map showing the existing improvements is attached as Exhibit A. The subject parcel, as well as the adjacent twenty-three (23) acre parcel to the east were created via Conditional Rezone SZT-1409 in conjunction with Certified Survey Map (CSM) No. 9498. The County Board approved the rezone from the AP Agricultural Preservation District to the A-5 Mini-Farm District for the subject property and the adjacent property to the east on August 28, 2001. In addition to the vacant property to the east, other surrounding parcels are larger agricultural and/or conservancy parcels.

The property has split jurisdiction with the eastern half of the property being within Waukesha County's Shoreland zoning due to the proximity to Jericho Creek with the western half being in town zoning. The nearest residence is located approximately 1,300' to the southwest from the stables.

A Conditional Use and Site Plan/Plan of Operation for a commercial horse boarding facility was approved in 2018. The permit allowed up to 15 horses in both indoor and outdoor enclosures and permitted a new 8,160 SF pole barn which provides an indoor riding arena and ten (10) stables. The original approval did not allow special events or classes. The petitioner is proposing to amend the Conditional Use permit to increase the number of horses from 15 to 20 and to allow for small events/clinics to be held as part of the operation. The Town Code permits one (1) head of livestock per acre; therefore, no more than twenty-five (25) horses are permitted on the subject property. The additional five (5) horses will be kept in areas already housing horses. Up to five (5) additional horses could be added under the Town's livestock rules, allowing for a maximum of twenty-five (25) horses. The petitioner is proposing no more than four (4) horse training clinics per year, each to last no more than 4 days, and she does not anticipate more than 18 participants at any one time. All participants are currently boarding their horses on the subject property, so no additional horses or trailers will be on-site during the clinics. A restroom for the class participants is located within the pole barn. A nutrient management plan is on file with the Waukesha County Land Resources Division. The petitioner has a dumpster onsite for manure, which is regularly hauled off, as well. Waukesha County Land Resources has relayed that the existing nutrient management plan is sufficient for the additional horses.

The petitioner states no signage, operational, or site changes are proposed. There is existing fencing surrounding the pastures and room for 20 parking spaces, including one (1) van accessible parking space located between the existing residence and riding area/stable. The property is screened by vegetation from adjacent properties. The operation has two (2) part-time staff members, and the hours of operation will remain seven days a week from 7:00 a.m. to 8:00 p.m. with the owner or a staff member on-site 24 hours per day, every day. The petitioner states there is ample room in the parking area found on Exhibit A for all participants during the clinics.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the request, subject to the following conditions:

1. A Conditional Use Order documenting the decision made by the Town Board after recommendation from the Plan Commission and in accordance with Section 500.228 of the Town Municipal Code shall be signed and notarized by the property owner and shall be recorded in the Waukesha County Register of Deeds by the property owner or the Town Clerk **within six months** from the date of this decision. If the conditional use order is not recorded within the specified time frame, the Conditional Use is considered null and void unless a time extension is granted by the Town Board with just cause.
2. The property owner and operator are authorized to continue operating a commercial stable pursuant to the Town's zoning code and Waukesha County's Shoreland Protection Ordinance along with those residential uses authorized by the zoning regulations applicable to the zoning district in which the subject property is located. As part of the commercial stable operation, lessons for boarded horses may be conducted on a daily basis.
3. The property owner and the operator are required to accept the terms and conditions of this conditional use order in its entirety in writing, and provide said documentation to the Waukesha County Planning and Zoning Division. If the aforementioned do not sign this instrument and return it to the Town Clerk within 2 months of approval, this order is null and void. Prior to such expiration, the property owner and/or operator may request an extension to this time period and the Town Board may approve an extension with good cause.

4. The following conditions shall constitute an ongoing obligation:
 - a. The maximum number of livestock that may be kept on the subject property is twenty-five (25) unless otherwise restricted by the Waukesha County Shoreland Protection Ordinance or by the Waukesha County Department of Parks and Land Use - Land Resources Division because of the manure management limitations. This number includes livestock specifically related to the stable and all other livestock otherwise allowed by the zoning regulations.
 - b. The stable may be open every day, from 7:00 am to 8:00 pm for horse boarders.
 - c. No more than four (4) horse training clinics are permitted per calendar year. Each horse training clinic shall be no longer than four (4) days and must take place between the permitted hours of operation (7:00 a.m.-8:00 p.m.).
 - d. Ample parking shall be provided for each horse training clinic.
 - e. The petitioner shall provide and maintain sanitation, with a hand-washing station, to serve the authorized use.
 - f. Outside storage for items specifically related to the stable operation is only permitted in those areas depicted on the approved Site Plan/Plan of Operation, with a maximum of 5 horse trailers, including any trailers that belong to the property owner.
 - g. The property owner must at all times be in compliance with all applicable laws, rules, regulations or orders, and ordinances of the federal government, State of Wisconsin, Waukesha County, and Town of Eagle. This includes any conditions and/or requirements of the State Approved Building Plans for the barn and any conditions and/or requirements of the Town of Eagle Building Inspector and local Fire Chief.
 - h. The operator shall maintain registration with the Wisconsin Department of Financial Institutions.
5. Any expansion or change in use shall require issuance of a new conditional use permit pursuant to the requirements in effect at the time of application.
6. The Town Board may recommend termination and Waukesha County may terminate this conditional use order and any permit issued under such order following referral to the Plan Commission for recommendation and public hearing when (i) the use does not comply with each and every requirement of this approval; (ii) there is a change in the character of the surrounding area or of the use itself causing the use to be no longer compatible with the surrounding area, or for similar cause based upon considerations of public health, safety or welfare; or (iii) the use is abandoned in any manner for more than 12 months. The property owner may submit a written petition to the Town and the Waukesha County Planning and Zoning Division requesting termination of this approval without the need for a public hearing.
7. The property owner and operator shall allow Waukesha County and Town of Eagle staff, officials, and other authorized agents to inspect the premises indoors and outside, at any reasonable time and for any proper purpose related to the use as authorized herein with reasonable notice provided.
8. Any violation of this conditional use order or any conditional use permit issued under this order may be treated as a violation of the zoning code and/or the Waukesha County Shoreland Protection Ordinance.
9. An approved Site Plan / Plan of Operation (SPPO) must be on file at all times with the Town and Waukesha County Planning and Zoning Division.

10. The existing residence on the property shall be occupied only by the owner of the property or an employee of the horse boarding facility and their immediate family.
11. All activities on the subject property herein shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor, taking into consideration and with the understanding that certain uses are allowed with the approval of the Conditional Use Permit and Site Plan/Plan of Operation.
12. All outdoor lighting shall be for security and wayfinding purposes only and shall not cast fugitive light that would adversely affect adjacent properties.
13. The owner of the property shall be responsible for containing all horses on the property.
14. There shall be no use of a public address system, loudspeakers, or other amplified sound system at any time.
15. The owner of the property shall be responsible for maintaining fencing adequate to contain the horses on the property. Any fencing that has deteriorated or is no longer standing shall be repaired, replaced or removed. Please note a Fence Permit from the Town of Eagle may be required prior to repairs or replacement.
16. The Conditional Use Permit cannot be transferred to any future owner and/or lessee, without formal approval from the Town Board (or its designee) and the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff, which can occur without the necessity of a public hearing.
17. Additional horse stalls may be added within the existing buildings, following the issuance of a Zoning Permit from the Waukesha County Department of Parks and Land Use and a Building Permit from the Town of Eagle, without the necessity of an additional amendment to the Conditional Use/Plan of Operation Permit. Any expansion of the existing buildings to accommodate additional stalls or the construction of an additional stable building will require an amendment to the Conditional Use/Plan of Operation Permit. Any increase in the number of stalls must comply with the 25 animal maximum, as specified in Condition #4.
18. The Town Board (or its designee) and the Waukesha County Park and Planning Commission reserve the right to review any condition imposed as part of this Conditional Use, if said use becomes a problem in the area. The Town Board (or its designee) and the Waukesha County Park and Planning Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and ensure it does not become detrimental to the surrounding area without the necessity of having a public hearing. Any major change, as determined by the Town Board (or its designee) and the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff, shall follow the Conditional Use procedure as set forth in the Town of Eagle Zoning Code and Waukesha County Shoreland Protection Ordinance.
19. Subject to the Town of Eagle's Standard Conditional Use and Site Plan/Plan of Operation conditions which are as follows:
 - A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Town Plan Commission for determination.
 - B. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order, or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America, or other duly

constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a zoning or building permit, nor shall this order constitute any other license or permit required by Town ordinance or other law.

- C. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission as being in compliance with all pertinent ordinances.
- D. All buildings and grounds shall be maintained in a neat, attractive and orderly way.
- E. The property shall comply with all rules and regulations of the Town and the local fire department, including submission to routine inspections by the town staff and fire department staff.
- F. Prior to the execution of the conditional use permit, the applicant must obtain any and all approvals that must be obtained before the use may be established or the commencement of any land disturbing activity related to the approved conditional use.
- G. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the town, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the plan commission pursuant to the enforcement provisions of this Conditional Use Order, and all applicable ordinances.
- H. Any substantial change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands, or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
- I. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Town Plan Commission feels, in their sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
- J. As a condition precedent to the issuance of the conditional use permit, the owner of the subject property shall approve the issuance of this conditional use permit upon the terms and conditions described here in writing, and the petitioner is required to accept the terms and conditions of the same in its entirety in writing.
- K. **Professional Fees.** The petitioner shall, on demand, reimburse the Town of Eagle for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
- L. **Payment of Charges.** Any unpaid bills owed to the Town of Eagle by the subject property owner or his or her tenants, operators or occupants, or agents, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees

or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

- M. The Petitioner is obligated to file with the Municipal Clerk a current mailing address and a current phone number at which the Petitioner can be reached, which must be continually updated by the Petitioner if such contact information should change, for the duration of this Conditional Use Permit. If the Petitioner fails to maintain such current contact information, the Petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional permit, including proceedings to terminate this Conditional Use Permit.
- N. Should any paragraph or phrase of this Conditional Use Permit be determined by a Court to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- O. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Town Plan Commission.
- P. If the property owner/operator is a business entity, such as a limited liability company or a corporation, such entity shall for the life of the conditional use continuously maintain a registered office in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions.
- Q. The property owner shall not change the size and/or shape of the subject property by any means without the approval of the town board. If the town board determines that a proposed change is substantial regarding the overall size of the parcel and/or configuration, such change shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.
- R. This approval is given under the town's zoning code and is not to be, in any way, interpreted to abrogate any private rights other property owners may have pursuant to deed restrictions or restrictive covenants.
- S. If this conditional use terminates for any reason, the property owner is obligated to remove any improvements specifically related to the conditional use and which cannot be utilized for an approved use (i.e. A use permitted by right or a different conditional use approval).
- T. The property owner/operator agrees to allow on-site inspections, upon request, as deemed necessary by the town to ensure compliance with the terms and conditions of approval.
- U. The property owner/operator agrees to promptly reply to any written request related to a self-certification process as may be established with the town.

The petitioner currently uses the property for a commercial horse boarding operation. The proposed increase to the permitted number of horses and the addition of four (4) annual horse training clinics will provide the owner with the ability to continue using the property as permitted. Additionally, allowing up to twenty-five (25) horses instead of the requested twenty (20) will provide the owner with additional flexibility so that additional Conditional Use and Site Plan approvals are not needed should they wish to add animals up to that number in the future. With the recommended conditions, the proposal meets the standards of the Private Clubs and Resort Conditional Use.

Respectfully submitted,



Kassie Slotty
Senior Land Use Specialist

Exhibits: Exhibit A-site plan

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EXHIBIT A

Town of Eagle
Received 12/15/25



TOWNSHIP ROAD X

Property Line