

ENROLLED ORDINANCE 173-025

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE W ½
OF THE NE ¼ OF SECTION 19, T8N, R19E, TOWN OF LISBON, WAUKESHA
COUNTY, WISCONSIN, TO ESTABLISH A PLANNED UNIT
DEVELOPMENT OVERLAY DISTRICT (RZ12)

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 29, 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 conditionally rezone and establish a Planned Unit Development Overlay District, for certain lands located in part of the W ½ of the NE ¼ of Section 19, 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 RZ12, is hereby approved, subject to the following conditions:

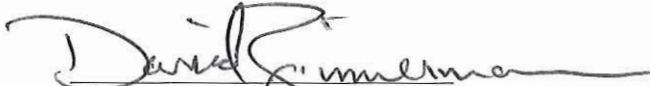
1. The number of Single Family Residential Dwelling Units shall not exceed fifty-two (52) units.
2. The minimum lot size shall be not less than one half (1/2) acre for any Single Family Residential Unit.
3. The minimum lot size, lot width, public road set back, and yard set backs may be modified from those minimum requirements contained in the underlying R-1 Suburban Single Family Residential Zoning Classification, such reductions, if any, to be determined by the Plan Commission and Town Board upon review and approval of a specific development plan.
4. This Zoning Ordinance is contingent upon the approval, not later than December 31, 2018, of a Specific Development Plan as required by the Town Zoning Code of the Town of Lisbon. In the event a Specific Development Plan implementing the Planned Unit Development authorized by this Ordinance is not adopted and approved by the Town Board on or before December 31, 2018, then this Ordinance shall lapse and the right to develop the Property as a Planned Unit Development under the terms of this Ordinance shall automatically terminate.


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
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE W 1/2
OF THE NE 1/4 OF SECTION 19, T8N, R19E, TOWN OF LISBON, WAUKESHA
COUNTY, WISCONSIN, TO ESTABLISH A PLANNED UNIT
DEVELOPMENT OVERLAY DISTRICT (RZ12)

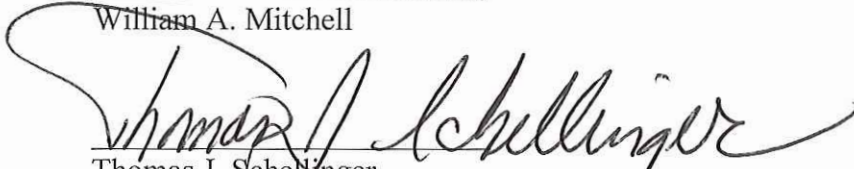
Presented by:
Land Use, Parks, and Environment Committee

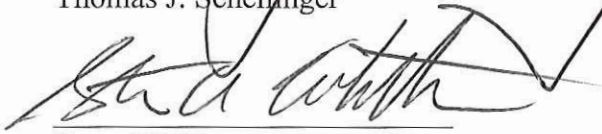

David D. Zimmermann, Chair



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: 7/24/18, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____


Date: 7/30/18, 
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 **RZ12 (Meissner Family Farm LLC/Miller Marriott Construction Co.-Barnwood Conservancy)** in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION


June 21, 2018


Richard Morris, Chairperson

Absent
William Mitchell


Robert Peregrine


James Siepmann


William Maslowski

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

DATE: June 21, 2018

FILE NO.: RZ12

OWNER: Meissner Family Farm, LLC.
c/o Darlene Igl
140 North Prairie Drive
Oconomowoc, WI 53066

APPLICANT: Chris Miller
Miller Marriott Construction Co.
249 Pawling Avenue, Suite 201
Hartland, WI 53029

TAX KEY NO.: LSBT 0217.998

LOCATION:

The subject parcel is located in part of the W½ of the NE¼ of Section 19, T8N, R19E, Town of Lisbon. More specifically, the property is located at W274 N6942 Lake Five Road and contains approximately 78 acres.

EXISTING ZONING:

R-1 Suburban Single Family Residential District (minimum lot size one acre, minimum lot width 150 feet, unsewered), and C-1 Conservancy

PROPOSED ZONING:

To establish a PUD Overlay District through the submittal of a General Development Plan required by the Town of Lisbon Zoning Ordinance.

EXISTING USES:

Residential and agricultural

REQUESTED USES:

To divide the property into 52 subdivision lots. The preliminary plat is a mix of several conventional lots with the remainder of the property being developed as a Planned Unit Development including common open space (41.8%) with a park and proposed pavilion and multi-use trails throughout the development. It is the intent of the developers to comply with the Comprehensive Development Plan requirements of the Town and the County, the recently approved underlying zoning, except as may be modified by the recently approved Planned Unit Development requirements of the Town's Overlay District which is being requested herein specifically for this property, as well as the platting regulations of all agencies required to review the subdivision plat.

PUBLIC HEARING DATE: May 10, 2018

PUBLIC COMMENT:

One citizen spoke in favor of the proposal and appreciated that the developer changed their original plan to blend the new and existing lots.

TOWN PLAN COMMISSION ACTION:

On May 10, 2018, the Plan Commission unanimously recommended approval of the rezoning request to the Town Board and Waukesha County.

TOWN BOARD ACTION:

On May 29, 2018, the Lisbon Town Board of Supervisors approved Ordinance No. 07-18 specific to the subject rezoning request by a vote of 4 to 1.

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

Both the Town of Lisbon and Waukesha County Comprehensive Development Plans designate the subject property as Low Density Residential allowing 20,000 square feet to 1.4 acres of area per dwelling unit. There is also a small area of Open Lands to be Preserved in the southeast corner of the property. The proposed overlay district will be consistent with the purpose and intent of the Town and County Comprehensive Development Plans as the proposed development will meet the density required and the Open Lands to be Preserved will be preserved as part of an outlot.

STAFF ANALYSIS:

The subject property is located on the northeast corner of C.T.H. "VV" and Lake Five Road and contains an area of hydric soils in the southern portion of the property. There are also two very small pockets of steep slopes along the east property line. A 78-acre subdivision development is proposed on the former farmland, and in addition to compliance with this rezone request, the developers must comply with the Town and County Comprehensive Development Plans (CDPs) which requires 40% open space, the Town's general Planned Unit Development (PUD) Overlay requirements, and the subdivision platting requirements of all agencies required to review the subdivision plat. As noted above, the proposed overlay district will be consistent with the Town and County CDPs. The subdivision plat is being considered by the appropriate governing agencies and would be contingent upon the approval of this overlay district request. It should be noted the C-1 Conservancy zoned land has been determined by the WDNR not to be wetland.

All of the adjoining land surrounding this parcel is developed, and much of it is zoned R-1 Residential - to the east, southeast, and north. Village of Merton land lies to the west across Lake Five Road and is also zoned R-1 under the Village's Zoning Code, and two parcels zoned A-5 Mini-Farm and A-3 Agricultural/Residential Estate (in the Town) lie to the south across CTH VV. The entire area on the CDP is designated as Low Density Residential from three quarters of a mile up to two miles in any direction from the subject parcel, except for some sporadic commercial mainly along CTH VV to the west and a small area of Rural Density (5 acre) to the south of CTH VV (approximately 80 developed acres).

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this request in accordance with the Town of Lisbon's adopted Ordinance approving the same. The proposed overlay district complies with the Town and County CDPs. Therefore, this proposed overlay district will be consistent with the existing residential uses in the area. The rezone will allow for the development of a subdivision as infill between existing subdivisions, partially as a PUD design, which will allow for the retention of beneficial common open space which complies with the

40% open space standard of the CDP, a trail system, and a creative living environment providing for variety in the physical development of the Town. Therefore, this zoning amendment is within the purpose and intent of the Town of Lisbon's Zoning Ordinance.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Senior Planner

Attachments: Town Ordinance 07-18
Development Plan page 1
Development Plan page 2
Rezone Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ12 Meissner Miller Marriott Ist.doc

Ord. 07-18

**AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT
OVERLAY ZONING CLASSIFICATION OF PROPERTY LOCATED
AT THE NORTHEAST CORNER OF LAKE FIVE ROAD AND
SILVER SPRING DRIVE (C.T.H. "VV"), LSBT 0217.998**

WHEREAS, the owner of the property located at the northeast corner of Lake Five Road and Silver Spring Drive (C.T.H. "VV"), identified by Tax Key No. LSBT 0217.998, and described more particularly on Exhibit A which is appended hereto and incorporated herein by reference, has requested that the Town of Lisbon establish a Planned Unit Development Overlay Zoning Classification, the purpose of which is to allow a development of the property as a Planned Unit Development, but consistent with the underlying R-1 Suburban Single Family Residential District and C-1 Conservancy/Wetland and Floodplain District Zoning Classifications; and,

WHEREAS, in accordance with the Zoning Code of the Town of Lisbon, the applicant has submitted a General Development Plan outlining the proposed development of the property; and,

WHEREAS, the Town Plan Commission, on May 10, 2018, considered the request for establishment of a Planned Unit Development Zoning District in accordance with the terms of the Development Plan, and after conducting a Public Hearing, has recommended to the Town Board that the Planned Unit Development Zoning Classification be established as it relates to the property;

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

SECTION 1: In accordance with a General Development Plan submitted by the Property owner, and incorporated in this Ordinance by reference, the Property described on Exhibit A may be developed as a Planned Unit Development, consistent with the underlying R-1 Suburban Single Family Residential District and C-1 Conservancy/Wetland and Floodplain District Zoning Classifications, subject to the following conditions:

- A. The number of Single Family Residential Dwelling Units shall not exceed fifty-two (52) units.
- B. The minimum lot size shall be not less than one half (1/2) acre for any Single Family Residential Unit.

RECEIVED

C. The minimum lot size, lot width, public road set back, and yard set backs may be modified from those minimum requirements contained in the underlying R-1 Suburban Single Family Residential Zoning Classification, such reductions, if any, to be determined by the Plan Commission and Town Board upon review and approval of a specific development plan.

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

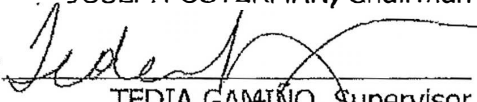
SECTION 3: This Ordinance shall become effective upon passage and publication as required by law, and upon satisfaction of the contingencies set forth in the Resolution of the Plan Commission which modified the Comprehensive Plan as referenced above.

SECTION 4: Notwithstanding anything contained in this Ordinance to the contrary, this Zoning Ordinance is contingent upon the approval, not later than December 31, 2018, of a Specific Development Plan as required by the Town Zoning Code of the Town of Lisbon. In the event a Specific Development Plan implementing the Planned Unit Development authorized by this Ordinance is not adopted and approved by the Town Board on or before December 31, 2018, then this Ordinance shall lapse and the right to develop the Property as a Planned Unit Development under the terms of this Ordinance shall automatically terminate.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 29th day of May, 2018.

**TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN**

BY: 
JOSEPH OSTERMAN, Chairman

BY: 
TEDIA GAMINO, Supervisor

BY: 
MARC MOONEN, Supervisor

BY: _____
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: *Gina C. Gresch*
Gina C. Gresch, MMC/WCPC
Town Clerk



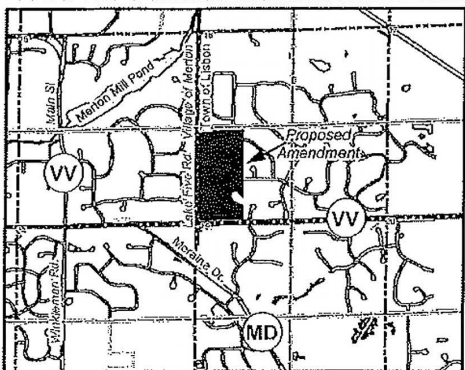
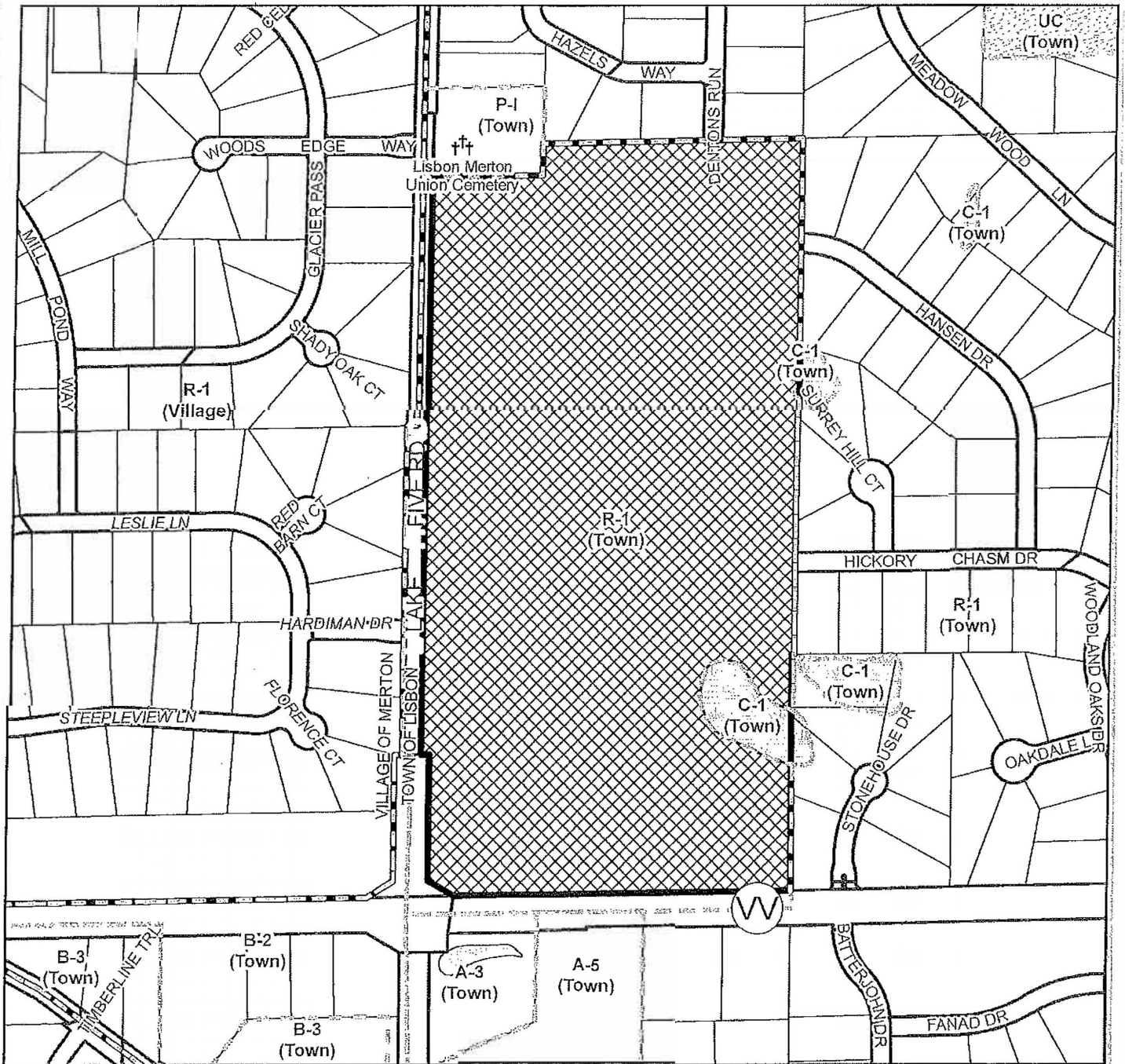
ORD 07-18

EXHIBIT A – LEGAL DESCRIPTION

W1/2 NE1/4 SEC 19 T8N R19E EX VOL 41/116 EX VOL 683/162 EX VOL 1062/254-258
DOC# 3126777 & DOC# 3126779 & DOC# 3126780 & DOC# 3126782

ZONING AMENDMENT

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

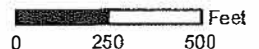


CONDITIONAL TOWN ZONING CHANGE FROM R-1 RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY

FILE NO. RZ12
 DATE OF PLAN COMMISSION06/21/18
 AREA OF CHANGE73.4 ACRES
 TAXKEY NUMBERLSBT 0217.998



1 inch = 500 feet



Prepared by the Waukesha County Department of Parks and Land Use

| | | | |
|-----------------|---------|-------------------|----------|
| D1 - Foti | AYE | D14 - Wood | AYE |
| D2 - Zimmermann | (M) AYE | D15 - Mitchell | AYE |
| D3 - Morris | AYE | D16 - Crowley | AYE |
| D4 - Batzko | (2) AYE | 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 | Notified |
| D11 - Howard | AYE | D24 - Whittow | AYE |
| D12 - Wolff | AYE | D25 - Johnson | AYE |
| D13 - Decker | AYE | | |

172-0-025

Passed (24 Y - 0 N - 1 Absent)

Majority Vote >