

TO: Village of East Troy Plan Commission
CC: Eileen Suhm, Jason Equitz, Tim Lynch
FROM: Orrin Sumwalt, Planning Consultant
RPT DATE: December 30, 2024 (Updated January 10, 2025)
MTG DATE: January 13, 2025
APRVL DATE: Village Board action required within 60 days of submittal
FOTH FILE: 25E020.01/3
RE: Burki – Extraterritorial Jurisdiction (ETJ) Providence Farms Preliminary Plat Review

BACKGROUND:

1. Petitioner: William H. Burki and Pamela Burki
2. Agent: Warren Hansen (Ferris Hansen & Associates, Inc.)
3. Property Owner: William Burki Trust and Pamela Burki Trust
4. Location/Address: Swoboda Road – Part of the Southeast ¼ and Southwest ¼ of the Southeast ¼ and part of the Southeast ¼ of the Southwest ¼ of Section 31, Town 4 North, Range 18 East, Walworth County, Wisconsin.
5. Tax Key Number: PET 3100007
6. Area: 57.19 AC
7. Future Land Use: Single Family Residential-Exurban and Agricultural/Open Space

OVERVIEW:

The petitioner is requesting review of a preliminary plat within the extraterritorial plat review jurisdiction of the Village of East Troy (within 1.5 miles of the Village boundaries). The proposed preliminary plat consists of six (6) single-family residential lots on the south side of Swoboda Road in the Town of Easy Troy. Lots range from approximately 7.84 AC to 23.68 AC.

PLANNER COMMENTS:

1. **Extraterritorial Land Divisions – Sec. 495-16.** This section of the code outlines policies for divisions of land within the Village’s extraterritorial review area. An extraterritorial plat approval authority may not require public improvements outside of municipal limits or impose land use and density regulations unless extraterritorial zoning is established. A municipality may consider the suitability of land for development according to standards in the land division ordinance (Sec. 495-7) or conflict with planned public investments such as those shown on an Official Map or within the Comprehensive Plan.
2. **Preliminary Plat.** The proposed land division meets the Village’s definition of a preliminary plat, “The preliminary plat map or drawing indicating the proposed layout of the subdivision”.
3. **Lot Design Standards – Sec. 495-46.** The proposed lots generally meet the Village’s lot design standards. Lots 1, 2 and 5 do not front on a public or private road, but rather are proposed to be accessed via separate access easements. The county and town will need to verify the lots comply.
4. **County Zoning.** The property is zoned C-2 Upland Resource Conservation District (Walworth County). The parcel encompasses an isolated natural resource area, which is on Lots 1-4 of the proposed preliminary plat. The C-2 District allows residential parcels at least 5 acres in area and 300 feet in width.

There are no preservation restrictions or disturbance limits shown with respect to the isolated natural resource area.

5. **Official Map.** The Village's official map does not show any planned roadways within the subject property.
6. **Other Reviews.** Both the Town of East Troy and Walworth County will need to approve the proposed preliminary plat.
7. **Village Review Procedures.** With regard to land divisions, the Plan Commission is advisory to the Village Board. The Plan Commission may recommend (1) approval, (2) approval with conditions, or (3) denial of the application. If approval is recommended, the Plan Commission can impose conditions deemed necessary to protect the public health, safety, and welfare.
8. **Public Notice.** Aside from being included on the meeting agenda, no other public notice is required.

ENGINEER COMMENTS:

Tim Lynch, Village of East Troy Village Engineer has provided separate correspondence regarding technical review of the Providence Farms Subdivision Preliminary Plat.

STAFF RECOMMENDATION:

Preliminary Plat

Depending on confirmation of by the Village of East Troy Plan Commission of the above-described comments, the Village of East Troy Plan Commission may take the following actions:

The Village of East Troy Plan Commission recommends to the Village Board **Approval** of the Preliminary Plat for William H. Burki and Pam Burki for the property located on Swoboda Road (PET 3100007) subject to the following conditions:

1. The Town of East Troy and Walworth County must verify Lots 1, 2, and 5 have legal access and otherwise comply with zoning requirements.
2. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of East Troy Plan Commission, Village Engineer and Village Zoning Administrator for the preliminary plat, and other documentation.
3. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of East Troy for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of East Troy by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of East Troy must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of East Troy, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village of East Troy, including possible cause for termination of the conditional approval.

EXHIBIT:

- A. Petitioner Application