

ENROLLED ORDINANCE 167-78

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 10, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT (ZT-1747)

WHEREAS after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Lisbon Town Board on November 12, 2012, and

WHEREAS the matter was referred to and considered by the Waukesha County Park and Planning Commission which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to rezone from the A-10 Agricultural District to the R-1 Suburban Single Family Residential District, certain lands located in part of the NE ¼ of Section 10, T8N, R19E, Town of Lisbon, Waukesha County, Wisconsin, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference ZT-1747.

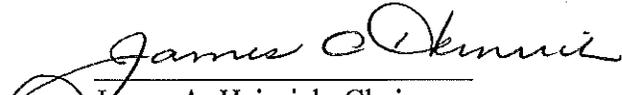
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

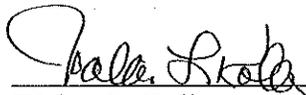
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY
REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 10,
T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM
THE A-10 AGRICULTURAL DISTRICT TO THE R-1 SUBURBAN SINGLE
FAMILY RESIDENTIAL DISTRICT (ZT-1747)

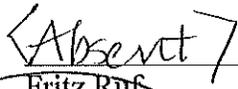
Presented by:
Land Use, Parks, and Environment Committee


James A. Heinrich, Chair

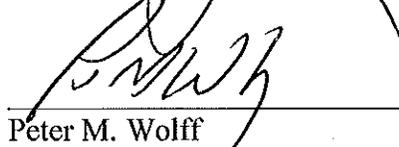

Jim Batzko


Walter L. Kolb


Pamela Meyer


Fritz Ruf


Thomas J. Schellinger


Peter M. Wolff

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 2/26/2013, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

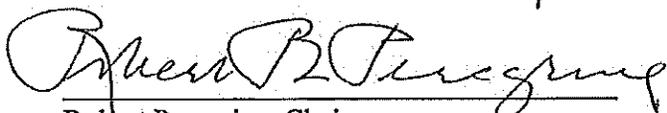
Approved: X
Vetoed: _____
Date: 3-11-13, 
Daniel P. Vrakas, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code hereby recommends approval of (ZF-1747 – Thomas and Linda Gorski) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

January 17, 2013

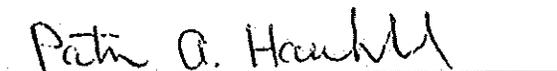

Robert Peregrine, Chairperson

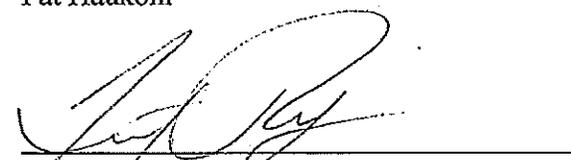

James Siepmann, Vice Chairperson


William Mitchell


Gary Goodchild


Walter Kolb


Pat Haukohl


Britz Ruf

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: January 17, 2013

FILE NO.: ZT-1747

OWNER: Thomas and Linda Gorski
N87 W24887 N. Lisbon Road
Lisbon, WI 53089

TAX KEY NO.: Part of LSBT 0181.990.002

LOCATION:

Lot 2 of a proposed Certified Survey Map (CSM) which will be a re-division of Lot 2, CSM No. 9842 Volume 91, Page 179, located in the NE ¼ of Section 10, T8N, R19E, Town of Lisbon. More specifically, the subject parcel is located in the northeast corner of an existing 21 acre property located at the address cited above and will contain one acre.

EXISTING ZONING: A-10 Agricultural District (Town).

PROPOSED ZONING: R-1 Suburban Single Family Residential District (Town).

EXISTING LAND USES:

Undeveloped Residential, Agricultural (including the subject one acre parcel), and Agricultural Forest.

REQUESTED LAND USE: Single family residential home site on proposed one acre parcel.

PUBLIC HEARING DATE: November 8, 2012.

PUBLIC REACTION:

The neighbor to the east was concerned he will receive more water from the one acre property once it is developed which will affect his property since the new parcel will only be one acre in size. It should be noted the neighbor's existing house was developed between 1990 and 1995 and is about 270 feet from the common lot line and his mound system is 125 feet from the common lot line. It appears the land between the neighbor's mound system and including the subject one acre parcel is currently farmed. The Town assured the neighbor that the Building Inspector and the Engineer review the grading plans for every new house to ensure the drainage will not adversely affect adjoining properties or is contained on the subject parcel. The neighbor was also concerned about safety due to multiple driveway accesses onto North Lisbon Road. The proposed land division for the subject parcel is part of a concept plan allowing a fourth lot (the subject parcel) that was part of a CSM approved in 2004, and there will not be any additional driveway accesses created as the subject lot will be sharing a driveway access with the property immediately to the west as proposed in 2004 when site line distances were evaluated at that time. The final objection the neighbor raised was that the development of the subject property would affect his quality of life. He doesn't want to have to look at another house, more lights, hear noise and other disturbances like dogs, pets, and chickens, whatever. He feels he shouldn't have to plant trees in order to create a border either. He stated the Town doesn't need any more lots for sale.

Another neighbor across the street and about 190 feet to the east of the subject parcel stated they moved to the Town of Lisbon for the rural nature. Their property is on the corner of North Lisbon Road and a cul-de-sac, Marion Court, and was also developed between 1990 and 1995. She didn't want too much building or activity going on. There are a lot of children in her neighborhood and she was also concerned about traffic and safety, not only for people but for the wildlife. She said building impacts wildlife, the environment, the ecosystem, and the watershed.

TOWN PLAN COMMISSION ACTION:

On November 8, 2012, the Town of Lisbon Plan Commission voted unanimously to recommend approval of the rezone request, as amended, to the Town Board.

TOWN BOARD ACTION:

On November 12, 2012, the Town Board voted unanimously to approve the rezone request, as amended.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF LISBON COMPREHENSIVE DEVELOPMENT PLAN:

Both the Town and County Comprehensive Development Plans designate this property as Rural Density and Other Agricultural Land and Primary Environmental Corridor (PEC), both requiring a minimum five acre density. The proposed rezoning of this site for residential use will be consistent with the purpose and intent of the Town and County Development Plans as the overall development of the 24-acre parent parcel into a total of four lots is consistent with the Conceptual Plan and Development Agreement recorded in 2004 which allowed no more than a five acre density.

STAFF ANALYSIS:

This proposal is in regard to the final land division allowed by a recorded Development Agreement (the Agreement) that accompanied a 2004 CSM that created the existing 21 acre parcel from which the subject one acre parcel will be divided from. While the Agreement indicated the fourth and final lot was proposed at over 10 acres in size, the Agreement also stated the conceptual layout was not necessarily binding, but that the division shall be consistent with then existing zoning and land use division laws in all respects. A CSM for a one acre parcel and a 20 acre parcel is pending with the Town and County (Exhibit "A"). Approval of this rezone request is required prior to recordation of the CSM in the Register of Deeds Office. Per the Agreement, the Agreement must also be re-recorded in the event the pending CSM is approved. The Agreement's recording information shall be shown on the face of the CSM. As noted above, this fourth parcel will be the final lot divided from the parent parcel, and the overall four lot development meets the minimum density required of five acres per dwelling unit. This development achieves an overall density of 5.9 acres per dwelling unit.

The 21 acre parcel contains wetland, PEC, floodplain, steep slopes, an NA-3 site and a Class I Wildlife Area. A Forest Management Plan (the Plan) was agreed to by the owner and the Waukesha County Parks System in 2004 in lieu of having the lands purchased by a non-profit agency as was recommended in the Park and Open Space Plan, but research of the Register of Deeds records has revealed the Plan was never recorded as required. This issue will be resolved in conjunction with the review of the pending CSM, and the Plan's recordation information shall be shown on the face of the pending CSM.

The pending CSM indicates the one acre lot will have shared driveway access with the adjoining lot to the west in order to meet the site line distances along North Lisbon Road. A driveway agreement will also have to be recorded in conjunction with the pending CSM and the easement must address the future driveway access easement for Lot 3 since the property owners cannot grant themselves an easement.

The subject one acre parcel, as well as the 20 acre parcel, will be developed with a private on-site waste treatment system and a private well. The soils on the subject property are ThC2 which are well drained soils with slopes between 6 and 12%. Since the Town of Lisbon's new Zoning Map was adopted in 2010, the map indicates properties are generally "zoned as used". Therefore, the westernmost parcel of this overall development is zoned R-1 and UC, as are the lots that were developed off of Marion Court to the northeast. The lot immediately to the west is zoned R-2 and UC, the lot to the east is zoned in part AD-10, the lot to the north is zoned A-3, and the remnant 20 acre parcel is zoned A-10, UC, and C-1. It should be noted the petitioner had originally requested rezoning the one acre parcel to R-2, but the Town felt the more restrictive zoning category of R-1 was more appropriate as it allows for one acre lot sizes, whereas the R-2 District allows for 30,000 square foot lot sizes. Therefore, the Town amended the request to R-1 Suburban Single Family Residential District.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved, as amended, in accordance with the Town's decision. The proposed use of the property is consistent with the Town and County Comprehensive Development Plans and is compatible with surrounding land uses.

Respectfully submitted,

Sandra L Scherer

Sandy Scherer
Senior Planner

cc: Exhibit A (proposed CSM)
Town Ordinance
Zoning Amendment Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1747 Gorski Ist.doc

167-0-078

5.

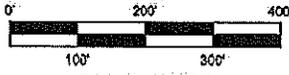
EXHIBIT "A"

CERTIFIED SURVEY MAP NO. _____

Being Lot 2 of CERTIFIED SURVEY MAP NO. 9842 located in the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 10, Township 8 North, Range 19 East, in the Town of Lisbon, Waukesha County, Wisconsin.

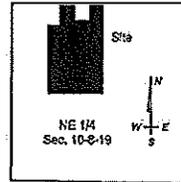
Bearings refer to Grid North of the Wisconsin State Plane Coordinate System Grid, South Zone per N.A.D. 27. The North line of the Northeast 1/4 of Section 10, Township 8 North, Range 19 East has a reference bearing of N 89°58'26" W. (CSSD March 1996)

GRAPHIC SCALE



SCALE: 1"=200'

NORTH LISBON ROAD

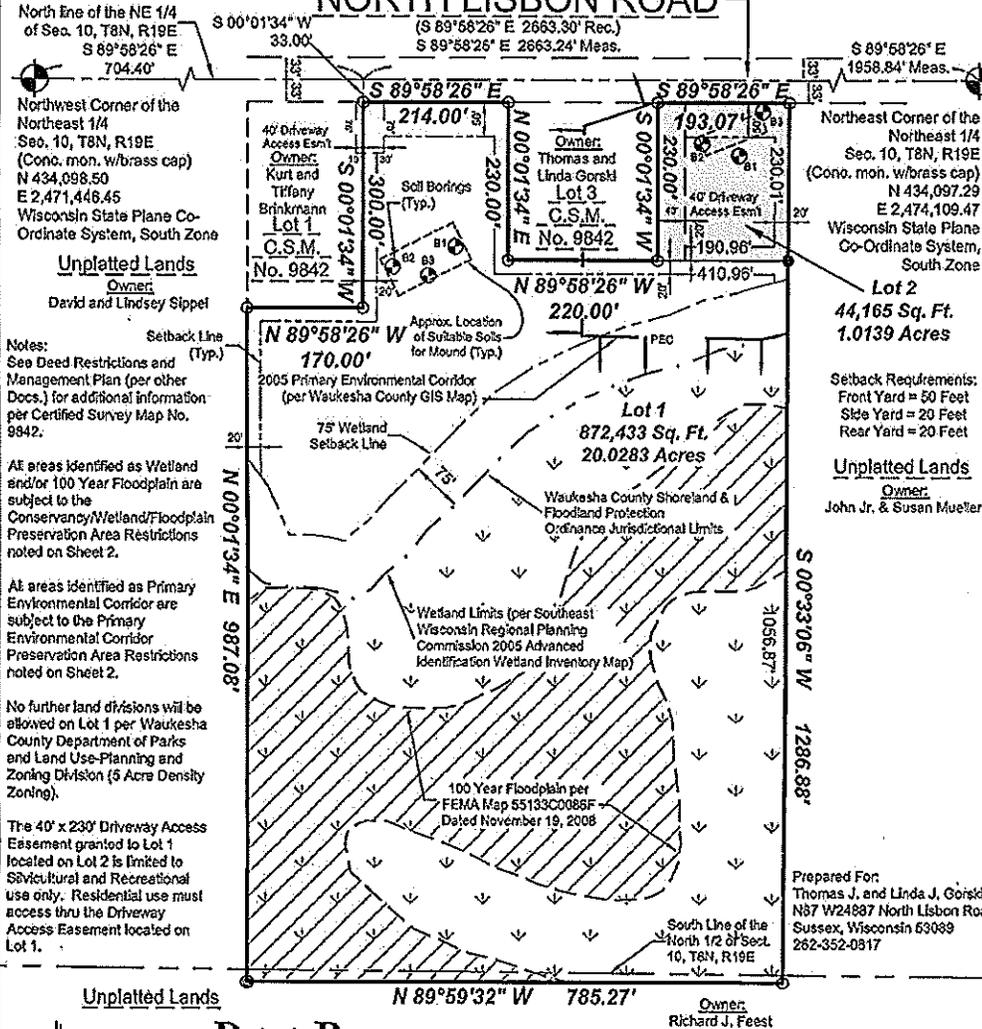


VICINITY SKETCH
SCALE: 1" = 2000'

October 12, 2012

Tax Key Number:LSBT 0181,990.002

NORTH LISBON ROAD



Notes:
See Deed Restrictions and Management Plan (per other Docs.) for additional information per Certified Survey Map No. 9842.

All areas identified as Wetland and/or 100 Year Floodplain are subject to the Conservancy/Wetland/Floodplain Preservation Area Restrictions noted on Sheet 2.

All areas identified as Primary Environmental Corridor are subject to the Primary Environmental Corridor Preservation Area Restrictions noted on Sheet 2.

No further land divisions will be allowed on Lot 1 per Waukesha County Department of Parks and Land Use Planning and Zoning Division (5 Acre Density Zoning).

The 40' x 230' Driveway Access Easement granted to Lot 1 located on Lot 2 is limited to Agricultural and Recreational use only. Residential use must access thru the Driveway Access Easement located on Lot 1.

Unplatted Lands

DAAR
ENGINEERING, INC.

ENGINEERS PLANNERS SURVEYORS
518 West Cherry Street, Milwaukee, WI 53212
PHONE (414) 604-6674 FAX (414) 604-0677
www.daarcorp.com

Notes:
○ Denotes 1" Iron pipe found
● Denotes 1" x 24" Iron pipe set, 1.68 lbs. per lin. ft.
○ Denotes 3/4" No. 6 rebar set

This instrument drafted by
William R. Henrichs, RLS S-2419

Job Number: 120291
October 12, 2012
Sheet 1 of 3 Sheets

167-0-078

6.

ORDINANCE 06-12

STATE OF WISCONSIN: TOWN OF LISBON: WAUKESHA COUNTY

**ORDINANCE REZONING PROPERTY FROM THE A-10 AGRICULTURAL
DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL
DISTRICT ZONING CLASSIFICATION IN THE TOWN OF LISBON,
WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF LISBON, WAUKESHA COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: The following described property is rezoned:

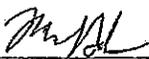
Pt of Lot 2 of CSM 9842. Being part of the NW ¼
& SW ¼ of the NE ¼ of Section 10, T8N R19 E.
Town of Lisbon, Waukesha County WI.
Tax Key No. LSBT 0181-990-002

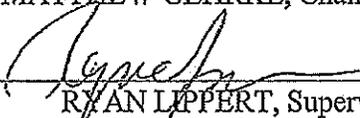
SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 12th day of November, 2012.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

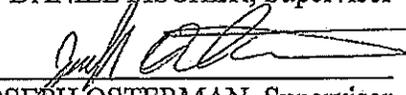
BY: 
MATTHEW GEHRKE, Chairman

BY: 
RYAN LIPPERT, Supervisor

BY: _____

DANIEL HEIER, Supervisor

BY: _____
DANIEL FISCHER, Supervisor

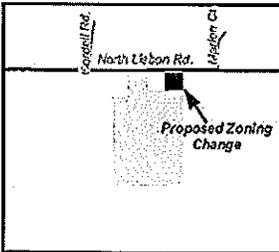
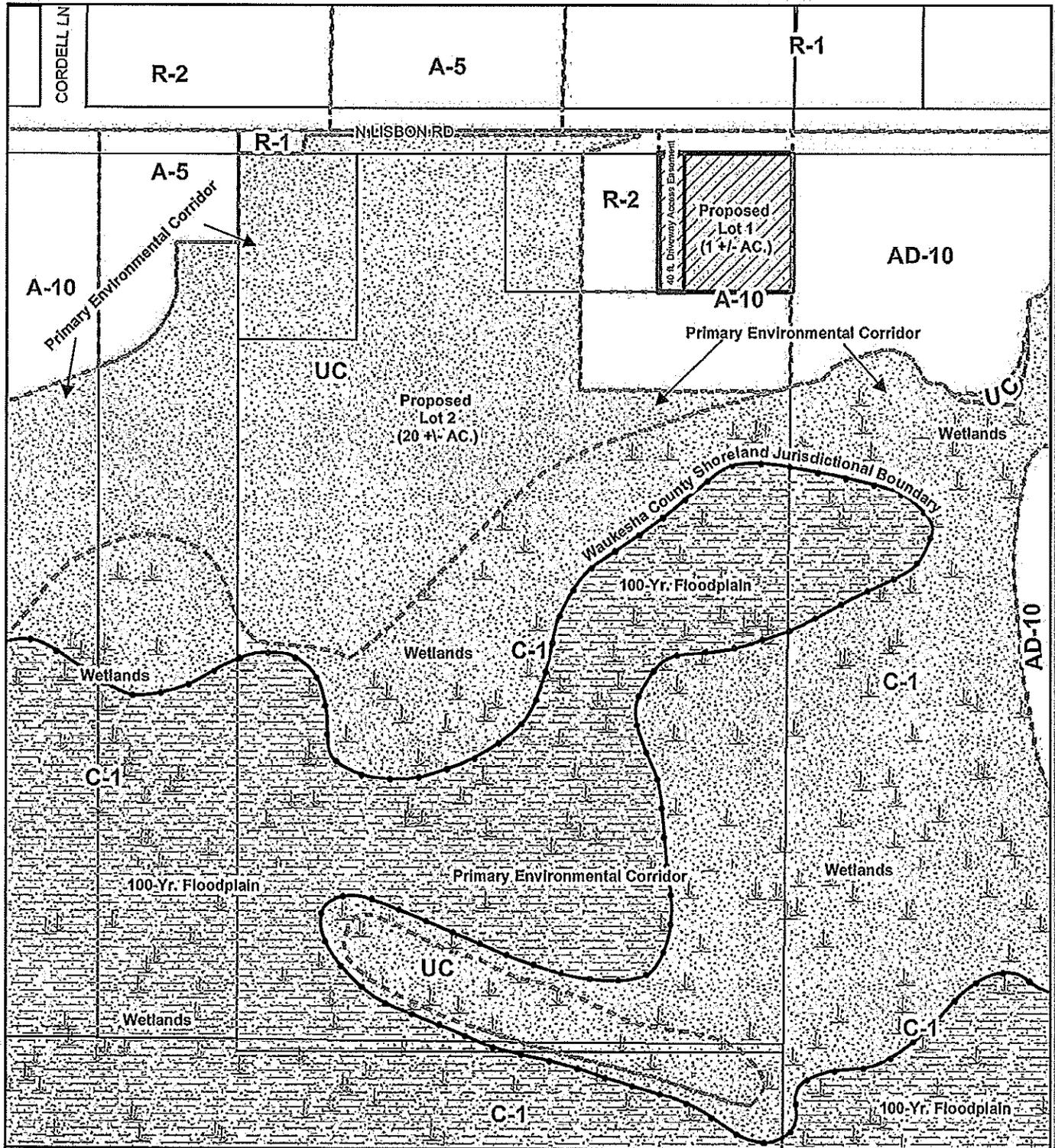
BY: 
JOSEPH OSTERMAN, Supervisor

ATTEST:

BY: 
JEFFREY MUSCHE, Town Clerk

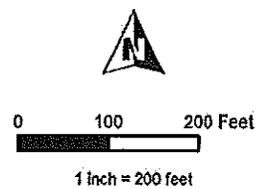
ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 10
TOWN OF LISBON



 TOWN ZONING CHANGE FROM A-10 AGRICULTURAL DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT (0.87 AC)

FILE.....ZT-1747
 DATE.....1/17/13
 AREA OF CHANGE.....0.87 ACRES
 TAX KEY NUMBER.....LSBT 0181.990.002



Prepared by the Waukesha County Department of Parks and Land Use

167-0-078

9.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/26/13

(ORD) NUMBER-1670078

- 1 C. SLATTERY.....AYE
- 3 R. MORRIS.....AYE
- 5 J. BRANDTJEN.....AYE
- 7 J. GRANT.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....
- 13 P. DECKER.....AYE
- 15 W. KOLB.....AYE
- 17 D. PAULSON.....AYE
- 19 C. CUMMINGS.....
- 21 W. ZABOROWSKI.....AYE
- 23 K. HAMMITT.....AYE
- 25 G. YERKE.....

- 2 D. FALSTAD.....AYE
- 4 J. BATZKO.....AYE
- 6 J. JESKEWITZ.....AYE
- 8 P. HAUKOHL.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 P. MEYER.....
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....AYE
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....AYE
- 24 D. DRAEGER.....AYE

TOTAL AYES-21

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-21