

ENROLLED ORDINANCE 171-4

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF LISBON AND THE TOWN OF LISBON ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 35, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT (TOWN) AND THE R-2 RESIDENTIAL DISTRICT (COUNTY) TO THE R-3 TWO FAMILY RESIDENTIAL AND R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICTS (TOWN) AND TO THE R-3 RESIDENTIAL AND R-1 RESIDENTIAL DISTRICTS (COUNTY) (SZT-1822)

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 14, 2016, 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 Sections 59.692 and 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Lisbon, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of Lisbon Zoning Ordinance adopted on April 9, 2010, are hereby amended to rezone certain lands located in part of the NW ¼ of Section 35, T8N, R19E, Town of Lisbon, from the A-10 Agricultural District (Town) and the R-2 Residential District (County) to the R-3 Two Family Residential and R-1 Suburban Single Family Residential Districts (Town) and to the R-3 Residential and R-1 Residential Districts (County), 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 SZT-1822.

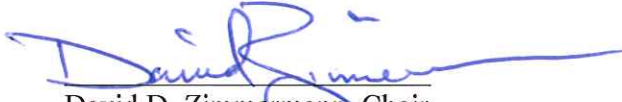
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

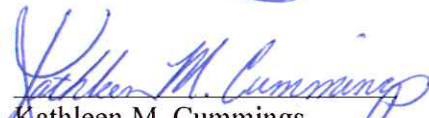
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

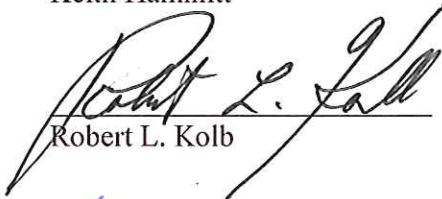
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF LISBON AND THE TOWN OF LISBON ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 35, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT (TOWN) AND THE R-2 RESIDENTIAL DISTRICT (COUNTY) TO THE R-3 TWO FAMILY RESIDENTIAL AND R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICTS (TOWN) AND TO THE R-3 RESIDENTIAL AND R-1 RESIDENTIAL DISTRICTS (COUNTY) (SZT-1822)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

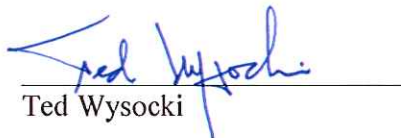

Kathleen M. Cummings

Absent
Keith Hammitt



Robert L. Kolb

Absent
William Mitchell


Absent
Thomas J. Schellinger


Ted Wysocki

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

Date: 5/24/16, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 6/2/16, 
Paul Farrow, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/24/16 NUMBER-1710004

- 1 R. KOLB.....AYE
- 2 D. Zimmermann.....AYE
- 3 R. MORRIS.....AYE
- 4 J. BATZKO.....AYE
- 5 ~~J. BRANDTJEN~~.....AYE
T. Donlinger
- 6 J. WALZ.....AYE
- 7 J. GRANT.....AYE
- 8 ~~E. HIGHUM~~.....AYE
T. Michalski
- 9 J. HEINRICH.....
- 10 D. SWAN.....AYE
- 11 C. HOWARD.....AYE
- 12 P. WOLFF.....AYE
- 13 P. DECKER.....AYE
- 14 ~~C. PETTIS~~.....AYE
C Wood
- 15 B. MITCHELL.....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. JARKE~~.....AYE
T. Wysocki
- 23 K. HAMMITT.....
- 24 S. WHITTOW.....
- 25 ~~G. YERKE~~.....AYE
D. Johnson

TOTAL AYES-22

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

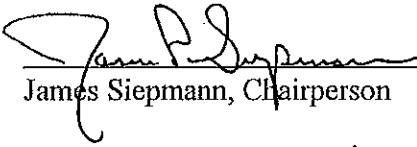
TOTAL VOTES-22

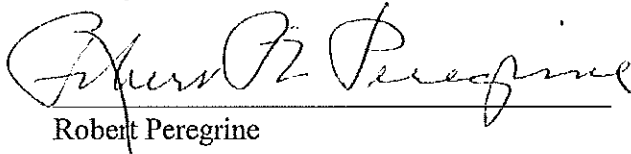
COMMISSION ACTION

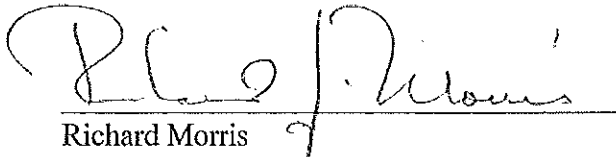
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance and the Town of Lisbon Zoning Ordinance, hereby recommends approval of **SZT-1822 (Johanssen Farms, LLC.)** in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

April 21, 2016

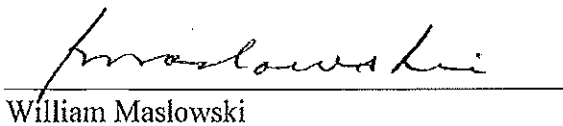

James Siepmann, Chairperson


Robert Peregrine


Richard Morris

Absent
Gary Goodchild


William Mitchell


William Maslowski

Absent
Keith Hammitt

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

DATE: April 21, 2016

FILE NO.: SZT-1822

OWNER: Johanssen Farms, LLC
N51 W23563 Lisbon Road
Sussex, WI 53089

APPLICANT: Halquist Stone Company, Inc.
c/o Wade Balson
N51 W23563 Lisbon Road
Sussex, WI 53089

TAX KEY NO.: LSBT 0282.979

LOCATION:

The subject parcel is located in part of the NW ¼ of Section 35, T8N, R19E, Town of Lisbon, at N54 W23746 Northview Drive, Sussex, WI, 53089, containing ten acres. A Certified Survey Map (CSM) dividing 2.5 acres from the parent parcel is proposed, and would leave a remnant parcel approximately 7.5 acres in size.

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, Wetland and Floodplain District (Town); and R-2 Residential (minimum lot size 30,000 square feet, minimum average width 120 feet), and C-1 Conservancy (County).

PROPOSED ZONING:

R-3 Two Family Residential District (minimum lot size one acre, minimum lot width of 180 feet for a two family, unsewered), R-1 Suburban Single Family Residential District (minimum lot size one acre, minimum lot width 150 feet, unsewered), and C-1 Conservancy, Wetland and Floodplain District (Town); and R-3 Residential (minimum lot size 20,000 square feet, minimum lot width of 120 feet), R-1 Residential (minimum lot size one acre, minimum lot width of 150 feet), and C-1 Conservancy (County).

EXISTING USES:

Duplex and two residential use accessory buildings, and two commercial storage buildings.

PROPOSED USES:

To rezone a ten-acre parcel and divide it into a 7.5-acre parcel and a 2.5-acre parcel and retain the duplex residential use and commercial use on the 7.5-acre parcel and utilize the 2.5-acre parcel (outlot) for stormwater purposes for an adjacent subdivision development to the west in the Village of Sussex. The outlot will remain in the Town of Lisbon, but will be owned by the Village of Sussex.

PUBLIC HEARING DATE: February 4, 2016

PUBLIC COMMENT: None.

TOWN PLAN COMMISSION ACTION:

On February 4, 2016, the Town of Lisbon Plan Commission voted unanimously to recommend approval of the rezone request to the Town Board subject to the Town Engineer and Plan Commission comments.

TOWN BOARD ACTION:

On February 8, 2016, the Town Board voted unanimously to approve the rezone. The Ordinance went before the Town Board and was approved on March 14, 2016 and the minutes of said meeting were received on April 8, 2016.

JOINT PLANNING COMMITTEE (JPC) ACTION:

In accordance with the Boundary Agreement between the Village of Sussex and the Town of Lisbon, the JPC approved of the rezone on February 8, 2016.

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

The subject property received approval of a Town CDP amendment on January 11, 2016, and an amendment to the CDP for Waukesha County on April 12, 2016. The upland area of the subject property is now designated as Suburban I Density Residential allowing 1.5 to 2.9 acres of area per dwelling unit. The proposed zoning change will be consistent with the purpose and intent of the Town and County Comprehensive Development Plans as the lots and the existing development meet the density required and the natural resource areas located on the property will continue to be preserved.

STAFF ANALYSIS:

The subject property is currently ten acres in size and located west of the existing Halquist Quarry and Sussex Creek, north of Northview Drive, and south of the Sussex Armory and Armory Park. A 31-acre subdivision development is proposed on the vacant land adjacent to the west of the subject property (the Settlement at Sussex Creek). This development also received CDP amendment, rezone, as well as PUD approvals from the Village of Sussex. The subject property contains floodplain, wetlands, Secondary Environmental Corridor, hydric soils, and areas of bedrock near the ground surface.

As noted above, the subject property received approval of both Town and County CDP amendments in 2016 and the proposed rezoning request will be consistent with those CDP amendments. The ten-acre parcel is proposed to be divided via a CSM (refer to Exhibit A) whereby 2.5 acres will become an outlot for stormwater purposes for the adjacent subdivision development in the Village of Sussex and will be zoned R-1 by both the Town and the County. The outlot will remain in the Town of Lisbon in accordance with the Border Agreement, but will be owned by the Village of Sussex. The remaining 7.5 acres will retain the duplex residential use along with two residential use accessory buildings, and two commercial use storage buildings and will be zoned R-3 by both the Town and the County. A Conditional Use and a Site Plan/Plan of Operation are pending County Park and Planning Commission approval on April 21, 2016, the date of this report, for the duplex use and the commercial use of the two larger storage buildings on the subject property. The natural features on the subject property will remain zoned C-1 by both the Town and the County.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved in accordance with the Town of Lisbon's adopted Ordinance approving the same. The proposed zoning change will allow for the creation of an outlot to provide stormwater facilities for the development of a new subdivision adjacent to the west of the subject parcel in the Village of Sussex, the maintenance of which will be provided for in the Developers Agreement for the subdivision. The proposed rezone is consistent with the recently approved Town and County CDP amendments and the uses will comply with the proposed zoning upon receipt of their respective Conditional Use and Site Plan/Plan of Operation approvals which will restrict said uses so they will not adversely affect surrounding residential land uses, and actually will provide a substantial buffer between the existing and future residential uses in the area and the more intensive quarry use to the east. Therefore, this zoning amendment is within the purpose and intent of the ordinance.

Respectfully submitted,

Sandra L Scherer

Sandy Scherer
Senior Planner

Attachments: Town Ordinance 01-16
Rezone Map
Page 1 of the proposed CSM (Exhibit "A")

N:\PRK\ANDLU\Planning and Zoning\Rezoning\Staff Reports\1822 Johanssen Farms Halquist Ist.doc

ORDINANCE 01-16

STATE OF WISCONSIN: TOWN OF LISBON: WAUKESHA COUNTY

ORDINANCE REZONING THE JOHANSEN FARMS LLC PROPERTY FROM THE A-10 AGRICULTURAL DISTRICT AND THE C-1 CONSERVANCY WETLAND AND FLOODPLAIN DISTRICT TO THE R-3 TWO FAMILY DISTRICT, R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT, AND THE C-1 CONSERVANCY WETLAND AND FLOODPLAIN DISTRICT IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

Whereas, Johanssen Farms, LLC petitioned the Town of Lisbon to rezone property from the A-10 Agricultural District and C-1 Conservancy Wetland and Floodplain District to the R-3 Two Family District, R-1 Suburban Single Family Residential District, and C-1 Conservancy Wetland and Floodplain 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 held a Joint Public Hearing on the zoning change on February 4, 2016.

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 and C-1 Conservancy Wetland and Floodplain District to the R-3 Two Family District, R-1 Suburban Single Family Residential District, and C-1 Conservancy Wetland and Floodplain District:

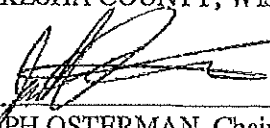
BEING A PART OF THE NW 1/4 OF SECTION 35, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN. ALSO KNOWN AS TAX KEY NO. LSBT 0282.979.

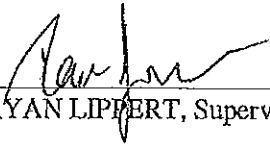
SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

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 14th, day of March, 2016.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

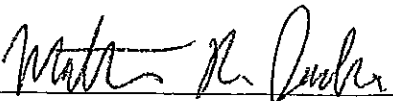
BY: 
JOSEPH OSTERMAN, Chairman

BY: 
RYAN LIPIERT, Supervisor

BY: 
HANNAH HEINRITZ, Supervisor

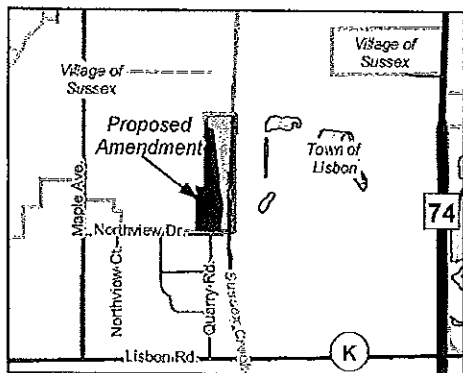
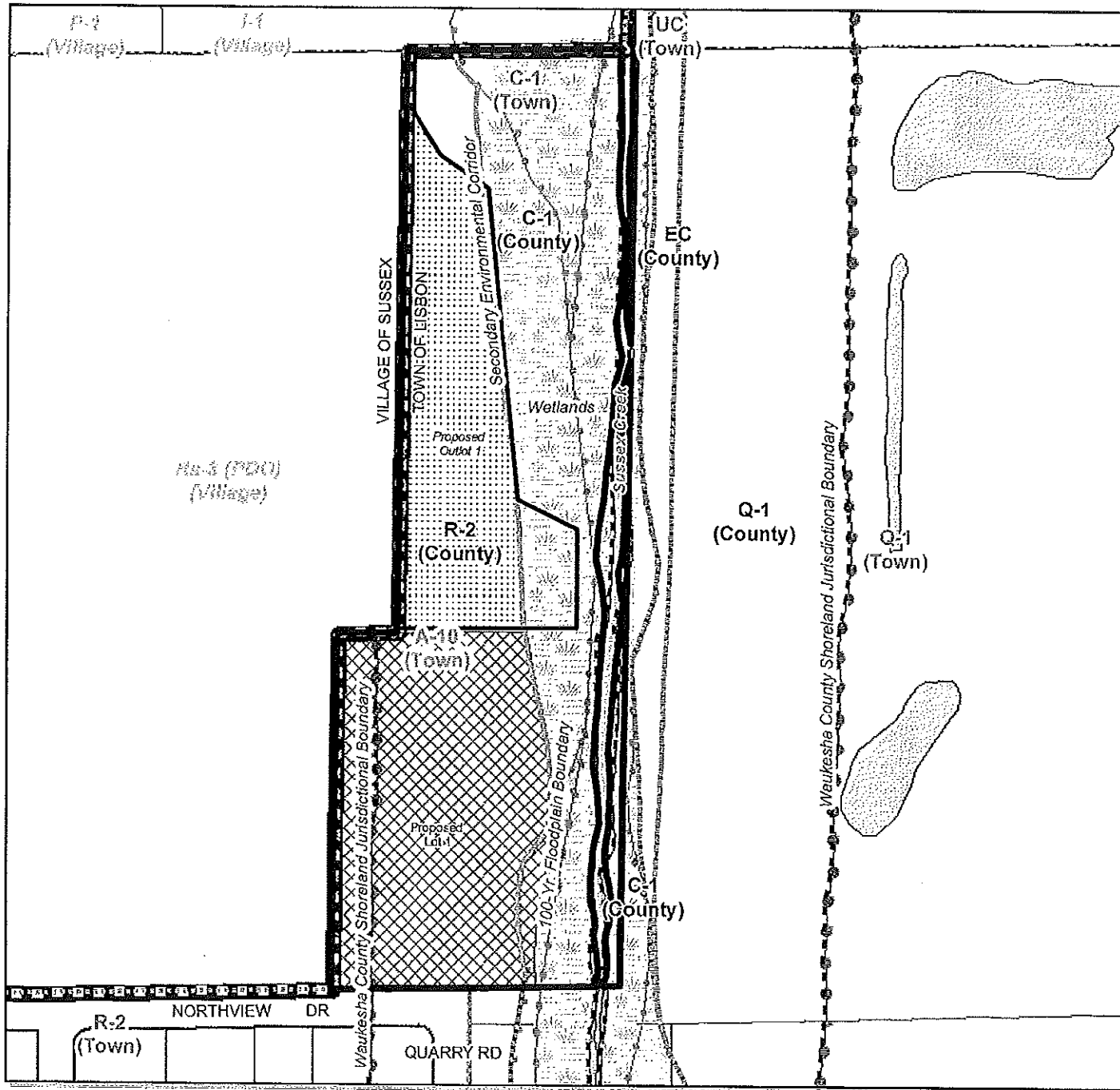
BY: 
REBECCA PLOTECHER, Supervisor



ATTEST:

BY: 
MATTHEW JANECKE, Administrator/Clerk

ZONING AMENDMENT

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



-  COUNTY SHORELAND ZONING CHANGE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT; TOWN ZONING CHANGE FROM A-10 AGRICULTURAL DISTRICT TO R-3 TWO-FAMILY RESIDENTIAL DISTRICT (3.10 AC)
-  COUNTY SHORELAND ZONING CHANGE FROM R-2 RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT; TOWN ZONING CHANGE FROM A-10 AGRICULTURAL DISTRICT TO R-1 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT (2.08 AC)

FILE NO.SZT-1822
 PETITIONER.....JOHANSSON FARMS, LLC
 DATE OF PLAN COMM. CONSIDERATION.....04/21/16
 AREA OF CHANGE.....5.18 ACRES
 TAX KEY NUMBER.....LSBT 0282.979

Prepared by the Waukesha County Department of Parks and Land Use

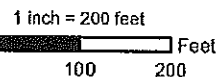


EXHIBIT "A"

Draft Plan

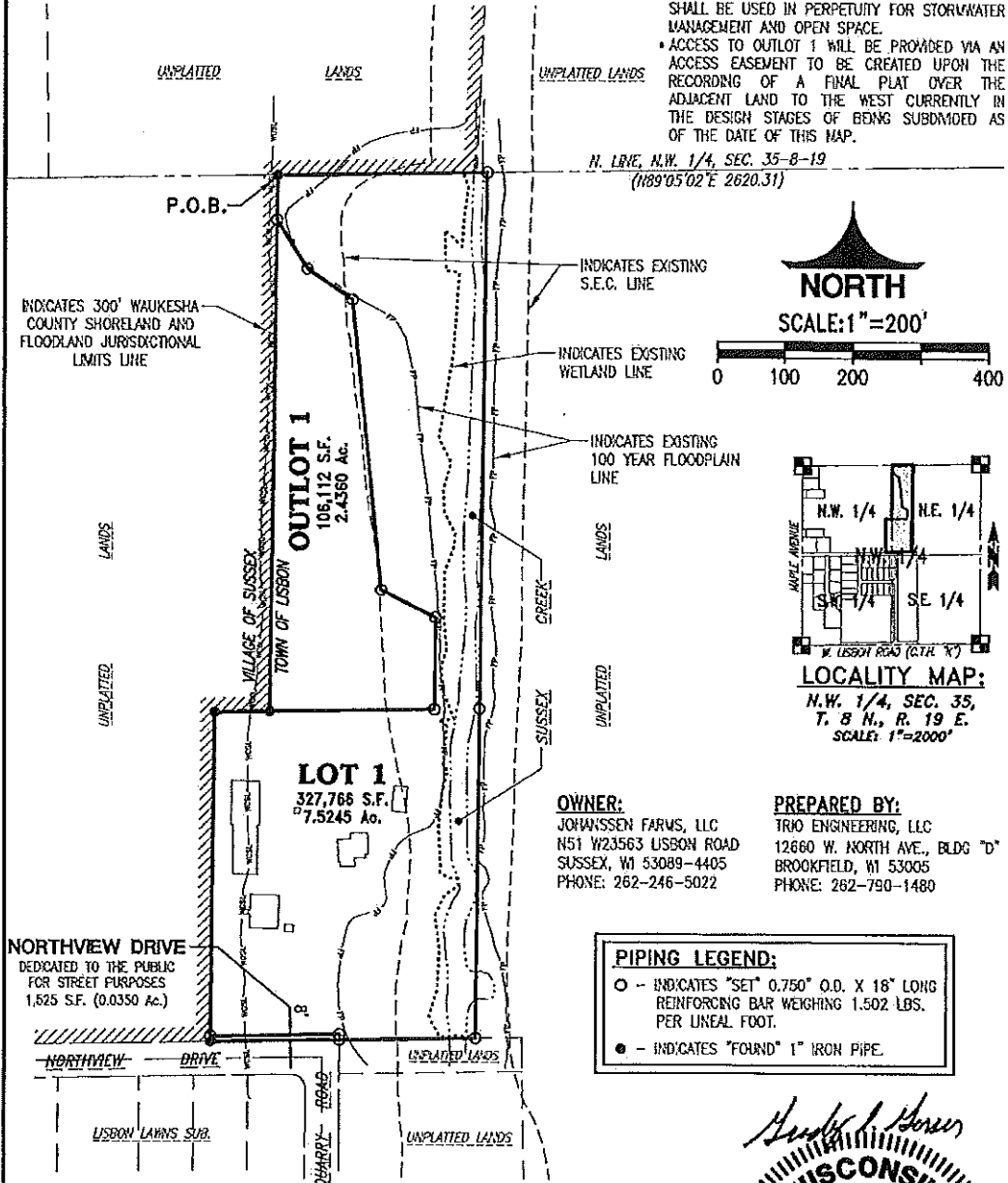
CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LANDS BEING LOCATED IN A PART OF THE NORTHWEST 1/4
AND NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWN 8 NORTH,
RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

OVERALL DETAIL SHEET

OUTLOT 1 NOTES:

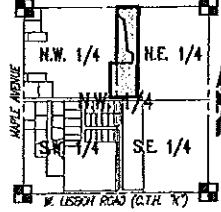
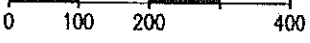
- OUTLOT 1 CANNOT BE FURTHER DMDED AND SHALL BE USED IN PERPETUITY FOR STORMWATER MANAGEMENT AND OPEN SPACE.
- ACCESS TO OUTLOT 1 WILL BE PROVIDED VIA AN ACCESS EASEMENT TO BE CREATED UPON THE RECORDING OF A FINAL PLAT OVER THE ADJACENT LAND TO THE WEST CURRENTLY IN THE DESIGN STAGES OF BEING SUBMITTED AS OF THE DATE OF THIS MAP.



N. LINE, N.W. 1/4, SEC. 35-B-19
(N89°05'02"E 2620.31')



SCALE: 1" = 200'



LOCALITY MAP:
N.W. 1/4, SEC. 35,
T. 8 N., R. 19 E.
SCALE: 1" = 2000'

OWNER:
JOHANSEN FARMS, LLC
N51 W23563 LISBON ROAD
SUSSEX, WI 53089-4405
PHONE: 262-246-5022

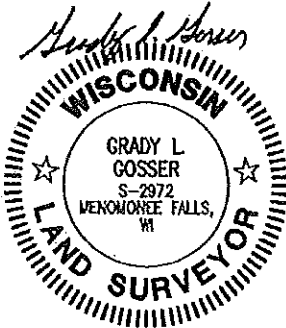
PREPARED BY:
TRIO ENGINEERING, LLC
12660 W. NORTH AVE., BLDG "D"
BROOKFIELD, WI 53005
PHONE: 262-790-1480

PIPING LEGEND:

- - INDICATES "SET" 0.750" O.D. X 18" LONG REINFORCING BAR WEIGHING 1.502 LBS. PER LINEAL FOOT.
- - INDICATES "FOUND" 1" IRON PIPE.

- GENERAL NOTES:**
- ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-27), IN WHICH THE NORTH LINE OF THE N.W. 1/4 OF SECTION 35, TOWN 8 NORTH, RANGE 19 EAST, BEARS NORTH 89°05'02" EAST.
 - STRUCTURES ON LOT 1 ARE PROHIBITED NORTH OF THE 60' WIDE STORMWATER DRAINAGE EASEMENT.
 - ALL TELEPHONE LINES, ELECTRIC LINES, CABLE TELEVISION LINES, TELECOMMUNICATIONS LINES, AND OTHER SIMILAR UTILITY SERVICES SHALL BE PLACED UNDERGROUND UNLESS THE APPLICANT OR UTILITY CAN DEMONSTRATE THAT UNDERGROUNDING IS NOT FEASIBLE.

DRAFTED THIS 18th DAY OF DECEMBER, 2015
THIS INSTRUMENT WAS DRAFTED BY GRADY L GOSSER, S-2972



JOB NO. 15-012-252-01
SHEET 1 OF 6

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