

TOWN OF LISBON - PLAN COMMISSION MEETING – FEBRUARY 4, 2010

Minutes of the Plan Commission meeting held in the Town Hall on February 4, 2010.

Meeting was called to order by Chairman Gehrke at 7:47 P.M.

Members Present: Matt Gehrke, Dan Fischer, Jane Stadler, Neil Sasse, Ed Nelson, Steve Panten, Sherry Howard.

Absent: Clerk Musche.

Others Present: Planning Consultant John Stigler, Building inspector Oelhafen, Deputy Clerk Gettelman.

COMMENTS

No comments.

MINUTES

Motion by Fischer, seconded by Nelson to approve the minutes of the Plan Commission meeting of January 7, 2010, with Mr. Stigler's corrections. Motion carried.

Mr. Stigler noted corrections to pages 2 thru 7 to reflect correct meeting date of January 7, 2010 at the top of those pages. On page 5, second to last sentence regarding the Lietzau Waste Water Facility amend as follows "program to do monthly ~~graph~~ grab samples and submit them to the Town".

CONDITIONAL USE PERMIT FOR HEBBE-KNUTSEN BERM

Mr. & Mrs. Knutsen were present for the meeting. Town Engineer comments were: The property is presently Zoned A-1 Single Family Residential. The A-1 District Regulations require 40,000 square feet of lot area and 150 feet of average lot width. The lot meets these requirements. The property is situated in a large kettle with no overland outlet for storm water until approximately elevation 1030.4. Therefore, all precipitation falling within the drainage area of the kettle must infiltrate or evaporate to eliminate ponding. The Town Land Disturbance Ordinance (30.08) requires that Conditional Use be granted by the Plan Commission for land disturbance exceeding 3000 square feet or 30 cubic yards, except if associated with a building permit. The proposed project will disturb approximately 30,000 square feet and 1450 cubic yards of excavation/fill material. The purpose of the proposed fill is to provide flood protection on the south side of the existing Hebbe-Knutsen residence on site and the excavated area on the west side of the property will provide compensating storage for fill placed in an existing drainage easement. The original flood plain elevation for this area was determined to be 1026.0 at the time the area was developed. The development of the Hebbe-Knutsen house featured an exposed basement on the south side of the house at an elevation of 1025.3. Subsequent rain and snow melt in the winter of 2005 caused flooding in the area and the Town of Lisbon pumped water out of the kettle to prevent the flooding of the Hebbe-Knutsen residence. When applying today's standards to the watershed a higher projected peak water elevation is determined. Sandra Hebbe-Knutsen created a 3 to 4 foot berm around the exposed basement in 2008 as part of the development of her patio area on the south side of her house. During inspection at the site, she was informed that compensating storage and grading, plan prepared by an engineer, would be required for any fill placed within the original easement. She requested that the Town provide a new flood plain elevation so that she could fill to an elevation above the new flood plain elevation to prevent future flooding of her house. Due to the complex nature of this area, Town staff wanted concurrence with Waukesha County Parks and Planning staff who had investigated the flooding in 2005. The County staff could not deviate from flood plain policy which they had recently developed for such kettle areas which required very conservative standards for determining the flood plain elevation at the level of ponding caused by a 100 year storm (5.6 inches of rain in 24 hrs.) on frozen ground (providing no infiltration). This policy did not give any credit to the all weather infiltration trench the Town had installed in February 2005. Due to the County modeling requirements and the size of the drainage basin the ponding would have reached elevation 1030.5. The Town staff researched the historic rain data and found that the highest recorded rainfall in the area during the winter months of December through March is 2.81 inches of rain in 24 hours. Based on these findings, and a of the rate of infiltration of the existing trench, the staff recommended and the Town Board approved a flood elevation for the kettle at 1028.50 on August 24, 2009. The proposed berm also needs a County Fill permit, which requires any filling to protect a building from flooding be 2 feet above the flood stage. Since they recognize the flood stage to be 1030.4 the berm is proposed to crest at 1032.5. The proposed plan provides for

compensating storage of approximately 1440 cubic yards below elevation 1026.0. The proposed berm will displace flood storage by the following approximate amounts: 500 cubic yards at elevation 1026, 1050 cubic yards at elevation 1028.5, 1460 cubic yards at elevation 1030.4. The project will also include an additional infiltration device that will reduce the ponding elevation throughout the basin. Therefore the proposed berm project, while protecting the Hebbe-Knutsen home, will also reduce flooding in the area. The berm will not meet Town requirements for side slope, height and undulation of the top the berm do to the height required to meet the county requirements. The side slope is steeper than 3 to 1 for portions of the berm to minimize any impact on the properties to the south. The undulation requirement was intended to provide a more natural appearance to a berm placed for screening purposes. A flood control berm is only as effective as it's lowest crest point, and therefore should only undulate above its required minimum height. Due to the berm being approximately 10 feet high at it's highest point the staff would not recommend adding undulation on top of the proposed berm. The height of the proposed berm is still about 1.5 feet below the normal south yard grade at the house if an exposed basement was not constructed. Therefore, the berm does not screen the entire house and yard, but only the patio area next to the exposed basement. Therefore the staff would recommend that the plan be approved with these noted exceptions to the berm standards. Chairman Gehrke noted that if they approve the CU, there would have to be two conditions. That an easement be granted for the Town to pump in the front yard and that they put appropriate landscaping on the berm. Commissioner Nelson questioned if the compensatory storage would handle the runoff. Mr. Stigler noted that it would not diminish the storage in the easement by doing what they are doing. Commissioner Nelson asked if the height of the berm could be brought down? Mr. Stigler replied that if it is lower, it does not meet the County requirements. They need a land disturbance permit from the County and have to adhere to their guidelines. Commissioner s Stadler and Howard questioned if the berm would force more water to the neighbors? Mr. Stigler responded that in smaller storms it would benefit the neighbors and in a large storm it would be the same as pre-development or post-development. It would have the same limits as if the berm wasn't there because she is compensating for it with storage. Commissioner Fischer noted that she needs her property protected and the berm needs to be built. We don't have any options and can't deny because it makes sense. Landscaping should be required as that was the neighbors concern.

A motion by Fischer, seconded by Sasse to recommend to the Town Board approval of the Conditional Use Permit for Sandra Hebbe-Knutsen, for the construction of a berm on her property located at W278 N9252 Sweetbriar Lane, subject to granting an easement to the Town to pump water, that the berm be landscaped to the approval of the Building Inspector and that they waive the requirement to have undulation of the berm. Motion carried.

MAJOR GRADING PERMIT FOR HEBBE-KNUTSEN BERM

Mr. & Mrs. Knutsen were present for the meeting. Town Engineer comments were: Recommend Plan Commission approve the proposed plan subject to any modifications deemed appropriate based on the previous public hearing.

A motion by Nelson, seconded by Sasse to approve the Major Grading Permit for the Hebbe-Knutsen berm subject to the comments of the Town Engineer, also that the Building Inspector be notified prior to starting so that he can monitor the project. Motion carried.

ASSOCIATED BANK SIGNAGE

The signage for Associated Bank at W260 N9579 STH 164 was reviewed. Mr. Don Roeber of Associated bank and Mr. Gordy Lindemann of Poblocki Sign Company were present for the meeting. Town Engineer comments were: This item was in front of the Town of Lisbon Plan Commission on January 7, 2010. The item was tabled so that the applicant could work with his client and address concerns of the Plan Commission (SCA). The re-submittal shows the following: The overall sign height has been reduced from 20 feet to 18 feet. Reference to the Town of Lisbon has been incorporated into the sign. The overall area of the sign script is 100 square feet per sign face. This does not exceed area restriction found in Sec. 13.12(c). All three signs, main sign and two

directional signs utilize same materials and colors per Sec. 13.01(b)(3)(A). Illustration of all three signs show or indicate landscaping at the sign base. This is required for 5 feet in all directions around the sign base per Section 13.10(1). A list of plant materials and quantities is normally required. Subject to the above comments, electrical permit, meeting setback regulations and payment of all fees, recommend approval of all three signs. The commissioners were pleased with the professional look of the signs. They suggested that the wording be changed on the monument sign to say thank you for visiting the Town of Lisbon on the south side and welcome to the Town of Lisbon on the north side.

A motion by Nelson, seconded by Fischer to approve the signage for Associated Bank per the recommendation of the Town Engineer and also that they change the wording on the monument sign to say thank you for visiting the Town of Lisbon on the south side and welcome to the Town of Lisbon on the north side. Motion carried.

PLAN OF OPERATION FOR DEMLANG BLDRS

The Plan of Operation for Demlang Builders Office at N67 W27715 Silver Spring Drive was reviewed. Mrs. Colleen Demlang was present for the meeting. Town Engineer comments were: The site is located on the east side of the intersection of Silver Spring Drive and CTH MD. Property is Zoned General Business by the Town of Lisbon. On the Town's adopted Land Use Plan the property is designated as Commercial. A review of the Plan of Operation reveals the following issues. Item 18, waste disposal, the Town does not provide Municipal disposal, disposal is "Private". Item 22, regarding septic system, Waukesha County Health Dept. letter of January 12, 2010 indicates no known problems with existing septic system. The Proposed Uses of Building A, Office Space and Building B, Furniture and Vehicular Storage are Permitted Uses under the Town's General Business District Code. Vehicles stored must not be junked or wrecked vehicles. Lot size meets or exceeds the General Business District Regulations. Building does not exceed the FAR Regulation for the General Business District. The parking spaces provided meets or exceeds the parking requirements found in Section 3.13(1). Recommend approval of Plan of Operation as submitted with above comments. Mrs. Demlang noted that they are going to fix up the office, so that they can move in in December. They have plans to fix the exterior of the building as well. The commissioners discussed the possibility of Saturday hours and suggested that Saturday be added to the Plan of Operation.

A motion by Nelson, seconded by Panten to approve the plan of operation for Demlang Builders office at N67 W27715 Silver Spring Drive, per the recommendation of the Town Engineer, that the hours of operation be changed to include Saturdays and also that they have private waste disposal service. Motion carried.

PLAN OF OPERATION FOR ALL AMERICAN AUTOMOTIVE

The Plan of Operation for All American Automotive at W230 N9515 Colgate Road was reviewed. Mr. Nicholas Pope and Mr. Kristopher Goodreau, were present for the meeting. Town Engineer comments were: The property is Zoned General Business by the Town of Lisbon. Per the Town Land Use Plan the area is designated Commercial. Per Section 15.01(1)(B)(5) of the General Business District Regulation, automotive repair is a Permitted Use in this District. A review of the Plan of Operation reveals the following. Item No. 21 is incomplete (no response provided). Item No. 22 is incomplete (no response provided). Item No. 12(c) indicates that part of the site is gravel surfaced. Parking areas for four (4) cars or more are to be hard surfaced and dust free per Zoning Code. Will there be any issues with noise from equipment or vehicles? Will doors be open during summer leading to noise issues? The sketch submitted lacks basic information as to location of well and septic system required as part of the information packet. Per Section 3.13(6) of the Zoning Code vehicles shall not be parked within 10 feet of the lot line. This may be an issue along the south line of the site. Per Section 3.13(5) Commercial parking areas shall be screened from residential property. This requirement affects the South and East property lines. Please note a separate sign application is required prior to altering the existing sign. Recommend approval subject to applicants providing a landscape plan for the site per Section 3.13(5) which addresses the screening issues and all other above comments. Mr. Goodreau stated that they are trying to purchase the property and then would add on to the building. They will be doing some landscaping and will paint the building. They are working with Steve Todd on Items 21 and 22. This property shares a well

with the property to the south. The owner said that it would not be an issue and they are looking for clarification on that. Mr. Stigler noted that he is not aware of anything in the code that prohibits that. Mr. Goodreau stated that ultimately they will change the property from a junkyard looking pole building to a nice repair facility. Mr. Stigler noted that in the past cars were stored in the drive on the north and south sides of the building. He suggested a hedge or something on the north and south side to screen that from sight. He added that the gravel area also needs to be paved. Commissioner Stadler asked if there would be outside storage? Mr. Goodreau replied that it would only be customer's cars waiting for service. Chairman Gehrke noted that the owner would have to put the improvements in. They discussed the common drive to the south side of the building. Mr. Stigler stated that they would have to keep any stored vehicles ten feet off of that lot line. He asked that they specify the number of vehicles on Item 9. Mr. Goodreau replied that they would have 12 to 13 vehicles. They will include light trucks, but no semis. The commissioners discussed the signage and the screening for the property. Commissioner Fischer noted that screening would not be needed on the north side of the building. Mr. Stigler suggested that they have a maximum of 13 vehicles for staging and repair, on Item 21, they should provide the information on the well from Steve Todd, and on item 22, they should work with the County. The commissioners discussed the timeframe for paving the driveway. The landscape plan should be submitted for the next meeting.

A motion by Sasse, seconded by Howard to approve the Plan of Operation for All American Automotive at W230 N9515 Colgate Road subject to the comments of the Town Engineer, that there be a thirteen vehicle limit, that the parking area be paved by July 15, 2010, that a satisfactory landscape plan be submitted by the next meeting and also that the well and septic issues be completed by the next meeting. Motion carried.

OTHER ITEMS FOR DISCUSSION

There were no items for discussion.

ADJOURNMENT

A motion by Howard, seconded by Nelson to adjourn the meeting at 8:55 P.M. Motion carried.

Respectfully Submitted

Sandra K. Gettelman
Deputy Clerk