

ENROLLED ORDINANCE 174-022

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 6, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-3 AGRICULTURAL RESIDENTIAL ESTATE DISTRICT TO THE R-1 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT (RZ38)

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 Monday, March 25, 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 rezone from the A-3 Agricultural District to the R-1 Suburban Single-Family Residential District, certain lands located in part of the SW ¼ of Section 6, 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 RZ38, 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.

**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 RZ38 in accordance with the attached "Staff Report and Recommendation".

**PARK AND PLANNING COMMISSION**

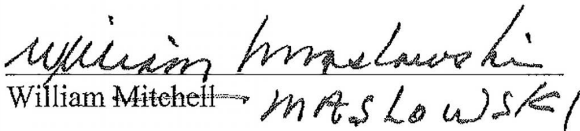
**April 18, 2019**

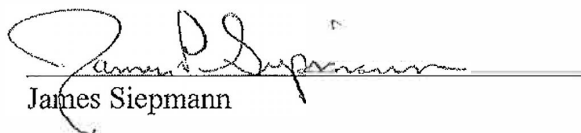
  
Robert Peregrine, Chairperson

  
William Mitchell, Vice Chairperson

  
Thomas Michalski

Absent  
Richard Morris

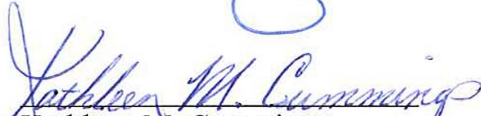
  
William Mitchell → MASLOWSKI

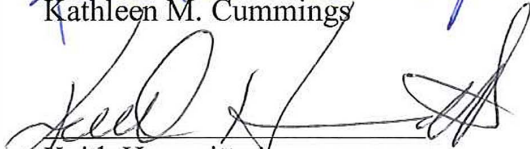
  
James Siepmann

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 6, T8N,  
R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-3  
AGRICULTURAL RESIDENTIAL ESTATE DISTRICT TO THE R-1 SUBURBAN  
SINGLE-FAMILY RESIDENTIAL DISTRICT (RZ38)

Presented by:  
Land Use, Parks, and Environment Committee

  
David D. Zimmermann, Chair

  
Kathleen M. Cummings

  
Keith Hammitt

  
William A. Mitchell

absent  
Thomas J. Schellinger

  
Steve Whittow

absent  
Chuck Wood

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

Date: 5/30/19,   
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 5/30/19,   
Paul Farrow, County Executive

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

**DATE:** April 18, 2019

**FILE NO.:** RZ38

**OWNER:** Donald and Eileen Dlobik  
W275 N9101 Lake Five Road  
Hartland, WI 53029

**APPLICANT:** Mike Kaerek  
MK/S-EP, LLC.  
11600 West Lincoln Avenue  
West Allis, WI 53227

**TAX KEY NO.:** LSBT 0167.999.001

**LOCATION:**  
Part of the SW ¼ of Section 6, T8N, R19E, Town of Lisbon. More specifically, the property is located at W275 N9101 Lake Five Road, containing approximately 3 acres.

**EXISTING ZONING:** A-3 Agricultural Residential Estate District.

**PROPOSED ZONING:** R-1 Suburban Single-Family Residential District.

**EXISTING USES:**  
Residential (mini-farm).

**PROPOSED USES:**  
Residential (subdivision proposed in conjunction with development of adjacent lands).

**PUBLIC HEARING DATE:**  
March 14, 2019.

**PUBLIC COMMENT:**  
None.

**TOWN PLAN COMMISSION ACTION:**  
On March 14, 2019, the Town of Lisbon Plan Commission unanimously approved the rezone request.

**TOWN BOARD ACTION:**  
On March 25, 2019, the Town Board unanimously approved Ordinance No. 08-19 (attached) specific to the subject rezoning request.

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

The Waukesha County and Town of Lisbon CDP designate the subject property as Suburban Density I Residential, which calls for a density of 1.5 to 2.9 acres per dwelling unit. The proposal to rezone the lands complies with the plan range recommendations.

**STAFF ANALYSIS:**

The parcel to be rezoned contains a home and agricultural outbuildings. The lands are proposed to be platted as part of a 43-lot subdivision that will include the lands to the west. The entry to the subdivision from Lake Five Road is proposed to traverse the south part of the property and will match Red Fox Run to the east. The A-3 District is a three-acre district while the proposed R-1 category allows for one-acre minimum lots. There is a concurrent proposal pending for the farm acreage to the west that would also bring those lands into the R-1 District.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this rezone request in accordance with the Town of Lisbon's adopted Ordinance (08-19) approving the same. The proposed zoning change brings the property into a category that is consistent with plan recommendations.

Respectfully submitted,

*Jason Fruth*

Jason Fruth

Planning and Zoning Manager

Attachments: Town Ordinance 08-19  
Map

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STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

Ord. 08-19

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**ORDINANCE REZONING LSBT 0167.999.001, FROM A-3  
AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT TO R-1 SUBURBAN  
SINGLE-FAMILY RESIDENTIAL DISTRICT IN THE TOWN OF LISBON,  
WAUKESHA COUNTY, WISCONSIN**

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**WHEREAS**, Property owner Mike Kaerek, on behalf of Donald and Eileen Dlobik, petitioned the Town of Lisbon to rezone property from A-3 Agricultural/Residential Estate District to R-1 Suburban Single-Family Residential District, to be incorporated with the land known as the "Haass Property" to be developed into a subdivision; 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 of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, March 14, 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-3 Agricultural/Residential Estate District to R-1 Suburban Single Family Residential District:


CERT SURV 5137 VOL 42/75 EX HY 3.00 AC PT SW1/4 SEC 6 T8N R19E R856/726  
ALSO KNOWN AS LSBT 0167.999.001

**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.

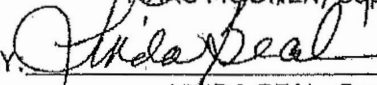
**PASSED AND ADOPTED** by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 25th day of March, 2019.

TOWN BOARD, TOWN OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY:   
JOSEPH OSTERMAN, Chairman

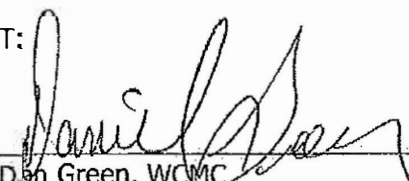
BY: absent  
TEDIA GAMIÑO, Supervisor

BY:   
MARC MOONEN, Supervisor

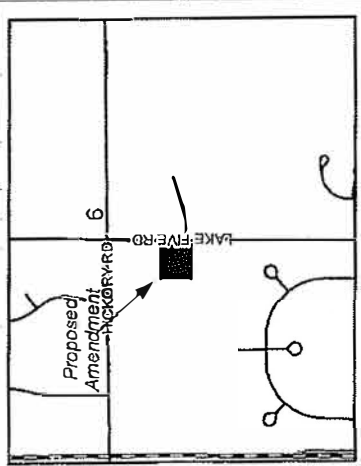
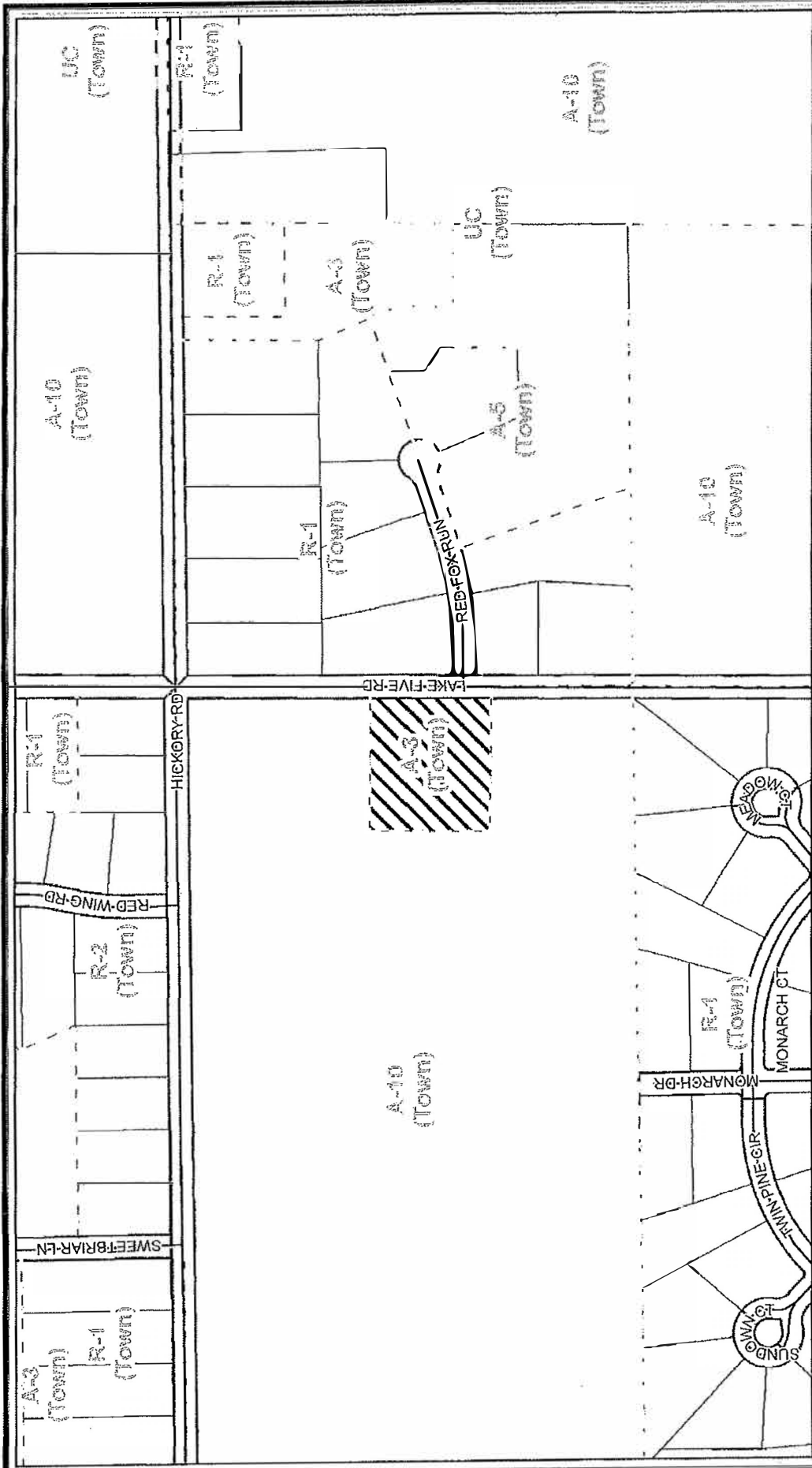
BY:   
LINDA BEAL, Supervisor

BY: absent  
REBECCA PLOTECHER, Supervisor

ATTEST:

BY:   
Dan Green, WCMC  
Town Clerk





**TOWN ZONING AMENDMENT FROM FROM A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT**

Wetlands Overlay  
Environmental Corridor Overlay

FILE.....RZ38  
DATE OF PLAN COMMISSION.....4/18/19  
AREA OF CHANGE.....3 ACRES  
TAX KEY NUMBER.....LSBT 0167.999.001

1 inch = 400 feet  
0 200 400 Feet

Prepared by the Waukesha County Department of Parks and Land Use

**ZONING AMENDMENT**

PART OF THE SW 1/4 SECTION 6  
TOWN OF LISBON





# Voting Results for Ordinance 174-O-023

From The District Board, Vote Of The Board Of Supervisors, County Of Waukesha, Wisconsin, From The A-1 Agricultural Landbank, Open Space, To The A-1 Agricultural Landbank, Open Space, Ordinance 174-O-023

Passed By Majority Vote

AYE: 25 NAY: 0

ABSENT: 0

D1 - Foti		AYE
D2 - Zimmermann	Motion	AYE
D3 - Morris	Second	AYE
D4 - Batzko		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		AYE
D19 - Cummings		AYE
D20 - Schellinger		AYE
D21 - Gaughan		AYE
D22 - Wysocki		AYE
D23 - Hammitt		AYE
D24 - Whittow		AYE
D25 - Johnson		AYE