

TOWN OF LISBON - PLAN COMMISSION MEETING – FEBRUARY 3, 2011

Minutes of the Plan Commission meeting held in the Town Hall on February 3, 2011.

Meeting was called to order by Chairman Gehrke at 6:37 P.M.

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

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

COMMENTS

No comments.

MINUTES

A motion by Fischer, seconded by Howard to approve the minutes of the Public Hearings and Plan Commission meeting of January 6, 2011. Motion carried.

CONDITIONAL USE FOR HICKORY FIELDS PUD

Mr. Blise was present for the meeting. Town Engineer comments were: Presently the property is Zoned A-10, Agricultural District, C-1, Conservancy, in the south adjacent to the Bark River and UC, Upland Corridor, south of the River on the wooded slope. Per the Town's Zoning Code, Section 4(c), property owners within 500 feet of the subject site are to be notified by mail of the hearing. The accuracy and completeness of the Town's mailing list relative to this hearing has been verified. The applicant has followed the Town's Planned Unit Development (PUD) review process. They have held a consultation meeting with the Town staff and last month received conceptual approval of their layout. Recommend approval for the Conditional Use request to allow this development as a Planned Unit Development (PUD) subject to all applicable Town Codes and Ordinances. We have heard concerns from residents along Hickory Road relative to vision. We would do a thorough review and require them to do profiles along Hickory Road before we would approve that access. Any modifications they would have to make would be borne by the developer. If there are modifications to the profile or the grade of the road, the developer would have to show us that he meets the sight distance for the speed limit posted. Chairman Gehrke asked if this is where it is coming off of Hickory Road is it just a matter of shaving down Hickory Road? Mr. Stigler replied yes, or raise the belly up. A compromise of both would be most cost effective. Mr. Brown is quite a bit to the west from this particular entrance, but certainly vision is something that we review as part of the plat approval for subdivisions. Chairman Gehrke noted that we have gotten the walking paths, the boulevard for the signage and everything else has been taken care of. Mr. Stigler stated that the next process would be the Preliminary Plat and then the Final Plat after they develop construction plans. Commissioner Nelson asked if Ms. Scherer's comments had all been addressed. Mr. Stigler replied that they have submitted soil tests that indicate that most of the lots would allow conventional systems. There is a suitable area on every lot that meets the criteria. Commissioner Nelson questioned her comments on steep slopes. Mr. Stigler stated that that issue has been addressed. Commissioner Nelson noted that there are eight lots and the amount of traffic going in and out of this subdivision would be reasonable. Chairman Gehrke stated that there are a lot of things to consider but it will be addressed. Mr. Stigler added that they will be building tapers and bypass lanes and pull off lanes, etc. Mr. Bruckner stated that they withdrew the Preliminary Plat for this evening because we are still going through the storm analysis and we did not feel comfortable giving the commission what we had until we do some more analysis. Our Engineer met with the County again and we are exploring a couple different avenues before we actually put it on a Preliminary Plat. Mr. Stigler asked that they keep Jahnke & Jahnke in the loop, as they also have to satisfy the Town.

A motion by Fischer, seconded by Sasse to recommend to the Town Board approval of the request of JTJ Land Investments LLC, for a Conditional Use for Hickory Fields Subdivision as a Planned Unit Development, subject to the comments of the Town Engineer and the Waukesha County Community Assistance Planner. Motion carried.

PRELIMINARY PLAT FOR RIVER GLEN OF LISBON

Mr. Bruckner, representing Harmony Homes Inc., was present for the meeting. Town Engineer comments were: The site is Zoned R-1, Suburban Single Family Residential District, along with small areas of C-1, Conservancy, along the south boundary in the area of the Bark River. The developer recently received Town

approval for Planned Unit Development (PUD) overlay on the site. In addition, the Town has held a Public Hearing along with staff level meetings per the PUD Regulations. At this time the developer is seeking Preliminary Plat approval. The Preliminary Plat based on the Town's newly adopted Land Division and Development Ordinance, State Statutes and the Town's checklist has been reviewed. The following comments are offered: Per Section 4.02(A), the dimension from exterior boundary to section corner is missing. Per Section 4.02(D), delineate a line 2 feet vertical from the 100-year floodplain elevation. Per Section 4.02(H), indicate on Preliminary Plat if natural gas lines exist in the abutting roadways. Per Section 4.02(M), adjacent land zoning classification is to be shown and is missing at the time. Per Section 4.02(T) and State Statute 236, distance from meander line to Bark River is required. Per Section 8.14, one 10,000 gallon fire protection tank is required. The Fire Chief should be consulted for final details. Per Section 8.12, street trees will be required. A tree planting plan should be submitted to staff for review. Recommend Plan Commission motion contain waiver for cul-de-sac length of approximately 850 lineal feet. As previously discussed, the Preliminary Plat indicates street names and location of where street names apply. The developer is encouraged to coordinate removal of the Norwauk Road cul-de-sac with the neighbor on the east. Recommend note be added to Plat which states "that all building setbacks and offsets will be measured from the near edge of any drainage easement." Recommend note be added to Plat which states that all lots are subject to the Town's ground water separation regulation. Recommend approval of Preliminary Plat subject to above stated items. He recommended that they submit a revised plat to the Town prior to the Board meeting. Chairman Gehrke suggested that they contact the Fire Chief regarding the fire tank.

A motion by Fischer, seconded by Sasse to recommend to the Town Board approval of the Preliminary Plat for River Glen of Lisbon Subdivision, subject to the comments of the Town Engineer and the Waukesha County Community Assistance Planner. The Town Engineers comments should be addressed and the corrected plat resubmitted prior to the February 14th Town Board meeting. Motion carried.

TEMPORARY ASPHALT PLANT FOR NORTHWEST ASPHALT

The temporary portable asphalt plant for Northwest Asphalt was reviewed. Mr. Kirt Haggard of Northwest Asphalt was present for the meeting. Mr. Stigler explained that at the last meeting he had stated that a public hearing was required. Deputy Clerk Gettelman questioned that and it was confirmed by Ms. Scherer that it was not required. His comments were: The proposed site is Zoned Q-1, Quarry District. The proposed plant location is now shown as 1,800 feet from the west property line and 775 feet south of CTH "K." The proposed location is approximately 1,800 feet north of the City of Pewaukee's corporate limits. The proposal to produce asphalt in the Quarry District is a permitted use. As stated last month, recommend plant operative be required to provide field tests for noise, light, and emissions at the time plant is put into production with it being understood that no negative test results at the nearest residential property will be allowed. Periodic follow-ups stack emission tests are to be performed as well. Recommend approval of Plan of Operation dated December 15, 2010, lighting plan and site plan as submitted subject to above comments and concerns of the Plan Commission. Chairman Gehrke stated that we have received some comments from a citizen in the area. They are talking about the back up alarms and the banging of tailgates and we addressed those last month. He asked if they will be bringing material in during the night? Mr. Haggard replied no. They do have millings that they will be removing from I-94, however the intent is not to bring them back to the Halquist Quarry. The materials that we use at night will have to be brought in during the day. Chairman Gehrke commented on the back up alarms. Mr. Stigler noted that we have noise standards and that is why he has suggested that they take a test by the structures and they will have to abide by those limits. He asked about the OSHA allowed modifications to the standard back ups. Mr. Haggard replied that we will install those. We tried to get some readings at the property line on this past Monday at about 7 AM. We had a difficult time picking up noise from the loaders in that area, based on the size of the berm and the trees on the berm, because the traffic noise superseded the type of readings that we tried to gather. We couldn't even put together a plan for you. We are aware of your requirements and will comply with them. Mr. Stigler suggested that they try to take the readings at a different time of day. Mr. Haggard stated that

they could barely get a reading, but they can try again. Chairman Gehrke added that they should take some readings at the properties to the west as well.

A motion by Nelson, seconded by Howard to approve the Site Plan, Lighting Plan, Plan of Operation and extension of operating hours for the Temporary Portable Asphalt Plant for Northwest Asphalt, subject to the comments of the Town Engineer. Motion carried.

TEMPORARY PORTABLE WASH PLANT FOR HALQUIST STONE

The temporary wash plant for Halquist Stone Company was reviewed. Mr. Halquist was present for the meeting. Town Engineer comments were: The proposed wash plant operation will be located in the Halquist Stone Company's Highway "K" quarry. The property is Zoned Q-1, Quarry District. Per Section 30(B)(3)(C & D), production of asphalt and stone cutting and crushing are permitted uses in a Quarry District. Per Section 4(H)(25)(B)(ii), no public hearing or Conditional Use Permit is required for this use. Recommend the Town require noise level readings at time of initial plant operation. Noise level readings to be taken at the abutting residential properties with no noise level measured greater than standards found in section. Recommend the Town require light level tests at abutting residential properties. Plant lighting to have zero measured change at the property lines. What will be the source for the water used in the wash operation? Will the used water be recirculated? Will there be any pumping of sub-surface water to support this operation? If so, at what rate? Based on the application, recommend the Town set a deadline of June 30 for this use to exist. The Town could grant an extension if the project (I-94) is delayed due to weather. Recommend approval subject to above comments and concerns of the Plan Commission. Mr. Halquist explained that they will create some ponds and then re-circulate the water in the ponds. Mr. Stigler asked if they will use some kind of polymer to try to get the silt out? Mr. Halquist replied that they should be able to keep the ponds clean. Michels has done this before and has given us a plan. We are just going to fill the pond with our discharge water as we do now, under DNR permits. Commissioner Stadler asked if they are going to dig these ponds? Mr. Halquist replied that they are going to build them up high and pump up to them. Commissioner Fischer asked why this has to be done at night? Mr. Halquist replied that 30% of the mix is a manufactured sand, not the sand from a gravel pit, and we provide that. The push to get about 80% done by June is that they need to get it done by Summerfest. They will shut down for that and then finish it afterwards. Commissioner Fischer asked about the 24 hour operation. Mr. Halquist stated that there is no way that we can make enough material with the plant that we have now, in order to get this project finished. No crusher is going to operate with this; we can get that done during the day. We can crush a lot faster than we can wash. There are very tight deadlines here and we are concerned that we wouldn't be able to meet it otherwise. Commissioner Stadler questioned the lighting. Mr. Halquist stated that the lights are on a stand and they can move them as they need to. Mr. Stigler noted that he suggested in his report that they do those tests at the lot line. Mr. Halquist stated that he anticipated all of these questions. Commissioner Nelson asked how far down in the pit this would be? Mr. Halquist replied that the pit is 32 feet deep. Typically you have 4-6 feet of overburden there and then we have a 20-foot high berm. He felt that the people to the south would be impacted the most, that is why we have the berms there.

A motion by Nelson, seconded by Howard to approve the Temporary Wash Plant for Halquist Stone Co., at S of K Quarry, subject to the comments of the Town Engineer. Motion carried.

PLAN OF OPERATION FOR TRAWICKI ELECTRIC INC

The plan of operation for Trawicki Electric Inc. at N70W25156 Indian Grass Lane, Unit C, was reviewed. Mr. Trawicki was present for the meeting. Town Engineer comments were: The property is Zoned M-2 General Industrial District and C-1 Conservancy. This is the Tomasini family building located on the north end east side of Indian Grass Lane. The stated use is Electrical Contractor Office and Warehouse. Per Section 32(b)(3) this Proposed Use is a Permitted Use in the M-2 District. Item 7 of Plan of Operation Form, applicant indicates the possibility of outside storage of 5 vans or pickup trucks. It should be noted that per the original Site plan approval, these vehicles must be stored in the rear of the building per Section 32(b)(4) the Plan Commission must specifically approve of the outside storage. Recommend approval subject to the Fire Department and

Building Inspector authorization. And subject to all vehicle and equipment storage to be inside or in the rear of the building. Mr. Trawicki stated that the vehicles will be parked in the back and they all take them home at night, unless someone is on vacation. Chairman Gehrke added that the Building Inspector has given his approval and the Fire Department Inspection has been scheduled.

A motion by Nelson, seconded by Howard to approve the Plan of Operation for Trawicki Electric Inc. at N70W25256 Indian Grass Lane, Unit C, subject to the comments of the Town Engineer. Motion carried.

INFO ON AMSTADT LAND DIVISION

Mr. & Mrs. Amstadt appeared before the commission seeking information on land division of their property at N80W24782 Plainview Road. Town Engineer comments were: The property is located on the north side of Plain View Road opposite Kathleen Avenue. Per the Town's Zoning Map the area nearest to Plain View road (approximately 180 feet North & South) is Zoned A-5 Mini Farm District. The majority of the site lying north of the A-5 areas is Zoned C-1 Conservancy, Wetland and Floodplain District. The A-5 District requires lots of 5 acre minimum size and 300 feet of coverage lot width. The parcel presently contains 4.78 acres of land after deducting for the Plain View Road Right-of-way. Per the Town/County Recommended land Use Plan for 2035 the parcel is designated Low Density Residential (presently Zoned A-5) and Primary Environmental Corridor (presently Zoned C-1). The C-1 Zoned lands are comprised of hydric soils (seasonal water to less than 1 feet depth), WDNR Wetlands, Floodplain and two streams. Residential structures are prohibited in the C-1 Zoning District. After implementing the Town's standard setback, offsets and shore setback lines, it is our opinion that there is not a buildable area left large enough to support the minimum structure area of 1000 square feet and therefore we recommend against further division of this property. If the applicant desires to pursue this further the following items will be required for a complete review. Topographic survey of the A-5 area. WDNR determination of stream navigability. WDNR verification of seasonal high water mark location and elevation. FEMA approved by Floodplain Elevation Study. Site Grading Plan meeting the Town/County Ground Water Separation Regulations. Waukesha County Shoreland Approval. Soil borings verifying suitable soils for on-site waste water disposal system. He stated, that in his opinion, with the stream and the lot sizes, there is not enough room outside of the hydric soils or the floodplain to support a house. There is a 75-foot setback from the stream or the ordinary high water mark, so you would have to have the DNR come out there to determine exactly where that is. Then you have your front setback, that is shown, of 50 feet and that leaves you with a very small triangle. Mr. Amstadt asked if he is just estimating that or is that fact? Mr. Stigler replied that he is saying that there are a lot of variables that depend on site inspections by other authorities. He is just giving them a guideline of what kind of a task this would be. The floodplain in this area has not been studied so it is all approximate. He would have to hire an engineering firm to do a HEC study, which is a hydrological evaluation of the whole watershed to determine the floodplain on the property. Mr. Amstadt asked if they would consider splitting it without building on the other half? Mr. Stigler replied no, we don't create unbuildable lots. Mr. Amstadt noted that seven years ago he could not build on the lot because of the septic and now there is a home on it. Mr. Stigler stated those regulations are from the state. There were lots of lots in the seventies and eighties that did not pass the criteria. When they passed the A+4 system those lots became buildable. Mr. Amstadt stated that the only reason that he wants to split the lot is that his son wants to buy the home. When he bought the lot it was not buildable and he waited it out and it became buildable. Now, in time, maybe this would become buildable. The commissioners discussed the amount of acreage, which is 4.78 acres. Chairman Gehrke noted that we are not saying that you can't do this, but that there are a lot of things that need to be done in order to do it. Chairman Gehrke asked about having shared septic systems. Mr. Stigler noted that our ordinance does not allow it. Commissioner Sasse commented on the hydric soils and noted that he will have to spend a lot of money to find out where the line is. Commissioner Nelson felt that based on the possible hydric soils, it is not in their best interest to place a home on this site.

INFO ON WHOLESALE DEALERS BUSINESS

Mr. Mark Leslie and Mr. Allen Quimby appeared before the commission seeking information on the operation of a Wholesale Dealers Business at W229 N5151 Duplainville Road. Town Engineer comments were: The property is presently Zoned R-3 Two Family Residential District. The Towns/County Recommended Land Use Plan 2035 has this area designated as Industrial. Under the Town's current Zoning of R-3, the proposed use would not be permitted. Therefore a Rezoning at the Town and County level will be required. Based on satisfaction of other items of concern a rezoning to the M-2 District, which matches abutting properties and neighborhood would be appropriate. Regarding the Land Use Plan which has the area designated Industrial it appears no amendment would be required. The following items are of concern and more information should be submitted prior to a Rezoning and Public Hearing moving forward. Preliminary Site plan, including site layout, landscaping, signage, storm water management, grading, fencing and screening. Preliminary Plan of Operation form including number of vehicles, hours of operation and all other information requested. Recommend table item until requested information and all concerns of Plan Commission and Town Staff are addressed. The commissioners discussed the number of cars, whether they were disabled or drivable and the issue of contamination. Mr. Stigler stated that based on the picture that he distributed, there are quite a number of vehicles on the property at this time. Mr. Leslie replied that over half of them have been hauled off to the scrap yard. After much discussion it was determined that the applicants were renting and did not own the property. Mr. Stigler noted that they can't have the house and the business both. They will need either one or the other. He stated that he had done his report under the premise that they were acquiring the land and making it Industrial. It is not a permitted use in the R-3 district. Mr. Leslie noted that right across the street is All-ways. Mr. Stigler stated that the house is not part of that business. Chairman Gehrke clarified that if they would rezone this property, they would have to discontinue the residential use. Mr. Leslie stated that they could not do that and asked if this could be done as a home occupation. Mr. Stigler replied that this type of operation is not allowed under a home occupation.

OTHER ITEMS FOR DISCUSSION

Commissioner Sasse noted that on the County GIS program he came across a large property that no one owns. It is part of Lisbon Lawns Subdivision. He also stated that Maple Avenue goes across five properties and it is not right of way. Mr. Stigler stated that those are based on old deeds that go to the center of the road. Mr. Stigler stated that the map shows the large parcel as being dedicated to the public and presumably owned by the Town of Lisbon. There is no tax key number assigned. Deputy Clerk Gettelman noted that the Town may have a deed for the parkland. This should be discussed with John Greiten.

Commissioner Nelson commented on the number of vehicles on the property that was on our agenda tonight on Duplainville Road. The Building Inspector will be asked to do an inspection of the property.

Commissioner Fischer commented on having a policy on paths. Chairman Gehrke explained that right now we have the ability to determine what we would like.

ADJOURNMENT

A motion by Fischer, seconded by Nelson to adjourn the meeting at 7:57 P.M. Motion carried.

Respectfully Submitted

Sandra K. Gettelman
Deputy Clerk