

ENROLLED ORDINANCE 174-039

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN
FOR WAUKESHA COUNTY (2A – NEUMANN DEVELOPMENTS INC./BOWEN
GLOBAL INVESTMENTS, SECTION 30, T8N, R19E, TOWN OF LISBON)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No. 163-81, approved a Comprehensive Development Plan for Waukesha County; and

WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures; and

WHEREAS, on February 21, 2019, the Waukesha County Park and Planning Commission held a Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated June 20, 2019, a summary of the Public Hearing comments and a Staff Recommendation for the proposed change to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on June 20, 2019, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby **conditionally approved** to the Year 2035 Comprehensive Development Plan for Waukesha County:

2. In the Town of Lisbon, the following request is being made:
 - A. *Neumann Developments, Inc., representing Bowen Global Investments*, 633 S. 4th Street, Suite 7, Las Vegas, NV 89101-6631, requests property located in part of the S ½ of Section 30, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0264.998), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Other Open Lands to be Preserved categories to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), to allow a single-family residential subdivision.

The request is approved subject to the following condition:

1. The property shall be developed with a minimum of 40% common open space, as proposed in concept.

BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

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

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN
FOR WAUKESHA COUNTY (2A – NEUMANN DEVELOPMENTS INC./BOWEN
GLOBAL INVESTMENTS, SECTION 30, T8N, R19E, TOWN OF LISBON)

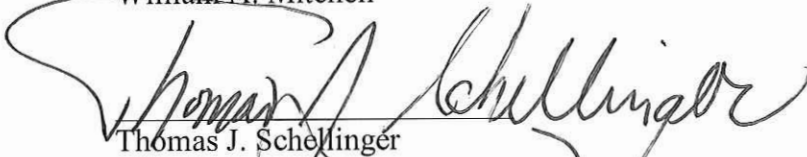
Presented by:
Land Use, Parks, and Environment Committee

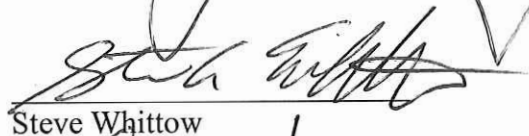

David D. Zimmermann, Chair

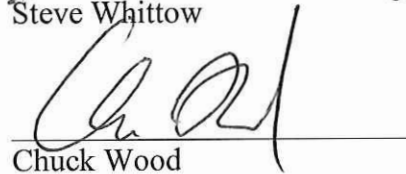
Absent
Kathleen M. Cummings

Absent
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: 7/26/19, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

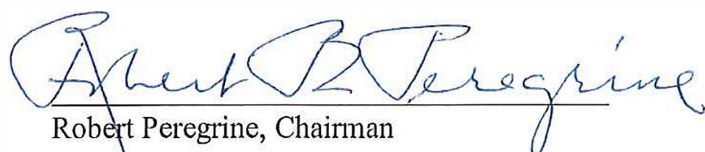
Date: 8/5/19, 
Paul Farrow, County Executive


COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (2A – Neumann Developments/Bowen Global investments, Section 30, T8N, R19E, Town of Lisbon) hereby recommends conditional approval.


PARK AND PLANNING COMMISSION

June 20, 2019


Robert Peregrine, Chairman


William Mitchell, Vice Chairman

Absent
Richard Morris


James Siepmann

~~Absent~~ 
William Maslowski


Thomas Michalski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
FOR A YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN
FOR WAUKESHA COUNTY
(2A – NEUMANN DEVELOPMENTS, INC./BOWEN GLOBAL INVESTMENTS)
TOWN OF LISBON

DATE: June 20, 2019

PUBLIC HEARING DATE:
Thursday, February 21, 2019, 1:00 p.m.

REQUEST:
2 (A) Year 2019 amendment to the Comprehensive Development Plan.

Neumann Developments, Inc., representing Bowen Global Investments, 633 S. 4th Street, Suite 7, Las Vegas, NV 89101-6631, requests property located in part of the S ½ of Section 30, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0264.998.002), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Other Open Lands to be Preserved categories to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), to allow a single-family residential subdivision. The Other Open Lands to Preserved will not be amended.

EXISTING LAND USE CATEGORY:
Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Other Open Lands to be Preserved categories.

PROPOSED LAND USE CATEGORY:
Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit) and Other Open Lands to Preserved categories (amendment map attached).

PUBLIC REACTION:

- Todd Zellmer, spoke representing his father Robert Zellmer, who lives northeast of the property. He indicated that his father has a Conditional Use for a gun business and firing range, which he would like to retain. He said the size of the wetland area on the property in question is being underestimated. He pointed out on the aerial photograph the wetland area and said it is a water hole that stretches all the way to the base of the hill of the basin. He submitted photographs from May 2000 showing at least three (3) feet of standing water from the base of the hill going all the way to Ainsworth Road. He indicated there is standing water every year. There is a ditch on Ainsworth Road but it is not connected to the water and there is basically nowhere for the water to go. He expressed concerns that when roads, driveways and yards are developed, the water will drain onto his father's property. He pointed out on the aerial photograph the location of a spring on the subject property. He said that farm trucks and tractors get stuck on the hill because of the water. He suggested the developer dig the wet area deeper to contain the water.
- Sarah Grooms, adjacent neighbor to the east, is in the process of building a new home on her property. She indicated that she is not against the proposed development, however, she expressed concerns regarding water runoff onto her property and flooding concerns. She

pointed out on the aerial photograph the location of her new residence, on the east side of her property.

- Dennis Tarnowski, neighbor to the west, stated he was opposed to 64 additional homes being built because it would ruin the rural character of the area.
- Nancy Wisniewski, neighbor to the west, expressed concerns with the increase in traffic from the proposed development.

It should be noted that the drainage issues noted above were discussed at the Development Review Team meeting on February 5, 2019, at which the Civil Engineer for the Land Resources Division was present and thus is aware of said issues. In accordance with the Waukesha County Stormwater Management and Erosion Control Ordinance a Storm Water Management Plan must be administratively reviewed and approved by the Land Resources Division of the Waukesha County Department of Parks and Land Use and a “Certification of Compliance” issued, addressing any stormwater issues and/or adverse drainage concerns regarding the adjacent parcels, prior to the approval of a subdivision plat.

In addition, the County Planning and Zoning Division has had conversations with the Town of Lisbon regarding the continuation of the Zellmer’s gun business and firing range Conditional Use and this issue will also be addressed prior to the approval of a subdivision plat. The Conditional Use permit was clear in conveying that the appropriateness of the private firing range continuing would have to be assessed if and when the use of the subject lands change. It is expected that the use of the property would not change until, at minimum, a subdivision plat is formally brought forward.

TOWN PLAN COMMISSION ACTION:

At their April 11, 2019, meeting, the Town of Lisbon Plan Commission approved the Town Comprehensive Development Plan amendment for the subject property by a vote of 6-0 (one Plan Commissioner abstained due to recusal) with a recommendation to the Town Board and the Village of Merton Joint Plan Committee (JPC) of the same.

TOWN BOARD ACTION:

The Town of Lisbon Board of Supervisors unanimously approved the Town Comprehensive Development Plan amendment at their May 13, 2019, meeting (Town Resolution 05-19 attached) with a recommendation to Waukesha County of the same.

VILLAGE OF MERTON/TOWN OF LISBON JPC ACTION:

According to the Town of Lisbon Clerk, the two communities had not had the opportunity to set up a JPC meeting to discuss amending the Village of Merton’s future land use map, but as of the drafting of this report, a JPC meeting date of June 18, 2019 was scheduled. The Planning and Zoning Division staff will report on the outcome of the JPC meeting at the June 20, 2019 Park and Planning Commission meeting.

STAFF ANALYSIS:

The petitioner is proposing a 64 lot single family residential Planned Unit Development (PUD) on approximately 106 acres (excluding road ROWs) located between CTH K (Lisbon Road) and

Ainsworth Road, which provides a density of 1.7 acres per lot and 46% open space (refer to Exhibit A - Concept Map attached). The property contains wetland in the northeast corner of the property which the Town has zoned C-1.

The public hearing for the County plan amendment was held in February but since the Town of Lisbon had not acted on the Town plan amendment and rezone at that time, the County Park and Planning Commission tabled their decision on the matter until the Town took action. As noted above, the Town has since taken action and therefore the County Park and Planning Commission is now able to act on the County plan amendment request.

The lands adjoining this parcel are designated on the Town and County CDPs as: Suburban Density Residential II, INRA, and Other Open Lands to be Preserved to the west; Rural Density and Other Agricultural Lands to the southwest, east, and on the south side of CTH K; Low Density Residential to the northeast and on the north side of Ainsworth Road; and Recreational on the south side of CTH K and north of Ainsworth Road.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the plan amendment request be approved subject to the following condition:

1. The property shall be developed with a minimum of 40% common open space, as proposed in concept.

The amendment would bring the property into a category that is consistent with the existing development in the area and the proposed development density would align with similar densities in the area and provide infill development near and adjacent to existing neighborhoods in both the Town of Lisbon and the Village of Merton. The proposed concept plan brings forward a conservation design approach that would conserve a significant amount of the property in commonly held open space for the enjoyment of all lot owners. Stormwater management and off-site drainage will be fully reviewed, pursuant to the Waukesha County Stormwater management and Erosion Control Ordinance, when a preliminary subdivision plat is brought forward.

Respectfully submitted,

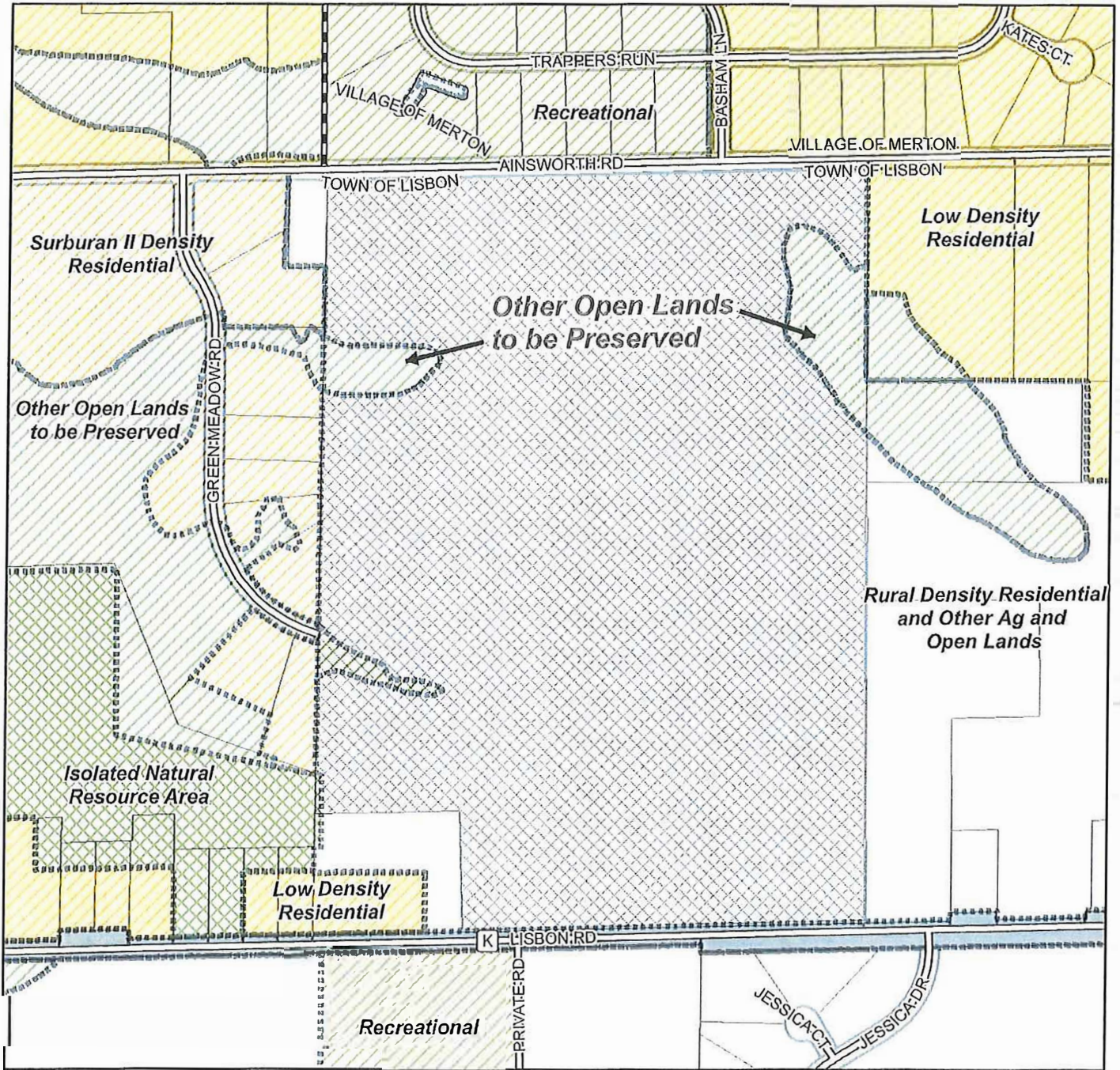
Sandra L Scherer


Sandy Scherer
Senior Planner

Attachments: Amendment Map
Exhibit A - Concept Map

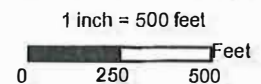
DEVELOPMENT PLAN AMENDMENT

PART OF THE S 1/2 OF SECTION 30
TOWN OF LISBON



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM RURAL DENSITY AND OTHER AGRICULTURAL LANDS AND TO SUBURBAN I DENSITY RESIDENTIAL

PETITIONER.....Neumann Development Inc.
DATE OF PUBLIC HEARING.....02/21/19
AREA OF CHANGE.....102 ACRES
TAX KEY NUMBER.....LSBT 0264.998



Prepared by the Waukesha County Department of Parks and Land Use

File Number: 174-O-040

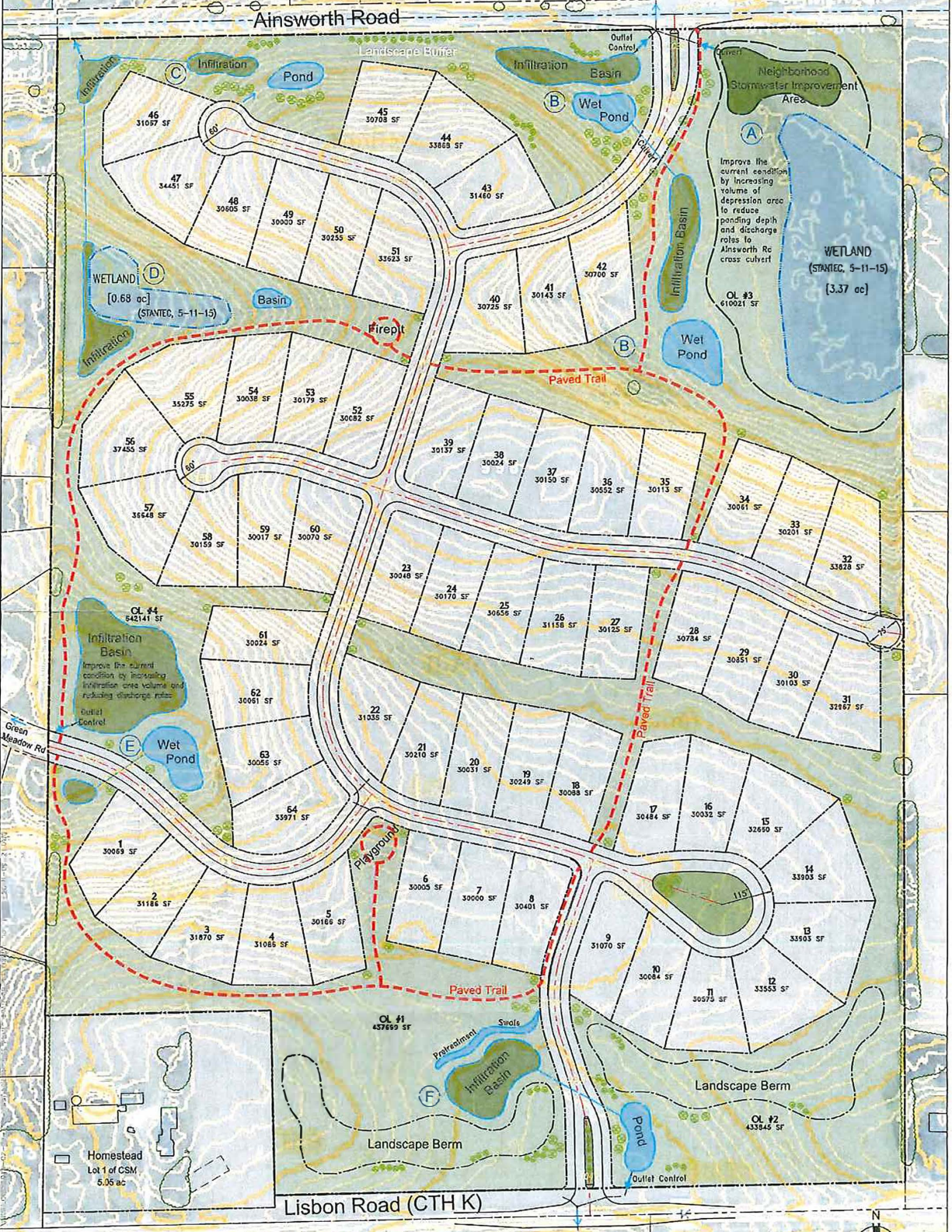


Data Summary Table - Exhibit A
64 Lot Conservation Subdivision

Total Area = ± 106.13 acres (with full ROW dedication)	PUD Proposed Standards: Lot Size: 30,000 s.f. min. Lot Width: 110' minimum	PUD Open Space Calculations: Total PUD Area = 106.13 acres
Density = 1.66 acres/lot	Proposed Setbacks: Public Road = 35' Side = 20' Rear = 20' Lisbon & Ainsworth Rd = 50'	Outlot Area* = 48.74 ac (45.9%) - % Wetland = 4.05/48.74 = 8.3% - % Stormwater = 5.4/48.74 = 11.1% - % Upland = 39.29/48.5 = 80.6% (*Outlots 1, 2, 3 & 4)
Total Road Length = 6,850 l.f. (107 l.f. per lot)		

Developed By:

 127 W24025 Paul Court
 Pewaukee, WI 53072



CONSERVATION SUBDIVISION
Conceptual Site Plan - Stolz Site

Lisbon Road, Town of Lisbon, WI

Scale: 1" = 100' (22'x34")
 Scale: 1" = 200' (11'x17")
 DATE: 03/21/2019



Ordinance 174-O-040

Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County (CA - Neumann Developments Inc./Shawnee Global Investments, Section 32, 12N, 17TH, Items C1, Library)

VOTE RESULTS: Passed By Majority Vote

AYE: 20

NAY: 0

ABSENT: 5

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

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