

**Minutes of the Plan Commission Public Hearing
Town of Lisbon, Town Hall
Thursday, January 11, 2018
6:30 P.M.**

A Public Hearing was held by the Town of Lisbon Plan Commission at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089 was called to order by Chairman Joseph Osterman at 6:30 P.M.

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Ed Nelson, Mark Meyer, Jane Stadler and Bryan Oelhafen. Also present: Planner Dan Lindstrom, Administrator Matt Janecke and Clerk Gina Gresch. Absent: Chad Samanske.

Public Hearing to solicit public comments on the proposed amendments to the text of the Town of Lisbon Zoning Ordinance in accordance with Wisconsin State Statutes including, but not limited to, the creation of a section to include Planned Unit Developments as an overlay district in the Town of Lisbon.

Chairman Osterman stated the public hearings were published in the Lake Country Now and Northwest Now papers, on the Town's website and on the Town Hall posting boards.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public, which there were none. The public hearing was closed at 6:33 PM.

Adjournment

The public hearing was adjourned at 6:33 P.M.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, January 11, 2018
Immediately following public hearing scheduled at 6:30 P.M.**

Chairman Osterman called the Plan Commission meeting to order at 6:33 P.M.

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Ed Nelson, Mark Meyer, Jane Stadler and Bryan Oelhafen. Also present: Planner Dan Lindstrom, Administrator Matt Janecke and Clerk Gina Gresch. Absent: Chad Samanske.

Comments from citizens present pertaining to items on the agenda. None.

Discussion and necessary action on the following Plan Commission Public Hearing and/or Meeting minutes: November 2, 2017 and December 7, 2017.

Motion by Commissioner Nelson to approve the Thursday, November 2 and December 7, 2017 minutes. Seconded by Commissioner Oelhafen. Motion carried, 6-0.

New Business.

Discussion and necessary action on the proposed Ordinance 01-18, Ordinance Creating Section 33 of the Town of Lisbon Zoning Code related to Planned Unit Developments as an Overlay District, and recommendation to the Town Board of the same.

Planner Lindstrom submitted a handout explaining this item and it is attached to the minutes. By switching from the Planned Unit Development (PUD) as a Conditional Use process to creating a PUD Overlay District, it gives a greater voice for the public and some flexibility for the Town and developer.

Commissioner Meyer asked if this new process will save the Plan Commission and or Town Board any time or will it take more time with the Town Board being involved? It is not fair for the developer to have to come to separate Plan Commission and Town Board meetings to get initial feedback. It doesn't really make sense to get the Plan Commission's opinion if they don't have the final say; they only make recommendations. Chairman Osterman stated the Town Board would put heavy weight on the Plan Commission's recommendation and hasn't seen them overturn a Plan Commission decision. Commissioner Stadler said it bothers her that by not having the Town Board involved at the beginning, they are at a disadvantage because they don't hear what goes on at the Plan Commission meeting. There should be a joint meeting between the two bodies.

Planner Lindstrom explained this new process would be similar to the current rezoning process, with the Town Board having final action by adopting an ordinance. This can be a two-step process or it can be combined it into one. The General Development Plan (GDP) is the skeleton of the PUD Ordinance, proposing basic elements, setbacks, densities, etc. of the development, which are negotiating factors. Once those conditions are met and the Plan Commission is satisfied, they make a recommendation to the Town Board and they take final action. This action is shown on the zoning map. Once the GDP is completed, the Specific Development Plan (SDP) process begins which is where the rest of the details are worked out regarding engineering, storm water, street grades, etc. These SDP steps are already in the current zoning code but now they are in a different section of the process. Based on discussions with Town staff and Waukesha County, the SDP details should be discussed and determined by the Plan Commission and then make a recommendation to the Town Board, which they would approve it by resolution. If any part of SDP deviates too far from GDP, the Plan Commission can require the developer to amend the GDP which requires Town Board approval. There was further discussion among the Plan Commission and Planner about what specific changes can be made by the HOA to the covenants and restrictions or can those changes only be made by the Town Board by ordinance or resolution.

Planner Lindstrom continued his review and explained that from Waukesha County's perspective, 90% of PUDs are approved for conservation subdivisions. This ordinance was written to handle more than a residential subdivision because the Town is growing. He tried to write the ordinance as detailed as possible to eliminate the chance of ambiguity. That's why approval by ordinance or resolution is important because that document approval outlines what must be followed as set by the Town, not the Homeowners Association. He continued to review each comment made by himself and Waukesha County Community Assistance Planner Sandy Scherer. There was a conference call earlier in the week and some changes resulted from that meeting, which he also reviewed. (Clerk Note: the various drafts of the ordinance are on file with the Town Clerk). Administrator Janecke stated as communities grow, you will find there will be more and more of these overlay districts that will take the place of Conditional Uses because Conditional Uses are losing their teeth.

The Plan Commission asked various questions about both Planner's comments for clarification purposes as to how the new text compares to the old text. Many of the changes made were typographical and codification type changes referencing sections since some of the section numbers were reconfigured. Other changes made including which body makes approvals; the Town Board or Plan Commission, so that it is consistent within the code.

Planner Lindstrom stated he will make the changes and bring back an updated draft at the next meeting for the Plan Commission to approve and make a recommendation to the Town Board for their approval.

Discussion and necessary action on Plan Commission packet deadlines, preparation and Planner's responsibilities.

Planner Lindstrom stated he made some observations at the last meeting. For example, had there been more time between receiving the application and the planner's review, many of the questions the Plan Commission asked could have been answered before the application made it to the Plan Commission. He asked everyone how they felt about that. Commissioner Stadler feels as though the Plan Commission members should receive their packet at least two weeks prior to the meeting to allow them time to review the application thoroughly or do a site inspection if needed. She was upset that they received the information with such short notice. Planner Lindstrom in his experience in other municipalities, applications are to be received at least 30 days prior to the next Plan Commission meeting. If the applicant hasn't submitted everything he needs to review, that item isn't placed on the Plan Commission agenda. By having that much time to review, there is enough time to send the applicant his review and receive their feedback and present a complete application at the Plan Commission, so the Plan Commission doesn't have to basically step the applicant through their application at the meeting. Administrator Janecke stated currently the draft packet is sent to the planner and department heads for their review three weeks prior to the meeting. Those comments are received and put into the packet which is sent to the Plan Commission members two weeks prior to the meeting. Commissioner Stadler commented again a week is not enough time especially if someone has their packet mailed to them. Commissioner Meyer feels this is a great topic for discussion and that he would rather give the planner more time to review and the applicant to make corrections before it gets to the Plan Commission. He'd rather have a shorter review time if that means applications are more complete. Making changes at the Plan Commission meeting gets problematic. He'd like to see the Plan Commission members receive their packet one week prior to the meeting. Planner Lindstrom stated when it comes to a Conditional Use or rezoning, he recommends the application packet be submitted at least six to eight weeks prior to allow time for the many changes that are usually made during the review process. He recommends the new process should be applicants submit their application packet 30 days prior to the meeting and if his review comments aren't addressed by the time the packet goes out, that item will not be on the agenda. Administrator Janecke stated we email the applicant their Plan Commission paperwork prior to the planner's appointment so they bring it with them completed. Commissioner Meyer stated he doesn't want the process to be too rigid; we want to be as friendly as possible to applicants. There was further discussion among the Plan Commission members about when the Plan Commission should receive their packets and how they receive them. Currently one Plan Commission member has their packet mailed to them, which he agreed to pick his up like a few others do.

Discussion and necessary action on 2018 Plan Commission meeting schedule.

Clerk Gresch stated there are two holidays which could affect Plan Commission attendance and would like to know if the Plan Commission agrees the meetings should be moved one week later. The 4th of July is the day before the regularly scheduled July 5 Plan Commission meeting; recommend moving this meeting to July 12. Labor Day (September 3) is the Monday before the regularly scheduled September 6; recommend moving this meeting to September 13. Administrator Janecke asked the Plan Commission if this meeting schedule change could become a permanent policy. Plan Commission members discussed the times the meeting date has been moved and suggested changing the meeting date to the second Thursday of the month.

Motion by Chairman Osterman to set the 2018 Plan Commission meeting schedule by moving the Plan Commission meetings to the second Thursday of the month starting with the March 8, 2018 meeting. Seconded by Commissioner Nelson. Motion carried, 6-0.

Planner Lindstrom gave the Plan Commission a brief presentation about his firm and responsibilities. He prefers to draft a staff report for each application item which is sent to the applicant. The report includes a checklist of items which need addressing by the applicant. As they are completed, they are removed from the report, so by the time the packet is completed all questions have been answered and ready for Plan Commission action. His review letter will have one of three actions; approve, approve with conditions, or postpone to the next meeting. He wants to make sure the Plan Commission is okay with the structure he is proposing. Chairman Osterman stated he doesn't want the Plan Commission to be completing applicant's plans of operating during the meeting. It feels like we are completing it for them and doesn't want that liability on the Plan Commission. Plan Commission members agreed with his suggested process. He also stated that as he reads the Town's code and becomes more familiar with it, he will recommend changes on how to simplify things.

Unfinished Business. None.

Request from members to request items on future agendas.

Adjournment.

Motion by Commissioner Nelson to adjourn the Thursday, January 11, 2018 Plan Commission Meeting at 8:32 P.M. Seconded by Commissioner Meyer. Motion carried, 6-0.

Respectfully submitted,

Gina Gresch, MMC/WCPC
Town of Lisbon Clerk

Town of Lisbon, WI Plan Commission Meeting

January 11, 2018

ITEM 4.a.

- Discussion and necessary action on the proposed Ordinance 01-18, Ordinance Creating Section 33 of the Town of Lisbon Zoning Code related to Planned Unit Developments as an Overlay District, and recommendation to the Town Board of the same.

Reason for Transferring From CUP to an Overlay District

- Planned Unit Developments as an overlay district is a common method for most municipalities
- Greater flexibility for the Town as technology and development patterns and trends change
- Provides developers an opportunity to obtain initial approval for the use and bulk items before submitting engineering detailed items to the PC at a later date
- Impact of 2017 Wisconsin Act 67

2017 Wisconsin Act 67

- PC and governing bodies have had the right to consider testimony from citizens and had the right say no to a proposed conditional use, if the applicant failed to convince the community that the proposed use met specified community standards.
- Impact of Conditions that are - "reasonable and, to the extent practicable, measurable...." places a large burden on municipalities to prove their conditions are practicable and measurable.
- Act prohibits a community from basing a conditional use permit decision on personal preferences or speculation." Much public testimony will be subject to challenge under this language. Public testimony from concerned citizens about the impact of a proposed conditional use will be off-limits, unless it is directly tied to "reasonable" and "measurable" standards. This new evidentiary standard will prove frustrating and difficult for citizens and public officials alike.
- Finally, the Act instructs that, where an applicant meets or agrees to meet all of the requirements and conditions specified" in the ordinance or imposed by the decision-maker, the conditional use permit must be granted. This language appeals to put the burden on the community to prove that a proposed conditional use cannot meet "reasonable" and measurable" standards (vs the applicant).

Summary of Changes

- CUP-PUD removed
- Created/Relocated to Section 33
 - Created a two step process that can be combined into one.
 - Public Hearing and Approval
 - Follow up meeting with additional details
- Process
 - Pre application meeting (unchanged)
 - Application for PUD rezoning and General Development Plan approval (GDP)
 - GDP hearing and referral (PC and TB)
 - County approval
 - GDP Recording (within 12 months)
 - Application for PUD – Specific Implementation Plan (PIP)
 - Plan Commission review and Resolution approval

Changes/Clean Up since the Packet

- Discuss County Comments
- Revised (e)(13)
 - Changes or Addition : Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town Plan Commission and if, in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a ~~conditional use amendment~~ Planned Unit Development Overlay public hearing before the Plan Commission shall be required and notice thereof given pursuant to the provisions of Section 36 of this Ordinance.
- Revised (e)(5)
 - Modification of zoning district requirements. Any ~~underlying~~ zoning district requirements (lot size, lot width, height, offset, setback, open space, floor area ratio, building size, and building location) which would otherwise apply may be modified for planned unit developments based on the reasons stated in the purpose and intent section of the Planned Unit Development ~~ordinance conditional use~~ and upon compliance with the following:

Changes Since the Packet – After Discussion with the County

- Removed (d)(5)(b)
 - The Plan Commission shall hold a public hearing under Section 36 of this Ordinance. Notice of such hearing shall include reference to the Development Plans filed in conjunction with the requested Planned Unit Development Overlay District. As soon as practical following the hearing, the Plan Commission shall report its findings and recommendations to the Town Board for a final public hearing under Section 36 of this Ordinance and decision.
- Revised (d)(6)
 - The Town Plan Commission in makes its recommendation and the Town Board in making its decision on the Planned Unit Development—Specific Development Plan shall
 - The Town Plan Commission In detailing the findings and making its decision shall consider:
- Revised (d)(6)(f)
 - Determination. The Plan Commission, after due consideration, may deny the petition, approve the petition as submitted or approve the petition subject to additional conditions and restrictions. The approval of a Planned Unit Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by a resolution of the Plan Commission.
- Many of the resulting changes are from

Who is Vierbicher?

- Vierbicher's multi-disciplined capability and team approach enables us to combine the essential areas of expertise required to successfully complete projects. Having this broad range of in-house experience provides the valued benefits to our clients.



Planning & Community Development
 Comprehensive Planning
 Neighborhood Planning
 Urban Redevelopment Planning
 Outdoor Recreation Planning
 Public Facilities
 Impact Fee Planning
 Developer Representation

Economic Development
 Business/Industrial Parks
 Tax Increment Financing (TIF)
 Market Analysis
 Strategic Planning
 Rural and Economic Impact Analysis
 Grant Writing / Administration
 Business Recruitment/Expansion

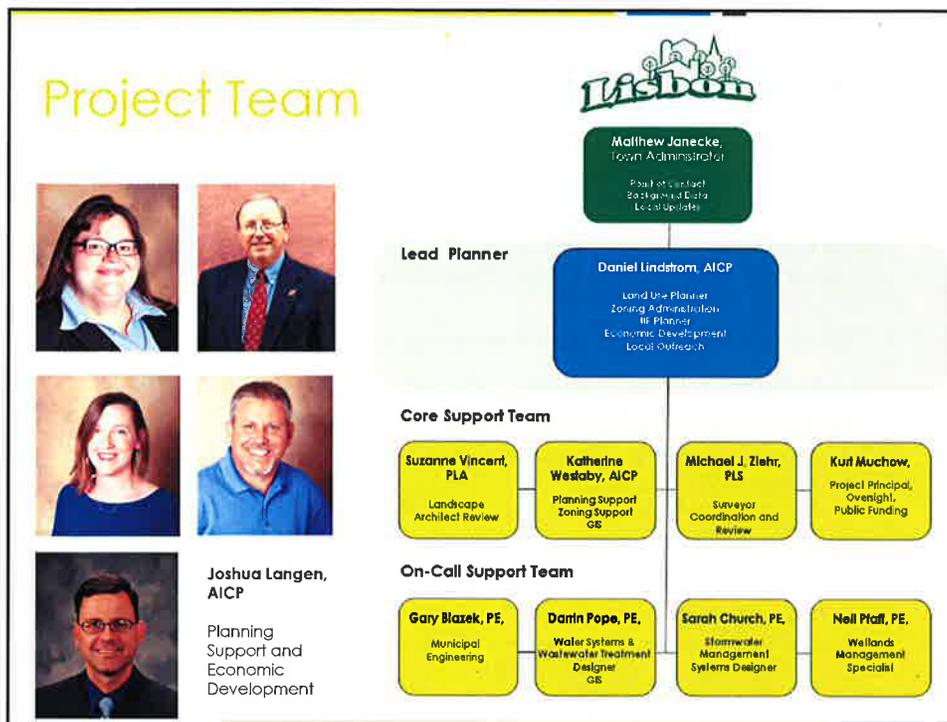
Water & Environmental Resources
 Roadblock Analysis
 Lake Rehabilitation & Management
 Stormwater & Water Quality Management
 Environmental Assessments
 Regulatory Compliance & Permitting
 Wetland Management

Agricultural Engineering
 Animal Waste Management Facilities
 Regulatory Permits
 Water Runoff and Drainage Facilities
 Construction Observation and Administration

Urban Design & Landscape Architecture
 Concept Planning
 Buffers/ways & Residencies
 Park & Plaza Design
 Landscaping Plans
 Streetscape Design
 Bike & Pedestrian Trails

Municipal & Civil Engineering
 Municipal Infrastructure Design & Studies
 Streets and Roadways
 Site Development
 Stormwater Systems
 Water Supply & Distribution Systems
 Wastewater Treatment & Collection Systems
 Construction Observation & Administration

Surveying & GIS
 CORS, Boundary Surveys and Legal Descriptions
 Platting, Subdivision/Condominium/Asessor's Right of Way
 Topographic Surveys/Aerial Mapping Control
 Construction Staking
 ALTA/ACSM Land Title Surveys
 Easement Mapping and Descriptions
 Parcel/Utility Mapping
 Roadblock Surveys/ FEMA Elevation Certificates
 Geographic Information Systems (GIS)



Item 4.b.

- Discussion and necessary action on Plan Commission packet deadlines, preparation and Planner's responsibilities.

- **Planner's Responsibilities**
 - Staff Review of Town applications
 - New/conceptual development proposals,
 - Rezoning and planning unit development requests,
 - Conditional use permits,
 - Subdivision plats/plans and certified survey maps,
 - Variance requests,
 - Signage request,
 - Comprehensive Plan amendments, etc.
 - Staff reports shall included a variety of topics/ subjects based on the request of the Plan Commission and Town Board.
 - Planner appointments
 - Ordinance review and drafting
 - Concept planning
 - Economic development and Tax Increment
 - Financing assistance
 - Market studies
 - Mapping
 - Landscape architecture and urban design
 - Public funding assistance
 - Surveying review and technical review if necessary

Planning and Zoning Approach

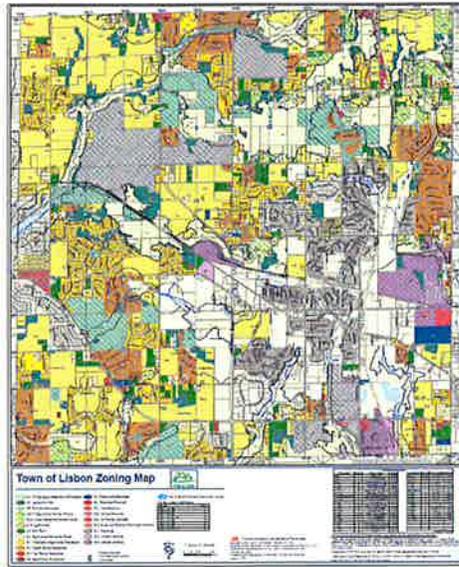
The Town of Lisbon is seeking zoning administration and planning services. These services will enable the Town to quickly and accurately respond to planning, and zoning related issues as the community continues to grow and develop.

- General consulting as directed on an as-needed basis,
- Preparation of Staff report pertaining to:
 - New/conceptual development proposals,
 - Rezoning and planning unit development requests,
 - Conditional use permits,
 - Subdivision plats/plans and certified survey maps,
 - Variance requests,
 - Annexation petitions,
 - Signage request,
 - Comprehensive Plan amendments, etc.
 - Staff reports shall included a variety of topics/ subjects based on the request of the Plan Commission and Town Board.

Item	Description	Amount
1	Professional Fee	\$10,000
2	Travel Expenses	\$2,000
3	Telephone Expenses	\$1,000
4	Printing Expenses	\$1,000
5	Office Expenses	\$1,000
6	Contingency	\$5,000
Total		\$20,000

Planning and Zoning Approach

- Update Town maps as needed.
- Assist residents, businesses, and developers with questions and guidance on the zoning code and development process.
- Advise the Town Board and Plan Commission on amendments to appropriate sections of the Municipal Code, Zoning Code and Land Use Plan.



Planning and Zoning Approach

- Assist in the preparation of related resolutions and ordinances as directed by the Town Board or Planning Commission.
- Attend Town Board and Plan Commission to present the findings and recommendations.
- Conduct quarterly meetings and reports with staff to review the number of plats/CSMs, site plan reviews, rezoning/CUP requests, comprehensive plan amendment requests, signage reviews, design reviews, miscellaneous applications, and general resident inquiries.

Additional Land Development Services

In addition to the requested services, Vierbicher could assist the Town with the following services.

- Review and assist residents, developers, and the Town with any floodplain/FEMA mapping related issues.
- Provide educational training efforts to the Town Board, Plan Commission, or other bodies related to changes in the state statutes or land use case law.
- Review correspondence and documents forwarded to the Town by various agencies and report to the Town Board, Plan Commission, or other bodies.



Additional Land Development Services

- Public funding assistance
- Assist with the creation and administration of Town Tax Increment Districts.
- Assist with a creation of on-line mapping system.
- Preparation of housing studies to project growth.
- Municipal engineering assistance
 - Stormwater
 - Street and roadway design and review
 - Grading
 - Water and waste water treatment
 - Wetland review and permitting
 - Phase 1 Environmental Review
 - Easement preparation

CURRENT HOUSING DESCRIPTION

1. Jurisdiction of your residence (check one):
 Town Village City Other _____

2. Are you an owner or tenant of your residence?
 Owner Tenant

3. If OWNER, how long have you owned the current residence?
 0-3 years 3-9 years 9-15 years 15+ years

4. If OWNER, what are your typical monthly housing expenses? (mortgage, taxes, insurance, utilities, fees, etc.)
 Less than \$200 \$200-\$250 \$250-\$300 \$300-\$350
 \$350-\$400 \$400-\$450 \$450-\$500 \$500-\$550

5. If OWNER, what is the approximate assessed value of the home?
 Less than \$50,000 \$50,000-\$75,000 \$75,000-\$100,000 \$100,000-\$125,000
 \$125,000-\$150,000 \$150,000-\$175,000 \$175,000-\$200,000 \$200,000+

6. If OWNER, did you or do you pay mortgage interest when purchasing the home?
 Yes No

7. If RENTER, what do you typically pay for housing expenses a month? (app. utilities, etc.)
 Less than \$300 \$300-\$350 \$350-\$400 \$400-\$450
 \$450-\$500 \$500-\$550 \$550-\$600 \$600-\$650

8. If RENTER, are you interested in purchasing a home in the next two years?
 Yes No

8A. If you are interested in purchasing, please check any barriers you face to purchasing (Please check all that apply):
 Lack of down payment Monthly payment would be too high
 Closing costs Not up for purchase until a few more years
 Home with bad equity Other (please specify) _____
 None of these are barriers to purchasing

9. Indicate current housing type:
 Single family detached or attached Condo or building with 3-4 units
 Townhouse or rowhouse Condo or building with 5-12 units
 Duplex/triplex/quadruplex Condo or building with 13 or more units
 Other housing with 13 or more units Mobile home

10. Indicate number of bedrooms:
 0-1 2 3 4 5 or more

Planner and Zoning Administration Process

- After the initiation of an agreement a Vierbicher will provide the following:
 - Work with the Town Administrator to review and/or create the pre-development work agreement ("applicant bill back") procedures to keep the fiscal impact to the Town as low as possible.
- A typical review process will include the following
 - Pre-application meeting with applicant, if necessary (to discuss fee, process, etc.)
 - Preparation of requested review process (CUP, PUD, rezoning, CSM, plat, etc.)
 - Distribute application materials to the various agencies (Town staff, County Staff, Vierbicher staff, etc) for review and comment by a designated deadline.
 - Preparation of planning/zoning comments and assembly of other agency comments.
 - Review findings with applicant to correct/address any submittal deficiencies.
 - Preparation of staff report for submittal to Plan Commission.
 - Attend and present staff report to the Plan Commission.
 - Attend Town Board Meeting, if necessary.

Item 4.b.

- Discussion and necessary action on Plan Commission packet deadlines, preparation and Planner's responsibilities.
 - Plan Commission Packet Deadlines
 - Plan Commission Packet Materials
 - Plan Commission Packet Desired Reviews
 - General Structure of packets
 - Maps
 - Graphics
 - Checklists
 - Narratives
 - Structure of recommendations
 - Plan Commission Presentation of Agenda Items
 - Typical Process -
 - Planner narrative and location map
 - Planner Recommendation
 - Applicant presentation
 - Public comment for non-public hearing item
 - Plan Commission discussion

Item 4.b.

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 - Plan Commission Packet Materials
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 - General Structure of packets
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 - Structure of recommendations
 - Plan Commission Presentation of Agenda Items
 - Typical Process -
 - Planner narrative and location map
 - Planner Recommendation
 - Applicant presentation
 - Public comment for non-public hearing item
 - Plan Commission discussion

Item 4.c.

- Discussion and necessary action on 2018 Plan Commission meeting schedule.

Discussions