

ENROLLED ORDINANCE 164-13

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING
ORDINANCE BY AMENDING THE CONDITIONS OF ENROLLED ORDINANCE
NO. 162-114 (SZT-1669) FOR CERTAIN LANDS LOCATED IN PARTS
OF SECTION 1, T5N, R17E, TOWN OF EAGLE (SZT-1669A)

WHEREAS the subject matter of this Ordinance having been approved by the Eagle Town Board on April 6, 2009 after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval was made, which was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Sections 60.61 and 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Eagle Zoning Ordinance, adopted by the Town of Eagle on December 1, 1990, is hereby amended to reflect changes in the conditions of Enrolled Ordinance No. 162-114 (SZT-1669) for certain lands located in parts of Section 1, T5N, R17E, Town of Eagle, and more specifically described in the “Staff Report and Recommendation” and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (SZT-1669A), subject to the following conditions:

1. A restriction that the lands south east of the railroad tracks not be developed for commercial or industrial use until an approved access is provided from either Road X or from over the railroad tracks, and;
2. A 500 ft. “no disturbance” buffer be maintained from any development to the Jericho Creek, and;
3. An additional 100 ft. wide “no build” buffer area be maintained along the eastern most property line as proposed by Waukesha County staff and be labeled as such provided in Exhibit “A”
4. Compliance with WDNR 216, Wis. Admin. Code shall be adhered to, and;
5. Compliance with WDNR 151, Wis. Admin. Code shall be adhered to, such that overall development with regard to infiltration shall exceed WDNR 151, Wis. Admin. Code, and will approach pre-settlement conditions, and;
6. Compliance with Town of Eagle Storm Water Regulations shall be adhered to, and;
7. Smaller more localized wet detention ponds will be utilized to minimize thermal impacts, and;
8. The property owner shall grant access to SEWPRC staff to allow continued or expanded creek monitoring and sampling, and;

9. Adequate public facilities shall be provided to accommodate the development which would take place on these parcels requested for rezoning, and;
10. Provided that if improvements such as roads, electricity, gas, and communication services are not commenced within 5 years of the original and if construction drawings are not submitted to the Town Engineer as of March 6, 2011, the property shall revert back to agricultural zoning (in keeping with its current land use) at the discretion of the Town Board, and after proper notice and a public hearing are convened, and;
11. Provided that public facilities to accommodate development shall not place an unreasonable burden upon affected local units of government to provide governmental services.

BE IT FURTHER ORDAINED that the lands located to the west of S.T.H. 59 and located in part of Section 1, T7N, R17E, Town of Eagle be rezoned to the RRE-1 Residential Rural Estate District subject to the following:

Compliance with all requirements of the RRE-1 zoning district and the Land Division Ordinance

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

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

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

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NO. 162-114 (SZT-1669) FOR CERTAIN LANDS LOCATED IN PARTS
OF SECTION 1, T5N, R17E, TOWN OF EAGLE (SZT-1669A)

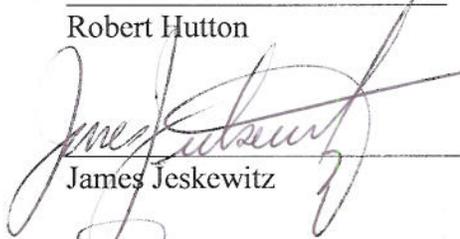
Presented by:
Land Use, Parks, and Environment Committee

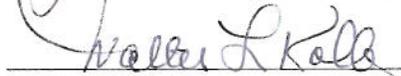

Fritz Ruf, Chair

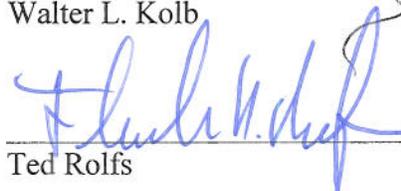

Janel Brandtjen

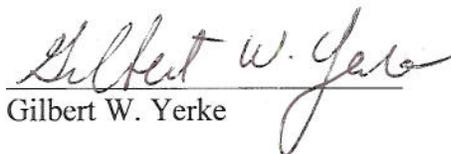
< ABSENT >

Robert Hutton


James Jeskewitz


Walter L. Kolb

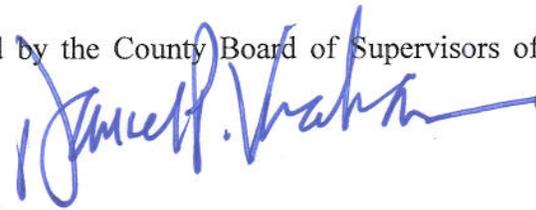

Ted Rolfs


Gilbert W. Yerke

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

Date: May 29, 2009 
Kathy Nickolaus, County Clerk

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

Approved: 5-29-09 
Vetoed: _____
Date: _____
Daniel P. Vrakas, County Executive

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

DATE: April 23, 2009

FILE NO: SZT-1669A

PETITIONER: Camtec, Inc.
c/o Diane Zakrzewski
W309 S4860 Commercial Drive
North Prairie, WI 53153

TAX KEY NO: EGLT 1732.999.001

LOCATION OF PROPERTY:

The property is located in parts of Section 1 of the Town of Eagle, containing approximately 210.3 acres. The portion of the land rezoned to the RRE-1 Rural Residential Estate District is located on the west side of S.T.H. 59. The portion on the east side is rezoned to the M-1 Limited Industrial District. It is east of S.T.H. 59 and on both sides of the Wisconsin Southern Railroad right-of-way.

PRESENT ZONING:

RRE-1 Residential Rural Estate District, permitting 3-acre lot sizes on the west side of S.T.H. 59 and M-1 Limited Industrial District and a small amount of C-1 Conservancy District on the far southeast corner of the site, east of S.T.H. 59, subject to conditions outlined in Enrolled Ordinance 162-114.

PRESENT LAND USE:

Agricultural.

PROPOSED ZONING:

Modification to Condition No. 10 of the Enrolled Ordinance No. 162-114, which has a requirement that improvements to the property need to commence within three years of the date of that approval, which was March 25, 2008.

PROPOSED LAND USE:

Residential subdivision west of S.T.H. 59 and a light industrial park on the east side of S.T.H. 59.

PUBLIC HEARING DATES:

April 6, 2009.

PUBLIC REACTION:

No one from the public was present. There were a few questions regarding the timing of the project from the Plan Commissioners.

TOWN PLAN COMMISSION:

The Town of Eagle Plan Commission on April 6, 2009 recommended to the Town Board that the extension of time be approved for 5 years from the date of the original approval and that the construction drawings had to be submitted to the Town Engineer by March 6, 2011. Failure to accomplish this will result in the property reverting back to agricultural zoning after proper notice and due consideration by the Town Board.

164-0-013

4.

TOWN BOARD ACTION:

The Town of Eagle Board unanimously adopted the recommendation of the Plan Commission on April 6, 2009.

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

Compliance with the County Development Plan indicates the lands to the west of S.T.H. 59 are designated in the Suburban II Density Residential Category, (3.0 to 4.9 acres per dwelling unit) and the lands to east of S.T.H. 59 designated in the Industrial Category, west of the tracks and industrial in the future, if and when, a road connection can be made across the railroad tracks or from the south to Road X. These designations have been provided in the Village of North Prairie Land Use Plan, which was adopted in 2006 and incorporated into the County's Development Plan. The proposed zoning, as conditioned, does comply with the recommendations contained in that Plan.

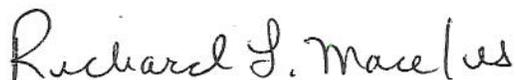
OTHER CONSIDERATIONS:

The proposed modification of this previous conditional rezoning is based upon the downturn in the economy and the fact that very little, if any, development is occurring in the community. As a result of those economic conditions, the petitioner requested that the time requirements imposed in 2008 be revised so that the original time frame, which was three years from the Board's approval of March 20, be extended to five years. Accordingly, the Town has approved an extension of those original time frames and requires the construction drawings be submitted by March 6, 2011. Furthermore, the roads, electricity, gas and other infrastructure needs of the project shall be commenced within five years of the original March 2008 deadline.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the request be **approved**. We feel there is no compelling reason not to extend the time limit from the original requirement of three years to five years and to require the construction drawings for the project to be in the hands of the Town by March 2011. The land will continue to be farmed until the project is ready for development. We feel this is a reasonable modification amendment to the original request and accordingly recommend its approval.

Respectfully submitted,



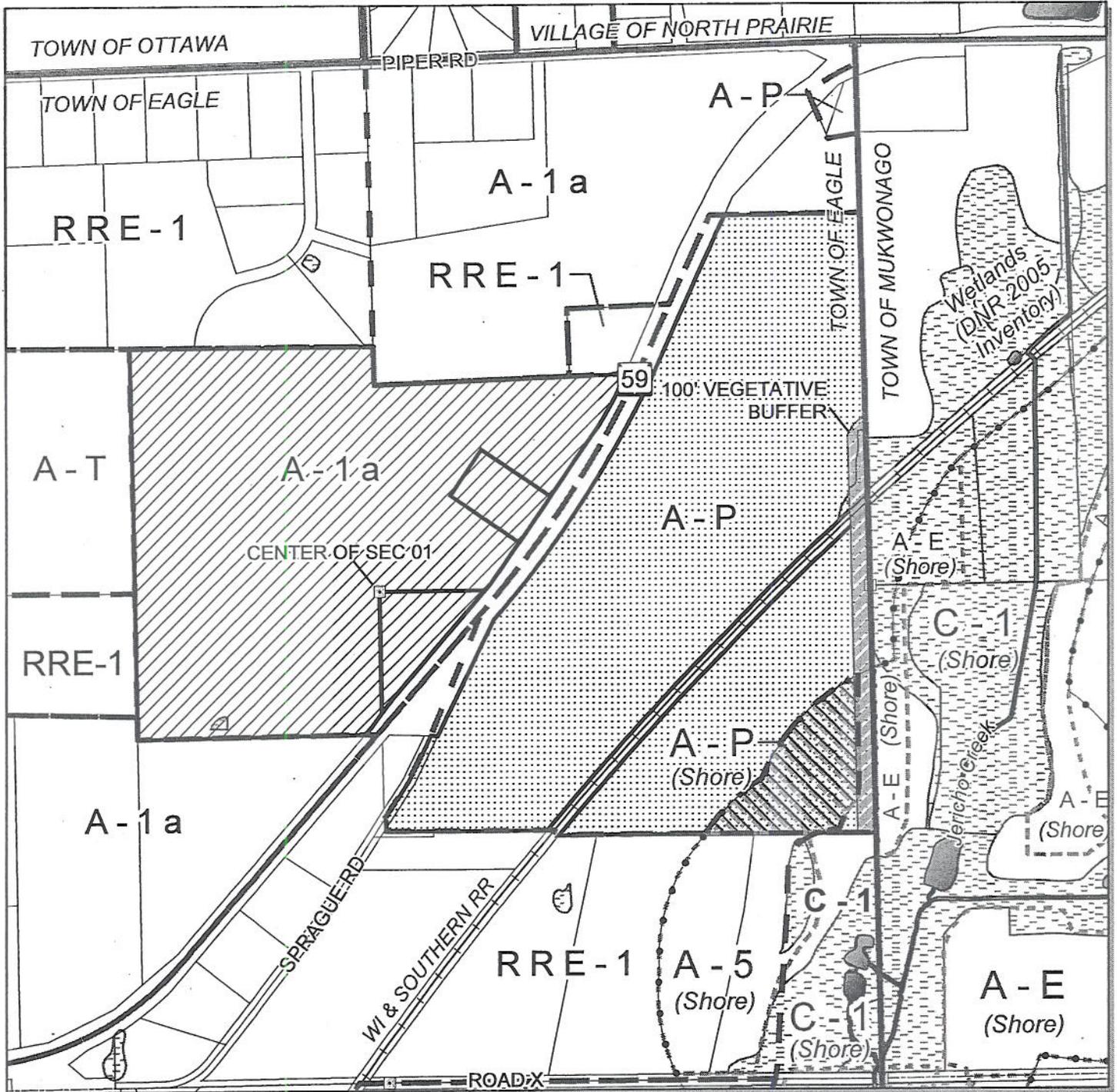
Richard L. Mace
Planning and Zoning Manager

RLM:es

Attachments: Town Ordinance
Map

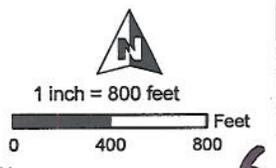
ZONING MAP AMENDMENT

PART OF SECTION 01
TOWN OF EAGLE



	TOWN ZONING CHANGE FROM A-P AGRICULTURAL LAND PRESERVATION TO M-1 LIMITED INDUSTRIAL (123.7 AC)
	TOWN ZONING CHANGE FROM A-1a AGRICULTURAL TO RRE-1 RESIDENTIAL RURAL ESTATE (94.0 AC)
	SHORELAND ZONING CHANGE FROM A-P AGRICULTURAL LAND PRESERVATION TO M-1 LIMITED INDUSTRIAL (8.5 AC)
FILE.....	SZT-1669A
DATE.....	04-23-09
AREA OF CHANGE.....	217.7 ACRES
TAX KEY NUMBERS....	EGLT 1732.998, .999.001 & 1729.996

Prepared by the Waukesha County Department of Parks and Land Use



164-0-013

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/26/09

(ORD) NUMBER-1640013

1 D. FALSTAD.....AYE
3 R. HUTTON.....AYE
5 J. JESKEWITZ.....AYE
7 P. HAUKOHL.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....AYE
13 P. DECKER.....AYE
15 P. MEYERS.....AYE
17 J. TORTOMASI.....AYE
19 S. WIMMER.....AYE
21 W. ZABOROWSKI.....AYE
23 J. PLEDL.....AYE
25 G. YERKE.....

2 T. ROLFS.....AYE
4 J. DWYER.....AYE
6 J. BRANDTJEN.....AYE
8 T. SCHELLINGER....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 B. MORRIS.....AYE
16 D. PAULSON.....AYE
18 K. CUMMINGS.....AYE
20 P. JASKE.....AYE
22 P. GUNDRUM.....
24 W. KOLB.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23