

ENROLLED ORDINANCE 176-36

YEAR 2021 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (1B – KAEREK_RITWAY BUS, LLC, SECTION 2, T8N, R19E, TOWN OF LISBON)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No 163-81 approved a Comprehensive Development Plan for Waukesha County; and

WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures; and

WHEREAS, on May 20, 2021, the Waukesha County Park and Planning Commission held a Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated June 17, 2021, a summary of the Public Hearing comments and a Staff Recommendation for the proposed change to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on June 17, 2021, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby **approved** to the Year 2035 Comprehensive Development Plan for Waukesha County.

1. In the Town of Lisbon, the following request is being made:
 - B. **Mike Kaerek, Kaerek Homes, Inc.**, 11600 W. Lincoln Avenue, West Allis, WI 53227, representing property owned by Riteway Bus, LLC, W201 N13900 Fond Du Lac Avenue, Richfield, WI 53076, requests property located in part of the W ½ and NW ¼ of Section 2, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0150.997), more specifically, the property is located at N95 W23759 County Line Road, be amended from the Rural Density and Other Agricultural Land category (5.0 to 34.9 acres of area per dwelling unit or equivalent density) and Other Open Lands to be Preserved category to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), in order to allow for a residential subdivision.

The request is approved subject to the following conditions:

1. The Other Open Lands to be Preserved designation shall remain for those areas mapped as having hydric inclusion soils until such time as soils analysis demonstrates that future basement floor elevations will be a minimum of one foot higher than estimated seasonal

high groundwater. Any lands with hydric soils, (estimated groundwater less than one foot from the ground surface) shall remain in the Other Open Lands to be Preserved category unless a professional soil scientist determines that the soils are mis-mapped.

2. The number of dwelling units within the future subdivision shall not exceed 19, as proposed.


BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

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

YEAR 2021 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (1B – KAEREK_RITWAY BUS, LLC, SECTION 2, T8N, R19E, TOWN OF LISBON)

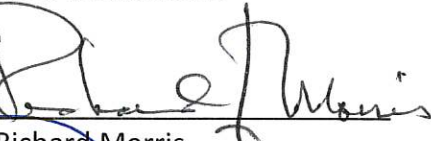
Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair


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: July 30 2021, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 7/30/2021, 
Paul Farrow, County Executive

VOTING RESULTS

AYE 23
NAY 0
ABSTAIN 0
ABSENT 2

Ordinance 176-O-037

Ordinance 176-O-037: Year 2021 Amendment to the C...

Passed By Majority Vote

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

July 27 2021 - July 27 2021 07:31:38 PM



COMMISSION ACTION

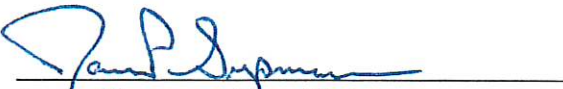
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2021 Amendment to the Comprehensive Development Plan for Waukesha County, (1B – Kaerek_Riteway Bus), Section 2, T8N, R19E, Town of Lisbon) hereby recommends **approval**.

PARK AND PLANNING COMMISSION


June 17, 2021



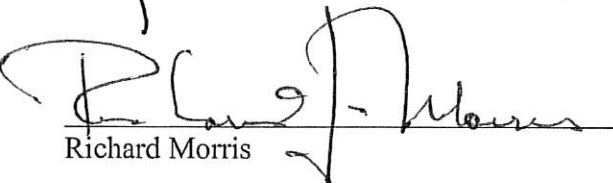
William Mitchell, Chairperson



James Siepmann, Vice Chairperson



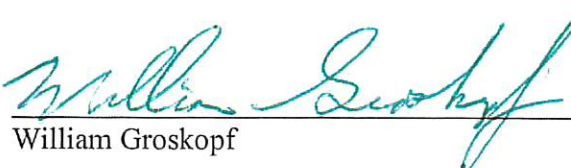
Robert Peregrine



Richard Morris

Absent

Thomas Michalski



William Groskopf

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2021 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
1(B) MIKE KAEREK, MK/S-EP, LLC/RITWAY BUS, TOWN OF LISBON

DATE: June 17, 2021

PUBLIC HEARING DATE:

Thursday, May 20, 2021, 1:00 p.m.

REQUEST:

1(B) Year 2021 Out of Sequence Amendment to the Comprehensive Development Plan.

Mike Kaerek, Kaerek Homes, Inc., 11600 W. Lincoln Avenue, West Allis, WI 53227, representing property owned by Riteway Bus, LLC, W201 N13900 Fond Du Lac Avenue, Richfield, WI 53076, requests property located in part of the W ½ and NW ¼ of Section 2, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0150.997), more specifically, the property is located at N95 W23759 County Line Road, be amended from the Rural Density and Other Agricultural Land category (5.0 to 34.9 acres of area per dwelling unit or equivalent density) and Other Open Lands to be Preserved category to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), in order to allow for a residential subdivision.

EXISTING LAND USE CATEGORY:

Rural Density and Other Agricultural Land category, Other Open Lands to be Preserved and Primary Environmental Corridor.

PROPOSED LAND USE CATEGORY:

Suburban I Density Residential (Primary Environmental Corridor to remain unchanged).

PUBLIC REACTION:

None.

TOWN ACTION:

On January 14, 2021, the Town of Lisbon Plan Commission unanimously approved the request to amend the Town of Lisbon Land Use Plan maps from the Rural Density and Other Agricultural Land and Other Open Lands to be Preserved categories to the Suburban 1 Density Residential category, with a recommendation to the Town Board of the same.

On January 25, 2021, the Town Board unanimously approved the request to amend the Town of Lisbon Land Use Plan maps from the Rural Density and Other Agricultural Land and Other Open Lands to be Preserved categories to the Suburban 1 Density Residential category.

STAFF ANALYSIS:

The subject property is located on the Waukesha-Washington County line and is approximately 41.5 acres with most of the land being cultivated for farm use. The terrain is quite flat. There is a small area of wetland in the northwest part of the property. There is a single family subdivision to the east, a few rural residences to the north and agricultural uses to the south and west. Future plan designations are also mixed, with residential uses shown to the east and rural use planned for the few nearby parcels to the west.

The amendment request is being made to facilitate development of the land as a single family subdivision. The existing rural designation would allow approximately 9 lots, whereas the SDRI category would provide for a maximum of 27 lots. The proposal would fit well within the category limits with a 19-lot layout being planned (see Exhibit A). The wetlands would be contained within

in outlot. All lots would be at least one acre in size. Access to the proposed subdivision would be provided from North Road to the west and Hyde Park Drive to the east. A right of way would also be stubbed to the undeveloped lands to the south.

Areas in the Other Open Lands to be Preserved category contain areas with estimated seasonal high groundwater near the ground surface. The Land Resources Division has detailed standards for how soil testing must be accomplished to keep future basements from experiencing flooding problems.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions:

1. The Other Open Lands to be Preserved designation shall remain for those areas mapped as having hydric inclusion soils until such time as soils analysis demonstrates that future basement floor elevations will be a minimum of one foot higher than estimated seasonal high groundwater. Any lands with hydric soils, (estimated groundwater less than one foot from the ground surface) shall remain in the Other Open Lands to be Preserved category unless a professional soil scientist determines that the soils are mis-mapped.
2. The number of dwelling units within the future subdivision shall not exceed 19, as proposed.

The proposed category is a good transitional fit with more rural uses planned to the west and more typical single family development to the east.

Respectfully submitted,

Jason Fruth

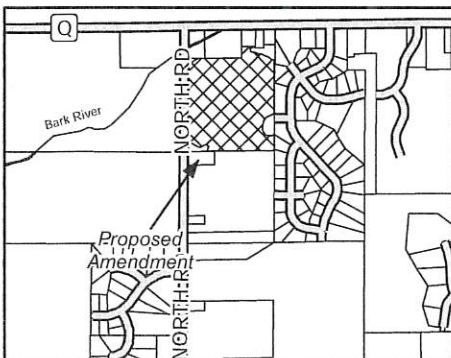
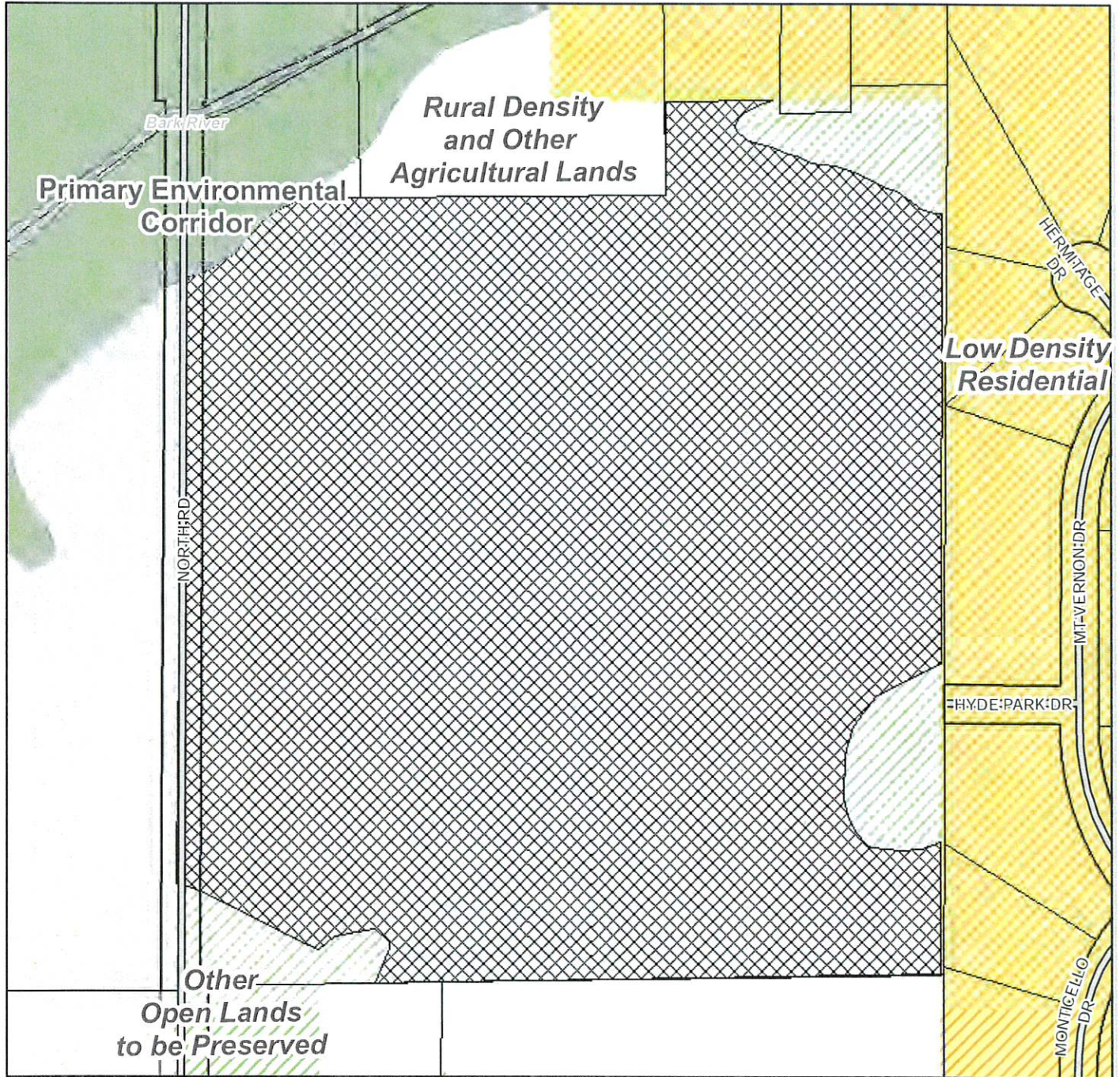
Jason Fruth
Planning & Zoning Manager


Attachments: Amendment Map, Exhibit A

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Kaerek_Riteway Bus Ist.doc

DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 2,
TOWN OF LISBON



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM RURAL DENSITY AND OTHER AGRICULTURAL LANDS TO SUBURBAN I DENSITY RESIDENTIAL

PETITIONER.....Mike Kaerek
 DATE OF PUBLIC HEARING.....06/17/21
 AREA OF CHANGE.....38.9 ACRES



Prepared by the Waukesha County Department of Parks and Land Use

EXHIBIT "A"



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

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

0 200.00 Feet

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

Printed: 8/15/2019