

ENROLLED ORDINANCE 168-58

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 22, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE C-1 CONSERVANCY DISTRICT TO THE RD-5 RURAL RESIDENTIAL DENSITY 5 ACRE DISTRICT (ZT-1659A)

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 August 26, 2013, 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 60.61, Wisconsin Statutes.

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 C-1 Conservancy District to the RD-5 Rural Residential Density 5 Acre District certain lands located in part of the NW ¼ of Section 22, 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-1659A, is hereby approved.

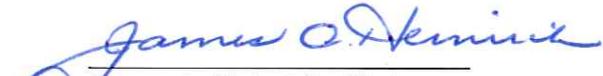
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

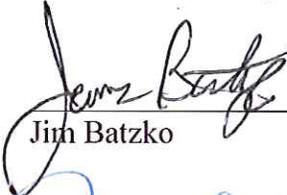
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.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 CODE BY
REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 22, T8N,
R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE
C-1 CONSERVANCY DISTRICT TO THE RD-5 RURAL RESIDENTIAL
DENSITY 5 ACRE DISTRICT (ZT-1659A)

Presented by:
Land Use, Parks, and Environment Committee


James A. Heinrich, Chair

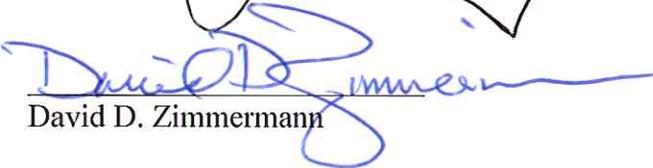

Jim Batzko


Walter Kolb


Pamela Meyer


Fritz Ruf

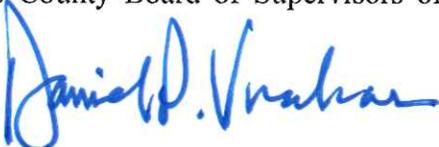

Thomas J. Schellinger


David D. Zimmermann

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

Date: 11/26/13, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 12-3-13, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/26/13

(ORD) NUMBER-1680058

- | | |
|---|--------------------------|
| 1 C. SLATTERY..... | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS.....AYE | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJEN.....AYE | 6 J. JESKEWITZ..... |
| 7 J. GRANT.....AYE | 8 P. HAUKOHL..... |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 F. RUF.....AYE | 12 P. WOLFF.....AYE |
| 13 P. BECKER <i>HAUKOHL</i>AYE | 14 P. MEYER..... |
| 15 W. KOLB.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 C. CUMMINGS.....AYE | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT..... | 24 D. DRAEGER.....AYE |
| 25 G. YERKE..... | |

TOTAL AYES-19

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-19

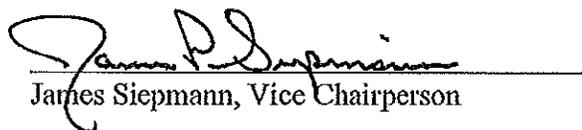
COMMISSION ACTION

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 ZT-1659A (JJB Commercial Real Estate) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

October 3, 2013

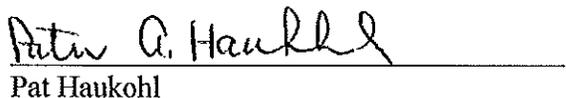

Robert Peregrine, Chairperson

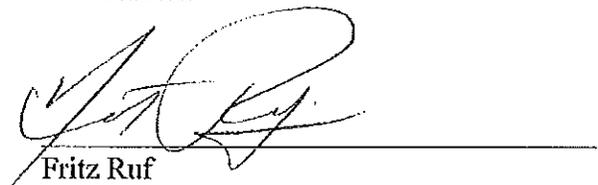

James Siepmann, Vice Chairperson

(Absent)
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: October 3, 2013

FILE NO: ZT-1659A

PETITIONER/OWNER: JJB Commercial Real Estate
c/o Jim Hartung, agent
353 Forest Grove Drive
Suite 105
Pewaukee, WI 53072

TAX KEY NO.: LSBT 0230.009

LOCATION:

Part of the NW ¼ of Section 22, T8N, R19E, Town of Lisbon. More specifically, the two areas in question are located within the road rights-of-way of proposed Conservancy Court and Wildwood Way, north and west of proposed Outlot 6, and north of the Union Pacific Railroad, south of Good Hope Road, east of Hillside Road and S.T.H. 164, and west of Maple Avenue.

EXISTING ZONING CLASSIFICATIONS:

C-1 Conservancy (Town) due to delineation of wetland

REQUESTED ZONING CLASSIFICATIONS:

RD-5 Rural Residential Density 5 Acre District (Town)

EXISTING USES: Wetland

REQUESTED USES:

To rezone and fill two small wetland areas recently delineated by the Wisconsin Dept. of Natural Resources (WDNR) and Army Corp. of Engineers (ACOE) for road right-of-way purposes.

PUBLIC HEARING DATE: May 2, 2013

PUBLIC REACTION:

Some neighboring residents along Good Hope Road brought up the fact that the first phase of the Hillside Meadows development has caused flooding issues on their properties and they have to pump the water out of and away from their houses. The neighbors feel they should not have to deal with this and should be able to use their properties and that the developer is not being a good neighbor. The developer should be required to fix the existing problems and complete the existing project (phase I) before being allowed to proceed with phase two of the development. Will adding more pavement make the problem worse or better? The Town

development and the developer will need to address all of the storm water issues and comply with all of the storm water requirements as required by the Town and the County before the second phase is approved. The second phase will include two more outlots for storm water purposes.

TOWN OF LISBON PLAN COMMISSION AND TOWN BOARD ACTION:

On May 2, 2013, the Town of Lisbon Plan Commission unanimously recommended approval of the Town zoning amendment from C-1 Conservancy District to R-2 Single Family Residential District subject to the Town Engineers comments (two hatched areas on an exhibit).

On May 13, 2013, the Town Board unanimously recommended to Waukesha County approval of the Town zoning amendment from C-1 Conservancy District to R-2 Single Family Residential District specific to Ordinance 05-13 as presented. However, when the County received Ordinance 05-13 from the Town, it referenced an exhibit but no exhibit was attached, and further, the Town rezoned the property to R-1 Suburban Single Family Residential District (not R-2 as the Plan Commission had recommended) when the surrounding zoning is all RD-5 Rural Residential Density 5 Acre District. The Town Community Assistance Planner had recommended the Town rezone the property to RD-5 Rural Residential Density 5 Acre District in her report dated April 4, 2013 (item #11), but for some reason, the Town Engineer recommended rezoning the two areas in question to the R-2 Single Family Residential District instead in his comments dated May 2, 2013.

To correct the matter, the County sent the matter back to the Town and recommended the Town Board reconsider the matter and rezone the property to the more restrictive RD-5 Rural Residential Density 5 Acre District. Therefore, on August 26, 2013, the Town of Lisbon Board of Supervisors unanimously approved an amended Ordinance 07-13 rezoning the two areas in question to the RD-5 Rural Residential Density 5 Acre District.

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

Both Comprehensive Development Plans designate these two areas of the Hillside Meadows development as Other Open Lands to be Preserved. Further site specific soil data analysis by the WDNR and the ACOE has determined these soils to be wetland areas, and the WDNR and the ACOE have agreed that since the areas of fill will be less than 10,000 square feet, they will not object to the two areas being filled for road right-of-way purposes. Therefore, having been investigated for development purposes, and upon approval to be filled, the two areas will be utilized as road right of way, and if adjustments to the Town and County Comprehensive Development Plan maps are needed, no formal amendment process is required.

STAFF ANALYSIS:

Hillside Meadows Subdivision is being developed in two phases. The first phase has been constructed, but is not yet considered complete by the Town or the County due to storm water issues. The developer has been repeatedly asked to correct the outstanding storm water issues, but to date still has not completed the task. The existing storm water basin needs further repair and the Land Resources Division will continue to pursue this matter. The developer has allowed for a Town sponsored drain pipe to be installed through the development. The pipe was designed to alleviate pre existing flooding problems near Good Hope Road to the north. The Land Resources Division indicates that the pipe appears to have resolved the water problems. The subject rezone involves two small wetland areas located within two road rights-of-way that were delineated

subject rezone involves two small wetland areas located within two road rights-of-way that were delineated along with a larger area by the WDNR and ACOE after the first phase of Hillside Meadows was constructed due to the water issues that resulted. The Town, the County, the DNR and the ACOE had several meetings to discuss the water issues and what would be needed to resolve the situation. In the meantime, the Town proceeded with a separate project along Good Hope Road to resolve some water issues in that area.

The developer has requested to fill the two small wetland areas (less than 10,000 square feet in total) in order to complete the street layout for the second phase of the development. To fill the wetland areas, permits must be obtained from the WDNR and the Town of Lisbon. As mentioned above, the WDNR and the ACOE have agreed that, since the area of fill will be less than 10,000 square feet in area, they will not object to the two areas being filled for road right-of-way purposes.

The two areas are surrounded by the Suburban I Density Residential designation on both the Town and County Comprehensive Development Plans, and by the RD-5 Rural Residential Density 5 Acre District town zoning category, and therefore are compatible with the surrounding uses and zoning.

STAFF RECOMMENDATION:

Based upon the above information, the Planning and Zoning Division Staff recommends approval of the rezone request. The proposed amendment will provide for the continuation of the street layout for the second phase of the Hillside Meadows subdivision development. The newly mapped wetland boundaries will otherwise be honored and protected. Two additional storm water retention areas will be provided in the second phase of the subdivision. Additional soils analysis was conducted by the WDNR and the ACOE in determining the final wetland boundaries. The DNR and ACOE are not objecting to the areas being filled as long as the fill amount is less than 10,000 square feet. The request can be deemed consistent with the Town and County Comprehensive Development Plans, and the Town of Lisbon Zoning Ordinance because said plans call for an orderly transportation system, and the small areas of fill accommodate a previously approved road extension. In addition, approval will allow the developer to proceed with the second phase of his subdivision development while protecting and preserving the remaining environmentally sensitive lands (corridor, wetlands, floodplain, steep slopes) on the site.

Respectfully submitted,

Sandra L Scherer

Sandy Scherer
Senior Planner

cc: Ordinance
Map

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ORDINANCE 07-13

STATE OF WISCONSIN: TOWN OF LISBON: WAUKESHA COUNTY

AMENDED ORDINANCE TO REZONING PART OF THE PHASE II OF THE HILLSIDE MEADOWS SUBDIVISION FROM THE C-1 CONSERVANCY TO THE RD-5 RURAL RESIDENTIAL DENSITY 5-ACRE DISTRICT ZONING CLASSIFICATION IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

Whereas, Jim Hartung, agent for the Phase II Hillside Meadows Subdivision Development, petitioned the Town of Lisbon to rezone a part of the Phase II Hillside Meadows Subdivision Development, from C-1 Conservancy District to RD-5 Rural Residential Density 5-Acre for the purpose of constructing a roadway across wetlands; and

Whereas, a previous ordinance 05-13, due to scrivener error, mistakenly changed the zoning to the R-2 district; and

Whereas, the zoning change will effect less than 10,000 square feet of area; 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 May 2, 2013.

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 C-1 Conservancy District to RD-5 Rural Residential Density 5-Acre:

Being a part of Outlot 2 of the Hillside Meadows, a part of the NW ¼ of SEC 22, T8N, R19E, Town of Lisbon, Waukesha County, Wisconsin as shown on attached exhibit.

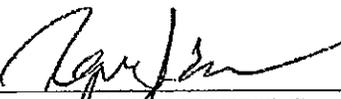
SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

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 26th day of August, 2013.

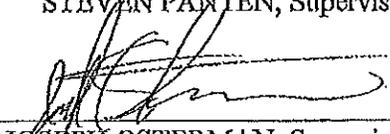
TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
MATTHEW GEHRKE, Chairman

BY: 
RYAN LIPPERT, Supervisor

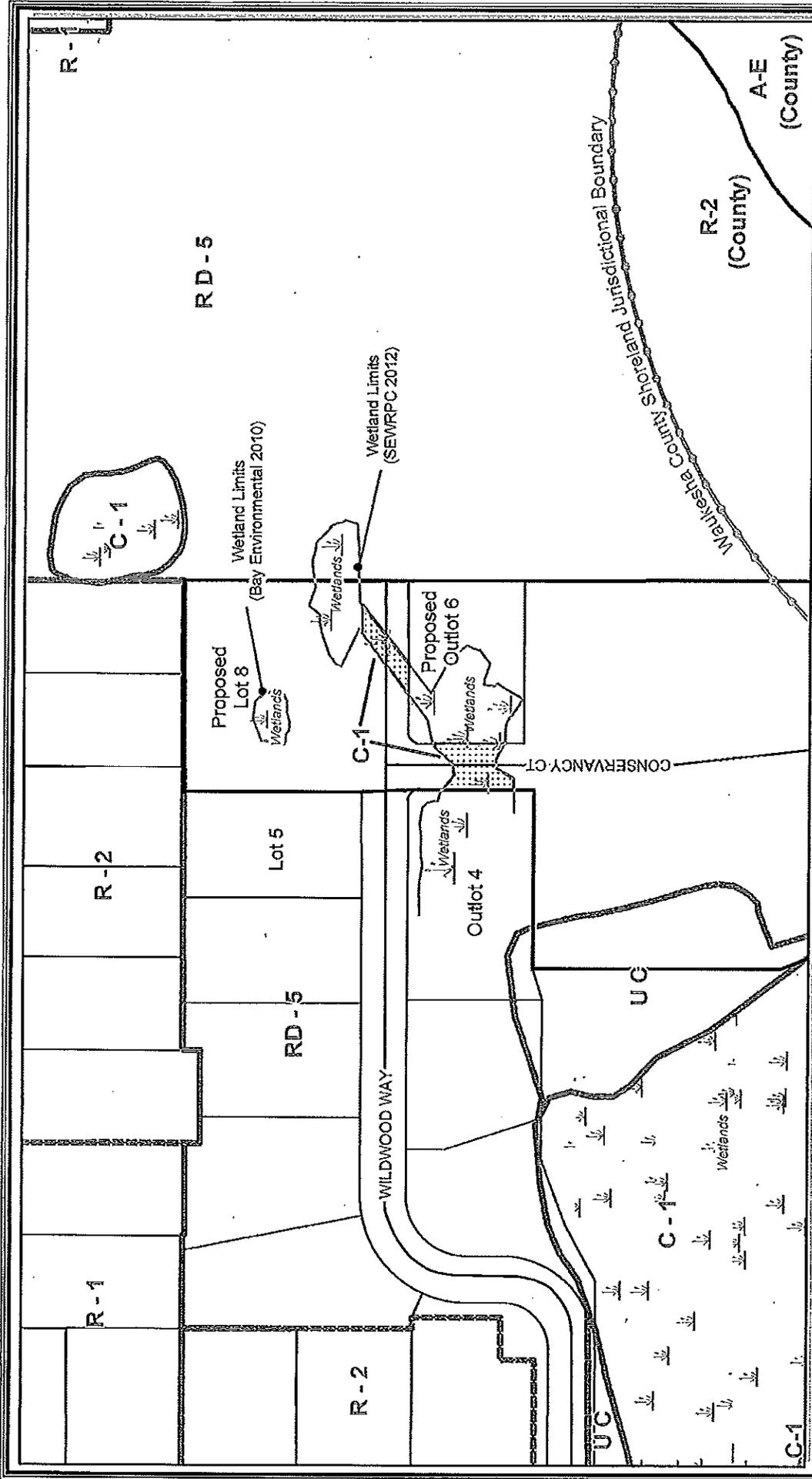
BY: 
HANNAH HEINRITZ, Supervisor

BY: 
STEVEN PANTEN, Supervisor

BY: 
JOSEPH OSTERMAN, Supervisor

ATTEST:

BY: 
JEFFREY MUSCHE, Town Clerk



TOWN ZONING CHANGE FROM C-1 CONSERVANCY DISTRICT TO RD-5 RURAL RESIDENTIAL DENSITY 5-ACRE DISTRICT. (0.19 AC)

FILE.....ZT-1659A
 DATE.....10-3-13
 AREA OF CHANGE.....0.19 ACRES
 TAX KEY NUMBER.....LSBT 0230.009

ZONING MAP AMENDMENT
 PART OF THE NW 1/4 OF SECTION 22
 TOWN OF LISBON

1 inch = 200 feet

0 100 200 400 Feet

Prepared by the Waukesha County Department of Parks and Land Use
 File Number 168-O-058

