

ENROLLED ORDINANCE 168-2

YEAR 2013 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT  
PLAN FOR WAUKESHA COUNTY (1A – TOWN OF LISBON PLAN  
COMMISSION AND BOARD, SECTION 35, TOWN OF LISBON)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County, and

WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures, and

WHEREAS, on February 21, 2013, the Waukesha County Park and Planning Commission and the Waukesha County Land Use, Parks and Environment Committee held a joint Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County, and

WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 7, 2013, a summary of the Public Hearing, comments and Staff Recommendations for the proposed change to the Comprehensive Development Plan for Waukesha County, and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on March 7, 2013, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County and as set forth in the attached “Chart of Actions.”

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby approved to the Year 2035 Comprehensive Development Plan for Waukesha County.

1. In the Town of Lisbon, the following request is being made:
  - A. *The Town of Lisbon Plan Commission and Board*, W234 N8676 Woodside Road, Lisbon, WI 53089, requests (vacant) property owned by John and Joseph Cook, c/o Don Brue, 997 Woodview Court, Slinger, WI 53085, located in part of the SE ¼ of Section 35, T8N, R19, Town of Lisbon (Tax Key No. LSBT 0284.998), be amended from the Governmental and Institutional category to the Industrial category.

BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

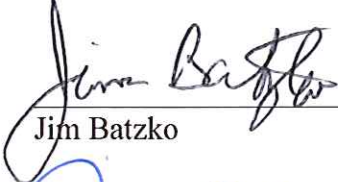
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

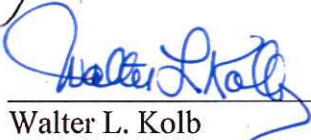
YEAR 2013 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT  
PLAN FOR WAUKESHA COUNTY (1A – TOWN OF LISBON PLAN  
COMMISSION AND BOARD, SECTION 35, TOWN OF LISBON)

Presented by:  
Land Use, Parks, and Environment Committee

ABSENT

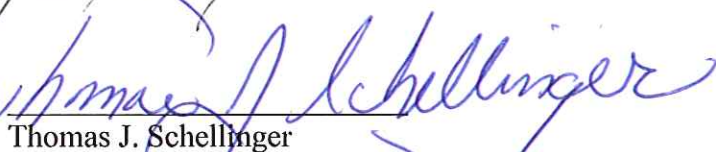
James A. Heinrich, Chair

  
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: 4/24/2013,   
Kathleen Novack, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 4-30-13,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/23/13

(ORD) NUMBER-1680001

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

- 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.....AYE
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....AYE
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....
- 24 D. DRAEGER.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS   X  

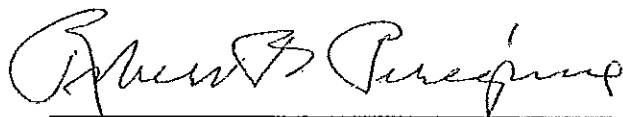
TOTAL VOTES-24

**COMMISSION ACTION**

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2013 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (1A – Town of Lisbon Plan Commission and Board, Section 35, Town of Lisbon) hereby recommends approval in concurrence with the attached chart entitled "Year 2013 Amendments to the Comprehensive Development Plan for Waukesha County" (actions taken by the Park and Planning Commission).

**PARK AND PLANNING COMMISSION**

**March 7, 2013**



Robert Peregrine, Chairperson

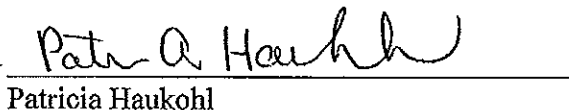


James Siepmann, Vice Chairperson

Absent  
Gary Goodchild



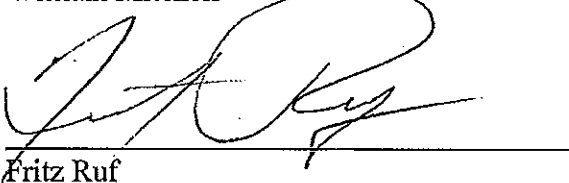
Walter Kolb



Patricia Haukohl



William Mitchell



Fritz Ruf

## Chart of Actions Year 2013 Amendments to the Comprehensive Development Plan for Waukesha County

| Item No.<br>(Outlined in the Staff Report<br>and Recommendation) | Town   | Staff Recommendation | Park and Planning Commission<br>Decision and Vote<br>3/7/13 | LUPE<br>Decision and Vote<br>4/16/13 | County Board<br>Decision and Vote<br>4/23/13 |
|--|--------|----------------------|---|--------------------------------------|--|
| 1A – Town of Lisbon Plan<br>Commission and Board                 | Lisbon | Approval             | Approval: Unanimous   |                                      |  |

N:\PRK\ANDLU\Planning and Zoning\Waukesha County Land Development Plan\Ordinance\2013\2013 Chart of Actions.doc

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**YEAR 2013 AMENDMENT TO THE COMPREHENSIVE**  
**DEVELOPMENT PLAN FOR WAUKESHA COUNTY**

**DATE:** March 7, 2013

**REQUEST:**

Year 2013 amendment to the Comprehensive Development Plan for Waukesha County pursuant to the procedures outlined in the Plan.

1. In the Town of Lisbon, the following request is being made:

- A. *The Town of Lisbon, W234 N8676 Woodside Road, Lisbon, WI, 53089*, requests vacant property owned by John Cook, Joseph Cook et al, c/o Don Brue, 997 Woodview Court, Slinger, WI, 53085, be amended from the Governmental and Institutional category to the Industrial category (refer to Exhibit A) on property located in the SE ¼ of Section 35, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0284.998). The proposed request will help to facilitate the economic development of a vacant, tax delinquent parcel for Industrial use.

**PUBLIC HEARING DATE:** February 21, 2013.

A copy of the public hearing minutes associated with this requested change are included herein as an attachment (refer to Exhibit B).

**PUBLIC REACTION:**

There were no comments from the public regarding the request.

**TAX KEY NO.:** LSBT 0284.998

**LOCATION:**

Part of the SE ¼ of Section 35, T8N, R19E, Town of Lisbon. More specifically, the one acre property is located approximately 123 feet to the east of the intersection of C.T.H. "K" (Lisbon Road) and Quarry Corners Parkway on the south side of C.T.H. "K".

**EXISTING LAND USE PLAN DESIGNATION:**

Governmental and Institutional.

**PROPOSED LAND USE PLAN DESIGNATION:**

Industrial.

**EXISTING USE:** Vacant.

**PROPOSED USE:**

None proposed at this time.

**ZONING CLASSIFICATION:** B-3 General Business District (Town).

**TOWN PLAN COMMISSION ACTION:**

The Town of Lisbon Plan Commission approved the local plan amendment request to the Industrial category at their November 8, 2012, meeting.

168-0-001

**TOWN BOARD ACTION:**

The Lisbon Town Board of Supervisors approved the local plan amendment request to the Industrial category at their November 26, 2012, meeting.

**STAFF ANALYSIS:**

The subject property is identified as part of a former landfill site, contains hydric soils, and is currently vacant and more than three years tax delinquent. The property is not within a sewer service area and therefore will not be served with public sewer. According to a neighbor who grew up in the area, cuttings from the quarry across the street and other refuse were deposited in this area over the years. The Waukesha County Environmental Health Division has conducted an environmental review of the property, but has otherwise been unable to access the site or contact the owner. Therefore, the Town of Lisbon is serving as the petitioner for this request to facilitate the possible transfer of this parcel to a new owner and place the parcel back on the tax roll in order to return the property to active use. The Waukesha County Department of Public Works owns property further to the east, but is not interested in the subject property for highway use. There are several interested buyers, some who own other properties in the immediate area, who would like to purchase the subject property and utilize it for similar industrial uses that exist in the immediate area. Most of the uses presented to the County would require a town zoning change to the M-2 General Industrial District as well as the approval of a Site Plan and Plan of Operation by the Town of Lisbon Plan Commission. In addition, since the subject property is within the Joint Planning Area designated on Exhibit E of the Boundary Stipulation and Intergovernmental Cooperation Agreement between the Village of Sussex and the Town of Lisbon, any applications for a rezone will also have to be considered by the Joint Planning Committee.

The property directly to the north and across C.T.H. "K" is in the Village of Sussex (quarry), and lands to the northwest are designated as Commercial, to the northeast and south are designated as Industrial, lands to the east are designated as Governmental and Institutional, and lands to the west are designated as Commercial on the County's Comprehensive Development Plan. Similarly, the Town of Lisbon has the land zoned B-3 to the northwest (gas station use), M-2 to the northeast and to the south (industrial uses), R-2 (residential use) and P-1 (County DPW Facility) to the east, and B-4 (vacant) to the west.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be approved. Approval of this amendment request will help to facilitate the development of a vacant, tax delinquent property for industrial use. Staff believes that an industrial designation is appropriate given the site setting. The request will not affect the Town of Lisbon's overall residential density as the change is to a non-residential category. The amendment will be compatible with surrounding land uses and will help to facilitate the economic development of this area of the Town of Lisbon.

Respectfully submitted,

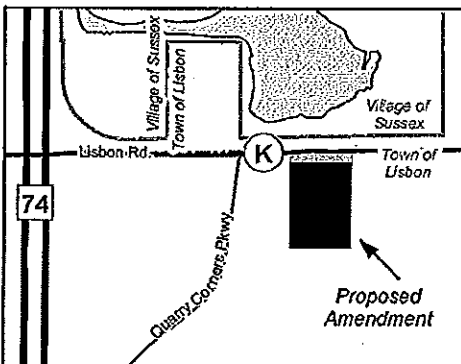
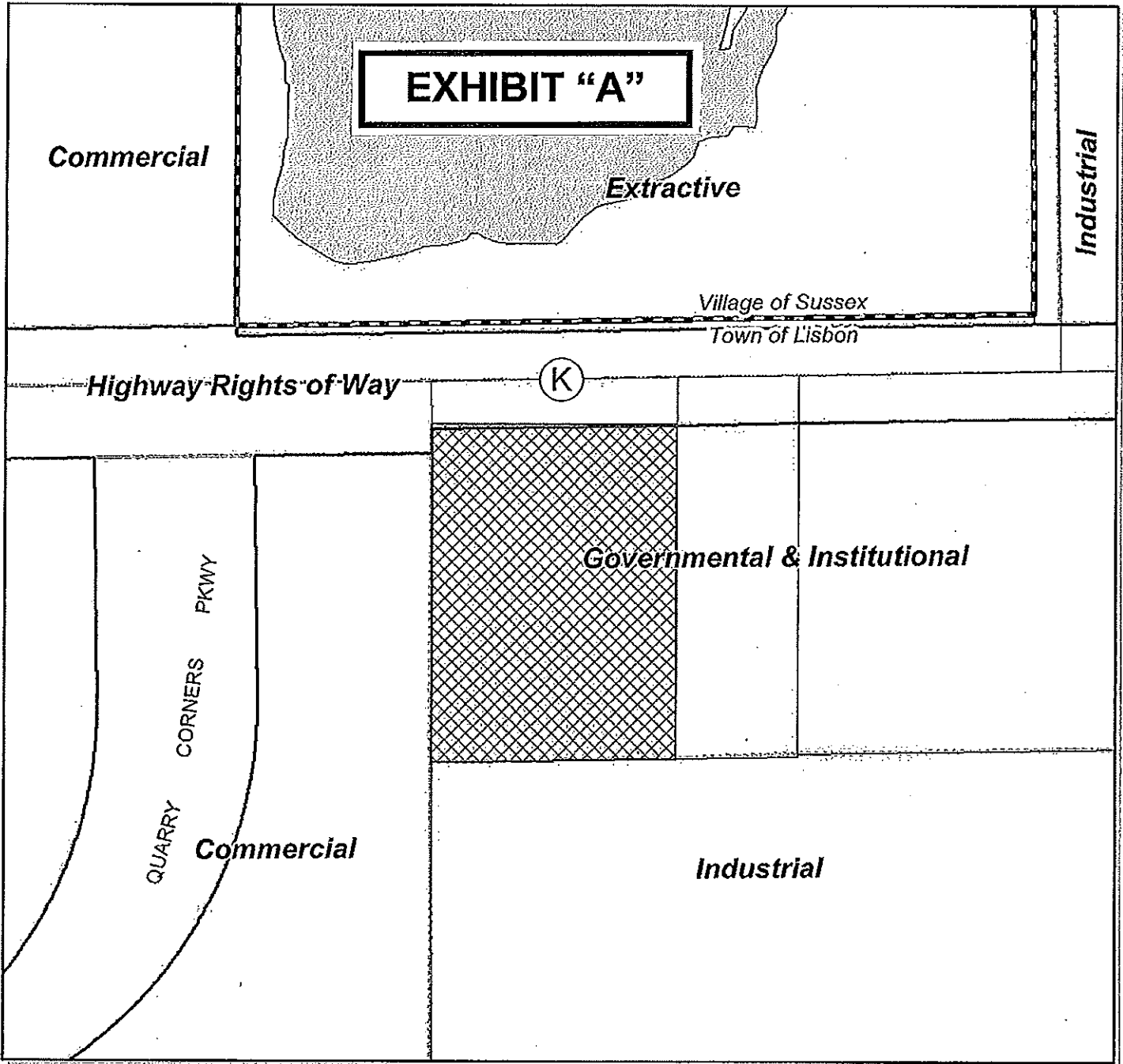
*Sandy Scherer*

Sandy Scherer  
Senior Planner

Attachments: Exhibit A (Map)  
Exhibit B (Public Hearing Minutes)

# DEVELOPMENT PLAN AMENDMENT

PART OF THE SE 1/4 OF SECTION 35  
TOWN OF LISBON



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM GOVERNMENTAL & INSTITUTIONAL TO INDUSTRIAL

PETITIONER.....TOWN OF LISBON  
 DATE OF PLAN COMM. CONSIDERATION.....03-07-13  
 AREA OF CHANGE.....0.89 ACRES  
 TAX KEY NUMBER.....LSBT 0284.998



1 inch = 100 feet  
 0 50 100 Feet

Prepared by the Waukesha County Department of Parks and Land Use

168-0-001

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## EXHIBIT "B"

*Park and Planning Commission Meeting Minutes: February 21, 2013*

*Page 2*

petitioner already has a roadside sign that presents his business in an appropriate manner. He added that the Planning and Zoning Staff also recommends denial of the banner. In addition, on Page 5 of the Staff Report and Recommendation it states that the decibel reading for music shall not exceed 35 decibels as measured to the perimeter lot lines of the property. He asked that the above language be carried over to Condition 8 in the report.

*Mary Voelker, N52 W34999 Lake Drive, Oconomowoc, (regarding PO-12-OCOT-18 Bertrand's On the Point)*, said she also lives across the street from the establishment and agreed with Mr. Morrison's statements and added this is the 14<sup>th</sup> meeting regarding Bertrand's since June 2012. She complimented the Waukesha County Planning and Zoning Division Staff and the Town of Oconomowoc Planner for the work and effort put into the Staff Report and Recommendation (including the 35 conditions) regarding the proposed request.

✿ • **Public Hearing for the 2013 Amendments to the Comprehensive Development Plan for Waukesha County**

At 1:05 p.m. Chairperson Peregrine read the Notice of Public Hearing into the record.

1. In the Town of Lisbon, the following request is being made:

- A. *The Town of Lisbon Plan Commission and Board*, W234 N8676 Woodside Road, Lisbon, WI 53089, requests (vacant) property owned by John and Joseph Cook, c/o Don Brue, 997 Woodview Court, Slinger, WI 53085, located in part of the SE ¼ of Section 35, T8N, R19, Town of Lisbon (Tax Key No. LSBT 0284.998), be amended from the Governmental and Institutional category to the Industrial category

Mr. Fruth explained the amendment process. He indicated that after the Public Hearing, the Waukesha County Department of Parks and Land Use Staff will have a recommendation prepared for the request and on March 7, 2013, the Park and Planning Commission will meet and vote on the request. The Land Use, Parks and Environment Committee will be invited to the March 7, 2013 meeting, however, will not vote until their meeting on April 16, 2013. The Waukesha County Board of Supervisors will vote at their meeting of April 23, 2013. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the Comprehensive Development Plan for Waukesha County is amended as approved by the Waukesha County Board.

Mr. Fruth said the undeveloped parcel is located east of Hwy 74 and south of C.T.H. "K" in the Town of Lisbon. The property has been tax delinquent for a number of years. Generally, before the County accepts ownership of properties, they are to be investigated to find out whether there are any problems or issues with the site. This particular property is mapped as a former landfill. The Waukesha County Environmental Health Department has completed a Phase I Environmental Assessment on the property. However, the County has been unsuccessful in communicating with the owner of the property and obtaining permission for a site visit. The Environmental Health Department has determined that quarrying was previously done on the property (excavation to a depth of approximately 25' to 30') and cuttings from the quarry operation located north of the property were disposed of on site. A landowner immediately to the east confirmed that he used to work for the quarry operation and took loads of cuttings to the property for disposal. Mr. Fruth indicated that Waukesha County does not wish to be the landowner of the property due to potential concerns of contamination, cleanup, etc.

168-0-001

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Mr. Fruth pointed out that surrounding properties include a residence immediately to the east, a County salt shed facility further to the east, industrial uses to the south and quarry and industrial uses to the north. He noted the County facility (to the east) is not interested in obtaining the property for future expansion. The Town of Lisbon felt they should petition for the amendment to the Comprehensive Development Plan and the Town submitted the application proposing the change from the Governmental and Institutional category to the Industrial category. The property is currently zoned B-3 which is a business district. There would be a process for any new use to expand on the site such as obtaining a rezone for the property, a site plan review, etc. and the site conditions could be further investigated at that stage.

Chairperson Peregrine asked if there was any representatives from the Town of Lisbon that wished to speak? Ms. Cassy Rivers, Town of Lisbon Deputy Clerk introduced herself to the Commission and indicated she was in attendance to observe the public hearing.

Mrs. Haukohl pointed out on the map prepared by the Planning and Zoning Division Staff that the cross hatching denoting the property was different than the legend on the map. Mr. Fruth said that the correction to the legend on the map would be made. Mr. Mitchell asked about the residence immediately to the east of the property in question being in the Government and Institutional category. Ms. Scherer, Senior Planner, indicated the residence is owned and occupied by an elderly woman. Her son has inquired what could be done with the subject property and if he could purchase the property in question. Mr. Mitchell asked if they are interested in combining the two (2) properties, to which Ms. Scherer replied "Not at this time." Mrs. Haukohl asked if the County is interested in acquiring the residence for future expansion. Ms. Scherer replied, that she did not think so.

Chairperson Peregrine asked if there were any other comments from the audience or Commission, there being none he closed the Public Hearing at 1:15 p.m.

• **1:30 p.m. Public Hearing for the Proposed Countywide Zoning Map amendments and related Shoreland and Floodland Protection Ordinance Text Amendments**

At 1:15 p.m. Chairperson Peregrine read the Notice of Public Hearing into the record.

Mr. Fruth presented a detailed overview of the Zoning Map Modernization. He explained that the maps are being updated to complete a transition to a digital map format so that all County Zoning can be accessible on the County's GIS system and more readily available to the public. The update incorporates new natural resource inventories such as recent flood studies, wetlands, environmental corridors, navigability determinations, etc. and provides consistent mapping of environmental corridors and high groundwater soils to protective zoning categories.

Mr. Fruth explained that the text changes to the Waukesha County Shoreland and Floodland Protection Ordinance reflect and incorporate flood and dam failure studies and FEMA letters of map revisions. Staff is proposing to move the list of flood studies to the end of the Shoreland Ordinance so that new flood studies can be more easily incorporated over time.

Mr. Fruth demonstrated the new Draft County/Shoreland Zoning layer, Planned Unit Developments, shoreland zoning jurisdictional boundaries and floodplain for shoreland zoning and floodways layers on the County GIS. Currently, Zoning documents are being scanned in the Planning Division and are being linked to the particular properties. At this time, this automation is not available to the public, but should be soon.