

ENROLLED ORDINANCE 167-44

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF THE SE ¼ OF SECTION 18, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT (ZT-1740)

WHEREAS the subject matter of this Ordinance having been approved by the Lisbon Town Board on August 13, 2012, 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 ORDAINS 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 rezone from the A-3 Agricultural/Residential Estate District to the R-1 Suburban Single Family Residential District, certain lands located in part of the NW ¼ of the SE ¼ of Section 18, 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-1740, is hereby approved.

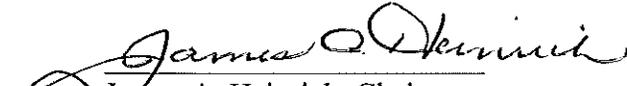
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

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

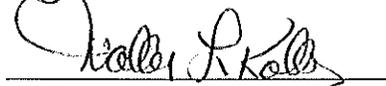
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF THE SE ¼ OF SECTION 18, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT (ZT-1740)

Presented by:  
Land Use, Parks, and Environment Committee

  
James A. Heinrich, Chair

  
Jim Batzko

  
Walter L. Kolb

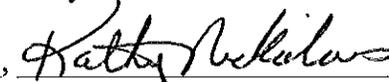
  
Pamela Meyer

  
Fritz Ruf

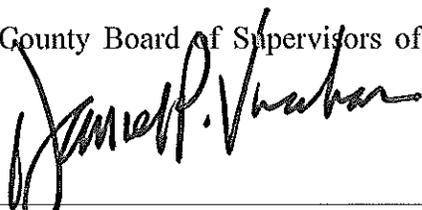
  
Thomas J. Schellinger

  
Peter M. Wolff

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

Date: 10-26-2012,   
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 10-25-12,   
Daniel P. Vrakas, County Executive

COMMISSION ACTION

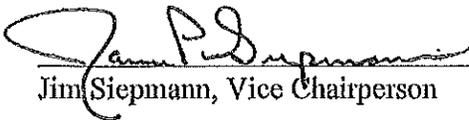
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code hereby recommends approval of (ZT-1740 Joseph Schartle) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

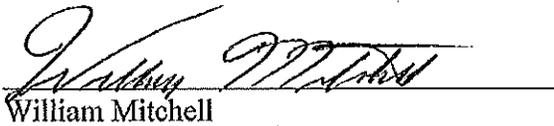
September 20, 2012



Robert Peregrine, Chairperson



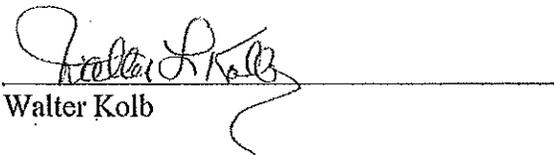
Jim Siepmann, Vice Chairperson



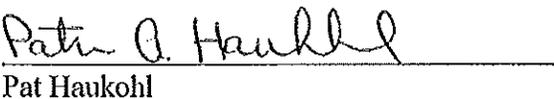
William Mitchell



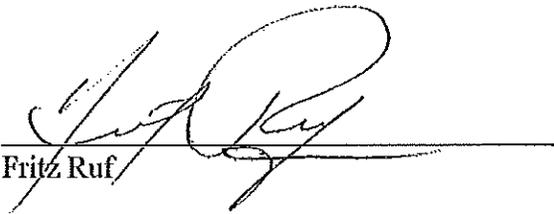
Gary Goodchild



Walter Kolb



Pat Haukohl



Fritz Ruf

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

**DATE:** September 20, 2012

**FILE NO:** ZT-1740

**PETITIONER:** Joseph Schartle  
N75 W27133 Oakwood Road  
Hartland, WI 53029

**TAX KEY NO.:** LSBT: 0216.993

**LOCATION:**

Part of the NW ¼ of the SE ¼ of Section 18, T8N, R19E, Town of Lisbon. More specifically, the property is located at W274 N7482 Lake Five Road and contains approximately 15.26 acres.

**PRESENT ZONING:**

A-3 Agricultural/Residential Estate and C-1 Conservancy Districts (Town) and R-1 Residential District (County).

**PRESENT LAND USE:**

Single-family residential and agricultural.

**PROPOSED ZONING:**

Amend the Town Zoning from the A-3 Agricultural/Residential Estate District to the R-1 Suburban Single Family Residential, R-3 Two Family Residential and the A-5 Mini-Farm Districts. The petitioner's request is shown on the attached map as Exhibit "A". The existing C-1 Conservancy District should be removed from the zoning map because the Southeastern Wisconsin Regional Planning Commission (SEWRPC) inspected the property on April 2, 2009 and determined that no wetlands exist. County Zoning will remain unchanged.

**PROPOSED LAND USE:**

Seven (7) lot residential subdivision with six (6) single-family residential lots and one (1) two-family residential lot.

**PUBLIC HEARING DATE:**

June 7, 2012.

**PUBLIC REACTION:**

A neighbor questioned road access to the lots that do not abut a public road and wanted to make sure that there were subdivision restrictions in place to ensure that property values would not be decreased. The same neighbor was also concerned about the time in which it would take to develop the proposed subdivision. He is not interested in watching a development project take place over a long period of time. Another neighbor spoke in favor of the proposed development. The neighbor to the north of proposed Lots 1 and 3 did not object to the rezone request, but voiced concern with the amount of runoff that may enter his property as a result of additional impervious surfaces. He feels that the culvert in the road is already undersized and flood water backs up onto his property. He does not want additional runoff to enter the Mill Pond and he does not want silt to fill the pond. He also does not want to live next to an apartment building or have his property values lowered. He does not want new neighbors harming his expensive animals, as one (1) of his goats was harmed in the past by kids passing by and the goat had to be put to sleep. Another neighbor expressed concerns with the rental/apartment property and how it would affect his property values.

**TOWN PLAN COMMISSION**

On June 7, 2012, the Town of Lisbon Plan Commission voted to recommend approval of the rezoning of proposed Lots 1, 2, 4, 5 and 6, from the A-3 Agricultural/Residential Estate District to the R-1 Suburban Single Family Residential District. Proposed Lots 3 and 7 would remain in the A-3 Agricultural/Residential Estate District. The Town Plan Commission did not recommend that the zoning for proposed Lot 2 be changed to R-3 Two Family Residential or that the zoning for proposed Lots 3 and 7 be changed to A-5 Mini-Farm District as requested by the petitioner.

**TOWN BOARD ACTION:**

On August 13, 2012, the Town of Lisbon Board of Supervisors voted to approve the proposed rezone amendment as recommended by the Plan Commission. The Town's Ordinance is attached as Exhibit "B".

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

The Town and County Comprehensive Development Plans designate the subject parcel in the Suburban I Density Residential and Other Agricultural or Open Lands to be Preserved categories. The Suburban I Density Residential category allows a density of 1.5 to 2.9 acres per dwelling unit. The Other Agricultural or Open Lands to be Preserved category is designated primarily on proposed Lot 4 because soil mapping identifies the area as having soils indicative of seasonal high groundwater conditions (within one (1) foot of the ground surface). However, on-site soil testing does not indicate that seasonal high groundwater conditions exist close to the ground surface. Therefore, the proposed rezoning complies with both plans as the overall density is one dwelling unit per 2.18 acres.

It should be noted that the County's land use plan designation for the lands was amended in 2006 from the Rural Residential Category to the Suburban I Density Residential category subject to a 30 ft. wide access easement or access way being provided along and east of the dedicated road right-of-way of Lake Five Road for trail access to and from the community park to the north and other residential areas.

**OVERVIEW AND BACKGROUND:**

The property is located in the Town of Lisbon directly north of the Thousand Oaks Addition No. 6 residential subdivision (zoned R-1 Residential) and east of Lake Five Road, containing approximately 15.26 acres. The property has one (1) single-family residence and a barn and is served by a private waste disposal system and private well. The property owner has also been harvesting hay on the property. The property has a considerable amount of variable terrain with several natural kettles or depressions. The wetland inventory maps indicate that there is an isolated wetland pocket north of the existing residence. However, a site inspection was completed by SEWRPC on April 2, 2009. They took soil samples in all depressional areas on the property, and it was determined that no wetlands exist. Therefore, the Town's C-1 zoning can be eliminated from their map.

The petitioner is proposing a seven (7) lot subdivision, with lots ranging from just over an acre to over five (5) acres in size. The majority of the property is currently zoned A-3 Agricultural/Residential Estate District by the Town of Lisbon, which requires a minimum lot size of three (3) acres. Therefore, the proposed development requires a rezone from the Town of Lisbon. Waukesha County has shoreland jurisdiction over proposed Lots 1, 2 and most of Lot 3. The shoreland jurisdictional boundary is measured 1,000 ft. from the Merton Mill Pond, located west of Lake Five Road. Waukesha County currently zones the shoreland area as R-1 Residential, which requires a minimum lot size of one (1) acre. The proposed development complies with the County's existing zoning. It should be noted that the petitioner has purchased a small portion of the adjacent lands in Thousand Oaks Addition No. 6 to accommodate access to proposed Lots 2 and 6. These lands are already zoned R-1 Residential per the Town and County Zoning Codes and no further zoning action is required.

The petitioner specifically requested that the Town of Lisbon rezone Lots 3 and 7 to the A-5 Mini-Farm District, Lots 1, 4, 5, and 6 to the R-1 Suburban Single Family Residential District, and Lot 2 to the R-3 Two Family Residential District. The petitioner wanted to accommodate a two (2) family residential unit on Lot 2. He thought that Lot 2 would appropriately accommodate a two (2) family unit because it was well screened from the road and neighbors and he would construct the building to have the appearance of a single-family residence.

After much consideration by the Town Plan Commission and Village of Merton (rezone approval is required from the Village per the joint-boundary agreement between the Town and Village), it was determined that a two family residential district is not appropriate for this rural property at this time and it would not be compatible with the surrounding uses or zoning. Additionally, the Town determined that there was no purpose to rezone Lots 3 and 7 to A-5 Mini-Farm District, because the proposed lots comply with the existing zoning and proposed Lot 3 would not comply with the minimum lot size requirements of the A-5 Mini-Farm District.

The proposal, as approved by the Town, is consistent with the Town and County Comprehensive Development Plans which identify the property in the Suburban I Density Residential category (1.5 to 2.9 acres per dwelling unit maximum density). The Other Agricultural or Open Lands to be Preserved category is primarily designated on proposed Lot 4 and does not reflect the site characteristics of this lot and should not be considered. The C-1 Conservancy District shown on the Town's Zoning Map should also be removed as SEWRPC has determined that no wetlands exist on the property.

The Town and County are currently reviewing the subdivision plat and items such as lots not abutting a public road, basement floor elevations, preservation of topography, implementation of the trail easement, and storm water management are being considered through that process. There are no public road improvements or man-made storm water facilities, which will result in very little modifications to the existing topography. The trail has already been constructed, but the Town and County are reviewing the plat to ensure that the trail is appropriately dedicated. The Town of Lisbon will be reviewing the developer's agreement and subdivision plat restrictions.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved, in accordance with the Town's action**. The proposal conforms to both the Town and County Comprehensive Development Plans and is compatible with the surrounding uses and natural resources, and the plat review and permitting processes will ensure that the development will not cause adverse drainage onto adjoining properties.

Respectfully submitted,

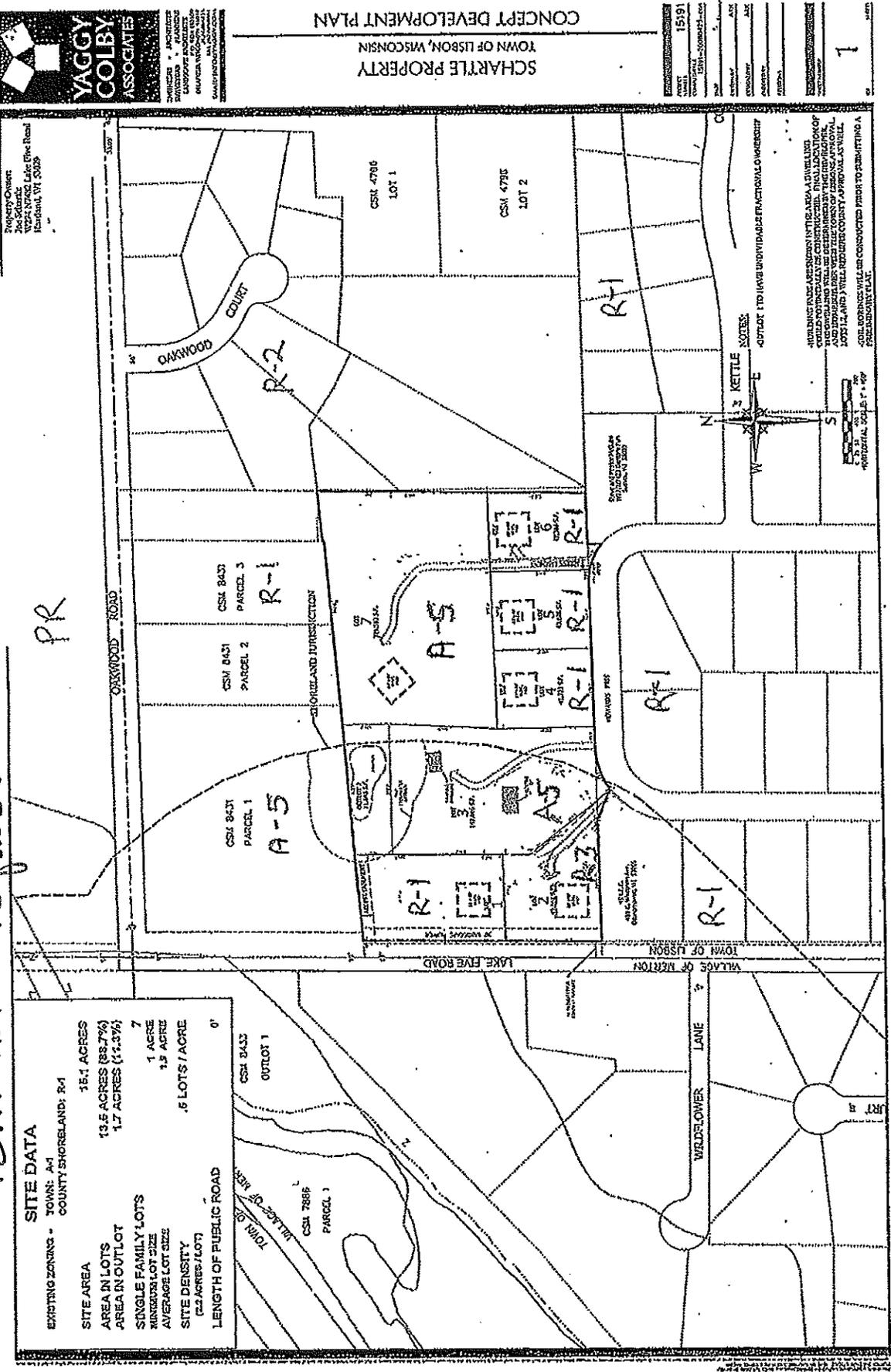
*Amy Barrows / Kab*

Amy Barrows  
Senior Land Use Specialist

Attachments: Petitioner's request (Exhibit "A")  
Town Ordinance (Exhibit "B")  
Map

**EXHIBIT "A"**

*Petitioner's Request*



**EXHIBIT "B"**

ORDINANCE 03-12

STATE OF WISCONSIN:      TOWN OF LISBON:      WAUKESHA COUNTY

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**ORDINANCE REZONING PROPERTY FROM THE A-3  
AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT TO THE R-1 SUBURBAN  
SINGLE FAMILY RESIDENTIAL DISTRICT ZONING CLASSIFICATION IN  
THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN**

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

**SECTION 1:** The following described property is rezoned:

PT of the NW 1/4 of the SE 1/4 of Sec 18, and PT of  
Lot 25 of Blk 9 of Thousand Oaks Add. No. 6 located  
in Sec 18, T 8N R19E, Town of Lisbon, Waukesha County  
WI. Tax Key No. LSBT 0216-993.

Lots 1,2,4,5 and 6 of the Pine Hill Estates Subdivision are rezoned from the  
A-3 Agricultural/Residential Estate District to the R-1 Suburban Single Family  
Residential District zoning classification. (See Exhibit A)

**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.

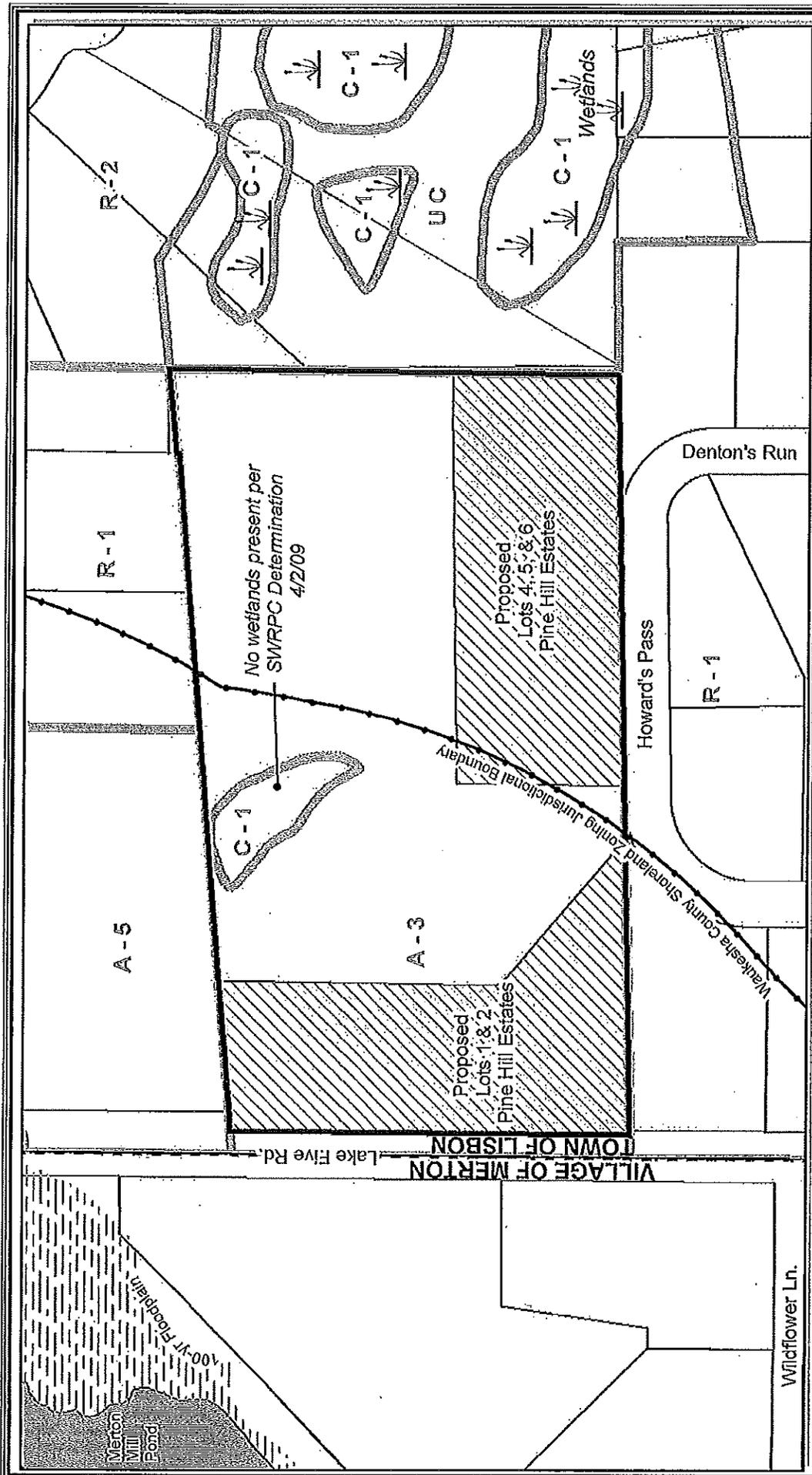
**PASSED AND ADOPTED** by the Town Board of the Town of Lisbon, Waukesha  
County, Wisconsin this 13<sup>th</sup> day of August, 2012.

TOWN BOARD, TOWN OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY:   
MATTHEW GEHRKE, Chairman

167-0-044





**TOWN ZONING CHANGE FROM A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT (6.48 ac)**

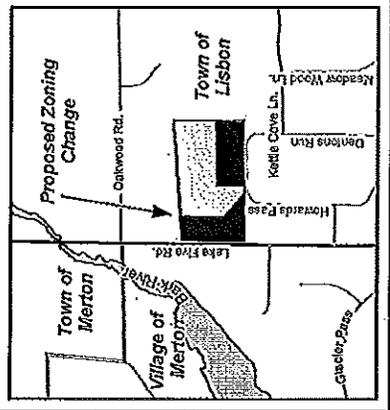
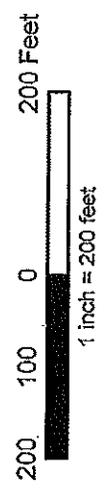
FILE.....ZT-1740

DATE.....09/20/12

AREA OF CHANGE.....6.48 ACRES

TAX KEY NUMBER.....LSBT 0216.993

**ZONING MAP AMENDMENT**  
 PART OF THE SE 1/4 OF SECTION 18  
 TOWN OF LISBON



Prepared by the Waukesha County Department of Parks and Land Use

167-0-044

10.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/23/12

(ORD) NUMBER-1670044

- 1 C. SLATTERY.....
- 3 R. MORRIS.....AYE
- 5 J. BRANDTJEN.....AYE
- 7 J. GRANT.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....AYE
- 13 P. DECKER.....AYE
- 15 W. KOLB.....AYE
- 17 D. PAULSON.....AYE
- 19 C. CUMMINGS.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 K. HAMMITT.....AYE
- 25 G. YERKE.....AYE

- 2 D. FALSTAD.....AYE
- 4 J. BATZKO.....AYE
- 6 J. JESKEWITZ.....
- 8 P. HAUKOHL.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 P. MEYER.....AYE
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....AYE
- 24 D. DRAEGER.....AYE

TOTAL AYES-22

TOTAL NAYS-00

CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-22