

ENROLLED ORDINANCE 172-031

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 5, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5 MINI-FARM DISTRICT TO THE A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT (ZT-1853)

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 July 24, 2017; 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.

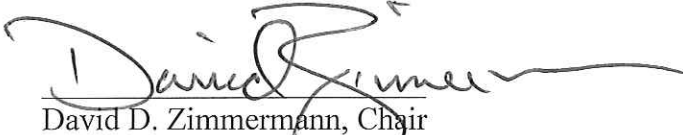
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to rezone from the A-5 Mini-Farm District to the A-3 Agricultural/Residential Estate District, certain lands located in part of the NE ¼ of Section 5, 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 ZT-1853, is hereby approved.

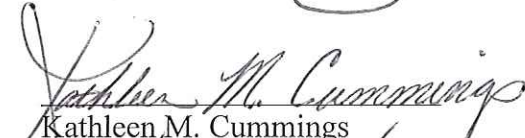
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

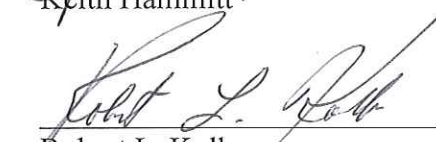
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 5, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5 MINI-FARM DISTRICT TO THE A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT (ZT-1853)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

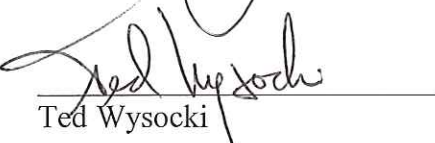

Kathleen M. Cummings


Keith Hammitt


Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: 9/26/17, 
Kathleen Novack, County Clerk

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

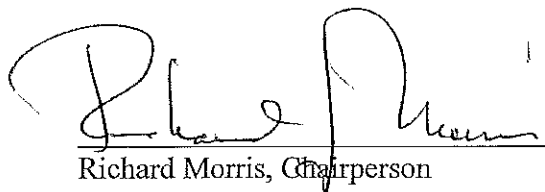
Approved: X
Vetoed: _____
Date: 10/3/17, 
Paul Farrow, County Executive

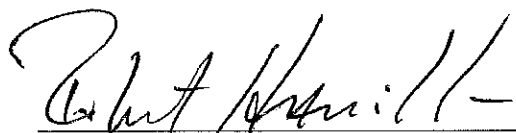
COMMISSION ACTION

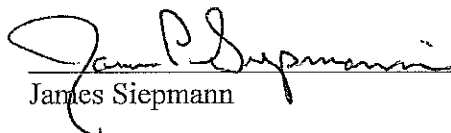
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code hereby recommends approval of **ZT-1853 (Candy Trem)** in accordance with the attached "Staff Report and Recommendation".

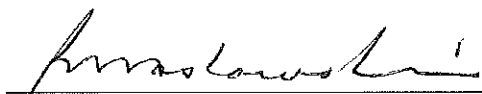
PARK AND PLANNING COMMISSION


August 17, 2017



Richard Morris, Chairperson


Robert Hamilton


James Siepmann


William Maslowski


Robert Peregrine (Absent)


William Mitchell (Absent)

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

DATE: August 17, 2017

FILE NO.: ZT-1853

TAX KEY NO.: LSBT 0161.987

APPLICANTS/OWNERS: Candy Trembl
N95 W26383 C.T.H. "Q"
Colgate, WI 53017

LOCATION:

Lot 1, Certified Survey Map No. 9950, Volume 92, Page 330, and also Outlot 2, Certified Survey Map No. 9308, Volume 84, Page 234, located in part of the NE ¼ of Section 5, T8N, R19E, Town of Lisbon. More specifically, the property is located at N95 W26383 C.T.H. "Q", containing approximately 8.3 acres.

EXISTING ZONING: A-5 Mini Farm District (Town), 5 acres, 300' width min.

PROPOSED ZONING:

A-3 Agricultural/Residential Estate District (Town), 3 acres, 200' width min.

EXISTING LAND USE: Residential, and agricultural (rented)

PROPOSED LAND USE:

Operation of a gift shop (handcrafted items, small upcycled furniture and vintage/antique items) with Conditional Use approval from an accessory building located on the property, possibly with occasional outdoor display and occasional special events with local artists and musicians.

PUBLIC HEARING DATE: July 13, 2017

PUBLIC COMMENT:

Two neighbors spoke in favor of the request, and one neighbor spoke in opposition to the request stating he abuts the subject property and shares a 30' x 30' access easement to C.T.H. "Q". He purchased the lot for future residential purposes. He is concerned about the use of the property and its effect on privacy, access, and property values, and also any adverse effects of parking, music, outdoor displays, and the future growth of the business on the site. Comments from the Washington County DPW, the Town Fire Marshal, Town Building Inspector and the County Environmental Health Division were also read into the record. The use of the property will be addressed through the Conditional Use and Site Plan/Plan of Operation process.

It should be noted that although the property is in the County's Shoreland zoning jurisdiction, the request did not require a zoning change at the County level. However, a Conditional Use and Site Plan/Plan of Operation will have to be approved by both the Town of Lisbon and Waukesha County.

TOWN PLAN COMMISSION ACTION:

On July 13, 2017, the Plan Commission unanimously recommended approval of the rezoning request to the Town Board.

TOWN BOARD ACTION:

On July 24, 2017, the Town Board unanimously approved Ordinance No. 09-17 specific to the subject request.

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

Both the Town of Lisbon and Waukesha County Comprehensive Development Plans designate the subject property as Rural Density and Other Agricultural Land, and the proposed rezoning is consistent with both plans as the proposed use is conditional in the Town's A-3 zoning district which is a transitional rural/agricultural and low density single family residential zoning district, and is conditional in the County's R-1 residential zoning district which also pyramids back to agricultural and open space uses in the code.

STAFF ANALYSIS:

The property abuts Lake Five and is split by C.T.H. "Q" into a lot and an outlot. It should be noted that the outlot is vacant and abuts Lake Five will be zoned C-1 Overlay (FEMA Floodplain) as soon as the recent amendments to the County zoning maps are approved (SZC-1841). The Town of Lisbon also recently adopted amendments to their zoning map and a similar change will be forthcoming for County approval to this area of the Town's zoning map in the form of Town comprehensive zoning map amendments as well. Therefore, the proposed request only needs to include rezoning the portion of the property on the south side of C.T.H. "Q" (Lot 1, CSM No. 9950) as the portion of the property to the north of C.T.H. "Q" (Outlot 2, CSM No. 9308) will be rezoned through the aforementioned map amendment processes. This issue was noted at the Town's public hearing on the matter as well.

The property on the south side of C.T.H. "Q" (the subject parcel) contains a residence, barn, shed, and the accessory building that would house the proposed gift shop. Approximately 3.1 acres of the western portion of the subject parcel is rented out for farming. There is a depressional area to the south of the buildings on the property that appears to be holding water and may be wetland. If anything is proposed in that area of the property in the future, a wetland delineation should be conducted to determine the status of the wetland prior to any plans being prepared. The subject property shares a 30' x 30' driveway access easement to C.T.H. "Q" with the property adjacent to the east, and then the driveway branches off for direct access to the subject parcel.

STAFF RECOMMENDATION:

Based on the above analysis, it is the opinion of the Planning and Zoning Division Staff that the request to rezone the property be **approved for the portion of the property to the south of C.T.H. "Q" (Lot 1, CSM No. 9950)**. The request is compatible with the zoning immediately to the east and also further to the southeast, southwest, and west, and complies with the Town and County Comprehensive Development Plans, and the proposed use will be in compliance with the Town's Zoning Ordinance.

Respectfully submitted,

Sandra L Scherer

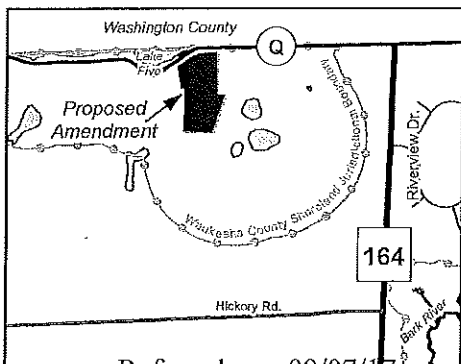
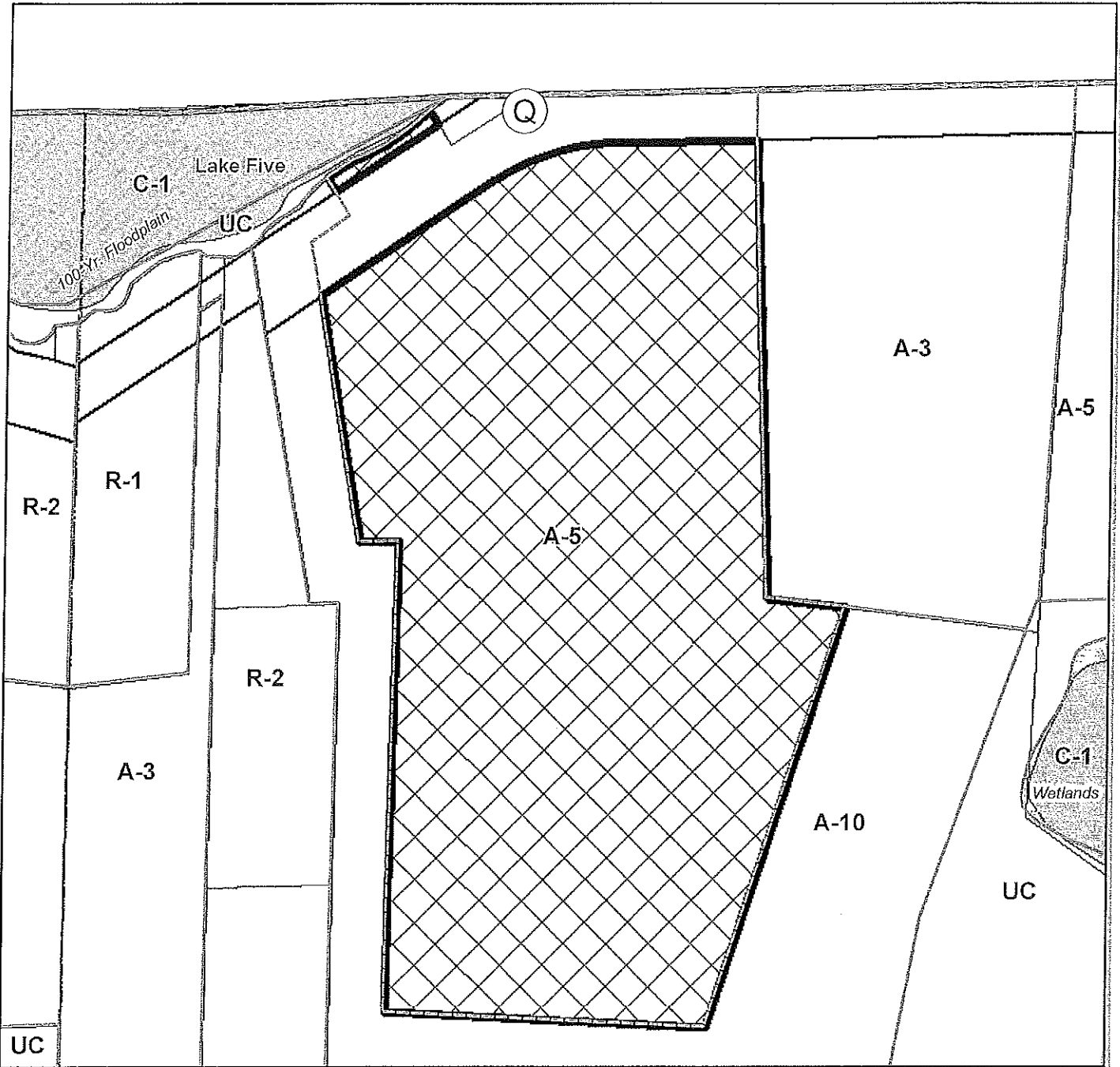
Sandy Scherer
Senior Planner

Attachments: Map
Ordinance

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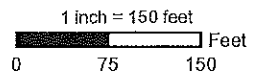
ZONING AMENDMENT

PART OF THE NE 1/4 OF SECTION 5
TOWN OF LISBON



TOWN ZONING CHANGE FROM A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT TO A-5 MINI-FARM DISTRICT

FILE NO.....ZT-1853
 PETITIONER.....CANDY TREML
 DATE OF PLAN COMM. CONSIDERATION.....08/17/17
 AREA OF CHANGE.....8.3 ACRES
 TAX KEY NUMBER.....LSBT 0161.987



Referred on: 09/07/17

Prepared by the Waukesha County Department of Parks and Land Use

File Number: 172-O-031

Referred to: LU

5

Ord. 09-17

ORDINANCE REZONING THE TREML PROPERTY FROM THE A-5 MINI FARM DISTRICT TO THE A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

WHEREAS, Candy Tremel petitioned the Town of Lisbon to rezone property from the A-5 Mini Farm District to the A-3 Agricultural/Residential Estate 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 held a Joint Public Hearing on the zoning change on July 13, 2017.

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 the A-5 Mini Farm District to the A-3 Agricultural/Residential Estate District:


LOT 1, CERTIFIED SURVEY MAP NO. 9950, VOLUME 92, PAGE 330, LOCATED IN THE NE 1/4 OF SECTION 5, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN. ALSO KNOWN AS PART OF TAX KEY NO. LSBT 0161.987.

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 July, 2017.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

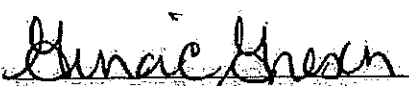
BY: _____
VACANT, Supervisor

BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: _____
REBECCA PLOTECHER, Supervisor

ATTEST:

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

D1 - Kolb	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 - Zaborowski	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	Notified	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

172-0-031

Passed (24 Y - 0 N - 1 Absent)

Majority Vote

