

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF SUMMARY OF REQUEST FOR
CONDITIONAL USE

DATE: February 5, 2024

FILE NO: CU103

OWNER: Country Krug, LLC.

APPLICANTS: Matt and Anne Krug
1930 N. Menomonee River Parkway
Wauwatosa, WI 53226

TAX KEY NO.: EGLT 1865.989, 1865.990, 1865.991, 1865.007, and 1865.020.

LOCATION:

The subject properties are located in the NW ¼ and the NE ¼ of Section 35, T5N, R17E, Town of Eagle. More specifically, the Eagle Spring Golf Resort is located at W352 S10355 Tuohy Road, containing approximately 131 acres.

ZONING CLASSIFICATION: A-2 Rural Home, R-3 Residential, C-1 Conservancy Overlay and EC Environmental Corridor Overlay Districts.

EXISTING USE: Golf course and resort

PROPOSED USE:

Expand the resort to include an adjacent single-family residence for short term rental and hold outdoor events on the parcel. In addition, other operational changes are proposed.

COMPREHENSIVE DEVELOPMENT PLAN (CDP) AND TOWN LAND USE PLAN:

The subject property is designated Suburban Density Residential II, High Density Residential and Primary Environmental Corridor Categories on the Waukesha County Comprehensive Development plan (CDP) and is designated in the Rural Residential I, High Density Residential and Environmental Corridor Categories on Town of Eagle Land Use Plan.

PUBLIC HEARING DATE: Scheduled for February 5, 2024

USE HISTORY: The course was founded in the late 1800's by a member of the Tuohy family who had originally farmed the area. The course was originally 18-holes but reduced to 9-holes after the Great Depression, according to the resort's website. The resort operated as a legal non-conforming use until 1988, making it subject to a 50% (of equalized assessed value) lifetime limitation on any future improvements. Section 3(o)6 of the Waukesha County Shoreland Protection Ordinance ("Ordinance") provides for legal non-conforming uses to petition for a conditional use status. This change from a legal non-conforming use to a conditional use alleviates the property from the 50% limitation noted above.

In 1988, a prior owner sought and obtained conditional use status to construct an irrigation pond and do substantial course improvements. The approved Site Plan / Plan of Operation ("SPPO") was amended in 2013 allow the construction of a pavilion. When the current owner purchased the property in 2021, a subsequent SPPO amendment (SP129) was required per the Ordinance due to a change in ownership. That approval, which is currently effective, included the following operational details. The approved site plan is attached as *Exhibit A*:

Business description: Nine (9) hole golf course with carts, snack bar and bar, resort with seasonal cottage rentals, maintenance building, office and storage shed.

Number of onsite parking spaces: 55

On-site vehicles: 2 work trucks, 44 golf carts, 6 mowers.

Special Events: Fifty (50) per year, including private golf outings of up to 68 golfers and guests, weddings, and holiday parties. Up to 90 guests may attend the non-golf special events. All events to end by 11:00 p.m. Indoor music permitting during events. Town may approve outside music during events. No parking on the road during events.

Hours of Operation: 6:00 a.m. to 11:00 p.m. Monday through Sunday.

Number of employees: 1 full-time and 20 seasonal.

The current application to amend the conditional use was submitted on November 21, 2023. The owners purchased a riparian lot on Eagle Spring Lake and Tuohy which is adjacent to the resort (see Exhibit A). That lot contains a single-family residence as well as a private island accessible by walking bridge. The island contains a gazebo. The owners are petitioning to include that lot and island within the resort making it subject to the conditional use permit. The owners intend to reside in and improve the residence but would ultimately like to offer it as a short-term resort rental. This would include extending the full array of services currently offered to the other nine (9) cottages in the resort. These services include food and alcohol related catering as well as special tastings and events. Their application also notes that they would like to utilize the island for non-golf events such as their annual seafood boil, which is currently hosted in the beach area of the resort. In addition, the application notes a request to increase seasonal employees from twenty (20) to forty (40).

REQUESTED TOWN ACTION AND CRITERIA:

Section 4(c) of the Waukesha County Shoreland and Floodland Protection Ordinance (“Ordinance”) establishes the requirement for a joint public hearing to be held by the Town Plan Commission and a staff representative of Waukesha County. The recommendations of the Town Plan Commission, and any conditions suggested shall be sent in writing to the Waukesha County – Planning and Zoning Division. Failure to act within forty-five (45) days of the public hearing shall be deemed to be a recommendation of approval.

Decision Criteria: State statute stipulates that the requirements and conditions specified in the county ordinance or those imposed by the county must be the basis of consideration to grant a permit. Imposed conditions must be related to the purpose of the ordinance and be based on substantial evidence. It should be noted that any recommendations and any recommended conditions of approval must be related to the purpose and intent of the Ordinance and shall be based on substantial evidence.

Factors to consider include but are not limited to the following:

1. Is the proposed use compatible with the surrounding area?
2. Will the proposed use be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, vibration, dust, air pollution, smoke, odor, glare, heat, or another similar factor?

3. Will the proposed use adversely impact nearby natural resources?
4. Will the proposed use have an adverse impact to area aesthetics and physical attractiveness?
5. Does the proposed use comply with all Town ordinance standards?
6. Is adequate off-street parking being provided for the proposed use?

Respectfully submitted,

Benjamin Greenberg

Benjamin Greenberg
Senior Planner

Attachments: Exhibit A

N:\PRKANDLU\Planning And Zoning\Conditional Uses\Project Files And Info\CU76 Frederick Elt\Summary For Public Hearing.Docx

Exhibit A

SURVEY FOR:
ANNE KRUG
1930 N MENOMONEE RIVER PKWY
WAUWATOSA, WI 53226
(262) 347-9790

DEPT OF
PARKS & LAND USE



SEH FILE NO.	KRUAN
PROJECT NO.	158410
ISSUE DATE	2/2/2021
DRAWN BY:	DW
DESIGNED BY:	
CHECKED BY:	KAK

ALTANSPS LAND TITLE SURVEY
PART OF THE SW 1/4, SE 1/4, NE 1/4 AND NW 1/4 OF
THE NE 1/4 AND THE SE 1/4 OF THE NW 1/4 OF
SECTION 35, T.5N., R.17E., TOWN OF EAGLE,
WAUKESHA COUNTY, WISCONSIN.

LEGAL DESCRIPTION

PER COMMITMENT NO. NCS-1036394-MKE

PARCEL 1:
THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 ALL IN SECTION 35, TOWNSHIP 5 NORTH, RANGE 17 EAST, IN THE TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN, EXCEPTING THEREFROM THE FOLLOWING:

A. EXCEPTING THEREFROM LANDS CONVEYED IN SPECIAL ADMINISTRATORS DEED RECORDED APRIL 17, 2007 AS DOCUMENT NO. 3473413.

B. EXCEPTING THEREFROM THAT PIECE OR PARCEL OF LAND SOLD BY WARRANTY DEED FROM WM. H. TUOHY AND WIFE TO JULIUS SOKOLOWSKI AND FRANCES SOKOLOWSKI, HIS WIFE, DATED MAY 14, 1937 AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR WAUKESHA COUNTY ON MAY 25, 1937, IN VOLUME 262 OF DEEDS, PAGE 409, AS DOCUMENT NO. 214352.

C. EXCEPTING THEREFROM THAT PIECE OR PARCEL OF LAND SOLD BY WARRANTY DEED FROM WILLIAM H. TUOHY AND WIFE TO HARRY R. DONALD, DATED AUGUST 28, 1937 AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR WAUKESHA COUNTY ON SEPTEMBER 22, 1937 IN VOLUME 262 OF DEEDS, PAGE 513, AS DOCUMENT NO. 216488.

D. EXCEPTING THEREFROM THAT PIECE OR PARCEL OF LAND DEEDED FROM WILLIAM H. TUOHY AND CATHERINE E. TUOHY, HIS WIFE, TO BRIAN TUOHY ON AUGUST 28, 1937, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT, SAID POINT BEING 20 FEET SOUTH AND 102 1/2 FEET SOUTH 20° WEST OF THE SOUTHEAST CORNER STONE OF THE WH. TUOHY SUBDIVISION, A RECORDED PLAT OF A PART OF SECTION 35, IN TOWNSHIP 5 NORTH, RANGE 17 EAST, THENCE RUNNING SOUTH 61° 8' EAST 60 FEET TO IRON STAKE; THENCE NORTH 61° EAST 27.20 FEET TO IRON STAKE; THENCE SOUTH 2° EAST 120 1/2 FEET TO AN IRON STAKE SET IN THE GROUND ON THE NORTHERLY LINE OF LAKE DRIVE IN EAGLE SPRINGS PARK; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE 70 FEET TO IRON STAKE; THENCE NORTHWESTERLY 75 FEET TO IRON STAKE SET IN GROUND AT THE BASE OF A CATALPA TREE; THENCE NORTH 65° WEST 50 FEET TO IRON STAKE AT BASE OF HICKORY TREE; THENCE NORTH 61 FEET TO PLACE OF BEGINNING, ALL LYING AND BEING IN SECTION 35, TOWNSHIP 5 NORTH, RANGE 17 EAST, AS SET FORTH IN DOCUMENT NO. 234333.

E. EXCEPTING THEREFROM THAT PIECE OR PARCEL OF LAND SOLD BY WARRANTY DEED FROM FRED WENDT, JR. ALSO KNOWN AS FRED WENDT AND GRETCHEN WENDT, HIS WIFE TO BERNARD ELKAMP AND MARGARET ELKAMP DATED NOVEMBER 24, 1939 AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR WAUKESHA COUNTY ON DECEMBER 2, 1939, AS DOCUMENT NO. 230405.

F. EXCEPTING THEREFROM ALSO EAGLE SPRINGS PARK ADDITION, BEING A SUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 17 EAST.

G. EXCEPTING THEREFROM W.H. TUOHY'S SUBDIVISION OF A PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 17 EAST, IN THE TOWN OF EAGLE.

H. ALSO EXCEPTING THEREFROM THE PREMISES DESCRIBED IN WARRANTY DEED, IN VOLUME 517 OF DEEDS, PAGE 222, AS DOCUMENT NO. 337024.

I. EXCEPTING THEREFROM LANDS LYING EAST OF THE SHORELINE OF EAGLE SPRING LAKE.

J. EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED MAY 10, 2013 AS DOCUMENT NO. 4012187.

K. EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED SEPTEMBER 1, 2005 AS DOCUMENT NO. 3313068.

L. EXCEPTING THEREFROM LANDS CONVEYED IN TRUST TRANSFER DEED RECORDED FEBRUARY 2, 2005 AS DOCUMENT NO. 3247138.

M. EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED OCTOBER 19, 2015 AS DOCUMENT NO. 4172204.

N. EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED JULY 2, 2020 AS DOCUMENT NO. 4489347.

O. EXCEPTING THEREFROM LANDS CONVEYED IN QUIT CLAIM DEED RECORDED DECEMBER 28, 2005 AS DOCUMENT NO. 3348734.

P. EXCEPTING THEREFROM THE EASEMENT PARCEL DESCRIBED IN DOCUMENT NUMBERS 202251, 214352, 216488, AND 234333, AS FURTHER DESCRIBED AS: BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LAKE DRIVE, SAID POINT BEING 270.77 FEET EAST AND 133.56 FEET SOUTH 10° EAST OF THE SOUTHEAST CORNER OF W.H. TUOHY SUBDIVISION AS RECORDED IN VOLUME 5, PAGE 53 OF PLATS WAUKESHA COUNTY RECORDS; THENCE SOUTH 32° EAST 194.82 FEET TO THE LAKE SHORE; THENCE SOUTH 68° WEST 20.21 FEET THENCE NORTH 32° WEST 195.18 FEET; THENCE NORTH 69° EAST 20.50 FEET TO POINT OF COMMENCEMENT.

PARCEL 2:
BEGINNING AT A POINT SAID POINT BEING 20 FEET SOUTH AND 102 1/2 FEET SOUTH 20° WEST OF THE SOUTHEAST CORNER STONE OF THE W.H. TUOHY SUBDIVISION, A RECORDED PLAT OF A PART OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 17 EAST; THENCE RUNNING SOUTH 61° 8' EAST 60 FEET TO IRON STAKE; THENCE NORTH 61° EAST 27.20 FEET TO IRON STAKE; THENCE SOUTH 2° EAST 120 1/2 FEET TO IRON STAKE SET IN THE GROUND ON THE NORTHERLY LINE OF LAKE DRIVE IN EAGLE SPRINGS PARK; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE 70 FEET TO IRON STAKE; THENCE NORTHWESTERLY 75 FEET TO IRON STAKE SET IN GROUND AT THE BASE OF CATALPA TREE; THENCE NORTH 55° WEST 50 FEET TO IRON STAKE AT BASE OF HICKORY TREE; THENCE NORTH 61 FEET TO PLACE OF BEGINNING, ALL LYING AND BEING IN SECTION 35, TOWNSHIP 5 NORTH, RANGE 17 EAST, IN THE TOWN OF EAGLE.

PARCEL 3:
COMMENCING AT A POINT SAID POINT BEING 20 FEET EAST AND 20 FEET SOUTH OF THE SOUTHWEST CORNER STONE OF THE W.H. TUOHY SUBDIVISION OF A PART OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 17 EAST; THENCE RUNNING EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 26 AND 20 FEET DISTANT THEREFROM 136 FEET TO IRON STAKE; THENCE SOUTH 20° WEST 118 FEET TO IRON STAKE; THENCE NORTH 75° WEST 114 FEET TO IRON STAKE; THENCE NORTH 6° EAST 73 FEET TO PLACE OF COMMENCEMENT, ALL LYING AND BEING IN SECTION 35, TOWNSHIP 5 NORTH, RANGE 17 EAST, IN THE TOWN OF EAGLE.

PARCEL 4:
LOTS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 AND 19 EAGLE SPRINGS PARK ADDITION, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 17 EAST, IN THE TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

To: MICHAEL K. BOLAN
FIRST AMERICAN TITLE INSURANCE CO.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 8, 13 and 19 of Table A thereof. The field work was completed on January 22, 2021.

DATED THIS 2ND DAY OF FEBRUARY, 2021.

KEITH A. KINDRED, PLS S-2082

EXCEPTIONS:

PER COMMITMENT NO. 0000000000

12. Public or private rights in such portion of the subject premises as may be presently used, laid out or dedicated in any manner whatsoever, for street, highway, and or alley purposes. (Not Graphically Reproducible).

13. Rights of the public in any portion of the subject premises lying below the ordinary high water mark of any creek, river, stream, pond, lake or other public body of water. The policy will not insure the exact location of any portion of the land created by the gradual buildup of the shore (accretion), or the lowering of the water level (reliction), the title to the land cut off by a change in course of the water body (avulsion); or ownership of artificially filled land. (Not Graphically Reproducible).

14. Utility Easement to Wisconsin Gas & Electric Company, dated July 13, 1931, recorded/fled February 10, 1932 as Document No. 185048 (Not Graphically Reproducible).

15. Access rights as set forth in Warranty Deed recorded May 25, 1937 as Document No. 214352; as set forth in Warranty Deed recorded September 22, 1937 as Document No. 216488; as set forth in Warranty Deed recorded July 13, 1940 as Document No. 234333. (SHOWN).

16. Utility Easement to Wisconsin Gas & Electric Company, dated May 4, 1940, recorded/fled May 22, 1940 as Document No. 233240. (Not Graphically Reproducible).

17. Easement Agreement upon the terms, conditions and provisions contained therein: Dated: April 29, 1960
Parties: Katherine E. Tuohy also known as Catherine E. Tuohy and Carol T. Martin
Recorded: May 2, 1950, in Volume 517, page 222 Instrument No.: Document No. 337024 (SHOWN).

18. Easement for ingress and egress granted to Maurice Hull and Anna Belle Hull, his wife; Howard Zeally, single; Richard Flechsig and Alma Flechsig, his wife and Margaret Elskamp by Easement recorded in November 29, 1963, in Volume 965, page 625, as Document No. 600702 (SHOWN).

19. Covenant of a private sewage disposal system recorded December 8, 1982, Reel 518, Image 1108, as Document No. 1198034 (Not Graphically Reproducible).

20. Declaration of Restrictions recorded June 2, 1989, Reel 1112, Image 105, as Document No. 1538141 (SHOWN).

21. Reservation for the use and privilege of a right of way in common with others over Lake Drive as set forth in Warranty Deed recorded June 1, 1993, Reel 1713, Image 726, as Document No. 1842415 (SHOWN).

22. Utility Easement to Wisconsin Electric Power Company doing business as We Energies, dated July 31, 2010, recorded/fled January 25, 2012 as Document No. 3889454 (SHOWN).

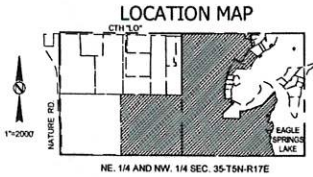
23. Terms, conditions, restrictions and provisions relating to the use and maintenance of the Cross Easement Agreement recorded on April 19, 2013, as Document No. 4006836 (SHOWN).

GENERAL NOTES:

1. EASEMENT LOCATIONS BASED ON INFORMATION FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE POLICY NO. NCS-1036394-MKE, DATED JANUARY 11, 2021.

2. THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION. THE SURVEYOR WILL NOT ENTER ANY BUILDINGS ON OR OFF SITE.

3. DUE TO SNOW COVER THE ACCURACY OF DRIVEWAYS, WALKS AND POTENTIAL STRUCTURES BURIED BY SNOW CAN NOT BE RELIED UPON.



SURVEYOR:
KEITH A. KINDRED, PLS S-2082
SEH, INC.
501 MAPLE AVE.
DELAFIELD, WI 53018
(414) 949-8919
KKINDRED@SEHINC.COM

SURVEY FOR:
ANNE KRUG
1930 N MENOMONEE RIVER PKWY
WAUWATOSA, WI 53226
(262) 347-9790



DETAIL

SCALE: 1"=50'

RECEIVED 1.4.21

DEPT OF

PARKS & LAND USE

REVISIONS

DATE

BY

NO.

SEH FILE NO.

PROJECT NO.

ISSUE DATE

DRAWN BY:

DESIGNED BY:

CHECKED BY:

SEH
PHONE: 414.949.8919
DELAFIELD, WI 53018-3351
WWW.SEHINC.COM

ALTANSPS LAND TITLE SURVEY
PART OF THE SW 1/4, SE 1/4, NE 1/4 AND NW 1/4 OF
THE NE 1/4 AND THE SE 1/4 OF THE NW 1/4 OF
SECTION 35, T.5N., R.17E., TOWN OF EAGLE,
WAUKESHA COUNTY, WISCONSIN.

SHEET

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