

ENROLLED ORDINANCE 176-47

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF LISBON BY REZONING CERTAIN LANDS LOCATED IN PART OF THE W ½ AND THE NW ¼ OF SECTION 2, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (RZ81)

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 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Lisbon, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on April 9, 2010, is hereby amended to rezone from the A-1 Agricultural District to the R-2 Residential District, certain lands located in part of the W ½ and the NW ¼ of Section 2, 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 RZ81, is hereby approved.

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

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

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE
DISTRICT ZONING MAP OF THE TOWN OF LISBON BY REZONING CERTAIN LANDS LOCATED
IN PART OF THE W ½ AND THE NW ¼ OF SECTION 2, T8N, R19E, TOWN OF LISBON,
WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL
DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (RZ81)

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 Wartman, 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

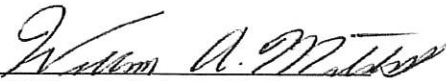

Paul Farrow, County Executive

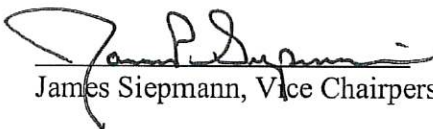
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends **approval** of **RZ81 (Kaerek_Riteway Bus)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

July 15, 2021

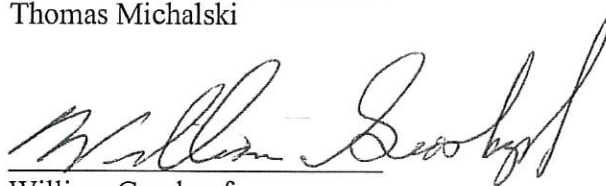

William Mitchell, Chairperson


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.: RZ81

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.

EXISTING ZONING:
A-1 Agricultural, HG High Groundwater, and C-1 Conservancy (wetland) Overlay Districts (County).

PROPOSED ZONING:
R-2 Residential District (HG High Groundwater and C-1 Conservancy will remain unchanged) (County). Refer to Rezone Map attached.

EXISTING USE(S): Agricultural and undeveloped

REQUESTED USE(S):
To divide approximately 1.15 acres of land and attach it to the adjacent neighboring property to the west. The larger parent parcel is currently a proposed nineteen lot single family residential subdivision (refer to Concept Map attached).

PUBLIC HEARING DATE: May 13, 2021

PUBLIC COMMENT: None.

TOWN PLAN COMMISSION ACTION:
On May 13, 2021, the Town of Lisbon Plan Commission unanimously recommended approval of the rezone request to the Town Board and Waukesha County.

TOWN BOARD ACTION:
On May 24, 2021, the Lisbon Town Board of Supervisors unanimously recommended approval of the rezone request to Waukesha County, subject to attorney review.

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

The Waukesha County and Town of Lisbon CDP's currently designate the portion of the property abutting CTH Q and to be transferred to an adjoining property owner (approximately 1.15 acres) as Low Density Residential on the CDP.

The remainder of the larger property is currently designated 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 CDP amendment request to amend this portion of 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 for the larger property.

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

STAFF ANALYSIS:

In conjunction with the development of a nineteen lot single family residential subdivision on the approximately 41.5 acre parent parcel, the petitioner is proposing to divide approximately 1.15 acres and transfer it to an adjacent neighboring property owner. The Town is requiring a CSM and thus a rezone of the smaller acreage is required. The CSM will be reviewed by both the Town and the County. The proposed rezoning would allow for a minimum lot size of 30,000 square feet and a minimum lot width of 120 feet which is similar to the proposed subdivision zoning and land uses adjacent to the east.

The lands adjoining the 1.15 acres of land are zoned R-2 Residential and HG to the west; R-2 to the east; and Town zoning jurisdiction to the south (proposed R-2 as well). The lands adjoining the 1.15 acres of land 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 (proposed to be amended to Suburban I Density Residential, PEC and OOLP as noted above); Low Density Residential, Rural Density and Other Agricultural Land, and PEC to the west; and Low Density Residential to the east.

It should be noted Washington County is located to the north across CTH Q from the 1.15 acres of land.

STAFF RECOMMENDATION:

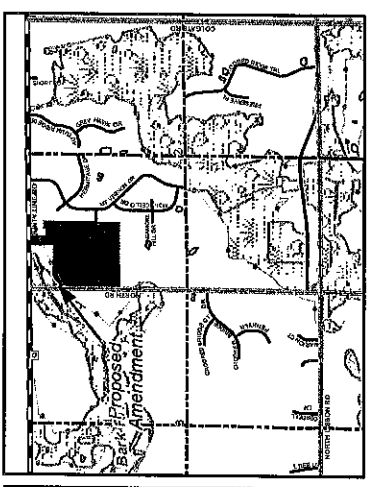
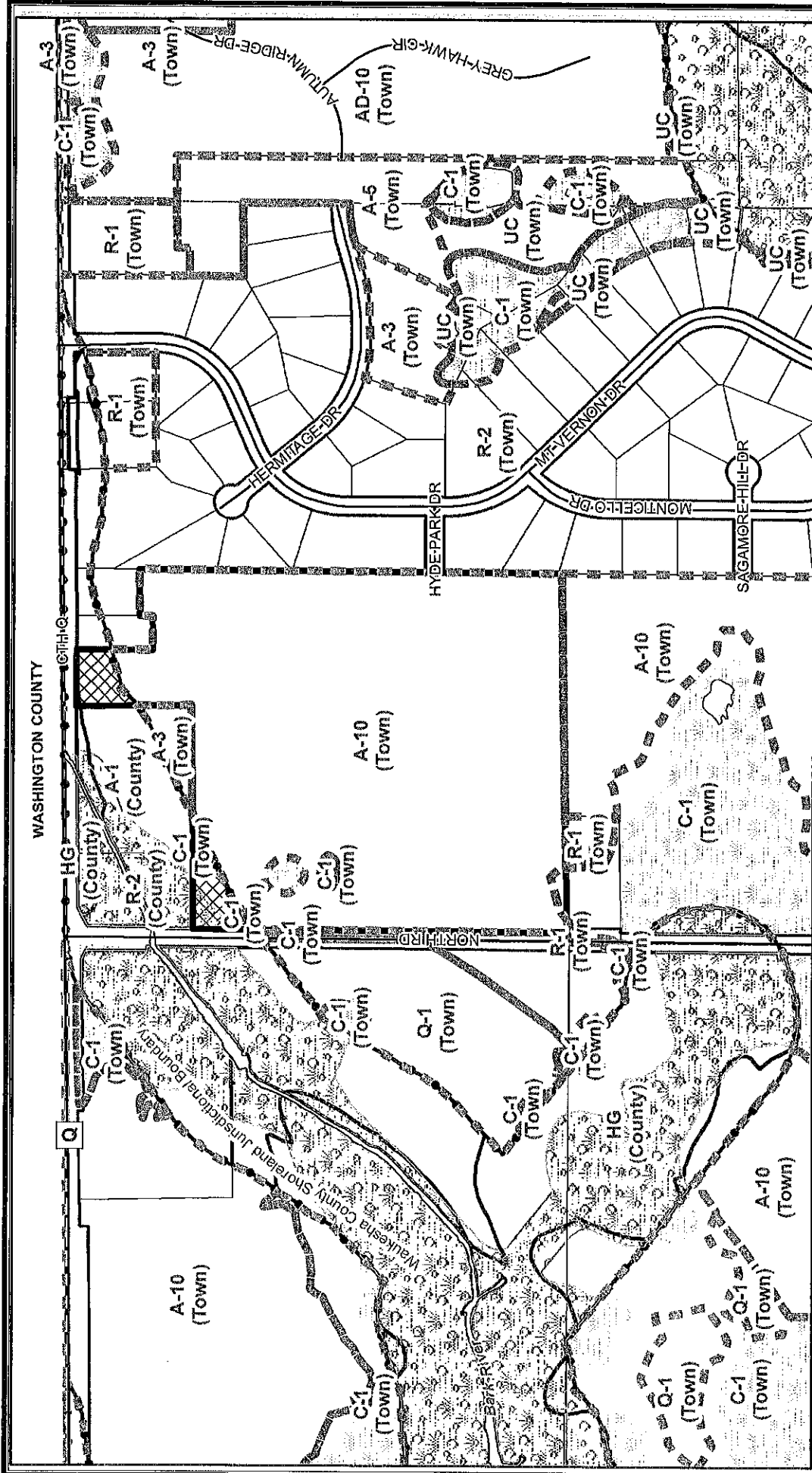
Based on the above analysis, the Planning and Zoning Division Staff recommends approval of the rezoning request to the R-2 Residential District subject to County Board approval of the County CDP amendment. The rezoning will serve to provide the appropriate zoning category in order to divide the land from the parent parcel as well as develop a proposed nineteen lot subdivision consistent with the amended Town and County Comprehensive Development Plans, and also to comply with the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance and the Town of Lisbon Zoning Ordinance.

Respectfully submitted,

Sandra L Scherer

Sandy Scherer
Senior Planner

Attachments: Rezoning Map
 Concept Map



COUNTY ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

Wetlands Overlay
Environmental Corridor Overlay

FILE.....RZ81
DATE OF PLAN COMMISSION.....7/15/21
AREA OF CHANGE.....1.6 ACRES
TAX KEY NUMBER.....LSBT 0150.997

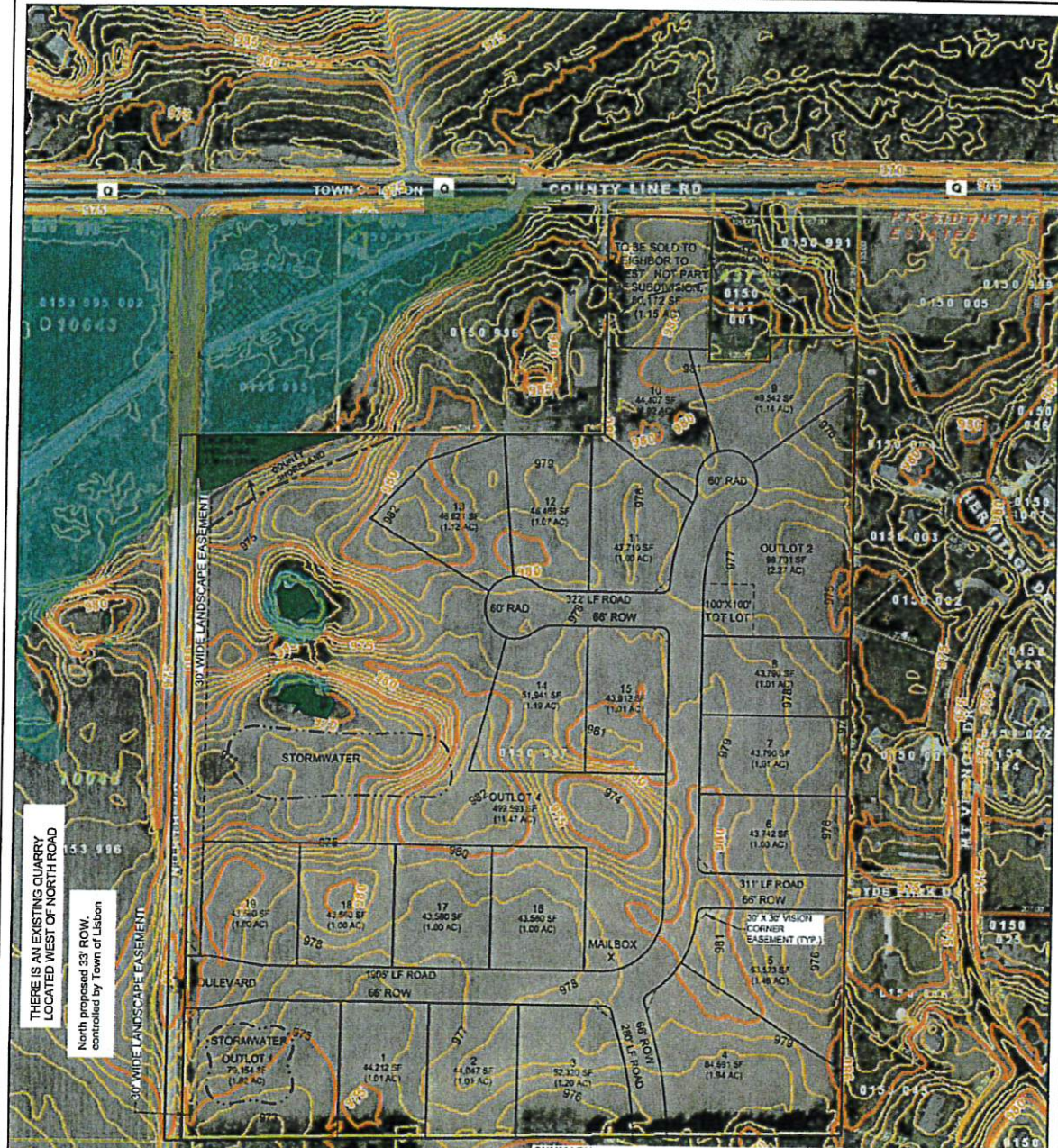
1 inch = 500 feet
0 250 500 Feet

ZONING AMENDMENT

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



ACCURACY ESTIMATE: ± 0.5' HORIZONTAL ± 0.5' VERTICAL



THERE IS AN EXISTING QUARRY
LOCATED WEST OF NORTH ROAD

North proposed 33' ROW,
controlled by Town of Lisbon

30' WIDE LANDSCAPE EASEMENT

30' WIDE LANDSCAPE EASEMENT

PROPOSED NUMBER LOTS = 19
PROPOSED ROAD = 2,818 LF

- 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 +/-
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 Kaerok
11600 W Lincoln Ave
West Allis, WI 53227
 - Engineer/Surveyor: Pinnacle Engineering Group Attn: Anthony Zanon
20725 Watertown Road, Suite 100
Brookfield, WI 53186

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.



Printed: 8/15/2019

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

VOTING RESULTS

AVE 23 NAY 0 ABSTAIN | ABSENT 2

Ordinance 176-O-050

Ordinance 176-O-050: Amend the Waukesha County...

 **Passed By Majority Vote**

D1 - Foti	AVE
D2 - Zimmermann	AVE
D3 - Morris	AVE
D4 - Batzko	AVE
D5 - Dondlinger	AVE
D6 - Walz	AVE
D7 - LaFontain	AVE
D8 - Michalski	AVE
D9 - Heinrich	AVE
D10 - Swan	AVE
D11 - Howard	AVE
D12 - Wolff	AVE
D13 - Decker	AVE

D14 - Mommaerts	AVE
D15 - Mitchell	AVE
D16 - Crowley	AVE
D17 - Paulson	AVE
D18 - Nelson	AVE
D19 - Cummings	ABSENT
D20 - Schellinger	AVE
D21 - Gaughan	AVE
D22 - Wysocki	AVE
D23 - Hammitt	AVE
D24 - Whitrow	ABSENT
D25 - Johnson	AVE

August 24 2021 - August 24 2021 07:04:57 PM

