

ENROLLED ORDINANCE 174-023

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼, NE ¼, AND SW ¼ OF SECTION 6, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE R-1 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT (RZ37)

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 Monday, March 25, 2019; 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 60.62, 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 NW¼, NE ¼, and SW ¼ of Section 6, 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 RZ37, 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.

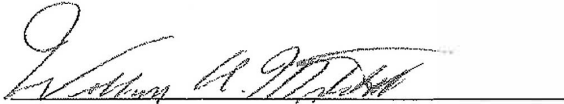
COMMISSION ACTION


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 RZ37 in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

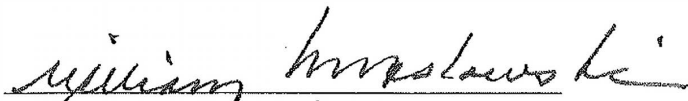
April 18, 2019


Robert Peregrine, Chairperson


William Mitchell, Vice Chairperson


Thomas Michalski


Absent
Richard Morris



William Mitchell- MASLOWSKI

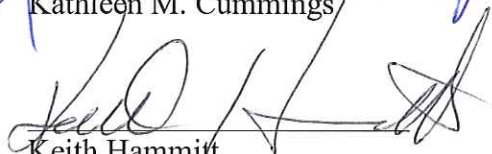

James Siepmann

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY
REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼, NE ¼, AND
SW ¼ OF SECTION 6, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY,
WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE R-1
SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT (RZ37)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair


Kathleen M. Cummings


Keith Hammitt



William A. Mitchell

absent
Thomas J. Schellinger


Steve Whittow

absent
Chuck Wood

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

Date: 5/30/19, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____
Date: 5/30/19, 
Paul Farrow, County Executive

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

DATE: April 18, 2019

FILE NO.: RZ37

OWNER: Town of Lisbon
W234 N8676 Woodside Road
Sussex, WI 53089

APPLICANT: Mike Kaerek
Kaerek Homes, Inc.
11600 West Lincoln Avenue
West Allis, WI 53227

TAX KEY NO.: LSBT 0167.999

LOCATION:
Part of the NW ¼, NE ¼ and SW ¼ of Section 6, T8N, R19E, Town of Lisbon. More specifically, the property is located at W275 N9101 Lake Five Road, containing approximately 65 acres.

EXISTING ZONING:
A-10 Agricultural District.

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

EXISTING USES:
Vacant agricultural land.

PROPOSED USES:
Create a 43 lot residential subdivision.

PUBLIC HEARING DATE:
March 14, 2019.

PUBLIC COMMENT:

- A property owner to the north of Hickory Road wanted to ensure that proposed ponds are deep enough to get water away from the area. She noted that flooding near Sweetbriar Lane seems to be worse by the year.
- A neighbor to the south expressed concerns about flooding into his backyard. He wanted to know if planning is done to make sure that water has a way to go somewhere else. He also expressed concerns regarding traffic on Lake Five Road and asked if safety of bikers and runners will be addressed.
- A neighbor to the north expressed concerns about flooding.
- A neighbor questioned where the entrances and exits for the development would be located.

TOWN PLAN COMMISSION ACTION:
On March 14, 2019, the Town of Lisbon Plan Commission unanimously approved the rezone request.

TOWN BOARD ACTION:

On March 25, 2019, the Town Board unanimously approved Ordinance No. 07-19 (attached) specific to the subject rezoning request.

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

The Waukesha County CDP and the Town of Lisbon Plan designate the subject property as Suburban Density I Residential, which calls for a density of 1.5 to 2.9 acres per dwelling unit. The proposal to rezone the lands complies with the plan range recommendations.

STAFF ANALYSIS:

The subject parcel is generally flat and is currently cultivated. The Town of Lisbon is the current owner and a developer is proposing to purchase the parcel. The parcel contains no designated natural resources. All immediately adjacent lands are in residential use. The developer would like to develop a 43-lot subdivision (see Exhibit A) that would access Lake Five Road to the east and would connect to the Twin Pine Farms subdivision to the south via Monarch Drive. The farmstead and three acres were split from the subject farm acreage some time ago. The proposed development will include the area of both the subject acreage and the acreage of the farmstead on the east side of the property. The proposed concept plan shows most lots being just a bit more than one acre. The existing A-10 designation is a 10-acre district whereas the R-1 District allows lots as small as one acre. The zoning of adjacent lands is varied but there are lands zoned R-1 to the northwest, east and south.

There were a few comments from the public regarding flooding/drainage concerns in the area. County Land Resources staff has advised that there have been flooding problems on the lands to the north of Hickory Road but that the condition that causes flooding there is the presence of a kettle that takes drainage from a roughly 200 acre area to the north. The subject property does not drain towards the problematic area. Instead, runoff exits the site to the south and west. Therefore, there is not a relationship between this property and the area of concern to the north. One of the parties concerned with drainage is located to the south. His property contains a drainage easement that is intended to convey runoff from this property and others in the area. The proposed subdivision is subject to the Waukesha County Stormwater Management Ordinance and will be reviewed in detail as part of the plat review process by the Land Resources Division.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this rezone request in accordance with the Town of Lisbon's adopted Ordinance (07-19) approving the same. The proposed zoning change brings the property into a category that is consistent with plan recommendations.

Respectfully submitted,

Jason Fruth

Jason Fruth

Planning and Zoning Manager

Attachments: Town Ordinance 07-19

Map

Exhibit A

Ord. 07-19

ORDINANCE REZONING LSBT 0167.999, FROM A-10 AGRICULTURAL DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

WHEREAS, Property owner the Town of Lisbon requests to rezone property from A-10 Agricultural District to R-1 Suburban Single Family Residential District; 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 of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, March 14, 2019.

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 District to R-1 Suburban Single Family Residential District:

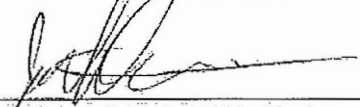
PT NW1/4 & NE1/4 SW1/4 SEC 6 T8N R19E COM W1/4 COR SEC 6 THE BGN; S00°05'50"E
1326.40 FT; N88°34'E 2225.48 FT; N 413.39 FT; W 410.75 FT; N 356.16 FT; E 410.75 FT; N
563.00 FT; S88°40'W 2227.64 FT TO BGN :: DOC# 4271783
ALSO KNOWN AS LSBT 0167.999

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

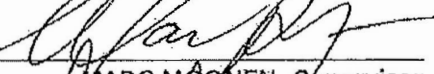
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

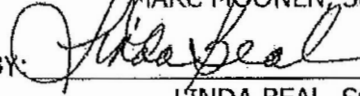
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 25th day of March, 2019.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

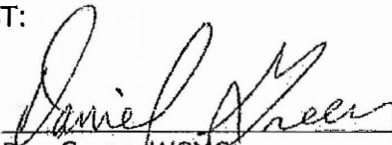
BY: absent
TEDIA GAMINO, Supervisor

BY: 
MARC MOONEN, Supervisor

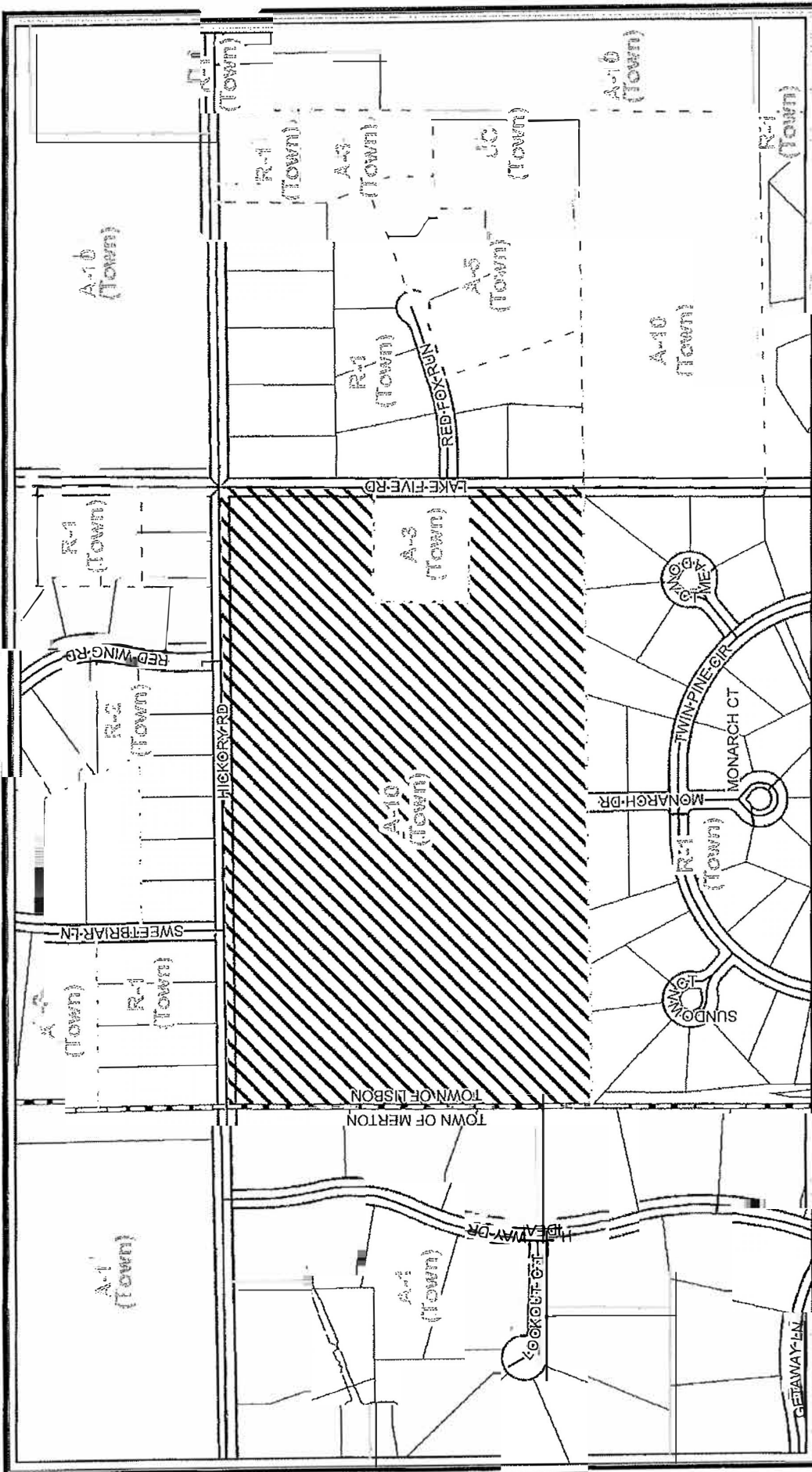
BY: 
LINDA BEAL, Supervisor

BY: absent
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: 
Dan Green, WCME
Town Clerk





ZONING AMENDMENT

PART OF THE NW1/4, NE1/4 AND SW 1/4 SECTION 6 TOWN OF LISBON

TOWN ZONING AMENDMENT FROM A-10 AGRICULTURAL DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT

Wetlands Overlay
Environmental Corridor Overlay

FILE.....R237
DATE OF PLAN COMMISSION.....4/18/19
AREA OF CHANGE.....65 ACRES
TAX KEY NUMBER.....LSBT 0187.999

1 inch = 500 feet
0 250 500 Feet

Prepared by the Weuksha County Department of Parks and Land Use

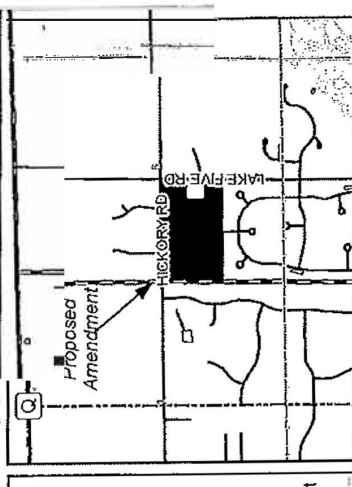


EXHIBIT "A"

GRAPHICAL SCALE (FEET)
 0 20' 40'
 1" = 10'
 20' = 1/4" = 10'

NORTH

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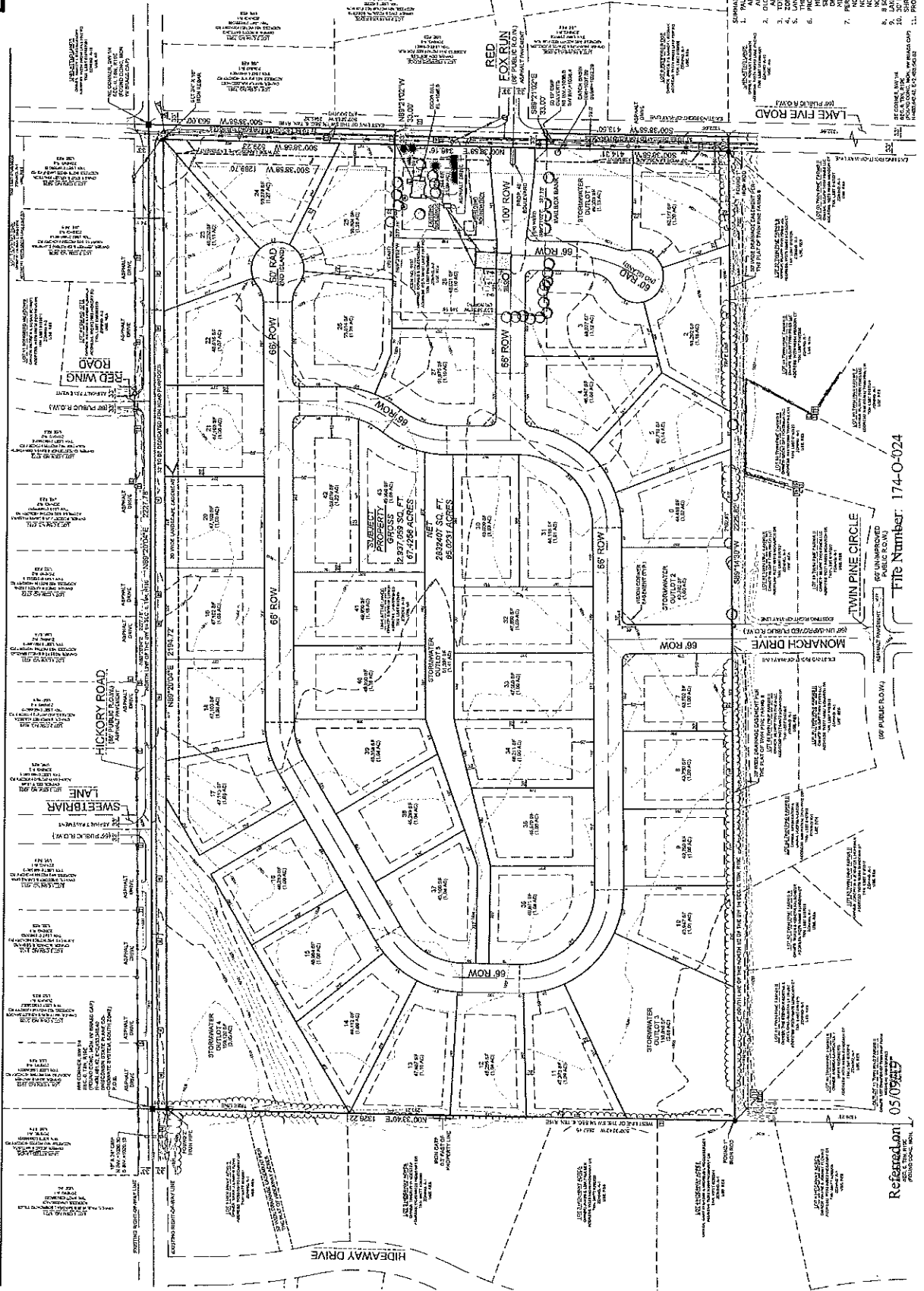
GENERAL NOTES

1. This plan is based on the survey conducted by Pinnacle Engineering, LLC on 05/09/14.
2. Boundary based on Chicago Title Insurance Company Commitment.
3. All dimensions are in feet and inches.
4. At the time of this survey the subject property contained a wooded area. The wooded area is shown on this plan as a wooded area. The wooded area is shown on this plan as a wooded area.
5. The wooded area is shown on this plan as a wooded area.
6. The wooded area is shown on this plan as a wooded area.

RECEIVED
 By Department of Public & Land Use on 05/09/14

NO
 NO OPEN FLAMES
 NO OPEN FLAMES
 NO OPEN FLAMES

1. AREA: 64.4 AC.
2. ZONING: R-1 (RESIDENTIAL SINGLE-FAMILY)
3. ZONING: R-1 (RESIDENTIAL SINGLE-FAMILY)
4. ZONING: R-1 (RESIDENTIAL SINGLE-FAMILY)
5. ZONING: R-1 (RESIDENTIAL SINGLE-FAMILY)
6. PROPOSED JOINDER: 1/4"
7. PER REVIEW OF COUNTY & DPWLES:
8. NO OPEN FLAMES
9. NO OPEN FLAMES
10. NO OPEN FLAMES
11. PROPOSED NUMBER OF LOTS: 40



Referred to
 05/09/14
 Title Number: 174-O-024



Voting Results for Ordinance 174-O-024

Approved by the Board of Supervisors on May 28, 2019, at 7:22:54 PM. The Board of Supervisors is hereby recommending that the Board of Supervisors approve Ordinance 174-O-024.

Passed By Majority Vote

AYE: 25 NAY: 0

ABSENT: 0

D1 - Foti		AYE
D2 - Zimmermann	Motion	AYE
D3 - Morris		AYE
D4 - Batzko	Second	AYE
D5 - Dondlinger		AYE
D6 - Walz		AYE
D7 - Grant		AYE
D8 - Michalski		AYE
D9 - Heinrich		AYE
D10 - Swan		AYE
D11 - Howard		AYE
D12 - Wolff		AYE
D13 - Decker		AYE

D14 - Wood		AYE
D15 - Mitchell		AYE
D16 - Crowley		AYE
D17 - Paulson		AYE
D18 - Nelson		AYE
D19 - Cummings		AYE
D20 - Schellinger		AYE
D21 - Gaughan		AYE
D22 - Wysocki		AYE
D23 - Hammitt		AYE
D24 - Whittow		AYE
D25 - Johnson		AYE