

ENROLLED ORDINANCE 165-41

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE N ½ OF THE NW ¼ OF SECTION 6, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT (ZT-1705)

WHEREAS the subject matter of this Ordinance having been approved by the Lisbon Town Board on July 12, 2010, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Lisbon Zoning Ordinance, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to conditionally rezone from the A-10 Agricultural District to the A-3 Agricultural/Residential Estate District, certain lands located in part of the N ½ of the NW 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 ZT-1705, subject to the following conditions:

1. The applicant shall prepare a Certified Survey Map, per Town, County and State regulations to create the proposed three (3) acre parcel.
2. The proposed parcel shall be a minimum of three (3) acres in area.

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ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.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 DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE N ½ OF THE NW ¼ OF SECTION 6, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT (ZT-1705)

Presented by:
Land Use, Parks, and Environment Committee

Absent
Fritz Ruf, Chair

Absent
Robert Hutton

my
Michael J. Inda

James Jeskewitz
James Jeskewitz

Walter L. Kolb
Walter L. Kolb

Absent
Ted Rolfs

Thomas J. Schellinger
Thomas J. Schellinger

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

Date: 10/1/10, Kathy Nickolaus
Kathy Nickolaus, County Clerk

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

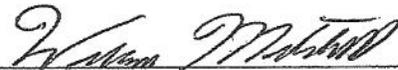
Approved: ✓
Vetoed: _____
Date: 10-6-10, Daniel P. Vrakas
Daniel P. Vrakas, County Executive

COMMISSION ACTION

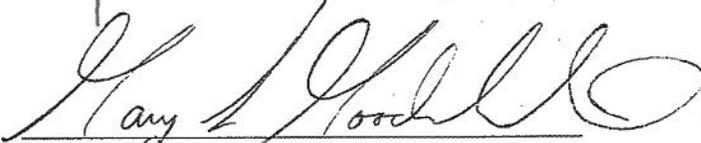
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of (ZT-1705 Kathleen and Marvin Sr. Schlafer) in accordance with the attached "Staff Report and Recommendation".

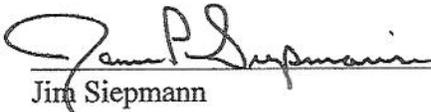
PARK AND PLANNING COMMISSION

September 2, 2010

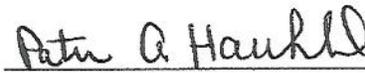

William Mitchell, Chairperson


Bob Peregrine, Vice Chairperson


Gary Goodchild


Jim Siepmann


Walter Kolb


Pat Haukohl


Fritz Ruf

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

DATE: September 2, 2010

FILE NO.: ZT-1705

OWNER: Kathleen and Marvin Sr. Schlafer
W275 N9571 Lake Five Road
Colgate, WI 53017

TAX KEY NO.: LSBT 0166.999.001

LOCATION:

Part of the N ½ of the NW ¼ of Section 6, T8N, R19E, Town of Lisbon. More specifically, the subject parcel is located on the south side of C.T.H. "Q", immediately adjacent to the east town line between the Town of Merton and the Town of Lisbon. The rezone request pertains to the northwesterly-most three (3) acres of the existing 77 acre parcel.

EXISTING ZONING: A-10 Agricultural District (Town).

PROPOSED ZONING: A-3 Agricultural/Residential Estate District (Town).

EXISTING LAND USE: Agricultural.

REQUESTED LAND USE:

Single family residential home site for a family member in conformance with the adopted Town of Lisbon Comprehensive Development Plan. The owner would retain ownership of the remainder of the property and continue to farm approximately 74 acres.

PUBLIC HEARING DATE: July 1, 2010.

PUBLIC REACTION: No one appeared in opposition to the proposed zoning change.

TOWN PLAN COMMISSION ACTION:

On July 1, 2010, the Town of Lisbon Plan Commission voted unanimously to recommend approval to the Town Board subject to the comments of the Town Engineer (refer to Exhibit "A") and that the parcel be no less than three acres in size.

TOWN BOARD ACTION:

On July 12, 2010, the Town Board voted unanimously to approve the rezoning subject to the comments of the Town Engineer (refer to Exhibit "A") and that the parcel be no less than three acres in size.

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

Both the Town and County Comprehensive Development Plans indicate this property as Suburban I Density Residential. The proposed rezoning of this site for residential use will be consistent with the intent and purpose of the Town and County Development Plans.

STAFF ANALYSIS:

The proposed three (3) acre lot will be approximately 300 feet wide and 436 feet in depth, which conforms to the Town's A-3 District requirements of two (2) acre minimum parcel size and 200' of width. Future development of the remnant parcel may warrant the submittal of an overall conceptual development plan of the property so that the Town is not preventing appropriate development of the site. If the rezone proposal is approved, the owner will have a Certified Survey Map prepared for approval and recordation in the Waukesha County Register of Deeds office. The Washington County Dept. of Public Works has required the access to the lot be located as far to the east as possible in order to avoid conflicts with existing roads and driveways in the area. The owner indicated at the public hearing that this would be acceptable as the property starts to flatten out the closer you get to the east lot line. The required right-of-way for C.T.H. "Q" is 100 feet. The property will be developed with a private on-site waste treatment system and a private well.

The soils on the three acre property consist of CrD, HmB, and ThB. The Casco-Rodman soil type may contain soils with slopes between 12 and 20%, but this area is located closer to C.T.H. "Q" and should not adversely affect the building site on the property. The residential property adjacent to the west in the Town of Merton is approximately 3 ½ acres, the residential property immediately to the northwest in the Town of Erin is approximately 1.7 acres, and the residential property on the north side of C.T.H. "Q" in the Village of Richfield appears to be approximately 6 ½ acres in size.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved as conditioned by the Town** which requires the new parcel to be a minimum of three (3) acres in size and that the parcel be created by Certified Survey Map. The proposed use of the property is consistent with the Town and County Comprehensive Development Plans and compatible with immediate surrounding land uses.

Respectfully submitted,

Sandy Scherer /kab

Sandy Scherer
Senior Planner

cc: Town Engineer comments (Exhibit "A")
Town Ordinance (Exhibit "B")
Map

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TOWN OF LISBON - PLAN COMMISSION MEETING – JULY 1, 2010

Minutes of the Plan Commission meeting held in the Town Hall on July 1, 2010.

Meeting was called to order by Chairman Gehrke at 7:09 P.M.

Members Present: Matt Gehrke, Jane Stadler, Neil Sasse, Ed Nelson, Steve Panten, Sherry Howard, Dan Fischer.

Others Present: Planning Consultant John Stigler, Deputy Clerk Gettelman.

COMMENTS

No comments.

EXHIBIT "A"

MINUTES

A motion by Sasse, seconded by Nelson to approve the minutes of the Plan Commission meeting of June 3, 2010, as presented. Motion carried.

REZONING PART OF SCHLAFER PROPERTY

Mr. Marvin Schlafer and his son Jake Schlafer were present for the meeting. Town Engineer comments were: This item was discussed at the June 3, 2010 Plan Commission. That appearance was to seek information regarding a one lot land division. The applicants request to create a 3.0 acre lot is in conformance to the Town/County adopted Land Use Plan. Which has this area designated as Suburban 1 Density Residential. The requested A-3, Agricultural/Residential Estate District Regulations require a minimum lot area of 3 acres, 200 feet of minimum average width, and minimum open space of 2.0 acres. The Proposed Rezoning application requires Town of Lisbon approval, Waukesha County Parks and Land Use approval and County Board action. If the rezoning is approved, the applicant will need to prepare a Certified Survey Map, per Town, County and State Regulations. Recommend the Plan Commission approve the rezoning request. Further division of this property may warrant the development of a conceptual layout of the property.

A motion by Nelson, seconded by Howard to recommend to the Town Board approval of the petition of Marvin Schlafer Sr., to rezone an approximately three acre parcel in the northwest corner of his property from A-10 Agricultural District to A-3 Agricultural/Residential Estate District, subject to the comments of the Town Engineer and that the parcel be no less than three acres in size. Motion carried.

NELSON'S COUNTY LINE LIQUOR LLC CU

The Conditional use for Nelson's County Line Liquor LLC at N95 W35901 CTH Q, was reviewed. Mr. Nelson was present for the meeting. Town Engineer comments were: The property is presently Zoned B-2 Local Business. The area being discussed is referred to as Unit D, Lake Five Plaza. The site is located at the southeast corner of CTH "Q" and STH "164". Unit D is approximately 1929 square feet in area (approximately 70 feet x 27.5 feet). Per Section 4(b) the applicant has filed the appropriate forms and provided building plans and names of adjacent property owners within 500 feet of the site. Per Section 4(d) the Plan Commission may deny the Conditional Use if it concludes the Use would; Materially endanger the Public Health, General Welfare and Safety. Be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, color or other similar factor. For any other reason cause a substantial adverse effect on property values. Be inharmonious with the area in which it is located. Will not be in general conformity with the Land Use Plan, or other officially adopted plan. Recommend approval to the Conditional Use application upon; Approval of Plan of Operation. Submittal and Town approval of list of all items to be sold at the site. Any requirements stipulated by the Plan Commission after input from the Public Hearing. The commissioners discussed the list of items that would be sold. If they branch out to other items they will need to come back in. Commissioner Sasse read the comments of the Building Inspector, who recommends approval.

A motion by Panten, seconded by Nelson to recommend to the Town Board approval of the Conditional Use request of Joe Nelson, of Nelson's County Line Liquor LLC, to operate a liquor store at N95 W25901 CTH Q. Motion carried.

PLAN OF OPERATION FOR NELSON'S COUNTY LINE LIQUOR LLC

The plan of operation for Nelson's County Line Liquor LLC at N95 W25901 CTH Q was reviewed. Joe Nelson was present for the meeting. Town Engineer comments were: Property is Zoned B-2 Local Business. If the

ORDINANCE 04-10

STATE OF WISCONSIN: TOWN OF LISBON: WAUKESHA COUNTY

**ORDINANCE REZONING PROPERTY FROM THE A-10 AGRICULTURAL
DISTRICT ZONING CLASSIFICATION TO THE A-3
AGRICULTURAL/RESIDENTIAL ESTATE
DISTRICT ZONING CLASSIFICATION IN THE TOWN OF LISBON,
WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF LISBON, WAUKESHA COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: The following described property of approximately three acres
is rezoned from A-10 Agricultural District zoning classification to the A-3
Agricultural/Residential Estate zoning classification:

The West 300 feet (as measured normal to the West line of the North-
west Quarter (NW ¼) of Section 6) of the North 485.60 feet (as measured
normal to the north line of the Northwest Quarter (NW ¼) of Section 6) of
the Northwest Quarter (NW ¼) of Section 6, Town 8 North, Range 19 East,
Town of Lisbon, Waukesha County, Wisconsin. Part of Tax Key No. LSBT
0166-999-001.

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

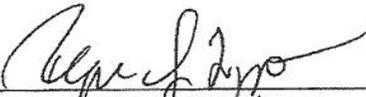
SECTION 3 This ordinance shall take effect upon passage and posting as provided by
law.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha
County, Wisconsin this 12th day of July, 2010.

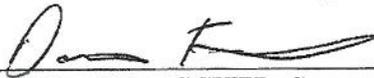
TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

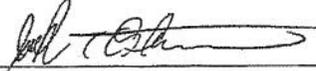
BY: *Matthew Gehrke*
MATTHEW GEHRKE, Chairman

EXHIBIT "B"

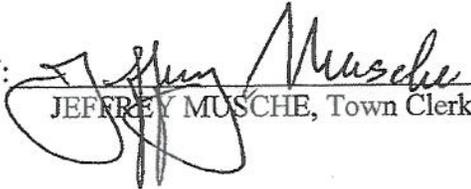
BY: 
RYAN LIPPERT, Supervisor

BY: 
DANIEL HEIER, Supervisor

BY: 
DANIEL FISCHER, Supervisor

BY: 
JOSEPH OSTERMAN, Supervisor

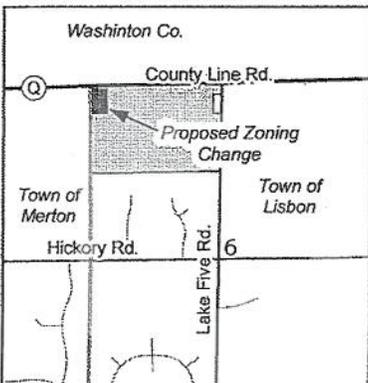
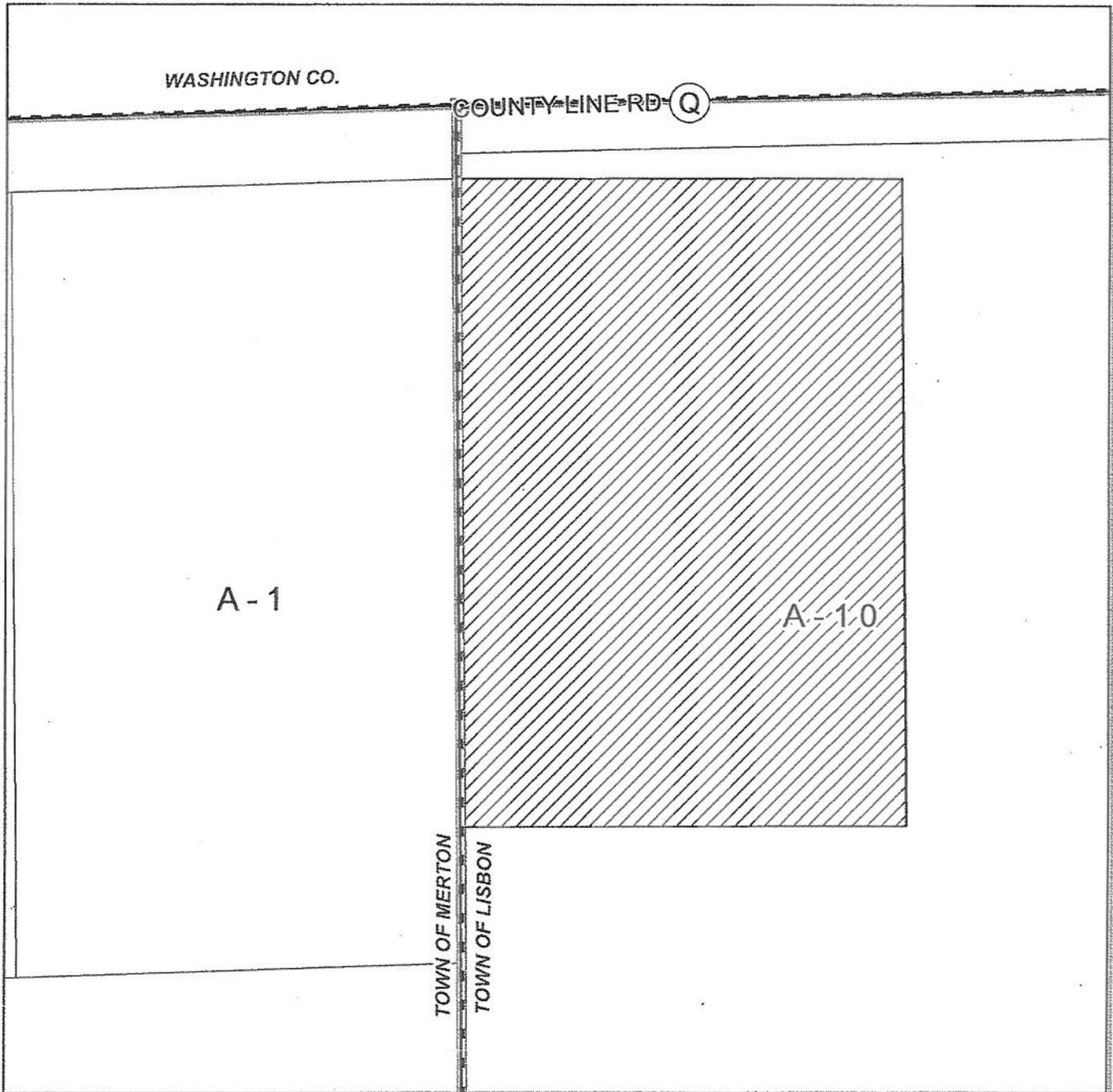
ATTEST:

BY: 
JEFFREY MUSCHE, Town Clerk



ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 6
TOWN OF LISBON



TOWN ZONING CHANGE FROM A-10 AGRICULTURAL DISTRICT
TO A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT

FILE.....ZT-1705

DATE.....08/19/10

AREA OF CHANGE.....3 ACRES

TAX KEY NUMBER.....LSBT 0166.999.001



1 inch = 100 feet



Prepared by the Waukesha County Department of Parks and Land Use

165-0-042

8.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/28/10

(ORD) NUMBER-1650042

- 1 D. FALSTAD.....AYE
- 3 R. HUTTON.....AYE
- 5 J. JESKEWITZ.....AYE
- 7 P. HAUKOHL.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....AYE
- 13 P. DECKER.....AYE
- 15 P. MEYERS.....AYE
- 17 J. TORTOMASI.....AYE
- 19 S. WIMMER.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 K. CHIAVEROTTI....AYE
- 25 G. YERKE.....AYE

- 2 T. ROLFS.....
- 4 J. DWYER.....AYE
- 6 J. BRANDTJEN.....AYE
- 8 T. SCHELLINGER....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 M. INDA.....AYE
- 16 D. PAULSON.....AYE
- 18 K. CUMMINGS.....AYE
- 20 P. JASKE.....AYE
- 22 P. GUNDRUM.....AYE
- 24 W. KOLB.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-24