

ENROLLED ORDINANCE 172-053

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE W ½ OF THE NE ¼ OF SECTION 29, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT (ZT-1858)

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 September 25, 2017; 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 W ½ of the NE ¼ of Section 29, 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-1858, 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.

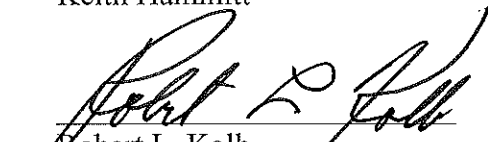
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE
BY REZONING CERTAIN LANDS LOCATED IN PART OF THE W 1/2 OF THE
NE 1/4 OF SECTION 29, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY,
WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE R-1
SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT (ZT-1858)

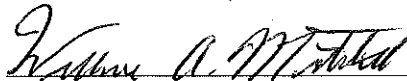
Presented by:
Land Use, Parks, and Environment Committee

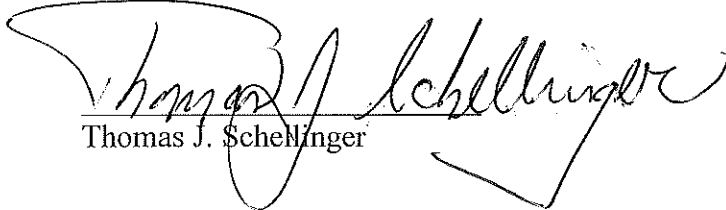

David D. Zimmermann, Chair


Kathleen M. Cummings

ABSENT
Keith Hammitt



Robert L. Kolb


William Mitchell


Thomas J. Schellinger

ABSENT
Ted Wysocki

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

Date: 4/28/17, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

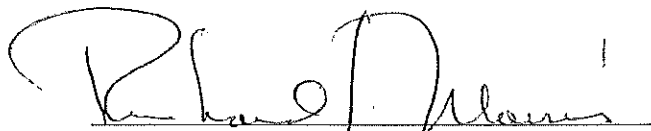
Date: 12/4/17, 
Paul Farrow, County Executive

COMMISSION ACTION

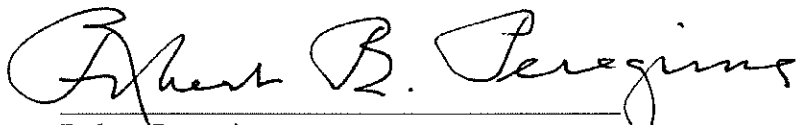
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code and Map hereby recommends **approval** of ZT-1858 (Meissner Family Farm LLC – Miller Marriott Construction Co.) in accordance with the attached “Staff Report and Recommendation”.

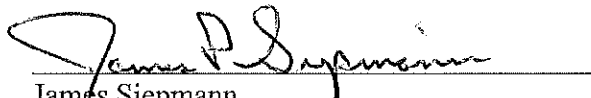
PARK AND PLANNING COMMISSION


October 19, 2017


Richard Morris, Chairperson


William Mitchell


Robert Peregrine


James Siepmann


William Maslowski

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

DATE: October 19, 2017

FILE NO.: ZT-1858

OWNER: Meissner Family Farm, LLC.
c/o Darlene Igl
140 North Prairie Drive
Oconomowoc, WI 53066

APPLICANT: Chris Miller
Miller Marriott Construction Co.
249 Pawling Avenue, Suite 201
Hartland, WI 53029

TAX KEY NO.: LSBT 0217.998

LOCATION:

The subject parcel is located in part of the W ½ of the NE ¼ of Section 29, T8N, R19E, Town of Lisbon. More specifically, the property is located at W274 N6942 Lake Five Road and contains approximately 78 acres.

EXISTING ZONING:

A-10 Agricultural District, which requires a minimum lot size of ten acres and a minimum average width of 300 feet, and C-1 Conservancy.

PROPOSED ZONING:

R-1 Suburban Single Family Residential District (minimum lot size one acre, minimum lot width 150 feet, unsewered), and C-1 Conservancy.

EXISTING USES: Residential and agricultural

PROPOSED USES:

To rezone the property and divide it into subdivision lots. The most current conceptual proposal before the Town is a mix of several conventional lots with the remainder of the property being developed as a Planned Unit Development. It is the intent of the developers to comply with the Comprehensive Development Plan requirements of the Town and the County, the ultimate zoning, and the Planned Unit Development requirements of the Conditional Use provisions of the Town's Zoning Ordinance, as well as the platting regulations of all agencies required to review the subdivision plat.

PUBLIC HEARING DATE: September 14, 2017

PUBLIC COMMENT:

Several people spoke at the public hearing and written comments were also submitted to the Town. The majority of comments were not in favor of the development and the neighbors expressed the following concerns:

- Reduced size of lots, width of lots, size of houses, and setbacks
- Smaller lots are being proposed, prefer one acre minimum
- Higher density of proposed development
- Safety concerns with additional traffic, through streets, noise
- PUD does not benefit the Town as required
- Over-development of rural area and open spaces, aesthetics
- Water (well and aquifer) and septic concerns
- Smaller homes would affect existing larger home and property values
- Quality of life issues
- Existing lots in the Town are not selling
- Residents expect that new developments should have to follow existing subdivision standards in the Town to keep things consistent
- The formal Land Use Plan required in the Village of Merton-Town of Lisbon Border Agreement was prepared but never approved by the Town and Village Boards

TOWN PLAN COMMISSION ACTION:

On September 14, 2017, the Plan Commission unanimously recommended approval of the rezoning request to the Town Board.

TOWN BOARD ACTION:

On September 25, 2017, the Town Board unanimously approved Ordinance No. 13-17 specific to the subject rezoning request.

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

Both the Town of Lisbon and Waukesha County Comprehensive Development Plans designate the subject property as Low Density Residential allowing 20,000 square feet to 1.4 acres of area per dwelling unit. There is also a small area of Open Lands to be Preserved in the southeast corner of the property. The proposed zoning change will be consistent with the purpose and intent of the Town and County Comprehensive Development Plans as the proposed development will meet the density required and the Open Lands to be Preserved will be preserved as part of an outlet.

STAFF ANALYSIS:

The subject property is located on the northeast corner of C.T.H. "VV" and Lake Five Road and contains an area of wetlands in the southeast corner of the property and hydric soils in the southern portion of the property. There are also two very small pockets of steep slopes along the east property line. A 78-acre subdivision development is proposed on the former farmland, and in addition to

compliance with this rezone request, the developers must comply with the Town and County Comprehensive Development Plans (CDPs), the Town's Planned Unit Development (PUD) Conditional Use requirements, and the subdivision platting requirements of all agencies required to review the subdivision plat. As noted above, the proposed rezoning request will be consistent with the Town and County CDPs. The PUD and subdivision plat are being considered by the appropriate governing agencies and would be contingent upon the approval of this rezoning request. It should be noted the C-1 Conservancy zoned land will not be rezoned.

All of the adjoining land surrounding this parcel is developed, and much of it is zoned R-1 Residential - to the east, southeast, and north. Village of Merton land lies to the west across Lake Five Road and is also zoned R-1 under the Village's Zoning Code, and two parcels zoned A-5 Mini-Farm and A-3 Agricultural/Residential Estate (in the Town) lie to the south across C.T.H. "VV". The entire area on the CDP is designated as Low Density Residential from three quarters of a mile up to two miles in any direction from the subject parcel, except for some sporadic commercial mainly along C.T.H. "VV" to the west and a small area of Rural Density (5 acre) to the south of C.T.H. "VV" (approximately 80 developed acres).

It should be noted that prior to approval of the subdivision plat, a formal Land Use Plan may be required to be approved by the Town of Lisbon and Village of Merton Boards relative to their Border Agreement. As noted above, the most recent Concept Plan submitted by the developer (refer to Exhibit "A") includes a mix of conventional subdivision lots and PUD lots, as well as common open space with a park and proposed pavilion and multi-use trails throughout the development.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this request in accordance with the Town of Lisbon's adopted Ordinance approving the same. The proposed zoning change complies with the Town and County CDPs and adjacent zoned land. Therefore, this zoning change is consistent with the existing residential uses in the area. The rezone will allow for the development of a subdivision as infill between existing subdivisions, potentially entirely or partially as a PUD design, which will allow for the retention of beneficial common open space, a trail system, and a creative living environment providing for variety in the physical development of the Town. Therefore, this zoning amendment is within the purpose and intent of the Town of Lisbon's Zoning Ordinance.

Respectfully submitted,

Sandy L. Scherer

Sandy Scherer
Senior Planner

Attachments: Town Ordinance 13-17
Rezone Map
Exhibit "A" (Concept Plan)

Ord. 13-17

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

WHEREAS, Darlene Igl, Meissner Family Farm, LLC., property owner, petitioned the Town of Lisbon to rezone property from the A-10 Agricultural District to the 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 both held Public Hearings on the rezoning request; Plan Commission on September 14, 2017 and Town Board on September 25, 2017.

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 the A-10 Agricultural District to the R-1 Suburban Single Family Residential District:

Lands located in part of the W1/2 NE1/4 SEC 19 T8N R19E.
Also known as LSBT 0217.998

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

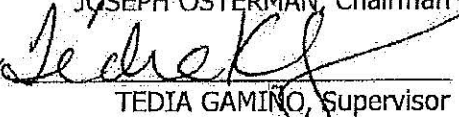
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

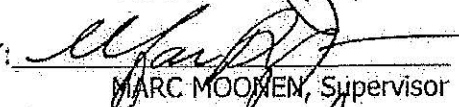
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9/27/2017
DEPT OF PARKS &
LAND USE

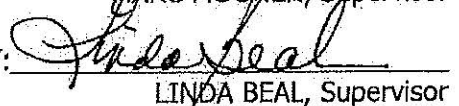
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 25th, day of September, 2017.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

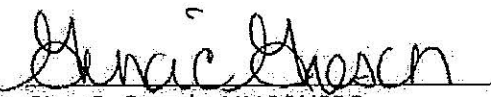
BY: 
TEDIA GAMINO, Supervisor

BY: 
MARC MOOMEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

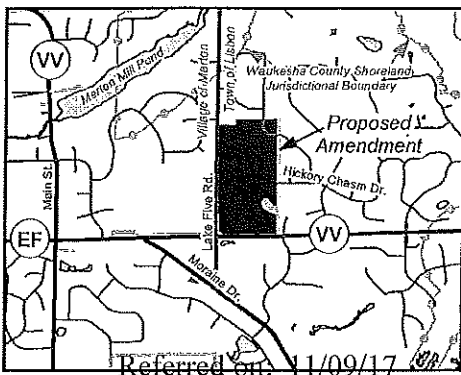
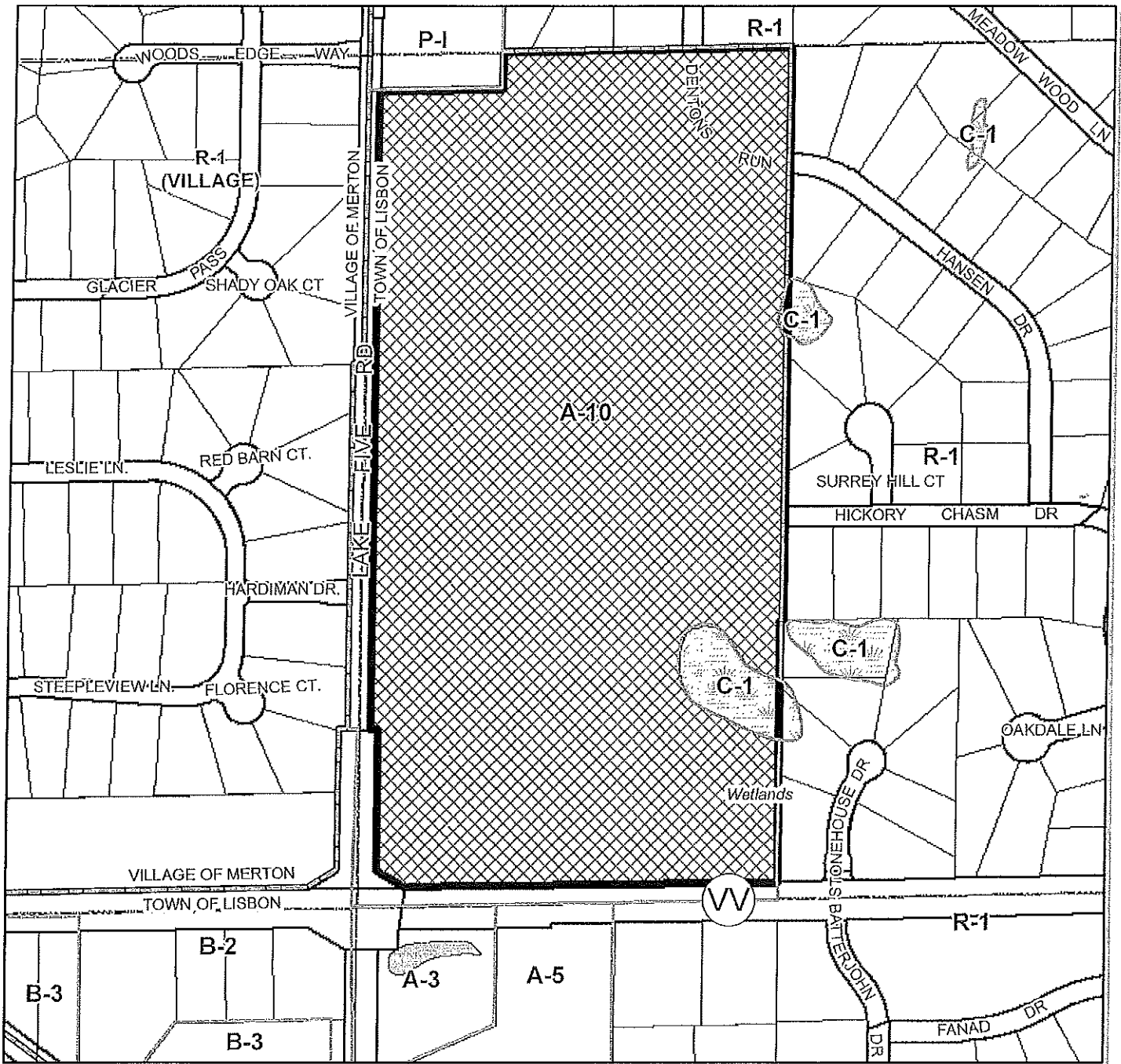
ATTEST:

BY: 
Gina C. Gresch, MMC/WCPC
Town Clerk

RECEIVED
9/27/2017
DEPT OF PARKS &
LAND USE

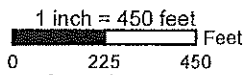
ZONING AMENDMENT

PART OF THE NE 1/4 OF SECTION 19
TOWN OF LISBON



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

FILE NO.....ZT-1858
 PETITIONER.....MILLER MARRIOTT CONSTRUCTION CO.
 DATE OF PLAN COMM. CONSIDERATION.....10/19/17
 AREA OF CHANGE.....73.4 ACRES
 TAX KEY NUMBER.....LSBT 0217.998

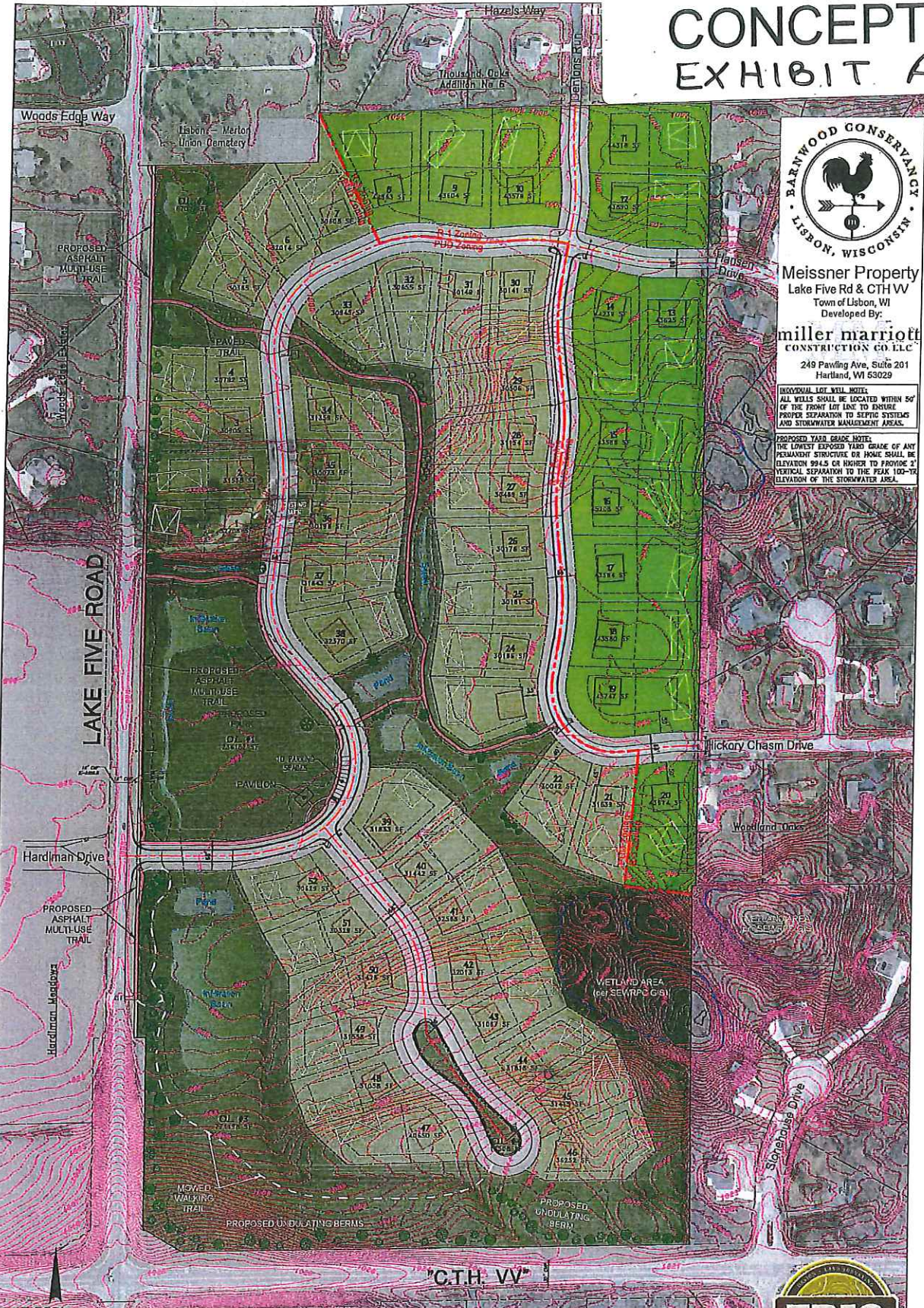


Referred on: 11/09/17

Prepared by: Waushara County Department of Parks and Land Use
 File Number: 172-C-053

Referred to: LU 8

CONCEPTUAL EXHIBIT A



Meissner Property
Lake Five Rd & CTH W
Town of Lisbon, WI
Developed By:

miller marriott
CONSTRUCTION CO. LLC
249 Pawling Ave, Suite 201
Hartland, WI 53029

INDIVIDUAL LOT WELL NOTES:
ALL WELLS SHALL BE LOCATED WITHIN 50' OF THE FRONT LOT LINE TO ENSURE PROPER SEPARATION TO SEPTIC SYSTEMS AND STORMWATER MANAGEMENT AREAS.

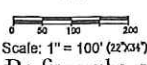
PROPOSED YARD GRADE NOTE:
THE LOWEST EXPOSED YARD GRADE OF ANY PERMANENT STRUCTURE OR HOME SHALL BE ELEVATION 994.5 OR HIGHER TO PROVIDE 2' VERTICAL SEPARATION TO THE PEAK 100-YR ELEVATION OF THE STORMWATER AREA.

14.03203 (03/23/2023) MEISSNER- LISBON, WISCONSIN, PRELIMINARY CIVIL LAYOUT, CONCEPT PLAN, 230304.DWG

Data Summary Table

52 Single Family Lots (13 lots - R-1 & 39 lots - R-1 PUD)

<p>Total Meissner Area = 74.66 acres (74.66 ac - 0.32 ac Lake Five Rd ROW) R-1 Zoning = 25.51 acres Lots 8 - 20 = 13 lots R-1 PUD Zoning = 59.15 acres Lots 1-7 & 21-52 = 39 lots Density = 1.44 acres/lot Total Road Length = 5,450 Lf.</p>	<p>R-1 PUD Proposed Standards: Lot Size: 30,000 s.f. min. Average Lot Size = 31,445 s.f. Lot Width: 110' minimum Proposed Setbacks: Public Road = 35' Side = 20' Lake Five Road = 50' Rear = 35'</p>	<p>R-1 Regulations: Lot Size: 43,560 s.f. min. Average Lot Size = 43,916 s.f. Lot Width: 150' average Proposed Setbacks: Public Road = 50' Side = 20' Rear = 50'</p>	<p>Development Summary: Proposed Zoning: R-1 = 15.51 acres R-1 PUD = 59.15 acres 52 Lot "Conservation Subdivision" - Park, Outdoor Amenities & Walking Trails - Pavilion structure created from 25,000 s.f. of lot</p>	<p>PUD Open Space Calculations: Total PUD Area = 59.15 acres Outlot Area = 24.9 ac (42.1%) - % Wetland = 1.48/24.9 = 5.9% - % Stormwater = 3.5/24.9 = 14.1% - % Upland = 19.92/24.9 = 80%</p>
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Referred to on: 17

File Number: 17

Referred to



12660 W. NORTH AVE. BLDG D
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: jpowdaj@trioeng.com

DATE: 09/21/2017

D1 - Kolb	AYE	D14 - Wood	AYE
D2 - Zimmermann	(M) AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	(2) AYE	D17 - Paulson	AYE
D5 - Dondlinger	Absent	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Zaborowski	AYE
D9 - Heinrich	AYE	D22 - Wysocki	Absent
D10 - Swan	Absent	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

172-0-053

Passed (22 Y - 0 N - 3 Absent)

Majority Vote

