

ENROLLED ORDINANCE 169-29

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE NE ¼ OF SECTION 11, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE RD-5 RURAL RESIDENTIAL DENSITY 5-ACRE DISTRICT (ZT-1778)

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 January 27, 2014, 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 RD-5 Rural Residential Density 5-Acre District, certain lands located in part of the SW ¼ of the NE ¼ of Section 11, 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-1778, is hereby approved.


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

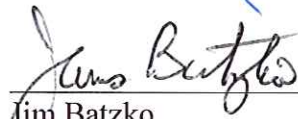
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.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 SW ¼ OF THE NE ¼ OF SECTION 11, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE RD-5 RURAL RESIDENTIAL DENSITY 5-ACRE DISTRICT (ZT-1778)

Presented by:
Land Use, Parks, and Environment Committee

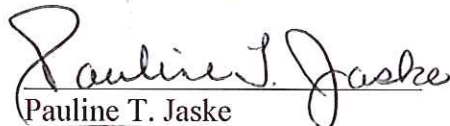

Walter L. Kolb, Chair


Jim Batzko


Jennifer Grant


Keith Hammitt


Eric Highum

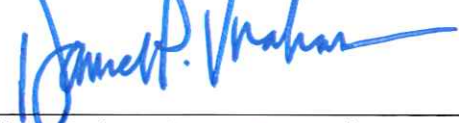

Pauline T. Jaske


Thomas J. Schellinger

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

Date: 7/22/14, 
Kathleen Novack, County Clerk

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

Approved: _____
Vetoed: _____
Date: 7-24-14, 
Daniel P. Vrakas, County Executive

COMMISSION ACTION

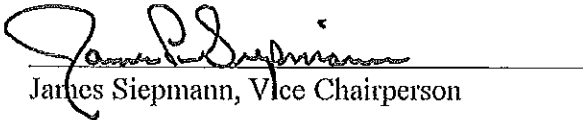
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Ordinance hereby recommends approval of ZT-1778 (Earl Ziebell) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

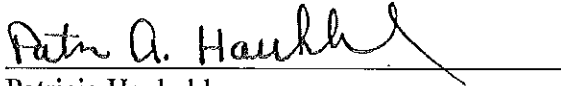
April 17, 2014



Robert Peregrine, Chairperson



James Siepman, Vice Chairperson



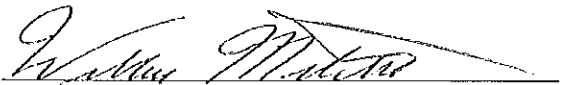
Patricia Haukohl



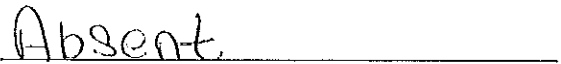
Walter Kolb



Gary Goodchild



William Mitchell



Fritz Ruf

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

DATE: April 17, 2014

FILE NO.: ZT-1778

OWNER: Earl Ziebell
W234 N8544 Woodside Road
Lisbon, WI 53089

TAX KEY NOS.: LSBT 0185.996 and .997

LOCATION:

Located in part of the SW ¼ of the NE ¼ of Section 11, T8N, R19E, Town of Lisbon. More specifically, the parcels are located at the Woodside Road address cited above and together contain a total of 40 acres.

EXISTING ZONING:

A-10 Agricultural, UC Upland Corridor, and C-1 Conservancy (Town), A-1 Agricultural, EC Environmental Corridor, and C-1 Conservancy (County).

PROPOSED ZONING:

RD-5 Rural Residential Density 5-Acre District (Town) which requires a minimum lot size of one acre and a minimum lot width of 150'.

EXISTING LAND USE:

Single family residential and an in law unit, open space use.

REQUESTED LAND USE:

To divide a one acre parcel from the southerly parcel for single-family residential use.

PUBLIC HEARING DATE: January 2, 2014

PUBLIC REACTION: None.

TOWN PLAN COMMISSION ACTION:

On January 2, 2014, the Town of Lisbon Plan Commission voted unanimously to recommend conditional approval of the rezone request to the Town Board subject to the Land Use Plan amendment being approved at the County level.

TOWN BOARD ACTION:

On January 27, 2014, the Town Board voted to approve the rezoning.

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

The Town of Lisbon recently approved a Comprehensive Development Plan (CDP) amendment amending a portion of the property from Recreational to Rural Density Residential and Other Open Land (5 acre density). A similar amendment has recently been approved by the County. The proposed rezoning of this site for residential use will be consistent with the purpose and intent of the Town and County Comprehensive Development Plans, as amended. The remainder of the site is designated as Primary Environmental Corridor (PEC), Rural Density Residential and Other Open Land, and Other Open Land to be Preserved.

STAFF ANALYSIS:

As noted above, the two parcels together are a total 40 acres and contain PEC, steep slopes, wetland, floodplain, hydric soils, a pond, a navigable stream, as well as a SEWRPC NA-3 site. In 1996, the Waukesha County Development Plan map designated the undeveloped and non-PEC portions of the subject parcels in the Recreational category due to the fact that the entire 40 acres were designated on the Waukesha County Park and Open Space Plan for acquisition by a non-profit conservation organization, as were additional lands to the east and southeast. When the Comprehensive Development Plan was updated in 2010, those lands remained in the Recreational category for this same purpose, and the Town's Plan continued to reflect the same intent. The Park and Open Space Plan recommends that the lands be preserved and protected and thus designated for acquisition due to the fact that they are part of a larger 147-acre high-quality Natural Area site of local significance called the Sussex Swamp, which is a NA-3 site comprised of a lowland hardwood swamp dominated by black willow and green ash and may contain native rare, threatened, or endangered animal and plant species which are important components of the biodiversity of the Town and the County. It is expected that the non-profit organizations would be primarily interested in the large wetland complex on the site.

The petitioner is proposing to divide one acre of land from the existing acreage in the area where Clubhouse Circle meets Woodside Road to create a residential building site. With the golf course, and more specifically the clubhouse, almost directly across the street from the proposed one acre parcel, the property owner may want to consider some type of buffer between the road and any proposed residential development. As mentioned above, a CDP amendment was recently approved by the Town and the County to change the land use designation of the property from Recreational to Rural Density Residential and Other Open Land which allows for five acre density. The proposed zoning change is the next step in the process, with the final step, of course, being the submittal and review of a Certified Survey Map.

The Town of Lisbon has the properties to the south and west zoned Park and Recreational (golf course) and B-1 Local Business (clubhouse), the lands to the north zoned Park and Recreational (town hall) and A-10 Agricultural, and the land to the east zoned C-1 Conservancy.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** in accordance with the Town's decision. The proposed zoning change will allow for the creation of a building site that is consistent with the Town and County Comprehensive Development Plans and will not adversely affect surrounding land uses or the opportunity to preserve and protect the NA-3 site to the east.

Respectfully submitted,

Sandy Scherer

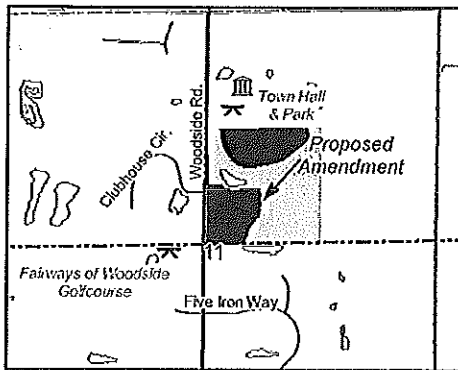
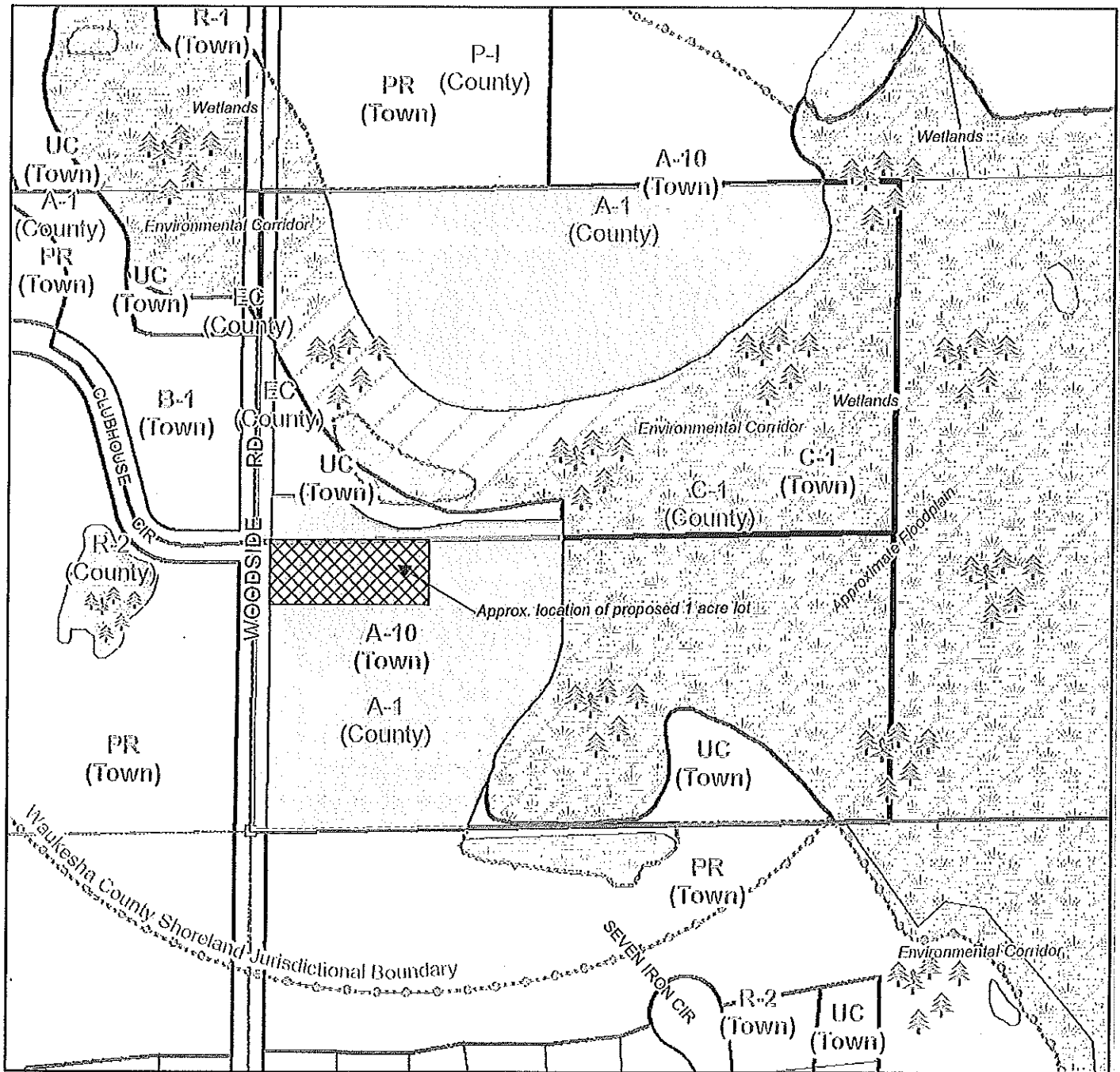
Sandy Scherer
Senior Planner

cc: Town Ordinance
Map

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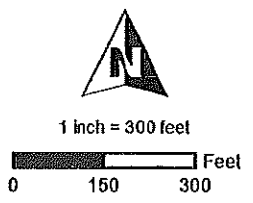
ZONING AMENDMENT

PART OF THE NE 1/4 OF SECTION 11
TOWN OF LISBON



 TOWN ZONING CHANGE FROM A-10 AGRICULTURAL DISTRICT TO RD-5 RURAL RESIDENTIAL DENSITY 5-ACRE DISTRICT

PETITIONER.....ZIEBELL
 DATE OF PLAN COMM. CONSIDERATION.....04/17/14
 AREA OF CHANGE.....17.2 ACRES
 TAX KEY NUMBERS.....LSBT 0185.997 & LSBT 0185.998



Prepared by the Waukesha County Department of Parks and Land Use

ORDINANCE 02-14

STATE OF WISCONSIN: TOWN OF LISBON: WAUKESHA COUNTY

**ORDINANCE REZONING THE ZIEBELL PROPERTY FROM A-10
AGRICULTURAL TO RD-5 RURAL RESIDENTIAL DENSITY 5-
ACRE IN THE TOWN OF LISBON, WAUKESHA COUNTY,
WISCONSIN**

Whereas, Earl Ziebell, petitioned the Town of Lisbon to rezone property from A-10 Agricultural to RD-5 Rural Residential Density 5-Acre and

Whereas, the change in zoning is consistent with the Town of Lisbon Comprehensive Plan land-use element; and

Whereas, the Lisbon Plan Commission and Town Board held a joint Public Hearing on the zoning change January 2 2014.

NOW, THEREFORE, The Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: The following described property is rezoned from A-10 Agricultural to RD-5 Rural Residential Density 5-acre

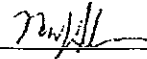
N22AC SW 1/4 NE 1/4 SEC 11 T8N R19E VOL 913/558
DEEDS & DOC# 3469006 AND
S 18 AC OF SW 1/4 NE 1/4 SEC 11 T8N R19E VOL 915/201
DEEDS &
DOC# 3469006

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 27th Day of January, 2014

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 

MATTHEW GEHRKE, Chairman

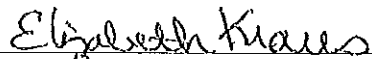
BY: 
RYAN LIPPERT, Supervisor

BY: 
HANNAH HEINRITZ, Supervisor

BY: 
STEVEN PANTEN, Supervisor

BY: 
JOSEPH OSTERMAN, Supervisor

ATTEST:

BY: 
Elizabeth Kraus, Town Clerk

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/22/14 NUMBER-1690030

- 1 R. KOLB.....AYE
- 2 D. Zimmermann.....AYE
- 3 R. MORRIS.....AYE
- 4 J. BATZKO.....AYE
- 5 J. BRANDTJEN.....AYE
- 6 J. WALZ.....AYE
- 7 J. GRANT.....AYE
- 8 E. HIGHUM.....AYE
- 9 J. HEINRICH.....AYE
- 10 D. SWAN.....AYE
- 11 C. HOWARD.....AYE
- 12 P. WOLFF.....AYE
- 13 P. DECKER.....AYE
- 14 C. PETTIS.....AYE
- 15 W. KOLB.....AYE
- 16 M. CROWLEY.....AYE
- 17 D. PAULSON.....AYE
- 18 L. NELSON.....AYE
- 19 K. CUMMINGS.....AYE
- 20 T. SCHELLINGER....AYE
- 21 W. ZABOROWSKI.....AYE
- 22 P. JASKE.....AYE
- 23 K. HAMMITT.....
- 24 S. WHITTOW.....AYE
- 25 G. YERKE.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24