

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

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

Meeting was called to order by Chairman Gehrke at 7:04 P.M.

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

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

COMMENTS

No comments.

MINUTES

Motion by Fischer, seconded by Nelson to approve the minutes of the Public Hearing and Plan Commission meeting of February 4, 2010, with Mr. Stigler's corrections. Motion carried.

Mr. Stigler noted corrections to the Public Hearing Minutes for the Hebbe-Knutsen Conditional Use Permit. On page 3, 19th line from the top there is a typographical error in the year 1009 should be 2009. On page 4, eighth line of second paragraph there is a typographic error, the word my is misspelled as mu.

INFORMATION ON ATTACHMENT OF ANDERSON LAND TO NEIGHBORING PARCEL

Ms. Anderson was present for the meeting. Town Engineer comments were: The property is located on the west side of CTH "MD" (Moraine Drive) and south of Ainsworth Road. The property is Zoned A-2 Single Family Residential at this time. Per the Town's Comprehensive Development Plan this property is designated as Rural Density and other Agricultural lands at a 5.0 ac. Density along with a strip of hydric soils. The lands the Andersons would retain are classified as Low Density Residential (lots from 20,000 square feet to 1.4 acres in size). The Anderson parcel remaining would be approximately 7.8 acres more or less. The proposed sale to the Zellmers could be allowed as a sale between abutting owners as permitted under State Statute 236. Said sale would be permissible as long as the Zellmers filed the appropriate County forms and legally attached the lands to their present parcel. (In other words, the land cannot be allowed as a separate parcel). The second option proposed by Ms. Anderson will require a land division by Certified Survey Map. The Town Code does not allow land splits for parcels less than 20 acres without a Certified Survey Map. Other items needed for a Certified Survey Map Review would include: Soil tests. Access permit from Waukesha county Public Works Department. Plan Commission approval. Town Board approval. Extra-territorial approval from the Village of Merton. Payment of fees for the creation of one new lot. Ms. Anderson stated that her intention is to sell the land to the Zellmers, but they have not come to full terms on that yet. The secondary thing would be to come back again for a Certified Survey Map. Tonight she would like to get approval to attach the land. Mr. Stigler stated that there are forms at the Register of Deeds office to attach it. Commissioner Stadler noted that she has a large horse barn on her property and by reducing the acreage that will also reduce the number of horses that are allowed. Ms. Anderson stated that she has six horses. Mr. Stigler suggested that she move the line 25 feet to the west to retain eight acres, for six horses. Commissioner Fischer questioned if she goes with the second option, dividing the property, what requirements are there for an easement? Mr. Stigler replied that it can be right on the property line, a minimum of 33 feet wide and the rear parcel would have to be a minimum of three acres, but it will be close to six. The County DPW will have to approve a driveway location.

A motion by Howard, seconded by Sasse to approve the request of Margaret Anderson to attach the back parcel of approximately six acres, to the Zellmer property if the sale goes through. Motion carried.

HALQUIST STONE COMPANY SIGNAGE

The signage for Halquist Stone Company for corner of STH 74 & CTH K was reviewed. Mr. Jeff Brown of Halquist Stone Company and Mr. Bart Stubblefield from the sign company were present for the meeting. Town Engineer comments were: Property is presently Zoned Quarry. The proposed sign (modifications) are located at the Northwest corner of CTH "K" and Waukesha Avenue (STH 74). Per Section 13.13 "Existing Signs" reads as follows; Existing signs which become nonconforming upon adoption of this ordinance shall not be reconstructed, remodeled, relocated or altered in any way unless such action will make the sign conforming in all respects. The reason that this is important is because presently the sign is located within the Highway right-

of-way. Per Section 13.12(c)(5)(c) pole signs are to be a minimum of 20 feet from the right-of-way line. Possibly the right-of-way was changed after the sign was originally constructed. The information provided does not allow for verification that the existing sign meets the height restriction of 20 feet overall. Field measurements by our office indicate the sign is approximately 23.0 feet in height or 3 feet too tall. The sign face does not exceed the sign face area regulations (250 feet allowed) approximately 160 feet requested. The proposed sign modifications include an electronically controlled changeable message. Per Section 13.03 Definitions. Changeable messages are limited to temperature and time of day. Section 13.07 "Prohibited Signs" states that flashing, rotating and signs with moving parts are prohibited. It is not clear on the application if this Section is applicable to the application. The Plan Commission may remember that the Hamilton High School Sign was restricted from continuous scrolling of their message. Recommend tabling the application until the issue of height and location can be addressed. Chairman Gehrke noted that the main concern is that the sign appears to be in the highway right-of-way. Mr. Brown stated that he was not aware of that. Chairman Gehrke stated that to resolve the issue they could move the sign 15 to 20 feet to the west, or leave it as is. Mr. Brown stated that they would leave it as is. Mr. Brown added that per the ordinance they are not even allowed to change the logo. Mr. Stigler commented that they could change the logo on the very top panel. Changing of the logo is allowed but changing the lower section to electronics, would be a remodel. Mr. Stubblefield asked if the message center is the same size as the moveable copy sign, could they just pull the faces and attach the message center to that? They would operate it just like the high school. Last weekend he calculated that they rotate their message every 8 to 11 seconds. Chairman Gehrke pointed out that the school sign has changed in the last couple of weeks. They have starting scrolling, etc., and it is becoming a distraction. They were told to fix it, but they haven't done that yet. If you are looking to do what they are doing, that can't be done. Commissioner Howard noted that previously there was no scrolling and it would stay for a while before it would change. Mr. Stubblefield stated that basically they are just looking to change so that no one will have to go out there, take a pole and change the copy. They can change it from the building. It is an energy saving sign and will be more visible to the people. Mr. Stigler stated that he had taken some measurements and he felt that they should come back with approval or an easement from the State Highway Department. The Plan Commission can weigh in on the height. Chairman Gehrke and the commissioners stated that they had no problem with the height. The commissioners discussed the sign and the length of time it had been at that location. Commissioner Stadler noted that years ago there was a restaurant at that location. The restaurant put up the sign and the copy was just changed to say Halquist when Halquist bought the property. She pointed out that the sign code needs to be revised. She asked that the Plan Commission or the Board look at it, as it needs to be changed. Commissioner Sasse stated that he had seen the sign at the High School and it was moving a couple of times a second and the other side was scrolling a message. Mr. Stubblefield stated that in most communities the sign is a 10 second read. Normally it will change between 10 and 12 seconds, like a slide show. There is nothing flashing and there is no scrolling. The commissioners discussed the offset for the sign and the location in the right-of-way and whether it should be moved. Commissioner Panten cautioned that they are taking a risk leaving the sign in that location because the state may make them move it. Mr. Brown stated that they would move the sign if the DOT tells them to, as it is a large investment. Commissioner Nelson asked about a sign welcoming the public to the Town of Lisbon. Mr. Brown stated that they have helped promote the schools, the Fire Department, Lions Daze, etc. Commissioner Panten stated that they are not changing the poles, they are just changing the faces on it. He noted that the existing sign is going to stay, but if it is a matter of seeing this sign or the old one, this one is very much improved. After more discussion Commissioner Panten noted that these are the type of signs that everyone will be coming to us with. This is the new type of sign.

A motion by Panten, seconded by Nelson to approve the signage for Halquist Stone Company on the NW corner of STH 74 & CTH K, on the condition that they don't alter the size of the upper sign, just change the face. That they use the framework on the lower sign and change it to digital sign, with a message that can change no less than every 60 seconds. If the Sign Code is modified to be less restrictive they will follow that.

Commissioners Sasse and Fischer voted nay, all other commissioners voted aye. Motion carried

CONCEPTUAL PLAN FOR FORMER SENNOTT PROPERTY

The revised Conceptual Plan for the former Sennott property was reviewed. Mr. Roger Dupler of Yaggy Colby, owners Tate Boho and Jeff Ertl were present for the meeting. Town Engineer comments were: The property is located in the Southwest Quadrant of Hickory Road and STH "164". The site contains roughly 73.4 acres of land. Presently the site is Zoned A-1 Single Family Residential along with Conservancy Zoning in the area of the Bark River, which crosses the southeast corner of the site. The A-1 District regulation requires 40,000 square feet lots and 150 feet of lot width. Per the Town's Adopted Comprehensive Land Use Plan the Upland areas are designated as Rural Density and Other Rural Lands. This classification requires a straight density of one unit per (5) five acres. Or, if developed as a Conservation development a density of one unit per (3.5) three and one-half acres is allowed. Under the Conservation development requirements the parcel would yield 20.97 units or rounded to 21 units. The layout meets the conservation design criteria since more than 40% of the site is in open space and more than 80% of that 40% is in upland areas. The following comments are offered regarding the lot layout. Lot 21 area is shown as kettle or hole on the County Topography. The next submittal needs to include existing topography to verify the existence of a buildable area on all lots. The low areas on Lot 21 will need to be protected by a storm water easement. All lots appear to meet the A-1 District Regulations. Lots 2, 3, 4 and 5 do not meet the Town's recommendation for lots to be deeper than wide. A larger street radii near the southeast corner of Lot 16 is required. Street intersection right-of-way lines are to be on a radii. Lots 15 & 16 will need to stipulate the building envelope. Said envelope to be based on the results of soil tests and groundwater elevations. All lots are prohibited from accessing STH "164". Exact Floodplain and Wetland Limits will need to be field verified and delineated. Vision corners at Hickory Road will be required. Storm water basins must be situated in outlots. Building Pads 12 through 16 have been redesigned to avoid the hydric soils with building envelopes shown outside of hydric soils. Prior to submittal of Preliminary Plat, soil tests on each lot must be performed, along with groundwater analysis. The comments of the Waukesha County Community Assistance Planner were reviewed. Chairman Gehrke asked the commissioners for their comments. Commissioner Panten stated that this plan had everything that we were looking for. Commissioner Sasse commented on Lot 1, that it also is wider than it is deep. Mr. Stigler noted that there is not an easy fix for that other than moving the road easterly and then you start shoving the building pads down steep slopes. He pointed out that the code would not encourage those type of lots, but in this situation it is the best they could do. Commissioner Fischer stated that the Park Department, as part of their five year plan, has been discussing that each new development should have a pathway along all the major roads that can be hooked up to other subdivisions as they are built, throughout the whole community. If they could do that, that would be great. Mr. Stigler noted that with some permitting from the DNR, you could probably get an elevated boardwalk. We actually have that at the Fairways of Woodside Golf Course, in some wetland areas. Mr. Dupler stated that it might be more practical to get a permit from the DOT to bring it into the right-of-way and make use of their existing crossings so that we do not have to build a second bridge. Mr. Boho noted that when they were at the County, they made no mention of that at all. The reason it is in the comments from the County is that we asked the question, if the Town had a comprehensive trail plan that we should take into account. The answer at that time was no. This is the first time we have heard about it. There was no conversation about it at that time. It is certainly something that we figure we can work out as we proceed with the project. Mr. Boho pointed out that if the intention is to link subdivisions, this is going to be the last subdivision along 164, for quite some time. There is a considerable amount of woods south of the river on our property and then it leads to some single-family homes that are well off of the highway. He did not think there were any near future plans to tear those down and put subdivisions along that road. Commissioner Stadler noted that it would towards Hickory Road. Chairman Gehrke asked if these trails would be public or private. Mr. Stigler stated that they would be private, but they would be accessible to all the lot owners. We could ask them to make it one of the conditions, that they are open to the public. He added that in the final design you might want most of the trail to be on easement to minimize the

amount that is in the street otherwise you will have to adjust your cross sections. Commissioner Stadler stated that she likes the plan and it meets our criteria. Commissioner Howard stated that as long as the building sites are located outside of the hydric soils, it is much improved. Commissioner Nelson congratulated them on the bike trail. He felt that it would be an asset to the Town and a signature development. They have done a good job adjusting to what the engineer and the Plan Commission had asked them to do. Mr. Stigler stated that he thought that we heard before that they were going to use a rural section without curb and gutter for storm water purposes. Then to try to fit a five or six foot wide trail in that 66-foot span, it is not going to work with our roadside ditches and that. Either the right-of-way is going to have to get bigger, or they are going to have to adjust their thinking and go with the curb and gutter section here where we have some flat areas behind the curbing in the right-of-way that could be utilized for the trails. Commissioner Stadler asked if we are going to require the trails to be paved. Mr. Stigler replied that if they develop maintenance or put some type of mulch or aggregate down, he did not think they had to be asphalt. Commissioner Nelson noted that in the Town of Merton all of their trails are paved. Mr. Dupler stated that they had not expected to pave the trails, as they were originally intended only for the use of our residents. We assumed that they would be just mowed paths. Up along the streetscapes, we could easily set them outside of the right-of-way and put them in easements along the fronts of the lots, so that access is preserved. Chairman Gehrke stated that he would not say that he needed them paved but he was looking for more than just mowed grass. Commissioner Stadler stated that we need to come up with a standard so that everyone knows what we require. Commissioner Sasse asked why we need the trails that run along the sides of the road. Any place that runs along the road is not needed. Commissioner Nelson suggested paving the area between the retaining ponds, along 164, the back of Lots 6-9, north and east of the zigzag up to Hickory Road and the area south of Lots 12-14 to the western edge of the property. Chairman Gehrke stated that you can still ride a bike on small, compacted stone, but not on mulch. Commissioner Panten stated that what they do with the trail is going to depend on what they can do in the shoreland area. Mr. Boho stated that their estimate for doing the path system is \$47,275.00 in stone. To change that to asphalt would be cost prohibitive. Commissioner Panten felt that the stone trail would be fine. Mr. Boho stated that they would be using locally available gravel, traffic bond. Mr. Dupler asked Mr. Stigler to expand on some of his details. The 100-foot turning radius across the circle. Is there a need to modify that? On Lot 21 there is a depression in the back. All of that will be illustrated on the next plans that you see. In regards to the depth to width on some of the lots, they could not find a standard to give them better direction. Mr. Stigler noted that it is in the Subdivision Control Ordinance. Now they are wider than the depth. We are not asking him to change that other than to point out that it is not our typical configuration, because you are restricted to what you can do. Mr. Dupler stated that he had miss-spoke at the previous meeting and what they have been describing as hydric soils are actually hydric inclusions. Which means that at some point they have experienced seasonal high ground water. The areas outside of that are ideal soils for building. Commissioner Stadler asked about Lot 21 and if there is a kettle, can something be noted that that cannot be filled. Mr. Stigler noted that they will look at that whole corner when they do their storm water plan. Mr. Dupler stated that they were pleasantly surprised when they went to the DRT meeting, they were very complimentary. With the soils in some areas if there is a basement restriction, they will deal with it. They will ask for consideration of a waiver on the length of the cul de sac. The Plan Commission members stated that they were fine with the length of the cul de sac. Mr. Dupler asked how they should proceed, with a PUD or a Preliminary Plat? Mr. Stigler stated that he had talked to Ms. Scherer today and the County is willing to look at them as being grandfathered in. With the new code, they would have to have a rezone because it would automatically go to the new zoning map. He advised Mr. Dupler that the next step should be to do the borings and then file as a Preliminary Plat. Chairman Gehrke stated that they will need to do the signage, the Developers Agreement and the Storm water Agreements. Mr. Boho asked if it is going to be grandfathered in, how much time do they have to bring the Preliminary Plat forward? After more discussion Mr. Stigler suggested that they should come back with the Preliminary Plat in a six month period. Mr. Dupler asked if they could have some kind of action to secure the grandfathering because so many variables are changing within the next few months. He hoped that they would not have to come back and ask

for an extension because with all the changes with wetland delineations the DNR is not being very cooperative. Commissioner Stadler suggested that they put something on the next agenda to make it official. The commissioners agreed that the item could be placed on the next agenda for action.

AMERICAN MOBILE HOME COMMUNITIES LICENSE

The renewal of the license for American Mobile Home Communities was reviewed. Town Engineer comments were: The fee, legal description and bond are all required in Chapter 14 of the Town of Lisbon Municipal Code. The code requires a yearly renewal of the park license with the attachment of the items provided. Recommend approval of Willow Springs Mobile Home Park license for the period of May 1, 2010 to April 30, 2011.

A motion by Stadler, seconded by Nelson to approve the renewal of the Mobile Home Park License for American Mobile Home Communities for the period of May 1, 2010 to April 30, 2011. Motion carried.

MCLAUGHLIN MOBILE HOMES LICENSE

Town Engineer comments were: These two mobile homes are located to the east of the Willow Springs Mobile Home Park on private property owned by Mr. Ed McLaughlin. Access is provided from McLaughlin Road a private right-of-way. The Town and McLaughlin have an agreement to remove these mobile homes if and when the current residents no longer reside there. Recommend approval of the license for two mobile homes for a one year period. Deputy Clerk Gettelman stated that all fees have been paid and a letter has been received listing the current residents.

A motion by Fischer, seconded by Nelson to approve the License for two mobile home lots located at N67 W22062 and N67 W22070 McLaughlin Road, for Ed McLaughlin, for a period of one year, from April 1, 2010 to March 31, 2011. Motion carried.

OTHER ITEMS FOR DISCUSSION

Chairman Gehrke noted that the Sign Code needs to be revisited. The Subdivision Control Ordinance also will be updated.

ADJOURNMENT

A motion by Nelson, seconded by Sasse to adjourn the meeting at 8:59 P.M. Motion carried.

Respectfully Submitted

Sandra K. Gettelman
Deputy Clerk