

ENROLLED ORDINANCE 175-56

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 SE ¼ OF SECTION 24, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE R-2 RESIDENTIAL AND B-2 LOCAL BUSINESS DISTRICTS (COUNTY) AND THE M-2 INDUSTRIAL DISTRICT (TOWN) TO THE B-3 GENERAL BUSINESS DISTRICT (TOWN AND COUNTY) (RZ-66)

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 24, 2020; 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 SE ¼ of Section 24, T8N, R19E, Town of Lisbon, from the R-2 Residential and B-2 Local Business Districts (County) and the M-2 Industrial District (Town) to the B-3 General Business District (Town and 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 RZ-66.

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.

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 SE ¼ OF SECTION 24, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE R-2 RESIDENTIAL AND B-2 LOCAL BUSINESS DISTRICTS (COUNTY) AND THE M-2 INDUSTRIAL DISTRICT (TOWN) TO THE B-3 GENERAL BUSINESS DISTRICT (TOWN AND COUNTY) (RZ-66)

Presented by:  
Land Use, Parks, and Environment Committee


  
William A. Mitchell, Chair

  
Keith Hammitt

  
Jacob LaFontain

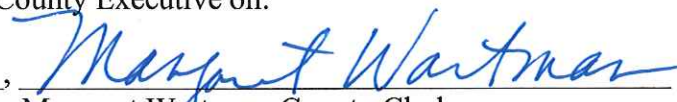
  
Thomas A. Michalski

  
Chris Mommaerts

  
Richard Morris

  
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: 12/18/2020,   
Margaret Wartman, County Clerk

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

Approved: X

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

Date: 12/18/2020,   
Paul Farrow, 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 Shoreland and Floodland Protection Ordinance and the Town of Lisbon Zoning Ordinance, hereby recommends **approval** of RZ66 (**Auer\_McLaughlin Trust**) in accordance with the attached "Staff Report and Recommendation."

**PARK AND PLANNING COMMISSION**

**November 19, 2020**

*William Mitchell (via Microsoft Teams)*

William Mitchell, Chairperson

*James Siepmann (via Microsoft Teams)*

James Siepmann, Vice Chairperson

*Robert Peregrine (via Microsoft Teams)*

Robert Peregrine

*Richard Morris (via Microsoft Teams)*

Richard Morris

*Thomas Michalski (via Microsoft Teams)*

Thomas Michalski

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

**DATE:** November 19, 2020

**FILE NO.:** RZ66

**OWNER:** Edward P. McLaughlin 1996 Revocable Trust  
N87 W23301 N. Lisbon Road  
Lisbon, WI 53089

**APPLICANT:** Tom Auer  
W312 S676 Wildwood Trail  
Delafield, WI 53018

**TAX KEY NO.:** LSBT 0240.992.002\*

\*The applicant recently requested the Register of Deeds office separate the 20 acre parcel into two Tax Key Numbers. The request was granted resulting in separate numbers for the 3 acre parcel and the remnant 17 acre parcel located north of St. James Parkway to become effective in 2021.

**LOCATION:**  
Part of the SE ¼ of Section 24, T8N, R19E, Town of Lisbon. More specifically, the property is located at W220 N6439 and W220 N6437 Townline Road (CTH F), containing approximately 20 acres of which approximately 3.1 acres is proposed to be rezoned.

**EXISTING ZONING:**  
R-2 Residential and B-2 Local Business Districts (County) and M-2 Industrial District (Town)

**PROPOSED ZONING:**  
B-3 General Business District (Town and County)

**EXISTING USE(S):**  
Indoor and outdoor trailer storage, former tavern, and a triplex.

**REQUESTED USE(S):**  
Landscape contracting business, snowplow operation and retail greenhouse/nursery.

**PUBLIC HEARING DATE:** August 13, 2020

**PUBLIC COMMENT:** None

**TOWN PLAN COMMISSION ACTION:**  
On August 13, 2020, the Town of Lisbon Plan Commission recommended approval of the rezone request, Ordinance 07-20 attached, to the Town Board.

**TOWN BOARD ACTION:**  
On August 24, 2020, the Lisbon Town Board of Supervisors adopted Ordinance No. 07-20.

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

The Town and County CDP's designate the subject parcel as Commercial/Office Park and Secondary Environmental Corridor and the proposed rezone will comply with both plans.

**STAFF ANALYSIS:**

The subject property is located on the west side of Townline Road (CTH F) just north of the Union Pacific Railroad and contains approximately 20 acres. As noted above, the non-contiguous property is split by St. James Parkway and the applicant has requested separate Tax Key Numbers for the parcel that is the subject of the zoning change (3.1 acres) and the 17 acre remnant parcel. Willow Creek and its floodplain traverse the northern portion of the 3.1 acre parcel, as well as wetland and Secondary Environmental Corridor, which have been field delineated. The property is served by public sewer and a private well.

The 3.1 acre parcel would continue the existing triplex use for the time being, but the existing indoor/outdoor trailer storage use would terminate, and the former tavern (barn) would be renovated and used in the proposed landscape contracting business, snowplow, and retail greenhouse/nursery operations (refer to proposed site plan attached).

A Development Review Team meeting was held on March 26, 2020, where comments from various entities were provided to the applicant regarding the proposal. A Site Plan/Plan of Operation will be required from both the Town and the County, and access and stormwater requirements will have to be met with the County DPW and LRD respectively.

The lands adjoining this parcel in the Town of Lisbon are zoned as used, as would be the intent for this parcel: M-2 Industrial to the south and west; lands to the east are in the Village of Menomonee Falls; and the land immediately to the north is in the County's zoning jurisdiction which is R-2 Residential with EC and Wetland Overlays.

The lands adjoining this parcel are designated on the Town and County CDPs as: Low Density Residential, SEC, and Other Open Lands to be Preserved across CTH F to the east (Village of Menomonee Falls); the railroad to the south; Medium Density Residential to the west (mobile home park); and Commercial/Office Park and Secondary Environmental Corridor to the north.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends approval of the request in accordance with Lisbon Ordinance No. 07-20. The proposed uses are consistent with the existing business uses in the area along CTH F and should not create any adverse effects on the adjacent parcels or the surrounding area upon conditional approval of a Site Plan/Plan of Operation. In addition, the proposed use would be served with public sewer and a private well creating less of an impact on the natural resources. Therefore, the proposed zoning map

amendment complies with the Town and County Comprehensive Development Plans and is within the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance and the Town of Lisbon Zoning Ordinance.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Senior Planner

Attachments: Town Ordinance 07-20  
Proposed Site Plan  
Rezone Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ66 Auer Ist.doc

STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

Ord. 07-20

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**ORDINANCE REZONING LSBT 0240.992.002, FROM M-2 INDUSTRIAL DISTRICT TO B-3 GENERAL BUSINESS DISTRICT IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN**

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**WHEREAS**, Tom Auer on behalf of the property owner, Edward P. McLaughlin 1996 Revocable Trust, petitioned the Town of Lisbon to rezone the property from M-2 Industrial District to B-3 General Business District; and

**WHEREAS**, the change in zoning is consistent with the Town of Lisbon Comprehensive Land Use Plan; and

**WHEREAS**, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, August 13, 2020.

**WHEREAS**, this change in zoning is conditioned on the approval of Waukesha County and the Town of Lisbon's receipt of written verification that Mr. Auer has the authority to act on behalf of and bind the Edward P. McLaughlin 1996 Revocable Trust.

**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 M-2 Industrial District to B-3 General Business District:

PT SE 1/4 SEC 24 T8N R19E; ALSO COM SE COR N 533 FT N55°W 220 FT W 32 FT N45°45'W  
122 FT N18°45'W 37 FT E 313 FT S 244.5 FT TO BGN R2318/155  
LSBT 0240.992.002

**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 24th day of August, 2020.

TOWN BOARD, TOWN OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY:   
JOSEPH OSTERMAN, Chairman

ATTEST:

BY:   
Elisa Cappozzo  
Town Clerk





PROPERTY LINE TYPICAL

COLUMNAR EVERGREEN SCREEN

NURSERY / RETAIL

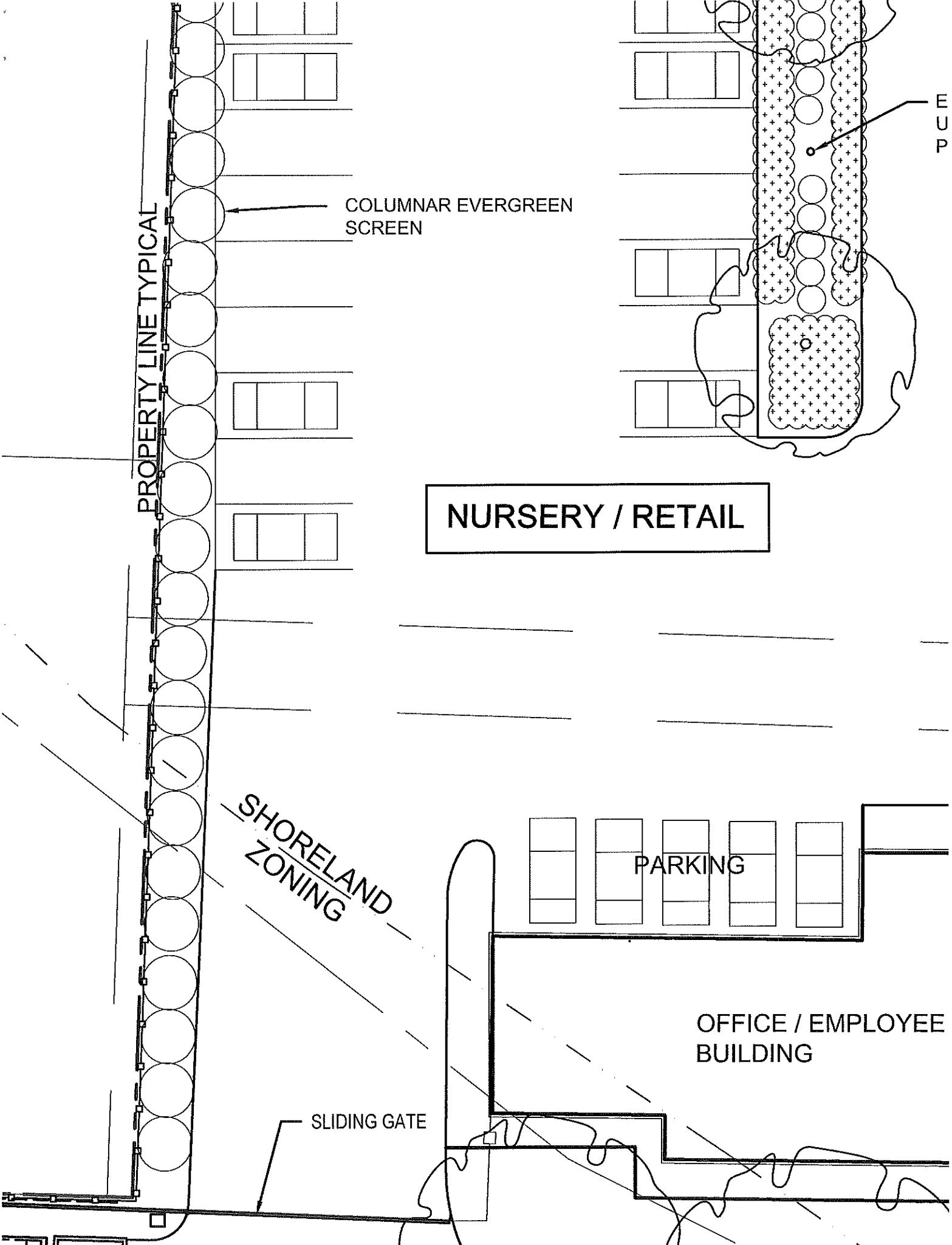
SHORELAND ZONING

SLIDING GATE

PARKING

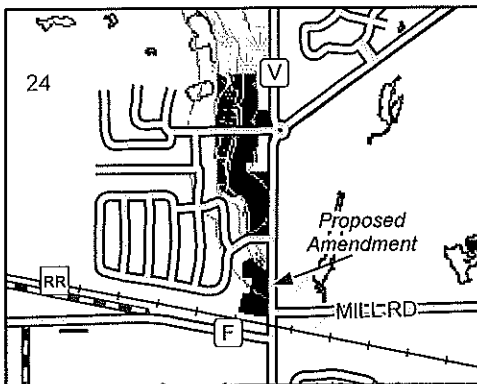
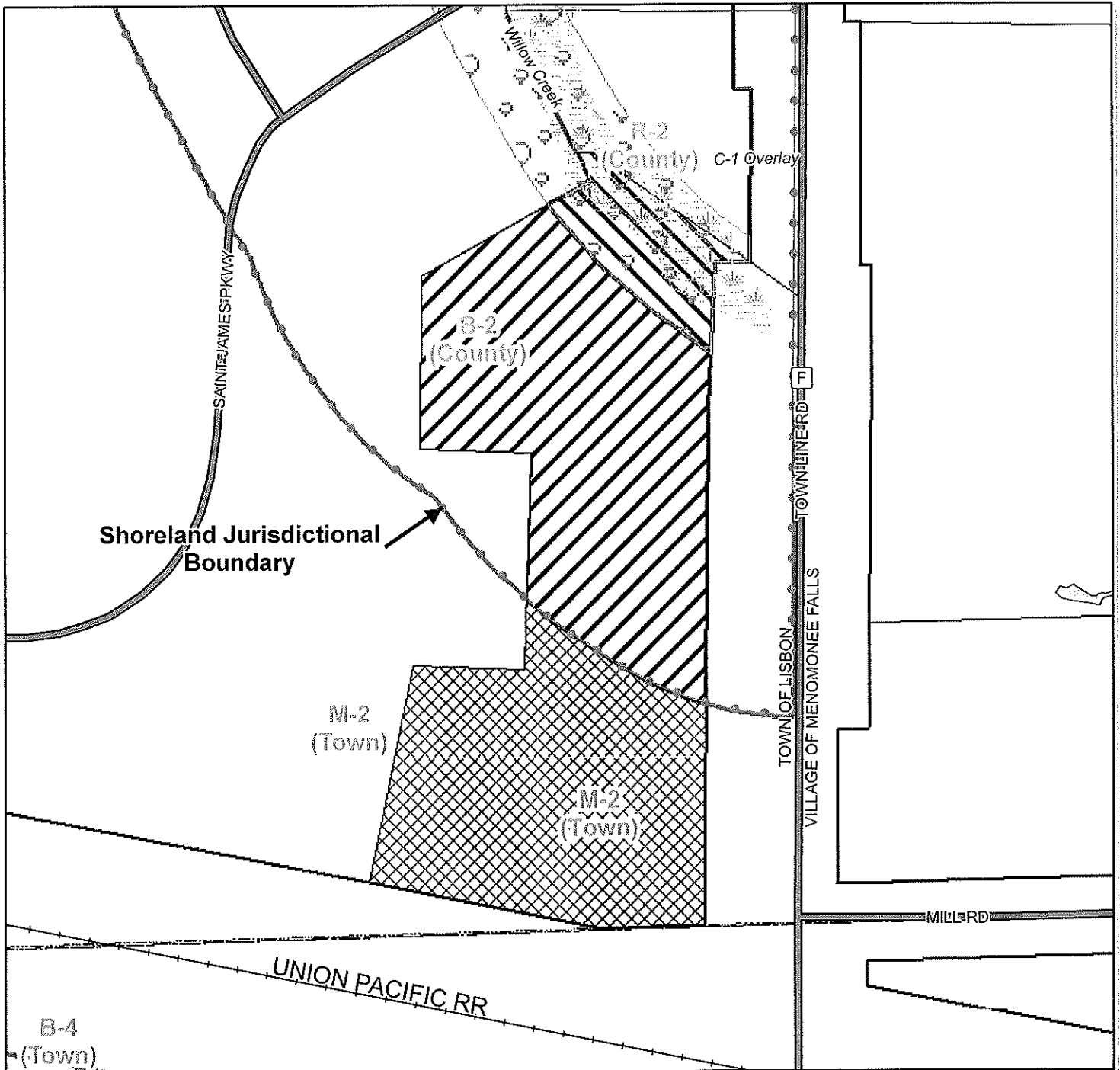
OFFICE / EMPLOYEE BUILDING

PCE



# ZONING AMENDMENT

PT OF THE SE 1/4 SECTION 24,  
TOWN OF LISBON



	COUNTY ZONING AMENDMENT CHANGE FROM R-2 RESIDENTIAL DISTRICT TO B-3 GENERAL BUSINESS DISTRICT (0.27 AC)
	COUNTY ZONING AMENDMENT CHANGE FROM B-2 LOCAL BUSINESS DISTRICT TO B-3 GENERAL BUSINESS DISTRICT (1.53 AC)
	TOWN ZONING AMENDMENT CHANGE FROM M-2 GENERAL INDUSTRIAL DISTRICT TO B-3 GENERAL BUSINESS DISTRICT (1.32 AC)
	CONSERVANCY (C-1) OVERLAY
	ENVIRONMENTAL CORRIDOR (EC) OVERLAY
FILE.....	RZ66
DATE OF PLAN COMMISSION.....	11/19/20
AREA OF CHANGE.....	3.12 ACRES
TAX KEY NUMBER.....	LSBT 0240.992.002
Prepared by the Waukesha County Department of Parks and Land Use	
1 inch = 125 feet 	

Referred on: 11/24/20

File Number: 175-O-056

Referred to: LU 9



VOTE RESULTS: Passed By Majority Vote

AYE: 25

NAY: 0

ABSENT: 0

D1 - Foti	AYE
D2 - Zimmermann	AYE
D3 - Morris	AYE
D4 - Batzko	Second
D5 - Dondlinger	AYE
D6 - Walz	AYE
D7 - LaFontain	AYE
D8 - Michalski	AYE
D9 - Heinrich	AYE
D10 - Swan	AYE
D11 - Howard	AYE
D12 - Wolff	AYE
D13 - Decker	AYE

D14 - Mommaerts	AYE
D15 - Mitchell	Motion
D16 - Crowley	AYE
D17 - Paulson	AYE
D18 - Nelson	AYE
D19 - Cummings	AYE
D20 - Schellinger	AYE
D21 - Gaughan	AYE
D22 - Wysocki	AYE
D23 - Hammitt	AYE
D24 - Whittow	AYE
D25 - Johnson	AYE