

ENROLLED ORDINANCE 163-21

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 25, T8N, R19E, TOWN OF LISBON, FROM THE AGRICULTURAL DISTRICT TO THE GENERAL INDUSTRIAL DISTRICT (ZT-1675)

WHEREAS the subject matter of this Ordinance having been approved by the Lisbon Town Board on May 12, 2008, 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 July 14, 1958, is hereby amended to conditionally rezone from the Agricultural District to the General Industrial District, certain lands located in part of the NE ¼ of Section 25, T8N, R19E Town of Lisbon, 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-1675), is hereby approved subject to the following condition:

A Conditional Use Permit being issued for the site which requires development of the site as an Industrial Planned Unit Development per Section 3.08(4)(Q)(3) of the Town Zoning Code.

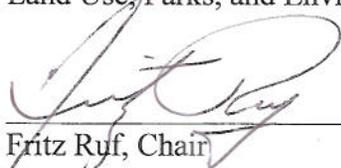
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

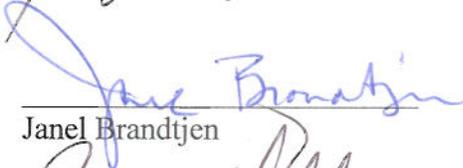
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

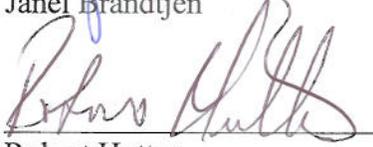
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

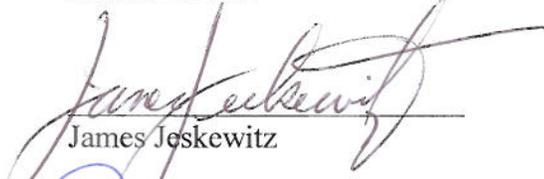
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THE AGRICULTURAL DISTRICT TO THE GENERAL INDUSTRIAL DISTRICT  
(ZT-1675)

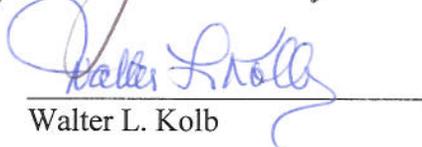
Presented by:  
Land Use, Parks, and Environment Committee

  
Fritz Ruf, Chair

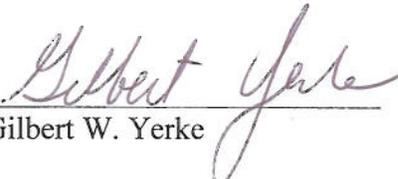
  
Janel Brandtjen

  
Robert Hutton

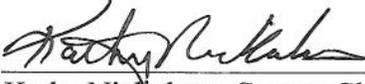
  
James Jeskewitz

  
Walter L. Kolb

Absent  
Ted Rolfs

  
Gilbert W. Yerke

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

Date: 7-25-08,   
Kathy Nickolaus, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 7-28-08,   
Daniel P. Vrakas, County Executive

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

**DATE:** June 5, 2008

**FILE NO:** ZT-1675

**AGENT:** Town Line Developers, LLC  
N48 W22953 Commerce Center Dr.  
Sussex, WI 53089

**OWNER:** Lied's Nursery Co.  
N63 W22039 Highway 74  
Sussex, WI 53089

**TAX KEY NO.:** Part of LSBT 0241.999

**LOCATION:**

Part of the N ½ of the NE ¼ of Section 25, T8N, R19E, Town of Lisbon. More specifically the parcel is located on the south side of S.T.H. 74, just west of Leid's retail/wholesale site, containing 44.96 acres.

**PRESENT ZONING CLASSIFICATION:**

Agricultural District.

**PROPOSED ZONING CLASSIFICATION:**

General Industrial District.

**PRESENT LAND USE:**

Vacant, although currently used for growing nursery stock.

**PROPOSED LAND USE:**

At the present time, there are no proposed uses, although the Town Minutes reflect that it could be used for outside storage and a Concept Plan was submitted showing a single entrance with a loop street. The Minutes also indicate that there are no proposed users at this time and that the property is being acquired on the basis of future industrial opportunities that may exist. There is also no sewer or water provided to the site and the Highway 74 frontage along the north perimeter of the property is being rebuilt by the State this year. There will be one access provided into the site from S.T.H. 74, about 950 ft. east of Village Rd., an industrial access street.

**PUBLIC HEARING DATE:** March 6, 2008

**PUBLIC REACTION:**

No one appeared in opposition to the proposed change, although the Town Engineer felt the Concept Plan was not acceptable in his opinion and will need revisions.

**TOWN OF LISBON PLAN COMMISSION:**

On March 6, 2008, the Town of Lisbon Plan Commission voted unanimously to recommend approval to the Town Board with the condition that the property be developed with a Planned Unit Development Conditional Use.

**TOWN OF LISBON PLAN TOWN BOARD ACTION:**

On March 10, 2008 and subsequently on May 12, 2008, the Town Board voted unanimously to approve the rezoning with the condition that a Conditional Use Permit for a Planned Unit Development be applied to the property.

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (WCDP) AND THE TOWN OF LISBON LAND USE PLAN:**

Both the Town and County's Development Plans indicate this property to be utilized for industrial purposes in the future. Under the Plans, the proposed rezoning of this site for industrial uses will be consistent with the intent and purpose of the Town and County Development Plan.

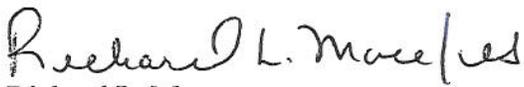
**OTHER CONSIDERATIONS:**

The subject property is the westerly portion of the Lied's Nursery operation. Although presently vacant, it does contain numerous plantings that the Lied's Company has developed over the year for their nursery stock. It is intended that this nursery material be relocated and removed to the extent practical by the end of the 2008 growing year, so that is property will be available for future development purposes. A Development Plan, in concept, was discussed at the public hearing, although the Town Engineer did indicate he was not in favor of the plan as conceived and that there would have to be some revisions made. Access to S.T.H 74 will be allowed at one point 950 ft. east of Village Rd. All of the buildings on Lied's property will be retained on the easterly remaining portion of the Lied's holdings for the time being as there are no structures contained on the proposed area for rezoning. The zoning of the present Lied's operation on the east end will be retained in its present Agricultural designation to accommodate the greenhouse, retail and nursery operation. Hamilton High School and Templeton Middle School lie directly to the south of this property with play and athletic fields immediately adjacent to the south boundary of this subject rezone area. The proposed owner of the property indicated that the property will have to be developed with holding tanks and private wells as there is no municipal sewer or water available to the site. Sewer and water is available to the industrial land uses immediately adjacent to the west of the property and on the north side of S.T.H. 74. S.T.H. 74 is undergoing major reconstruction beginning in summer of this year and the reconstruction project begins at Waukesha Ave. in the Village of Sussex, just west of the railroad tracks and continues easterly and then northeasterly into the Village of Lannon to approximately Good Hope Rd. The reconstruction entails portions of this highway to be provided with divided turn lanes and a portion in front of the subject to be just a two lane highway and an improved intersection with turn lanes at the intersection of C.T.H. "V" and S.T.H. 74 and a roundabout located to the north of the railroad tracks where C.T.H. "V" extends northerly and S.T.H. 74 continues northeasterly into downtown Lannon. While the Development Plan intends that Industrial Park uses be served with municipal type services, it is understood that there will be no such services available, at least at the present time, although the minutes of the Public Hearing do indicate that the Developer and the Town are working with adjacent communities to attempt to work out the availability of such municipal services. If the lands are developed with holding tanks then the sewer service area plan for this portion of the Town of Lisbon may have to be amended to accommodate the provisions of section NR113.07 of the Wisconsin Administrative Code if any user or holding tank capacity has a flow rate of 3,000 gallons per day or greater. That provision requires a commitment on the part of the holding tank user to have a dedicated sewage treatment plant to which the waste will be taken. This provision has most recently been used in the Village of Wales for projects, as well other developments in the Towns of Vernon, Genesee, etc.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved as conditioned by the Town.** We feel that the proposed uses, while not designated or specified at the present time, can be accommodated through the application of the Planned Unit Development provisions of the Town's Ordinance as a Conditional Use, which requires that there be further public hearings regarding the proposed uses which would allow public input and participation. We also feel that the use of the property is consistent with its designated use on the County Development Plan and that there are efforts ongoing to make available municipal type sewer and water through the property and as an alternative sewage can be handled under the provisions of Section NR113.07 of the Wisconsin Administrative Code. The public hearing did indicate that the possibility exists that a community type well may be considered for this project, which would have to meet public water supply standards.

Respectfully submitted,

  
Richard L. Mace  
Planning and Zoning Manager

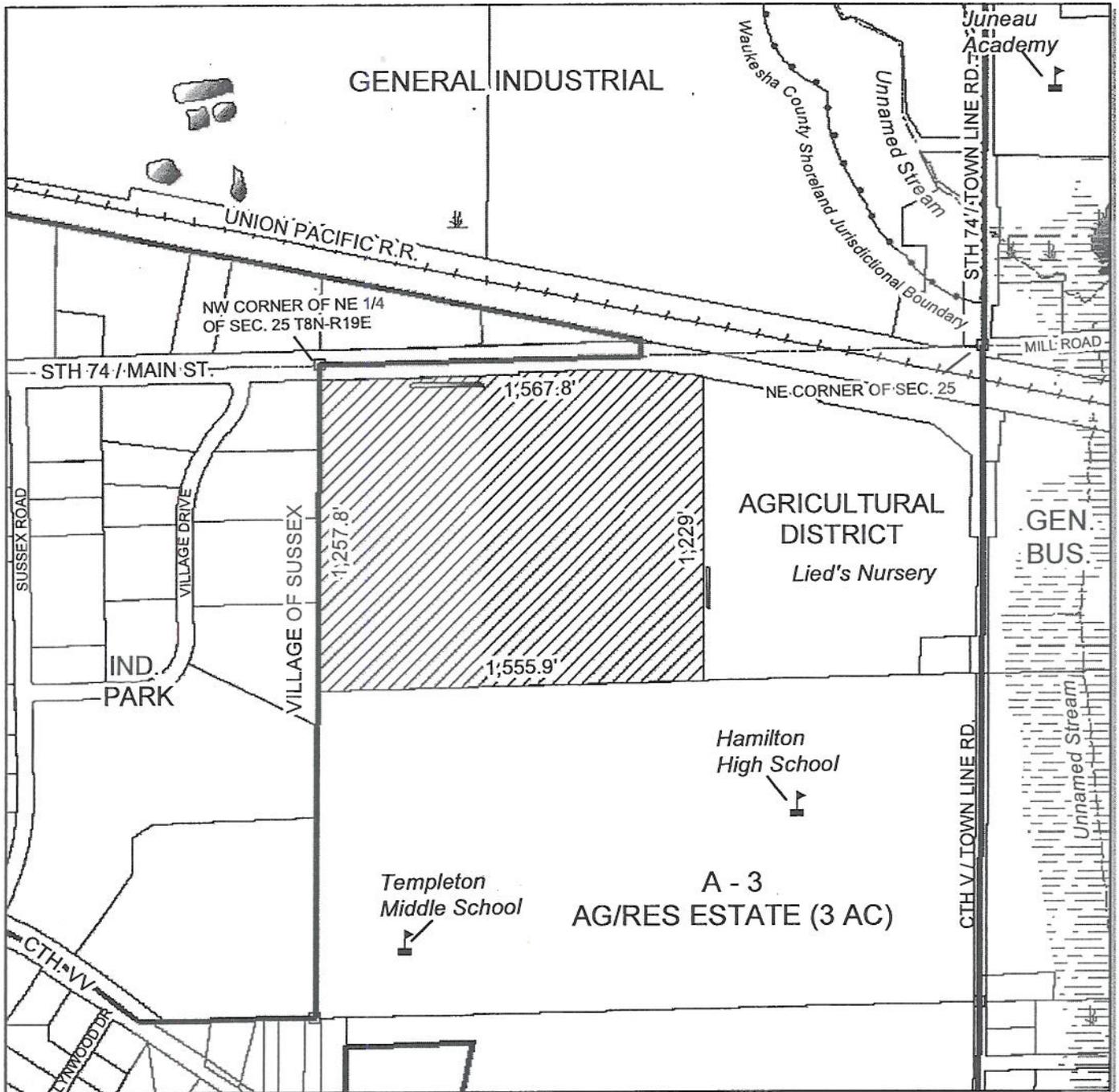
cc: Map  
Town Ordinance

RLM:es

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# ZONING MAP AMENDMENT

PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 25  
TOWN OF LISBON



 TOWN ZONING CHANGE FROM AGRICULTURAL DISTRICT TO GENERAL INDUSTRIAL DISTRICT (44.96 ACRES)

FILE.....ZT-1675

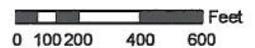
DATE.....06-05-08

AREA OF CHANGE.....44.96 ACRES

TAX KEY NUMBER.....LSBT 0241.999



1 inch equals 600 feet



Prepared by the Waukesha County Department of Parks and Land Use

163-0-021

6.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/22/08

(ORD) NUMBER-1630021

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 J. BEHREND.....AYE  
 15 P. MEYERS.....AYE  
 17 J. TORTOMASI.....AYE  
 19 S. WIMMER.....AYE  
 21 W. ZABOROWSKI.....AYE  
 23 J. PLEDL.....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 B. MORRIS.....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