

Emuddled 157-48  
PROPOSED ORDINANCE 157-49

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2  
3 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING  
4 ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN  
5 PART OF THE W ½ OF THE SW ¼ OF SECTION 31, T5N, R17E, TOWN OF EAGLE,  
6 WAUKESHA COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND  
7 PRESERVATION DISTRICT TO THE UC-UPLAND CONSERVANCY DISTRICT  
8 (ZT-1456)  
9

10  
11 WHEREAS the subject matter of this Ordinance having been approved by the Eagle Town Board  
12 on April 1, 2002, after Public Hearing, and the giving of requisite notice of said hearing, and  
13 duly referred to and considered by the Waukesha County Park and Planning Commission, and a  
14 recommendation for approval, thereon reported to the Land Use, Parks and Environment  
15 Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the  
16 Wisconsin State Statutes.  
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
19 ORDAIN that the District Zoning Map for the Town of Eagle Zoning Ordinance, adopted by the  
20 Town of Eagle on December 1, 1990, is hereby amended to conditionally rezone from the A-P  
21 Agricultural Land Preservation District to the UC-Upland Conservancy District, certain lands  
22 located in part of the W ½ of the SW ¼ of Section 31, T5N, R17E, Town of Eagle, and more  
23 specifically described in the "Staff Report and Recommendation" and map on file in the office of  
24 the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by  
25 reference (ZT-1456) and subject to the following conditions:  
26

- 27 1. The Certified Survey cannot be approved until the rezone is approved at all levels.  
28  
29 2. Additional revisions not reflected in the Engineer's Report were necessary.  
30  
31 3. The road should be identified as Little Prairie Road, not Highway "Z", and the  
32 dedication for the road right-of-way should be 33 ft. not 50 ft.  
33  
34 4. The easement shown for the Electric Company must specify the width, and should  
35 be corrected to show an easement was granted to American Transmission, not  
36 Wisconsin Electric.  
37  
38 5. The Certified Survey will be acted on subsequent to County approval of the  
39 rezone.  
40

41 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
42 this Ordinance with the Town Clerk of Eagle.  
43

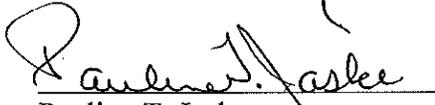
44 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
45 approval and publication.

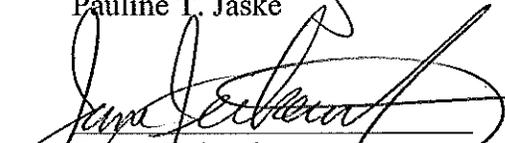
46 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of  
47 provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING  
ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN  
PART OF THE W ½ OF THE SW ¼ OF SECTION 31, T5N, R17E, TOWN OF EAGLE,  
WAUKESHA COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND  
PRESERVATION DISTRICT TO THE UC-UPLAND CONSERVANCY DISTRICT  
(ZT-1456)

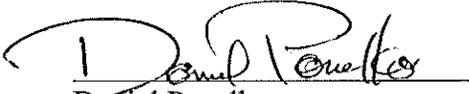
Presented by:  
Land Use, Parks, and Environment Committee

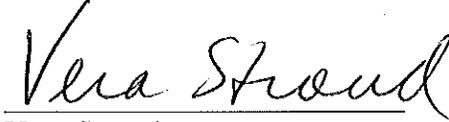
  
Walter L. Kolb, Chair

  
Pauline T. Jaske

  
James Jeskewitz

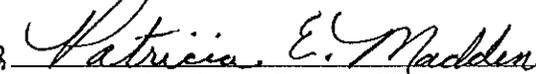
  
Scott J. Klein

  
Daniel Pavelko

  
Vera Stroud

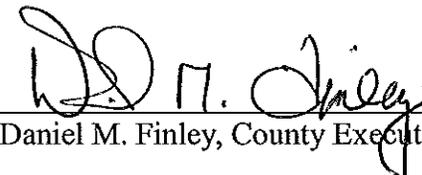
  
Matt Thomas

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

Date: September 25, 2002   
Patricia E. Madden, County Clerk

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

Approved:   
Vetoed:   
Date: 9-25

  
Daniel M. Finley, County Executive

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

**FILE NO.:** ZT-1456

**DATE:** August 6, 2002

**PETITIONER/OWNERS:** Warren and Edwin Kuhl  
W399 S11096 Little Prairie Road  
Eagle, Wisconsin 53119

**REAL ESTATE AGENT:** Ryan Zenk  
Coldwell Banker  
226 Broad Street  
Lake Geneva, WI 53147

**TAX KEY NO.:** EGLT 1851.998

**LOCATION:**

The property is located in part of the W ½ of the SW ¼ of Section 31, T5N, R17E, Town of Eagle. More specifically, the property is located at the East side of C.T.H. "Z" at W399 S11096 Little Prairie Road, containing approximately 95.47 acres, of which 8.6 acres will be rezoned.

**PRESENT ZONING:**

AP-Agricultural Land Preservation District, requiring a minimum lot size of 35 acres with a minimum average width of 600 linear feet.

**PRESENT LAND USE:**

Farmstead, including residence, barn, milk house and garage, woodland and agricultural.

**PROPOSED ZONING:**

UC-Upland Conservancy District, requiring a minimum lot area of three acres with a minimum average width of 200 linear feet.

**PROPOSED LAND USE:**

The proposed rezone of 8.6 acres in the SW ¼ of the SW ¼ of Section 31 to Upland Conservancy is to allow for a land division to separate an existing home site from an existing 95.47-acre parcel.

**PUBLIC HEARING DATE:**

April 1, 2002.

**PUBLIC REACTION:**

There was no opposition to the rezoning request, but Mr. Chris Gross, S75 W39780 Highway NN, was present and inquired as to the plans for the remaining acreage of the parcel. It was confirmed the remaining parcel would be kept in the AP-Agricultural Land Preservation District.

157-0-050

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

On June 4, 2001, the owner, Edwin Kuhl and family members were present at the Town of Eagle Plan Commission, in a meeting held jointly with the Town Board to discuss a possible rezoning of their property. The board advised the owner of Town and County requirements for divisions by Certified Survey and Subdivision Plats. Discussion followed on spot zoning and road access. Mr. Kuhl was advised to consult neighbors regarding his plans if he chooses to pursue the rezone. The possibility of making a division creating parcels of 35 acres or more was also discussed.

The Town of Eagle Plan Commission, in a meeting held jointly with the Town Board, on March 4, 2002, voted for approval to table the matter to the April 1, 2002 meeting.

The Town of Eagle Plan Commission, in a meeting held jointly with the Town Board, on April 1, 2002, recommended approval of the proposed rezoning, but made the following determinations:

1. The Certified Survey cannot be approved until the rezone is approved at all levels.
2. Additional revisions not reflected in the Engineer's Report were necessary.
3. The road should be identified as Little Prairie Road, not Highway "Z", and the dedication for the road right-of-way should be 33 ft. not 50 ft.
4. The easement shown for the Electric Company must specify the width, and should be corrected to show an easement was granted to American Transmission, not Wisconsin Electric.
5. The Certified Survey will be acted on subsequent to County approval of the rezone.

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD LAND USE PLAN:**

The Waukesha County Land Development Plan (WCLDP) designates this parcel as Rural Density Residential, Other Agricultural and Open Lands. The proposal conforms to the WCLDP. The Town of Eagle Land Use Plan indicates agricultural.

**STAFF ANALYSIS:**

The property currently has a residence, barn, milk house and garage, woodland and tillable agricultural land. Approximately 1/3 of the property consists of mature woodland and the rest is agricultural. There are four prominent soil types on the property, Warsaw, Casco, Oshtemo and Fox Series. All soil types are well drained and suitable for a residence. All soil types, except Casco are Prime Agricultural Soils. The property consists of relatively steep slopes at the house location and the adjacent wooded area; however, the topography is relatively flat where the land is used for agricultural purposes.

Adjacent zoning to the north and east is A-P, Troy Township (Walworth County) is to the south and Palmyra Township (Jefferson County) is to the west. There are wooded residential parcels directly south and west of the subject parcel, which are also surrounded by agricultural land. The existing uses south and west of the subject property both appear to be similar to the use proposed. There are two non-wooded parcels zoned A-2 to the north, which are within Waukesha County Shoreland & Protection Ordinance standards.

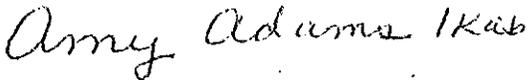
The property is 8.6 acres in size and UC (Upland Conservancy) requires three acres per dwelling unit. Any future land divisions on said property should comply with the WCLDP, which requires five acres per dwelling unit. The remaining acreage will remain in A-P zoning, 35-acre minimum.

The Town of Eagle Plan Commission and Town Board determined that the road located west of the property should be identified as Little Prairie Road, not Highway "Z" and the dedication for the road right-of-way should be 33 feet not 50 feet.

**STAFF RECOMMENDATION:**

The Planning Staff recommends approval of the rezone request. All conditions of the Town of Eagle Plan Commission and Town Board approvals should be met and the site is in conformance with the Town and County Land Use Plan.

Respectfully submitted,



Amy Adams  
Land Use Specialist

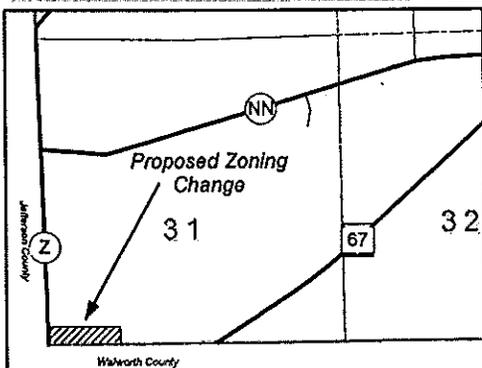
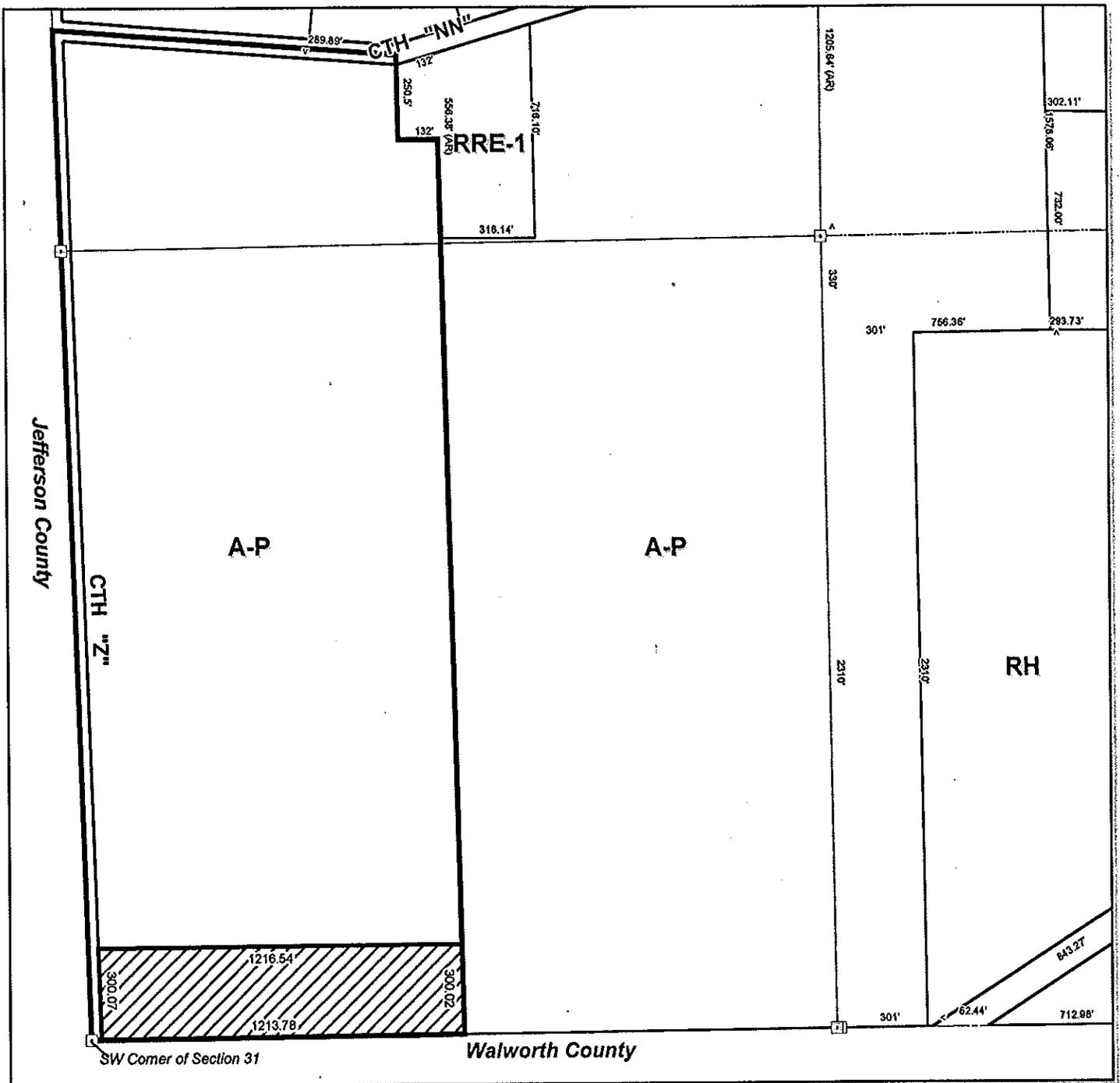
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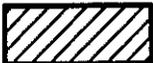
Attachments: Map

N:\PLU NEW FILE SYSTEM (IN-PROGRESS)\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1456\_ELT(KUHL).DOC

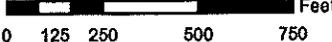
# ZONING MAP AMENDMENT

## PART OF THE SOUTHWEST 1/4 OF SECTION 31 TOWN OF EAGLE



 ZONING CHANGE FROM A-P (AG. LAND PRESERVATION DISTRICT) TO UC (UPLAND CONSERVANCY DISTRICT)

FILE.....ZT-1456  
 DATE.....8-8-02  
 AREA OF CHANGE.....8.6 ACRES  
 TAX KEY NUMBER.....EGLT 1851.998

  
 1 inch equals 500 feet  
 Feet  
 0 125 250 500 750

Prepared by the Waukesha County Department of Parks and Land Use

157-0-050

6.

ORDINANCE NO. 02-06

**AN ORDINANCE TO REZONE CERTAIN LANDS  
IN THE TOWN OF EAGLE  
WAUKESHA COUNTY, WISCONSIN**

WHEREAS, the land identified and described below is zoned Agricultural Land Preservation (A-P) and the owners, Warren and Edwin Kuhl, have requested the land to be rezoned to the Upland Conservancy (UC) District; and

WHEREAS, the Town of Eagle held a public hearing on April 1, 2002, and the Planning Commission recommended granting the petition for a rezone,

WHEREAS, the Town Board of Eagle finds as follows:

1. Adequate public facilities exist to accommodate the development which would take place on these parcels upon the requested rezone; and
2. Provision of public facilities to accommodate development will not place an unreasonable burden upon affected local units of government to provide governmental services; and
3. This land is suitable for residential dwelling units which development will not result in undue water or air pollution, soil erosion, or adversely affect natural areas;

NOW, THEREFORE, the Town Board of Eagle enacts this Ordinance and rezones the following described land in the Town of Eagle, Waukesha County, Wisconsin, to the UC District:

That part of the Southwest ¼ of the Southwest ¼ of Section 31, Town 5 North, Range 17 East, Town of Eagle, Waukesha County, Wisconsin, bounded and described as follows: beginning at the Southwest corner of the Southwest ¼ of said Section 31; thence N 1 degree 49'53" W, a distance of 300.07 feet; thence N 89 degrees 22'32" E, a distance of 1249.55 feet; thence S 1 degree 18'13" E, a distance of 300.02 feet; thence S 89 degrees 22'32" W, a distance of 1246.79 feet to the POINT OF BEGINNING; said described tract containing 374,452 square feet, more or less.

This Ordinance is subject to enactment by the Waukesha County Board of Supervisors. Enacted by the Town Board of Eagle on this 1<sup>st</sup> day of April, 2002, on Motion of Supervisor Kwiatkowski; seconded by Supervisor Malek.

APPROVED:

Donald Wilton  
Donald Wilton, Town Chairman

ATTEST:

Sally McMillan  
Sally McMillan, Town Clerk

Ayes 3  
Noes 0  
Absent 2

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/25/02

(ORD) NUMBER-1570050

1 K. HERRO.....AYE  
3 D. STAMSTA.....AYE  
5 J. MARCHESE.....AYE  
7 J. JESKEWITZ.....  
9 P. HAUKOHL.....AYE  
11 K. HARENDA.....AYE  
13 J. MORRIS.....AYE  
15 D. SWAN.....AYE  
17 J. BEHREND.....AYE  
19 M. SONNENTAG.....AYE  
21 W. KOLB.....AYE  
23 P. PRONOLD.....AYE  
25 K. CUMMINGS.....AYE  
27 D. PAULSON.....AYE  
29 M. THOMAS.....AYE  
31 V. STROUD.....AYE  
33 D. PAVELKO.....AYE  
35 C. SEITZ.....AYE

2 R. THELEN.....AYE  
4 H. CARLSON.....AYE  
6 D. BROESCH.....AYE  
8 J. DWYER.....AYE  
10 S. WOLFF.....AYE  
12 J. GRIFFIN.....AYE  
14 J. LA PORTE.....AYE  
16 R. MANKE.....AYE  
18 D. FANFELLE.....AYE  
20 M. KIPP.....  
22 G. BRUCE.....AYE  
24 A. SILVA.....AYE  
26 S. KLEIN.....AYE  
28 P. JASKE.....  
30 K. NILSON.....AYE  
32 P. GUNDRUM.....  
34 R. SINGERT.....AYE

TOTAL AYES-31

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-31