

Date: May 2, 2024

To: Town of Eagle Plan Commission-Town Board

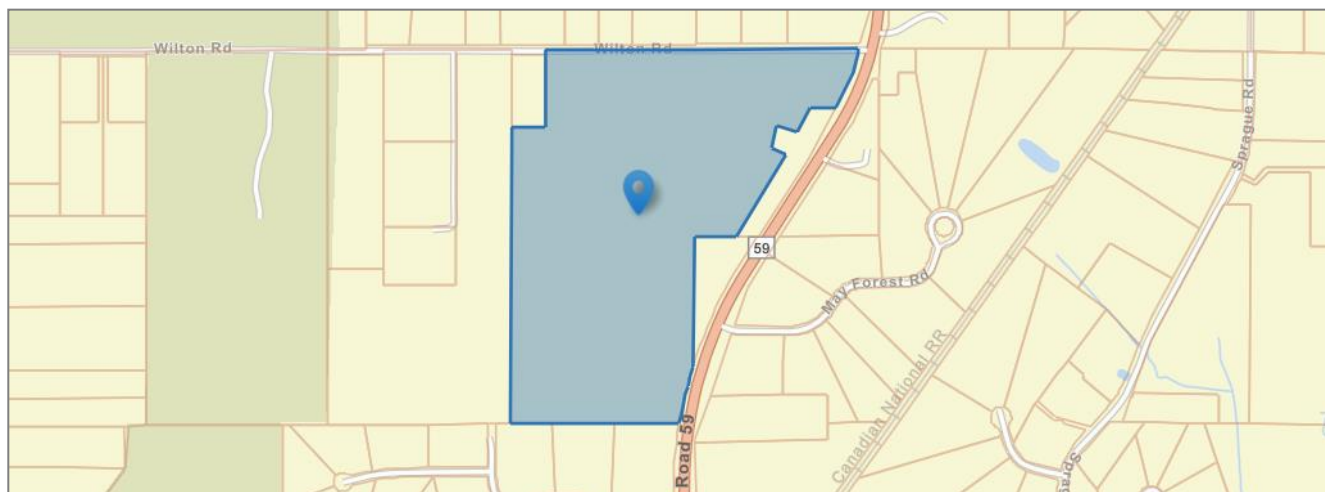
From: Tim Schwecke, Town Planner

Subject: Planned Development District for Winter Horse Estates, a residential subdivision consisting of 18 lots and 2 outlots; Burback Builders (Jared Burback, agent)

Application: 2024-04; <https://s.zoninghub.com/I3XDTD73OH>

Meeting: May 6, 2024 Plan Commission-Town Board meeting

Burback Builders has submitted an application for a planned development district off of Wilton Road. The subject property consists of approximately 97 acres. The project will be limited to 70.2 acres and will be developed as a conservation subdivision consisting of 18 lots and 2 outlots. The remainder will be used as a commercial stable.



Procedure for establishing a planned development district As described in Town's zoning code, there are three steps in establishing a planned development district.

1. Concept review (completed April 9, 2024)
2. General Development plan (GDP)
3. Final Development Plan (FDP)

The petitioner has submitted the materials for the General Development Plan.

1. **Property size.** 70.24 acres
2. **Current zoning classification.** RR (Rural Residential)
3. **Number of lots.** The proposed plan shows 18 residential lots; 26 are potentially allowed based on calculation ($70.24 / 3 = 26.5$)
4. **Lot requirements.** All of the proposed lots comply with the following:
 - street frontage
 - average width
 - depth to width ratio (e.g., 2.5 to 1)

- minimum lot size (2 acres for a PDD)
5. **Open space.** At least 40 percent of the subject property must be set aside as open space. Based on the current configuration, the amount dedicated is just short by about 0.25 acres. The layout will need to be adjusted accordingly.
 6. **Public roads.** The developer will be required to construct a road to Town standards.
 7. **Stormwater management.** Stormwater basins located in the various outlots.
 8. **Land suitability.** All of the proposed lots must comply with the land suitability criteria in Section 480.161 of the land division regulations.
 9. **On-site sewerage disposal.** The developer will need to show that all of the proposed lots are capable of supporting an on-site septic system.
 10. **Development agreement.** The developer will be required to prepare a development agreement for the roads and other matters as part of the subdivision process.
 11. **Phasing.** The developer will develop the project at one time (i.e., no phasing).
 12. **Covenants.** The developer has not proposed any covenants.
 13. **Proposed PDD standards.**
 - **Lot size, minimum:** 2 acres
 - **Side-yard offset, minimum:** 30 feet
 - **Rear-yard offset, minimum:** 20 feet
 - **Accessory buildings, maximum:** _____ need to verify
 - **Unspecified standards:** per RR zoning district

Required reviews. In the review of a general development plan and the precise implementation plan, the Plan Commission in making its recommendation and the Town Board in making its decision shall consider the following factors:

- (1) whether development in the proposed project is in keeping with the spirit and intent of this chapter;
- (2) whether development in the proposed project is consistent with the town's comprehensive plan;
- (3) the effects of development in the proposed project on traffic safety and efficiency, both within and outside of the district;
- (4) whether the proposed plan for development in the proposed project is properly planned and is properly coordinated with the existing and anticipated land uses on properties in the immediate and surrounding area;
- (5) the extent to which the natural features, open space, and/or farmland on the site are preserved;
- (6) the extent to which the rural character of the area is preserved;
- (7) whether development in the proposed project complies with provisions of this chapter and other land development regulations of the town that may apply;

- (8) the effects of development in the proposed project on public services and facilities;
- (9) whether adequate water and sanitary sewer facilities can be provided to development in the proposed project;
- (10) the proposed means of maintaining any undeveloped areas of the proposed project for the purpose for which it was set aside;
- (11) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (12) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts;
- (13) whether the plan for development is clearly superior to development that is permitted based on the design and development standards of the underlying zoning district; and
- (14) any other factor that relates to the purposes of this chapter as set forth in s. 500.05 or as allowed by state law.

Public notice. As required by the Town's zoning code and state statute, a class II public hearing notice was published (attached). A copy of the public hearing notice was mailed to property owners within 300 feet of the subject property.

Potential conditions of approval. If the Plan Commission and Town Board are inclined to grant approval, conditions of approval can be imposed. The following are potential conditions.

1. The developer must prepare a vegetation management plan for those areas with the outlots and submit it for review and approval.
2. If the developer will be adopting covenants, they should be submitted to the Town for review.
3. All stormwater facilities must comply with the Town's requirements and be approved by the Town Engineer as meeting those requirements.

Potential Plan Commission motion. Close the public hearing and direct the Town Planner to prepare a decision document for approval with recommended conditions of approval. Such decision document will be reviewed at the meeting on June 3, 2024. Further, the developer must resubmit development plans that show at least 40 percent of the subject property is in common open space.

Attachments

1. Public hearing notice
2. Subdivision plat

**Joint Public Hearing
Town of Eagle Plan Commission and Town Board**

The Town of Eagle Plan Commission and Town Board will conduct a joint public hearing on May 6, 2024 at 6:30 p.m. at the Eagle Municipal Building, located at 820 East Main Street, Eagle, to consider the application submitted by Burback Builders for a planned development district off of Wilton Road (Parcel: EGLT 1771999). The proposed project consists of 18 residential lots and various outlots. Details may be available here <https://s.zoninghub.com/I3XD73OH>.

All interested parties will be heard. The public hearing will be conducted in the order indicated on the meeting agenda.

For information regarding this public hearing, contact Tim Schwecke, Town Planner, at 920-728-2814. A copy of the application materials may be obtained at the above link or by calling Mercia Christian, Town Clerk, at 262-594-5800 during normal office hours.

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, please contact Mercia Christian, Town Clerk, at 262-594-5800.

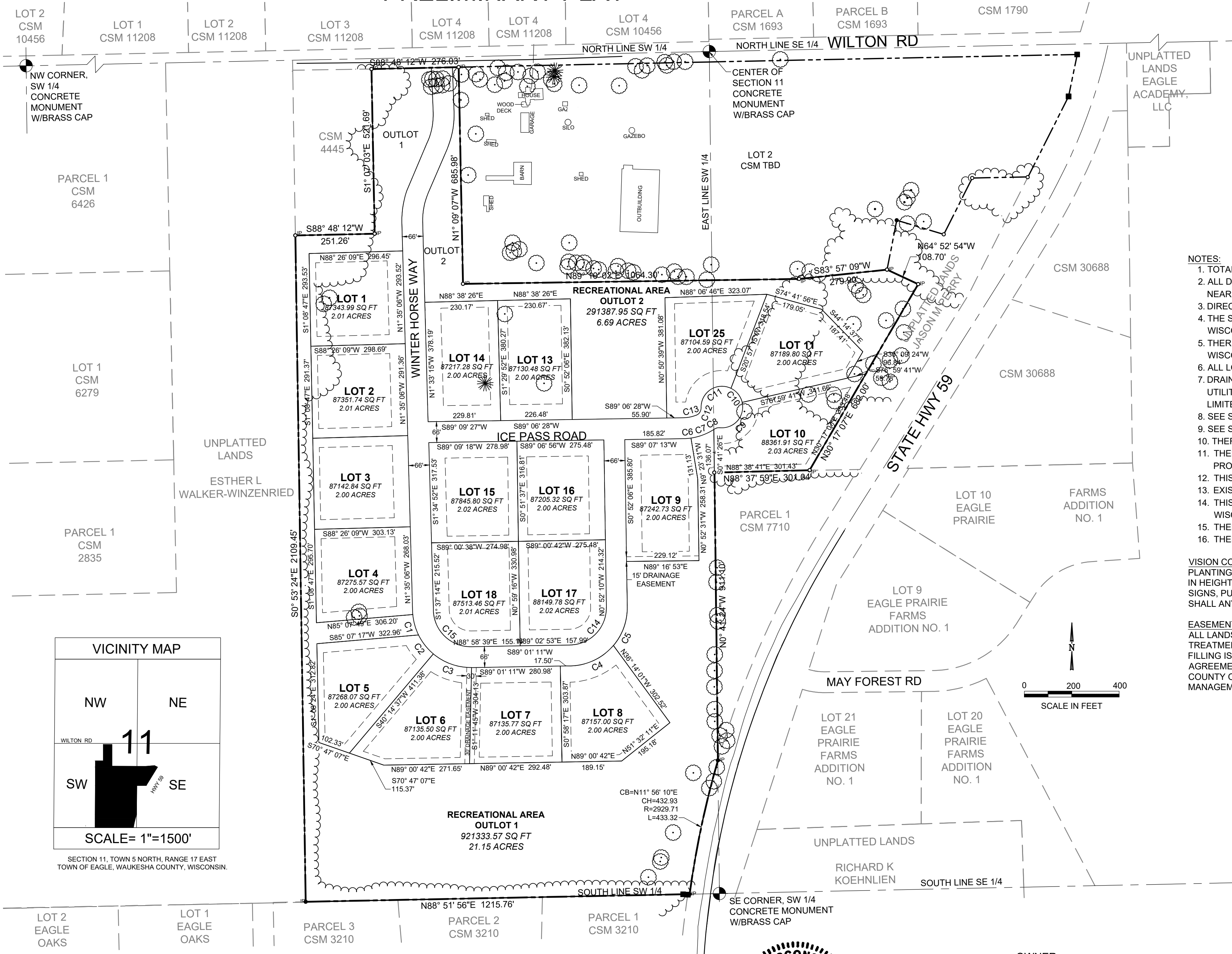
Mercia Christian, Eagle Town Clerk

Published: April 19 and 26, 2024 in the *Waukesha Freeman*

WINTER HORSE ESTATES

LOT 2 OF CSM# ____, BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 17 EAST, VILLAGE OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

PRELIMINARY PLAT



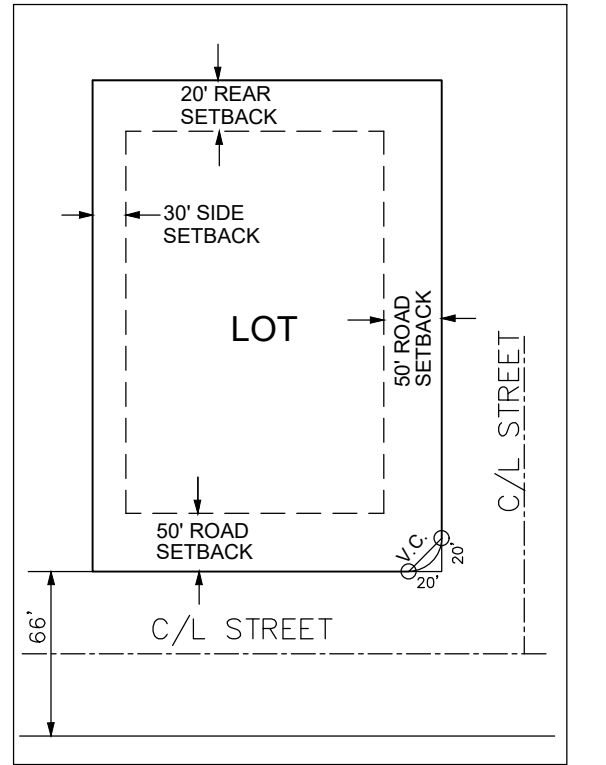
CURVE TABLE					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	67.53	184.19	21.01	S15° 36' 14"E	67.15
C2	76.58	184.19	23.82	N38° 01' 07"W	76.03
C3	131.38	184.18	40.87	N70° 21' 44"W	128.61
C4	170.02	183.96	52.96	S66° 49' 25"W	164.04
C5	125.80	183.96	39.18	N20° 45' 22"E	123.36
C6	23.90	183.26	7.47	S85° 23' 04"W	23.88
C7	77.91	183.26	24.36	S69° 28' 10"W	77.33
C8	11.39	26.18	24.92	S63° 47' 55"W	11.30
C9	125.60	65.93	109.16	S41° 33' 44"W	107.45
C10	59.23	65.93	51.47	N38° 45' 05"W	57.25
C11	134.79	65.93	117.14	S56° 56' 40"W	112.51
C12	15.31	25.52	34.36	S15° 33' 15"W	15.08
C13	38.41	109.65	20.07	S77° 54' 29"W	38.21
C14	183.50	117.24	89.67	N44° 04' 56"E	165.33
C15	182.37	118.02	88.54	S46° 27' 07"E	164.76

- NOTES:
- TOTAL PARCEL OF LAND INCLUDED IN THIS PLAT CONTAINS 70.24 ACRES.
 - ALL DIMENSIONS MEASURED AND SHOWN TO THE NEAREST HUNDREDTH OF A FOOT; ALL ANGLES MEASURED TO THE NEAREST FIVE SECONDS AND COMPUTED TO THE NEAREST SECOND.
 - DIRECT VEHICULAR ACCESS TO S.T.H. 59 BY ANY LOT WITHIN THIS SUBDIVISION IS PROHIBITED.
 - THE SITE DOES NOT CONTAIN ANY HISTORICAL OR CULTURAL BURIED ITEMS PER STATE HISTORICAL SOCIETY OF WISCONSIN, DIVISION OF HISTORIC PRESERVATION ARCHAEOLOGICAL SITE INVENTORY.
 - THERE ARE NO LANDFILL FACILITIES WITHIN THE SITE OR 1200' OF THE SITE PER REGISTRY OF WASTE DISPOSAL SITES OF WISCONSIN.
 - ALL LOTS TO BE SERVED BY PRIVATE ONSITE SANITARY SEWER.
 - DRAINAGE EASEMENTS, VISION CORNER, ACCESS AND MAINTENANCE EASEMENTS GRANTED TO THE TOWN OF EAGLE. UTILITY EASEMENTS GRANTED TO WE ENERGIES AND ITS ASSIGNS. NO ABOVE GROUND STRUCTURES INCLUDING, BUT NOT LIMITED TO, UTILITY BOXES, UTILITY POLES AND UTILITY PEDESTALS, SHALL BE LOCATED WITHIN A DRAINAGE EASEMENT.
 - SEE SHEET 2 FOR UTILITY EASEMENT PROVISIONS.
 - SEE SHEET 2 FOR EXISTING TOPOGRAPHY AND SOIL BORINGS.
 - THERE ARE NO NAVIGABLE WATERS LOCATED ON THIS PROPERTY AND IT IS NOT IN ANY SHORELAND JURISDICTION.
 - THERE ARE NO WETLANDS, ENVIRONMENTAL CORRIDOR OR ISOLATED NATURAL AREA OR WOODLANDS ON THIS PROPERTY PER WAUKESHA COUNTY GIS MAPPING, MARCH, 2024.
 - THIS PROPERTY IS NOT IN A FLOODPLAIN PER FEMA MAP F55133CO290H.
 - EXISTING ZONING TAKEN FROM THE WAUKESHA COUNTY GIS MAPPING ZONING MAP, MARCH 2024.
 - THIS PROPERTY IS NOT WITHIN 1200' OF A WASTE DISPOSAL SITE PER REGISTRY OF WASTE DISPOSAL SITES OF WISCONSIN.
 - THERE ARE NO HYDRIC SOILS OR BEDROCK LIMITATIONS PER WAUKESHA COUNTY GIS MAP, MARCH 2024.
 - THERE WAS NO DRAIN TILE OBSERVED.

VISION CORNER RESTRICTIONS
PLANTING OF BERMS, FENCES, SIGNS AND ANY OTHER STRUCTURES SHALL NOT EXCEED 24 INCHES IN HEIGHT ABOVE THE INTERSECTION ELEVATION, EXCEPT FOR NECESSARY HIGHWAY AND TRAFFIC SIGNS, PUBLIC UTILITY LINES AND OPEN FENCES THROUGH WHICH THERE IS CLEAR VISION, NOR SHALL ANY DRIVEWAYS BE PERMITTED WITHIN SAID VISION CORNER.

EASEMENTS
ALL LANDS WITHIN AREAS LABELED "DRAINAGE EASEMENT" ARE RESERVED FOR STORM WATER COLLECTION, CONVEYANCE, TREATMENT OR INFILTRATION. NO BUILDINGS OR OTHER STRUCTURES ARE ALLOWED IN THESE AREAS. NO GRADING OR FILLING IS ALLOWED IN THESE AREAS THAT MAY INTERRUPT STORM WATER FLOWS IN ANY WAY. THE MAINTENANCE AGREEMENT MAY CONTAIN SPECIFIC MAINTENANCE REQUIREMENTS FOR THESE AREAS. THE TOWN OF EAGLE, WAUKESHA COUNTY OR THEIR DESIGNEE ARE AUTHORIZED ACCESS IN THESE AREAS FOR PURPOSES OF INSPECTING THE STORM WATER MANAGEMENT PRACTICES OR ENFORCING THE TERMS OF MAINTENANCE AGREEMENT.

TYPICAL LOT AND VISION CORNER DETAIL



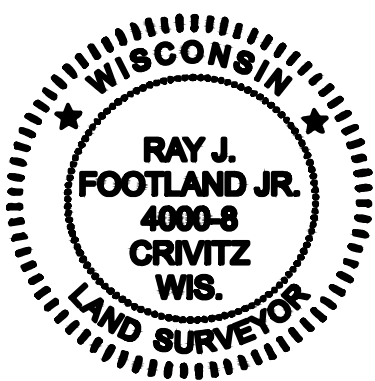
BEARINGS REFER TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE IN WHICH THE WEST LINE OF THE SW 1/4 SEC 11-5-17 BEARS DUE NORTH.

LEGEND	
---	PROPERTY LINE
---	PROPOSED INTERIOR LOT
---	BUILDING SETBACK
---	MAJOR CONTOUR, (5' INTERVAL)
---	MINOR CONTOUR, (1' INTERVAL)
---	CENTERLINE OF ROAD
---	ADJACENT PROPERTY LINES
---	TREELINE
⊕ B-1	SOIL BORING-ID
V.C.	VISION CORNER (SEE DETAIL)
C8	CURVE (SEE CURVE TABLE)
○	DEMOTES 1" X 18" IRON PIPE 1.13 LBS. PER LINEAL FOOT SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
●	DEMOTES 1" IRON PIPE FOUND
■	DEMOTES RIGHT OF WAY POST
○	DECIDUOUS TREE
✱	CONIFEROUS TREE

OWNER: DANIEL & BARBARA RIVA TRUST
S75 W35621 WILTON RD.
EAGLE, WI 53119

SUBDIVIDER: BURBACK BUILDERS
W185 S8095 RACINE AVE.
MUSKEGO, WI 53150

SURVEYOR: RAY J. FOOTLAND JR.
CRIVITZ, WI 4000-8



R. Footland Jr.

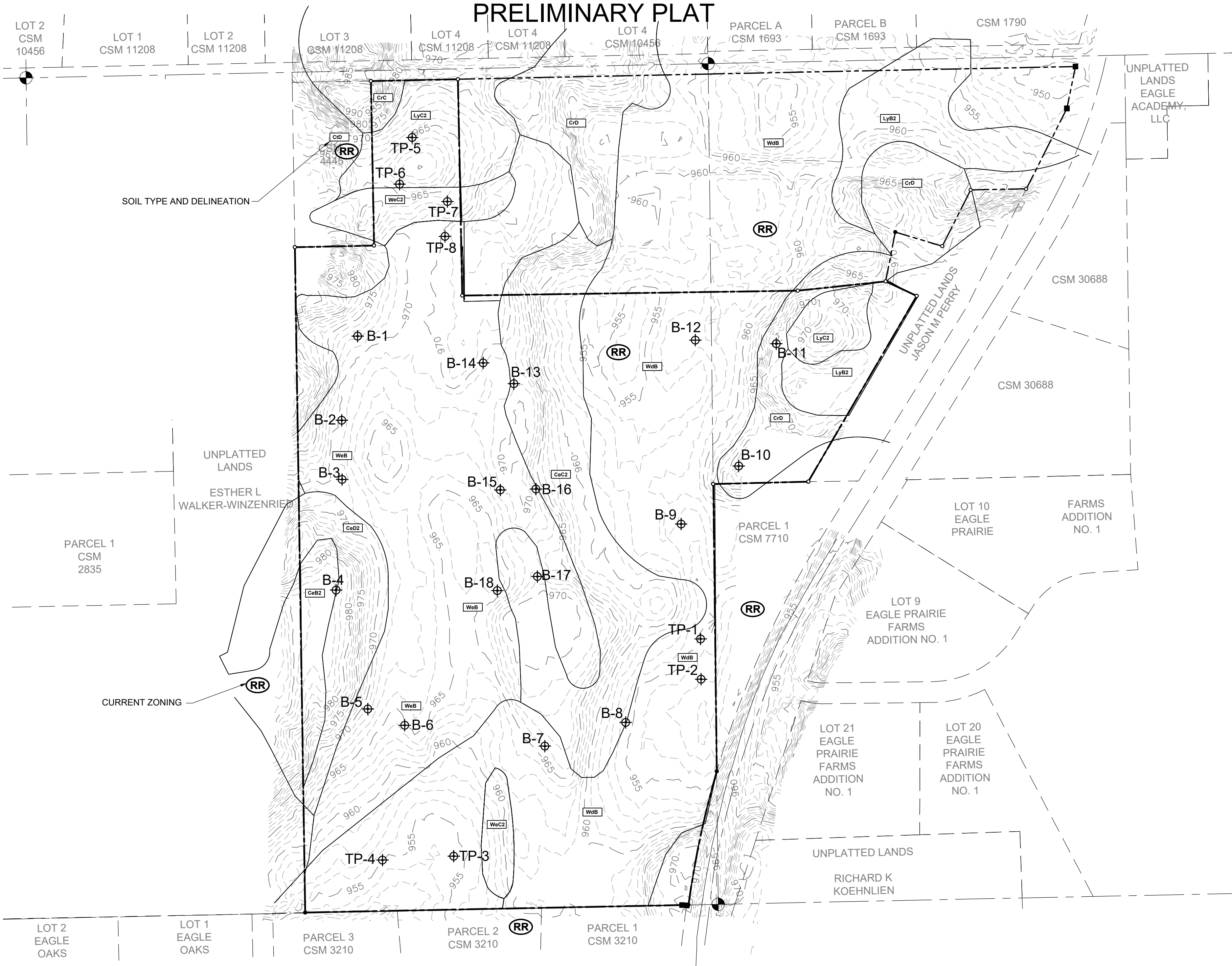
INSTRUMENT DRAFTED BY: RAY J. FOOTLAND 4000-8

P:\Burback Builders - 921\001 - Winterhorse Estates\CAD\921-001-001 SUBDIVISION PLAT PRELIM.dwg

REVISIONS:			
Endpoint Solutions			
6871 S. Lovens Lane Franklin, WI 53132			
Phone: (414) 427-1200	DATE: 9/25/2024	Fax: (414) 427-1259	
DRAWN BY: JRT			1 OF 2
REVIEWED BY: RJP	PROJECT NO: 921-001-001		

WINTER HORSE ESTATES

LOT 2 OF CSM# _____, BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 17 EAST, VILLAGE OF EAGLE, WAUKESHA COUNTY, WISCONSIN.



SURVEYOR'S CERTIFICATE

I, RAY J FOOTLAND JR., PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED ALL THAT PART OF LOT 2 OF CSM# _____, BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 17 EAST, VILLAGE OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

BEGINNING AT THE CENTER OF SECTION 11; THENCE WEST ALONG THE WEST 1/4 LINE OF SECTION, 1320.00 FEET; THENCE SOUTH 00° 17' WEST 2663.78 FEET TO THE SOUTH LINE OF THE SECTION; THENCE SOUTH 89° 57' EAST ALONG THE SOUTH LINE OF SECTION, 1310.40 FEET TO THE SOUTH 1/4 CORNER; THENCE NORTH 00° 29' EAST ALONG SAID 1/4 LINE, 1332.50 FEET; THENCE NORTH 89° 48' EAST 301.79 FEET; THENCE NORTH 31° 27' EAST, PARALLEL TO THE CENTERLINE OF STATE TRUNK HIGHWAY NO. 59, 681.7 FEET; THENCE NORTH 63° 43' WEST 108.70 FEET; THENCE NORTH 12° 16' EAST 159.44 FEET; THENCE SOUTH 72° 02' EAST 155.50 FEET; THENCE NORTH 27° 57' EAST PARALLEL TO THE CENTERLINE OF THE AFOREMENTIONED HIGHWAY NO. 59, 199.99 FEET; THENCE EAST PARALLEL TO THE EAST WEST 1/4 LINE OF SECTION 212.12 FEET TO THE CENTER LINE OF STATE TRUNK HIGHWAY NO. 59; THENCE NORTH 27° 57' EAST ALONG SAID CENTERLINE 472.40 FEET TO THE EAST 1/4 LINE OF SECTION 11; THENCE WEST ALONG SAID EAST 1/4 LINE 1259.62 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THAT PART CONVEYED TO WAUKESHA COUNTY BY QUICK CLAIM DEED RECORDED AS DOCUMENT NO. 123398.

ALSO ACCEPTING THEREFROM CERTIFIED SURVEY MAP NO. 4445 RECORDED IN VOLUME 35 OF CERTIFIED SURVEYS AT THE WAUKESHA COUNTY REGISTER DEEDS OFFICE AT PAGES 235 AND 236 AS DOCUMENT NO. 1238943.

FURTHER ACCEPTING FROM THE PARCELS OF LAND CONVEYED TO THE STATE OF WISCONSIN AS RECORDED ON SEPTEMBER 13, 1979 IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE IN REEL 378, IMAGE 31 AND 32 AS DOCUMENT NO. 1106658.

SAID PARCEL CONTAINS 70.24 ACRES MORE OR LESS.

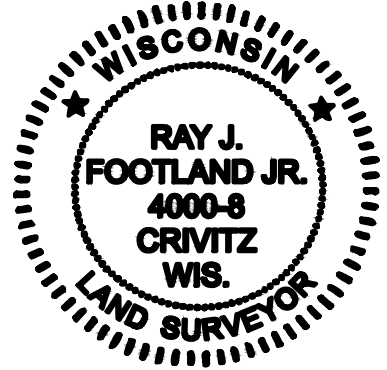
I FURTHER CERTIFY THAT I HAVE MADE SAID SURVEY, LAND DIVISION, AND PLAT BY THE DIRECTION OF DANIEL & BARBARA RIVA TRUST, OWNER OF SAID LAND.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE TOWN OR VILLAGE OR CITY OF EAGLE, WISCONSIN IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS _____ DAY OF _____, 2024.

RAY J FOOTLAND JR.
WISCONSIN PROFESSIONAL LAND SURVEYOR, NO. 4000-8
(original if signed in red)



R. Footland