

ENROLLED ORDINANCE 168-33

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 19, T8N, R18E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE B-2 LOCAL BUSINESS DISTRICT TO THE B-3 GENERAL BUSINESS DISTRICT (ZT-1758)

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 May 13, 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, 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 B-2 Local Business District to the B-3 General Business District, certain lands located in part of the SW ¼ of Section 19, T8N, R18E, 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-1758, 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.

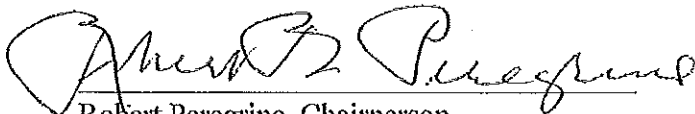
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

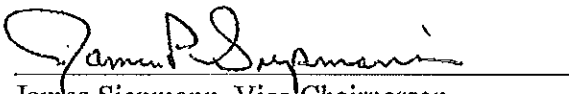
COMMISSION ACTION

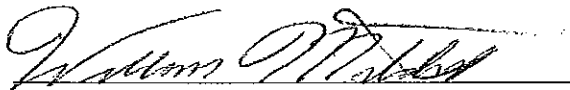
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Ordinance hereby recommends approval of ZT-1758 (Jeffrey and Mary Fillinger) in accordance with the attached "Staff Report and Recommendation".

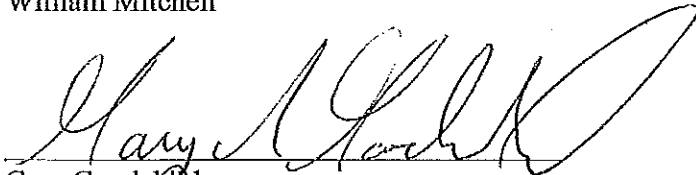
PARK AND PLANNING COMMISSION

July 18, 2013

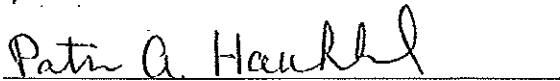

Robert Peregrine, Chairperson

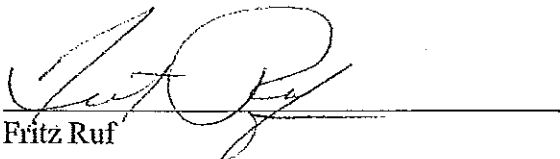

James Siepmann, Vice Chairperson


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

FILE NO.: ZT-1758
TAX KEY NO.: LSBT 0219.994.007
DATE: July 18, 2013
PETITIONERS/OWNERS: Jeff and Mary Fillinger
W343 N6237 S. Bayview Road
Oconomowoc, WI 53066

LOCATION:

Lots 5 and 6, CSM No. 7351, Volume 62, Page 199, located in the SW ¼ of Section 19, T8N, R19E, Town of Lisbon. More specifically, the property is located at W275 N6728 Lake Five Road and contains 3.316 acres.

PRESENT ZONING: B-2 Local Business District (Town)

PRESENT LAND USE: Mini-warehouse use

PROPOSED ZONING: B-3 General Business (Town)

PROPOSED LAND USE: Mini-warehouse use (no change)

PUBLIC HEARING DATE: May 2, 2013

PUBLIC REACTION: There were no comments from the public.

TOWN PLAN COMMISSION ACTION:

On May 2, 2013, the Plan Commission recommended unanimous approval of the request subject to the Town Engineer's comments.

TOWN BOARD ACTION:

On May 13, 2013, the Town Board unanimously approved the request specific to Ordinance 03-13 as presented.

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

The Town of Lisbon and Waukesha County Comprehensive Development Plans designate the subject property as Commercial and Office Park, and the proposed rezoning is consistent with both plans.

STAFF ANALYSIS:

The subject property is bounded by C.T.H. "MD" to the southwest and Lake Five Road to the east, and C.T.H. "VV" is located just to the north of the subject property. The Village of Merton lies to the southwest of the subject parcel. The property has access to C.T.H. "MD" via a shared access point with the lot to the northwest, and access to Lake Five Road is from the southeast corner of the site. Although not allowed unless approved by the Town, it appears that there is an additional driveway entrance along the north lot line from Lake Five Road. The site is fully developed with self service storage facilities (mini warehouse storage).

In 2010, the Town of Lisbon completed comprehensive zoning amendments to their Town Zoning Ordinance. In 2012, the owners of the subject property were advised by the Town of Lisbon to contact the Planning and Zoning Division relative to the owners' concern that the use of their property was now legal non-conforming. Although the town zoning ordinance at the time the units were developed did not specifically list the mini storage use, a determination was made to allow mini storage (self service storage) in the B-2 zoning district. With the adoption of the new Town Zoning Ordinance, mini storage is a permitted use in the B-3 District but not the B-2 District. The subject property that the mini storage unites are located in is currently zoned B-2. Therefore, the owners have requested to rezone their property to B-3 to comply with the new zoning ordinance even though the Wisconsin State Statutes Chapter 59.69(10m) afford protection, in the case of an unfortunate event, for the restoration of legal non-conforming structures to their previous status.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The request is compatible with the zoning to the northwest of the subject property as well as the Town and County Comprehensive Development Plans. In addition, the existing use is in compliance with the recently adopted Town Zoning Ordinance.

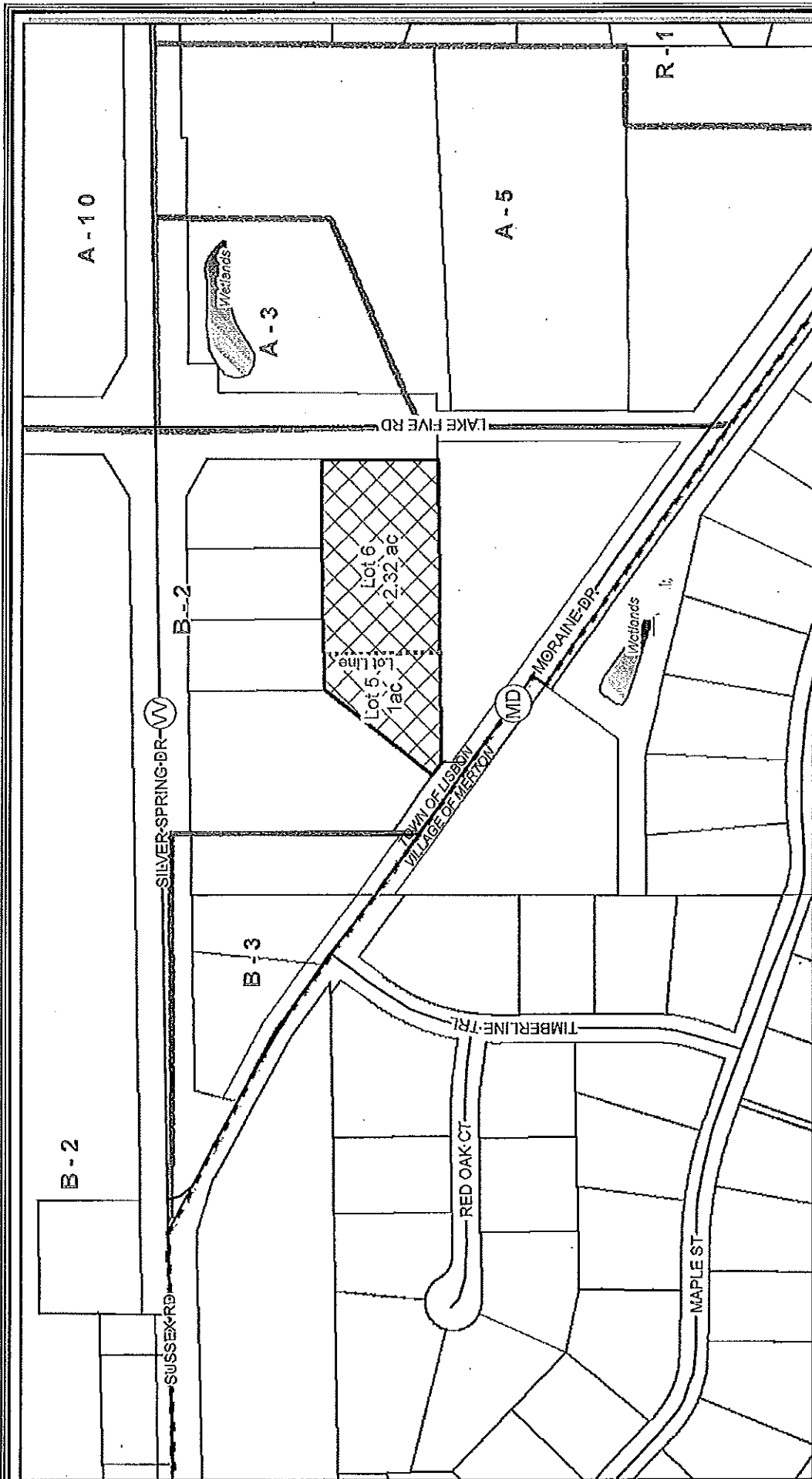
Respectfully submitted,


Sandra L Scherer

Sandy Scherer
Senior Planner

Attachments: Map
Ordinance

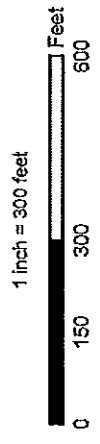
NAPRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1758 Fillinger Ist.doc



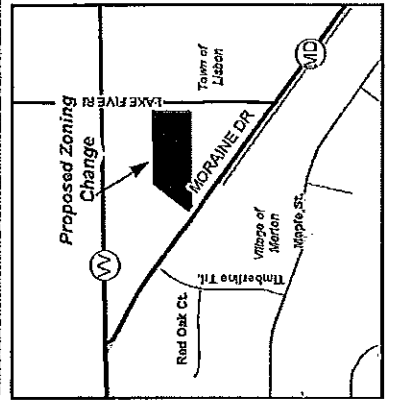
 TOWN ZONING CHANGE FROM B-2 LOCAL BUSINESS DISTRICT TO B-3 GENERAL BUSINESS DISTRICT (3.33 AC)
 FILE.....ZT-1758
 DATE.....7/18/13
 AREA OF CHANGE.....3.33 ACRES
 TAX KEY NUMBER.....LSBT 0219.994.007

ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 19
TOWN OF LISBON



Prepared by the Waukesha County Department of Parks and Land Use



ORDINANCE 03-13

STATE OF WISCONSIN: TOWN OF LISBON: WAUKESHA COUNTY

**ORDINANCE REZONING THE FILLINGER PROPERTY FROM THE B-2
LOCAL BUSINESS DISTRICT TO THE B-3 GENERAL BUSINESS DISTRICT
ZONING CLASSIFICATION IN THE TOWN OF LISBON, WAUKESHA
COUNTY, WISCONSIN**

Whereas, Jeffrey and Mary Fillinger property was not zoned to its existing use with the general rezoning completed in 2010, as was the intent for real property in the Town of Lisbon; and

Whereas, the change in zoning will make the property compatible with its existing use; 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 B-2 Local Business District to B-3 General Business District:


Part of the SW ¼ of SEC 19 T8N, R19E, Lots 5 & 6 of Certified Survey
7351 VOL 62/199, 3.316 acres.
Tax Key LSBT 0219-994-007 in the Town of Lisbon.

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

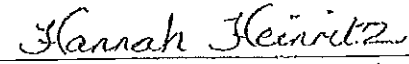
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

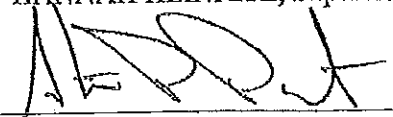
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 13th day of May, 2013.

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:

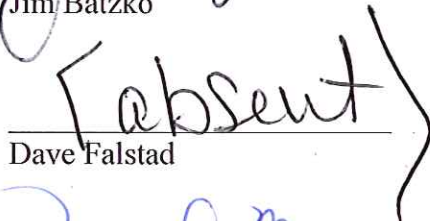
BY: 
JENNIFER MNSCHE, Town Clerk


AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 19, T8N, R18E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE B-2 LOCAL BUSINESS DISTRICT TO THE B-3 GENERAL BUSINESS DISTRICT (ZT-1758)


Presented by:
Land Use, Parks, and Environment Committee

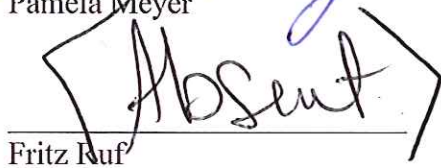

James A. Heinrich, Chair


Jim Batzko


Dave Falstad



Walter Kolb


Pamela Meyer

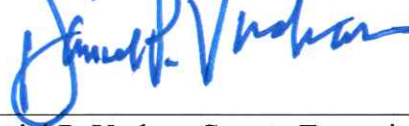

Fritz Kauf


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: 8/27/13, 
Kathleen Novack, County Clerk

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

Approved: _____
Vetoed: _____
Date: 9-4-13, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/27/13

(ORD) NUMBER-1680033

- 1 C. SLATTERY.....AYE
- 3 R. MORRIS.....AYE
- 5 J. BRANDTJEN.....AYE
- 7 J. GRANT.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....
- 13 P. DECKER.....AYE
- 15 W. KOLB.....AYE
- 17 D. PAULSON.....AYE
- 19 C. CUMMINGS.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 K. HAMMITT.....AYE
- 25 G. YERKE.....AYE

- 2 D. FALSTAD.....AYE
- 4 J. BATZKO.....AYE
- 6 J. JESKEWITZ.....AYE
- 8 P. HAUKOHL.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 P. MEYER.....AYE
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....AYE
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....AYE
- 24 D. DRAEGER.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-24