

ENROLLED ORDINANCE 174-092

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING CODE BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
SE ¼ OF SECTION 11, T5N, R17E, TOWN OF EAGLE, WAUKESHA COUNTY,
WISCONSIN, FROM THE RURAL RESIDENTIAL (RR) DISTRICT
TO THE PUBLIC P-1 DISTRICT (RZ58)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Eagle Town Board on February 3, 2020; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Eagle Zoning Code, adopted by the Town of Eagle on March 31, 2017, is hereby amended to conditionally rezone from the Rural Residential (RR) District to the Public P-1 District, certain lands located in part of the SE ¼ of Section 11, T5N, R17E, Town of Eagle, Waukesha County, Wisconsin, 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 RZ58, is hereby approved subject to the following conditions:

1. The proposed map amendment is consistent with the town's comprehensive plan, including the future land use map.
2. The lot and the structures on the subject property conform to the dimensional standards that apply to the proposed zoning district.

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.

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CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
SE ¼ OF SECTION 11, T5N, R17E, TOWN OF EAGLE, WAUKESHA COUNTY,
WISCONSIN, FROM THE RURAL RESIDENTIAL (RR) DISTRICT
TO THE PUBLIC P-1 DISTRICT (RZ58)

Presented by:
Land Use, Parks, and Environment Committee



David D. Zimmermann, Chair

absent
Kathleen M. Cummings


Keith Hammitt



William A. Mitchell

absent
Thomas J. Schellinger


Steve Whittow


Chuck Wood

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

Date: 3/30/2020, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____
Date: 3/30/2020, 
Paul Farrow, County Executive

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

FILE NO: RZ58
TAX KEY NUMBER: EGLT 1772.998
DATE: February 20, 2020
PETITIONER/OWNER: John Skatrud
N6 W30191 Bryn Dr.
Waukesha, WI 53188

LOCATION:
Part of the SE ¼ of Section 11, T5N, R17E, Town of Eagle. More specifically the property is located at W351 S7510 Hwy 59, containing approximately 1.5 acres.

EXISTING LAND USE:
Former school.

PROPOSED LAND USE:
School.

EXISTING ZONING:
Rural Residential (RR) District (Town).

PROPOSED ZONING:
Public P-I District (Town).

PUBLIC HEARING DATE:
January 6, 2020, continued on February 3, 2020.

PUBLIC REACTION:
A member of the audience expressed concern and did not feel it was appropriate to remove this parcel from the tax roll. The petitioner clarified that the school is for-profit and will be paying taxes. Commissioner Mommaerts noted that her neighbor, who formerly owned the school, was in support of the school re-opening. There was another question about the conservancy area on the south part of the property. The Town Planner clarified that the UC Upland Conservancy designation would remain on that part of the property.

TOWN PLAN COMMISSION ACTION:
At their meeting of February 3, 2020, the Town of Eagle Plan Commission recommended conditional approval of the proposed rezoning to the Town Board.

TOWN BOARD ACTION:
At their meeting of February 3, 2020, the Town of Eagle Board unanimously approved the proposed rezoning with conditions (see Town Ordinance).

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF EAGLE COMPREHENSIVE PLAN:

Commercial and Office Park (County), Governmental-Institutional (Town). The town recently amended the designation of this property, while the county has not received an application to amend its designation. A for-profit private school is considered compatible with both categories. Areas of environmental corridor will remain unchanged.

STAFF ANALYSIS:

The petitioner is seeking to rezone the subject property to allow for a private school to occupy a historic schoolhouse that has recently been utilized as a daycare facility. Schools are not permitted within the RR District, whereas schools are provided for within the P-1 District. A related text amendment was recently approved by the town and is pending county approval to clarify that both public and private schools are permissible within the district. The petitioner would like to operate a one-room schoolhouse in a historic structure that was the last operating one-room school house in the State of Wisconsin.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the proposed rezoning subject to the following conditions imposed by the Town:

1. The proposed map amendment is consistent with the town's comprehensive plan, including the future land use map.
2. The lot and the structures on the subject property conform to the dimensional standards that apply to the proposed zoning district.

The re-use of this historic schoolhouse for uses similar to its original use provides the community with a unique educational option.

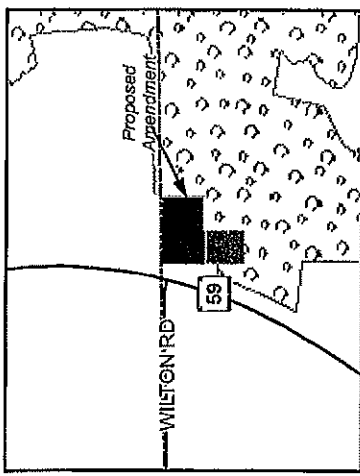
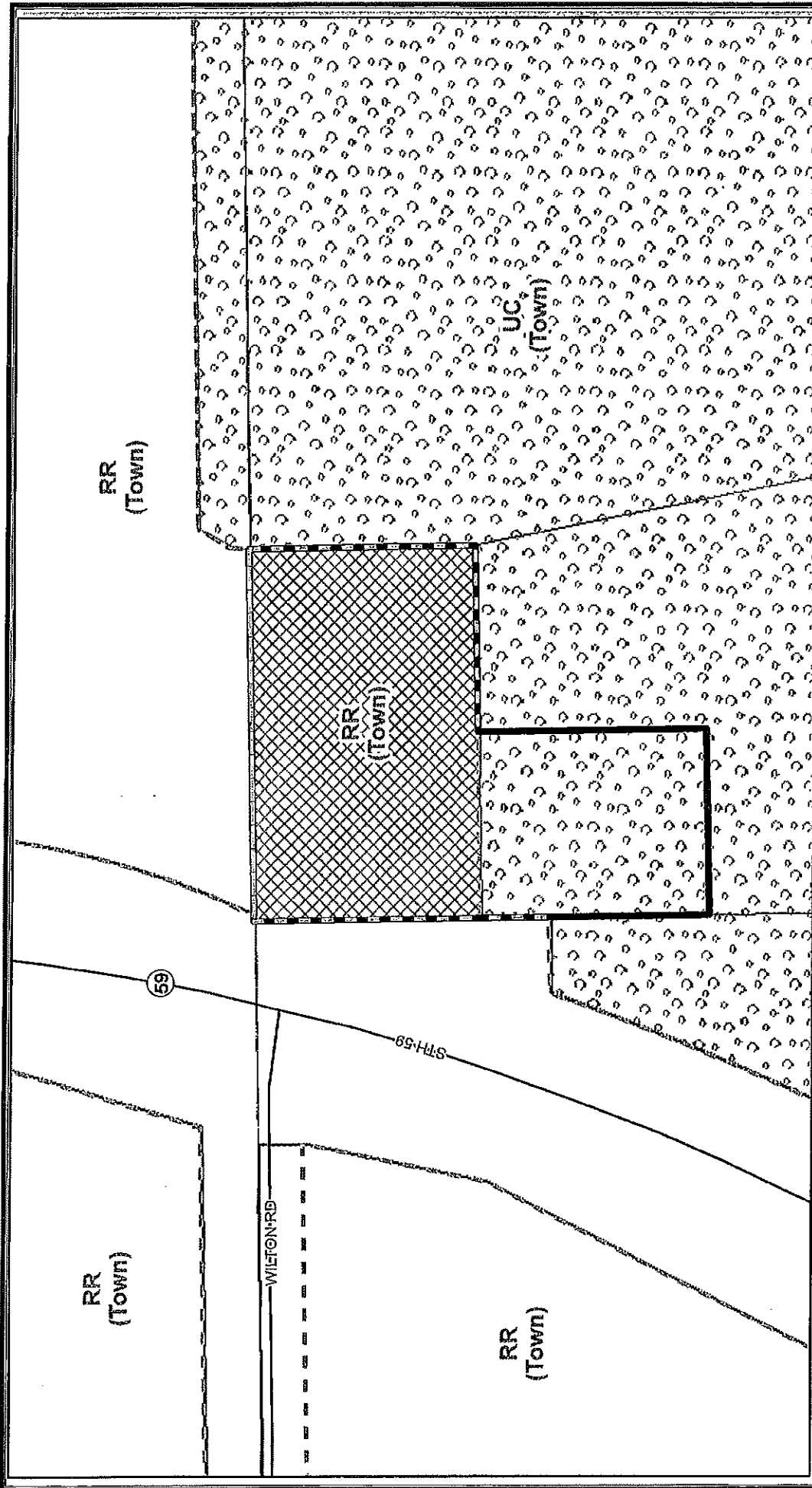
Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Map
Town Ordinance No. 2020-03

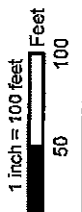
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CONDITIONAL TOWN ZONING CHANGE FROM RR RURAL RESIDENTIAL DISTRICT TO P-1 PUBLIC DISTRICT	FILE.....RZ58
Environmental Corridor	DATE OF PLAN COMMISSION.....02/20/2020
	AREA OF CHANGE.....0.98 ACRES
	TAX KEY NUMBER.....EGLT 1772.998

ZONING AMENDMENT

PART OF THE NE 1/4 OF THE SE 1/4 SECTION 11, TOWN OF EAGLE



Prepared by the Waushara County Department of Parks and Land Use

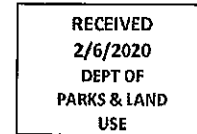
STATE OF WISCONSIN

TOWN OF EAGLE

WAUKESHA COUNTY

ORDINANCE 2020-03

AN ORDINANCE TO REZONE A PORTION OF A CERTAIN PROPERTY
IN SECTION 11 T5N R17E IN THE TOWN OF EAGLE AND TO AMEND
THE ZONING MAP OF THE TOWN OF EAGLE



WHEREAS, John Skatrud (herein "property owner") owns a parcel of land off of State Highway 59, designated as Tax Key EGLT1772998 (herein referred to as "subject property"), and more particularly described as follows:

PT NE1/4 SE1/4 SEC 11 T5N R17E COM NW COR NE1/4 SE1/4 E 264.0 FT S 163.3 FT W 260.0 FT N 163.3 FT TO BGN ALSO PT SE1/4 SEC 11 T5N R17E COM E1/4 COR W 1320 FT S0 33'W 163.3 FT THE BGN E 132 FT S0 33'W 165 FT W 132 FT N0 33'E 165 FT TO BGN VOL 1242/671 DEEDS & R1205/270-276 & R1311/618-620 & DOC# 2702362 & DOC# 2702363 & DOC# 2702364 & DOC# 2702365 & DOC# 2702366 & DOC# 2738062 & DOC# 2738062 & DOC# 2748135; and

WHEREAS, the property owner has submitted a petition to the Town requesting that the part of the subject property that is currently shown as RR be rezoned to P-1; and

WHEREAS, the rezoning petition has been submitted to the Town of Eagle Plan Commission for report and recommendation; and

WHEREAS, required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Town's zoning code; and

WHEREAS, the Town of Eagle Town Board and the Town of Eagle Plan Commission conducted a joint public hearing on January 6, 2020 and February 3, 2020; and

WHEREAS, Section 500.165 of the zoning code sets forth factors that should be considered in evaluating a proposed revision of the zoning map; and

WHEREAS, the following determinations are made with respect to the aforementioned factors: and

1. The proposed map amendment is consistent with the town's comprehensive plan, including the future land use map.
2. The lot and the structures on the subject property conform to the dimensional standards that apply to the proposed zoning district.

WHEREAS, the Town of Eagle Plan Commission has recommended to the Town of Eagle Town Board that said rezoning change be made under certain conditions; and

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town's comprehensive plan; and

WHEREAS, the Town of Eagle Town Board, after careful review and upon consideration of the recommendation of the Town of Eagle Plan Commission, having determined that all procedural

requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent the zoning ordinance for the Town of Eagle, will not be contrary to the public health, safety or general welfare of the Town of Eagle, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood as long as the development is conducted pursuant to the following conditions and is in strict compliance with the same.

NOW, THEREFORE, the Town of Eagle Town Board, Waukesha County, Wisconsin, ordains as follows:

SECTION 1: ZONING MAP CHANGE

That portion of the subject property that is currently designated as RR is conditionally rezoned to P-1 and the zoning map is hereby conditionally amended to incorporate such change.

SECTION 2: CONDITIONS OF REZONING

The rezoning of the subject property and the amendment of the zoning map of the Town of Eagle are conditioned approval of the rezoning by the Waukesha County Board within one year from the date of this ordinance.

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 subject property on the Town of Eagle zoning map as indicated herein.

SECTION 4: 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 to those terms that conflict.

SECTION 5: 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.

Approved this 3rd day of February, 2020

TOWN OF EAGLE TOWN BOARD



Don Malek, Town Chairman

ATTEST:



Lynn Pepper, Town Clerk

Published and posted this 5th day of February, 2020

COMMISSION ACTION

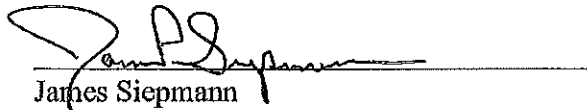
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Eagle Zoning Ordinance hereby recommends approval of **RZ58 (Skatrud)** in accordance with the attached "Staff Report and Recommendation".

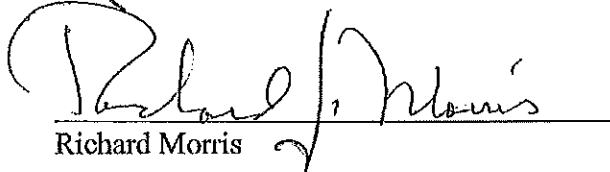
PARK AND PLANNING COMMISSION

February 20, 2020

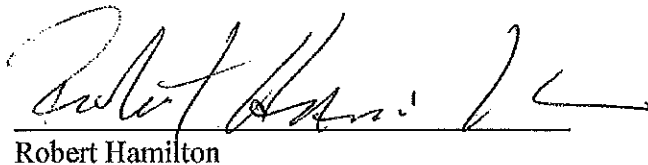

Robert Peregrine, Chairperson


William Mitchell, Vice Chairperson


James Siepmann


Richard Morris


Thomas Michalski


Robert Hamilton

Ordinance 174-O-096



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VOTE RESULTS: Passed By Majority Vote

AYE: 21 **NAY: 0** **ABSENT: 4**

D1 - Foti	Yes
D2 - Zimmermann	Motion
D3 - Morris	Yes
D4 - Batzko	Yes
D5 - Dondlinger	Yes
D6 - Walz	Yes
D7 - Grant	Yes
D8 - Michalski	Yes
D9 - Heinrich	Yes
D10 - Swan	Yes
D11 - Howard	ABSENT
D12 - Wolff	Yes
D13 - Decker	Yes

D14 - Wood	Second	Yes
D15 - Mitchell		Yes
D16 - Crowley		ABSENT
D17 - Paulson		Yes
D18 - Nelson		Yes
D19 - Cummings		ABSENT
D20 - Schellinger		Yes
D21 - Gaughan		Yes
D22 - Wysocki		ABSENT
D23 - Hammitt		Yes
D24 - Whittow		Yes
D25 - Johnson		Yes