

ENROLLED ORDINANCE 176-11

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 31, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL DENSITY 10-ACRE DISTRICT TO THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT (RZ77)

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 January 25, 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 AD-10 Agricultural Density 10-Acre District to the R-2 Single Family Residential District, certain lands located in part of the SE ¼, of Section 31, 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 RZ77, 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 SE ¼ OF SECTION 31, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL DENSITY 10-ACRE DISTRICT TO THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT (R277)

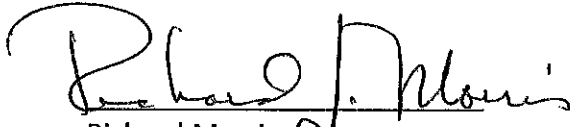
Presented by:
Land Use, Parks, and Environment Committee

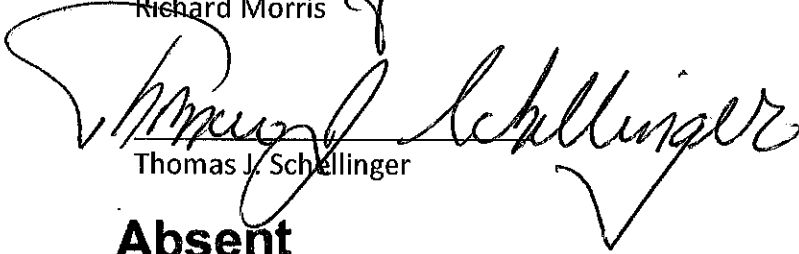

William A. Mitchell, Chair


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: June 1 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: 6/2/2021 
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 RZ77 (MK/S-EP_Kaerek) in accordance with the attached “Staff Report and Recommendation”.

PARK AND PLANNING COMMISSION

April 15, 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

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

DATE: April 15, 2021

FILE NO.: RZ77

OWNER: KKNN Lyndale, LLC
924 E. Juneau Avenue
Milwaukee, WI 53202

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

TAX KEY NO.: LSBT 0268.999

LOCATION:

Part of the SE ¼ of Section 31, T8N, R19E, Town of Lisbon, Town of Lisbon. More specifically, the property is located at N48 W27368 Lynndale Road, containing approximately 90 acres.

EXISTING ZONING:

Town: AD-10 Agricultural Density 10-Acre District, C-1 Conservancy/Wetland District

County: R-2 Residential District, HG High Groundwater District, C-1 Conservancy Overlay District (wetlands), EC Environmental Corridor Overlay District

PROPOSED ZONING:

Town: R-2 Single Family Residential District, C-1 Conservancy/Wetland District

County: No changes proposed

EXISTING USE(S):

Agriculture and open space.

REQUESTED USE(S):

Thirty-one (31) lot, single-family residential subdivision.

PUBLIC HEARING DATE: January 14, 2021

PUBLIC COMMENT:

Several objections were made to the rezoning, listed below:

- Concerns with potential hydric soils and high groundwater on the subject parcel and that the development should have larger lot sizes. The area has primarily 3+ acre lots.
- An alternate use for the land would be to have the Lisbon Parks Committee purchase it for future park space.
- Would the clean water that surrounding properties have now be affected by putting in new wells for the subdivision and then have the water table dry out.
- Objection to rezoning any conservancy or corridor land.

- The Town should invest in repairing the roadway on Highway JK. The Plan Commission chair clarified that it is a county road and the Town does not have the authority or jurisdiction to make any changes.
- Frustration that the intersection of Lake Five and Silver Spring has still not been addressed, when he was under the impression it was supposed to be upgraded when the subdivision was developed. He was also greatly concerned that Lisbon is considering additional residential development when current subdivisions still have vacancies.
- Questions regarding the proposed lots that he thought fell under County Shoreland jurisdiction and believed that those lots were required by the County to have a minimum 5 acres, and he thought the developer should verify those lot sizes.

TOWN PLAN COMMISSION ACTION:

On January 14, 2021, the Town of Lisbon Plan Commission recommended approval of the rezone request (without conditions), Ordinance No. 2021-03 attached, to the Town Board.

TOWN BOARD ACTION:

On January 25, 2021, the Lisbon Town Board of Supervisors adopted Ordinance No. 2021-03.

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

On March 18, 2021, the Waukesha County Park and Planning Commission recommended approval of the request to amend the plan from the Rural Density and Other Agricultural Lands Category (5.0 to 34.9 acres per dwelling unit) to the Suburban 1 Density Residential category (1.5 to 2.9 acres per dwelling unit). The Waukesha County Board is expected to act on the request at their April 27, 2021 meeting. 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. The proposal complies with both plans.

STAFF ANALYSIS:

The petitioner is proposing a thirty-one (31) lot, single-family residential development on approximately ninety (90) acres located on CTH JK (Lynndale Road) between Lynndale Lane and Yench Road. The lots would be served by private well and septic. Lot sizes proposed would range between one (1) to two (2) acres. The current site plan would not comply with the AD-10 District density division and lot size standards which require development of ten (10) acre lots or development of smaller lots along with preserved agricultural areas at a ten acre per dwelling unit density. The proposed R-2 Single Family Residential District has a minimum lot size requirement of one-acre (unsewered) and would accommodate the lot sizes and densities proposed. A concept site plan is attached as Exhibit A.

Significant 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 lands. 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. 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. The Waukesha County Land Resources Division did a preliminary site assessment as part of a 2020 Development Review Team meeting with the petitioner. That site assessment noted that the mapped soils were generally poor for stormwater infiltration and that wet detention may be needed. An infiltration exemption may also need to be obtained from the Division. A detention basin near the highway may be necessary to address site drainage from the southwest portion of the site (approximately 8 acres) that does not drain to Coco Creek. In

addition, soil testing will be required pursuant to the plat approval process to ensure new residences meet County groundwater separation requirements. The Waukesha County Environmental Health Division noted that based on those mapped soils, mound septic systems will likely be required.

Surrounding lands are in open space (Coco Creek and environmental corridor) to the north with a mix of A-10 Agricultural District, UC Upland Corridor District and C-1 Conservancy District zoning. The proposed development would have an internal road connection to a single-family subdivision (Lynndale Farms) adjacent to the west which is zoned R-2 Residential District. Lots to the east are generally zoned R-1 Single Family Residential District. There are also large (2.5 to 10 acre) residential lots south of the highway in the City of Pewaukee.

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:

The Planning and Zoning Division Staff recommends this request be **approved**. This rezoning will only be advanced for consideration by the County Board once the Board has acted upon the related pending plan amendment request.

Within the past few years, this area of the Town has seen other similar zoning changes from low density agricultural districts to higher density single family zoning. As noted, the zoning changes are in accordance with the pending County Development Plan amendment request and the Town Land Use Plan. The adjacent single-family subdivision to the west is zoned R-2 Single Family Residential. Therefore, this proposal would be consistent with the adjacent subdivision and would offer lot sizes that are slightly larger, but generally consistent with nearby development. 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. Therefore, approval of this request meets the purpose and intent of the County Development Plan, the Town Land Use Plan and the Town Zoning Ordinance.

Respectfully submitted,

Benjamin Greenberg

Benjamin Greenberg
Senior Planner

Attachments: Exhibit A (Site Plan)
 Town Ordinance 2021-03
 Rezone Map

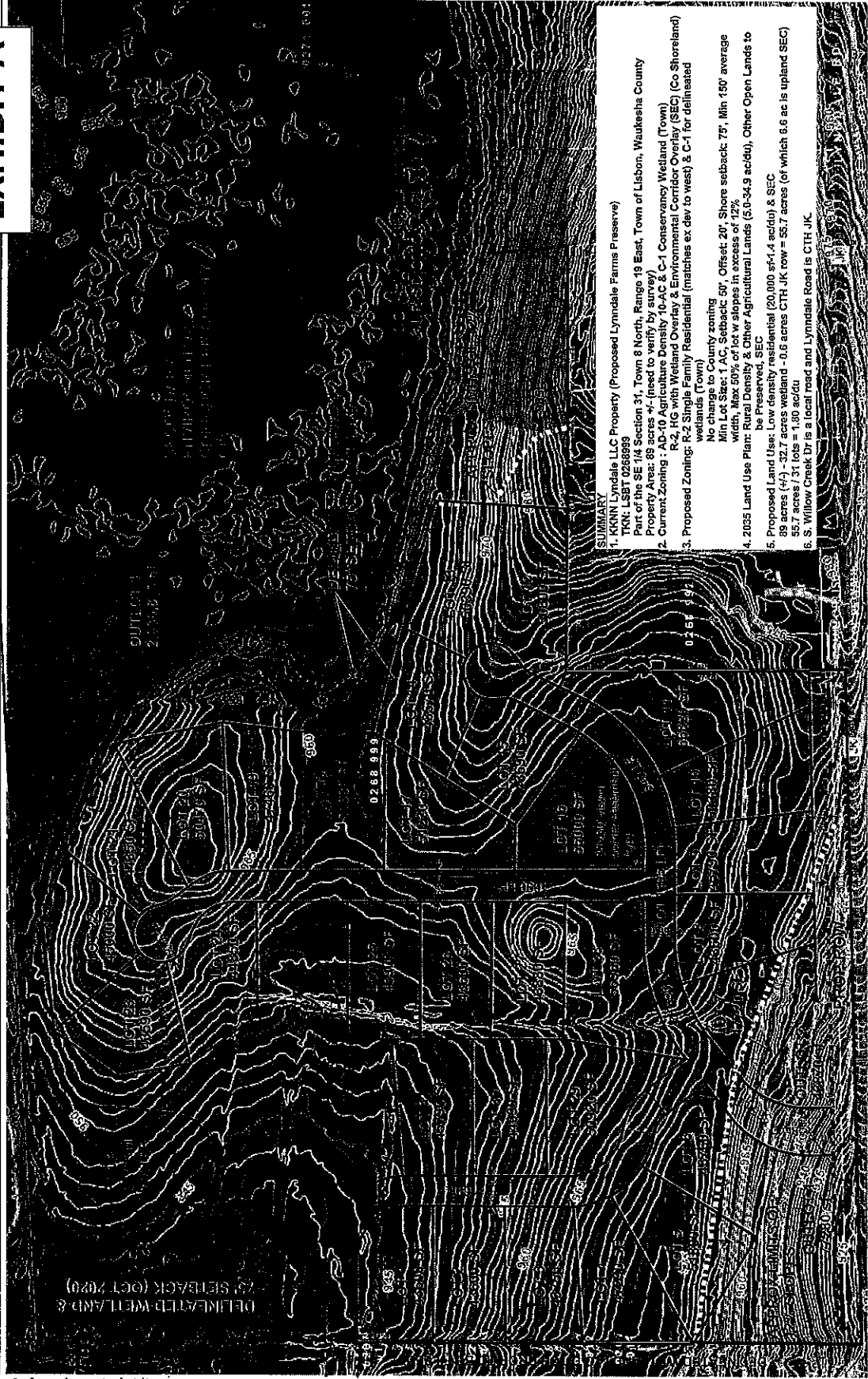
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LAND INFORMATION SYSTEMS DIVISION

KKNN LYNDALDE LLC

EXHIBIT A



Legend

- Environmental Corridors 2015
- Water
- Isolated Natural Resource Area
- Isolated Natural Resource Area Vt
- Primary Env. Corridor
- Primary Env. Corridor Water
- Secondary Env. Corridor
- Secondary Env. Corridor Water
- PEMA Floodplain
- 0.2% Chance Flood
- 1% Chance Flood (Zone A No Risk)
- 1% Chance Flood Area (Zone AE)
- AE Floodway
- DNR Flood Storage Maps
- Index Contours
- Intermediate Contours
- Municipal Boundary_2K
- Facility/Sites_2K_Labels
- Lots_2K
- Lot
- Contour
- Unit
- SimultaneousConveyance_2K
- Assessor Plat
- CSM
- Conditionium
- Subdivision
- Cartoline_2K
- not other outline
- EA-Easement_Line
- PL-DA
- PL-Extended_Line
- PL-Alternate_Line
- PL-Note
- PL-Tie
- PL-Tie_Line
- Road Centerlines_2K
- Railroad_2K
- TaxParcel_2K
- Waterbodies_2K_Labels
- Waterlines_2K_Labels

Developer:
 MKS-EP, LLC
 Attn: Mike Kaerek
 11600 W Lincoln Ave
 West Allis, WI 53227
 Engineer:
 Pinnacle Engineering Group
 Attn: Anthony Zanin
 20725 Watertown Road, Suite 100
 Brookfield, WI 53186

31 LOTS
3645 LF OF ROAD



Notes

CONCEPT SITE PLAN
 LYNDALDE FARMS PRESERVE
 REVISED 11/23/2020

PEG # 2105.00-W1

SUMMARY

1. KKNN Lyndale LLC Property (Proposed Lyndale Farms Preserve)
 TKN: LSBT 0268989
 Part of the SE 1/4 Section 31, Town 8 North, Range 19 East, Town of Lisbon, Waukesha County
 Property Area: 88 acres +/- (need to verify by survey)
 2. Current Zoning: AD-10 Agriculture Density 10-AC & C-1 Conservancy Wetland (Town)
 R-2, HG with Wetland Overlay & Environmental Corridor Overlay (SEC) (Co Shoreland)
 3. Proposed Zoning: R-2 Single Family Residential (matches ex dev to west) & C-1 for delineated wetlands (Town)
 No change to County zoning
 Min Lot Size: 1 AC, Setback: 50', Offset: 20', Shore setback: 75', Min 150' average width, Max 50% of lot w/ setback in excess of 72%
 4. 2025 Land Use Plan: Rural Density & Other Agricultural Lands (3.0-34.9 ac/dn), Other Open Lands to be Preserved, SEC
 5. Proposed Land Use: 88 acres (44) - 32.7 acres wetland - 0.6 ac CTH JK row - 53.7 acres (of which 6.6 ac is upland SEC) 55.7 acres / 31 lots = 1.80 ac/lot
 6. S. Willow Creek Dr is a local road and Lyndale Road is CTH JK

The information and conditions herein are for informational purposes only. Waukesha County specifically disclaims any liability for any inaccuracies and omissions in this report. The user of this report shall be deemed to have accepted the information and conditions herein, and for use which ignores this warning. Waukesha County will not be responsible for any damages which result from third party use of the information and conditions herein.

SIGHT DISTANCE CHECKED BY JASON MAYER (WAUK CO DPW) ON 11/20/20. 55 MPH/950' SIGHT DISTANCE. ALIGN WITH DRIVEWAY TO SOUTH 500+/- E OF LYNDALDE LANE

STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

ORDINANCE 2021-03

**ORDINANCE REZONING APPROXIMATELY 47 ACRES OF LAND AT
N48W27368 LYNNDALE ROAD, LSBT 0268.999, FROM AD-10 AGRICULTURAL
DENSITY 10-ACRE TO R-2 SINGLE-FAMILY RESIDENTIAL IN THE
TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN**

WHEREAS, Property owner KKN Lyndale LLC (Mike Kaerek) requests to rezone property from the AD-10 Agricultural Density 10-Acre District to the R-2 Single-Family Residential District; and

WHEREAS, the change in zoning is 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.

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 the AD-10 Agricultural Density 10-Acre District to R-2 Single-Family Residential:

PT SE1/4 SEC 31 T8N R19E; COM S1/4 COR SEC 31; N88°34'02"E 66.80 FT; N88°39'51"E 1344.05 FT; N00°27'28"W 588.61 FT; N89°57'48"E 890.06 FT; N05°23'57"W 159.54 FT; N89°56'23"E 383.50 FT; N00°03'37"W 1101.00 FT; S86°54'59"W 2662.43 FT; S00°09'03"W 1739.18 FT TO BGN :: DOC# 4256437
ALSO KNOWN AS LSBT 0268.999

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 22nd day of February, 2021.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

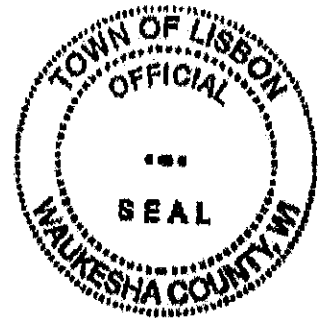
BY: [Signature]
JOSEPH OSTERMAN, Chairman

BY: [Signature]
DOUG BRAHM, Supervisor

BY: [Signature]
MARC MOONEN, Supervisor

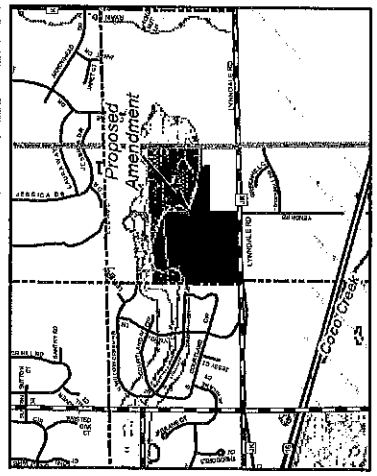
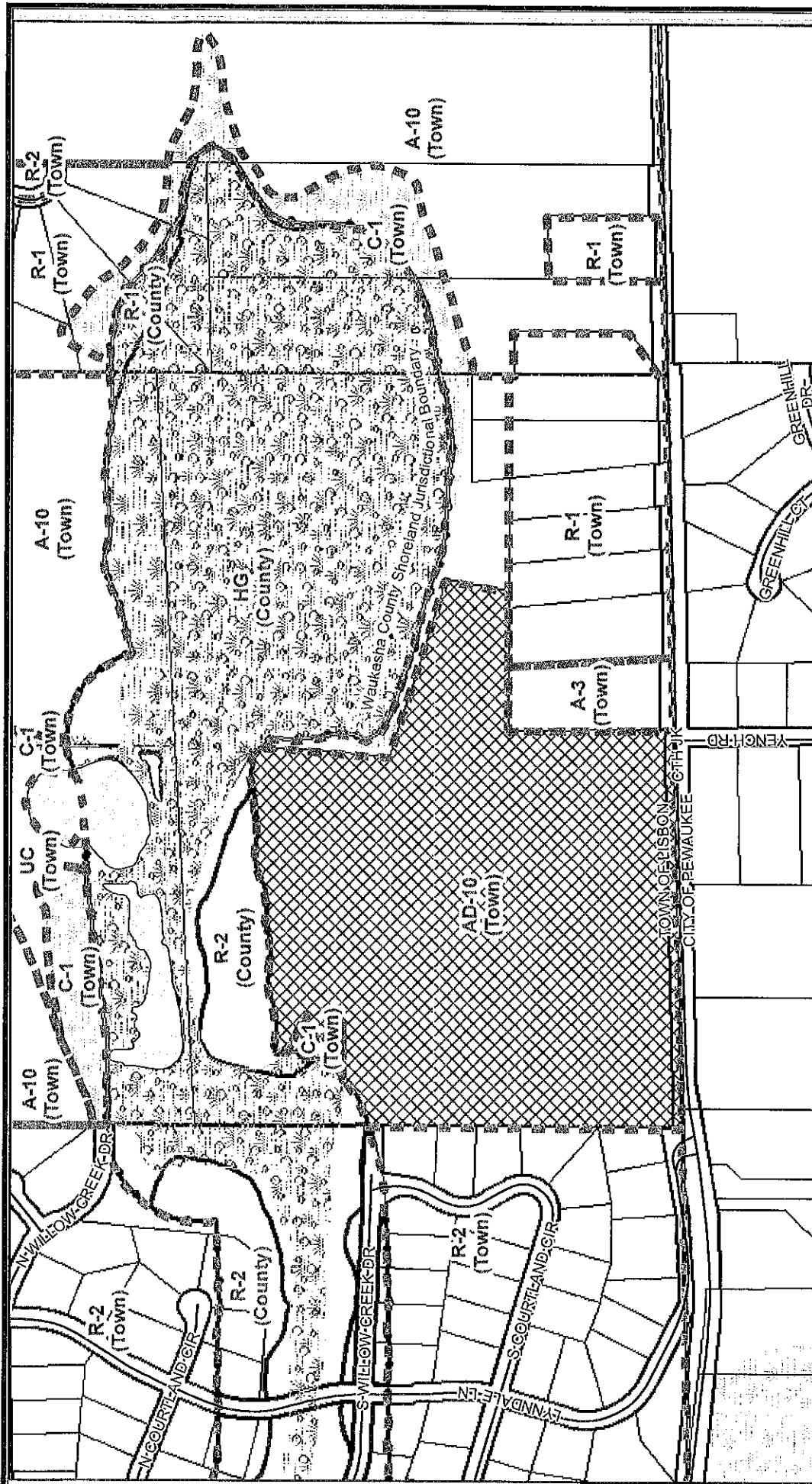
BY: [Signature]
LINDA BEAL, Supervisor

BY: [Signature]
REBECCA PLOTECHER, Supervisor



ATTEST:

BY: [Signature]
ELISA M. CAPPOZZO, Town Clerk



TOWN ZONING CHANGE FROM AD-10 AGRICULTURAL 10-ACRE DENSITY DISTRICT TO R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

Wetlands Overlay
 Environmental Corridor Overlay

FILE.....RZ77
 DATE OF PLAN COMMISSION.....4/15/21
 AREA OF CHANGE.....48.2 ACRES
 TAX KEY NUMBER.....LSBT 0268.999

1 inch = 500 feet

0 250 500 Feet

Prepared by the Waukesha County Department of Parks and Land Use

ZONING AMENDMENT

PART OF THE SE 1/4 OF SECTION 31,
TOWN OF LISBON