

Date: February 28, 2024

To: Town of Eagle Plan Commission-Town Board

From: Tim Schwecke, Town Planner

Subject: Recommendation to Waukesha County regarding an amendment to an existing conditional use approval for Eagle Spring Golf Resort located at W352S10355 Tuohy Road; Country Krug, LLC, applicant (Matt and Anne Krug, agents)

Application: 2024-01; <https://s.zoninghub.com/7GHRC7Z7MO>

Meeting: March 4, 2024 Plan Commission-Town Board meeting

Waukesha County has received an application from Country Krug, LLC to amend the county's conditional use approval for Eagle Spring Golf Resort. Consistent with the county's review procedure, the County held a joint public hearing with the Town's Plan Commission-Town Board on February 5, 2024.

The public hearing was adjourned at that time to allow all parties to consider appropriate conditions that could be included, if approval is recommended.

If the Town is inclined to recommend approval to the County, the draft motion can be used as a starting point. While all of the parts of the motion can be revised, the highlighted areas should specifically be clarified.

As a reminder, the public hearing should be kept open until a Plan Commission member is ready to make a motion for consideration. Once the public hearing is closed, all public comment including from the petitioner is not allowed.

Proposed motion for approval Recommend to Waukesha County the amendment of the conditional use approval subject to the following terms and conditions:

1. **Number of events.** The operator may hold no more than 6 events on the island. Upon petition, the Town Plan Commission may allow up to 15 events starting in 2025 provided the commission determines that the larger number is appropriate based on current and planned operating conditions. The number of events on the island is part of the overall number of events allowed for the conditional use approval.
2. **Maximum number of guests per event.** The maximum number of guests for an authorized event is limited to 150 at any one time. Upon petition, the Town Plan Commission may allow up to 200 guests starting in 2025 provided the commission determines that the larger number is appropriate based on current and planned operating conditions.
3. **Maximum size of service area.** The existing hard-surfaced patio, consisting of [redacted] square feet, may be maintained and reconstructed provided the area is not enlarged.
4. **Riparian vegetation management.** The operator may not mow vegetation within 3 feet of the ordinary high-water mark, except in those area depicted on the approved site plan. A buffer strip consisting of native vegetation must be established around 30 percent of the waterfront frontage as depicted on the approved site plan.
5. **Consistency with alcohol license.** Alcohol may not be served or consumed unless the alcohol license issued by the Town explicitly states that consumption is permitted.

6. **Alcohol service.** If alcohol is served, such service must stop by 9:00 pm. Upon petition, the Town Plan Commission may allow service up to 10:00 pm starting in 2025 provided the commission determines that the later time is appropriate based on current and planned operating conditions.
7. **Hours of operation.** The event must conclude by 10:00 pm.
8. **Outdoor lighting.** Festoon lighting (i.e., lamps wired to a flexible cable) may be placed above the approved outdoor service area, provided (1) the lighting is only used when the outdoor service area can be used and (2) each bulb does not produce more than 200 lumens. The footbridge may be lighted for safety purposes. Any lighting placed above the approved outdoor service area must be removed within 24 hours following the conclusion of the event.
9. **Structures.** A tent may not be erected for any purpose. The existing building with a floor area of [redacted] square feet is allowed to remain and be maintained and may be used for event purposes.
10. **Camping.** Overnight camping is not allowed.
11. **Footbridge.** The existing foot bridge providing access to the island may be maintained and reconstructed, if necessary, provided all necessary approvals and permits are obtained by the property owner. The bridge may not be used for vehicular access of any kind, except that golf carts and similar-sized vehicles may be used for event purposes.
12. **Pier.** The two existing piers are allowed to remain and may be maintained consistent with any requirements established by the Wisconsin DNR and/or Waukesha County. The property owner may not rent or lease any part of a pier to another person.
13. **Notification.** The operator must provide advance notification of upcoming events via email to all property owners within 300 feet of the island who provide their contact information to the operator. The notice must be sent at least 30 days in advance of a scheduled event and provide basic details about the nature of the event. This requirement for notification is a courtesy to those that may own property in the area. Failure to send/receive notice is not considered a violation of this approval.
14. **Music.** Outdoor music, whether supplied by the operator and/or patrons, is not allowed.
15. **Restroom facilities.** Portable toilets may be used but must be placed in the location depicted in the approved site plan.
16. **Beach.** The operator may not establish a beach or other such swimming area.
17. **Site plan required.** The operator must submit a site plan to [redacted] for review. The approved plan must depict the existing building, no mow area, riparian restoration area, outdoor seating area, placement of the portable toilets, and any other improvements related to and authorized by the county's approval.

Further, the Town of Eagle reserves the right to adopt an ordinance to regulate short-term rentals as allowed by state law. Nothing herein or in any County approval shall supersede that ordinance as it may apply to the subject property.