

TOWN OF EAGLE
PLANNING & ZONING COMMISSION HELD JOINTLY WITH THE TOWN BOARD
August 5, 2026, 5:30PM
Approved Minutes

A Public Hearing was conducted by the Town of Eagle Plan Commission, on Wednesday, August 5, 2026, at 5:30 p.m., at the Eagle Town Hall, 820 East Main Street, Eagle, WI, 53119, to consider a request by the Town of Eagle to amend the Town of Eagle's Comprehensive Development Plan (CDP) map adopted in 2009, as follows:

Amend the Town's CDP Plan map for the following properties:

EGLT 1732.999.001 (part of tax parcel east of HWY 59) from the Industrial category to the Suburban Residential I category (3+ acres per dwelling unit), consisting of approximately 210 acres to be amended, located in the NW ¼, NE ¼, SW ¼, and SE ¼ of Section 1, T5N, R17E, Town of Eagle;

EGLT 1729.997.003 from the Rural Residential I category (3+ acres per dwelling unit) to the Suburban Residential II category (1.5+ acres per dwelling unit), consisting of approximately 49 acres to be amended, located in the NE ¼ of Section 1, T5N, R17E, Town of Eagle;

EGLT 1829.999 from the Rural Residential I category (3+ acres per dwelling unit) to the Suburban Residential II category (1.5+ acres per dwelling unit), consisting of approximately 193 acres to be amended, located in the NE ¼ and the E ½ of the NW ¼ of Section 26, T5N, R17E, Town of Eagle; and

EGLT 1835.999.001 from the Rural Residential I category (3+ acres per dwelling unit) to the Suburban Residential II category (1.5+ acres per dwelling unit), consisting of approximately 66 acres to be amended, located in the E ½ of the SW ¼ and the W 25 acres of the SE ¼ of Section 27, T5N, R17E, Town of Eagle

Planner Heermans explained that the town adopted a land use plan in 2009. There are provisions that allow for the code to be amended over time. A year or two ago the town lost some properties to annexation. A committee was formed and they looked at the entirety of Eagle and determined four parcels that were identified with the potential to be annexed to a village. The committee came up with some recommendations. The goal was to promote the rural aesthetic of the town while also allowing for responsible development. Heermans wanted to make it clear that there is no development proposed at this time; the committee felt that they were being proactive in trying to keep the properties in the town without having them annexed to another municipality. Once that happens the Town has no control over it. The plan is providing for a transition from what are smaller lot sizes and typically higher densities. This is strictly about density, which dictates the overall number of lots, not lot size. The land use plan is simply density. They are two separate things. Lot sizes are not being changed. In order to do that, someone would need to apply for a rezone. There has been no proposal at this point.

Supervisor Kugel cited some accusations on social media and for clarification, asked if any of these property owners or any developers contacted the planner asking for these changes. Heermans replied no, there is one lot for sale, but any inquiries were related to single family homes.

Commissioner Samuels spoke on the original 2009 land use plan, stating the two recently annexed properties were to be a transitional space, knowing that they were going to be sold and that they were two prime development pieces. Developers came forward with proposals to the Town that fit that transition that would have been much lower density than what is going to happen there now. It had benefits that the town could have used but now have lost that ability.

Commissioner Bendler spoke hoping the public understands that villages have power over the townships. If the Town accepts a conceptual plan, it can work with the builder. The recently annexed property is going to have more homes on it than if it had stayed in the town. The best approach is to secure the Town's borders to preserve the tax base and keep the Town as rural as possible.

Diane Knauer in the audience wanted to point out that villages do not approach the property owners to annex land. The landowner initiates the process, and the builders will go to the villages on behalf of the landowner.

The public hearing was opened at 5:45.

Stephan Muth asked about the village-owned 36 acres where the wells are and if they can annex off of that. He states he has a newspaper article that says they can. Muth also brought up some land zoned industrial. Initially it was thought it would be a good place for industry because of the railroad tracks there. If that is taken away and made residential where is the plan here for more industrial? The industrial park is almost full.

Diane Knauer spoke that the committee discussed the industrial property Muth referred to. A prior owner was going to try to put industry there, however the state would not allow him access off of Highway 59 so he would have had to have access off of Sprague Road. The intersection of 59 and Sprague is not favorable for semi-trucks. The railroad also would not allow the owner to put railroad stops in that particular location.

Commissioner Samuels added that the property's industrial designation does not appear practical because the current zoning allows business and mixed-use uses, not industrial zoning, and the site has significant access limitations. Access from Highway 59 has been denied, the railroad will not permit a spur or expanded crossing access, and the property currently can only be accessed for agricultural purposes.

Matt Kube questioned if there is any impact from the DNR on the additional wells that may affect the springs that are in the Kettle Moraine.

Planner Heermans answered that anytime there is a subdivision development with wells going in, Waukesha County Environmental Health is involved. DNR gets involved; they are part of any subdivision review process.

Commissioner Samuels stated that the DNR maintains a wetlands map that applies regardless of the Town's zoning designations. The map identifies wetlands, springs, marshlands, and other protected natural areas, and any proposed work in those areas requires DNR approval. He explained that wells also require permits through Waukesha County, and applicable regulations determine what is allowed. Using the Doman properties as an example, he noted that developers submit proposals to Waukesha County and, in some cases, the state and DNR for review. Those agencies decide what can and cannot be done, outside of the Town's control. Because the Doman properties are now in the village and will be served by municipal water, some protections and review requirements related to private wells may not apply. Samuels added that he did not know whether the municipal water system could support the properties for the next 50 years.

James Varcoe thanked the commission for the explanation as he did not understand the connection between annexation, zoning, and the strategy behind it. Given the changes that are proposed, what is to prevent a developer or builder coming to a landowner after these changes are made?

Commissioner Samuels answered that, realistically, there is little the Town can do to prevent a landowner from asking to be annexed into a village if approached by a developer. The Town could object, but doing so would likely result in costly litigation that the Town would probably lose. Samuels explained that the intent is to make development within the Town more appealing than annexation. He noted that prior developers had been willing to consider plans that fit a 1.5-acre density, which would have resulted in less intensive development than what is now expected after annexation. Farms under discussion are in circumstances similar to the Doman farm several years ago. One is owned by a last-generation farmer with no heirs interested in continuing the operation, and the others are no longer actively farmed by the owners but are leased to others. As a result, the properties may be viewed as assets for an estate or retirement plan.

Chairperson Mommaerts addressed comments made on social media questioning why the Town does not reach out to builders or developers. She stated that she has personally met with developers and asked them to come to the Town first so the Town can work with them and try to keep future development within the Town rather than having land annexed into the village. Mommaerts explained that the Town has faced lawsuits related to Planning and Zoning matters over the past several years, which has placed the Town in a difficult position. She said the current Board and Commissioners are working to become better informed and avoid repeating those mistakes. Mommaerts stated that the Town's goal is to protect its borders, preserve its tax base, and remain as rural as possible. She said the Doman property owner had initially come to the Town, and she believed the land could have remained in the Town if a 1.5-acre density had been accepted. Because that did not happen, the property was lost to annexation. Mommaerts said she is trying to keep communication open with developers and farmers. She believes some

developers would prefer to remain in the Town because properties in the Town of Eagle are marketable, and many people want to live there. Her goal is to use the proposed changes to strengthen those conversations, reduce the likelihood that developers would go directly to the village, and help preserve the remaining farmland and rural character of the Town.

Supervisor Domagalski stated while gathering signatures for nomination paperwork, many residents believed Eagle had always required a three-acre minimum for homes. He said he knew that was not the case because he owned a two-acre property when he first moved to Eagle in 1994. He also described purchasing a 48-acre property after confirming with the Town that he could build on it, only to later be told during the building permit process that the land was too productive as farmland to permit construction, which created difficulties for him. His concern grew while watching the prior Planning and Zoning Commission address the Doman Farm subdivision. He does not want Eagle to become dominated by subdivisions. The Town may once have had the opportunity for approximately 90 homes on that parcel, the annexation could now result in 120 to 130 homes, with smaller lots, more vehicles, and increased traffic. He explained that he was initially opposed to the proposed changes because he did not fully understand them, but he has learned more through the committee process. His main goal in joining the committee was to keep land from leaving the Town so that the Town can retain control over its future. He acknowledged that developers may approach landowners directly and that landowners may seek annexation into the village if they believe they can receive more money. In his view, the prior approach focused too much on individual farms and not enough on the broader development consequences. He believes the previous Planning and Zoning Commission meant well but did not fully consider what could happen in the end. He concluded by saying that he wants land to remain in the Town of Eagle because he loves the community.

A question was raised about the lot sizes in older subdivisions.

Chairperson Mommaerts answered that many existing subdivisions have lots smaller than one acre. Once smaller-lot subdivisions or annexations are approved, those decisions cannot be reversed and create future annexation opportunities for adjoining farmland.

Commissioner Samuels explained that the concept behind the future land use plan is to place the highest residential density closest to the villages, with density decreasing as properties get farther away.

Erin Severson raised the question whether there is any thought about making clear delineation of what the Town's assets are. For instance, if specific farms are assets, can it be put in the comprehensive plan to protect those as historical or cultural aspects of the community. That way the defense would be protecting those aspects versus density.

Chairperson Mommaerts explained that efforts to protect farmland must also account for landowner rights and the ownership value of the property. Farmland may be worth approximately \$10,000 per acre for agricultural use but could sell for about \$25,000 per acre for development. The Town must avoid interfering with a farmer's ability to sell land or with any related purchase contract, as doing so could expose the Town to claims of tortious interference.

Planner Heermans added there are properties in Farmland Preservation that are protected.

Pat Merkt asked if the state overrides the Town to cut a road to a piece of land he has on Highway 59. The board and commissioners answered that it would be the state.

Chairperson Mommaerts explained that road access and driveway spacing are important safety concerns. She stated that a road cannot safely accommodate numerous individual driveways, and that state and county agencies often limit the number of access points allowed on major roads.

Supervisor Hajewski stated that, as the person who runs Keep Eagle Wisconsin Rural, he opposes large subdivision-style development in the Town of Eagle, though he does not object to individual homes or CSM splits. He said he understands the strategy behind the proposed changes but believes it has not been effective because the Doman Farms and Bielinski projects still sought annexation through the Village of Eagle despite the Town's efforts. He supports changing the industrial area to residential use but opposes the other proposed changes.

Diana Varcoe thanked the Commission and Board for the information provided, stating that the discussion helped clarify the issues and would continue to follow the matter closely.

Chairperson Mommaerts encouraged residents to contact Board or Commission members with questions and said she would be willing to meet individually to explain the issues, as she and others had done after the Doman property discussion. She noted that understanding the process takes time and education.

Supervisor Kugel thanked those in attendance for coming to the meeting to listen, learn, and receive information directly rather than relying on social media.

Mommaerts read an emailed comment from Kelly Lang, who was unable to attend. Lang opposed the three proposed amendments changing parcels from Rural Residential to Suburban Residential. She supported changing the industrial parcel to a three-acre residential designation only if the area could be protected from annexation; otherwise, she supported keeping it industrial. Lang stated that the three-acre rural residential designation better reflects the Town of Eagle's rural character and noted concerns about horse-related ordinance limits on parcels under three acres, the Town's infrastructure and staffing capacity for higher-density neighborhoods, possible tax impacts, and the desire to avoid development patterns similar to surrounding villages. She stated that, absent a legal requirement to change the plan, she supports retaining the rural residential designations.

The public hearing was closed at 6:28pm.

Immediately after the above public hearing another public hearing was held to consider the Conditional Use request (2026-19) of Ryan Bendler (owner) to permit small scale manufacturing of auto parts within the existing multi-tenant building. The subject property is described as Lot 2 of Certified Survey Map No. 12257, located in part of the NW ¼ of Section 23, T5N, R17E, Town of Eagle. More specifically, the property is located on the west side of Godfrey Lane, south of Henry Lane, also known as Tax Key No. EGLT 1818.999.058.

The public hearing was opened at 6:29pm.

Commissioner Bendler recused himself from the room and returned after the public hearing.

Planner Slotty gave an overview that it is a 1.5-acre property located on the west side of the business park. It currently contains a multi-tenant commercial and industrial building. The current zoning is mixed business. The petitioner, who is also the owner of the property, is proposing to utilize a portion of the building, which is 3,200 square feet, contains a half bathroom and an overhead door, for a small automotive part manufacturing company.

No input was received from the public.

The public hearing was closed at 6:34.

Chairperson Mommaerts called the meeting to order at 6:34pm and led with the Pledge of Allegiance. C. Mommaerts, R. Hajewski, D. Radtke, F. Lang, D. Domagalski, T. Samuels, R. Kugel, and M. Bendler were present. Also in attendance was Attorney Remzy Bitar and Planners Kassie Slotty and Jacob Heemans.

Consideration and Approval of Minutes: *Plan Commission motion by Samuels, seconded by Radtke to approve the meeting minutes of June 3, 2026, as presented. Motion carried 6-0. Town Board motion by Kugel, seconded by Lang to approve the meeting minutes of June 3, 2026, as presented. Motion carried 5-0.*

Mommaerts opened the meeting for public comment.

Erin Severson spoke on agenda item 10, Jacks Bay Road drainage. The driveway of a property adjacent to hers is draining across the road and into her and her neighbor's driveway.

Amendments to the Town of Eagle's Comprehensive Development Plan

Plan Commission motion by Samuels to recommend approval of the future Land Use Plan as presented. Seconded by Bendler. Motion carried 6-0. Town Board motion by Domagalski to accept the recommendation. Seconded by Kugel. Motion carried 4-1 (Hajewski).

Conditional Use request for Ryan's Diesel Service to operate a small parts manufacturing business in the existing building at W356S8950 Godfrey Ln. (Tax Key EGLT1818.999.058); Godfrey Lane Properties, LLC (owner), Ryan Bendler (applicant) Application 2026-19.

Commissioner Bendler recused himself from this and the two subsequent agenda items.

Plan Commission motion by Samuels to recommend approval of the conditional use and site plan and plan of operations as presented. Second by Domagalski. Motion carried 5-0.

Town Board motion by Kugel to approve the recommendation of the Plan Commission. Second by Lang. Motion carried 5-0.

Site Plan/Plan of Operation for Ryan's Diesel Service to operate a small parts manufacturing business in the existing building at W356S8950 Godfrey Ln. (Tax Key EGLT1818.999.058); Godfrey Lane Properties, LLC (owner), Ryan Bendler (applicant) Application 2026-20

Plan Commission motion by Radtke to recommend the approval of the site plan for Ryan's Diesel Service to operate as a small parts manufacturing business in the existing building on Godfrey Lane. Second by Kugel. Motion carried 5-0. Town Board motion by Mommaerts to accept the Planning Commission recommendation in reference to Ryan's Diesel to operate a small manufacturing business on Godfrey Lane. Second by Domagalski. Motion carried 5-0.

Change of Topography request to raise the grade at a commercial property on Henry Ln (Tax Key EGLT1818.999.032) to accommodate a future building; Godfrey Lane Properties 2, LLC (owner), Ryan Bendler (applicant) Application 2026-16. Planner Slotty noted a topography permit is required per the Town of Eagle Zoning Code for certain situations. The applicant is proposing to level out the property so the maximum amount of fill would be eight feet in the center of the property. The vegetation that is there will be removed. There are no hydric indicators per DNR's surface water data viewer. The applicant has applied for a notice of intent to grade from the DNR. Tim Lynch (engineer) will be reviewing the grading plan. *Plan Commission motion by Kugel to accept the recommendation for a change of topography request at Tax Key EGLT 1818.999.032 to accommodate future building Godfrey Lane Property 2 LLC, Ryan Bendler, applicant, with the stated conditions in the staff report. Seconded by Samuels. Motion carried 5-0. Town Board motion by Mommaerts to accept the recommendation from the Planning Commission in reference the change of topography to the Godfrey Lane Property, owner Ryan Bendler. Second by Hajewski.* In further discussion, the decision criteria numbered one through seventeen in the staff report were reviewed. *Motion carried 5-0.*

Discussion/possible action regarding Jacks Bay Road runoff: Planner Heermans explained there is a meeting with the county (Shoreland Zoning) on Friday to discuss construction on a specific property that may be facilitating some of the issues, however the road construction itself is also adding water to the adjacent property. Supervisor Kugel added that he and a prior public works superintendent had discussed it at length; the contours and pitches need to be reviewed by the Town's engineer to determine the best course of action.

Violation updates: The list of violations provided by the planner was reviewed.

Chairperson Updates: Mommaerts had nothing further to report.

There were no recommendations for future agenda items.

Next meeting: Wednesday September 2, 2026, at 5:30PM. It will be held jointly with the Town Board.

Plan Commission motion to adjourn was made by Samuels and seconded by Bendler. All in favor. Plan Commission adjourned at 7:26pm. Town Board motion to adjourn was made by Kugel and seconded by Hajewski. All in favor. Town Board adjourned at 7:26pm.

Respectfully submitted, Mercia Christian, Clerk