

ENROLLED ORDINANCE 162-114

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PARTS OF SECTION 1, T5N, R17E, TOWN OF EAGLE, FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT (COUNTY AND TOWN) AND THE A-1A AGRICULTURAL DISTRICT (TOWN) TO THE M-1 LIMITED INDUSTRIAL DISTRICT (COUNTY AND TOWN) AND RRE-1 RESIDENTIAL RURAL ESTATE DISTRICT (TOWN) AND C-1 CONSERVANCY DISTRICT (COUNTY) (SZT-1669)

WHEREAS the subject matter of this Ordinance having been approved by the Eagle Town Board on March 3, 2008, 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, thereon 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 conditionally rezone from the A-P Agricultural Land Preservation District (County and Town) and the A-1a Agricultural District (Town) to the M-1 Limited Industrial District (County and Town) and C-1 Conservancy District (County) certain lands located in parts of Section 1, T5N, R17E, Town of Eagle, east of S.T.H. 59 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-1669), 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 shall be adhered to, and;
5. Compliance with WDNR 151 shall be adhered to, such that overall development with regard to infiltration shall exceed WDNR 151, 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 3 years of this approval by Waukesha County, 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.

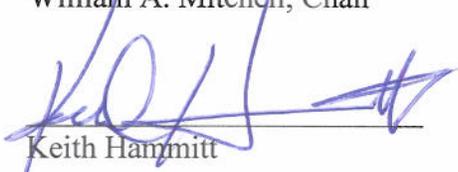
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

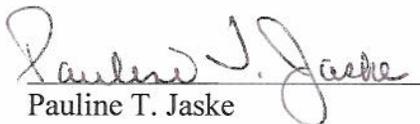
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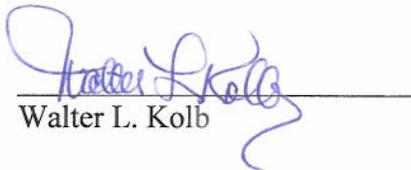
Presented by:  
Land Use, Parks, and Environment Committee

  
\_\_\_\_\_  
William A. Mitchell, Chair

  
\_\_\_\_\_  
Keith Hammitt

Vacant  
\_\_\_\_\_  
Keith Harenda

  
\_\_\_\_\_  
Pauline T. Jaske

  
\_\_\_\_\_  
Walter L. Kolb

Vacant  
\_\_\_\_\_  
Vera Stroud

  
\_\_\_\_\_  
Peter M. Wolff

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

Date: 3/31/08,   
\_\_\_\_\_  
Kathy Nickblaus, County Clerk

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

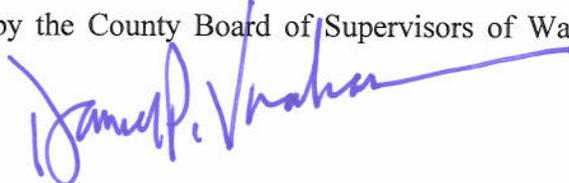
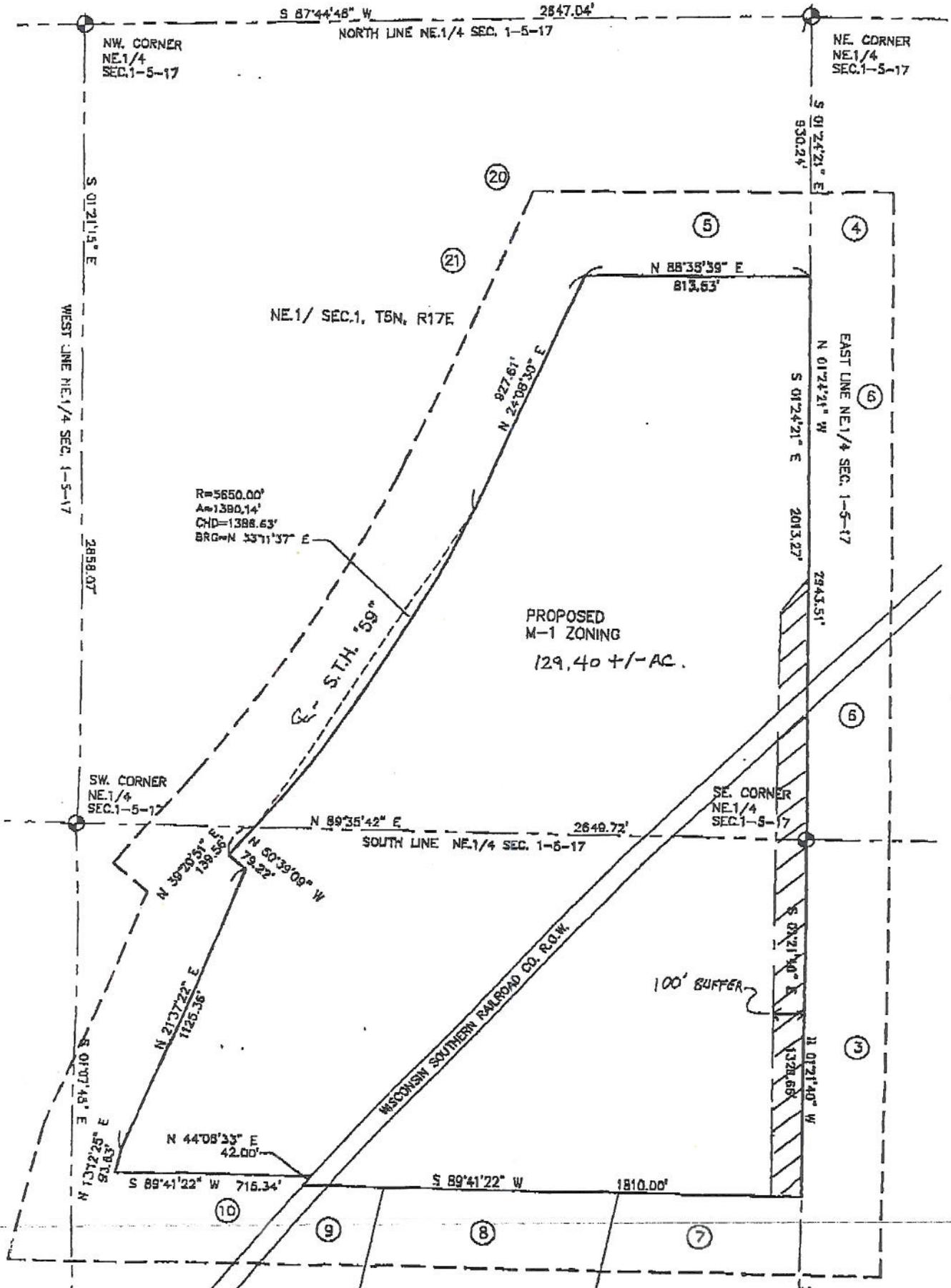
Approved: X  
Vetoed: \_\_\_\_\_  
Date: 3-31-08,   
\_\_\_\_\_  
Daniel P. Vrakas, County Executive

EXHIBIT "A"



11.

**ATTACHMENT "B"**

RECEIVED

MAR 5 2008

Legal Description - Lands Requested to be Rezoned RRE-1 3 Acre Residential

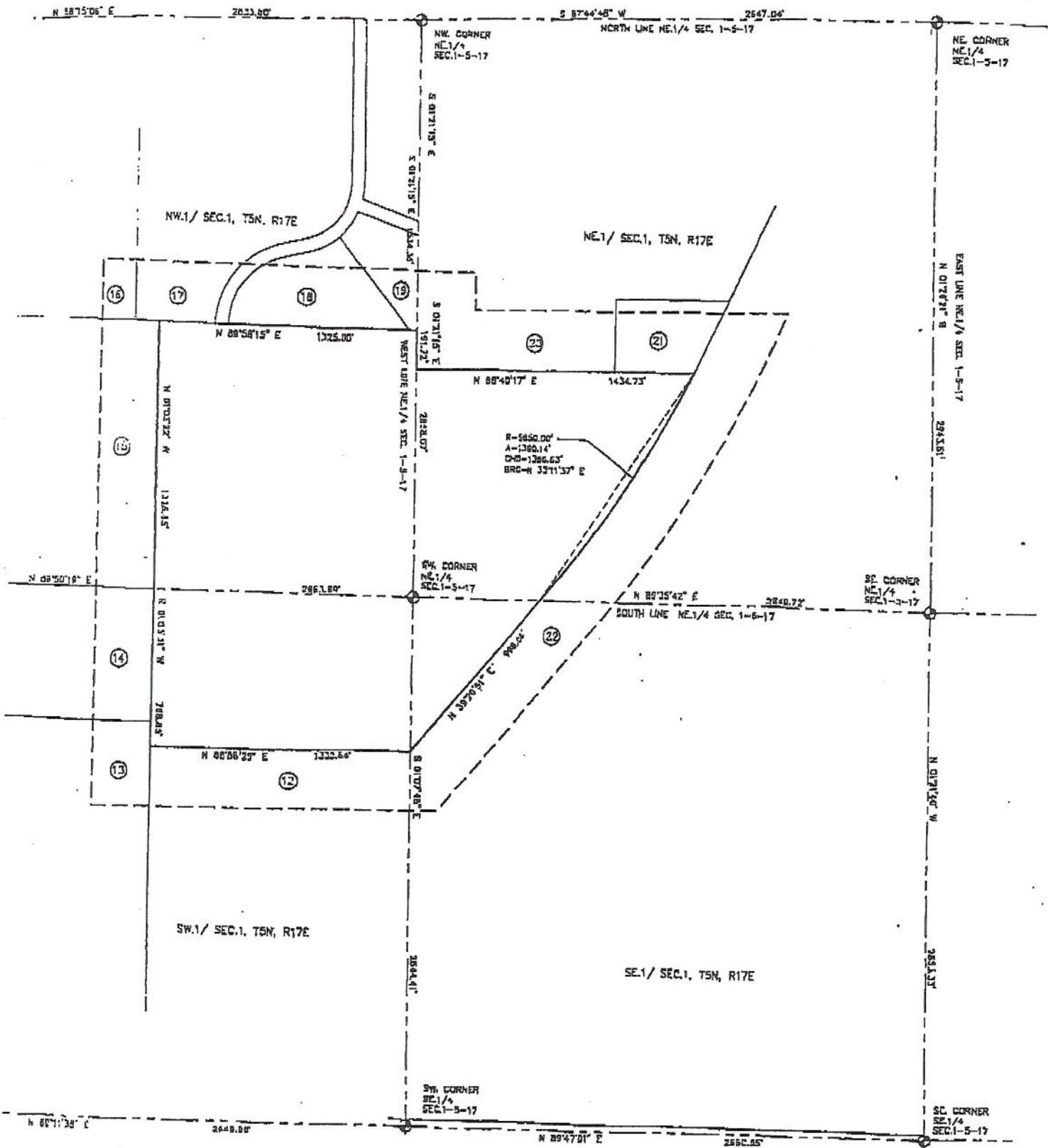
DEPT OF PARKS & LAND USE

All that part of the Northeast Quarter (NE 1/4), Southeast Quarter (SE 1/4), Southwest Quarter (SW 1/4) and Northwest Quarter (NW 1/4) of Section 1, Town 5 North, Range 17 East, Town of Eagle; Commencing at the northwest corner of the Southeast Quarter (SE 1/4) of Section 1; thence South 01°07'48" East 768.00 feet ± to a point in the center of STH "59"; thence South 88°56'29" West along an existing fence line 1332.64 feet ± to the west 1/8 line; thence North 01°03'31" West along said 1/8 line 788.85 feet ±; thence North 01°03'22" West along the 1/8 line 1326.65 feet to the south line extended of Piper Estates; thence North 89°58'15" East along said south line and its extension 1325.00 feet ± to the north quarter line of said Section 1; thence South 01°21'15" East along said Quarter line 191.72 feet ±; thence North 88°40'17" East 1434.73 feet ± to the centerline of STH "59"; thence Southerly 1390.14 feet ± along said centerline and the arc of a curve of radius 5650.00 feet ±, chord bears South 33°11'37" West more or less 1386.63 feet ±; thence continuing on said centerline South 39°20'51" West 998.86 feet ± to the point of beginning. Containing a gross area 4,272,075 square feet or 98.0733 acres of land. Excepting therefrom all lands within the State of Wisconsin Highway 59 Right-of-Way and further excepting Parcel 1 of Certified Survey Map No. 6719 recorded in Volume 56 of Certified Survey Maps on Pages 104-107 as Document No. 1723091.

MAR 5 2008

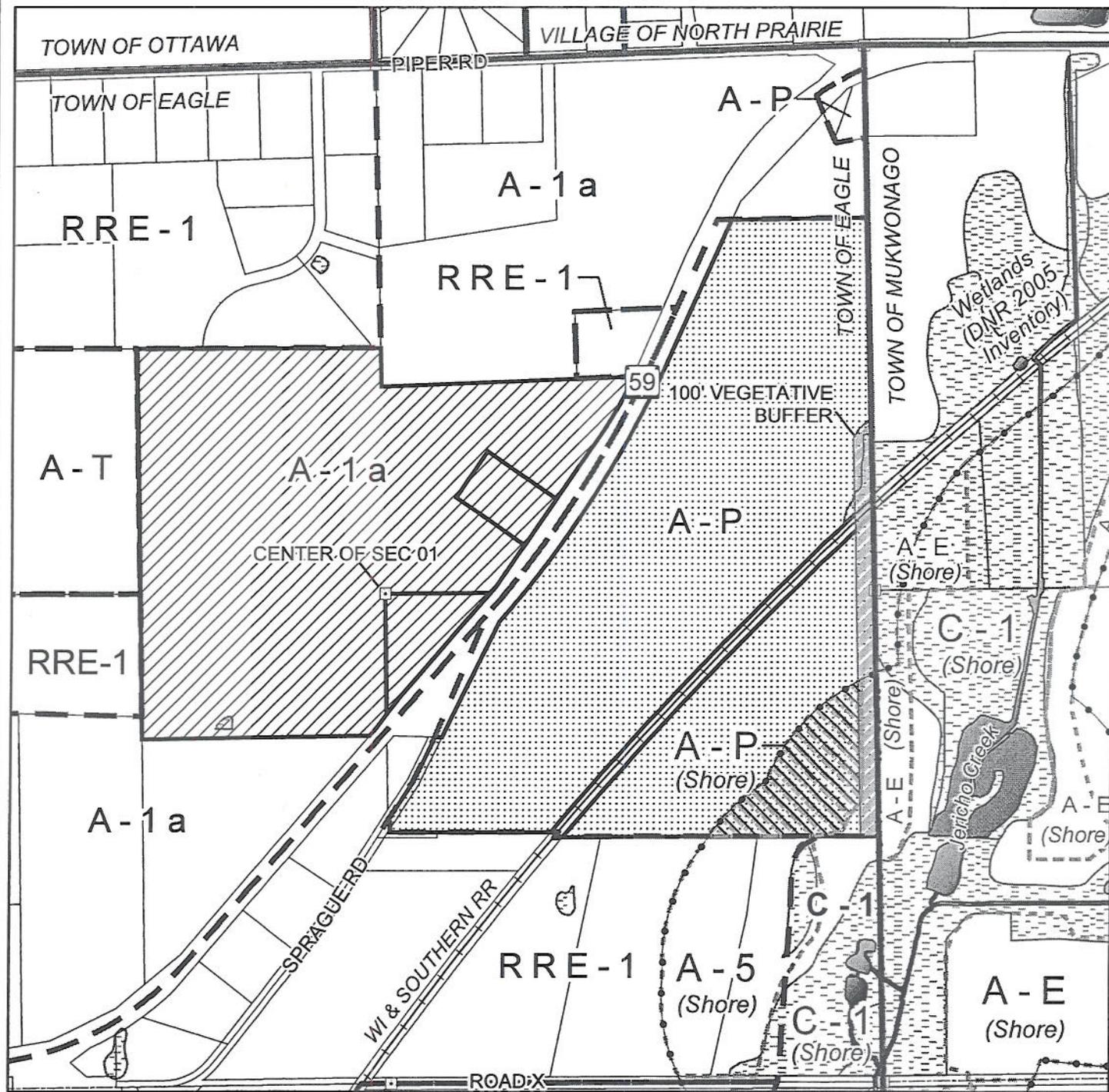
EXHIBIT "B"

DEPT OF PARKS & LAND USE



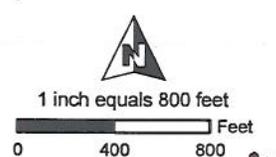
# ZONING MAP AMENDMENT

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-1669  
 DATE.....03-06-08  
 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

162-0-114

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-03/25/08

(ORD) NUMBER-1620114

- 1 K. HERRO.....AYE
- 3 T. ROLFS.....
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 VACANT.....
- 13 J. HEINRICH.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 J. TORTOMASI.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 T. BULLERMANN.....AYE
- 31 V. STROUD.....
- 33 K. HAMMITT.....AYE
- 35 P. MEYER.....AYE

- 2 R. THELEN.....AYE
- 4 R. HUTTON.....
- 6 D. FARRELL.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....
- 12 T. SCHELLINGER....AYE
- 14 S. WIMMER.....AYE
- 16 R. STEVENS.....AYE
- 18 B. MORRIS.....AYE
- 20 P. WOLFF.....AYE
- 22 G. BRUCE.....AYE
- 24 J. VITALE.....
- 26 F. RUF.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-28

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-28