

ENROLLED ORDINANCE 176-2

YEAR 2021 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN  
FOR WAUKESHA COUNTY (1A – KAEREK\_MK/S-EP, LLC,  
SECTION 31, 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 February 25, 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 March 18, 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 March 18, 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.

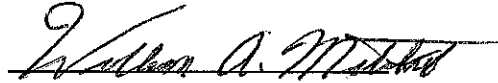
1. In the Town of Lisbon, the following request is being made:
  - A. **Mike Kaerek, MK/S-EP, LLC**, 11600 W. Lincoln Avenue, West Allis, WI 53227, representing property owned by KKNN Lyndale, LLC, 924 E. Juneau Avenue, Milwaukee, WI, requests property located in part of the SE ¼ of Section 31, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0268.999), more specifically, the property is located at N48 W27368 Lynndale 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) to the Suburban 1 Density Residential category (1.5 to 2.9 acres of area per dwelling unit), in order to allow for a residential subdivision.

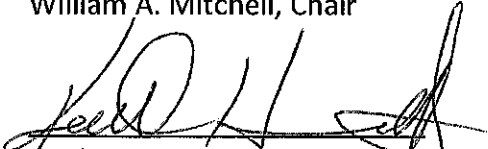
BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

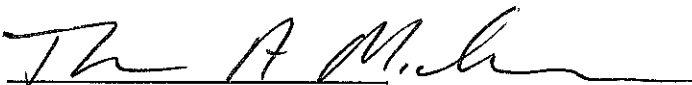
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Lisbon.

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SECTION 31, T8N, R19E, TOWN OF LISBON)

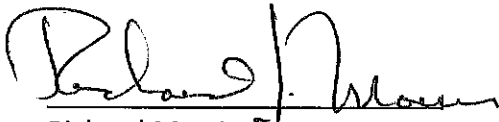
Presented by:  
Land Use, Parks, and Environment Committee

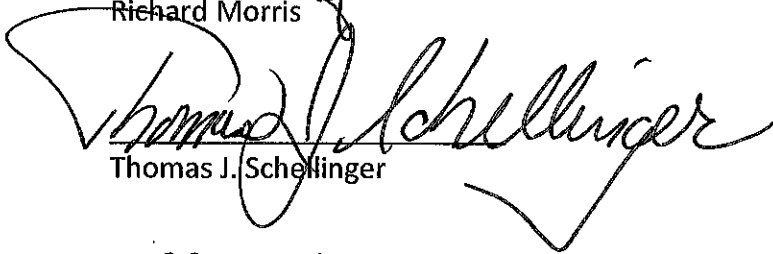
  
William A. Mitchell, Chair

  
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: 4/30/2021,   
Margaret Wartman, County Clerk

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

Approved: X

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

Date: 5/3/2021,   
Paul Farrow, County Executive

**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, (1A – Kaerek\_MK/S-EP, LLC, Section 31, T8N, R19E, Town of Lisbon) hereby recommends approval.

**PARK AND PLANNING COMMISSION**

**March 18, 2021**

*William Mitchell (via Microsoft Teams)*

William Mitchell, Chairperson

*James Siepmann (via Microsoft Teams)*

James Siepmann, Vice Chairperson

*Robert Peregrine (via Microsoft Teams)*

Robert Peregrine

*Richard Morris (via Microsoft Teams)*

Richard Morris

*Thomas Michalski (via Microsoft Teams)*

Thomas Michalski

*Bonnie Morris (via Microsoft Teams)*

Bonnie Morris

**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(A) MIKE KAEREK, MK/S-EP, LLC, TOWN OF LISBON**

**DATE:** March 18, 2021

**PUBLIC HEARING DATE:**

Thursday, February 25, 2021, 1:00 p.m.

**REQUEST:**

1(A) Year 2021 amendment to the Comprehensive Development Plan.

*Mike Kaerek, MK/S-EP, LLC*, 11600 W. Lincoln Avenue, West Allis, WI 53227, representing property owned by KKNN Lyndale, LLC, 924 E. Juneau Avenue, Milwaukee, WI, requests property located in part of the SE ¼ of Section 31, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0268.999), more specifically, the property is located at N48 W27368 Lynndale 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) to the Suburban 1 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, Secondary Environmental Corridor.

**PROPOSED LAND USE CATEGORY:**

Suburban 1 Density Residential category, Other Open Lands to be Preserved, Secondary Environmental Corridor (amendment map attached).

**PUBLIC REACTION:**

A neighbor who resides south of the property expressed concerns regarding additional traffic from the proposed subdivision along Lynndale Road. He suggested the speed limit be lowered to 45 mph.

Discussions over access points have been had between the petitioner and County Public Works Department. Access to the highway was also discussed at the Development Review Team meeting on December 9, 2020. Adjustments to speed limits on County Trunk Highways is subject to Department of Public Works review only.

**TOWN ACTION:**

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

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

**STAFF ANALYSIS:**

The petitioner is proposing a 31 lot, single-family residential development on approximately 88 acres located on CTH JK (Lynndale Road) between Lynndale Lane and Yench Road. The lots would be served by private well and septic (see Exhibit A). The proposed overall density would be 2.85 acres per dwelling unit across all lands and 1.80 acres per dwelling unit when lowland environmental corridor areas are excluded.

Complex topography can be found across most of the parcel. Slopes exceed 15% in the southwest and along the highway. Less severe and more variable topography is found across the remainder of the land. The only flat areas are associated with the wetlands noted below. Coco Creek is located immediately to the north of the subject property.

The property contains a large studied wetland complex in the north/northeast part of the property, which the town has zoned C-1. A recent wetland study delineated all wetland boundaries including additional smaller wetlands associated with a ditch on the southern part of the parcel. The soils present across the parcel may be associated with a high seasonal water table. Therefore, soil testing will be required pursuant to the Plat approval process to ensure new residences meet County groundwater separation requirements.

Lands are in open space (Coco Creek and environmental corridor) to the north. Lands to the east and west are in the Low Density Residential Category and are in single family residential use. City of Pewaukee lands south of the highway are in the Suburban Density Residential 1 category and also being used for single-family residential purposes.

Since plan recommendations call for the preservation of steep slope areas, an access point to CTH JK further to the east where slopes diminish had previously been proposed by a prior developer. Due to inadequate sight distances, the Department of Public Works would not approve access in that area. In accordance with Department of Public Works requirements, the current plan calls for access further west. This will result in some disturbance of those steep slope areas.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. Within the past few years, this area of the Town has seen other similar plan changes from the Rural Density category to a plan category that can accommodate slightly higher density single-family developments. The amendment would bring the property into a category that is consistent with the surrounding development in the area and the proposed development 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 City of Pewaukee. The proposed concept plan generally avoids disturbance of steep slope areas and proposes to contain wetlands and environmental corridors in undevelopable outlots. Stormwater management and off-site drainage will be fully reviewed, pursuant to the Waukesha County Stormwater Management and Erosion Control Ordinance, when a preliminary subdivision plat is brought forward.

Respectfully submitted,

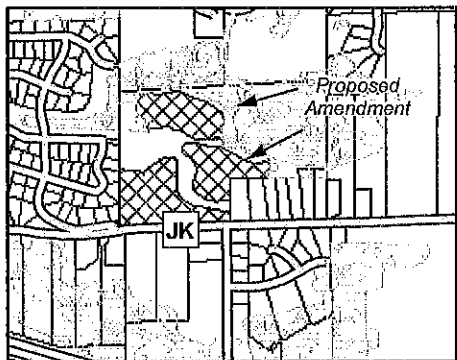
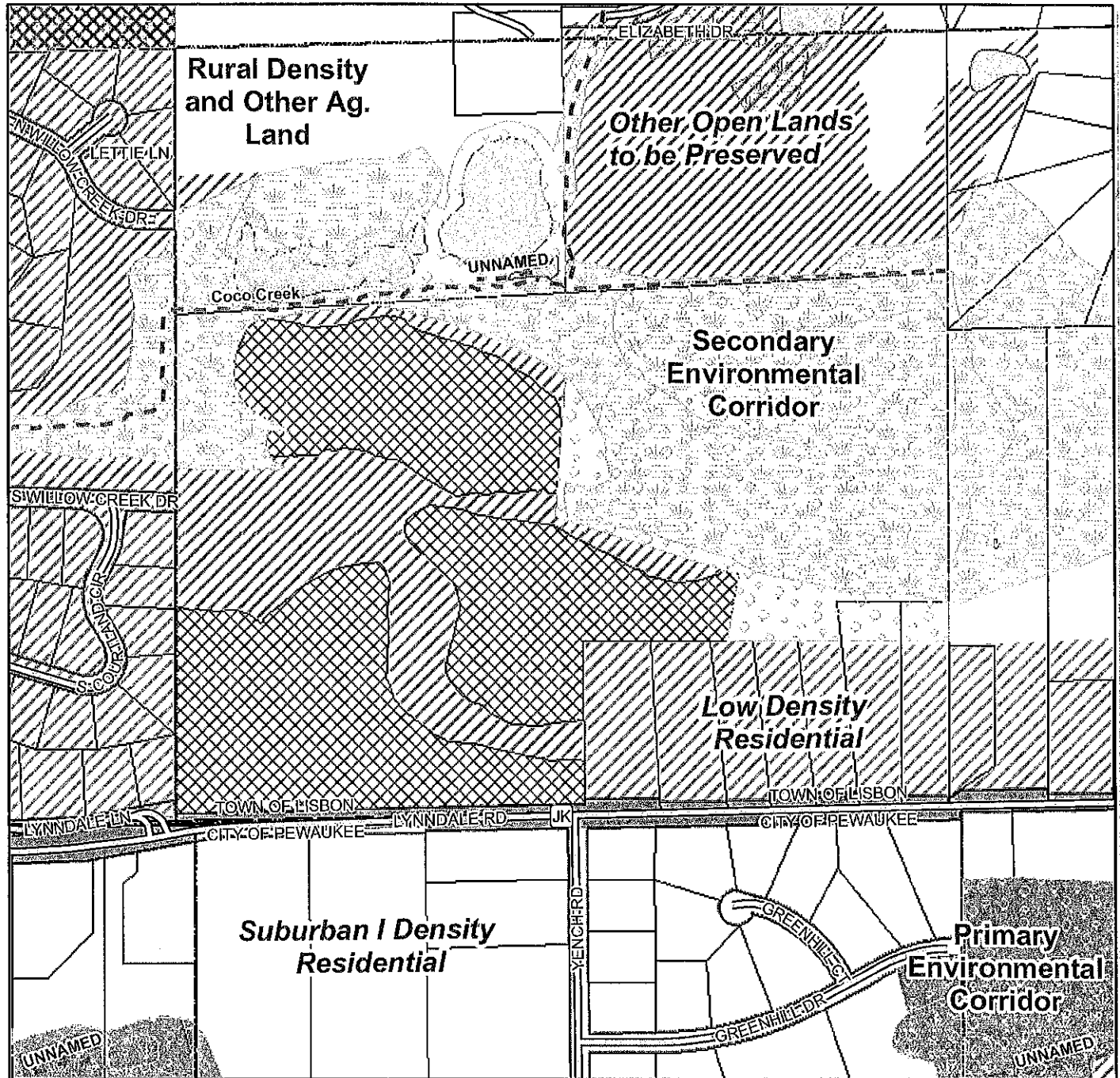
*Benjamin Greenberg*




Ben Greenberg  
Senior Planner

Attachments: Amendment Map  
Exhibit A - Concept Map

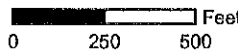
# DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 31,  
TOWN OF LISBON



-  COUNTY DEVELOPMENT PLAN AMENDMENT FROM RURAL DENSITY AND OTHER AGRICULTURAL TO SUBURBAN I DENSITY RESIDENTIAL
-  ENVIRONMENTAL CORRIDOR
-  WETLANDS

PETITIONER.....Mike Kaerek  
 DATE OF PUBLIC HEARING.....03/18/21  
 AREA OF CHANGE.....37.3 ACRES



Prepared by the Waukesha County Department of Parks and Land Use



VOTING RESULTS

AYE  NAY  ABSTAIN  ABSENT **3**

# Ordinance 176-O-001

Ordinance 176-O-001: Year 2021 Amendment To The...

**Passed By Majority Vote**

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

D14 - Mommaerts	AYE
D15 - Mitchell	AYE
D17 - Paulson	AYE
D18 - Nelson	AYE
D19 - Cummings	AYE
D20 - Schellinger	AYE
D21 - Gaughan	AYE
D22 - Wysocki	AYE
D25 - Johnson	AYE

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