

ENROLLED ORDINANCE 173-091

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF SECTION 30, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE A-5 MINI FARM DISTRICT (RZ26)

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 November 12, 2018; 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 60.62, Wis. Stats.

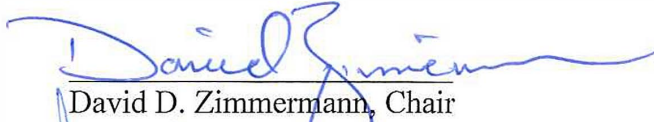
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to rezone from the A-10 Agricultural District to the A-5 Mini Farm District, certain lands located in part of the S ½ of Section 30, 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 RZ26, 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.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF SECTION 30, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE A-5 MINI FARM DISTRICT (RZ26)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

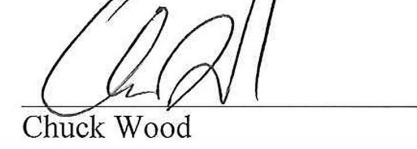

Kathleen M. Cummings


Keith Hammitt


William A. Mitchell


Thomas J. Schellinger


Steve Whittow


Chuck Wood

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

Date: March 1 2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

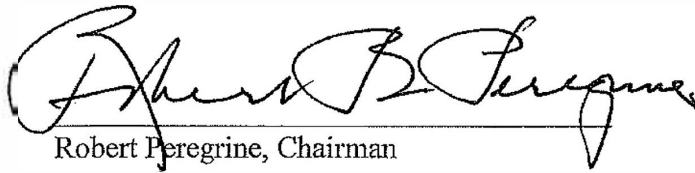
Date: 3/4/2019, 
Paul Farrow, County Executive

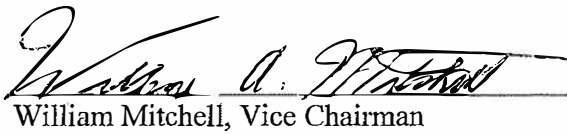
COMMISSION ACTION

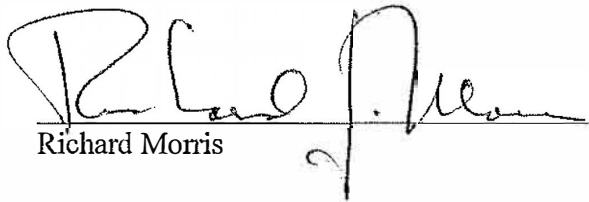
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code and Map hereby recommends approval of **RZ26 (Stolz/Bowen Global Investments)** in accordance with the attached "Staff Report and Recommendation".

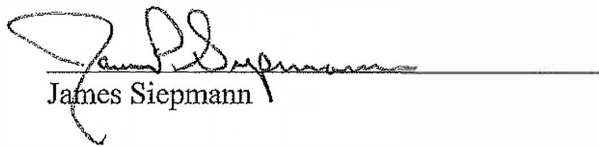
PARK AND PLANNING COMMISSION

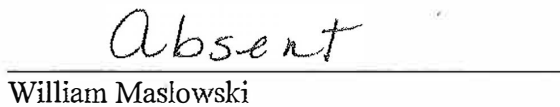
January 17, 2019

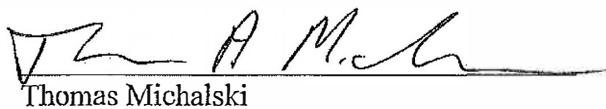

Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepmann


William Maslowski


Thomas Michalski

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

DATE: January 17, 2019

FILE NO.: RZ26

OWNER: Bowen Global Investments, Inc.
c/o Jeff Stolz
633 S. 4th Street, Suite 7
Las Vegas, NV 89101-6631

APPLICANT: Conor Leedom
Axley Brynelson, LLP.
N20 W22961 Watertown Road
Waukesha, WI 53186

TAX KEY NO.: Part of LSBT 0264.998

LOCATION:
Part of the S½ of Section 30, T8N, R19E, Town of Lisbon. More specifically, the property is located at N56 W27476 Lisbon Road, containing approximately 115 acres of which approximately 5.05 acres is proposed to be rezoned and divided.

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

PROPOSED ZONING:
A-5 Mini Farm District (Town) for the proposed five acre parcel (five-acre lot size, minimum average width of 300 feet).

EXISTING USES: Agricultural and undeveloped.

REQUESTED USES: Continued agricultural in the form of a mini farm on the proposed five-acre parcel.

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

Both CDPs designate the far southwest corner of subject property, where some of the improvements are located, as Low Density Residential (20,000 square feet to 1.4 acres per dwelling unit). The remainder of the property, including a portion of the proposed five-acre parcel and the remaining improvements, is designated as Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit). The proposed rezoning and land division comply with both plans.

PUBLIC HEARING DATE: November 8, 2018.

PUBLIC COMMENT:

- An abutting property owner expressed concerns with the number of new subdivisions within a two-mile radius of their home. She stated that people live in the town because they like the quiet and was concerned that new subdivisions are pushing wildlife out their habitat. New homes are going up very fast.

- Mr. Leedam, representing the owner of the property, stated the proposed rezoning was for a five-acre parcel and, besides the land division (Certified Survey Map CSM), there will not be a lot of changes to this five-acre parcel. The CSM and rezone comply with the Town's CDP.
- A member of the audience wanted clarification that they are just trying to sell the five-acre parcel. He also wanted to know what the intent was for the property. *It should be noted that on January 2, 2019, the Planning and Zoning Division received a conceptual development plan for the remainder of the parent parcel.*
- A resident questioned why the rezoning went into her property and what the boundary map meant for her property. *It should be noted the resident was referring to the buffer map, which simply identifies properties within 300 feet of the subject parcel for notification of the public hearing.*

TOWN PLAN COMMISSION ACTION:

On November 8, 2018, the Town of Lisbon Plan Commission approved rezone Ordinance 12-18 (attached) and recommended approval of the same to the Town Board with a vote of 5-0 with one abstention, contingent on Lisbon/Merton Joint Planning Committee (JPC) and Waukesha County approvals.

TOWN BOARD ACTION:

On November 12, 2018, the Town Board of Supervisors unanimously approved rezone Ordinance 12-18 and recommended the same to the JPC and Waukesha County.

TOWN OF LISBON/VILLAGE OF MERTON JPC ACTION:

On November 15, 2018, the JPC unanimously approved the rezone request with one abstention.

STAFF ANALYSIS:

The subject property is located approximately 4,100 feet west of the intersection of C.T.H. "K" and C.T.H. "MD" on the north side of C.T.H. "K" and contains approximately 115 acres in total. The owner is proposing to rezone and divide the five-acre homestead from the parent parcel. According to the proposed Certified Survey Map and 2015 aerial, the five-acre parcel would contain the existing dwelling, a minimum of four sheds/accessory buildings, and the barn and silo. The property is served by a private septic system and well.

Since a new lot is being created, in accordance with the Town's accessory buildings and structures regulations, this will require the Town Plan Commission to review the accessory buildings and render a finding to allow more than two of the structures to remain on the five acre parcel, and further to ensure the number of structures meet the floor area ratio and footprint requirements of the Town's Zoning Ordinance as well as the offset requirements for those structures that may house animals. It should also be noted that two of the accessory buildings do not meet the A-5 offset requirements of thirty (30) feet and therefore are non-conforming with the Town's Zoning Ordinance.

The lands adjoining this parcel are zoned as used, as would be the intent for this parcel: R-2 Single Family Residential immediately to the west; UC Upland Corridor and R-1 Suburban Single Family Residential to the northwest; A-10 Agricultural to the north and east (parent parcel); and PR Park

and Recreation on the south side of CTH K. There are a few scattered A-5 zoned properties within approximately 1-2,000 feet of the subject parcel.

The lands adjoining this parcel are designated on the Town and County CDPs as: Low Density Residential immediately to the west; INRA, SDRII and Other Open Lands to be Preserved to the northwest; Rural Density and Other Agricultural Lands to the north and east (parent parcel); and Recreational on the south side of CTH K.

The County Department of Public Works indicated only one driveway access is allowed for the proposed five-acre parcel and currently only one access exists. The County Park and Open Space Plan also identifies C.T.H. "K" for a proposed county bike trail.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this rezone request in accordance with the Town of Lisbon's adopted Ordinance (12-18) approving the same. The proposed zoning change complies with the Town and County CDPs for this site and was approved by the Town of Lisbon/Village of Merton Joint Planning Committee as well. The rezoning and division of the homestead property from the remainder of the parent parcel should not create any adverse effects on the adjacent parcels or the surrounding area and is consistent with the existing uses in the area and is within the purpose and intent of the Town of Lisbon's Zoning Ordinance upon the Town's review of the accessory buildings.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Senior Planner

Attachments: Town Ordinance 12-18
Rezone Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ26 Stoiz Bowen Global Inv Inc ist.doc

Ord. 12-18

ORDINANCE REZONING LSBT 0264.998, FROM A-10 AGRICULTURAL DISTRICT TO A-5 MINI FARM DISTRICT IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

WHEREAS, Property owner Jeff Stolz petitioned the Town of Lisbon to rezone a portion of the property LSBT 0264.998 outlined in Exhibit A from A-10 Agricultural District to A-5 Mini Farm District; 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 of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, November 8, 2018.

NOW, THEREFORE, the Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: The portion outlined in Exhibit A for the following described property is rezoned from A-10 Agricultural District to A-5 Mini Farm District:

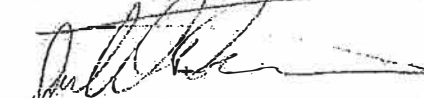
SW. 1/4 AND SE. 1/4 OF THE SW. 1/4 OF SEC 30, T.8N., R.19E.
ALSO KNOWN AS LSBT 0264.998

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.

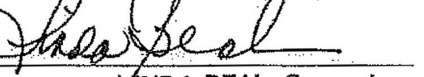
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County,
Wisconsin this 12th day of November, 2018.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

BY: 
TED AGGAMINGO, Supervisor

BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:


BY: 
Dan Green, WCMC
Town Clerk



EXHIBIT "A"

RECEIVED
By Gina Gresch at 12:39 pm, Sep 10, 2018

REZONE EXHIBIT

BEING A PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWN 8 NORTH, RANGE 19 EAST, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN.



RECEIVED

DEC 04 2018

DEPT OF PARKS & LAND USE

OWNER: BOWEN GLOBAL INVESTMENTS INC.
UNPLATTED LANDS

FOUND CONC. MON W/BRASS CAP CENTER SECTION 30 T8N, R19E

AREA
237,003 S.F.
5.44 AC.

N88°39'17"E 500.00'

S01°20'43"E 466.82'

WEST LINE OF SE 1/4 SECTION 30 T8N, R19E
N00°02'52"W 2649.47'

N00°32'35"E 467.02'

SOUTH LINE OF SE 1/4 SECTION 30 T8N, R19E
N88°39'17"E 2642.46'

S88°39'17"W 488.24'

33.0'

LISBON ROAD CTH "K"

FOUND CONC. MON W/BRASS CAP SOUTH 1/4 CORNER SECTION 30 T8N, R19E

S88°47'05"W 27.15'

EX. DWELLING

EX. SHED

EX. BARN

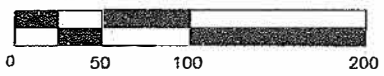
EX. SHED

EX. SHED

SEPTIC BED

SEPTIC COVERS

SCALE: 1" = 100'



OUTLOT 2
WALNUT GROVE

OWNER: HAROLD & JANE ZIEMENDORF
UNPLATTED LANDS

BEING A PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWN 8 NORTH, RANGE 19 EAST, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 30; THENCE S88°47'05"W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 30 A DISTANCE OF 27.15 FEET; THENCE N00°32'35"E, 467.02 FEET; THENCE N88°39'17"E, 500.00 FEET; THENCE S01°20'43"E, 466.82 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 30; THENCE S88°39'17"W ALONG SAID SOUTH LINE 488.24 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 237,003 SQ.FT. OR 5.44 ACRES.

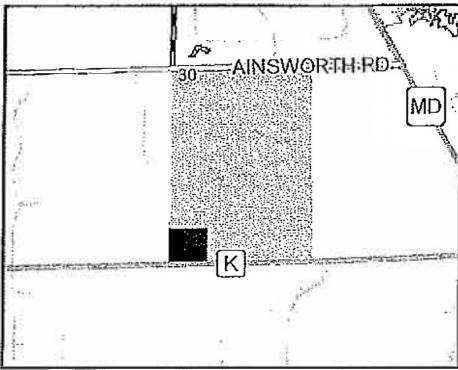
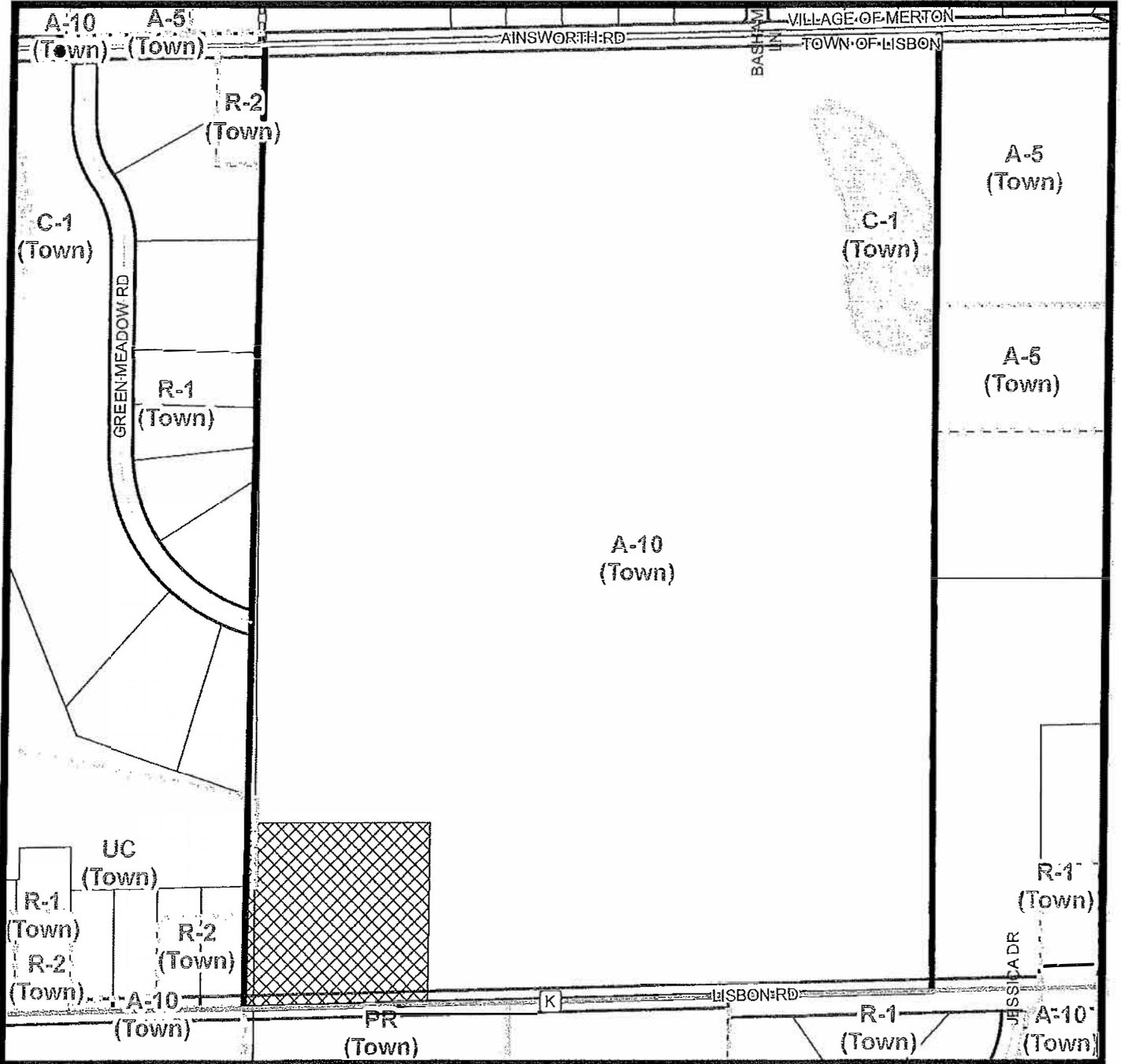
CONCRETE MONUMENT W/ BRASS CAP FOUND




PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com
PROJECT STOLJ #146706

ZONING AMENDMENT

PART OF THE SW 1/4 OF THE SE 1/4 AND THE SE 1/4 OF THE SW 1/4 OF SECTION 30,
TOWN OF LISBON

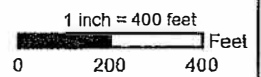


 TOWN ZONING AMENDMENT FROM A-10 AGRICULTURAL DISTRICT TO A-5 MINI FARM DISTRICT (5.8 AC)

FILE.....R28
 DATE OF PLAN COMMISSION.....01/17/19
 AREA OF CHANGE.....5.8 ACRES
 TAX KEY NUMBER.....LSBT 0284.998



Prepared by the Waukesha County Department of Parks and Land Use





Voting Results for Ordinance 173-O-091

Amend The District Voting Map Of The Town Of Union, Townships Located In Part Of The 5th, Of Sections 32, 33& 34, E1/2, E1/4, Town Of Union, Waukesha County, Wisconsin, From The A-10 Agricultural District To The A-5 Mixed Farm District (R20)

Passed By Majority Vote

AYE: 25
NAY: 0
ABSTAIN: 0
ABSENT: 0

D1 - Foti	AYE		D14 - Wood	AYE
D2 - Zimmermann	Motion		D15 - Mitchell	AYE
D3 - Morris	AYE		D16 - Crowley	AYE
D4 - Batzko	Second		D17 - Paulson	AYE
D5 - Dondlinger	AYE		D18 - Nelson	AYE
D6 - Walz	AYE		D19 - Cummings	AYE
D7 - Grant	AYE		D20 - Schellinger	AYE
D8 - Michalski	AYE		D21 - Gaughan	AYE
D9 - Heinrich	AYE		D22 - Wysocki	AYE
D10 - Swan	AYE		D23 - Hammitt	AYE
D11 - Howard	AYE		D24 - Whittow	AYE
D12 - Wolff	AYE		D25 - Johnson	AYE
D13 - Decker	AYE			