

ENROLLED ORDINANCE 176-49

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE W ½ AND NW ¼ OF SECTION 2, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT (RZ80)

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 24, 2021; 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.

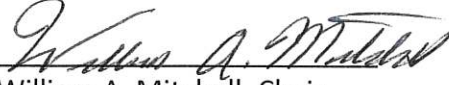
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to rezone from the A-10 Agricultural District to the R-2 Single Family Residential District, certain lands located in part of the W ½ and NW ¼ of Section 2, 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 RZ80, 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 W ½ AND NW ¼ OF SECTION 2, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT (RZ80)

Presented by:
Land Use, Parks, and Environment Committee

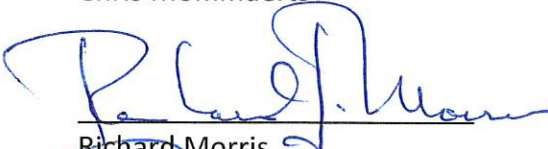

William A. Mitchell, Chair

Absent

Keith Hammitt


Thomas A. Michalski


Chris Mommaerts

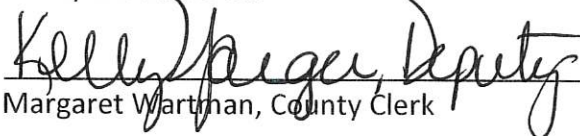

Richard Morris


Thomas J. Schellinger

Absent

Steve Whittow


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

Date: 8/27/21, 
Margaret Warthan, County Clerk

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

Approved: X

Vetoed: _____

Date: 8/30/2021, 
Paul Farrow, County Executive

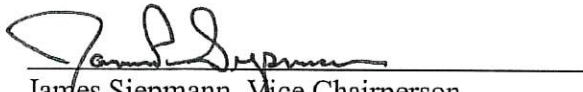
COMMISSION ACTION

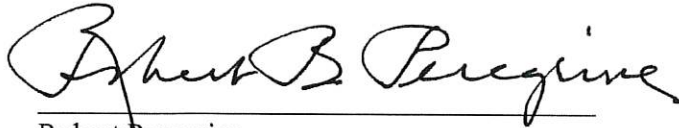
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Ordinance hereby recommends **approval** of **RZ80 (Kaerek_Riteway Bus)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

July 15, 2021


William Mitchell, Chairperson


James Siepmann, Vice Chairperson


Robert Peregrine

Absent

Richard Morris


Thomas Michalski


William Groskopf

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

DATE: July 15, 2021

FILE NO.: RZ80

OWNER: Riteway Bus, LLC
W201 N13900 Fond Du Lac Avenue
Richfield, WI 53076

APPLICANT: Mike Kaerek
Kaerek Homes, Inc.
11600 West Lincoln Avenue
West Allis, WI 53227

TAX KEY NO.: LSBT 0150.997

LOCATION:
Part of the W ½ and NW ¼ of Section 2, T8N, R19E, Town of Lisbon. More specifically, the property is located at N95 W23759 County Line Road, containing approximately 41.5 acres, excluding the road rights-of way (ROWS) and the portion of the property abutting CTH Q.

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

PROPOSED ZONING:
R-2 Single Family Residential District and C-1 Conservancy District (Town). Refer to the Rezone Map attached.

EXISTING USE(S): Agricultural and undeveloped

REQUESTED USE(S): 19 lot single family residential subdivision (refer to Concept Map attached)

PUBLIC HEARING DATE: January 14, 2021

PUBLIC COMMENT:
A person inquired as to how many houses would be in this development, what the lot sizes were and if there was a minimum size in the ordinances, and where she could find that information. Chairman Osterman noted that this particular development would have minimum one acre lots. He explained that all packet materials are posted on the Agendas and Minutes page of the Town of Lisbon website, and the packet contains all of the information that is available to the town at this time. Another person reiterated her objection to rezoning any Conservancy or Corridor land and opined that traffic in that area was of great concern as another resident stated earlier in the meeting. A person noted that he was more in favor of this proposal than the one that had been presented previously but expressed concerns with groundwater. Chairman Osterman read into the record written comments from Michael Kinlen which talked about the existing runoff issues in the area as there are no existing stormwater facilities and then asked how the new development would contribute to this existing problem since the existing culvert from Hyde Park Dr. and Mt. Vernon Dr. will direct water from the new development behind his home and into the wetland complex adjacent to his property causing additional runoff problems in this

area. He does not want things to worsen. *It should be noted that the conservancy zoning districts are not being amended herein.*

TOWN PLAN COMMISSION ACTION:

On January 25, 2021, the Town of Lisbon Plan Commission unanimously recommended approval of the rezone request, Ordinance No. 2021-04, to the Town Board, however, the Town inadvertently recommended rezoning the C-1 areas as well. On May 13, 2021, the Town of Lisbon Plan Commission unanimously recommended approval of the rezone request to the Town Board correcting the oversight, however the revised Ordinance is still under review by the Town Attorney.

TOWN BOARD ACTION:

On February 22, 2021, the Lisbon Town Board of Supervisors adopted Ordinance No. 2021-04 unanimously, however, the Town inadvertently rezoned the C-1 areas as well. On May 24, 2021, the Lisbon Town Board of Supervisors unanimously approved the request correcting the oversight, subject to review by the Town Attorney and recommendation to Waukesha County of the same. As noted above, the revised Ordinance is still under review by the Town Attorney.

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), Primary Environmental Corridor, 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), Primary Environmental Corridor, 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), Primary Environmental Corridor, and Other Open Lands to be Preserved to Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit), Primary Environmental Corridor, and Other Open Lands to be Preserved.

The applicant's request will comply with the Town and County CDPs, if the pending County amendment is approved.

Note: The portion of the property abutting CTH Q and designated as Low Density Residential on the CDP will be transferred to an adjoining property owner.

STAFF ANALYSIS:

The petitioner is proposing a nineteen lot single family residential subdivision on approximately 41.5 acres (excluding the road ROWs and portion of land abutting CTH Q) located south of CTH Q and east of North Road. The property contains pocket wetlands which are zoned C-1 Conservancy in the northwest part of the property as well as PEC and additional wetlands in the northwest corner of the property.

The proposed rezoning would allow for a minimum lot size of one acre and a minimum lot width of 150 feet which is similar to the existing subdivision zoning and land use adjacent to the east. The concept plan attached calls for two stormwater areas, a tot lot, as well as connecting roads to the existing subdivision to the east and to the vacant land to the south. As noted above, the portion of the property abutting CTH Q will be transferred to an adjoining property owner requiring a separate shoreland rezone and CSM approval from the Town and the County.

The lands adjoining the subject parcel are zoned R-1 Suburban Single Family Residential, C-1 Conservancy, and A-10 Agricultural to the south; A-10 Agricultural and Q-1 Quarrying on the west side of North Road; A-3 Agricultural/Residential Estate District and R-2 Single Family Residential District to the north, in addition to County shoreland zoning jurisdiction; and R-2 Single Family Residential District to the east.

The lands adjoining the subject parcel are designated on the Town and County CDPs as: Rural Density and Other Agricultural Land and Other Open Lands to be Preserved to the south; Extractive and PEC on the west side of North Road; Low Density Residential, PEC, and Rural Density and Other Agricultural Land to the north; and Low Density Residential to the east.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezoning request to the R-2 Single Family Residential District in accordance with the Town's approval subject to County Board approval of the County CDP amendment and receipt of the Town's revised Ordinance. The rezone will not be processed through LUPE and the County Board until the Town's revised Ordinance is received.

As conditioned, the rezoning will serve to provide for a nineteen lot subdivision to be developed that is compatible with the surrounding land uses, is consistent with the amended Town and County Comprehensive Development Plans and complies with the purpose and intent of the Town of Lisbon's Zoning Ordinance.

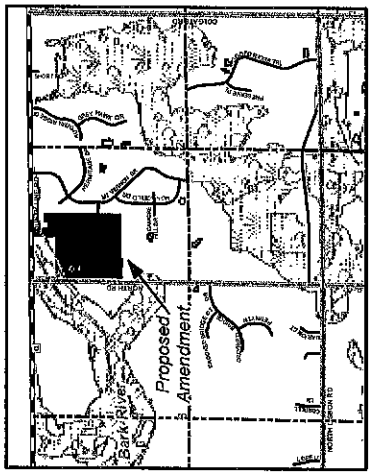
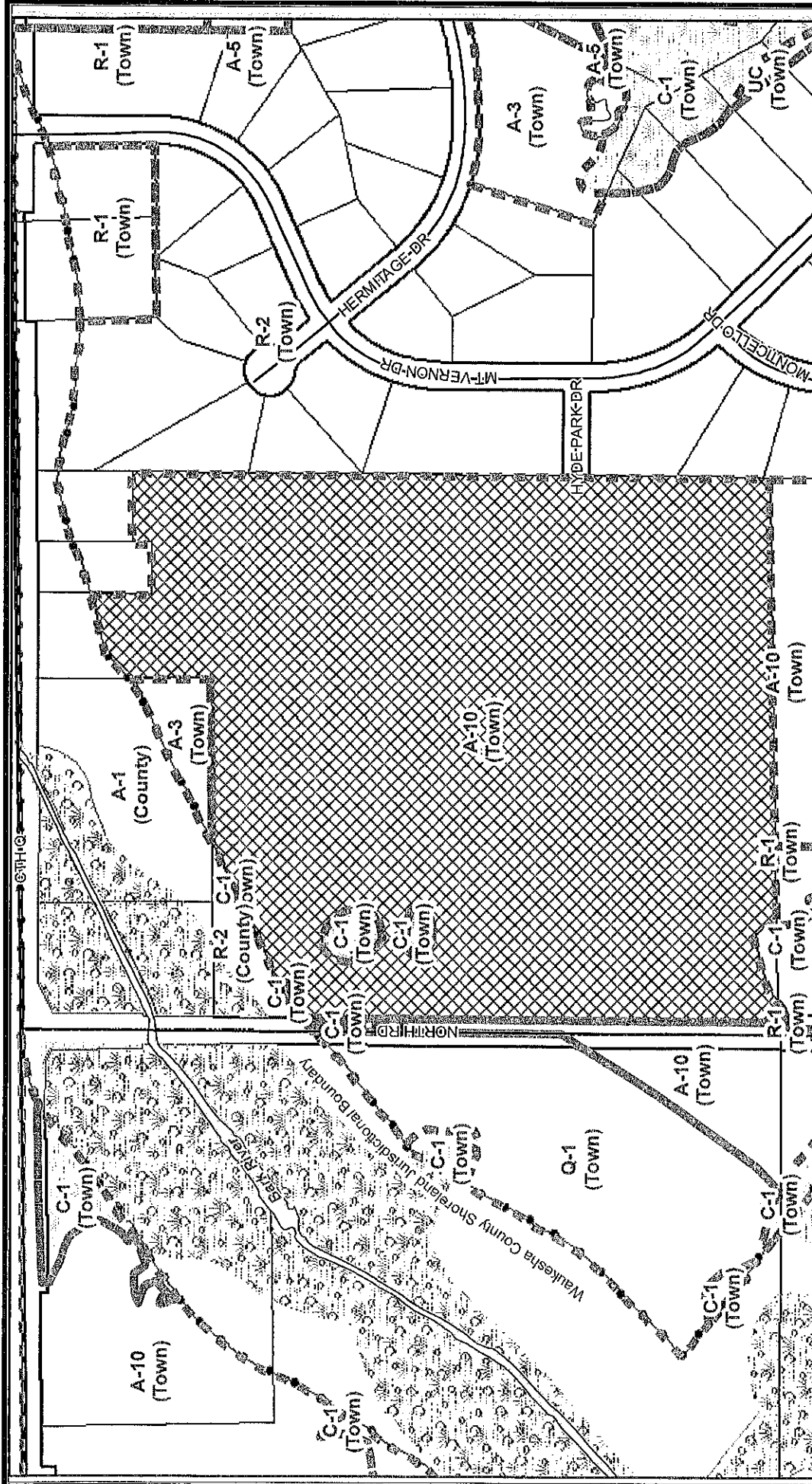
Respectfully submitted,

Sandra L Scherer

Sandy Scherer
Senior Planner

Attachments: Rezone Map
 Concept Map

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TOWN ZONING CHANGE FROM A-10 AGRICULTURAL DISTRICT TO R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

Wetlands Overlay
Environmental Corridor Overlay

FILE.....RZ80
DATE OF PLAN COMMISSION.....7/15/21
AREA OF CHANGE.....40.2 ACRES
TAX KEY NUMBER.....LSBT 0150.997

1 inch = 333 feet
0 150 300 Feet

Prepared by the Waukesha County Department of Parks and Land Use

ZONING AMENDMENT

PART OF THE NW 1/4 OF SECTION 2,
TOWN OF LISBON



SUMMARY

- Riteway Bus LLC Property (Proposed Bark River Preserve)
TKN: LSBT 0150997
Area: 43.7 acres +/- (need to verify by survey)
- Current Zoning : A-10 Agriculture & C-1 Conservancy Wetland (Town)
A-1, HG & Wetland Overlay (Co Shoreland)
- 2035 Land Use Plan: Rural Density & Other Ag Land (5.0-34.9 ac/du), Other Open Lands to be Preserved, PEC and Low Density Residential (20,000 SF-1.4 ac/du)
- Proposed Zoning: R-2 Single Family Residential (matches existing development to east)
Min Lot Size: 1 AC (unsewered)
Setback: 50'
Offset: 20'
Shore setback: 75'
Min 150' Average Width (unsewered)
- Proposed Land Use: Low Density Residential (20,000 SF-1.4 AC/DU) (matches exist development to east)
therefore w/ 43.7 AC +/- minus 1.2 ac +/- for ROW (North Rd and CTH Q) = 42.5 AC +/- divided by proposed 19 lots = Proposed 2.24 AC/DU
- North Road is a local road and County Line Road is CTH Q.
- Developer: MK/S-EP, LLC Attn: Mike Kaerek
11600 W Lincoln Ave
West Allis, WI 53227
- Engineer/Surveyor: Pinnacle Engineering Group Attn: Anthony Zanon
20725 Watertown Road, Suite 100
Brookfield, WI 53186

THERE IS AN EXISTING QUARRY LOCATED WEST OF NORTH ROAD
North proposed 33' ROW, controlled by Town of Lisbon

0 200.00 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Notes: **CONCEPT PLAN**
BARK RIVER PRESERVE
REV DECEMBER 21, 2020
PEG # 1778.00A-WI

Printed: 8/15/2019

ORDINANCE 2021-15

ORDINANCE REZONING APPROXIMATELY 42 ACRES OF UNPLATTED LANDS LOCATED ON COUNTY LINE ROAD, LSBT 0150.997, FROM A-10 AGRICULTURAL DISTRICT TO R-2 RESIDENTIAL DISTRICT, AND MAINTAINING THE C-1 CONSERVANCY OVERLAY AREAS, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

WHEREAS, Mike Kaerek on behalf of property owner Riteway Bus LLC previously requested to rezone property from the A-10 Agricultural District and C-1 Conservancy District to the R-2 Single-Family Residential District; and

WHEREAS, the requested change in zoning was consistent with the Town of Lisbon Comprehensive Land Use Plan; and

WHEREAS, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, January 14, 2021; and

WHEREAS, the owner wishes to maintain the C-1 Conservancy District areas; and

WHEREAS, the revised zoning change request is consistent with the Town of Lisbon Comprehensive Land Use Plan.

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

SECTION 1. The A-10 Agricultural areas of the following described property is hereby rezoned to R-2 Single-Family Residential, intentionally excluding the C-1 Conservancy areas:

W1/2 NW1/4 SEC 2 T8N R19E EX VOL 732/570 DEEDS EX VOL 811/493 DEEDS EX VOL 811/495 DEEDS
EX R110/203 EX HWY EX 4 FT STRIP EX CERT SURV 4373 DOC# 4063852 ALSO KNOWN AS LSBT
0150.997

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 by a majority vote of the full membership of the Town Board and publication or posting as required by law.

[Signatures to follow]

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 24 day of May, 2021.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: [Signature]
JOSEPH OSTERMAN, Chairman

BY: [Signature]
DOUG BRAHM, Supervisor

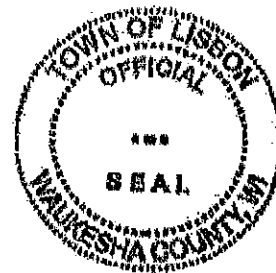
BY: [Signature]
MARC MODNEN, Supervisor

BY: [Signature]
LINDA BEAL, Supervisor

BY: [Signature]
REBECCA PLOTECHER, Supervisor

ATTEST:

[Signature]
Elisa M Cappozzo, WCMC
Lisbon Clerk



APPROVED AS TO FORM:


[Signature]
Town Attorney

VOTING RESULTS

AYE 23 NAY 0 ABSTAIN 0 ABSENT 2

Ordinance 176-O-052

Ordinance 176-O-052: Amend the District Zoning Ma...

 **Passed By Majority Vote**

D1 - Foti	AYE	D14 - Mommaerts	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	ABSENT
D7 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whitton	ABSENT
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

August 24 2021 - August 24 2021 07:07:46 PM

