

ENROLLED ORDINANCE 174-040

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY CONDITIONALLY 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 R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY, C-1 CONSERVANCY ZONED LANDS WILL REMAIN UNCHANGED (RZ42)

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, 2019; 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 from the A-10 Agricultural District to the R-1 Suburban Single family Residential District with a Planned Unit Development Overlay, C-1 Conservancy zoned lands will remain unchanged, 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 RZ42, is hereby **approved**, subject to the following conditions:

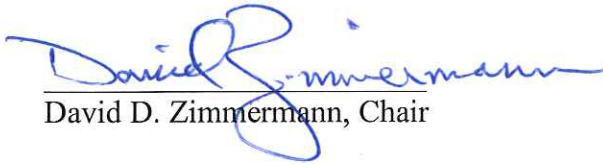
1. The number of Single-Family Residential Dwelling Units shall not exceed sixty-four (64) units.
2. The minimum lot sizes shall not be less than 30,000 square feet for any Single-Family Residential Unit.
3. The minimum required open space shall be 40% of the entire development site, less planned road dedications.
4. The minimum lot size, lot width, public road setback, and yard setbacks 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.
 - a. Reduction to 35' Front Yard setback
 - b. Reduction of minimum lot width to 110'.
5. The Specific Development Plan is prepared in substantial conformity with the approved General Development Plan – Concept Plan listed as Exhibit B.

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 S ½ OF SECTION 30, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY, C-1 CONSERVANCY ZONED LANDS WILL REMAIN UNCHANGED (RZ42)

Presented by:
Land Use, Parks, and Environment Committee

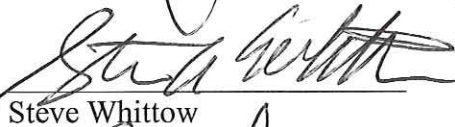

David D. Zimmermann, Chair

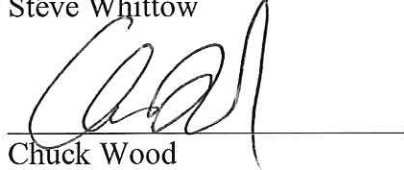
Absent
Kathleen M. Cummings

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 Waitman, County Clerk

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

Approved: X

Vetoed: _____

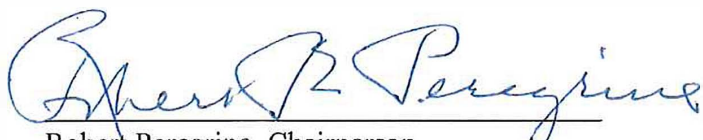
Date: 8/1/19, 
Paul Farrow, County Executive


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 (RZ42 Neumann Developments, Inc./Bowen Global) in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION

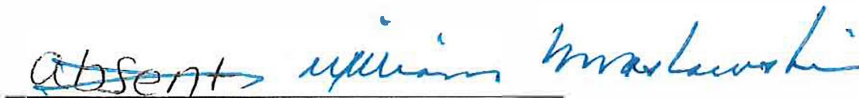
June 20, 2019


Robert Peregrine, Chairperson


William Mitchell, Vice Chairperson


James Siepmann


Richard Morris


William Maslowski


Thomas Michalski

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

DATE: June 20, 2019

FILE NO.: RZ42

OWNER: Bowen Global Investments
633 S. 4th Street, Suite 7
Las Vegas, NV 89101-6631

APPLICANT: Bryan Lindgren
Neumann Developments, Inc.
N27 W24025 Paul Court, Suite 100
Pewaukee, WI 53072

TAX KEY NO.: LSBT 0264.998.002

LOCATION:
Part of the S ½ of Section 30, T8N, R19E, Town of Lisbon. More specifically, the property is located north of CTH K and south of Ainsworth Road, containing approximately 106 acres, excluding the road rights-of way (ROWS).

EXISTING ZONING: A-10 Agricultural and C-1 Conservancy Districts (Town)

PROPOSED ZONING: R-1 Suburban Single Family Residential and C-1 Conservancy Districts with a Planned Unit Development Overlay and General Development Plan (GDP) (Town) (refer to rezone map attached).

EXISTING USE: Agricultural

REQUESTED USE: 64 lot single-family residential subdivision

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

The Waukesha County CDP currently designates the subject property as Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Other Open Lands to be Preserved. However, the applicant has a pending request to amend the County CDP to Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit) and Other Open Lands to be Preserved.

The Town of Lisbon recently amended their CDP from Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Other Open Lands to be Preserved to Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit) and Other Open Lands to be Preserved.

The applicant's request will comply with the Town and County (if approved) CDPs.

PUBLIC HEARING DATE: April 11, 2019

PUBLIC COMMENT:

A representative of the neighborhood association for Walnut Grove questioned the smaller lot sizes, based on the current zoning and comprehensive plan. A neighbor located southwest of the property stated he was not against the development but expressed concerns with the lower density of the lots ultimately affecting his property value. A property owner at the corner of Lisbon Road and CTH MD questioned whether the development would have a retention or detention pond.

The Town Planner and Plan Commission explained that the subdivision will be developed through a Planned Unit Development which allows for smaller lot sizes while preserving open space and the overall density. The value of the properties will be similar to that of other new development in Lisbon and the developer is working with an engineer on the stormwater.

TOWN PLAN COMMISSION ACTION:

On April 11, 2019, the Town of Lisbon Plan Commission unanimously approved the rezone request, PUD Overlay, and the General Development Plan with a recommendation to the Town Board and the Village of Merton Joint Plan Committee (JPC) of the same.

TOWN BOARD ACTION:

On May 13, 2019, the Town Board unanimously approved Ordinance No. 09-19 (attached) specific to the subject rezoning request and Ordinance No. 11-19 (attached) specific to the Planned Unit Overlay District and General Development Plan (concept plan) 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. The proposed 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.

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. The property contains wetland in the northeast corner of the property which the Town has zoned C-1.

The PUD would allow for a minimum lot size of 30,000 square feet, a minimum lot width of 110 feet, a 35 foot road setback (50 foot CTH K and Ainsworth), a 20 foot offset, and would have a minimum of 40% open space within the development. The PUD concept will provide for more efficient and flexible design while providing for stormwater management, subdivision amenities, and the preservation of open spaces, which lends to the retention of the rural character of the Town of Lisbon. The Town's PUD Overlay District first requires the submittal of a GDP, which has been approved by the Town as noted above. A Specific Development Plan is required to be submitted and approved by the Town within one year or the PUD automatically terminates.

It should be noted that drainage in the area was discussed at the Development Review Team meeting on February 5, 2019, at which the Civil Engineer for the Land Resources Division was present. In File Number: 174-O-041

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 stormwater and/or drainage for the area, 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 gun business and firing range Conditional Use located adjacent to the east of the subject parcel and this issue will also be addressed prior to the approval of a subdivision plat, pursuant to the town’s Conditional Use permit.

The lands adjoining this parcel are zoned as used, as would be the intent for this parcel: mainly R-1 Suburban Single Family Residential to the west; R-1, A-10 Agricultural, and PR Park and Recreation on the south side of CTH K; the Village of Merton on the north side of Ainsworth Road (one acre lots); A-5 Mini-Farm and A-10 to the east; and A-5 Mini Farm to the southwest.

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:

Based on the above analysis, the Planning and Zoning Division Staff recommends approval of the rezone request to R-1 Suburban Single Family Residential District and PUD Overlay District as conditioned by Town Ordinances 09-19 and 11-19. The conditions require a Specific Development Plan prepared in substantial conformity with the General Development Plan to be submitted to and approved by the Town of Lisbon no later than April 11, 2020 or the PUD shall automatically terminate, and a subdivision plat submitted to and approved by all required review entities.

As conditioned, the rezoning and PUD Overlay will serve to allow a subdivision to be developed as a PUD which will provide for a more creative and flexible design that preserves open space and protects natural resources, provides for improved stormwater management, and amenities such as interconnected trails and a playground. In addition, the zoning change and PUD Overlay will comply with the amended Town and County Comprehensive Development Plans and are within the purpose and intent of the Town of Lisbon’s Zoning Ordinance.

Respectfully submitted,

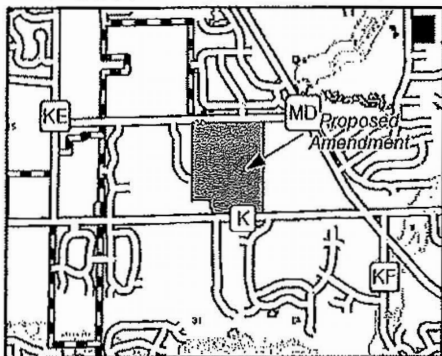
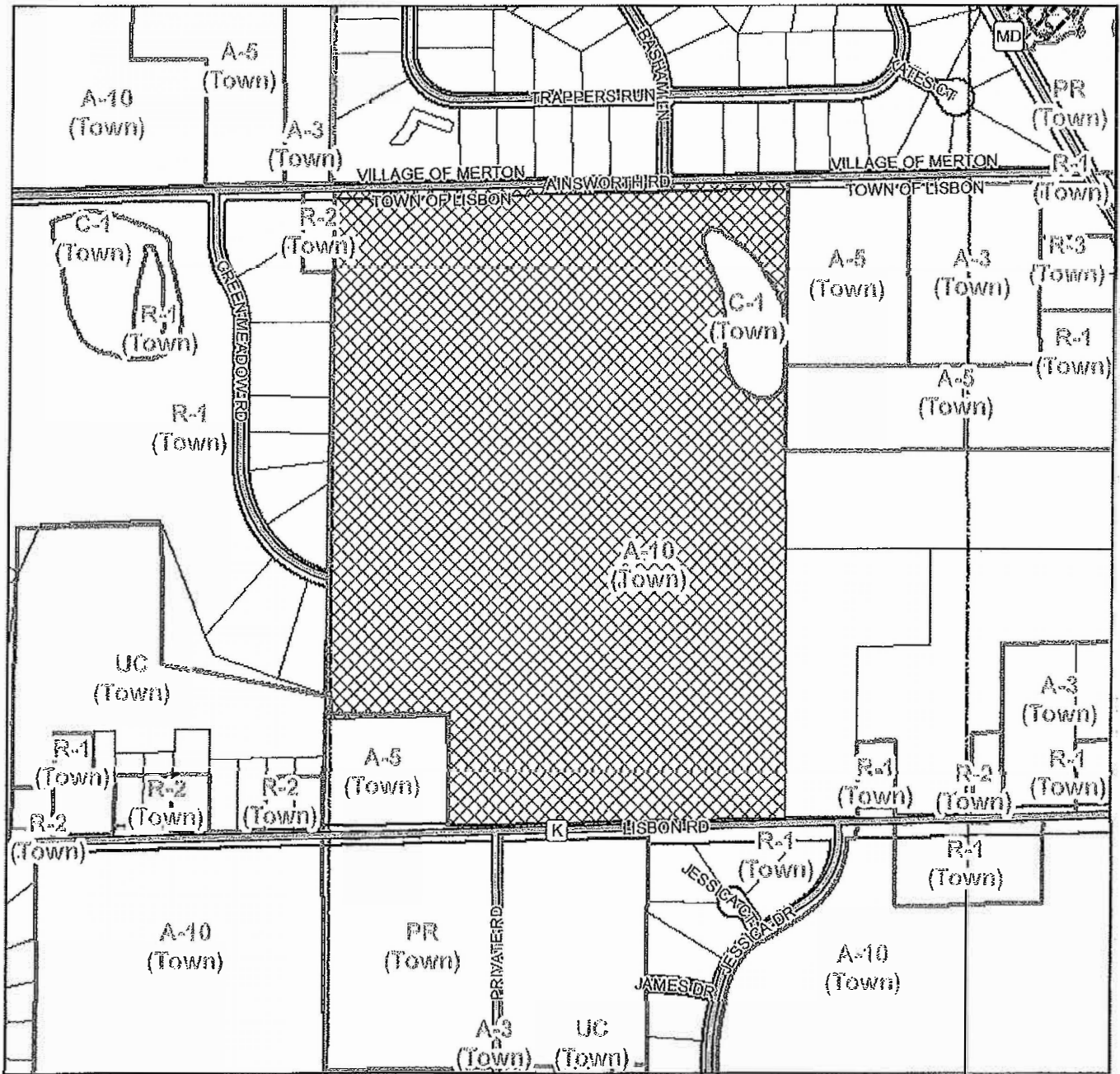



Sandy Scherer
Senior Planner

Attachments: Rezone Map
Town Ordinance 09-19
Town Ordinance 11-19

ZONING AMENDMENT

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

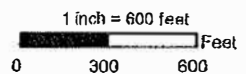


 TOWN ZONING AMENDMENT CHANGE FROM A-10 AGRICULTURAL DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT AND PUD OVERLAY DISTRICT (106 AC)

FILE.....RZ42
 DATE OF PLAN COMMISSION.....06/20/19
 AREA OF CHANGE.....106 ACRES
 TAX KEY NUMBER.....LSBT 0264.998.002



Prepared by the Waukesha County Department of Parks and Land Use



Ord. 09-19

ORDINANCE REZONING LSBT 0264.998, KNOWN AS THE "STOLZ PROPERTY", FROM A-10 AGRICULTURAL DISTRICT TO R-1 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

WHEREAS, property owner, Bowen Global Investments, petitioned the Town of Lisbon to rezone property described more specifically in Exhibit A from A-10 Agricultural District to R-1 Suburban Single-Family Residential District; and

WHEREAS, the change in zoning is contingent on an amendment to the Town of Lisbon Comprehensive Plan land use element from Rural Density and Other Agricultural Land & Other Open Lands to be Preserved to Suburban I Density Residential and Other Open Lands to be Preserved; and

WHEREAS, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, April 11, 2019.

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 A-10 Agricultural District to R-1 Suburban Single-Family Residential District and Planned Unit Development Overlay District:

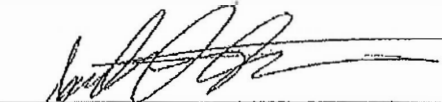
PT S1/2 SEC 30 T8N R19E; COM W 757.0 FT FROM E1/4 COR; S 2649.0 FT; W 1910.5 FT; N 2653.0 FT; E 1875.0 FT TO BGN DOC# 4101209
LSBT 0264.998

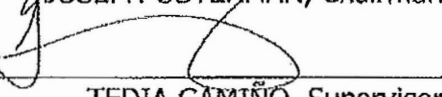
SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

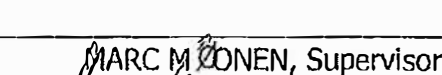
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

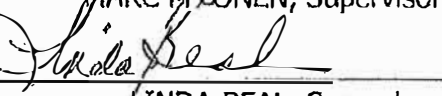
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County,
Wisconsin this 13th day of May, 2019.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman


BY: 
TEDIA GAMINO, Supervisor

BY: 
MARC M. CONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: 
Dan Green, WCMC
Town Clerk



STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

Ord. 11-19

AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT OVERLAY ZONING CLASSIFICATION FOR LSBT 0264.998, KNOWN AS THE "STOLZ PROPERTY"

WHEREAS, property owner, Bowen Global Investments, for LSBT 0264.998, 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 proposed underlying R-1 Suburban Single Family Residential District.

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 April 11, 2019, 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 sixty-four (64) units.
- B. The minimum lot size shall be not less than 30,000 square feet for any Single-Family Residential Unit.
- C. The minimum required open space shall be 40% of the entire development site, less planned road dedications.

- D. The minimum lot size, lot width, public road set back, and yard setbacks 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.
 - 1. Reduction to 35' Front Yard setback.
 - 2. Reduction of minimum lot width to 110'.

- E. The Specific Development Plan is prepared in substantial conformity with the approved General Development Plan – Concept Plan listed as Exhibit B.


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

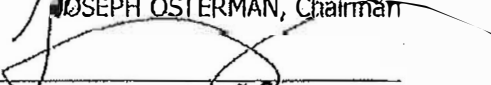
SECTION 3: This Ordinance shall become effective upon passage and publication as required by law and upon satisfaction of any the contingencies set forth by Resolution of the Plan Commission.

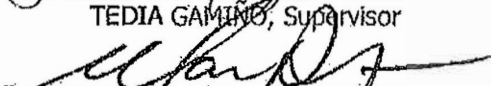
SECTION 4: Notwithstanding anything contained in this Ordinance to the contrary, this Zoning Ordinance is contingent upon the approval, not later than April 11, 2020, of a Specific Development Plan as required by the Town Zoning Code of the Town of Lisbon. In the event a Specific Development Plan implementing the Planned Unit Development authorized by this Ordinance is not adopted and approved by the Town Board on or before April 11, 2020, 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 day this 13th day of May, 2019.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

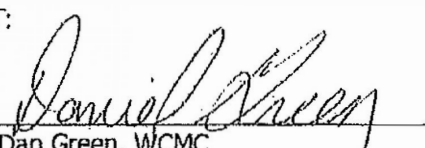
BY: 
TEDIA GAMINO, Supervisor

BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: 
Dan Green, WCMC
Town Clerk



REZONING EXHIBIT "B"

LANDS TO BE REZONED TO "R-1" (PUD)

LEGAL DESCRIPTION:

All that part of the Southeast 1/4 and the Southwest 1/4 of Section 30, Town 8 North, Range 19 East, in the Town of Lisbon, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northeast corner of said Southeast 1/4; Thence South 88°49'11" West along the North line of said Southeast 1/4, 757.00 feet to the place of beginning of lands hereinafter described;

Thence South 00°15'26" East and parallel with the East line of said Southeast 1/4, 2643.86 feet to a point on the South line of said Southeast 1/4; Thence South 88°39'17" West along said South line, 1397.19 feet to a point on the East line of a "Proposed Certified Survey Map"; Thence North 01°20'43" West along said East line, 483.82 feet to a point on the North line of said Certified Survey Map; Thence South 88°39'17" West along said North line, 499.44 feet to a point on the East line of "Walnut Grove Subdivision"; Thence North 00°32'17" East along said East line and it's extension, 2166.14 feet to a point on the North line of said Southeast 1/4; Thence North 88°49'11" East along said North line, 1875.64 feet to the point of beginning of this description.

Said Parcel contains 4,766,611 Square Feet (or 109.4263 Acres) of land, more or less.

Date: 2-25-19



A handwritten signature in black ink, appearing to read "Ted R. Indermuehle".

Ted R. Indermuehle, P.L.S.
Professional Land Surveyor, S-3119
TRIO ENGINEERING, LLC
12660 W. North Avenue, Building "D"
Brookfield, WI 53005
Phone: (262)790-1480 Fax: (262)790-1481

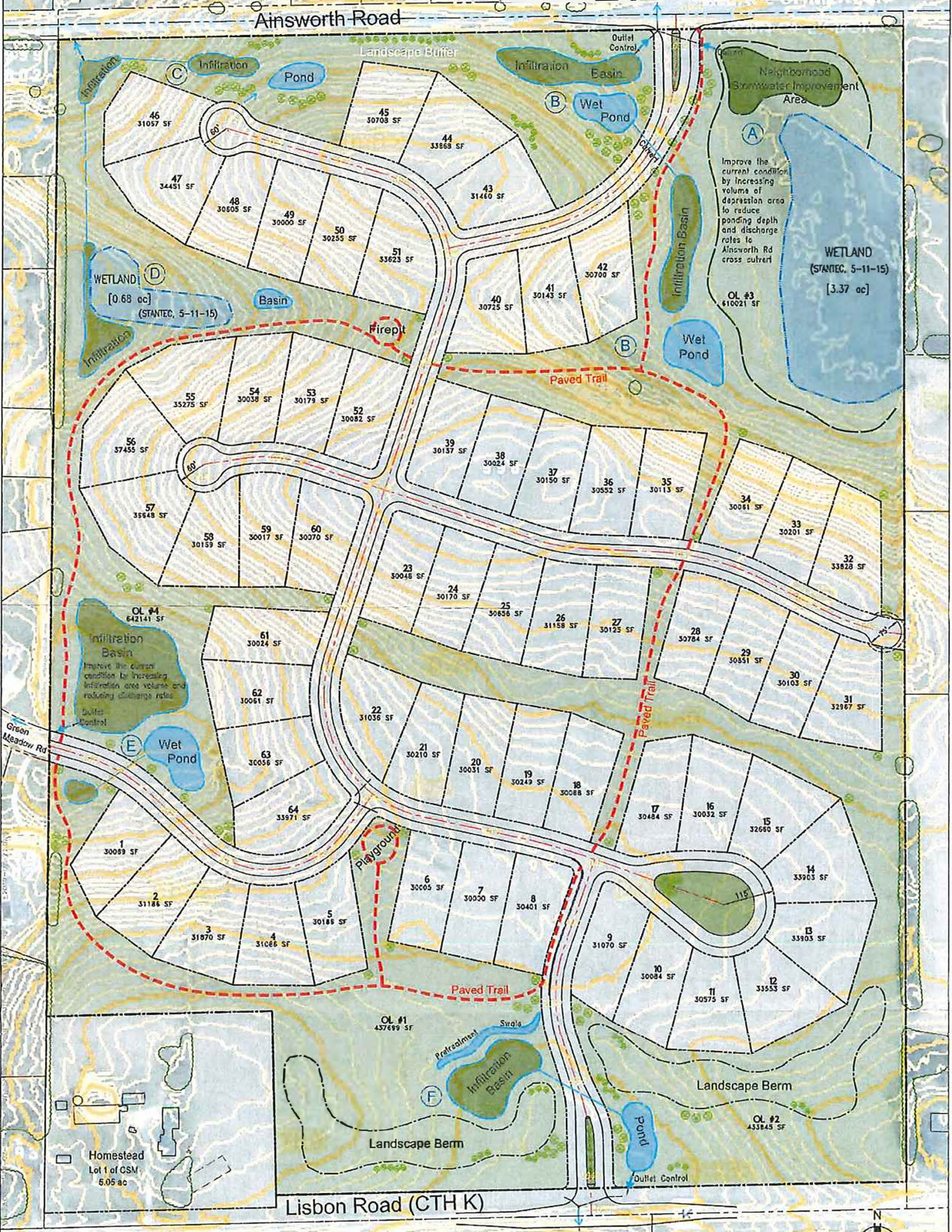


Data Summary Table - Exhibit B
64 Lot Conservation Subdivision

Total Area = 106.13 acres (with full 20W 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'	Outlet 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% [*Outlets 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-041

VOTE RESULTS: Passed By Majority Vote

AYE: 20 NAY: 0

ABSENT: 5

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