

ENROLLED ORDINANCE 169-76

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING  
ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF  
THE SE ¼ OF SECTION 23, T5N, R17E, TOWN OF EAGLE, WAUKESHA  
COUNTY, WISCONSIN, FROM THE C-1 CONSERVANCY  
DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (ZT-1801)

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 November 3, 2014, 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 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Eagle, adopted by the Town of Eagle on November 10, 2009, is hereby amended to rezone from the C-1 Conservancy District to the R-1 Residential District, certain lands located in part of the SE ¼ of Section 23, 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 ZT-1801, is hereby approved.

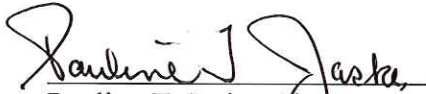
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Eagle.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

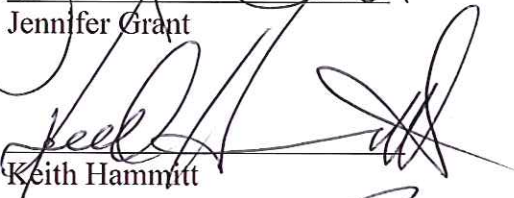
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COUNTY, WISCONSIN, FROM THE C-1 CONSERVANCY  
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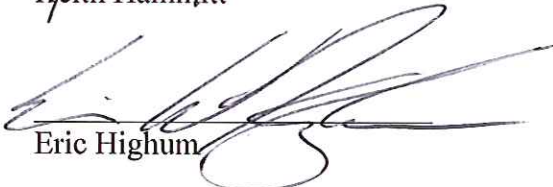
Presented by:  
Land Use, Parks, and Environment Committee

  
Pauline T. Jaske, Chair

  
Jim Batzko

  
Jennifer Grant


  
Keith Hammitt

  
Eric Highum


< ABSENT >  
William Mitchell

< ABSENT >  
Thomas J. Schellinger

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

Date: 12/16/14,   
Kathleen Novack, County Clerk

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

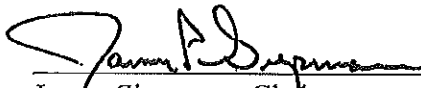
Approved: X  
Vetoed: \_\_\_\_\_  
Date: 12-22-14,   
Daniel P. Vrakas, County Executive

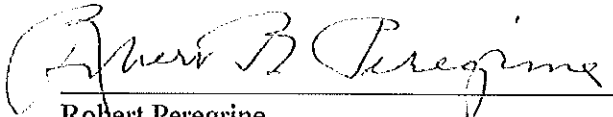
COMMISSION ACTION

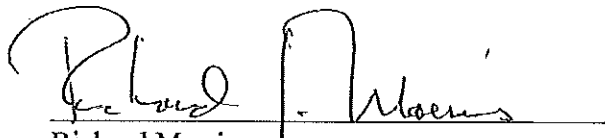
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Eagle Zoning Ordinance hereby recommends approval of ZT-1801 (Brett and Nancy Sadler) in accordance with the attached "Staff Report and Recommendation".

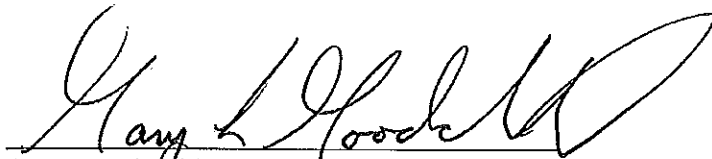
PARK AND PLANNING COMMISSION

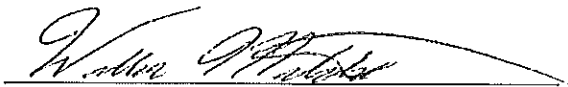
November 20, 2014


  
James Siepmann, Chairperson

  
Robert Peregrine

  
Richard Morris

  
Gary Goodchild

  
William Mitchell

  
Bonnie Morris

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

**FILE NO.:** ZT-1801

**DATE:** November 20, 2014

**OWNER:** Brett and Nancy Sadler  
W348S9369 Jordan Trail  
Eagle, WI 53119

**TAX KEY NUMBERS:** EGLT 1820.050.002

**LOCATION:**

The subject property is part of Lot 2 Certified Survey Map No. 9990 located in the SE ¼ of Section 23, T5N, R17E, Town of Eagle. More specifically the property is located at the end of Bennington Drive and contains approximately 2.3 acres.

**PRESENT ZONING:**

The property is solely subject to the Town of Eagle Zoning Ordinance. A small portion of the property is zoned C-1 Conservancy District. The remainder of the property is zoned R-1 Residential District.

**PRESENT LAND USE:**

Vacant lot

**PROPOSED ZONING:**

R-1 Residential District.

**PROPOSED LAND USE:**

Residential.

**PUBLIC HEARING DATE:**

November 3, 2014.

**PUBLIC REACTION:**

No one spoke to the matter.

**TOWN PLANNING AND ZONING COMMISSION AND TOWN BOARD ACTION:**

The Town of Eagle Planning and Zoning Commission and the Town Board approved the request at the November 3, 2014 meeting.

**CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF EAGLE LAND USE PLAN:**

The proposed rezoning is in conformance with the Comprehensive Development Plan for Waukesha County, which designates the property as Low Density Residential, and with the Town of Eagle Land

Use Plan, which designates the property as Suburban Residential 1. Because wetlands have been confirmed to be absent, the zoning change is consistent with both plans' natural resource protection recommendations.

**STAFF ANALYSIS:**

The subject property owner has petitioned the Town of Eagle to rezone the central area of his 2.3 acre property to remove the C-1 Conservancy District designation from that part of the parcel. The Town's zoning map places lands that are designated as wetlands on the DNR's current Wisconsin Wetland Inventory mapping into said Conservancy District. The intent of this Town zoning district is to ensure protection of wetlands. Because the wetlands inventories are generated from broad resources (soils maps, topography maps, vegetative cover analysis, aerial photos, etc.), determination of precise wetland boundaries often requires an in-field investigation by a qualified wetland delineator. The DNR has confirmed that wetlands are not present on the site via such a field determination. Therefore, the petitioner is seeking the change to the R-1 Residential District to match the zoning of the balance of the property. The Town has approved the request and is now forwarding the rezone ordinance to the County for final approval.

The Planning and Zoning Division Staff received an inquiry from the Town of Eagle Chairman about the subject request and suggested that the Town consider adding language to the Town Zoning Code that allows for the Town to administratively alter C-1 District boundaries or other natural resource boundaries upon being supplied with concurrence by the DNR, the U.S. Army Corps of Engineers, an assured wetland delineator or the Southeastern Wisconsin Regional Planning Commission. The Town Chairman expressed that the Town will likely pursue such a text amendment in the future. The County codes have such administrative change provisions and Staff believes that such provisions relieve time and difficulty burden from individual land owners.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends approval of the requested rezoning. The proposed rezoning is in conformance with the Comprehensive Development Plan for Waukesha County. The removal of the C-1 Conservancy District designation from the property is consistent with the in-field determination of wetland absence on the site. The rezone will allow for the property owner to more easily sell or develop his parcel.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Town Ordinance and Map

STATE OF WISCONSIN

TOWN OF EAGLE

WAUKESHA COUNTY

ORDINANCE 14-03

AN ORDINANCE TO REZONE A PORTION OF A CERTAIN PROPERTY IN SECTION 23 T5N R17E IN THE TOWN OF EAGLE AND TO AMEND THE ZONING MAP OF THE TOWN OF EAGLE PURSUANT TO THE PROCEDURES SET FORTH IN THE ZONING ORDINANCE FOR THE TOWN OF EAGLE

WHEREAS, Brett Sadler and Nancy Sadler (herein referred to as "property owner") own a parcel of land off of Bennington Drive, designated as Tax Key EGLT1820-050-002 (herein referred to as "subject property"), and more particularly described as follows:

LOT 2 CERT SURV 9990 VOL 93/151 2.30 AC PARK LOT WESTWIND  
PT SE1/4 SEC 23 T5N R17E DOC# 3325624; 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 C-1 be rezoned to R-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 November 3, 2014; and

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 generally 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 C-1 is conditionally rezoned to R-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 on the following:

1. The Waukesha County Board approves the rezoning 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 November, 2014

TOWN OF EAGLE TOWN BOARD

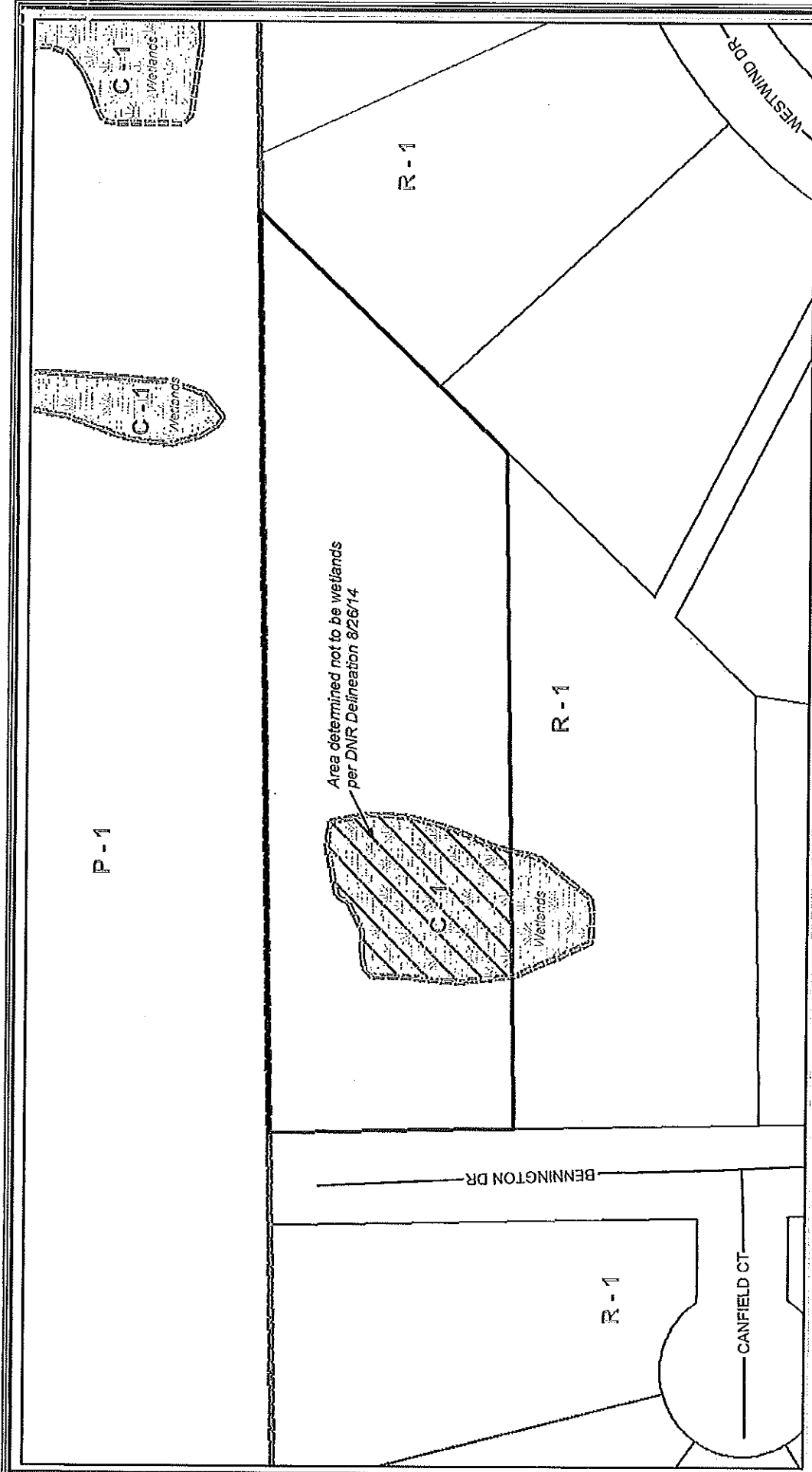
  
\_\_\_\_\_  
Bob Kwiatkowski, Town Chairman

ATTEST:

  
\_\_\_\_\_  
Lynn Pepper, Town Clerk

Published and posted this \_\_\_\_ day of \_\_\_\_\_, 2014



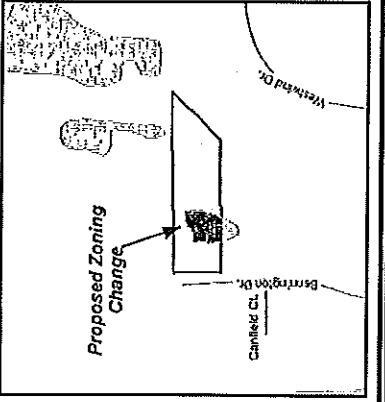


**TOWN ZONING CHANGE FROM C-1 CONSERVANCY DISTRICT TO R-1 RESIDENTIAL DISTRICT**

FILE.....ZT-1801  
 DATE.....11/20/14  
 AREA OF CHANGE.....0.30 ACRES  
 TAX KEY NUMBER.....EGLT 1820.050.002

# ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 23  
 TOWN OF EAGLE



Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/16/14 (ORD) NUMBER-1690079

- |                          |                         |
|--------------------------|-------------------------|
| 1 R. KOLB.....AYE        | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS.....AYE      | 4 J. BATZKO.....AYE     |
| 5 J. BRANDTJEN.....AYE   | 6 J. WALZ.....AYE       |
| 7 J. GRANT.....AYE       | 8 E. HIGHUM.....AYE     |
| 9 J. HEINRICH.....AYE    | 10 D. SWAN.....AYE      |
| 11 C. HOWARD.....AYE     | 12 P. WOLFF.....AYE     |
| 13 P. DECKER.....AYE     | 14 C. PETTIS.....AYE    |
| 15 B. MITCHELL.....AYE   | 16 M. CROWLEY.....AYE   |
| 17 D. PAULSON.....AYE    | 18 L. NELSON.....AYE    |
| 19 K. CUMMINGS.....      | 20 T. SCHELLINGER...AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE     |
| 23 K. HAMMITT.....AYE    | 24 S. WHITTOW.....AYE   |
| 25 G. YERKE.....AYE      |                         |

TOTAL AYES-24

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-24