

ENROLLED ORDINANCE 173-005

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF THE SW ¼ OF SECTION 13, T5N, R17E, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN, FROM THE RR RURAL RESIDENTIAL DISTRICT TO THE UC UPLAND CONSERVANCY DISTRICT (RZ3)

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 5, 2018; 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, adopted by the Town of Eagle on March 31, 2017, is hereby amended to conditionally rezone from the RR Rural Residential District to the UC Upland Conservancy District, certain lands located in part of the S ½ of the SW ¼ of Section 13, 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 RZ3, is hereby approved, subject to the following conditions:

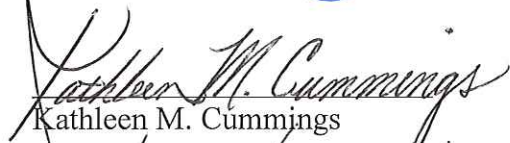
1. The property owner submits a metes and bounds description of the C-1 area and the UC areas to the Town in an acceptable format.
2. The Waukesha County Board of Supervisors approves the map amendment.

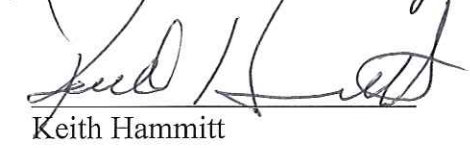
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Eagle.


AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF THE SW ¼ OF SECTION 13, T5N, R17E, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN, FROM THE RR RURAL RESIDENTIAL DISTRICT TO THE UC UPLAND CONSERVANCY DISTRICT (RZ3)

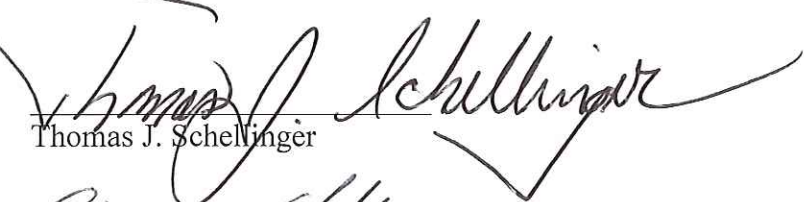
Presented by:  
Land Use, Parks, and Environment Committee

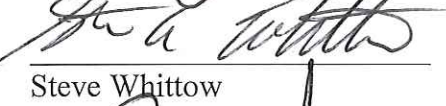
  
David D. Zimmermann, Chair

  
Kathleen M. Cummings

  
Keith Hammitt

  
William A. Mitchell

  
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: 5/22/18,   
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

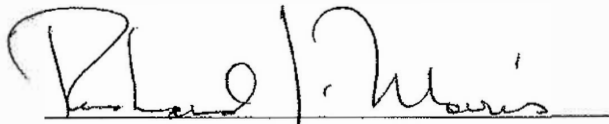
Date: 5-29-18,   
Paul Farrow, County Executive

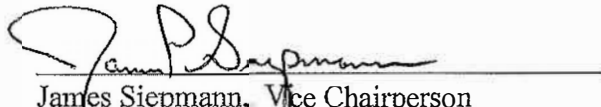
**COMMISSION ACTION**


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 **RZ3 (Hiller/Slater)** in accordance with the attached "Staff Report and Recommendation".


**PARK AND PLANNING COMMISSION**

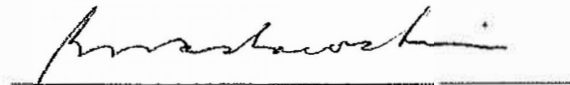
**April 19, 2018**

  
Richard Morris, Chairperson

  
James Siepmann, Vice Chairperson

  
William Mitchell, Secretary

  
Robert Peregrine

  
William Maslowski

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

**FILE NO:** RZ3

**TAX KEY NUMBER:** EGLT 1779.998

**DATE:** April 19, 2018

**PETITIONER:** Tim Hiller  
777 N. Jefferson St.  
Milwaukee, WI 53202

**OWNER:** Pearl O. Slater  
738 Medora Ct.  
St. Paul, MN 55118-1732

**LOCATION:**  
Part of the S ½ of the SW ¼ of Section 13, T5N, R17E, Town of Eagle. More specifically the property is located on the east side of Sprague Road, containing approximately 80 acres.

**EXISTING LAND USE:**  
Agricultural, natural resource lands.

**PROPOSED LAND USE:**  
Natural resource lands to remain undeveloped, with balance of acreage to be developed as residential subdivision.

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

**PROPOSED ZONING:**  
UC Upland Conservancy District (Town), with refinements to C-1 Conservancy District and RR Rural Residential District boundaries based upon delineated wetlands.

**PUBLIC HEARING DATE:**  
February 5, 2018.

**PUBLIC REACTION:**  
There was a question regarding if the 1½ acre proposed lots were in compliance with the Comprehensive Plan. The Town Planner explained that the Comprehensive Plan relates to density and the density would remain at three (3) acres. The Town Chairman added that the public hearing would only address the rezoning of the property.

**TOWN PLAN COMMISSION ACTION:**

At their meeting of February 5, 2018, 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 5, 2018, 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:**

The property is designated in the SDRII Residential Category (3-4.9 acres per dwelling unit) and the wetlands in the northeast part of the property are designated in the Other Open Lands to be Preserved category. The Town Plan similarly designates the lands in a three acre category (Rural Residential 1) with wetlands in a protective category. The proposal to zone the natural resources to protective categories is consistent with both plans.

**STAFF ANALYSIS:**

The petitioner is pursuing bringing a residential development forward for the subject lands that are located east of Sprague Road, to the north of the Eagle's Aire Addition No. 1 subdivision. In preparing the lands for sale, the property owner requested that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) conduct a site visit to delineate wetlands and other natural resources on the property. SEWRPC identified an Isolated Natural Resource Area that contains prairie habitat in the central part of the site and identified the wetlands in the northeast part of the site as being part of the larger Primary Environmental Corridor affiliated with Jericho Creek. Neither resource area had been previously identified in SEWRPC's generalized inventories.

The petitioner's proposal is to place the delineated resources into the UC Upland Conservancy District which is the Town's category that accommodates upland environmental corridors and isolated natural resource areas. The developer has proposed a layout that would preserve these areas in common open space, so the UC designation will be compatible with the proposed plans.

**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 property owner submits a metes and bounds description of the C-1 area and the UC areas to the Town in an acceptable format.
2. The Waukesha County Board of Supervisors approves the map amendment.

The rezoning will zone natural resource areas to an appropriate protective category, as recommended by both the Town and County Plans. The rezoning will allow for the petitioner to move forward with his plans to develop a subdivision on the subject parcel.

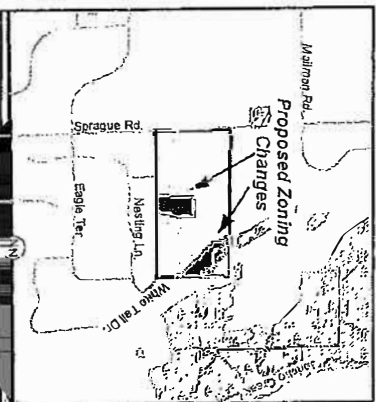
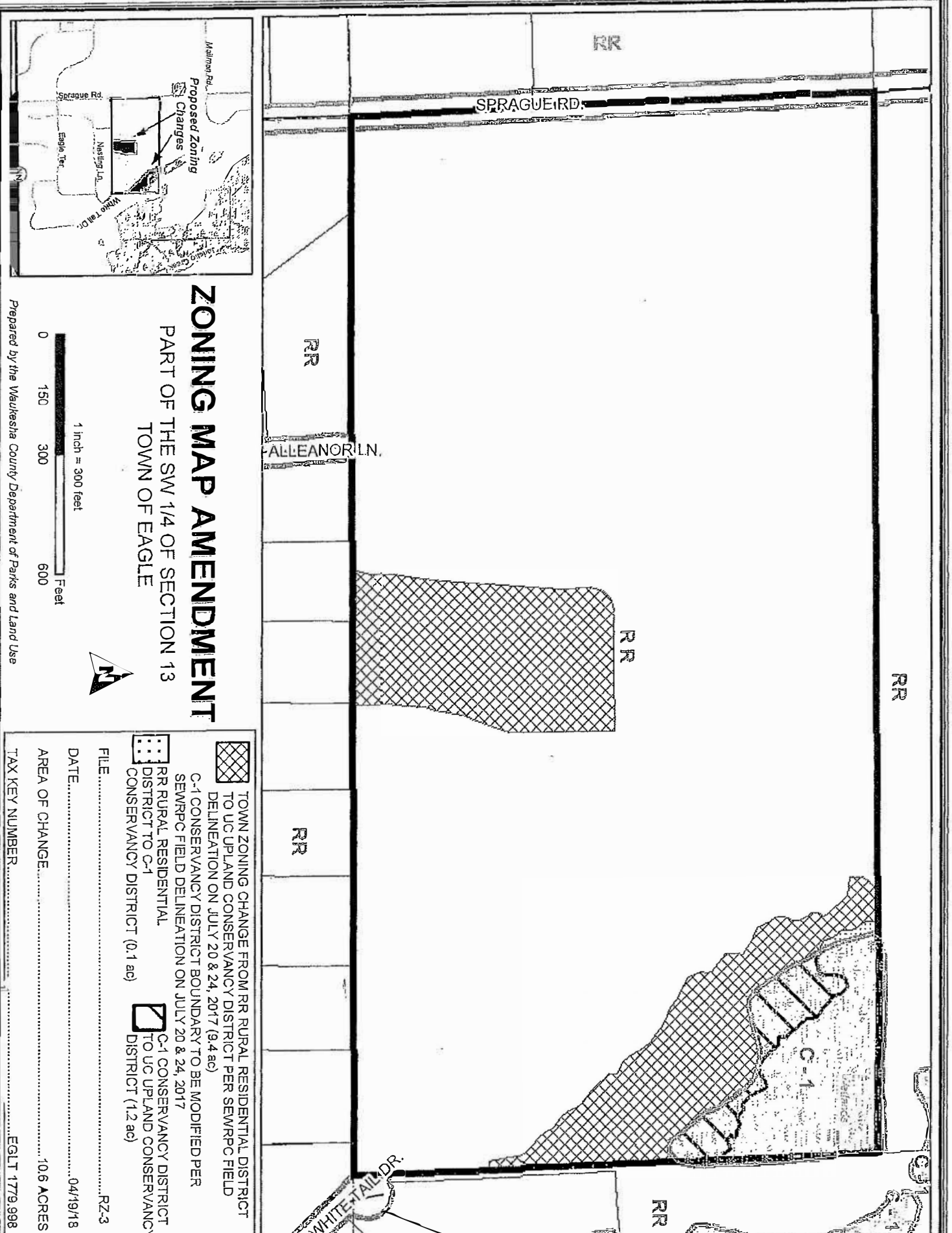
Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Map  
Town Ordinance No. 2018-03

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# ZONING MAP AMENDMENT

## PART OF THE SW 1/4 OF SECTION 13 TOWN OF EAGLE



Prepared by the Waukesha County Department of Parks and Land Use

File Number: 173-O-005

- TOWN ZONING CHANGE FROM RR RURAL RESIDENTIAL DISTRICT TO UC UPLAND CONSERVANCY DISTRICT PER SEWRPC FIELD DELINEATION ON JULY 20 & 24, 2017 (9.4 ac)
- C-1 CONSERVANCY DISTRICT BOUNDARY TO BE MODIFIED PER SEWRPC FIELD DELINEATION ON JULY 20 & 24, 2017
- RR RURAL RESIDENTIAL DISTRICT TO C-1 CONSERVANCY DISTRICT (0.1 ac)
- C-1 CONSERVANCY DISTRICT TO UC UPLAND CONSERVANCY DISTRICT (1.2 ac)

FILE.....RZ-3  
 DATE.....04/19/18  
 AREA OF CHANGE.....10.6 ACRES  
 TAX KEY NUMBER.....EGLT 1779.998

## ORDINANCE 2018-03

AN ORDINANCE TO REZONE A PORTION OF A PROPERTY IN SECTION 13,  
T5N, R17E IN THE TOWN OF EAGLE AND TO AMEND THE ZONING MAP OF  
THE TOWN OF EAGLE PURSUANT TO THE REQUIREMENTS IN THE  
ZONING ORDINANCE FOR THE TOWN OF EAGLE

WHEREAS, the Town Board for the Town of Eagle adopted a zoning code for the Town of Eagle in 1990 and has amended it from time to time since then; and

WHEREAS, the estate of Pearl O. Slater (herein referred to as "property owner") owns an 80-acre parcel in Section 13, T5N, R17E designated as Tax Key EGLT1779998 (herein referred to as "subject property") and more particularly described as follows:

S1/2 SW1/4 SEC 13 T5N R17E R2872/1819; and

WHEREAS, the property owner has submitted a petition pursuant to Article 6 of the zoning code requesting that a portion of the subject property currently classified as Rural Residential (RR) be rezoned to the Upland Conservancy (UC) and that the boundary of the Conservancy (C-1) district be established based on a field delineation; and

WHEREAS, the Town Clerk for the Town of Eagle has (1) referred the matter to the Plan Commission, (2) notified the Waukesha County Park and Planning Commission of the proposed amendment, and (3) published a class II public hearing notice; and

WHEREAS, the Plan Commission has conducted the necessary investigation, and scheduled a public hearing for the Plan Commission and the Town Board; and

WHEREAS, upon due notice the Town Board and the Plan Commission conducted a joint public hearing on February 5, 2018; and

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; and

WHEREAS, the Town Board concurs with the Plan Commission's recommendation; and

WHEREAS, the Town Board for the Town of Eagle, after carefully reviewing the recommendation of the Plan Commission and having given the matter due consideration, having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Eagle, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

FORM 9.1.0040

DEPT OF PARKS & LAND USE



NOW, THEREFORE, the Town Board for the Town of Eagle, Waukesha County, does hereby ordain as follows:

SECTION 1: ZONING MAP CHANGE. The zoning for the subject property is revised as set forth in Exhibit A, attached hereto.

SECTION 2: CONDITIONS OF REZONING. The rezoning of the subject property as specified herein and the amendment of the zoning map of the Town of Eagle are conditioned on the approval of the completion of the following within one year of the date of this decision:

1. The property owner submits a metes and bounds description of the C-1 area and the UC areas to the Town in an acceptable format.
2. The Waukesha County Board of Supervisors approves the map amendment.

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.

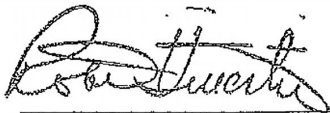
SECTION 4. SUBMITTAL TO WAUKESHA COUNTY. The Town of Eagle Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

SECTION 5. SEVERABILITY. Several sections this ordinance are declared to be severable and if any section or portion thereof shall be declared by a decision of the 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 which shall remain. The remainder of the ordinance shall remain in full force and effect and any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6. 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.

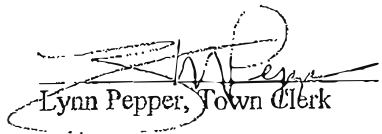
Adopted this 5th day of February 2018

TOWN OF EAGLE



Bob Kwiatkowski, Town Chairman

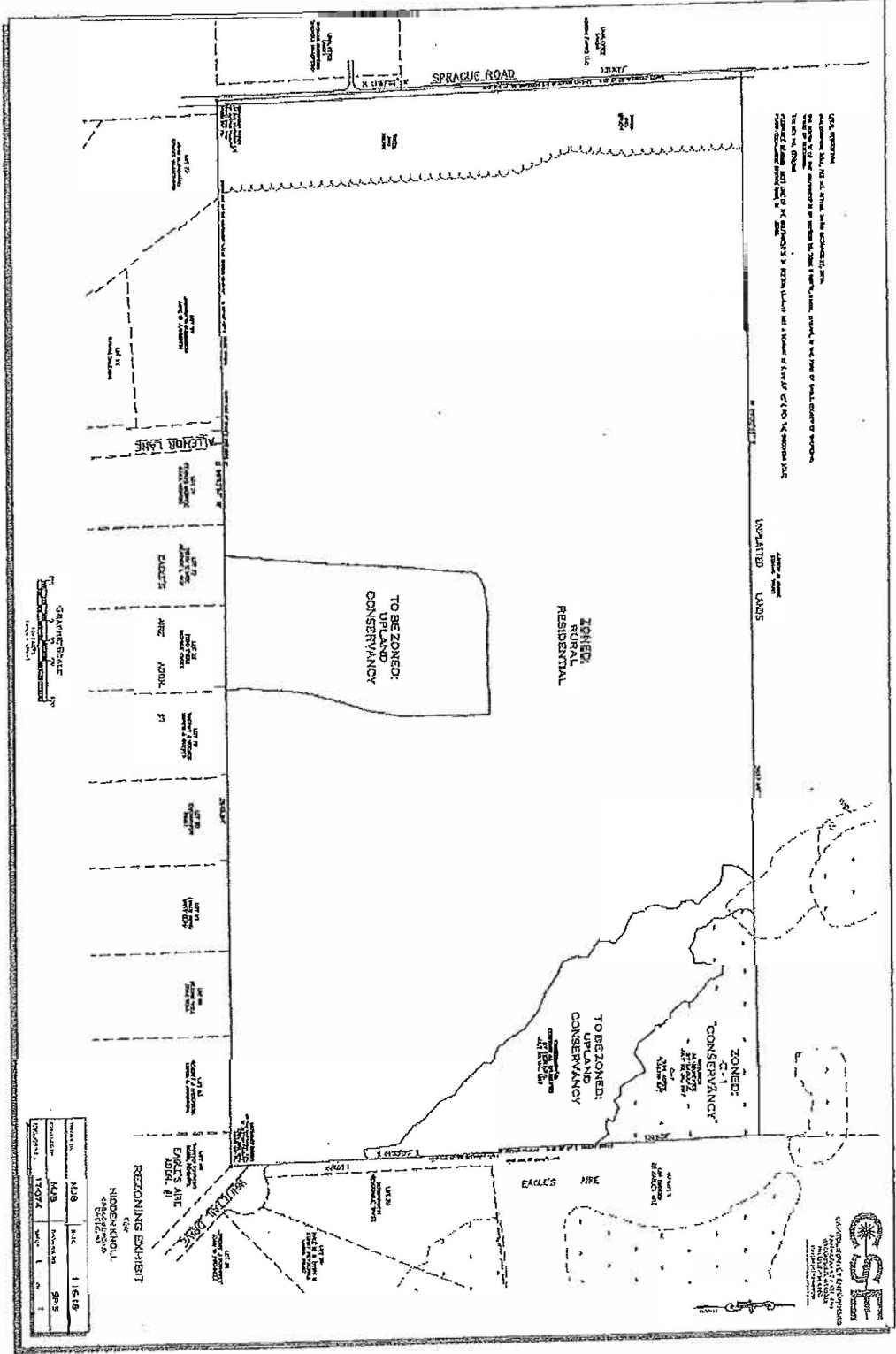
ATTEST:

  
Lynn Pepper, Town Clerk

Published and posted this 16<sup>th</sup> day of February 2018

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Exhibit A.



D1 - Foti	AYE	D14 - Wood	(2) AYE
D2 - Zimmermann	(M) AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	Absent
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	Absent
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

173-0-003

Passed (23 Y - 0 N - 2 Absent)

Majority Vote

