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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
5 IN PART OF THE NW ¼ OF SECTION 34, T5N, R17E, TOWN OF EAGLE,
6 FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT
7 TO THE RESIDENTIAL HOLDING DISTRICT (ZT-1470)
8

9 WHEREAS the subject matter of this Ordinance having been approved by the Eagle Town Board
10 on March 3, 2003, after Public Hearing, and the giving of requisite notice of said hearing, and
11 duly referred to and considered by the Waukesha County Park and Planning Commission, and a
12 recommendation for approval, thereon reported to the Land Use, Parks and Environment
13 Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the
14 Wisconsin State Statutes.
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
17 ORDAIN that the District Zoning Map for the Town of Eagle Zoning Ordinance, adopted by the
18 Town of Eagle on December 1, 1990, is hereby amended to conditionally rezone from the A-P
19 Agricultural Land Preservation District to the Residential Holding District, certain lands located
20 in part of the NW ¼ of Section 34, T5N, R17E, Town of Eagle, and more specifically described
21 in the "Staff Report and Recommendation" and map on file in the office of the Waukesha
22 County Department of Parks and Land Use, and made a part of this Ordinance by reference (ZT-
23 1470), is hereby approved subject to the following conditions.
24

- 25 1. Proposed 12-acre parcels that the property owners intend to create may be provided
26 access by a private easement, however, further divisions, if any, may only be created
27 if such lots are served by a public road.
28
29 2. The upland corridor on the east end of the property is protected from development
30 and preserved in its natural state by the upland corridor zoning already existing on
31 this parcel.
32

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

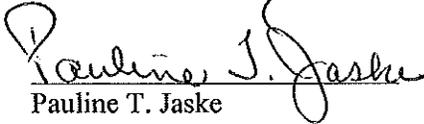
36 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
37 approval and publication.
38

39 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
40 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 NW ¼ OF
SECTION 34, T5N, R17E, TOWN OF EAGLE, FROM THE A-P AGRICULTURAL LAND
PRESERVATION DISTRICT TO THE RESIDENTIAL HOLDING DISTRICT (ZT-1470)

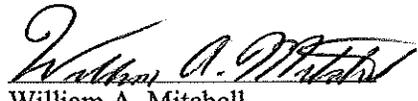
Presented by:
Land Use, Parks, and Environment Committee

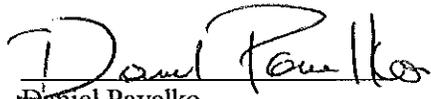

Walter L. Kolb, Chair

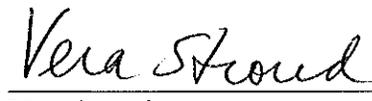

Pauline T. Jaske

Absent
James Jeskewitz


Scott J. Klein


William A. Mitchell

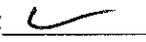
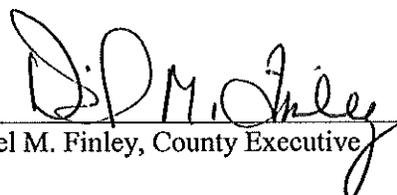

Daniel Pavelko


Vera Stroud

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

Date: July 25, 2003, 
Kathy Nickolus, County Clerk

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

Approved: 
Vetoed: _____
Date: 7-29-03, 
Daniel M. Finley, County Executive

COMMISSION ACTION

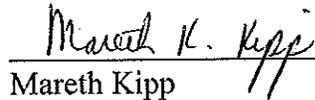
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Eagle Zoning Ordinance hereby recommends approval of ZT-1470-Addendum (Duane and Darlene Strong) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

June 5, 2003


Betty Willert, Chairperson


Vy Janusonis


Mareth Kipp


Ellen Gemrich


Walter Kolb


Joseph LaPorte

Absent
Walter Baade

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

FILE NO.: ZT-1470

DATE: June 5, 2003

PETITIONER/OWNER: Duane and Darlene Strong
N47 W27152 Greenhill Road
Pewaukee, WI 53072

TAX KEY NO.: EGLT 1862.997

LOCATION:

The property is located in part of the NW ¼ of Section 34, T5N, R17E, Town of Eagle. More specifically, this site is located at S369 W10660 Shearer Road, containing approximately 35 acres.

OTHER CONSIDERATIONS:

This matter was considered on the Waukesha County Park and Planning Commission Agenda on January 23, 2003, of which time a full Staff Report and Recommendation was submitted and the issue reviewed by the Commission and recommended for approval on that same date. Subsequently, the matter of the rezoning was forwarded to the Waukesha County Land Use, Parks and Environment Committee (LUPE), and at their meeting of February 18, 2003, the rezoning was considered and the matter tabled and returned to the Town for consideration including two conditions of rezoning which the LUPE Committee was desirous of within the Ordinance. The Committee indicated they did not have any opposition to the rezoning in general, but were concerned about future division of the larger 12-acre parcels and preservation of the Upland Corridor on the far east end of the subject site. They asked that the Town incorporate two conditions of rezoning as follows:

1. A restriction stating that the proposed 12-acre parcel is to be created and served with a private easement and be prevented from further division unless served with a public road.
2. The Upland Corridor on the east end of the property which was 310' x 650' be protected from development and preserved in its natural state.

That request was forwarded to the Town by the Planning and Zoning Division Staff in a letter dated February 20, 2003. At their meeting of March 3, 2003, the Town Board voted to include an amendment in the Ordinance to state the condition recommended by the LUPE Committee to require that any further division of the land be served with Town roads. With respect to the second recommendation to preserve the Upland Corridor in its natural state, they felt that issue was beyond their control. In a letter dated March 10, 2003, the Town felt the Upland Corridor was already protected by the Town Zoning Code since it is zoned Upland Conservancy and was not part of the zoning application. They also indicated that any building construction in an Upland Corridor under the Town's Code requires specific Site Plan approval by the Town Plan Commission to protect mature tree growth and that only two home sites would be allowed in the wooded area. Although the Ordinance does not require Plan Commission review, the Town Planner

told the Planning and Zoning Division Staff that is how the Town administers the Ordinance. They returned that matter to the Town Attorney for rewriting of the Ordinance and the final draft was finally received on May 30, 2003, by the Staff. As noted above, the one condition regarding the future land division being served by a public road is incorporated as a condition, but the second condition is not as recommended by the LUPE Committee, but it does indicate they felt it was protected from development and preserved in its natural state by the Upland Corridor Zoning District that exists on the parcel. A review of the Code provision, however, indicates that there is extra attention given to such areas in Upland Conservancy through the required submittal of additional data relative to terrain and tree growth and proposed changes in site, etc., but there is nothing in that provision that prohibits development within said corridor as may have been contemplated by the LUPE Committee in making their recommendation. It should be noted that the Staff had not included any of those comments or recommendations in its Staff Report and Recommendation of January 23, 2003.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff continues to recommend **approval** as it now has been conditioned. We feel that the condition on servicing these parcels with a public street, if they are to be divided further, is a sound policy and probably should have been incorporated in the first place. With respect to the preservation of the wooded site in its natural state, it is highly unlikely that this area will be substantially affected with home construction in that the slopes are so severe and the septic sites for the homes will be up in the top flatter open part of the property so if any intrusion into the Upland Corridor occurs on the site, it will be minimal and on the edge, rather than intruding into the middle of it and should result in a very minor amount of disturbance based upon the slopes that exist on the site. Therefore, we feel that the proposed amendment as submitted by the Town and revised by them on March 3, 2003, is appropriate.

Respectfully submitted,

Richard L. Mace/smv
Richard L. Mace
Planning and Zoning Manager

RLM:smv

N:\PLU FILES\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1470 (DUANE & DARLENE STRONG--6-5-03 P&P MEETING)_ELT.DOC

158-0-032

4.

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

FILE NO.: ZT-1470

DATE: January 23, 2003

PETITIONER/OWNER: Duane and Darlene Strong
N47 W27152 Greenhill Road
Pewaukee, WI 53072

TAX KEY NO.: EGLT 1862.997

LOCATION:

The property is located in part of the NW ¼ of Section 34, T5N, R17E, Town of Eagle. More specifically, this site is located at S369 W10660 Shearer Road, containing approximately 35 acres.

PRESENT ZONING:

A-P Agricultural Land Preservation District.

PRESENT LAND USE:

Agricultural and Woods.

PROPOSED ZONING:

Residential Holding District.

PROPOSED LAND USE:

Four lots for single-family homes, minimum five acre lot sizes.

PUBLIC HEARING DATE:

November 11, 2002.

On November 11, 2002, the Town of Eagle Plan Commission denied the initial request of rezoning the property from the A-P (Agricultural Land Preservation) to A-2 (Rural Home District) but reconsidered the request on December 2, 2002, to rezone the property from A-P (Agricultural Land Preservation) to RH (Residential Holding District) which requires a five-acre lot size whereas the original request required a three-acre lot size. Therefore, the request was not required to be republished due to the fact the revised request was less restrictive than proposed and was reconsidered on the next Plan Commission meeting.

PUBLIC REACTION:

There were three objectors to the proposal: (1) comments vary from concerns about additional wells impact in the surrounding area; (2) concerns about additional residences with possible flooding to adjacent properties due to the topography; and (3) possible future land divisions without adequate public road servicing future lots.

158-0-032

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Eagle Plan Commission, on December 2, 2002, recommended approval of the proposed rezoning, subject to the lots being a minimum of five acres in size. The Town of Eagle Board, on December 2, 2002, concurred with the Town Plan Commission's recommendation.

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

The Waukesha County Land Development Plan (WCLDP) designates this parcel as Rural Density Residential and Other Agricultural and Open Space, which permit densities of one unit per five acres. The proposal conforms to the WCLDP. The Town of Eagle Land Use plan designates this parcel as Transitional Agricultural (Medium Density Residential) permitting densities from one unit per three or five acres. This proposal conforms to the Town of Eagle's Land Use Plan.

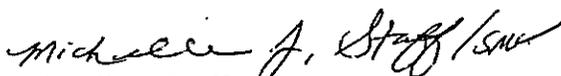
OTHER CONSIDERATIONS:

The property in question is approximately 35 acres in size with the present use as agricultural with environmental corridor located in the rear of the lot. There are three prominent soils types on the property: Warsaw, Miami and Casco. The lands to the north of the subject property are large residential estate-type lots and to the west are developed with three-acre residential lots. Lands to the south and east are farmlands and wooded glacial moraines. From the west to the east the property contains, gently sloped glacial outwash to a heavily wooded glacial ridge with great relief. This very steep heavily wooded slope is identified on the Southeastern Wisconsin Regional Planning Commission and the County Development Plan as a primary environmental corridor. This ridge and wooded area occupies the far east section of the site and should be protected. The petitioner is proposing to split the 35 acres lot into four lots: two 5-acre lots and two 12-acre lots. The two 12-acre lots will be without public road access and will be serviced by a 66' wide easement. The Town of Eagle has indicated that they have adequate public facilities to accommodate the development and the development will not place an unreasonable burden upon affected local units of government to provide governmental services.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposals conform with the Waukesha County Board adopted Land Use Plan and the Town of Eagle adopted Land Use Plan.

Respectfully submitted,

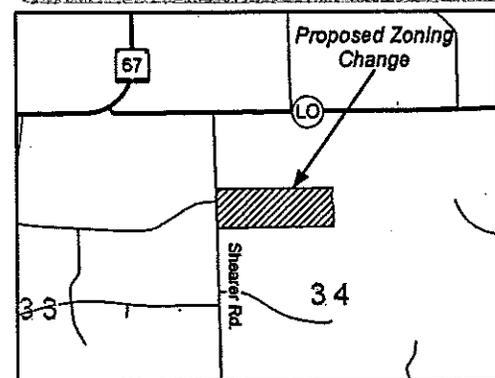
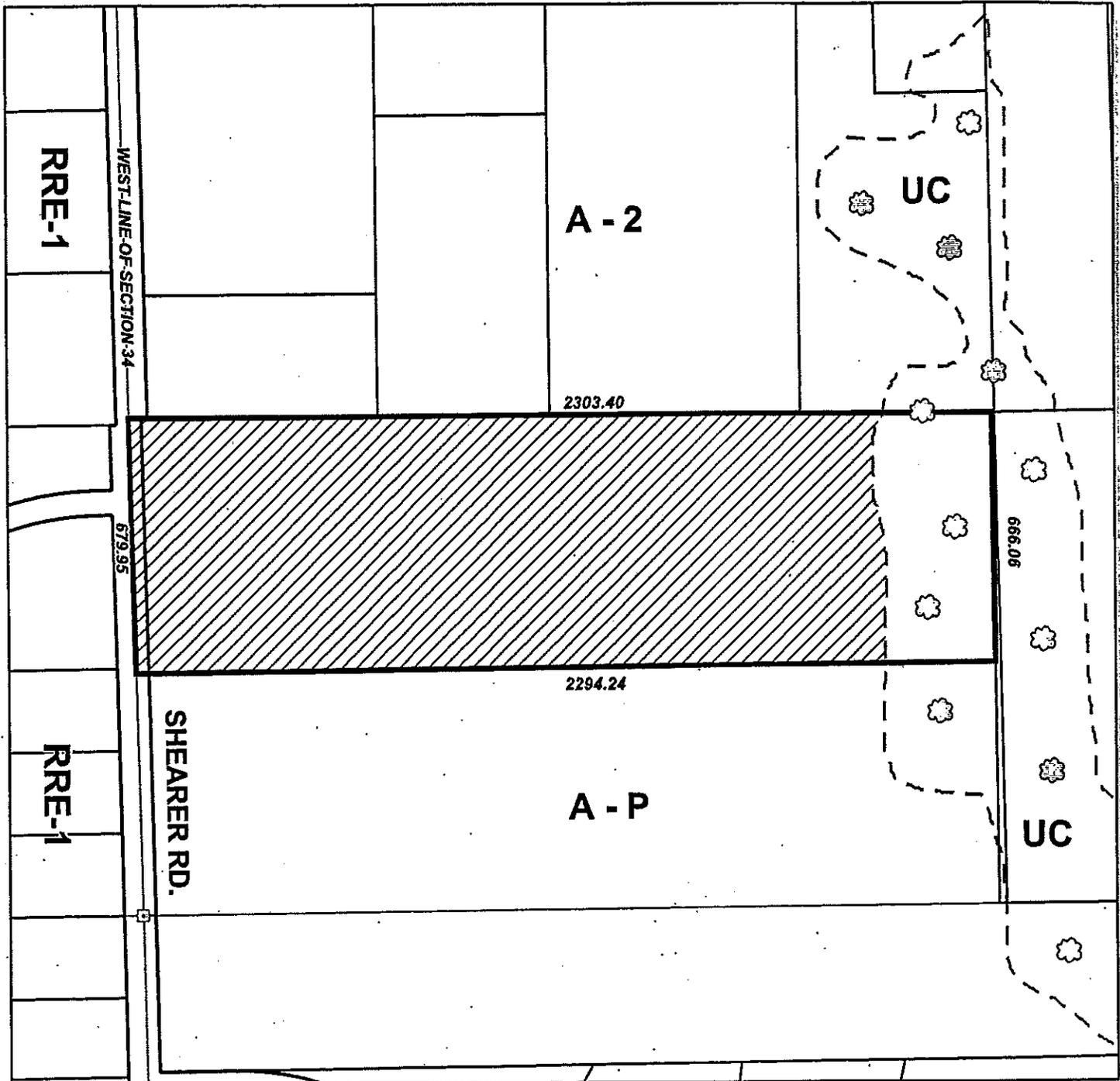

Michelle J. Staff
Senior Land Use Specialist

MJS:KM/smv

Attachments: Map

ZONING MAP AMENDMENT

PART OF THE NORTHWEST 1/4 OF SECTION 34
TOWN OF EAGLE



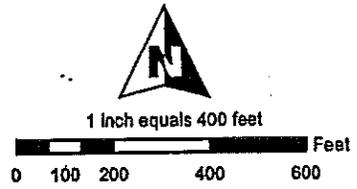
 TOWN ZONING CHANGE FROM A-P (AG. PRESERVATION) TO RH (RESIDENTIAL HOLDING DISTRICT)

FILE.....ZT-1470

DATE.....1-23-02

AREA OF CHANGE.....30.9 ACRES

TAX KEY NUMBER.....EGLT 1862.997



Prepared by the Waukesha County Department of Parks and Land Use

158-0-032

7.

ORDINANCE NO. 03-05AN 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, Duane and Darlene Strong have requested the land be rezoned to the Residential Holding (RH) District; and

WHEREAS, the Town of Eagle held a public hearing on November 11, 2002 and the Planning Commission recommended granting the rezone application:

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;
2. Provision of public facilities to accommodate development will not place an unreasonable burden upon affected local units of government to provide governmental services;
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 other natural areas;

NOW THEREFORE, the Town of Eagle enacts this ordinance and rezones the following described land in the Town of Eagle, Waukesha County, Wisconsin to the RH, Residential Holding District:

A tract of land in the Northwest $\frac{1}{4}$ of Section 34, Township 5 North, Range 17 East, in the Town of Eagle, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the West $\frac{1}{4}$ of said section; thence North $00^{\circ} 01'32''$ East for a distance of 646.80 feet, along the West line of said $\frac{1}{4}$ Section to the point of beginning; thence North $00^{\circ} 01'32''$ East for a distance of 679.95 feet, continuing along said West line to a point; thence South $89^{\circ} 09'43''$ East for a distance of 2303.40 feet, along an existing fence line to a point; thence South $00^{\circ} 48'02''$ West for a distance of 666.06 feet, along an existing fence line to a point;; thence North $89^{\circ} 30'26''$ West for a distance of 2294.23 feet to the point of beginning.

Proposed 12-acre parcels that the property owners intend to create may be provided access by a private easement, however, further divisions, if any, may only be created if such lots are served by a public road.

The upland corridor on the East end of the property is protected from development and preserved in its natural state by the upland corridor zoning already existing on this parcel.

This ordinance is subject to enactment by the Waukesha County Board of Supervisors.

Adopted by the Town Board of Eagle on the 3 day of March, 2003
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

EO 158-33

V

DATE-07/22/03

(ORD) NUMBER-1580032

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....NAY
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....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 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....NAY
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-33

TOTAL NAYS-02

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-35