

ENROLLED ORDINANCE 174-049

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼, SW ¼ AND NE ¼ OF SECTION 16, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL AND R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICTS, TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY (RZ44)

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 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 conditionally rezone from the A-10 Agricultural and R-1 Suburban Single Family Residential Districts to the R-1 Suburban Single Family Residential District with a Planned Unit Development Overlay, certain lands located in part of the SE ¼, SW ¼ and NE ¼ of Section 16, 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 RZ44, is hereby approved, subject to the conditions of Town Ordinances 05-19 and 06-19.

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

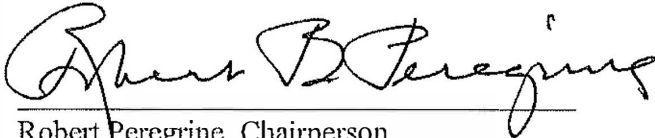
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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 Ordinance hereby recommends approval of RZ44 (Neumann Developments, Inc./Hillside Ridge, LLC) in accordance with the attached "Staff Report and Recommendation".

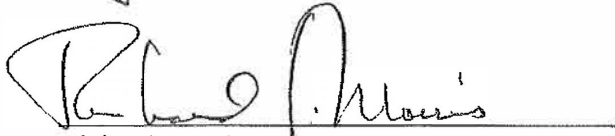
PARK AND PLANNING COMMISSION

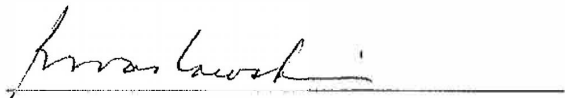
August 15, 2019

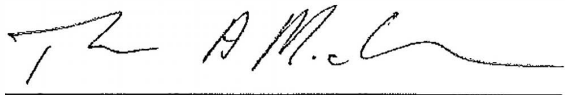

Robert Peregrine, Chairperson


William Mitchell, Vice Chairperson


James Siepmann


Richard Morris


William Maslowski


Thomas Michalski

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

DATE: August 15, 2019

FILE NO.: RZ44

OWNER: Hillside Ridge, LLC
N27 W24025 Paul Court
Pewaukee, WI 53072

APPLICANT: Bryan Lindgren
Neumann Developments, Inc.
N27 W24025 Paul Court, Suite 100
Pewaukee, WI 53072

TAX KEY NO.: LSBT 0205.995 and LSBT 0208.987

LOCATION:
LSBT 0205.995: Part of the SE ¼ and SW ¼ and NE ¼ of Section 16, T8N, R19E, Town of Lisbon, containing approximately 76.7 acres.

LSBT 0208.987: Certified Survey Map No. 1544, Volume 10, Page 220, located in part of the SE ¼ of Section 16, T8N, R19E, Town of Lisbon. More specifically, the property is located at W250 N7551 Hillside Road, containing approximately 2.6 acres. It should be noted this property is currently zoned R-1 Suburban Single Family Residential District (Town).

EXISTING ZONING:
A-10 Agricultural and C-1 Conservancy Districts (Town), and R-1 Suburban Single Family Residential District (Town).

PROPOSED ZONING:
R-1 Suburban Single Family Residential and C-1 Conservancy Districts with a Planned Unit Development Overlay and General Development Plan (GDP) (Town) (refer to rezone map attached).

EXISTING USE:
Agricultural (LSBT 0205.995) and Residential (LSBT 0208.987).

REQUESTED USE:
Single-family residential subdivision (PUD).

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

The Waukesha County CDP currently designates the subject property as Low Density Residential, Medium Density Residential, Commercial and Office Park, and Other Open Lands to be Preserved. The properties are similarly designated on the Town of Lisbon CDP.

The proposed zoning category and project density complies with plan recommendations.

PUBLIC HEARING DATES: March 14, 2019 and April 11, 2019.

PUBLIC COMMENT:

- A property owner on Howard Lane expressed concerns of the notice, which referenced an incorrect street address, there was not a conceptual process for the PUD and that the development did not provide for open spaces as the plan standards outline. In addition, she had concerns with flooding and high groundwater in the area and that the developer did not meet with adjacent land owners regarding addressing the water issues.
- A property owner on Good Hope Road also expressed concerns with the water table, increase in traffic and did not like the increase in developments since she bought her property 10 years ago.
- Four property owners expressed concerns regarding water and there being no place for it to go.
- A citizen wanted further explanation of the clay-lined ponds being drained near the wetlands. She expressed concerns that the Town has spent a lot of money fixing water problems because of developments and didn't want the Town to spend more money taking on more water issues.
- A property owner to the south on Howard Lane expressed concerns about the tot lot location and a deeded easement on the property that was left out of the plans. She asked that the easement be included in the PUD. She asked if a bike trail and tot lot is a benefit to the overall community and expressed concerns for standing groundwater and that the area is susceptible to flooding. She suggested an agreement be required that the developer be financially liable for a period of 8 to 10 years for any water damage from flooding and wondered how an HOA could be responsible for maintaining the retention ponds.
- A property owner on Howard Lane expressed concerns about the amount of houses going in with no place for the water to go and indicated that he had shown photographs to the Town and developer. He further explained that there is a natural kettle where the water collects and once the lots are sold the residents and Town are left with the liability.
- A property owner on Hwy 164 said he moved to his location to be able to ride dirt bikes and make noise without having to worry about neighbors calling the police. He questioned if he would now have the police called on him every day if a subdivision goes in.

It should be noted the groundwater and stormwater issues were discussed at the County Development Review Team meeting on February 5, 2019, and the developer is working with the County Land Resources Division on plans to address these issues through the review of the plat.

TOWN PLAN COMMISSION ACTION:

On March 14, 2019, the Town of Lisbon Plan Commission unanimously approved the rezone request, however, held over the request for the Planned Unit Development Overlay and the General Development Plan. On April 11, 2019, the Town of Lisbon Plan Commission unanimously approved the ordinance establishing a Planned Unit Development Overlay District and the General Development Plan with a recommendation to the Town Board and the Village of Sussex Joint Plan Committee (JPC) of the same.

TOWN BOARD ACTION:

On March 25, 2019, the Town Board unanimously approved Ordinance No. 05-19 (attached) specific to the subject rezoning request, and on May 28, 2019, approved Ordinance No. 06-19 (attached) specific to the Planned Unit Overlay District and General Development Plan (concept plan) with a recommendation to Waukesha County of the same.

VILLAGE OF SUSSEX/TOWN OF LISBON JPC ACTION:

On July 11, 2019, the Town of Lisbon and Village of Sussex Joint Planning Committee (JPC) unanimously approved the request to rezone the property as requested from the A-10 Agricultural District to the R-1 Suburban Single-Family Residential District with a recommendation to Waukesha County of the same.

On July 11, 2019, the JPC also unanimously approved the request to approve a Planned Unit Overlay District for the subject lands. The approval was contingent that the recreational trail be located outside of the special use area (Outlot 6) and any use of the special use area (Outlot 6) would come back to the JPC, and recommendation to Waukesha County of the same.

STAFF ANALYSIS:

The subject property, which contains two separate tax key parcels and approximately 79 acres, is located between State Hwy 164 and Hillside Road. The petitioner is proposing a 54 lot single family residential Planned Unit Development (PUD) to be served by private on-site septic systems and private wells. The property is currently zoned A-10 Agricultural District, R-1 Suburban Single-Family Residential District, and contains wetland along the southern boundary of the property which the Town has zoned C-1 Conservancy District. Only approximately 75 acres of land is proposed to be rezoned to R-1 as one of the parcels is currently zoned R-1 (the 2.6 acre parcel), and Outlot 6 of the plat is not part of the rezone proposal due to its Commercial and Office Park designation on the CDPs.

The proposed PUD would allow for a minimum lot size of 30,000 square feet, a minimum average lot width of 110 feet, a 35 foot road setback, a 20 foot offset (side and rear), and would provide a minimum of 40% open space within the development with 80% of the open space being upland. The PUD concept will provide for more efficient and flexible design while providing for stormwater management, subdivision amenities such as a trail system, protection of natural resources, and the preservation of open spaces, which lends to the retention of the rural character of the Town of Lisbon. The Town's PUD Overlay District first requires the submittal of a General Development Plan ("GDP"), which has been approved by the Town as noted above. A Specific Development Plan ("SDP") is required to be submitted and approved by the Town within one year or the PUD automatically terminates.

It should be noted that neither the rezone application submitted to the Town, nor Town (rezone) Ordinance actions included tax parcel LSBT 0205.994, owned by Payne and Dolan, which is a 1.1 acre lot, zoned R-1 with no PUD Overlay District, and is completely surrounded by the subject property. Having said that, the submitted Preliminary Plat for Hillside Ridge proposes fifty-five (55) lots and shows this land to remain unplatted, though the density and open space calculations shown in the Summary Table on the Plat include this lot as part of the total area.

The lands surrounding the subject property are zoned as used. Lands to the north and west appear to be in agricultural, single-family residential and/or open space uses and are zoned A-10 Agricultural District and A-5 Mini Farm District (Town). Two single-family residential subdivisions across Hillside Road to the east (Polo Fields and Hidden Oaks Addition No. 1) are zoned R-1 Suburban Single-Family Residential. The lands to the south are zoned a number of different districts including P-I Public and Institutional District (Gospel Fellowship of Sussex), R-1 Suburban Single Family Residential, R-2 Single Family Residential, A-3 Agricultural/Residential Estate District and A-10 Agricultural District.

At a County Development Review Team meeting held on February 5, 2019, County staff made recommendations to the developer to keep steep slope areas in commonly owned outlots and/or to verify any maximum slope restrictions enforced by the Town since some of the lots propose building envelopes on slopes greater than 12%. County staff also identified a drainage way in the northwest part of the property and indicated that the developer must request a navigability determination from the DNR for this waterway. Initial review of the preliminary plat does not indicate these items have been addressed and therefore they will be conditions of the preliminary plat review letter.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends approval of the rezone request to R-1 Suburban Single Family Residential District and PUD Overlay District as conditioned by Town Ordinances 05-19 and 06-19. The conditions require, a Specific Development Plan prepared in substantial conformity with the General Development Plan to be submitted to and approved by the Town of Lisbon no later than April 11, 2020 or the PUD shall automatically terminate.

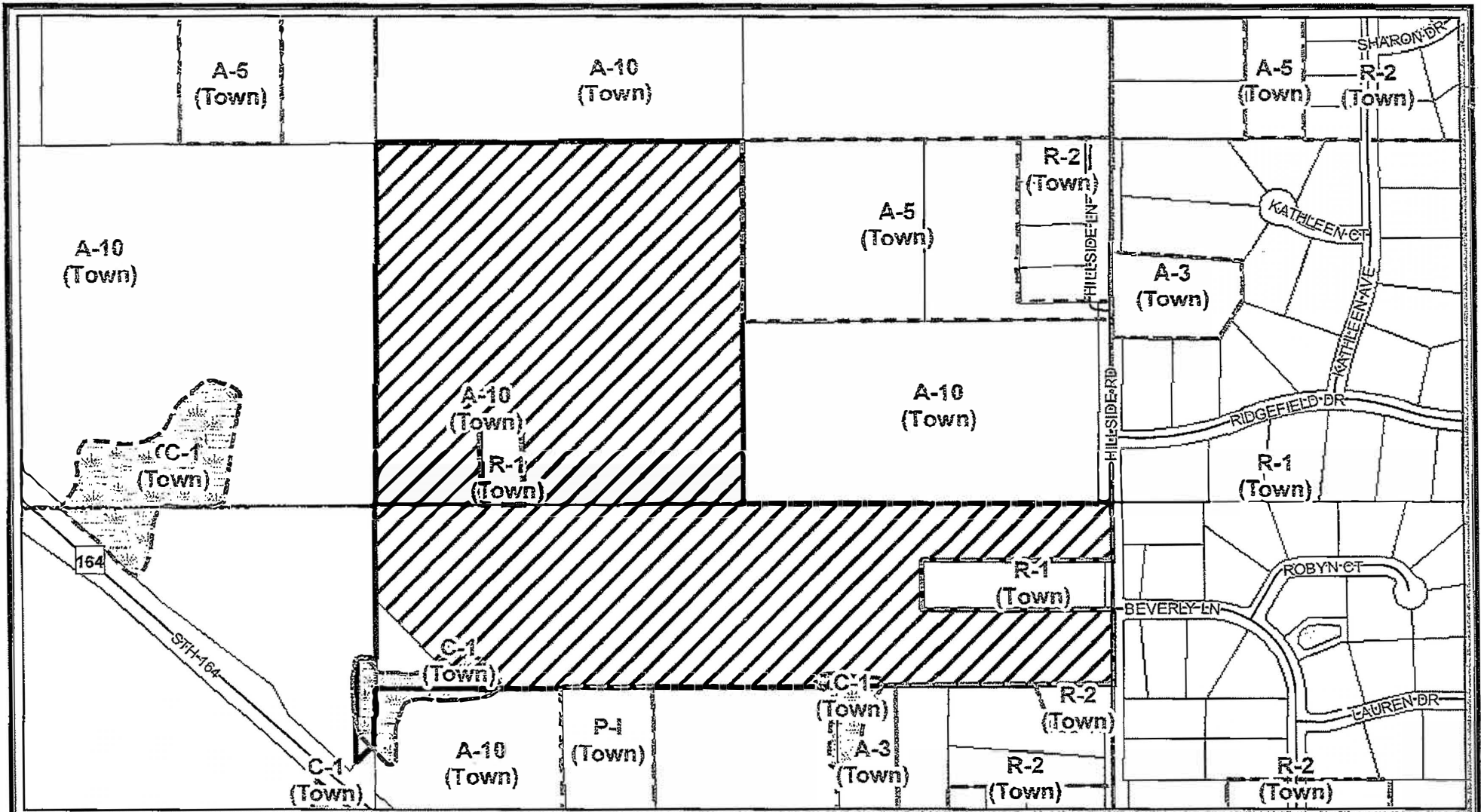
As conditioned, the rezoning and PUD Overlay will serve to allow a subdivision to be developed as a PUD, which will provide for a more creative and flexible design intended to preserve open space, protect natural resources, provide for improved stormwater management, and offer amenities such as walking trails. In addition, the zoning change and PUD Overlay will comply with the Town and County Comprehensive Development Plans and are within the purpose and intent of the Town of Lisbon's Zoning Ordinance.

Respectfully submitted,

Benjamin Greenberg


Benjamin Greenberg
Senior Land Use Specialist


Attachments: Rezone Map
Town Ordinance 05-19
Town Ordinance 06-19



ZONING AMENDMENT

PART OF THE SW 1/4 OF
THE NE 1/4 SECTION 16
TOWN OF LSIBON

 CONDITIONAL TOWN ZONING CHANGE FROM A-10 AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT (74.9 AC)

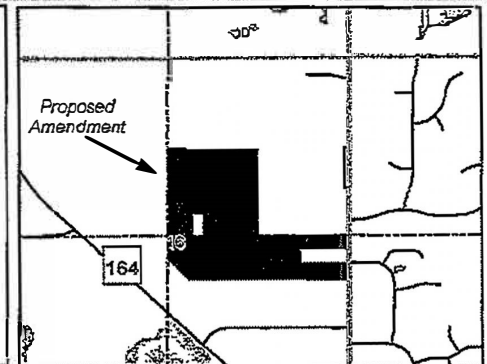
 C-1 Conservancy

FILE.....RZ44
DATE OF PLAN COMMISSION.....08/15/19
AREA OF CHANGE.....74.9 ACRES
TAX KEY NUMBER.....LSBT 0205.995



Prepared by the Waukesha County Department of Parks and Land Use

1 inch = 500 feet
0 250 500 Feet



Ord. 05-19

ORDINANCE REZONING LSBT 0205.995, FROM A-10 AGRICULTURAL DISTRICT TO R-1 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

WHEREAS, property owner, Hillside Ridge LLC petitioned the Town of Lisbon to rezone property described more specifically in Exhibit A from A-10 Agricultural District R-1 to 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:

SW1/4 NE1/4 SEC 16 T8N R19E EX DOC #0495939 :: ALSO N1/2 N1/2 SE1/4 SEC 16 T8N R19E EX CSM #1544 :: ALSO PT N1/2 SW1/4 SEC 16 T8N R19E; COM CTR SEC; S2°25'58"W ON & ALG E LI OF SAID SW1/4 551.98 FT THE BGN; S02°25'58"W ALG SAID E LI 563.00 FT TO POINT ON CTRLI HWY J; N45°47'12"W 88.51 FT; N02°25'58"W 503.05 FT; S88°29'42"E 66.01 FT TO BGN :: EX DOC #0616032 :: DOC #4376882


ALSO KNOWN AS LSBT 0205.995

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.

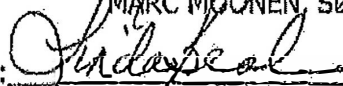
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 25th day of March, 2019.

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

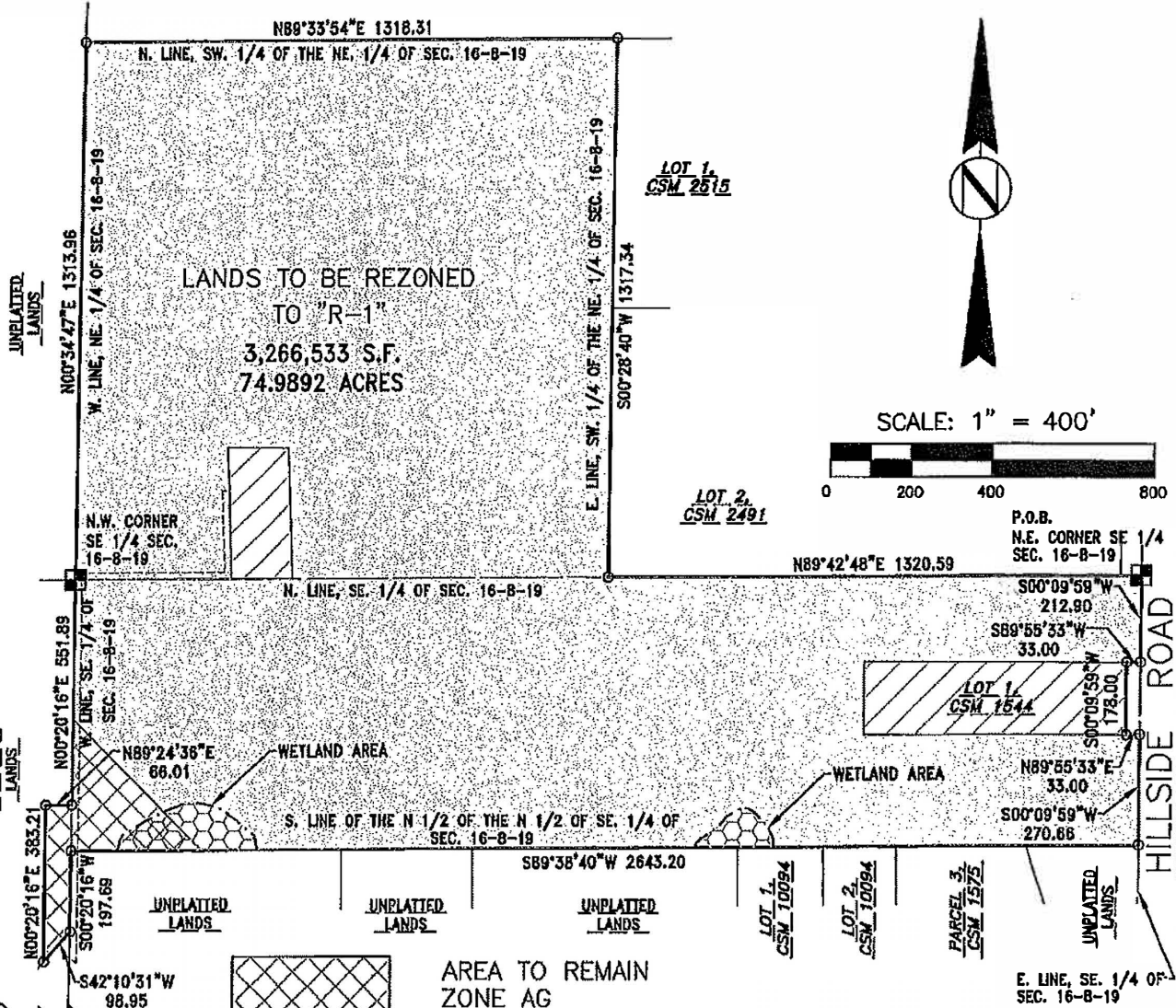
ATTEST:
BY: 
Dan Green, WEMC
Town Clerk

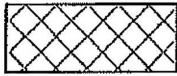
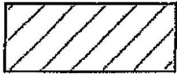

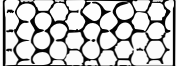


REZONING EXHIBIT "A"

BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND A PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND A PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 ALL IN SECTION 16, TOWN 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

UNPLATTED
LANDS



-  AREA TO REMAIN ZONE AG
-  CURRENTLY ZONED R-1
-  AREA TO BE REZONED R-1
-  AREA TO REMAIN C-1



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

PROJECT NO. NEUMA #149952

SHEET 1 OF 1

Ord. 06-19

AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT OVERLAY ZONING CLASSIFICATION OF PROPERTY LOCATED ALONG HILLSIDE ROAD IN THE TOWN OF LISBON, LSBT 0205.995 & LSBT 0208.987

WHEREAS, Hillside Ridge LLC, the new owner of the property identified by LSBT 0205.995, along with the owners of LSBT 0208.987, and described more particularly on Exhibit A which is appended hereto and incorporated herein by reference, has requested that the Town of Lisbon establish a Planned Unit Development Overlay Zoning Classification, the purpose of which is to allow a development of the property as a Planned Unit Development, but consistent with the underlying R-1 Suburban Single Family Residential District and C-1 Conservancy/Wetland and Floodplain District Zoning Classifications; and,

WHEREAS, in accordance with the Zoning Code of the Town of Lisbon, the applicant has submitted a General Development Plan outlining the proposed development of the property; and,

WHEREAS, the Town Plan Commission, on April 11, 2019, considered the request for establishment of a Planned Unit Development Zoning District in accordance with the terms of the Development Plan, and after conducting a Public Hearing, has recommended to the Town Board that the Planned Unit Development Zoning Classification be established as it relates to the property;

NOW, THEREFORE, the Town Board of Lisbon does ordain as follows:

SECTION 1: In accordance with a General Development Plan submitted by the Property owner, and incorporated in this Ordinance by reference, the Property described on Exhibit A may be developed as a Planned Unit Development, consistent with the underlying R-1 Suburban Single Family Residential District and C-1 Conservancy/Wetland and Floodplain District Zoning Classifications, subject to the following conditions:

- A. The number of Single Family Residential Dwelling Units shall not exceed fifty-five (55) units.
- B. The minimum lot size shall be not less than 30,000 square feet for any Single-Family Residential Unit.

- C. The minimum required open space shall be 40% of the entire development site, less Planned Hillside Road dedications.
- D. The minimum lot size, lot width, public road set back, and yard setbacks may be modified from those minimum requirements contained in the underlying R- 1 Suburban Single Family Residential Zoning Classification, such reductions, if any, to be determined by the Plan Commission and Town Board upon review and approval of a specific development plan.

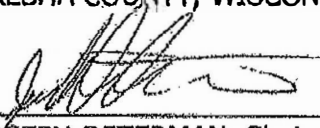
SECTION 2: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

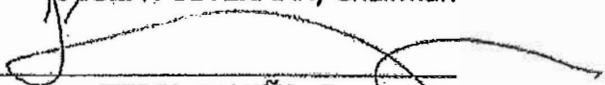
SECTION 3: This Ordinance shall become effective upon passage and publication as required by law and upon satisfaction of any the contingencies set forth by Resolution of the Plan Commission.

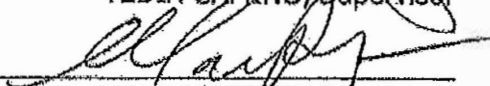
SECTION 4: Notwithstanding anything contained in this Ordinance to the contrary, this Zoning Ordinance is contingent upon the approval, not later than April 11, 2020, of a Specific Development Plan as required by the Town Zoning Code of the Town of Lisbon. In the event a Specific Development Plan implementing the Planned Unit Development authorized by this Ordinance is not adopted and approved by the Town Board on or before April 11, 2020, then this Ordinance shall lapse and the right to develop the Property as a Planned Unit Development under the terms of this Ordinance shall automatically terminate.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this day this 28th day of May, 2019.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

BY: 
TEDIA GAMINO, Supervisor

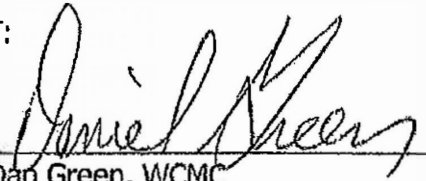
BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:

BY:


Dan Green, WCMC
Town Clerk

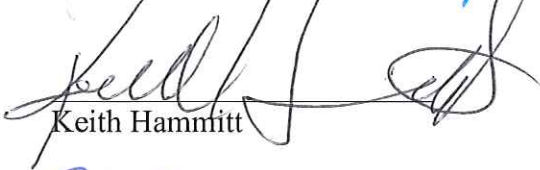


AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼, SW
¼ AND NE ¼ OF SECTION 16, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY,
WISCONSIN, FROM THE A-10 AGRICULTURAL AND R-1 SUBURBAN SINGLE
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RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY
(RZ44)

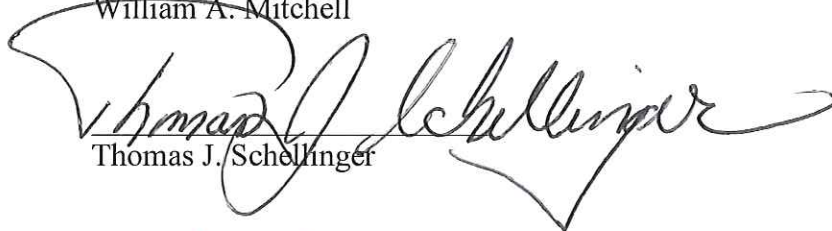
Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

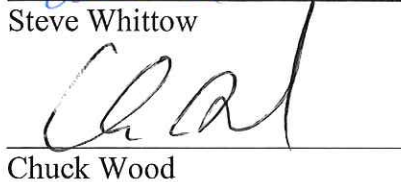

Kathleen M. Cummings


Keith Hamnitt

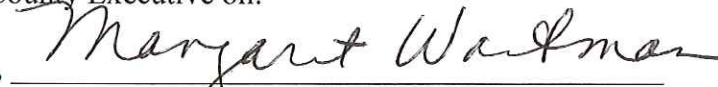

William A. Mitchell


Thomas J. Schellinger


Steve Whittow


Chuck Wood

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

Date: 9/27/2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 9/30/2019, 
Paul Farrow, County Executive



VOTE RESULTS: Passed By Majority Vote

AYE: 25 NAY: 0

ABSENT: 0

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

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