



TOWN OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

**TOWN OF LISBON
NOTICE OF PUBLIC HEARINGS
WAUKESHA COUNTY, WISCONSIN**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Lisbon Plan Commission on Thursday, January 11, 2018, beginning at 6:30 P.M. at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, to solicit public comments on the proposed amendment to the text of the Town of Lisbon Zoning Ordinance in accordance with Wisconsin State Statutes including, but not limited to, the following:

Creation of section to include Planned Unit Developments as an overlay district in the Town of Lisbon.

Copies of the exhibits are available at the Lisbon Town Hall or on the Town's website, <http://www.townoflisbonwi.com/266/Public-Notices> for review. All interested parties will have the opportunity to be heard at said time and place.

Dated this 19th day of December, 2017.

Gina C. Gresch, MMC/WCPC
Town of Lisbon Clerk
Waukesha County

Publish: Lake Country Now & Northwest Now – Wednesdays, December 27, 2017 & January 3, 2018



TOWN OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

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

1. **Roll Call.**
2. **Public Hearing** to solicit public 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 section to include Planned Unit Developments as an overlay district in the Town of Lisbon.
3. **Adjournment.**

AMENDED: TUESDAY, JANUARY 9, 2018 @ 2:15 PM
(Removed Barnwood Conservancy Agenda Items)

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

1. **Call Plan Commission Meeting to Order and Roll Call.**
2. **Comments from citizens present pertaining to items on the agenda.** Citizens are invited to share their questions, comments, or concerns with the Plan Commission. When speaking, citizens should state their name and address for the record and limit their presentation to three minutes. If a response would involve discussion of Plan Commission policy or decisions that might be of interest to citizens not present at the meeting, the commission may place the item on a future meeting agenda.
3. **Discussion and necessary action on the following Plan Commission Public Hearing and/or Meeting minutes:**
 - a. November 2, 2017
 - b. December 7, 2017
4. **New Business.**
 - 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.
 - b. Discussion and necessary action on Plan Commission packet deadlines, preparation and Planner's responsibilities.
 - c. Discussion and necessary action on 2018 Plan Commission meeting schedule.

5. Unfinished Business.

6. Request from members to request items on future agendas.

7. Adjournment.

Joseph Osterman
Chairman

Jane Stadler
Secretary

Re-Posted: 2018-01-09

Clerk: G.G.

Posted: 2018-01-04

Clerk: G.G.

X Website

X Town Hall Bulletin Boards (2)

X Sent to Newspapers

NOTICE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

NOTE: Please notify the Town of Lisbon 72 hours in advance if you plan to attend and will need an interpreter or assistive hearing device.

MEMBERS: Please notify Town Hall at 262-246-6100 if you are unable to attend the meeting.



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January 5, 2018

Chairperson Osterman and Members of the Town Plan Commission
Town of Lisbon
W23N8676 Woodside Road
Lisbon, WI 53089

Re: Barnwood Conservancy Subdivision Preliminary Plat
Town of Lisbon

Dear Plan Commission Members:

The above-referenced Preliminary Plat was received in our office for review on behalf of the Town of Lisbon. The proposed lots are situated south of Thousand Oaks Addition, west of Woodland Oaks and Stonehouse Woods, and east of the Village of Merton. The Preliminary Plat is being proposed by Chris Miller, an authorized member of Barnwood Conservancy LLC. The land's existing zoning designation is A-10: Agricultural; however, the land was rezoned recently and the Applicant was granted a Conditional Use Permit for the development.

We have completed our review of the following documents for the Preliminary Plat of the Barnwood Conservancy Subdivision:

- Preliminary Plat (Received December 22, 2017)
- Declaration of Restrictions (Received December 22, 2017)

After reviewing the above materials, we have the following comments:

Preliminary Plat Summary

The Preliminary Plat consists of 52 lots and four outlots with an area of 76.5180 acres including right-of-ways. Lots will be accessed along the extensions of Hansen Drive, Hickory Chasm Drive, and Denton's Run and by two new streets: Wren's Way and Pintail Court. The Preliminary Plat is being proposed as an unsewered cluster subdivision with 13 R-1 Zoning single-family lots, with an average size of 44,002 square feet. The Plat proposes 39 PUD single-family lots with an average size of 31,541 square feet. The Preliminary Plat proposes four outlots of common open space in the proposed subdivision. Outlots 1-4 measure 5.3034, 1.5392, 17.7045, and 0.3075 acres respectively. No lakes, water courses, rivers or streams are within the Plat. The Preliminary Plat is within Zone X (minimal flooding), as designated by FEMA. The remainder of this letter reviews the submitted Preliminary Plat in accordance with the standards detailed in Chapter 12, Section 4: Preliminary Plat, and other applicable sections of the Town of Lisbon Municipal Code.

Chapter 12 Section 4 Review

vision to reality

The items listed below were found deficient or lacking information with regard to ordinance requirements. Items included in the Preliminary Plat that are not listed below were found to be in compliance with Chapter 12 of the Town of Lisbon Municipal Code. A specific code section exclusion from this review letter does not infer approval of the Preliminary Plat, and additional information could be required at a later date if requested by the Town Board, Plan Commission, or Town Staff.

4.01.c: *General location sketch showing the location of the subdivision within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing;*

The location map should be rotated to match the direction of the main drawing.

4.02.a: *Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;*

A Technical closure review was not conducted as part of this Preliminary Plat review.

4.02.b: *Existing and proposed topographic contours of not more than two (2) foot intervals of the lands to be subdivided and such other adjoining lands as may be necessary to determine adequate drainage for the proposed land division as determined by the Town Engineer. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level);*

The single page submittal makes it difficult for staff to read and conduct a thorough review of the existing and proposed contours for the land to be subdivided. Staff recommends a separate attachment detailing the existing and proposed contours.

4.02.f: *Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929) datum;*

The single page submittal makes it difficult for staff to read and conduct a thorough review of the existing streets immediately adjacent thereto, together with any legally established centerline elevations. Staff recommends the submittal of a separate attachment detailing the existing conditions of the site.

4.02.g: *Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;*

Owner names of adjoining lands should also be identified and labeled.

4.02.h: *Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations;*

The single page submittal makes it difficult for staff to read and conduct a thorough review of the location of existing facilities. Any adjacent stormwater facilities (culverts, etc.) and existing gas mains, phone utilities, cable utilities, and other utilities in the immediate area that will serve the subdivision must be identified. Utility easements for electric power and telephone service shall, where practicable, be placed on mid-block easements along rear lot lines (7.05.d).

4.02.i: *Locations of all existing property boundary lines, buildings and structures, drives, ditches, wetlands, steep slopes, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, bridges, fence lines, drainage easements, natural drainage areas, landfills and*

other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;

The 2017 wetland delineation report dated September 28, 2017, must be received by Waukesha County, current County records indicate a delineation was completed in 2004.

- 4.02.j *Location, width, approximate grades, and names of all proposed streets and public rights-of-way such as alleys, highways, easements for drainage and other public utilities;*

The proposed streets must be labeled as DTTP or private. Preliminary easements must also be illustrated on the Preliminary Plat. The legend states they will be determined at the time of engineering but that does not meet the Town of Lisbon requirements. This includes any additional stormwater easements necessary to facilitate positive drainage to the designated stormwater facilities. Wrens Way should be labeled adjacent to the intersections on the west and east ends of the proposed street. The Fire Department shall confirm the street name layout is appropriate for their response purposes.

- 4.02.l *Approximate radii of all curves and length of tangents;*

The proposed radii of all curves and length of tangents should be included within a curve table on the face or on subsequent pages of the Preliminary Plat.

- 4.02.p *Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service; and*

- 4.02.q *Location of soil boring tests, where required by the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the Preliminary Plat; and*

- 4.02.r *Location of soil percolation tests where required by the Wisconsin Administrative Code, conducted in accordance with the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the Preliminary Plat. Where mound systems are proposed, information required by the Wisconsin Administrative Code shall be submitted and may be required to be shown on the plat.*

The single page submittal makes it difficult for staff to identify the soil boundaries. The Applicant stated in a recent meeting they conducted several soil borings and would conduct more in the future. A separate attachment map should identify the soil types and any boring test locations completed-to-date for the proposed subdivision.

- 7.03.g *Tangents. A tangent at least 100 feet in length shall be provided between curves.*

The absence of a curve detail table prevents staff from reviewing minimum tangent distances between curves. The Town requires a minimum tangent distance of 100 feet between curves. Staff identified several tangents less than 100 feet between curves.

- 7.03.j *Boulevard Entrances. Where practicable as determined by the Plan Commission, all developments shall contain a boulevard entrance of at least 50 feet in length for subdivisions containing 20 lots or more, and 40 feet in length for subdivisions containing Page 28 of 82 less than 20 lots. All boulevards shall have a minimum width of 20 feet and shall include landscaping approved by the Plan Commission. Monument/ground signage shall be included*

within the median of the boulevard entrance as long as it meets all other town ordinances and does not interfere with the vision triangles on the plat or CSM.

The Preliminary Plat does not include boulevard details or notes. The Preliminary Plat illustrates a small square on the northeast corner of the entrance off Lake Five Road. If the square denotes a monument entrance sign, then it should be relocated to within a median and identified in the legend.

- 7.04.c *Property lines at street intersections shall be rounded with a minimum radius of fifteen(15) feet or of a greater radius when required by the Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.*

Lots 10, 12, 14, 30, 39, and 52, and Outlots 1 and 3 shall have a minimum radius of fifteen feet at the property corners.

- 7.06.a *Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.*

Lot lines for Lots 24, 34, 38, 46, 47, 48, 49, 50, 51, and 52 are not right angles to the street lines or radial to the curved street line. The lot line between Lots 50 and 51 is also missing.

- 7.06.c. *Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.*

Lots 1-4 are double fronted. The double frontage is due to the lot layout and could be considered necessary to complete this infill development.

- 7.08 *The Plan Commission may require utility easements at least 10 feet in width across lots or centered on rear or side lot lines for electric power, communication and cable television lines, wires, conduits, storm and sanitary sewers and gas, water and other utility lines. All easements for town utilities shall be dedicated to the Town of Lisbon unless otherwise provided.*

Where a division or development is traversed by a watercourse, drainageway channel or stream, a storm water easement or drainage right of way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by open channels with landscaped banks and of adequate size, width and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer.

Stormwater Easements. Due to the intricate nature of the stormwater management areas, a grading plan should be included. The plan should show the proposed grades around the typical structures, and the stormwater easements necessary to direct stormwater to the designated facilities. The grading plan should also identify slopes greater than 10 percent.

Utility Easements. Utility easements for electric power and telephone service shall, where practicable, be placed on mid-block easements along rear lot lines (7.05.d).

Access Easement or Note. If the general public would be allowed access to the common outlots/green spaces, then a note should be included stating the general public will have access to the common green space and trail network.

Addendum B: Trail Details

The proposed trail network extends into the lands dedicated to the public along Lake Five Road. Completion of the trail network will require approval by the Town Board and the appropriate documentation to protect the Town against liability if the trails will be privately maintained (hold harmless, access easements, etc).

Other Items of Concern

The following is a list of other items of concern identified during the review.

- The external boundary description of the Preliminary Plat is missing and must be included.
- The subdivision must be tied to the section corners if the section lines are described on the face of the Preliminary Plat.
- Several Labels are on top of other labels, below map features, or are difficult to read because of font weight. The labels should be revised to place emphasis on label clarity.
- A line work legend is missing and must be included to conduct a thorough review of the Preliminary Plat. The legend should include existing and proposed contours, trees and vegetation, stormwater lines, building setback lines, easements, proposed pedestrian trails, and any other lines listed on the face of the Preliminary Plat.
- The outlots must be labeled as public or private and for the designated purposes (reserved for green space, stormwater management, etc).
- Additional proposed pin set details should also be included in the legend.
- The Applicant should clarify whether the 40' Dedicated to the Public along Lake Five Road should be 60' to match the existing right-of-way lines at the intersection of C.T.H. VV and Lake Five Road.

Declaration of Restrictions Review

The Declaration of Restrictions covers the following data, which is part of the PUD/Preliminary Plat submittal requirement. Staff has reviewed the document and has provide comments in the track changes in the attachment to this review.

Review Criteria

The Town should consider the items listed above, then either approve, conditionally approve, or hold over the Applicant's Preliminary Plat application until any concerns have been met. Any action should also be contingent on Town Engineer review and County review and approval.

The County approval process includes submitting:

- Copies of the Preliminary Plat (check with County for number of copies)
- A soil test for every lot or a letter from the Town Clerk certifying whether sewer service is available
- A completed Waukesha County Department of Parks and [Land Use Subdivision Plat Submittal Form](#)
- A "Preliminary Storm Water Review Letter" from the Land Resources Division, in accordance with the Waukesha County Storm Water Management and Erosion Control Ordinance.
- Review of the Land Division Checklist.
- Subdivision Review Fee

January 5, 2018
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Should the County approve or conditionally approve the Preliminary Plat, the Applicant will then move to the next phase of the land development process with the Town, which is Final Plat approval.

Sincerely,

Daniel J. Lindstrom, AICP
Town Planner

cc: Town of Lisbon Staff

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Minutes of the Plan Commission & Joint Town Board Public Hearings
Town of Lisbon, Town Hall
Thursday, November 2, 2017
6:30 P.M.

Public Hearings were 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 6:35 P.M.

Roll Call: Present: Chairman Joseph Osterman, Supervisors Plotecher, Beal, Moonen, Gamiño, Plan Commission Members Chad Samanske, Jane Stadler, Ed Nelson and Mark Meyer. Also present: Planning Consultant John Stigler, Administrator Matt Janecke and Clerk Gina Gresch. Absent: Bryan Oelhafen.

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.

Joint Public Hearing to solicit public comments on the request for a Planned Unit Development Conditional Use for Chris Miller of Miller Marriott Construction Company, for the property located on Lake Five Road and CTH VV, known as Barnwood Conservancy, LSBT 0217.998. The property affected is W1/2 NE1/4 SEC 19 T8N R19E.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public.

Mike Reed, W268N66788 Lakeview Court, stated he used to be the Town Chairman and asked the Plan Commission members to respond with how they would vote on Barnwood Conservancy if they voted right now. Chairman Osterman responded the Plan Commission will not respond to that and the proper procedure is to hear the public's comments. Mr. Reed asked why the covenants and restrictions they asked for, and were promised at the last meeting, weren't submitted. The PUD is unwarranted and there is no reason to set a 30,000 square foot lot size precedent. He found a conflict of interest policy in the state statutes which states no public official may use his or her office position to benefit themselves or their family. This is important because he thinks there are two or three Plan Commission members who own property who could benefit from having smaller lot sizes for a future development. They should remove themselves now, or vote and face the consequences. Plan Commission members have been making ex-parte statements to the press and are contaminating the process. When he was on the Town Board in 2007, the Town developed and Land Use Planning Map which is referenced in the code and states no lots be smaller than 40,000 square feet without sewer hookup. A survey was also conducted and there was an overwhelming response that people want a small town with larger lots and larger homes, better schools and are concerned about water. This project violates all of those requests and no one has referenced that survey, only listen to the developer instead of the public and do what you want. In the statutes, the PUD has to benefit the community and developer, not just the developer; and what are the benefits to the community? He is surprised the Plan Commission isn't asking more questions, especially about what it will look like when it's done. He wants to see the covenants and restrictions before the Plan Commission votes. He asked the Plan Commission to deny the PUD and stick with 40,000 square foot lots.

Ron Sansone, N71W27609 Woods Edge Way, Merton, submitted a map to the Plan Commission which shows the Joint Planning Area Land Use Plan adopted in 2007. Both Lisbon and Merton Administrators indicate it was not brought to either board for adoption. A clause at the bottom of the map states Lisbon shall not allow lots less than 40,000 square feet in the joint planning area. He referenced page 118 of the zoning code regarding the joint planning area map and stated the whole section applies to this. He also stated Plan Commission member Jane Stadler was on the committee that worked on this and hopes she doesn't change her mind.

Karen Williams, W273N7345 Dentons Run, is a homeowner in Thousand Oaks Addition Six and doesn't want this subdivision to happen. The neighbors spoke loud and clear at the prior meetings. They want wide open spaces with R-1 zoning one-acre lots and larger homes for all new constructions. The updated plan has thirty-nine 30,000 square foot lots and 13 one-acre lots, which the one-acre lots abut the existing subdivision and done was done to pacify those neighbors. If the proposal isn't accepted by the public why is there a public hearing? The Plan Commission should require the developer to submit a new plan which complies with R-1 zoning. It is unfair that all of the existing homeowners were told they had to build on a one-acre lot and now these people will not. What is the development's major benefit to the residents of the surrounding subdivisions and have you taken them into consideration? How many residents have to attend a meeting to get them to vote against the proposal because she can get more people at the next meeting. The developer's price package sounds unrealistic when someone can get a larger lot and larger home with cheaper taxes across the street in the Village of Merton. Why can't we keep everything the same? Will the developer guarantee there won't be any well contamination? Traffic on CTH VV and Lake Five Road is dangerous anyway and will be worse during peak times. The Town doesn't have control of the road's speed limit but it can control the amount of cars on the road. The Town Board should be more concerned about the citizens who elected them rather than an outsider using this land as a test project. She has been to every meeting and is concerned about the rules and restrictions. Their HOA goes after people who don't follow the rules. She's angry.

James Parr, N71W27216 Hanson Drive, has lived here for 17 years and loves his dead-end road. With the road going through there is a chance it will be used as a short-cut. We all know the property won't stay a farm field forever but the citizens shouldn't have to fight the Town on everything to get them to listen to what the citizens want; the Town has deaf ears. Common sense should be used here. In 1999 he used to have crystal clear water. It has a bit more iron in it now. How will this development affect the rest of us? Will they need to dig a deeper well eventually? He said he was involved with the proposed gas station meetings and it is ridiculous that the Town doesn't take the citizens more serious. Like the gas station, they won't let this subdivision happen. There were lawsuits with the gas station and we might have to take the same avenue.

Rebecca Sansone, N71W27609 Woods Edge Way, Merton, she has also attended more than a couple meetings about this and everyone who spoke before her said it well. The Town needs to listen and hear what the citizens are saying. All they are asking for is the developer keep the lots at 40,000 square feet. They have a one-acre lot and have plenty of greenspace. The developer won't be living here so they need to listen to the citizens who do. Please listen and pay attention to what they are saying.

Michelle Maas, N72W27337 Hazels Way, does not want to reiterate prior points made, but if a PUD's purpose is to mutually benefit the Town and citizens, she would like to see what those benefits are before a vote is taken. She hasn't seen any supporters or possible lot owners come to the meetings. She has heard empty-nesters and millennials will build their houses here but she hasn't seen any research on that. She commented on how bad the traffic will be trying to get in and out of the two subdivisions; it's already hard to turn left. She understands that intersection is Waukesha County's jurisdiction but wouldn't it be great to involve them now and help them fix the intersection before the land is developed, not after someone dies in an accident. She also hasn't seen any water study indicating the smaller lots won't affect the neighboring properties. She hopes the Town Board votes with the citizens.

Dale Bushmaker, N70W27554 Shady Oak Court, stated Miller Marriott is proposing the subdivision to make money, not to benefit the community. He estimates the developer will save about \$100,000 if he eliminates 1,000 feet of road. He also heard the developer needs at least 50 lots to make this economically feasible, which is reasonable since he is asking for 52 versus 55 lots. The south-east corner of the property is very steep so he eliminated those lots which is why he is asking for a PUD, so he can have smaller lots. Also, the water run-off eventually stops even with the entrance to Hardiman Meadows. Someone has to do something to prevent water from getting into basements. The Town is under no obligation to make sure Miller Marriott makes money on this project; it is their risk/reward. The Town is obligated to listen to the existing residents speaking against the development. He agrees with the developer that straight roads encourages speeding but he actually feels safer walking on straight roads. Curves on roads are like slingshots. He's already had to step off the road into the grass; he is afraid people won't see him and thought he would get hit. The Town needs to remember where their obligations lie when they vote tonight.

Bob Simon, W272N7043 Surrey Hill Court, thanked the prior speakers for their research and they made valid points. 52 new homes will have an adverse effect on the area especially in a desirable school district. Larger volume of water will be used. He contacted Herr Well Drilling and was told it would cost double to pull the existing pipe, dig deeper then lay a new pipe. He hopes the Town takes this to heart.

Aaron Bagurdes, N71W27238 Hansen Drive, lives in the last house on the street and will have two new lots abutting his property, which is better than the three original proposed. He isn't sure why this decision is so hard. You know what the citizens want. He didn't move here to see more rooftops. He needs to know what will happen to the water and wants a guarantee it will not change. He wants landscaping and regular roofs, not metal roofs. He sells roofs and you won't have cellular service with a metal roof, they are terrible. Millennials don't want to move out here. If they want a smaller lot go to Pewaukee. This is a waste of time as the Town has probably already made up its mind. He has a son and now the area won't be as safe with 200 more cars. He thinks the Town is jumping the gun. There are plenty of lots in the Town that haven't sold. One across the street was reduced by 10% because the lots aren't selling. More information is needed before taking a proper vote.

Jackie Rottler, 190 Linden Court, Hartland, the prior speaker is her son. The developer made some changes and gained one lot. He is only looking for ways to make more money. People are worried about their wells, they will have to listen to building noise and wants her grandson to be safe. She is concerned about dogs and kids running around where the bus stops.

Roger Salyers, W268N6896 Woodside Court, moved here because of the lot sizes and the nice country feel of the area. He has considered running for the Town Board a few times since moving here. Tonight he doesn't envy their position. His prior home didn't have the look and feel of what he has in Lisbon and the sale is stalled because of the other home's lower values. He is worried about the water table, the precedent it sets for the future and that the Town Board may approve it. He does not agree with the proposal as presented.

Anne Sindberg, N70W27122 Hansen Drive, she and her husband moved here in 2008 from the City of Waukesha for the same reasons others did; larger lots and homes, safe and quiet. She is concerned for all of the same reasons stated earlier by others. She hopes the Town will listen to the citizens because they have to live next to each other. Her major concern is it would set a precedence and none of us know the whole impact of the development. Traffic and water are her biggest concerns; has a water study been done? If the Plan Commission doesn't deal with Waukesha County on this, then who do they deal with on various issues? Waukesha County tells her when she has to pump her septic tank. Also, flight for life comes to every accident in that area. We need to have long-term planning with Merton and work together. Please listen to us.

Cindy Thoenes, W272N7021 Surrey Hill Court, agreed with mostly everything that has been said. As Lisbon grows, we want it to grow into a strong community. She is one of the property owners whose property would have abutted three of the new lots, but is now two since the developer made some changes. Her preference is to have all one-acre lots.

Marie Rohne, N69W27211 Hickory Chasm Drive, her house here was a dream come true 10 years ago. She lives at the end of street, doesn't have to worry about speeding cars and sees wildlife on her one acre piece of heaven. Her worst fear is that new development will lower her home value. She is also afraid she will have to have her well dug deeper which will cause financial duress. She wants this to be her forever home but if this is approved she will sell her house. She doesn't have a reason to stay after her kid graduates, however the rest of the residents with younger children will suffer. Traffic will be more of a problem. Her daughter was almost t-boned last week and almost again this morning. The Town needs to address the traffic problem. There are so many other lots available in the Town that haven't sold in the last 10 years. Now there will be 52 more lots and that will drive home prices down. She urged the Plan Commission to keep the lots one acre. She called Waukesha County about DNR well studies and they stated those are done later in the process. Also, what are the benefits to the community from this? As she said at the last meeting, she is guilty for cutting through Ironwood West to get to CTH MD and CTH VV. Others will cut through this subdivision to avoid that intersection. She also has her millennial child here to speak for what the millennials want.

Nicholas Rohne, 2420 Parklawn Drive, Apt. 207, Waukesha, stated he is 23 years old, is a part of the upcoming generation of homeowners. He graduated college, found work and rents an apartment. His background makes him feel that six tenths of an acre is a bit lenient. Smaller lots lead to more people and home values will lower on their own. The impact of those homes entering the market will decrease the surrounding home values. An extra 52 homes will not benefit anyone's business. Traffic by Quad Graphics and Merton School is already a nightmare. He hears that smaller lots have affordable prices which are good for the millennials. He has personal experience with this and that will not be the case. He has been a renter for four years and is well aware his rent is comparable to a mortgage payment. Due to increasing school costs he is forced into a perpetual chain of renting. However, renting affords him flexibility in not having expenses homeowners have. He knows of a married couple moving in with their parents to save money for a down payment on a home. Studies show more people are renting. Also, he is a banker and has helped people refinance their home and they have told him about how the housing market bubble burst. His generation doesn't have credit cards or even a credit score to even apply for a mortgage. They don't understand the importance of having a credit score. Payments on school loans contribute to credit but not visually. He counts money every day understands how important it is and his generation will not be able to fill the home buyer's niche. The local ordinance should be followed and lots should be one acre. The one acre minimum was established for a good reason. He grew up with the 70 foot standard setback. A 50 foot setback will not be good. An increased number of houses increases the demand for water. Even if the wells maintain functionality, how will the quality be? The counterpoints outweigh the benefits of smaller, less expensive homes they say will be built there.

Mike Szachewicz, N70W27516 Shady Oak Court, Merton, this is not the first time this land has tried to be developed. People came to those meetings and the Plan Commission listened. This isn't any different. The Town has always required one-acre lots and if this was proposed at one-acre, there wouldn't be any opposition. There are no reasons or benefits to the community to having smaller lots sizes.

Ron Sansone, N71W27609 Woods Edge Way, Merton, stated he spoke to Dan Fischer prior to the meeting and he sent the Town Board members a letter to be read. Chairman Osterman stated he spoke with Mr. Fischer last night for an hour and will read it when everyone else is done speaking.

Mike Reed, W268N66788 Lakeview Court, does not understand why the Plan Commission doesn't act a little more powerful. Power comes from saying no and following the rules. At the last meeting, the Plan Commission was helping the developer design the project and that is giving in to him. He encouraged Roger Salyers to run for a seat on the Town Board.

Chairman Osterman read an email from Dan Fischer, W265N6995 Thousand Oaks Drive, who is opposed to the PUD. The email is attached to the minutes.

There were no further public comments; the public hearing was closed at 7:53 PM.

Public Hearing to solicit public comments on the request for a Home Occupation Conditional Use to allow a salon studio in the home, for David and Kim Meyer, for the property located at W259N8598 State Road 164, Hartland, WI 53029, LSBT 0178.995.001. The property affected is PT NW1/4 SEC 9 T8N R19E.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public.

David and Kim Meyer, W259N8598 State Road 164, were present and she stated she has rented a studio for over 20 years. The current owner is selling so she would like to have her own salon in her home. She submitted plans and it fits perfectly.

Adjournment.

There were no further public comments; the public hearing was adjourned at 7:57 P.M.

Respectfully submitted,

Gina Gresch, MMC/WCPC
Town of Lisbon Clerk

**Joint Town Board and Plan Commission Meeting
Followed by the Regular Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, November 2, 2017
Following the Public Hearings beginning at 6:30 P.M.**

Roll Call: Present: Chairman Joseph Osterman, Supervisors Plotecher, Beal, Moonen Gamiño, Plan Commission Members Chad Samanske, Jane Stadler, Ed Nelson and Mark Meyer. Also present: Planning Consultant John Stigler, Administrator Matt Janecke and Clerk Gina Gresch. Absent: Bryan Oelhafen.

The Plan Commission and Town Board re-convened at 8:23 PM.

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

Discussion and necessary action on minutes of the Plan Commission Meeting and Public Hearing for Thursday, October 5, 2017.

Motion by Commissioner Samanske to approve the minutes of the Plan Commission Public Hearing and Regular Meeting for Thursday, October 5, 2017. Seconded by Commissioner Nelson. Motion carried, 5-0, with one abstention by Commissioner Meyer.

Special Order of Business.

Joint Town Board and Plan Commission discussion on the Conditional Use Planned Unit Development request for Chris Miller of Miller Marriott Construction Company, for the property located on Lake Five Road and CTH VV, known as Barnwood Conservancy, LSBT 0217.998.

Planning Consultant Stigler read his comments into the record which are attached to the minutes.

Chris Miller and Josh Pudelko were present. Mr. Pudelko thanked everyone for their input and helping with the evolution of the plan. They originally proposed 53 lots on three-quarters of an acre but heard the residents wanted one-acre lots so they developed a yield plan showing what that would look like. A one-acre subdivision yields 55 lots versus the 52 lot PUD hybrid. The property is unique and feels how you see the homes from outside the subdivision is important. The way it was designed plays into appeal and desirability. He heard and understood the Plan Commission and neighbor's desire to have compatible uses with their homes and an expectation of having one-acre lots border theirs. He went through many iterations and is proposing larger lots along the perimeter which allows for a logical transition between developments. The Plan Commission wanted randomness and diversity so they varied the lot widths, which the PUD allows flexibility for. He designed it around the topography so the land contours correctly. Covenants and restrictions were already submitted and will make sure the development remains beautiful. The document submitted shows examples of what the homes will look like. The PUD is proposed to have a minimum 35 foot front setback which allows for flexibility in architectural presentation. The existing 20 foot side setback remains the same so the spacing between homes is no different from how they are now. Even with a quarter-acre difference, you will still see greenspaces and landscaping instead of backyards. Side entry garages will be required and have the same driveway area as a front facing garage with a 50 foot setback. The benefits to the community is that the backyards won't be seen from the main roads and this is providing the Town with a vibrant and unique set of homes. He wants this to be successful and appealing. The next steps are to work on the preliminary plat which will show septic placement and easements. This gets us closer to the actual construction details.

Commissioner Samanske asked if the PUD was not approved and lots had to be one acre, how many lots would be eliminated if the same road pattern was used. He appreciates the look but is hard set on staying with one acre lots. He asked if the plan could keep the look and feel but have one acre lots. Mr. Pudelko responded the change would be dramatic and he would have to do the math, but it could be 40 or less lots. Wider lots require more road frontage. Conservation developments preserves the open space by moving it into areas where it makes more sense. The PUD allows that and to not have each lot touch. Because of the open space it will still feel like you have a one-acre lot.

Supervisor Beal stated after hearing about the Joint Planning Area map, she agrees that we need to follow the 40,000 square foot requirement. She likes the look of the plan but would like to see what Commissioner Samanske suggested. Administrator Janecke stated the Joint Planning Area Map was never adopted by either municipality. If it was, it would be referenced in our Comprehensive Land Use Plan which was adopted in 2009 and also reviewed by the Village of Merton. This was all confirmed by the Village of Merton and Waukesha County. Chairman Osterman stated he received a report from the assessor about the various lot sizes in the town. There are 1,057 lots between .20 and .80 acres. Many are not usable but about 200 to 300 were developed and have well and septic. Two older subdivisions were developed on a half-acre or smaller. Supervisor Beal asked again if they could make this work with one acre lots. Mr. Pudelko stated it would be tough and the development would lose a lot of efficiency. They would also have to loop the stub roads.

Supervisor Moonen echoes those concerns and is concerned if safety factors will change if one acre lots are developed. He also asked if speed limits were considered. Mr. Pudelko stated pedestrians would use the proposed multi-use trail on the east side of Lake Five Road. The pavement will be marked as a pedestrian crossing. The trail encourages walkability between the other subdivisions and gives other options other than walking on the road. Mr. Miller stated a child could get to the park without having to be on a busy street and that enhances safety. A traditional design would force everyone to walk on the road. Also, the speed limit will be 25 MPH with either road plan. With regards to the road design, straight roads have harder turns. With a PUD, the road's curves have larger sweeps so there is more straight-line visibility; it doesn't feel like cars are racing by.

Supervisor Gamiño stated she really likes the feel of the PUD's open spaces and understands the citizen's concerns. She doesn't like how the yield plans looks but would like to see the land developed as one acre lots. Mr. Miller stated that is not feasible and is honestly wondering why he's here asking for 52 lots when 50 lots is barely breaking even. He feels that the neighbors think he didn't listen to their requests and he thought he did. This development has more of a rural feel to it than the yield plan and wouldn't want to see that if he lived here; he doesn't like the yield plan's design. Supervisor Gamiño asked if Mr. Miller has the ability to implement something that conforms to R-1 zoning if this isn't approved; is the yield plan the default or would he simply not do that and let someone else develop the yield plan. Mr. Miller stated he hasn't decided that yet but when he looks at the yield plan he doesn't want his name on it and if he loved it, he would have presented it. Planning Consultant Stigler stated there is still a process to follow with subdivision development; either plan would be following the same steps. Commissioner Meyer stated if a traditional R-1 zoning subdivision was presented and met all of the legal requirements, the Plan Commission wouldn't have reasons to legally deny it. The only reason we are here tonight is because they are asking to do something outside of the R-1 zoning requirements. Chairman Osterman stated at the first meeting the Plan Commission reviewed this, the majority of the public indicated they want the yield plan developed.

Commissioner Nelson stated the developer has done everything the Town has asked him to do. He agrees Lake Five Road's traffic situation should have been addressed years ago. The PUD adds conservancy areas which is better than plain grass because the aquifer can recharge quicker in conservancy areas. Many of their concerns will be addressed in the HOA requirements. The biggest resistance he hears is having lots less than once acre. He is intrigued by the openness of the proposed plan. The neighbors will see rooftops because there aren't that many trees on the land to start with. The proposal put forward has been responsible and thoughtful. Nationally, the number of homes on the market for sale is at a 30 year low. He also stated for the record no one from the developer's company has spoken with him or given him any money. He finds some of the public's comments to be irresponsible.

Commissioner Meyer stated traffic will be an issue eventually as houses are built; it won't be instant. The intersection in question is already on Waukesha County's radar for some sort of improvement. The water usage with a 52 lot PUD versus a 55 lot R-1 zoning will be roughly the same. Not having backyards along the road is a plus for the town. The property is challenging but the layout takes that into consideration. He isn't sure if another developer can make a one acre subdivision look better than what is presented. Should the Town penalize the property owner because we can't get one acre lots out of it and make it financially viable? He isn't sure that's fair. A new development will add to the tax base, it connects roads and trails and will be the best use for that corner. In fact, it might be the best thing we could ever get there. He is generally in favor of the development but is disappointed in the developer's agreement bullet points, they are too vague for him. He would have preferred to see how it will look once developed and the covenants and restrictions before voting. Mr. Miller stated those items are worked out through the preliminary plat process. Commissioner Meyer stated they asked for those things and didn't get it. He has tried looking at this for all 10,000 plus people in the Town. He is acutely aware of everyone's opinions and is trying to put as much weight behind their opinions as he can while being faithful to the whole town; could there be a reasonable alternative? Have to realize that might not happen. He is surprised to hear that people are upset a developer will make money on the development. Whatever people think the Plan Commission's motivation is, it doesn't have anything to do with the developer other than the fact it meets the criteria of the outline and they get another kick at it. If things are not spelled out during the preliminary plat process, he will work hard to get it denied.

Commissioner Stadler stated condos were once proposed and the Plan Commission denied it. A PUD has never been proposed until now and she likes the layout. With regards to those who live on the dead-end roads, when their subdivision was added onto, the Plan Commission heard from the property owners east of them. Progress comes with change. She too used to have farm fields surrounding her and now has a subdivision with lights at night and traffic. It's progress and you have to learn to live with it. She likes what the developer did to accommodate the neighbors to the east by increasing the lot sizes. The Plan Commission won't have answers to any questions about wells and septic until the individual lots are tested. She likes the pathway to the park; it's a safe option and adds value to the town. As far as traffic goes, residents need to start contacting Waukesha County about it so they know people have concerns. She isn't sure about metal roofs relating to phones, but likes the open space and it was designed well around that. She isn't happy about the 35 foot setbacks and would like that to remain at 50 feet. That might be hard because some of the lots are on curves and are different shapes. She understands the Joint Planning Area Map wasn't approved but Waukesha County and the Village of Merton also like the concept. They have to vote on it yet and many details will be worked out as they go through the platting process.

Supervisor Plotecher would rather see one acre lots but if she had to choose between what is presented and the yield plan, she would take the proposed plans with smaller lots. The layout is much better and the walking paths keep people off of the roads.

Chairman Osterman either referenced and/or confirmed many points made by others. He agrees more specific covenants and restrictions need to be submitted but that step is later in the process. The Plan Commission wanted as much information as possible so having that would have been beneficial tonight. They also want to the new development to match as closely to the surrounding areas as possible. Most people moved to Lisbon for large lots. Waukesha County has jurisdiction on water issues. Mr. Pudelko stated if approved the next step is the preliminary plat and Waukesha County is more involved at that point. The first things Waukesha County Environmental Health looks at is septic suitability and staff has already been to the site looking at the soils. An actual well study isn't finalized until you come forward with each home proposal. Waukesha County has a checklist if any red flags comes up especially with groundwater concerns, they will address them. This is a traditional single-family development and is not unique to Waukesha County. They've been very successful with developments in other municipalities. There was further discussion between the Plan Commission and developer about wells, water, depths and testing and agreed that that they are not that far in the process to have answers about that. They also discussed the traffic issues and everyone agreed Waukesha County needs to do something in that area, however that should not influence a decision.

Chairman Osterman stated he is glad everyone has been attending meetings even if they are angry. It is good to hear from people but they have to follow the rules and balance those two things the best they can. He asked Karen Williams, Michelle Maas and Mike Reed if they would work with the Town of Lisbon and Village of Merton on approaching Waukesha County to try and get something done about the traffic. He and then Chairman Reed wrote a letter to Waukesha County about it years ago and nothing happened. There was more discussion about the prices of the lots, homes, sizes and who will be building homes here. Chairman Osterman stated the developer wouldn't be here if he didn't think he could sell them; however them not selling would be the best case scenario for the surrounding property owners. The Town doesn't have an obligation to help the developer make money but higher valued homes offset the tax base. Residential areas are expensive to maintain by the Town so we try to have a balance of commercial and industrial. If the yield plan is built, would those homes with backyards along Lake Five Road be priced lower? He likes the look of the PUD and wish we could have more space to have one acre lots but that just won't work here. If this area and the other Thousand Oaks subdivisions developed at the same time this area would look very different. The Town kind of painted themselves into a corner allowing development in phases. This must be a decent project since this is one of the entry points into the Town. There was more discussion about the development's benefits with regards to the look, feel, safety, connectivity and how conservation developments have less roads to maintain without compromising density. They also discussed the HOA once the developer has 80% of the homes built. Is it managed by the residents or a company to manage it for them? If the residents do it, it could fail and then who will take care of the park/open space? Mr. Miller stated he gives the HOA all of the guidelines on how to run it. He hasn't had any HOA's fail; that usually happens 30 to 40 years after development. There will also be a landscape maintenance plan which will be followed so it is easy to maintain and the Town shouldn't end up cutting any grass. Ranch style homes will be about 1,600 square feet and two stories about 1,800 square feet. Everyone will follow the strict architectural controls.

Supervisor Gamiño asked if anything else was adopted in lieu of the Joint Planning Area Map between Lisbon and Merton. Administrator Janecke stated no and if it was, it would be a part of the Town's adopted Comprehensive Land Use Plan adopted in 2009. She stated she's stuck question about the Plan Commission having authority to approve this without having the Joint Planning Area Map approved and that the Town's Zoning Code references the "adopted Joint Planning Area map". Does the Zoning Code language supersede the fact the map was never adopted? Chairman Osterman stated the Village of Merton has extraterritorial jurisdiction because the development is within one and a half miles of the Village. They have yet to review this revised plan.

Supervisor Gamiño stated she thinks that by virtue of enacting the ordinance that indicates the map was adopted, the Town cannot approve the PUD. Chairman Osterman stated the Town Attorney will be consulted about that. There was more discussion about this and Plan Commission members felt they couldn't vote on this until they hear from the Town Attorney. Supervisor Beal feels the houses will be stacked on top of each other with 120 foot wide, side entrance garages on narrow lots. She really appreciates it that the residents attended the meeting and spoke before the Town Board and Plan Commission. It is important the Town listen to the residents.

Plan Commission action on the Barnwood Conservancy Conditional Use Planned Unit Development and recommendation to the Town Board of the same.

Motion by Commissioner Stadler to postpone action on the Barnwood Conservancy Conditional Use Planned Unit Development until the Town Attorney opines on Supervisor Gamiño's concern that by virtue of enacting the Zoning Code referencing the "adopted Joint Planning Area Map", which indicates the map was adopted when it hasn't been, if the Town can legally approve the PUD. Seconded by Commissioner Samanske. Motion carried 6-0.

Town Board action on the recommendation from Plan Commission on the Barnwood Conservancy Conditional Use Planned Unit Development.

Due to the motion to postpone by the Plan Commission, the Town Board didn't take any action.

Adjourn Town Board of Supervisors Meeting.

Motion by Supervisor Gamiño to adjourn the Town Board of Supervisors portion of the meeting at 10:21 P.M. Seconded by Supervisor Beal. Motion carried, 5-0.

Unfinished Business.

Discussion and necessary action on the signage request for Amin Hamdan, for the property at N52W23206 Lisbon Road, Lisbon, WI 53089, LSBT 0281.993, known as Quarry Mart, to replace and move the existing gas station sign and add an electronic message board to the same.

Planning Consultant Stigler read his comments into the record which are attached to the minutes.

Chairman Osterman stated the existing sign already exceeds the allowable height by five feet. Planning Consultant Stigler stated the grade at the base will be raised to make that adjustment. Mr. Hamdan stated Waukesha County Public Works approved the new sign placement.

Motion by Commissioner Nelson to approve the signage request for Amin Hamdan, for the property at N52W23206 Lisbon Road, Lisbon, WI 53089, LSBT 0281.993, known as Quarry Mart, to replace and move the existing gas station sign and add an electronic message board to the same, subject to adding landscaping five feet in all directions. Seconded by Commissioner Samanske. Motion carried, 6-0.

New Business.

Discussion and necessary action on the request for David and Kim Meyer, for the property located at W259N8598 State Road 164, Hartland, WI 53029, LSBT 0178.995.001, for a Conditional Use Permit for a Home Occupation, to allow a salon studio in the home.

Planning Consultant Stigler read his comments into the record which are attached to the minutes.

David and Kim Meyer were present and she stated she has been doing hair in the area for over 30 years and has an established clientele. She currently rents a studio in a strip mall which doesn't get much traffic anyway. Clients need to make appointments; no walk-ins. There is ample parking for customers and their personal vehicles.

Commissioner Samanske's only concern is chemicals going into the well and septic system. Mrs. Meyer replied she only uses organic products, however they are looking at getting a larger water pressure tank and larger water softener.

Motion by Commissioner Nelson to approve the request for David and Kim Meyer, for the property located at W259N8598 State Road 164, Hartland, WI 53029, LSBT 0178.995.001, for a Conditional Use Permit for a Home Occupation/Limited Family Business, to allow a salon studio in the home, subject to the following conditions:

- 1. Hours of Operation are Sunday through Saturday 9AM – 8PM, by appointment only; no walk-ins.*
- 2. The business is operated entirely in the building that houses such business.*
- 3. Such business does not occupy more than 20% of the site.*
- 4. The main portion of the business is run by members of the family residing on the premises, who is also the owner of the business.*
- 5. The business does not employ more than one (1) person who is not a resident on such lot, whether they are family members or not.*
- 6. Adequate off-street parking facilities are provided adjacent, or reasonably adjacent, to the building that houses such business.*

Seconded by Commissioner Samanske. Motion carried, 6-0.

Conceptual presentation by David and Kim Meyer, for the property located at W259N8598 State Road 164, Hartland, WI 53029, LSBT 0178.995.001, for a barn dance wedding business.

Mr. and Mrs. Meyer presented the Plan Commission with a new proposal for the property, a barn dance wedding venue at the same property they proposed the Amish style grocery store. They've done a lot of work on the property with the trees and want to beautify the surrounding area with the barn being the centerpiece. The barn will have a tin exterior, they will add windows and a 20 foot deck. There will be plenty of parking on the northwest portion of the lot once the trees are cleared. They are still working with the WISDOT on the turning lades. The Fire Department has already been to the property and determined they can turn their equipment around with no problems. The barn will include indoor bathrooms on the northwest corner. Structurally, the barn is in excellent condition, just a few small things to fix.

Planning Consultant Stigler read his comments into the record which are attached to the minutes. Plan Commission members asked questions regarding a dust free parking lot, will this be a limited family business or will there be more than one non-family member and does it need to be rezoned to something more commercial? Mr. Meyer stated Waukesha County classifies this type of use as an "Unspecified Conditional Use" and it is up to the Town if they want to rezone it or not; they don't have to as it meets current zoning requirements. Plan Commission members are concerned about traffic, turning on and off of STH 164 with speeders and no bypass lanes. They are also concerned about the plumbing and septic capacity for 250 people. Mrs. Meyer stated the capacity will be about 125 people but will know for sure once the Fire Department determines that. Commissioner Meyer feels this is a great use of the property and noted the building will need to have a sprinkler system. Chairman Osterman read Commissioner Oelhafen's comments into the record and he has the same concerns as the other Plan Commission members. They will also need state building and fire department approvals. Commissioner Stadler asked if they are concerned about golf balls coming through the clearing. Mrs. Meyer stated there is a tall fence in the area and only one small spot where they find golf balls.

Conceptual presentation for the properties located at N75W25635 State Road 164, LSBT 0207.999 and N74W25599 State Road 164, LSBT 0279.999.001, for a multi-use development.

This item has been postponed to the December meeting.

Requests from members to put future items on the agenda.

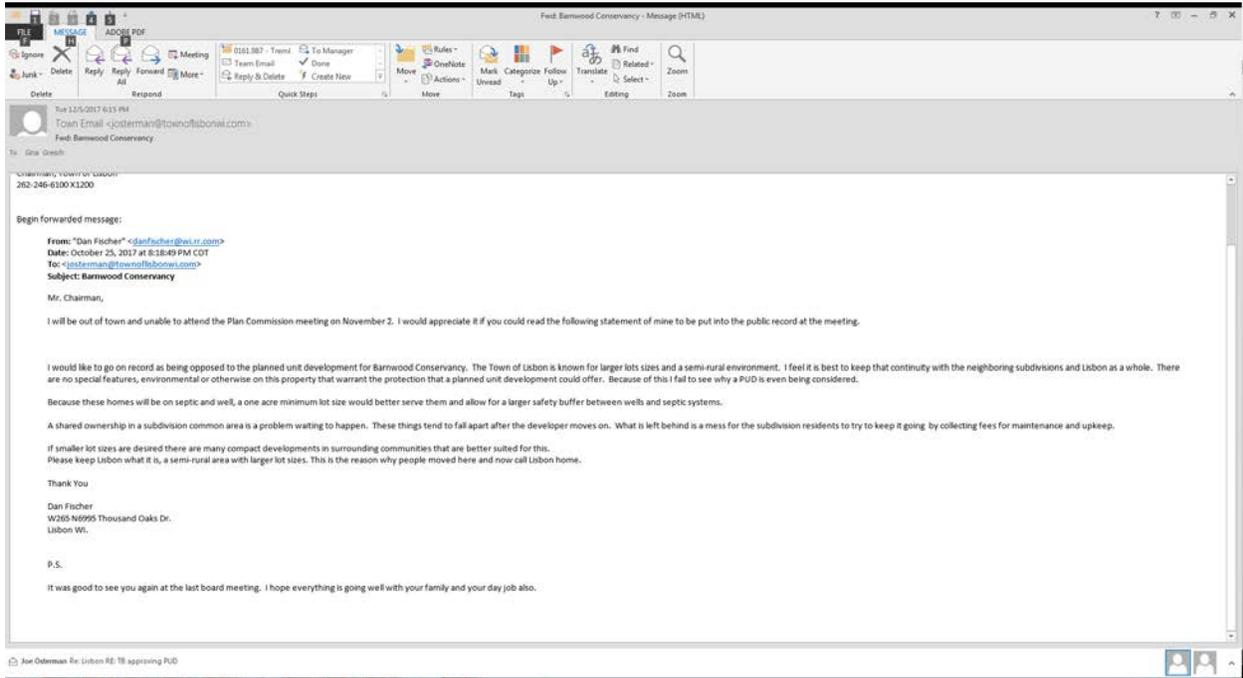
Adjournment.

Motion by Commissioner Nelson to adjourn the Thursday, November 2, 2017 Plan Commission Meeting at 11:01 P.M. Seconded by Commissioner Meyer. Motion carried, 6-0.

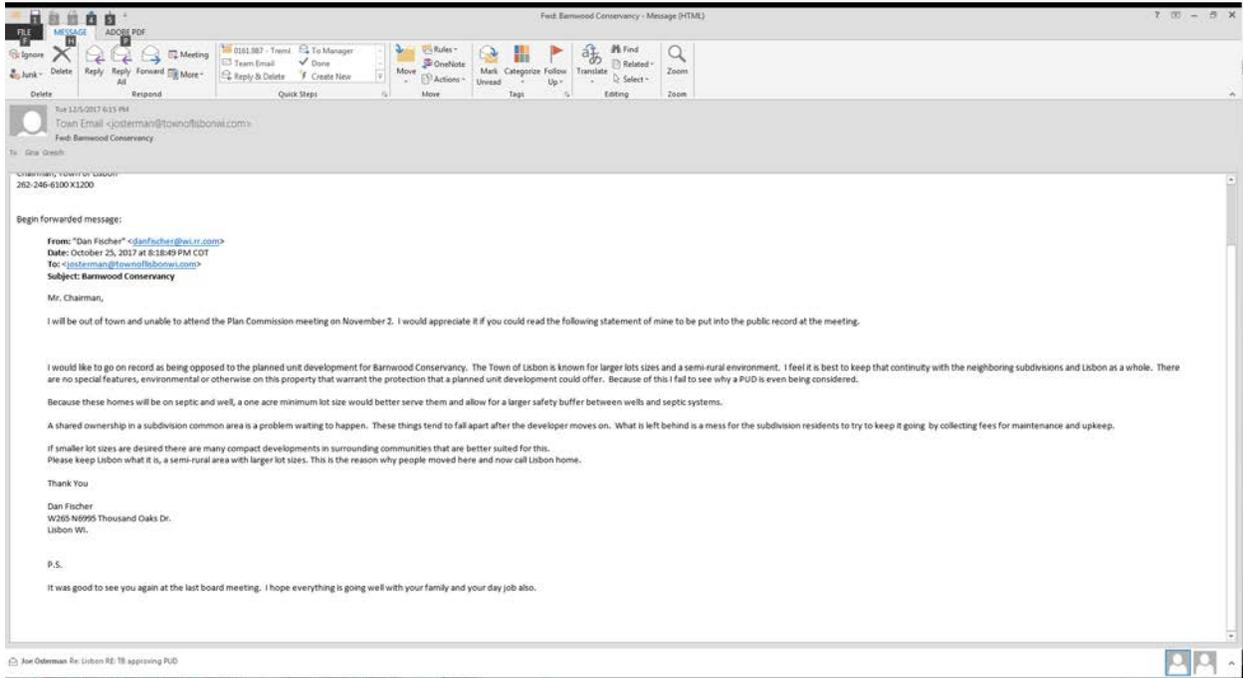
Respectfully submitted,

Gina Gresch, MMC/WCPC
Town of Lisbon Clerk

October 25, 2017 Email from Dan Fischer to Chairman Osterman for November 2, 2017 Plan Commission meeting.



October 25, 2017 Email from Dan Fischer to Chairman Osterman for November 2, 2017 Plan Commission meeting.



2017-11-02 JOINT TOWN BOARD & PLAN COMMISSION PUBLIC HEARING COMMENTS SIGN IN SHEET

	NAME (PLEASE PRINT)	ADDRESS	CIRCLE WHICH HEARING YOU ARE HERE FOR
1	CINDY THOENES	W272N7021 SURREY HILL CT LISBON	Barnwood
2	Gerhard Wenzel	N70W27151 HANSEN DR	Barnwood
3	Ingrid Wenzel	N70W27151 HANSEN DR.	Barnwood
4	Chris Miller + Michael Hansen	249 Pawlun Ave.	Barnwood
5	Robert Simon	W273N7345 Denton's Run	Barnwood
6	Mel Sencich	W272N7043 Surrey Hill Ct LISBON	Barnwood
7	Ron Sansone	W71W2751 Woodside	Barnwood
8	DAE Mc GUSHYAKER	N71W27609 Woods Edge Way	Barnwood
9	Andersbeal	N70W27554 SHA04 CAY CT HARTLAND	Barnwood
10	Becky Sansone	W272W2663 Susan P. Fisher	Barnwood
11	Royce Salyers	N71W27609 Woods Edge Way	Barnwood
12	KimDana Taylor Meyer	W268N6876 Woodside Ct.	Barnwood
13	Christine Jackson	W258N8598 Staterd Hill	Barnwood
14	MICHAEL REED	W272N6999 Surrey Hill Ct	Barnwood
15	Ann Hill	W268N6678 Lakeview Ct.	Barnwood
16	Jim Hill	W271N6996 Surrey Hill Ct	Barnwood
17	Jim Farr	W271N6996 Surrey Hill Ct	Barnwood
18	Anne Sindberg	N71W27216 HANSEN DR	Barnwood
19	Mike Sindberg	N70W27122 Hansen Dr	Barnwood
20		" "	Barnwood

2017-11-02 JOINT TOWN BOARD & PLAN COMMISSION PUBLIC HEARING COMMENTS SIGN IN SHEET

	NAME (PLEASE PRINT)	ADDRESS	CIRCLE WHICH HEARING YOU ARE HERE FOR
41	STEWIE OSMYNSKI	2640 W. 63 rd TOSAWI.	Barnwood Meyers C.U. Hair Salon
42	Aaron Bagudes	N71 W27338 Hansen Dr. Sussex	Barnwood Meyers C.U. Hair Salon
43	Michelle Maas	N72 W27337 Hazel/Summit	Barnwood Meyers C.U. Hair Salon
44	Mike Szachewicz	N70W27516 Shady Oak Ct	Barnwood Meyers C.U. Hair Salon
45			Barnwood Meyers C.U. Hair Salon
46			Barnwood Meyers C.U. Hair Salon
47			Barnwood Meyers C.U. Hair Salon
48			Barnwood Meyers C.U. Hair Salon
49			Barnwood Meyers C.U. Hair Salon
50			Barnwood Meyers C.U. Hair Salon
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59			Barnwood Meyers C.U. Hair Salon
60			Barnwood Meyers C.U. Hair Salon

2017-11-02 JOINT TOWN BOARD & PLAN COMMISSION PUBLIC HEARING COMMENTS SIGN IN SHEET

	NAME (PLEASE PRINT)	ADDRESS	CIRCLE WHICH HEARING YOU ARE HERE FOR
61	Jackie Jettley	190 Linden Ct Hartland	Barnwood Meyers C.U. Hair Salon
62	Marie Bohne	Newhall Hickory Chism Dr	Barnwood Meyers C.U. Hair Salon
63	Niked Christy Odley	Wara N7312 Dentons Run	Barnwood Meyers C.U. Hair Salon
64	Nikolas Bohne	2420 Parklana Dr. Apt 207 Wausau, WI	Barnwood Meyers C.U. Hair Salon
65			Barnwood Meyers C.U. Hair Salon
66			Barnwood Meyers C.U. Hair Salon
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78			Barnwood Meyers C.U. Hair Salon
79			Barnwood Meyers C.U. Hair Salon
80			Barnwood Meyers C.U. Hair Salon

**Minutes of the Plan Commission Public Hearings
Town of Lisbon, Town Hall
Thursday, December 7, 2017
6:30 P.M.**

Chairman Osterman stated everyone will be allowed three minutes to speak. After everyone has had the chance to speak once and if there is time, people can speak for a second time for another minute.

Public Hearings were 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 6:32 P.M.

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Mark Meyer, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Waukesha County Planner Sandy Scherer, Attorney Kathy Gutenkunst, Planning Consultant John Stigler, Vierbicher Planner Dan Lindstrom, Administrator Matt Janecke and Clerk Gina Gresch. Absent: Ed Nelson.

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 to solicit public comments on the request for a Temporary Conditional Use to use the location as a temporary laydown yard for ATC's system-wide initiative to upgrade/enhance electric transmission communications, for applicant American Transmission Company (ATC) for the property owned by Duane Hyland, located at W220N5859 Townline Road, Lisbon, WI 53089, LSBT 0244.999.001. The property affected is PT SE1/4 SEC 25 T8N R19E.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public.

Bob Oosterhouse Land Service Co, stated he is helping American Transmission Company (ATC) look for temporary laydown yards to store their equipment they take to job sites.

Adjournment. The public hearing was adjourned at 6:35 P.M.

Public Hearing to solicit public comments on the request for a Conditional Use Amendment to allow a Contractors Yard for an expanded business to allow more employees, trucks equipment and outdoor storage of landscape materials behind existing outbuilding and a Conditional Use for a Major Grading Permit for the property owned by Andrew Polahar, d/b/a ASP Landscape, located at W260N8421 State Road 164, Hartland, WI 53029, LSBT 0173.997. The property affected is PT NE1/4 SEC 8 T8N R19E.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public.

Jan Pfeifer, W260N8475 STH 164, is the neighbor north of Mr. Polahar and her main concern is their property values. They were told by a realtor that their property values could drop 20% because they are surrounded by businesses. Mr. Polahar has done a great job cleaning up the property and he is a wonderful neighbor. They had concerns in the past and they have been addressed. They don't want to lose more value and are looking for suggestions how to prevent that.

Adjournment. The public hearing was adjourned at 6:38 P.M.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, December 7, 2017
Immediately following public hearings scheduled at 6:30 P.M.**

Call Plan Commission Meeting to Order and Roll Call.

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Mark Meyer, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Waukesha County Planner Sandy Scherer, Attorney Kathy Gutenkunst, Planning Consultant John Stigler, Vierbicher Planner Dan Lindstrom, Administrator Matt Janecke and Clerk Gina Gresch. Absent: Ed Nelson.

Comments from citizens present pertaining to items on the agenda.

Karen Williams, W273N7345 Dentons Run, read a letter written to Town Board members after the last Plan Commission meeting which is attached to the minutes.

Craig MacNosoe N87W27101 Perennial Terrace, stated the Town's 2035 Land Use Plan indicates this land should be "Suburban Residential" as does the land surrounding this property. The PUD would make this different than everything else. He referenced ordinances which state the Plan Commission should consider if the PUD is in conformance with Land Use Plan, and it is not. Some people may argue that small homes on small lots will hurt property values, but the bigger issue is the traffic on Lake Five Road and CTH VV. There have been horrendous accidents there. Another decision factor of a PUD is that the proposed site should be accessed by adequate roads to handle the new traffic. Adding 50 or more homes won't make the traffic any better. The Plan Commission would be approving the PUD without adequate roads and that could become part of a lawsuit.

Rebecca Sansone, N71W27608 Woods Edge Way, Merton, read a letter which is attached to the minutes.

Dale Bushmaker, N70W27554 Shady Oak Court, was at the prior Town Board meeting and compared the Hardiman Meadows Declaration of Restrictions to the one page Miller Marriott submitted. He compared Miller Marriott to a car dealer where you pay for a car before seeing what you are buying. Without a binding document, Miller Marriott is free to do what they want and when budget issues come up, corners are cut. At the last Plan Commission meeting, one of the commissioners mentioned they want this development to be the "gateway to Lisbon". Without a decent set of covenants from the beginning, the Town is taking the chance on not getting what they want. Also, the yield plan doesn't have any creative thinking in it and that was intentional to lead the Plan Commission members to PUD, which was designed to look pretty because they know there would be a better profit with it. He isn't sure how Waukesha County could approve the yield plan with slopes more than 12%. The proposed PUD doesn't fit the guidelines of approval.

Michelle Maas, N72W27337 Hazels Way, has been at every Plan Commission meeting held for this proposed subdivision. We all knew it was going to be a subdivision and expected it to be developed with one acre lots. The yield plan is just an example of what would fit on the property. It showed a basic oval shaped subdivision with 55 lots, which looks like many other subdivisions. There are lots that cover a wetland and some border Lake Five Road and CTH VV. No one wants a lot on a busy road, the developer doesn't want to bring in fill and he can't develop a wetland area, so they propose a PUD. She still hasn't heard how the greenspace is going to benefit everyone. The Plan Commission has heard over and over that they don't want this. The only people benefiting from this are the developer and land owner. They know traditional one acre lots can't exist here so they have to make the lots smaller to make money on the project. Is the tax base that low that the Town needs additional houses to go in? Why can't the Town

hold the developer to one acre? If the developer can't make money on the yield plan, then they need to sit on the land while they figure out a way to make it work. Why do the Plan Commission members, who aren't elected, get to determine this? The land is supposed to be R-1 and the Town should stick to that.

Ron Sansone, N71W27609 Woods Edge Way, Merton, read a letter which is attached to the minutes.

Dave Haan, W267N6919 Wilderness Way, stated he just learned about Barnwood and wants to know why the Town would make a subdivision smaller than one acre when it is surrounded by one acre lots. The plan looks great on paper so why can't the developer just make the lots one acre? He doesn't see that this benefits anyone else in the Town.

Chris Panaro, W270N6994 Hansen Drive, lives about a block from the proposed development and is clearly against this. It looks nice on paper but he's concerned about 53 more pipes in the ground for water. He is concerned about sewer and after listening to everyone's arguments, it seems like a no-brainer to deny it. Everyone who lives here is against it; the only ones in favor are the landowner and developer. He doesn't normally come to meetings but he thinks he might start. He doesn't want to have a cluster of homes just to help a developer.

Marie Rohne, N69W27211 Hickory Chasm Drive, lives two houses away from the proposed development and is concerned about who gets sued if someone gets hurt in the green space areas. Miller Marriott doesn't have rural development experience; only in cities with city amenities. The Town should wait to develop this until the traffic situation has been improved. There are plenty of lots available in a three mile radius to build on. The millennials and seniors won't build houses here; her millennial son says they can't afford it. Her biggest concern is her well water. It would be too costly to fix if the aquifer levels fell, as well as a burden.

Mike Sellhausen, N73W27096 Kettle Cove Lane, lives in Thousand Oaks Five which is 20 years old. When he built his house, there were extreme restrictions, building envelopes, setback, couldn't cut trees and couldn't build the house he wanted to on the envelope so he had to build a bigger house and conform to the rules. There were so many restrictions it was unbelievable. Why doesn't everyone else have to follow the same rules? Don't modify them to let someone make more money on the land. One acre means one acre. The rules are put in place to protect those who had to follow the rules. We do not want it. They are here to serve us not the developers. It is clear they don't want it. He hasn't seen the plans but from what he hears they aren't following the rules. He doesn't hear many rules with the new development. Keep in mind who you are serving.

Joan Hill, N69W27089 Hickory Chasm, has enjoyed her life out here more than any place she's ever lived, it was one of the first houses built in that subdivision. Her nine grandchildren have enjoyed her yard, riding her tractor. If you take away one acre lots and start putting houses closer together, you give up your freedom, which is what happened to her daughter in Menomonee Falls. They took away her well and septic and put in sewer and water. They took away some of her freedom and that's what we fought for in World Ward 2, which she remembers; she was 10 years old. We want that freedom and joy that comes from our grandchildren running in our yards having a good time and watching them. These people come in and want to change our way of life. You see it with women and the way they are dressing; low cut dresses. You're asking for it when you dress and act that way. You have to act like a lady to be treated like a lady; same with gentlemen. You keep that in mind the way you live your life and the way you live. Her happiest years have been since 1992 when she bought her house out here. It's the longest she's lived in any house in her lifetime. Her grandchildren have so many happy memories of her backyard, planting trees and finding Easter baskets. If the Town lets them put in tiny lots to placate someone who doesn't give a damn, the Town would be foolish, and then we'll know what city life is like and you're going to be very unhappy.

Aaron Bagurdes, N71W27238 Hansen Drive, bought his house which is at the end of the road. He moved from West Allis, spent his life savings on this house so he and his family could live in the country, with bigger houses and bigger yards. Before buying the house he asked the realtor what would happen with the farm which he found out it would be zoned residential, but was told if people build, they have to match the existing subdivisions. A year and a half later this is happening so now he has to save up his money for an attorney. The Plan Commission is breaking the rules. He didn't buy into this lifestyle with small lots, it's not right.

Mike Reed, W268N6678 Lakeview Court, has been to all of the meetings and went to the courthouse today to petition to have a judge take a look at the problems that are happening with this subdivision. His concerns are that the border agreement is not being adhered to, the Town has been in violation of it since 2002, but he tried to straighten that out in 2006 and 2007. He is also concerned that the map is missing. Waukesha County, Merton and Lisbon do not have the map and the judge is going to want to look at that. He also stated there is some bias and other things going on with the Plan Commission. The Town has been served and will let the judge take it from there.

Karen Williams, W273N7345 Dentons Run, spoke again for another neighbor who couldn't attend the meeting; **Richard Denney, W273N7277 Dentons Run**, she read his letter which is attached to the minutes.

Craig MacNosoe N87W27101 Perennial Terrace, spoke again asking the Plan Commission to think about that corridor, the increase in traffic and that the ordinance is clearly stating the Plan Commission cannot approve this until traffic and road concerns are addressed. Lake Five Road needs to be expanded considerably, maybe a roundabout or stop lights. Once that is done, the Miller Marriott should be encouraged to bring the PUD back to the Plan Commission so they don't violate their own ordinances.

Discussion and necessary action on minutes of the Plan Commission Meeting and Public Hearing for Thursday, November 2, 2017. ***Not Ready** Will be on the January Plan Commission agenda.*

Unfinished Business

Discussion and necessary action on the request for a Conditional Use Planned Unit Development for Chris Miller of Miller Marriott Construction Company, for the property located on Lake Five Road and CTH VV, known as Barnwood Conservancy, LSBT 0217.998.

Chris Miller and Jim Marriott were present. Chairman Osterman stated there were a number of questions brought up at the last meeting; one being about the Joint Planning Area (JPA) map. Attorney Gutenkunst stated she has had phone conversations with Waukesha County Planner Sandy Scherer which confirms what the Merton Administrator/Clerk wrote in his November 9 letter, stating the Town and Village never adopted the JPA map. She stated in order for the map to be put into play it has to be adopted separately. Referencing it in the zoning code doesn't make it official. The Town's ordinance is clear as to how to move forward with the PUD. She has reviewed the minutes and the Town is following the ordinance. She has heard people ask for the Declaration of Restrictions, which is required for any development, just not at this stage in the process. Developers don't want to prepare that document for a development that might not be approved. There are other documents required as stated in Chapter 12. As to the restrictions about campers and such, those are particular to your subdivision with the HOA. The Town doesn't review those restrictions or tell the developers what they can and can't put in the HOA restrictions.

Waukesha County Planner Sandy Scherer stated everyone needs to have the facts even if they don't like them. Earlier someone mentioned the Land Use Plan map category SDR1 for this area, which isn't correct. That person likely is looking at an older version of the map or isn't reading the legend correctly. This area on the map shows it as a low density residential area with 20,000 square foot lots with a 1.4 acre density. Attorney Gutenkunst confirmed Planner Scherer's comments and stated the Town conforms to its Land Use Plan. Chairman Osterman went through the list of concerns heard during public comments and provided responses.

Property Values: These are not going to be low dollar homes and properties

Traffic: Waukesha County Planner Scherer stated she hasn't seen Waukesha County's long range plan for this area. Administrator Janecke stated when the developer met with all of the Waukesha County departments, Waukesha County figured it would be able to handle traffic at 59 lots as first proposed. Waukesha County Planner Scherer confirmed that is correct and that the Public Works Department commented they would deny any access to CTH VV. A traffic study could be a condition of approval. Street names will be determined at the preliminary plat stage.

Declaration of Restrictions: Addressed earlier in the meeting. Chairman Osterman asked if anyone has their subdivision covenants and restrictions to email them or drop them off at Town Hall because he would like to see them.

Border Agreement: Attorney Gutenkunst stated the Town is not in violation of the border agreement. She spoke with the Village of Merton and they would approve the Town's Comprehensive Land Use Plan. A Joint Planning Commission meeting will be held later in the process.

Yield Plan: It is required to show how many maximum lots could be developed; it's not the plan you expect to be developed. If the yield plan was developed it would generate 55 lots instead of the PUD's 53 lots.

Twelve Percent Grade: Mr. Miller stated he is not aware of a 12% grade stipulation.

Density: 52 lots divided by 75 acres equals 1.44 home per every acre. There are less lots being proposed than what is allowed.

Wells and Water: These tests and evaluations are done by Waukesha County Environmental Health Department (WCEHD) and the Department of Natural Resources (DNR). The WCEHD mainly deals with the septic systems. Well information is gathered during the preliminary plat state. There are a set of rules and standards to be met and if they are not, the WCEHD can't approve the preliminary plat. Soil samples will be taken on each lot for septic systems, which some will be conventional.

Open Space: Miller Marriott originally proposed some multi-use field and tennis courts but after listening to the feedback, they removed those labels so it is an open field at this point. They envision it being maintained by the association. They are still proposing using the wood from the barn to build the pavilion which will have a fireplace. The property owners will fractionally own the out lots and open space. They are unsure if the open space will be public or private; that will be determined by the HOA. Administrator Janecke stated Commissioner Nelson is not present tonight but wanted to go on record that he is very much in favor of the open space.

Homeowners Association: If the HOA falls apart, the open space responsibility becomes the Town's. Attorney Gutenkunst stated if needed, the Town could give notice about disrepair, fix it and then put a special charge on those property owner's tax bills.

Document Mike Reed Submitted: It is a request to the court for a cease and desist until the border agreement requirements and JPA map have been completed and adopted. It was filed with the Clerk of Courts today; the Town has not been officially served.

Setbacks: The setbacks will be blended so they all look the same as you come around the curve. The surrounding areas will not be any less restrictive and setbacks will be discussed further in the process.

Covenants and Restrictions: A bullet point list was submitted for this meeting but a much longer, detailed document will be drafted later in the process.

Town Board Action: Per Town ordinance, the Town Board doesn't vote on Conditional Uses and the PUD is a Conditional Use. Based on tonight's discussion, the development will be on the next Town Board agenda for discussion only. The Town started the process thinking the Town Board approves PUD's and that was an error. Attorney Gutenkunst stated per the zoning code, the Town Board approves rezones, plats and the required legal documents. The PUD also requires five members voting in favor for it to pass.

PUD vs One Acre: Commissioner Oelhafen asked what is preventing the developer from developing one acre lots; what is the driving force for smaller lots? Mr. Miller responded he is trying to maintain the open space and you need to have that to qualify for a PUD. He cannot obtain the amount of open space he wants with one acre lots. He would have to run the numbers to see if changing to one acre lots is financially feasible. He personally feels these smaller lots are more saleable.

Plan Commission members each gave their opinion on the PUD. Commissioner Oelhafen Bryan stated he likes the open space. Commissioner Stadler stated earlier someone commented about walking on the roads. With the new trails, no one will have to walk on the roads. She doesn't know for sure that the difference in the lot size will really affect if houses draw more water or not. The Plan Commission and developer listened to the residents and made compromises. The developer worked around the wetland area very well.

Commissioner Meyer stated this type of development is why the zoning code has a PUD section. It gives the normal set of rules some flexibility in land development which in this case seems to benefit the Town. This is a difficult parcel no matter who develops it. The developer has done an excellent job of accommodating the wetlands, the steep inclines and transitions into the surrounding subdivisions very well. The Plan Commission expressed their concerns at the first couple of meetings and the developer made the recommended changes by the Plan Commission and residents, which made the development more harmonious. It is consistent with the spirit and intent of the Town's ordinance. The Village of Merton has reviewed and approved this in some fashion so he doesn't see where the Town is skirting the rules. The Plan Commission is trying to do the right thing and thinks the proposal is not contrary to the welfare of the neighboring subdivisions. The potential for \$25 million dollars in residential development benefits everyone in the Town. He doesn't want to belittle anyone's comments and it would be easy to say no to this but he has to represent all 10,000 residents and less than one-half of one percent are here in the room. This project has been in the papers and discussed for months. He has heard everyone's concerns but hasn't seen any information to prove there isn't sufficient water. The PUD has fewer lots than a typical R-1 development would have. The storm water plan enhances the area's water and is a benefit to the Town. The paths in the PUD are adequate and also benefit the Town because it provides off roadway access to other parts of the Town. This plan also provides a much better view from the road. Again, the revisions to the layout have been done as requested by the Plan Commission and residents. The developer provided an appropriate buffer to other neighborhoods, lots have been eliminated, reoriented, setbacks have been changed and is more aesthetically pleasing.

Motion by Commissioner Meyer on the request for a Conditional Use Planned Unit Development for Chris Miller of Miller Marriott Construction Company, for the property located on Lake Five Road and CTH VV, known as Barnwood Conservancy, LSBT 0217.998, subject to the following conditions:

- 1. Submittal of a storm water management plan acceptable to the Town.*
- 2. Submittal of landscape plan acceptable to the Town.*
- 3. Submittal of detailed grading plan acceptable to the Town.*
- 4. All legal documents, i.e., Developer's Agreement and subdivision covenants be submitted to the Plan Commission.*
- 5. Turn-in and turn-out lanes shall be included and shown on the preliminary plat.*

6. *Submittal of shared ownership of out lots plan acceptable to the Plan Commission if it is not already a part of the Developer's Agreement or Covenants and Restrictions.*
7. *All other required documents and approvals as required by Town ordinances.*

Seconded by Chairman Osterman.

Discussion: Attorney Gutenkunst stated the covenants and restrictions are included in the Developer's Agreement. By ordinance, these agreements require approval by the Town Board as recommended by the Plan Commission. Storm water plans are subject to Waukesha County review and approval. It might be prudent to add a condition that the Town move forward with the ordinance for a PUD Overlay District so that we are all clear that this is a modification to basics of zoning and this could move parallel to the subdivision approval process. The ordinance must be adopted by the Town and Waukesha County Board of Supervisors. Waukesha County Planner Scherer stated other municipalities have done this and there isn't any harm in doing so. Attorney Gutenkunst stated this is a more conservative step but it gives more assurance to what the requirements are exactly going to be. It was suggested a traffic study be required but Planning Consultant Stigler stated that would be too much detail right now, but could be required later. Administrator Janecke is concerned about creating a PUD overlay at this time but Attorney Gutenkunst replied this an appropriate step to take at this time. Planner Lindstrom stated he is familiar with this type of zoning and will help with the language. There was further discussion about completing a traffic study and that it should include the turn-in and out lanes and other improvements to the road thereof. Plan Commission members agreed a traffic study as just stated be included as a condition of approval. Commissioner Oelhafen stated a traffic study might prompt Waukesha County to do something about the intersection. Commissioner Samanske stated he is disappointed that more time and thought wasn't put into developing this into one acre lots, which is what he requested be done last month. There wasn't any effort put into the yield plan; it was made generic. He would have liked to see a conceptual one acre plan other than the yield plan which would be developed based on citizen's concerns. This plan is inferior to a one acre development.

Additional conditions as suggested in discussion above:

8. *The Town move forward with the ordinance for a PUD Overlay District so that we are all clear that this is a modification to basics of zoning and this could move parallel to the subdivision approval process.*
9. *A traffic study be completed and shall include a plan for turn-in and out lanes and include other improvements to the road thereof.*

Motion carried, 5-1 with one nay by Commissioner Samanske.

The Plan Commission took a 10 minute break and reconvened at 8:33 P.M.

New Business

Discussion and necessary action on the request for building signage for applicant Ann Derenne d/b/a Skin Tight, for the property owned by Standing Rock Real Estate, located at N95W25901 County Line Road, Ste F, Colgate, WI 53017, LSBT 0158.994.011.

Planning Consultant Stigler read his comments into the record which are attached to the minutes.

Motion by Chairman Osterman to approve the request for building signage for applicant Ann Derenne d/b/a Skin Tight, for the property owned by Standing Rock Real Estate, located at N95W25901 County Line Road, Suite F, Colgate, WI 53017, LSBT 0158.994.011. Seconded by Commissioner Oelhafen. Motion carried, 6-0.

Discussion and necessary action on the request for a Temporary Conditional Use to use the location as a temporary laydown yard for ATC's system-wide initiative to upgrade/enhance electric transmission communications, for applicant American Transmission Company (ATC) for the property owned by Duane Hyland, located at W220N5859 Townline Road, Lisbon, WI 53089, LSBT 0244.999.001.

Planning Consultant Stigler read his comments into the record which are attached to the minutes.

Bob Oosterhouse with ATC was present and stated they are ready to operate pending this approval. They would like this area as a laydown yard because it is closer to their current job sites. Hours of operation would be 6:30AM to 6:30PM and wouldn't go later than that. It basically an area for the workers to park their cars and pick up supplies. There could be four bucket trucks leaving the site and maybe four or five pickup trucks, no heavy traffic. Commissioner Samanske reminded the applicant that they cannot even start their trucks before 6:30AM and Chairman Osterman asked that any lights aren't pointed east towards the neighbors. Mr. Oosterhouse stated there are spools delivered to the laydown yard and come on a flatbed. There will be a job trailer present and placement is determined by the project manager. There was discussion about using woodchips or a track pad to keep the mud and mess off of the road. Mr. Oosterhouse replied they will use a track pad and they keep a sweeper on site at all times. Planning Consultant Stigler recommended postponing action until a Plan of Operation is submitted. There was a brief discussion about postponing action until January or having the applicant submit a Plan of Operation to staff for approval. Plan Commission members would like the Plan of Operation to be approved by the Plan Commission. Commissioner Meyer suggested postponing action until the end of the meeting so as to allow the applicant time to complete a Plan of Operation for the Plan Commission to review. Plan Commission members agreed and moved on to the next agenda item and come back to this item later.

Discussion and necessary action on the request for a Conditional Use Amendment to allow a Contractors Yard for an expanded business to allow more employees, trucks equipment and outdoor storage of landscape materials behind existing outbuilding and a Conditional Use for a Major Grading Permit for the property owned by Andrew Polahar, d/b/a ASP Landscape, located at W260N8421 State Road 164, Hartland, WI 53029, LSBT 0173.997.

Planning Consultant Stigler read his comments into the record which are attached to the minutes. Mr. Polahar stated he didn't know he needed a grading permit to move as much dirt as he has so he stopped all grading activities. He pretty much took whatever the prior farmer buried in the ground and is hauling it away then building a berm to screen any equipment from the neighbors. This is also being done to make room for a new house. Chairman Osterman stated a grading permit and plans are needed to be sure you aren't changing the way water flows. Hours of operation were discussed next and Mr. Polahar stated he needs 24 hour operations for snow removal. Clerk Gresch found the 2014 approval which did allow for an exception to approved hours of operation for snow removal. Any other time of the year he would like to start operations at 5:00AM but Plan Commission felt that was too early and would allow 6:30AM to 10:00 PM. He is also asking for more employees since his business is expanding. The neighbors to the north commended Mr. Polahar on doing a great job fixing up the property but are concerned about their land value decreasing and want to know what that they can do about it. The Plan Commission discussed further the landscaping and berm construction and that they would like to see those detailed plans. Since the rest of the work won't be done until spring, Mr. Polahar has time to come back to the Plan Commission with grading plans. He doesn't have to come back for a public hearing since that was done tonight.

Motion by Chairman Osterman to approve the request for a Conditional Use Amendment to allow a Contractors Yard for an expanded business to allow more employees, trucks equipment and outdoor storage of landscape materials behind existing outbuilding for the property owned by Andrew Polahar, d/b/a ASP Landscape, located at W260N8421 State Road 164, Hartland, WI 53029, LSBT 0173.997, subject to following conditions:

- 1. Hours of Operation: Sunday through Saturday, 6:30AM to 10:00PM. Snow removal operations allowed 24/7.*
- 2. Submit landscaping plan for review and install screening as directed from the May 22, 2014 Plan Commission meeting.*
- 3. Submit a major grading plan for Plan Commission review and approval.*
- 4. No more than 50 pallets of salt be stored outside.*

Seconded by Commissioner Meyer. Motion carried, 6-0.

Motion by Chairman Osterman to postpone action on the request for a Conditional Use for Major Grading Permit for the property owned by Andrew Polahar, d/b/a ASP Landscape, located at W260N8421 State Road 164, Hartland, WI 53029, LSBT 0173.997, until the applicant submits grading plans for Plan Commission review and approval. Seconded by Commissioner Oelhafen. Motion carried, 6-0.

The Plan Commission resumed discussion of the ATC Conditional Use for a temporary lay down yard.

The Plan Commission discussed the Plan of Operation which is missing the Site Plan. Mr. Oosterhouse will submit that to the Administrator for his review and approval. He also indicated there will be a temporary corrugated sign which will be three square feet in size or less.

Motion by Commissioner Samanske to approve the request for a Temporary Conditional Use to use the location as a temporary laydown yard for ATC's system-wide initiative to upgrade/enhance electric transmission communications, for applicant American Transmission Company (ATC) for the property owned by Duane Hyland, located at W220N5859 Townline Road, Lisbon, WI 53089, LSBT 0244.999.001, subject to the following conditions:

- 1. Hours of Operation: Monday through Friday, 6:30AM to 6:30 PM.*
- 2. Site Plan be submitted to and approved by Town Administrator.*
- 3. Install and maintain a track pad at all times.*
- 4. Conditional Use shall expire Saturday, March 31, 2018.*

Seconded by Commissioner Oelhafen. Motion carried, 6-0.

Conceptual presentation by Neumann Development Inc. for a multi-use development for the properties located at N75W25635 State Road 164, LSBT 0207.999 and N74W25599 State Road 164, LSBT 0279.999.001.

Administrator Janecke stated tonight's discussion is meant to be a conceptual review of something that is unprecedented in the Town. There would be multiple uses including senior care options and a park abutting the Bug Line Trail. We should start thinking of uses that we would like to be the focal point of the development. Steve DeCleene, Neumann Developments President stated this is a mixed use concept with a little bit of everything with a boulevard entry off of STH 164. There could be a three story multi-family development, some commercial uses, retail, a municipal parking lot, an area of the development for empty nesters, two and/or four family buildings, all connected by a series of paths to connect pedestrian traffic.

Currently, the plan shows 497 total units on 150 acres. Sussex will need to be involved because of the border agreement and the sewer service area. Studies still need to be completed on how to calculate sewer capacity and how assisted living units are calculated. He would like the Plan Commission's thoughts on what they think about this type of development and if they would support something like this so they can start moving forward with studies.

Commissioner Meyer sees much less neighborhood retail on the plan than he expected to see. Mr. DeCleene stated there is other land in the area which will have more commercial uses to fill in that use. Plan Commission members are generally in favor of something like this being developed there. Chairman Osterman stated this is something very different for Lisbon and the Town will have to work closely with Sussex and be sure to work within the border agreement. Mr. DeCleene stated it is hard to find housing in Waukesha County for less than \$400,000. He wants to help the younger people be able to build a house. As this unfolds, the Town should watch what happens with their development in the Village of Summit. They are getting interest from millennials and empty nesters. Planner Lindstrom stated he's completed several housing studies in Waukesha County comparing those two groups of people and more the baby boomers build first since they have the equity.

Requests from members to put future items on the agenda.

Adjournment.

Motion by Commissioner Oelhafen to adjourn the Thursday, December 7, 2017 Plan Commission Meeting at 9:56 P.M. Seconded by Commissioner Meyer. Motion carried, 6-0.

Respectfully submitted,

Gina Gresch, MMC/WCPC
Town of Lisbon Clerk

2017-12-07 PLAN COMMISSION PUBLIC HEARING COMMENTS SIGN IN SHEET

	NAME (PLEASE PRINT)	ADDRESS	CIRCLE WHICH HEARING YOU ARE HERE FOR	
1	Valerie Lintm-Reed	W268 N 6678 Lakeview	ATC	Andrew Polahar
2	Michael Reed	W268 N 6678 Lakeview	ATC	Andrew Polahar
3	CRAIG MAGNUSON	N87 W 27141 PERENNIAL TER	ATC	Andrew Polahar
4	Loey Polahar	3838 Glenwood Ct. Colgate	ATC	Andrew Polahar
5	Daryl Taylor	N73 W 24955 Mich Rd.	ATC	Andrew Polahar
6	Karen & Michael Williams	W273 N 7345 Distas	ATC	Andrew Polahar
7	Nichelle Maas	N72 W 27337 Hazels Way	ATC	Andrew Polahar
8	Jean Nell	N69 W 27089 Hickory	ATC	Andrew Polahar
9	CHRISTOPHER ANWAR	W271 N 6994 HANSON DR.	ATC	Andrew Polahar
10	DAVID HAHN	W267 N 6919 WILDERNESS WAY	ATC	Andrew Polahar
11	Jim Marriott	249 Pawling Ave	ATC	Andrew Polahar
12	MIKE SELLMANSEN	N73 W 27096 KETTLE COVE LAKE	ATC	Andrew Polahar
13	MARIE ROHNE	N69 W 27211 Hickory Chasm	ATC	Andrew Polahar
14	THOMAS ROHNE	" "	ATC	Andrew Polahar
15	Aaron Bagardes	N71 W 27238 Hansen Dr.	ATC	Andrew Polahar
16	Jill Deal	N82 W 22663 Susan Pl.	ATC	Andrew Polahar
17	Gene & Ingrid Wenzel	N70 W 27151 Hansen Dr.	ATC	Andrew Polahar
18	Nichelle & Evan Davis	N72 W 27373 Hazels Way	ATC	Andrew Polahar
19	Steve McChesney	Memorials Falls	ATC	Andrew Polahar
20	Jerry Metzger	N80 W 37690 Peterson Rd.	ATC	Andrew Polahar

2017-12-07 PLAN COMMISSION PUBLIC HEARING COMMENTS SIGN IN SHEET

	NAME (PLEASE PRINT)	ADDRESS	CIRCLE WHICH HEARING YOU ARE HERE FOR	
21	John Grier et al	N85W25744 Spans Hill Blvd Lisbon, WI 53089	ATC	<input checked="" type="radio"/> Andrew Polahar
22			ATC	<input type="radio"/> Andrew Polahar
23			ATC	<input type="radio"/> Andrew Polahar
24			ATC	<input type="radio"/> Andrew Polahar
25			ATC	<input type="radio"/> Andrew Polahar
26			ATC	<input type="radio"/> Andrew Polahar
27			ATC	<input type="radio"/> Andrew Polahar
28			ATC	<input type="radio"/> Andrew Polahar
29			ATC	<input type="radio"/> Andrew Polahar
30			ATC	<input type="radio"/> Andrew Polahar
31			ATC	<input type="radio"/> Andrew Polahar
32			ATC	<input type="radio"/> Andrew Polahar
33			ATC	<input type="radio"/> Andrew Polahar
34			ATC	<input type="radio"/> Andrew Polahar
35			ATC	<input type="radio"/> Andrew Polahar
36			ATC	<input type="radio"/> Andrew Polahar
37			ATC	<input type="radio"/> Andrew Polahar
38			ATC	<input type="radio"/> Andrew Polahar
39			ATC	<input type="radio"/> Andrew Polahar
40			ATC	<input type="radio"/> Andrew Polahar

Lisbon-Merton, Border Stipulation Agreement

ARTICLE III

JOINT PLANNING

A. Joint Planning Area. The parties have identified certain undeveloped areas which, when developed, will have impact upon both the Town and the Village. These areas, referenced herein as the Joint Planning Area (JPA) and the Town's lands to become part of the Village, are identified in Exhibit E attached hereto. The parties agree to cooperate on matters relating to land use planning for the territory located within the JPA and approve all use of lands within the JPA in the following manner:

1. The Joint Planning Committee ("JPC") shall be comprised of 2 members from the Town and 2 members from the Village ("Member" or "Members").
2. The Members who comprise the JPC shall be appointed by and serve at the discretion of the Village president or Town chair for their respective municipalities. One of the Members from each municipality shall be a Member of the plan commission of that municipality. The second Member from each municipality shall be from the governing body of that municipality.
3. The Clerk and/or Administrator from each municipality shall serve as a non-voting member of the JPC.
4. Any 2 members of the JPC may call meetings of the JPC by providing 2 weeks written notice thereof to each member of the JPC in addition to the Village and Town.
5. The JPC shall serve as an informal, advisory body and its determinations and commendations will not be binding upon any municipality.

6. In order to make a recommendation, a majority of the Members from each municipality who are present at the meeting must join in the recommendation.
7. The JPC shall receive, consider, and comment upon all applications for rezoning, conditional uses, PUDs, and plats that arise within the JPA.
8. Following each meeting, the JPC shall provide the clerk and plan commission of each municipality with a copy of the Minutes of the meeting. The Minutes shall include a list of the Members who were present at the meeting and that list shall identify the municipalities that those Members represent. The Minutes shall also include a description of actions taken along with identifying which Members voted in favor of, and which opposed, proposed recommendations.
9. The JPC shall prepare a formal Land Use Plan for JPA for consideration and approval by the Town and the Village boards on or before December 31, 2004.
10. Any dispute involving the provisions of this section shall be resolved in accordance with Article V herein.

B. Road Improvement Contribution/Ainsworth Road. The parties acknowledge that in years 2000 and 2001 the Town reconstructed the eastern 2,000 lineal feet of Ainsworth Road at an approximate cost of \$163,293. In recognition of this improvement, the Village agrees to pay the Town an annual amount of \$5,443 beginning in the year in which development of lands located within the Village occurs adjacent to the improved roadway. Said payments shall cease in the year 2016 which is the estimated end of the useful life of the pavement. The amount of reimbursement is as shown on Exhibit F, a copy of which is attached hereto and incorporated herein by reference.

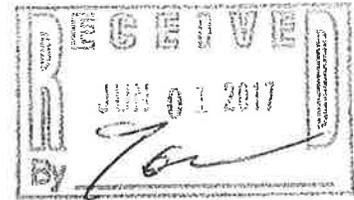
Paul Farrow
County Executive

Dale R. Shaver
Director



Waukesha County

Department of Parks and Land Use



May 26, 2017

Chris Miller and Jim Marriott
Miller Marriott Construction Co. LLC
301 Pawling Avenue
Hartland, WI 53029

RE: **Waukesha County Development Review Team Meeting Summary**
Meissner Family Farm LLC (PUD concept)
NE ¼ of Section 19, Town of Lisbon (LSBT 0217.998)

Dear Mr. Miller and Mr. Marriott,

This letter summarizes comments and concerns that were discussed at our meeting on April 21, 2017 regarding your proposal (see Exhibit 3A) to develop the above referenced property in the Town of Lisbon as a Residential Planned Unit Development. We hope that this input is valuable as you continue planning your development. The following is a preliminary listing of the issues and requirements, which will need to be addressed as you continue planning your project:

Land Use Plan designations

- The Comprehensive Development Plan for Waukesha County and the Town of Lisbon Land Use Plan designate a majority of the property as Low Density Residential (one unit per 20,000 sq. ft.), with a small area in the southeast corner of the property designated as Other Open Lands to be Preserved. The current proposal complies with the density requirements of both Plans. The number of lots may be further limited by the zoning, boundary agreement provisions and the carrying capacity of the land.
- The property is subject to a Boundary Stipulation and Intergovernmental Cooperation Agreement between the Town of Lisbon and the Village of Merton and lies within the identified Joint Planning Area. Although the Joint Planning Area Extraterritorial Land Use Map designates the property as Low Density Urban Residential (20,000 sq. ft. to 1.4 acres per dwelling unit), the note on the map further clarifies that in the Joint Planning Area, single-family subdivision development may only be permitted on individual lots of at least 40,000 square feet. The current proposal is not in conformance with the terms of the Joint Planning Area.

Planning and Zoning

515 W. Moreland Blvd., Room AC 230 Waukesha, Wisconsin 53188-3878
Phone: (262) 548-7790 Fax: (262) 896-8071 www.waukeshacounty.gov/planningandzoning



Mr. Thomas Nelson

Re: Preliminary Plat-Extraterritorial Review

August 22, 2007

Page 2

The Village must take action on this preliminary plat within the timeframe specified by statute, or Village approval is given by default, so I encourage the Village Plan Commission and Village Board to take timely action regarding the plat whether that be approval, conditional approval, or denial. That is, it is not in the best interest of the Village to table the plat.

In terms of a recommendation, I suggest that the Village consider denial of the plat on the basis of its failure to comply with the Village of Merton *Land Division Control Ordinance*, the Town of Lisbon *Subdivision Control Ordinance*, and other criteria permitted under ss. 236.13, as detailed in the engineer's review letter. You may also wish to include a statement regarding your inability to determine whether the plat is consistent with the comprehensive plan, due to the deficiency of information provided.

It should also be noted that this proposal has not yet been considered by the Joint Planning Committee (JPC) as required under the *Boundary Stipulation and Intergovernmental Cooperation Agreement between the Town of Lisbon and the Village of Merton* (also known as "The Border Agreement"). Under Article IIIA.7. of that agreement, "The JPC shall receive, consider, and comment upon all applications for rezoning, conditional uses, PUDs, and plats that arise within the JPA [Joint Planning Area]."

If there are any questions regarding this matter, please contact our office.

Very truly yours,

RUEKERT/MIELKE

Vanessa M. Kuehner, AICP
Senior Planner

VMK:mmm

cc: Thomas H. Koepp, P.E., Ruekert/Mielke
Richard A. Eberhardt, P.E., R.L.S., Ruekert/Mielke
File

Ron Sansone, N71 W27609 Woods Edge Way, Village of Merton - 12/7/17 Plan Commission Meeting

Questions:

By a show of hands, who has read the two documents that I had Gina forward to you last week – the arguments against the Barnwood proposal?

Chairman Osterman, why did the Board in 2010 approve a PUD ordinance that referenced a clause on the 2007 map, if **that clause** was not **approved** by the Board? (no answer)

Comments:

Summarizing Page 2 of the Town's zoning ordinance, called "General Interpretation": It is not intended for the ordinance to repeal, impair or interfere with any existing agreements between parties, previously adopted. Yet, it appears that The Boarder Stipulation Agreement between Lisbon and Merton, executed in 2002, is not being followed. It states:

"The parties agree to cooperate on matters relating to land use planning for the territory located within the Joint Planning Area and approve **all use of** lands within the Joint Planning Area in the following manner:"

1. "The Joint Planning Committee shall receive, consider, and comment upon **all** applications for rezoning, conditional uses, PUDs, and plats that arise in the Joint Planning Area." Chairman Osterman, in the September 14th, Plan Commission minutes you indicated a Joint Plan Commission meeting would be held. To my knowledge, this has not been done for Barnwood.

Waukesha County's 5/26/17 letter states this property is subject to the Boarder Stipulation agreement. Also, a senior planner from Ruckert-Mielke, saw this as a requirement, when the multi-family proposal was made back in 2007.

Chairman Osterman, did anyone decide that this meeting was **not** necessary? (no answer)

2. Also, "The Joint Planning Committee was to prepare a formal Land Use Plan for the Joint Planning Area for consideration and approval by the Town and Village Boards on or before December 31, 2004." To my knowledge, this has not been done. It's a little late - like 13 years late!

In the August 14th, Plan Commission minutes, Chris Hitch of Trio Engineering, indicated that a traffic study would be done. This is a **safety** issue and should be completed and reviewed before a vote is taken on the conditional use.

Pages 113 & 115 of the PUD ordinance, require: "Establishment of ownership and tax liability of the open spaces. This is to be made part of the **conditions** of any approval." An agreement for perpetual care and maintenance is also required. Have these been completed? (no answer)

It appears, that the largest parcel of land in the Joint Planning Area is being fast-tracked, not following all the required processes. If there are recent changes to the Barnwood proposal, there should be a Public Hearing. Please defer the Barnwood decision tonight and go back and complete these important and necessary process steps.Thank you.

* Gave copies of the Boarder Stipulation agreement pages 6 & 7, Waukesha County 5/26/17 letter and letter by Ruckert-Mielke senior planner to Plan Commission members.

Ord. 01-18

**ORDINANCE CREATING SECTION 33 OF THE TOWN OF LISBON ZONING CODE,
RELATED TO PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT, IN THE TOWN OF LISBON,
WAUKESHA COUNTY, WISCONSIN**

Section 1: Section 33 of the Lisbon Zoning Code is hereby created as follows:

SECTION 33 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**(a) Purpose and Intent**

The Planned Unit Development (PUD) Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types and mixing of compatible uses. This provision allows communities to infill between existing subdivisions, and allows growth adjacent to incorporated municipalities where municipal services may be available in the future. Coordinated site planning and a mixture of compatible uses are two additional benefits of a planned unit development. Such developments are intended to provide a safe and efficient system for pedestrian, bicycle, and vehicular traffic circulation, access, parking, lighting, signage, landscaping, architectural treatment, attractive recreation and open spaces, a sound economic design, the efficient provision of public and private utilities, community facilities, and ensure adequate standards of construction and planning. The PUD Overlay District under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying base zoning district.

Commented [dlin1]: Reorganized and modified to clarify and shorten language.

(b) Identified objectives

When reviewing requests for approval of a Planned Unit Development, the Town shall consider whether the objectives listed below will be served or achieved. Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

1. Accommodation of a variety of housing types.
2. Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas.
3. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
4. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
5. Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.
6. Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses.
7. Creation of more efficient provision of public utilities and services, lessened demand

Commented [dlin2]: Section added clarify the intention of the PUD ordinance.

on transportation, and the promotion of energy resource conservation.

(c) **Relationship to other applicable regulations.**

8. General. A PUD shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development and to the site plan review standards in Section 3 of this chapter except as otherwise provided in this chapter.
9. Permitted uses. The PUD shall identify all proposed land uses, and those uses shall become permitted uses upon the approval of the Planned Unit Development by the Town Board.
10. Floor area and height. The PUD may provide for an increase in the maximum gross floor area, floor area ratio, and/or maximum building height allowed in the base zoning district for the purpose of promoting project integration and additional site amenities.
11. Building setbacks. The PUD may provide for a reduction of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the PUD.
12. Lot requirements. The Town Board may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space elsewhere in the Planned Unit Development. Such open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
13. Street Layout. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at an environmentally sensitive areas or environmental corridors as defined by Waukesha County or SEWRPC, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.
14. Other exceptions. As part of PUD approval, the Town Board is authorized to approve other exceptions to the zoning controls applicable to the base zoning district. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in Chapter 11-33 (a-b).

Commented [dlin3]: Added general PUD language to illustrate the general requirements.

(d) **PROCEDURAL REQUIREMENTS:**

1. Pre-petition meeting. Prior to official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner/agent shall meet with the Town Administrator/Clerk, or his or her designee, to discuss the scope and nature of the contemplated development. The owner/agent must sign and submit the professional services reimbursement form at the pre-petition meeting.
2. Petition – General Development Plan. Following the pre-petition conference, the owner or his agent may file a petition with the Town Clerk for approval of a Planned Unit Development Overlay District – General Development Plan. The application shall be accompanied by a general development plan. Upon submission of a complete application form, general development plan and payment of the required fee, the

Commented [dlin4]: Reorganized and modified to clarify and shorten language.

After discussions with staff I added a two step process

-General Development Plan (GDP) and a specific Development Plan (SDP).

This allows a developer to prepare a preliminary application to see if they get approval on the basics (land use, density, etc) prior to investing into the more expensive details. (grading, stormwater, etc) that must be approved as part of the second step.

Commented [dlin5]: Retained.

Commented [dlin6]: New step, but requires all the same information as the concept planning.

Zoning Administrator shall forward the application to the Plan Commission.

- a. General Development Plan (GDP). The plan shall include the following:
 - i. A cover letter or narrative statement which sets forth the relationship of the proposed PUD to the Town's master plan or any adopted component thereof and the general character of and uses to be included in the proposed PUD. Including:
 - a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any similar data pertinent to a comprehensive evaluation of the proposed development.
 - b. General summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c. General outline of the organizational structure of a property owners' or management association proposed to be established to provide any necessary private services.
 - d. Proposed departures from the standards of development in the Town zoning regulations, other Town regulations, administrative rules, or universal guidelines.
 - e. Expected date of commencement of physical development as set forth in the proposal.
 - f. Details describing the benefits the PUD will provide the Town of Lisbon
 - ii. Legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 - iii. Approximate location of public and private roads, sidewalks, paths, trails, driveways, and parking facilities.
 - iv. Density of the project and the amount of open space and common areas.
 - v. Conceptual architectural rendering and design of the buildings, if applicable.
 - vi. General location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainage ways, and open space features, if applicable.
 - vii. Conceptual provisions for stormwater management.
3. General Development Plan Hearing and Referral.
- a. The petition for a GDP approval shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions it may deem necessary or appropriate. The Town Planner, Town Engineer, Fire Department, County Planner, and County Environmental Health

Commented [dlin7]: Once approved they have 12 months to obtain approval of the final details before they can obtain any permits.

The Town will draft a specific ordinance tailored to this project to act as an overlay district. Map would reflect an overlay boundary over the area.

Division shall provide comments on the petition.

- 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.
- c. Approval of the re-zoning and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon subsequent approval of a specific development plan, and shall not make permissible any of the uses as proposed until a specific development plan is submitted and approved for all or a portion of the general development plan. If the approved general development plan, or notice thereof in a form approved by the Town and the County, is not recorded with the Waukesha County Register of Deeds within twelve (12) months of the date of approval by the Board, or such other time as the Town may allow in approving the General Development Plan, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan approval. The Town Board may extend the time allotted to record a General Development Plan. Applicants shall provide proof of recordation to the Town Clerk. If a specific development plan for all or part of the general development plan area is not submitted to the Town within twelve (12) months of the date of approval by the Town Board of the general development plan then the general development plan shall be null and void. If the general development plan has been recorded, the applicant may request extension of the time allotted to submit a specific development plan. Such a request shall be considered by the Plan Commission.

Commented [dlin8]: 12 or 24 months to comply with other permit requirements?

Commented [dlin9]: 12 or 24 months to comply with other permit requirements?

- 4. Petition –Specific Development Plan (SDP). The specific development plan shall be submitted to the Plan Commission and shall conform to the requirements of this Chapter. A specific Development Plan may be submitted for consideration concurrently with a general development plan, however, such a submittal shall clearly delineate which components are part of the GDP and which are part of the SDP, and shall include the required materials for each submittal.

Commented [dlin10]: New/modified step.

- a. Specific Development Plan (SDP) requirements. The plan shall include the following:
 - i. Any requested revisions from the approve GDP.
 - ii. The location of public and private roads, sidewalks, paths, trails, and driveways.
 - iii. The size, arrangement, and location of any individual building sites and proposed building groups on each individual lot.
 - iv. The location of institutional, recreational, green space and open space areas, and areas reserved or dedicated for public uses, including schools, parks, and drainage ways.
 - v. The type, size, use, and location of all buildings and structures.

Commented [dlin11]: New step, the requirements were reorganized and contains the previously required information.

- vi. A landscaping plan showing existing and proposed vegetation location and including species and sizes at installation and maturity.
- vii. Architectural plans (color preferred) illustrating the exterior design, materials and colors, height, and character of proposed structures, including elevations and interior floor plans.
- viii. The existing and proposed location of public utilities including sanitary sewer and water supply facilities.
- ix. The existing and proposed location of all private utilities or other easements.
- x. Characteristics of soils related to proposed uses including soil tests for basements and on site sewerage disposal systems as required in the drainage regulations section and other sections in this ordinance. Also submit proposed private well information and show locations.
- xi. A Grading Plan to be reviewed and approved by the Town Engineer, including the existing and proposed grades with contours at no greater than two-foot intervals National Geodetic Vertical Elevation. These are to be included on separate sheets.
- xii. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- xiii. The location of existing driveway openings adjacent to, and across the street from, the proposed planned unit development.
- xiv. Building plans in compliance with Building Codes to be reviewed and approved by the Town Building Inspector.
- xv. A Storm Water Management and Erosion Control Plan showing all existing and proposed storm water drainage facilities and erosion control measures, and drainage patterns to be reviewed and approved by the Town Engineer.
- xvi. All existing and proposed water features, wetlands, floodplain, environmental corridors, and any other natural resource features.
- xvii. A signage plan including location, size, dimensions, materials, and colors. Include wattage and cut sheets if lighted.
- xviii. Any proposed restrictive or protective covenants.
- xix. A lighting plan including design, location, number, wattage, lumens, isofootcandle dispersion, specifications on the type of illumination, and cut sheets.
- xx. A dumpster/recycling area plan.
- xxi. A fencing plan.
- xxii. A screening plan including berms, fences, and walls.
- xxiii. A parking plan including facilities, number and size of spaces for residents, employees and customers, handicap spaces, access, screening, general traffic circulation, adjacent streets, loading/unloading areas, snow removal areas.

- xxiv. A site plan and plan of operation must be submitted for all planned unit development requests that include known non-residential uses.
- xxv. All plans shall be prepared by registered professionals in their respective fields, and shall be at an engineering scale of not less than 100 feet to the inch, unless an architectural scale is used.
- xxvi. Any other information as may be required by the Plan Commission in considering the application.

5. Specific Development Plan Hearing and Referral.

- a. The petition for a SDP approval shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions it may deem necessary or appropriate. The Town Planner, Town Engineer, Fire Department, County Planner, and County Environmental Health Division shall provide comments on the petition.
- 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.

Commented [dlin12]: Modified step and added Town Planner to the review.

6. Basis of Approval of Petition.

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 consider:

- a. That the petitioners for the proposed Planned Development Overlay District have indicated they intend to begin the physical development of the PUD within 12 months following approval of the petition and the development will be carried out according to a reasonable construction schedule satisfactory to the Town. Whether the proposed Planned Unit Development is consistent in all respects with the purpose of this section and to the spirit and intent of this Ordinance; is in conformity with the land use plan/comprehensive development plan or adopted component or amendment thereof; would not be contrary to the general welfare and economic prosperity of the Town or of the immediate neighborhood; and that the benefits and design of the resultant development justifies the establishment of a Planned Unit Development.
- b. The proposed site shall be provided with adequate water from either private onsite well or public water utility, sanitary facilities, and drainage facilities for surface water and storm water.
- c. The Town Board shall not grant their approval unless it has found that or conditional approval on documentation illustrating the following:
 - i. The proposed site shall be provided with adequate water from

Commented [dlin13]: Reorganized section.

either a private onsite well or public water utility, sanitary facilities, and drainage facilities for surface water and storm water.

- ii. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - iii. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, schools, street maintenance, and maintenance of public areas by the proposed development.
 - iv. The streets, sidewalks, driveways, paths, and trails on the site of the proposed development shall be adequate to serve the residents of the proposed development, and the public where made available to the general public, and shall meet the minimum standards of all applicable ordinances, rules, guidelines, and regulations of the Town. If the planned unit development is approved, the petitioner shall provide appropriate financial guarantees for any public improvements to the town for review and approval by the town attorney and the town engineer prior to the commencement of construction.
- d. If the planned unit development is approved, the petitioner shall provide appropriate financial guarantees for any public improvements to the town for review and approval by the town attorney and the town engineer prior to the commencement of construction.
- e. The Plan Commission may recommend and the Town Board may add any additional conditions or restrictions they deem necessary or appropriate to promote the spirit and intent of this Ordinance and the purpose of this section.
- f. Determination. The Town Board, 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 the Town Board. Subsequent to Town Board approval, the Town Clerk shall provide three (3) copies of the amending ordinance to the Waukesha County Clerk for County Board approval under ____ of this chapter.

Commented [dlin14]: Added section.

(e) Supplemental Requirements

1. Subsequent Land Division. The division of any land within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished under the Town land division regulations and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PUD approval.
 - a. A cover letter addressing any outstanding issues from the conceptual plan commission meeting, the public hearing for the planned unit development, or the preliminary plat, and proving satisfaction of those outstanding issues as necessary.

Commented [dlin15]: Modified and added this section to simplify section 3 (h)(21)(a)(5). This make reference to the land division ordinance so not restate the requirements.

- b. Final draft of the developer's agreement with the town that will govern the project once completed, including timelines for stage development plans.
 - c. Final draft of the association by-laws, covenants, and restrictions.
 - d. If the proposed project is a condominium, the owner/agent shall submit all additional items as required to be filed with the town in accordance with Chapter 703 of the Wisconsin State Statutes.
2. Water and sanitary facilities. Adequate water and sanitary facilities shall be provided.
3. Open space areas.
- a. The total open space of the development shall be no less than would have resulted from the application of the open space requirements of the base zoning district.
 - b. Permanent preservation. Adequate guarantee shall be provided for permanent preservation of open space areas resulting from these regulations and as shown on the approved site plan either by private reservation for use of the residents within the development and maintenance or by dedication to the public or others as may be specifically provided for (e.g., farmers use of open space, dedication to a public entity, for the preservation of rural character, or development of a private recreational facility open to the general public in perpetuity for a fee), as determined by and subject to the approval of the Town Plan Commission. There shall not be any clear cutting or clearing of vegetation other than dead, diseased, or dying vegetation or removal of invasive species on any lands being so preserved in public open space or open space owned by the property owners or in recreational use which are considered Upland or Environmental Corridors, as depicted on the Town of Lisbon Zoning Map and/or Land Use Plan/Comprehensive Development Plan or any subsequent amendment thereto, except as provided in (h) below for limited path, trail, or recreational related development. Buildings or uses for noncommercial or accessory facilities may be permitted in such open space area with the approval of the Plan Commission.
 - c. Perpetual care and maintenance. Perpetual care and maintenance of public open space or open space owned by the property owners or in recreational use shall be provided for by an agreement recorded in the Waukesha County Register of Deeds office. Said agreement shall include an operation plan, which shall preserve the natural qualities of the environmentally significant lands. The agreement shall be submitted to and approved by the Plan Commission with the assistance of an expert naturalist, if needed. This condition is not deemed satisfied unless all required approvals are granted.
 - d. Ownership and tax liability. Ownership and tax liability of the open space areas shall be established in a manner acceptable to the

Commented [dlin16]: Reorganized under supplemental regulation.

Commented [dlin17]: Reorganized and combined with other existing CUP open space requirements.

- Town Plan Commission and made a part of the conditions of any approval.
- e. Public open space or open space owned by the property owners or in recreational use shall be of a size and shape to provide an integrated system of open spaces to the greatest extent possible, and to provide protection of environmentally significant lands. These spaces shall not consist of long, narrow bands or corridors, but shall be larger blocks of wide corridors of land, usually not less than one (1) acre in area. Corridors linking large blocks or wide corridors of public open space or open space owned by the property owners or in recreational use shall not be less than fifty (50) feet in width to provide adequate buffers from adjacent residential lots. The size, shape, and location of said public open space or open space owned by the property owners or in recreational use shall be subject to review and approval of the Plan Commission in order to qualify the project for consideration as a planned unit development. Public open space or open space owned by the property owners or in recreational use shall be a minimum of 40% of the entire development, and not more than 20% of the required open space may be floodplain or wetland. This requires 80% of the open space to be upland or non-lowland open space. Ponds and detention basins not designated as floodplain or wetland may be included in the required 40% open space, but shall not constitute more than 20% of the total amount of open space. In any planned unit development, no more than 5% of the public open space may be used for public buildings such as schools, fire stations, municipal buildings, etc. The Plan Commission may modify the 5% open space requirement, but only in conformance with the overall intent of these provisions while also protecting the public interest.
 - f. In public open space or open space owned by the property owners or in recreational use containing environmentally significant areas as defined in this ordinance, a maximum of 5% of the environmentally significant areas may be used for limited construction of recreational related structures and recreation paths and trails. Otherwise, there shall not be any clear cutting or clearing of vegetation other than dead, diseased, or dying vegetation or removal of invasive species on any lands being so preserved in public open space or open space owned by the property owners or in recreational use which are considered Upland or Environmental Corridors, as depicted on the Town of Lisbon Zoning Map and/or Land Use Plan/Comprehensive Development Plan or any subsequent amendment thereto. If invasive species are removed, they shall be replaced in kind with vegetation indigenous to the corridor.
 - g. Public open space or open space owned by the property owners or in recreational use shall contain at least 90% green space. Such public open space or open space owned by the property owners or in recreational use shall not be part of individual residential building

lots, and all but 5% of the open space shall be free of structures and impervious surfaces. The Plan Commission may modify the 5% open space requirement, but only in conformance with the overall intent of these provisions while also protecting the public interest. The remaining open space that is not required to be green space, which may be up to 10% open space, may include surface area of water bodies such as ponds or detention basins.

4. Park dedications and/or reservations. Certain park dedication and/or reservation provisions of the subdivision control/land division and development ordinance of the town shall apply to all residential units erected in a planned unit development. Specifically, where dedication/reservation of open space or public sites are not in accordance with the Town of Lisbon Park and Recreation Plan (which references the Town of Lisbon Land Use Plan or subsequent component thereof such as a Comprehensive Development Plan), or compatible with the development of the community, the developer shall pay fees, in lieu thereof, to the Town, as established on an annual basis by the Town.
5. Modification of zoning district requirements. Any 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 conditional use and upon compliance with the following:
 - i. All private onsite waste disposal system provisions are approved by the Waukesha County Environmental Health Division.
 - ii. Town of Lisbon Land Use Plan/Comprehensive Development Plan or any subsequent amendments thereto, is not contrary to the general welfare and/or economic balance of the community, and that the benefits and amenities of the resultant development justifies the variation from the normal requirements of the district in which the development is located.
6. Supplemental Residential Planned Unit Developments Standards:
 - a. As part of the planned unit development petition process, the Town may require a conceptual yield plan and a conceptual conservation design (PUD) subdivision to be submitted so the Town can determine whether or not there will be no more lots allowed with the planned unit development than one would be allowed with a conventional layout.
 - b. Density Bonus. The zoning district lot sizes and density for residential planned unit developments may be modified by applying up to a 30% maximum density bonus to the density otherwise permitted in each of the base zoning district, unless otherwise stated below or elsewhere in this ordinance. The 30% increase can be applied to any area where the base zoning district is not C-1, EFD, B-4, and Q-1, unless otherwise stated below or elsewhere in this ordinance. This is the maximum dwelling unit density increase for a residential planned unit development

Commented [dlin18]: Reorganized under supplemental regulation.

Commented [dlin19]: Reorganized under supplemental regulation.

Commented [dlin20]: Reorganized under supplemental regulation.

whether or not it is served by public sewer. For example, where lands are to be developed as a planned unit development and are to be served with public sewer, the density may only be increased by a total of up to the maximum of 30%. The planned unit development density bonus and the sewer reduction provisions of this ordinance cannot both be applied to further increase the density bonus beyond the 30% maximum.

UC	Five (5) acres per dwelling unit*
AD-10	Not less than one acre per dwelling unit based on a 10 acre density
RD-5	Not less than one acre per dwelling unit based on a five acre density
R-1	Thirty thousand (30,000) square feet per dwelling unit
R-2	Thirty thousand (30,000) square feet per dwelling unit
R-3	Thirty thousand (30,000) square feet per dwelling unit
RM	Thirty thousand (30,000) square feet per dwelling unit (if three or more units are proposed, the site must be sewerred)
B-P	Forty thousand (40,000) square feet per dwelling unit

*Note: Upland Corridors are further subject to the following: If all of the Upland Corridor zoned lands and designated Environmental Corridors are preserved in their entirety within the public open space or open space owned by the property owners or in recreational use, and are preserved in their natural state, the density of one unit per five (5) acres may be added to the maximum number of dwelling units otherwise allowed in this section.

- c. Lands with a C-1 base zoning district may not be used in formulating the density of the project as a reduction has already been factored in the above table and the maximum 30% density bonus. When lands border a public body of water, pyramiding as defined in this ordinance may be allowed if the minimum frontage and average width of the parcel fronting on the public body of water at the high water mark is one hundred (100) feet for the first dwelling unit and an additional twenty-five (25) feet for each dwelling unit thereafter. No more dwelling units may have access to the public body of water than what would result from the application of this pyramiding provision irrespective of the overall size of the development project.
- d. The 30% density bonus is justified as a slight increase in density is a reasonable compromise in order to achieve more sustainable conservation design development that preserves natural features, creates more open space within developments, protects the rural character of the town, and cause less need for infrastructure such as roads and storm water management facilities. The 30% density bonus can only be utilized in the Town of Lisbon if the following criteria are met:

- i. The development plan for a given site must incorporate an absolute minimum of 40% of the site in public open space or open space owned by the property owners or recreational use. In calculating the open space, not more than 20% of the required open space may be floodplain or wetland. This requires 80% of the open space to be upland or non-lowland open space.
- ii. The Town must create and map an Upland Corridor zoning district for all primary and secondary environmental corridors as well as isolated natural resource areas, which allows for development at a density not greater than one unit per five acres.
- iii. Individual development projects must be developed as planned unit developments, conservation design developments utilizing conservation design standards, or cluster design developments, which allow the town to properly analyze the project's design. Conventional subdivision developments cannot be considered when using the 30% density bonus option.
- iv. Significant natural resource features such as primary and secondary environmental corridors, isolated natural resource areas, wetlands, and floodplains must be protected and shall be incorporated into the protected open space. If any portion of the above natural resource features will be located on a private lot, said resource must be protected with a protective covenant or restriction. Sites that do not contain significant natural resource features may be conducive to prairie or wetland restorations, enhanced with the establishment of landscaped open spaces, or used for agricultural purposes.

7. Supplemental Commercial/Light Industrial Planned Unit Developments:

The economic practicality of a proposed Commercial/Light Industrial planned unit development shall be justified on the basis of purchasing potential, competitive relationship, and demonstrated tenant interest. The use of a Commercial/Light Industrial planned unit development may be authorized only where commercial and light industrial properties are planned for on the future land development map. The location of the proposed business/industry uses can be flexed on the site so long as no more area is devoted to such uses than would be permitted in the base zoning district in which the planned unit development is located. The attendant parking areas and service facilities for the commercial/industrial areas shall be included in the areas allocated to such non-residential uses.

- a. The proposed planned unit development shall be served by adequate off-street parking, loading, and service facilities.
- b. The planned unit development shall not create an adverse effect upon the general traffic pattern or adjoining property values.

Commented [dlin21]: Reorganized under supplemental regulation.

- c. Architecture, landscaping, lighting, and general site development shall be compatible with the surrounding neighborhood.
- d. The aforementioned requirements shall be certified by the Town Plan Commission as having been fully met.
- e. In the business/industrial zoning district planned unit developments, the density shall be the same as in the R-3 district (30,000 square feet), except in the B-P District where it must be no less than 40,000 square feet.

8. Supplemental Mixed Planned Unit Developments:

A Mixed planned unit development shall consider allowing a mixture of business, light industrial, residential or other uses. The location of the uses can be flexed on the site so long as no more area is devoted to the various uses than would be permitted in the base zoning district in which the planned unit development is located. The attendant parking areas and service facilities for the non-residential part of the project shall be included in the areas allocated to such non-residential uses.

- a. The proposed mixture of commercial, light industrial, residential, and other uses shall produce a unified composite that is compatible both within itself and with the surrounding neighborhood.
- b. The mixed uses shall conform to the general requirements applicable to each of them as here-in-before set forth.
- c. The maximum allowable dwelling unit density shall be computed using only the residential area portion of the total planned unit development area. If residential use and non-residential use occur in the same proposed building, that percentage of the commercial/industrial use of the building shall be deducted from said building lot and only the remaining area shall be used in the density computation for the remaining residential units.

d. Example - Computing Maximum Dwelling Unit Density in a Mixed Planned Unit Development:

A developer wishes to divide one hundred (100) acres of land into a mixed planned unit development. Ten (10) of these acres are zoned C-1 Conservancy. The development plan shows ten (10) acres devoted to commercial uses in the B-2 District. The remainder is zoned R-1 Residential. The following computations demonstrate the method of determining how many residential units may be allowed in the project.

Gross acreage	100
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Commented [dlin22]: Reorganized under supplemental regulation. This section was also modified to remove base zoning district uses and percentages requirements since the PUD would define the uses.

acres Less ten (10) acres zoned C-1 - 10 acres 90 acres

Less ten (10) acres designated - 10 acres for B-2 Business use

Remainder for residential use 80 acres

Total residential acreage in sq. ft. used to calculate the density:

80 acres x 43,560 square feet = 3,484,800 square feet

Divide by the square feet per dwelling unit requirement for the R-1 Residential district after applying the 30% density bonus or other applicable figure:

3,484,800 divided by 30,000 square feet = 116 units

The 10 acres designated for commercial use cannot be included in the planned unit development density as it is not zoned for residential use and would have to be rezoned to residential use to be considered in the residential density. Any lands zoned C-1 likewise may not be used in formulating the density of the project as a reduction has already been factored in the maximum 30% density bonus or other applicable figure.

Commented [dlin23]: This example needs to be refined.

9. Condominiums. The Town of Lisbon may allow, upon petition, a planned unit development where the ownership is held in common under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin State Statutes (condominiums). The Town provides regulations to guide condominium development in Section 4 (h) 20 or 21 of this ordinance. Multifamily condominium developments must be served by public sewer.

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10. Town of Lisbon-Village of Sussex Border Agreement dated January 22, 2001. In the U.S. Public Land Survey System Township of primarily Section 16 of the Town of Lisbon, but also containing a small portion of Section 17, condominium development of any kind will be permitted only if sewer is available and only at a density of no more than one (1) unit per 0.71 acres in accordance with the border agreement with the Village of Sussex and the adopted sewer service area plan, and as may be amended in the future.

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11. Town of Lisbon-Village of Merton Joint Planning Area. Any multi-family planned unit development uses in the Town of Lisbon/Village of Merton joint planning/extraterritorial land use area will only be allowed subject to the terms agreed to in the joint planning process and shown in the clause on the adopted Town of Lisbon/Village of Merton joint planning area/extraterritorial land use plan map.

Commented [dlin26]: Reorganized under supplemental regulation.

12. Financial Guarantees. In approving the planned unit development plan, in whole or in part, the Plan Commission may require the posting of appropriate

Commented [dlin27]: Reorganized under supplemental regulation.

financial guarantees for any public improvements in an amount determined by the Town Engineer, and in a form approved by the Town Attorney. Such financial guarantees shall guarantee the completion of the project as approved.

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 public hearing before the Plan Commission shall be required and notice thereof given pursuant to the provisions of Section 36 of this Ordinance.
14. Termination: If a permit, as required in any of the other Town approval processes related to the planned unit development, is not issued by the Building Inspector or the Town within two (2) years of receiving approval of the planned unit development, or if physical development has not otherwise commenced, the approval shall automatically be terminated without public hearing.

Commented [dlin28]: Reorganized under supplemental regulation.

Commented [dlin29]: Reorganized under supplemental regulation.

DRAFT

Section 2: Various Sections of the Lisbon Zoning Code related to Planned Unit Developments are hereby repealed and/or recreated as follows:

Section 2 - Definitions

Planned Unit Development District is a district established to provide a regulatory framework designed to encourage and promote improved environmental and aesthetic design in the Town by allowing for greater design freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of this Chapter and the Town Comprehensive Plan. To further these goals, the district allows diversification and variation in the bulk and relationship of uses and structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. The district is further intended to encourage developments consistent with coordinated area site planning.

Deleted: Planned Unit Development (PUD) is a development strategy, process or procedure that requires conditional use approval whereby a parcel of land is developed for a specific use in such a way as to provide specific benefits to the community (for example more efficient provision of public services such as roads and utilities), as well as the developer and future citizens who will reside with the development, and where the normal application of standards and requirements, primarily the lot sizes, are made more flexible, and which shall contain substantial amounts of common open space for aesthetics (rural character), natural resource or sensitive area preservation/protection (steep slopes, wetlands, floodplains, environmental corridors, etc.), or recreational purposes usually by clustering the lots (refer to Figure 1). For the purposes of this ordinance, a conservation subdivision shall be an interchangeable term with planned unit development and clustering. Owners of each lot may also own the building on the lot, or the development may be a condominium form of ownership.

Section 3(d)(2) Use Regulations

Accessory Uses and Structures: In any district, accessory structures, buildings and uses customarily incident to the permitted buildings, uses and structures in that district shall be permitted subject to such requirements as may be hereinafter designated for that district in which they are located and in accordance with Section 3(i)5. No pyramiding as defined herein shall be permitted on any lands fronting on navigable waters, except as may be specifically permitted accessory to a marina or resort, and which may be allowed under the terms of an approved planned unit development. No accessory building, use or structure shall be permitted that by reason of noise, dust, odor, appearance, lighting, traffic generation, smoke, fumes, dirt, vibrations, fire, explosives, pollution, or other objectionable factors creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property. These nuisance determinations shall also include, but not be limited to, incidents of apiary operations where there is bee stinging, bee swarming, or bees otherwise creating a disturbance. Such adverse effects may be required to be corrected or eliminated by such measures as are directed by Sections 3 c 3 and 37 of this ordinance; and Chapter 5, Nuisances, of the Town of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances, also included as Addendum B herein.

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Section 3(i)(3)(C) - Open Space

No part of the open space provided for any building shall be included as part of the open space required for another building, except as hereinafter provided for in planned unit developments (refer to Section 33).

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Section 3(i)(4) Residential Density

Residential Density (either referred to as units per acre or minimum lot size) shall not exceed the density hereinafter specified by the regulations for the zoning district in which the development/building is located except as otherwise regulated in accordance with Section 3 (e) 4 (sewer reductions), Section 4 (Conditional Uses), and Section 4 (h) 20 (Multiple Family Units) and Section 33 (Planned Unit Developments).

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Section 10(e) PARK AND RECREATION DISTRICT CONDITIONAL USES

Conditional uses as provided below and in Sections 4 (h) 17, 24, and 29. (Note – subsections 1 -19 remain unchanged)

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SECTION 11 AD-10 AGRICULTURAL DENSITY 10-ACRE DISTRICT
e. Conditional Uses

SECTION 12 RD-5 RURAL RESIDENTIAL DENSITY 5-ACRE DISTRICT
e. Conditional Uses

SECTION 13 A-10 AGRICULTURAL DISTRICT
d. Conditional Uses

SECTION 14 A-5 MINI-FARM DISTRICT
d. Conditional Uses

SECTION 15 A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT
d. Conditional Uses

SECTION 16 R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT
d. Conditional Uses

SECTION 17 R-2 SINGLE FAMILY RESIDENTIAL DISTRICT
d. Conditional Uses

SECTION 18 R-3 TWO FAMILY RESIDENTIAL DISTRICT
d. Conditional Uses

SECTION 23 P-I PUBLIC AND INSTITUTIONAL DISTRICT
e. Conditional Uses

Conditional uses as provided in Sections 4 (h) 24 and 29.

SECTION 24 B-1 RESTRICTED BUSINESS DISTRICT
d. Conditional Uses

SECTION 25 B-2 LOCAL BUSINESS DISTRICT
d. Conditional Uses

SECTION 26 B-3 GENERAL BUSINESS DISTRICT
d. Conditional Uses

SECTION 31 M-1 LIMITED INDUSTRIAL DISTRICT
e. Conditional Uses

SECTION 32 M-2 GENERAL INDUSTRIAL DISTRICT
e. Conditional Uses

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.

Deleted: 2. Single family residential Planned Unit Developments

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PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this ? day of ? , 2018.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: _____
JOSEPH OSTERMAN, Chairman

BY: _____
TEDIA GAMIÑO, Supervisor

BY: _____
MARC MOONEN, Supervisor

BY: _____
LINDA BEAL, Supervisor

BY: _____
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: _____
Gina C. Gresch, MMC/WCPC
Town Clerk



DRAFT

SECTION 33 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

(a) Purpose and Intent

The Planned Unit Development (PUD) Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types and mixing of compatible uses. This provision allows communities to infill between existing subdivisions, and allows growth adjacent to incorporated municipalities where municipal services may be available in the future. Coordinated site planning, dedicated open spaces, the preservation/protection of natural resources and environmentally sensitive areas and a mixture of compatible uses are additional benefits of a planned unit development. Such developments are intended to provide a safe and efficient system for pedestrian, bicycle, and vehicular traffic circulation, access, parking, lighting, signage, landscaping, architectural treatment, attractive recreation and open spaces, a sound economic design, the efficient provision of public and private utilities, community facilities, and ensure adequate standards of construction and planning. The PUD Overlay District under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying base zoning district.

Commented [SS1]: This is a new section, replacing a Reserved section in the zoning code.

Commented [dlin2]: Reorganized and modified to clarify and shorten language.

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Commented [SS3]: I think the Town should retain language about (1) open space, and (2) natural resource preservation and protection in the purpose and intent statement. When you need to rely on this statement and that verbiage is not there, you will miss it.

Commented [dlin4]: Section added clarify the intention of the PUD ordinance.

(b) Identified objectives

When reviewing requests for approval of a Planned Unit Development, the Town shall consider whether the objectives listed below will be served or achieved. Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

1. Accommodation of a variety of housing types.
2. Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas.
3. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
4. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
5. Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.
6. Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses.
7. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.

Commented [dlin5]: Added general PUD language to illustrate the general requirements.

Commented [SS6]: None of these sections below mentions flexing building sizes. I think that should be added.

(c) Relationship to other applicable regulations

1. General. A PUD shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development and to the site plan review standards in Section 3 of this Chapter except as otherwise provided in this Chapter.
2. Permitted uses. The PUD shall identify all proposed land uses, and those uses shall become permitted uses upon the approval of the Planned Unit Development by the Town Board.
3. Floor area and height. The PUD may provide for an increase in the maximum gross floor area, floor area ratio, and/or maximum building height allowed in the base zoning district for the purpose of promoting project integration and additional site amenities.

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4. Building setbacks. The PUD may provide for a reduction of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the PUD.

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5. Lot requirements. The Town Board may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space elsewhere in the Planned Unit Development. Such open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.

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6. Street layout. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at an environmentally sensitive areas or environmental corridors as defined by Waukesha County or SEWRPC, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

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7. Other exceptions. As part of PUD approval, the Town Board is authorized to approve other exceptions to the zoning controls applicable to the base zoning district. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in Chapter 11, Section 33 (a) and (b).

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Commented [SS7]: The term used in other areas of Lisbon's codes is 'waivers', I suggest that to be consistent in these two places, especially since the word 'exception' can mean something else entirely in zoning language (as in special exception which is actually defined in the Town's Zoning Ord).

Commented [SS8]: See above comment.

(d) **Procedural Requirements**

1. Pre-petition meeting. Prior to official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner/agent shall meet with the Town Administrator/Clerk, or his or her designee, to discuss the scope and nature of the contemplated development. The owner/agent must sign and submit the professional services reimbursement form at the pre-petition meeting.

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2. Petition – General Development Plan (GDP). Following the pre-petition conference, the owner or his agent may file a petition with the Town Clerk for approval of a Planned Unit Development Overlay District – General Development Plan. The application shall be accompanied by a general development plan. Upon submission of a complete application form, general development plan and payment of the required fee, the Zoning Administrator shall forward the application to the Plan Commission for review and consideration.

Commented [dlin11]: New step, but requires all the same information as the concept planning.

Commented [SS12]: Is this an optional requirement? The use of the word 'may' makes it sound as though it is. I think one just assumes they are applying and so I would use the word 'shall' here.

a. General Development Plan requirements. The plan shall include the following:

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i. A cover letter or narrative statement which sets forth the relationship of the proposed PUD to the Town's Comprehensive Development Plan or any adopted component thereof and the general character of and uses to be included in the proposed PUD. Including but not necessarily limited to the following:

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a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, traffic analysis, availability of or requirements for municipal services and any similar data pertinent to a comprehensive evaluation of the proposed development required by the Town.

b. General summary of the estimated value of structures and site improvement costs, including landscaping and special features.

c. General outline of the organizational structure of a property owners' or management association proposed to be established to provide any necessary private services.

- d. Proposed departures from the standards of development in the Town zoning regulations, other Town regulations, administrative rules, or universal guidelines.
- e. Expected date of commencement and completion of physical development as set forth in the proposal.
- f. Details describing the benefits the PUD will provide the Town of Lisbon such as open space, aesthetics, economic or public benefits or facilities, etc.
- ii. Legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
- iii. Approximate location of public and private roads, sidewalks, paths, trails, driveways, and parking facilities.
- iv. Density of the project and the amount of open space and common areas.
- v. Conceptual architectural rendering and design of the buildings, if applicable.
- vi. General location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainage ways, and open space features, if applicable.
- vii. Conceptual provisions for stormwater management.

3. General Development Plan Hearing and Referral.

- a. The petition for a GDP approval shall be referred to the Plan Commission for its review and recommendation to the Town Board, including any additional conditions or restrictions the Plan Commission may deem necessary or appropriate. The Town Planner, Town Engineer, Fire Department, County Planner, and County Environmental Health Division shall provide comments on the petition.
- 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 at the Town Hall 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.
- c. Approval of the re-zoning and related general development plan shall establish the basic right of use for the area when in conformity with the GDP as approved, which shall be recorded as an integral component of the district regulations, and such GDP shall be conditioned upon subsequent approval of a Specific Development Plan, and shall not make permissible any of the uses as proposed until a Specific Development Plan (SPD) is submitted and approved by the Town Board for all or a portion of the GDP. If the approved GDP, or notice thereof in a form approved by the Town and the County, is not recorded with the Waukesha County Register of Deeds within twelve (12) months of the date of approval by the Town Board, or such other time as the Town Board may allow in approving the GDP, the approval shall be null and void and a new petition and approval process shall be required to obtain GDP approval. The Town Board may extend the time allotted to record a GDP by mutual agreement with the petitioner or upon requiring the petitioner to show just cause. Applicants shall provide proof of recordation to the Town Clerk. If a SDP for all or part of the GDP area is not submitted to the Town within twelve (12) months of the date of approval by the Town Board of the GDP then the GDP shall be null and void. If the GDP has been recorded in the Register of Deeds office, the applicant may request extension of the time allotted to submit a SDP. Such a

Commented [dlin13]: Once approved they have 12 months to obtain approval of the final details before they can obtain any permits.

The Town will draft a specific ordinance tailored to this project to act as an overlay district. Map would reflect an overlay boundary over the area.

Commented [SS14R13]: The County will be able to map these districts on the GIS for the Town as well.

Commented [SS15]: Referred by whom?

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Commented [SS16]: By when?

Commented [SS17]: If it is the intent for this Section (33) to follow a rezone procedure, then perhaps Section 35 should be cited instead? Kathy?

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Commented [SS18]: There is a regulatory timeframe (60 days) if Section 35 is used.

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Commented [SS20]: What does this mean?

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Commented [SS22R21]: While 24 months may be mention ...

Commented [SS23]: GENERAL COMMENT FOR THE ...

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request shall be considered by the Plan Commission, and only approved by mutual agreement with the petitioner or upon showing of just cause by the petitioner.

Commented [SS27]: Should this state Town Board?

4. Petition –Specific Development Plan (SDP). The Specific Development Plan shall be submitted to the Plan Commission and shall conform to the requirements of this Chapter. A Specific Development Plan may be submitted for consideration concurrently with a General Development Plan, however, such a submittal shall clearly delineate which components are part of the GDP and which are part of the SDP, and shall include the required materials for each submittal.

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a. Specific Development Plan requirements. The plan shall include the following:

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- i. Any requested revisions from the approved GDP.
- ii. The location of public and private roads, sidewalks, paths, trails, and driveways.
- iii. The size, arrangement, and location of any individual building sites and proposed building groups on each individual lot.
- iv. The location of institutional, recreational, green space and open space areas, and areas reserved or dedicated for public uses, including schools, parks, and drainage ways.
- v. The type, size, use, and location of all buildings and structures.
- vi. A landscaping plan showing existing and proposed vegetation location and including species and sizes at installation and maturity.
- vii. Architectural plans (color preferred) illustrating the exterior design, materials and colors, height, and character of proposed structures, including elevations and interior floor plans.
- viii. The existing and proposed location of public utilities including sanitary sewer and water supply facilities.
- ix. The existing and proposed location of all private utilities or other easements.
- x. Characteristics of soils related to proposed uses including soil tests for basements and on site sewerage disposal systems as required in the drainage regulations section and other sections in this ordinance. Also submit proposed private well information and show locations.
- xi. A Grading Plan to be reviewed and approved by the Town Engineer, including the existing and proposed grades with contours at no greater than two-foot intervals National Geodetic Vertical Elevation. These are to be included on separate sheets.
- xii. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- xiii. The location of existing driveway openings adjacent to, and across the street from, the proposed planned unit development.
- xiv. Building plans in compliance with Building Codes to be reviewed and approved by the Town Building Inspector.
- xv. A Storm Water Management and Erosion Control Plan showing all existing and proposed storm water drainage facilities and erosion control measures, and drainage patterns to be reviewed and approved by the Town Engineer.
- xvi. All existing and proposed water features, wetlands, floodplain, environmental corridors, slopes in excess of twelve percent, and any other natural resource

features.

- xxvii. A signage plan including location, size, dimensions, materials, and colors. Include wattage and cut sheets if lighted. [All signage shall comply with this Chapter and Chapter 13, Sign Ordinance.](#)
- xxviii. Any proposed restrictive or protective covenants.
- xix. A lighting plan including design, location, number, wattage, lumens, isofootcandle dispersion, specifications on the type of illumination, and cut sheets.
- xx. A dumpster/recycling area plan.
- xxi. A fencing plan.
- xxii. A screening plan including berms, fences, and walls.
- xxiii. A parking plan including facilities, number and size of spaces for residents, employees and customers, handicap spaces, access, screening, general traffic circulation, adjacent streets, loading/unloading areas, snow removal areas.
- xxiv. A site plan and plan of operation must be submitted for all planned unit development requests that include known non-residential uses.
- xxv. All plans shall be prepared by registered professionals in their respective fields, and shall be at an engineering scale of not less than 100 feet to the inch, unless an architectural scale is used.
- xxvi. Any other information as may be required by the Plan Commission [or Town Board](#) in considering the application.

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5. Specific Development Plan Hearing and Referral.

- a. The petition for a SDP approval shall be referred to the Plan Commission for its review and recommendation [to the Town Board](#), including any additional conditions or restrictions [the Plan Commission](#) it may deem necessary or appropriate. The Town Planner, Town Engineer, Fire Department, County Planner, and County Environmental Health Division shall provide comments on the petition.
- 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 [at the Town Hall](#) 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 [by the Town Board](#).

Commented [dlin30]: Modified step and added Town Planner to the review.

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Commented [SS33]: If it is the intent for this Section (33) to follow a rezone procedure, then perhaps Section 35 should be cited? Kathy?

Commented [SS34]: See similar comment on page 3 above.

Commented [SS35]: See above comment (p 5).

6. Basis of Approval of Specific Development Plan Petition.

- a. The Town Plan Commission [makes its recommendation to the Town Board](#), and the Town Board in making its decision on the Planned Unit Development – Specific Development Plan shall consider:

i. That the petitioners for the proposed Planned Development Overlay District have indicated they intend to begin the physical development of the PUD within 12 months following approval of the petition and the development will be carried out according to a reasonable construction schedule satisfactory to the Town.

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ii. Whether the proposed Planned Unit Development is consistent in all respects with the purpose and intent of this Section and to the purpose and intent of this Ordinance.

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iii. Whether the proposal is in conformity with the Town of Lisbon land use plan/comprehensive development plan or adopted components or amendments thereof.

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iv. Whether the proposal would be contrary to the general welfare and economic prosperity of the Town or of the immediate neighborhood.

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v. That the benefits and design of the resultant development justifies the establishment of a Planned Unit Development.

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b. The Town Board shall not grant approval or conditional approval unless it has found, based on documentation that supports, the following:

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The proposed site shall be provided with adequate water from either private onsite well or public water utility, sanitary facilities, and drainage facilities for surface water and storm water.

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i. The proposed site shall be provided with adequate water from either a private onsite well or public water utility, sanitary facilities, and drainage facilities for surface water and storm water.

ii. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

iii. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, schools, street maintenance, and maintenance of public areas by the proposed development.

iv. The streets, sidewalks, driveways, paths, and trails on the site of the proposed development shall be adequate to serve the residents of the proposed development and the public, where made available to the general public, and shall meet the minimum standards of all applicable ordinances, rules, guidelines, and regulations of the Town.

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c. If the planned unit development is approved, the petitioner shall provide appropriate financial guarantees for any public improvements to the Town for review and approval by the Town Attorney and the Town Engineer prior to the commencement of construction.

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d. The Plan Commission may recommend and the Town Board may add any additional conditions or restrictions they deem necessary or appropriate to promote the spirit and intent of this Ordinance and the purpose of this section.

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e. Determination. The Town Board, after due consideration, may deny the petition, approve the petition as submitted or as recommended by the Plan Commission, or approve the petition subject to additional conditions and restrictions as deemed necessary or appropriate. 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 the Town Board. Subsequent to Town Board approval, the Town Clerk shall provide three (3) copies of the amending ordinance to the Waukesha County Clerk for County Board approval under [] of this Chapter.

Commented [dlin39]: Added section.

Commented [SS40]: The PC generally does this work. Does the Town want to continue this practice for PUDs, or do they want the Board to do it, or perhaps have both review Bldg plans and SPPOs? This is a lot more work for the Board who has other pressing Town matters to attend to. Again, this type of work has historically been that of the PC (in Lisbon and elsewhere), so you may want to leave some of this review work in the hands of the PC (only). Same comments for some of the items further below as well - Town Board or PC??

Commented [SS41]: Section 35

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Commented [dlin42]: Modified and added this section to simplify section 3 (h)(21)(a)(5). This make reference to the land division ordinance so not restate the requirements.

Commented [SS43R42]: This should state Section 4 (h)(21) (A) (5).

(e) Supplemental Requirements

1. Subsequent Land Division. The division of any land within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished under the Town's adopted land division regulations and checklist and when such division is contemplated, a preliminary plat or Certified Survey Map (CSM) of the lands to be divided shall accompany the petition for PUD approval. The preliminary plat must also be submitted to the County for distribution, review and

approval. Any CSM in the County's shoreland jurisdiction must also be submitted to the County for review and approval. Extraterritorial municipalities shall also review any land division as required.

- a. A cover letter addressing any outstanding issues from the conceptual land division plan commission meeting, the public hearing for the planned unit development, or the preliminary plat or CSM, and proving satisfaction of those outstanding issues as necessary.
- b. Final draft of the developer's agreement with the Town that will govern the project once completed, including timelines for stage development plans.
- c. Final draft of the association by-laws, covenants, and restrictions.
- d. If the proposed project is a condominium, the owner/agent shall submit all additional items as required to be filed with the Town in accordance with Chapter 703 of the Wisconsin State Statutes.

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2. Water and sanitary facilities. Adequate water and sanitary facilities shall be provided.

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3. Open space areas.

Commented [dlin45]: Reorganized and combined with other existing CUP open space requirements.

- a. The total open space of the development shall be no less than would have resulted from the application of the open space requirements of the base zoning district.
- b. Permanent preservation. Adequate guarantee shall be provided for permanent preservation of open space areas resulting from these regulations and as shown on the approved site plan either by private reservation for use of the residents within the development and maintenance or by dedication to the public or others as may be specifically provided for (e.g., farmers use of open space, dedication to a public entity, for the preservation of rural character, or development of a private recreational facility open to the general public in perpetuity for a fee), as determined by and subject to the approval of the Town Plan Commission. There shall not be any clear cutting or clearing of vegetation other than dead, diseased, or dying vegetation or removal of invasive species on any lands being so preserved in public open space or open space owned by the property owners or in recreational use which are considered Upland or Environmental Corridors, as depicted on the Town of Lisbon Zoning Map and/or Land Use Plan/Comprehensive Development Plan or any subsequent amendment thereto, except as provided in (h) below for limited path, trail, or recreational related development. Buildings or uses for noncommercial or accessory facilities may be permitted in such open space area with the approval of the Plan Commission.
- c. Perpetual care and maintenance. Perpetual care and maintenance of public open space or open space owned by the property owners or in recreational use shall be provided for by an agreement recorded in the Waukesha County Register of Deeds office. Said agreement shall include an operation plan, which shall preserve the natural qualities of the environmentally significant lands. The agreement shall be submitted to and approved by the Plan Commission with the assistance of an expert naturalist, if needed. This condition is not deemed satisfied unless all required approvals are granted.
- d. Ownership and tax liability. Ownership and tax liability of the open space areas shall be established in a manner acceptable to the Town Plan Commission and made a part of the conditions of any approval.

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e. Public open space or open space owned by the property owners or in recreational use shall be of a size and shape to provide an integrated system of open spaces to the greatest extent possible, and to provide protection of environmentally significant lands. These spaces shall not consist of long, narrow bands or corridors, but shall be larger blocks of wide corridors of land, usually not less than one (1) acre in area. Corridors linking large blocks or wide corridors of public open space or open space owned by the property owners or in recreational use shall not be less than fifty (50) feet in width to provide adequate buffers from adjacent residential lots. The size, shape, and location of said public open space or open space owned by the property owners or in recreational use shall be subject to review and approval of the Plan Commission ~~in order to qualify the project for consideration as a planned unit development.~~ Public open space or open space owned by the property owners or in recreational use shall be a minimum of 40% of the entire development, and not more than 20% of the required open space may be floodplain or wetland. This requires 80% of the open space to be upland or non-lowland open space. Ponds and detention basins not designated as floodplain or wetland may be included in the required 40% open space, but shall not constitute more than 20% of the total amount of open space. In any planned unit development, no more than 5% of the public open space may be used for public buildings such as schools, fire stations, municipal buildings, etc. The Plan Commission ~~may modify the 5% open space requirement, but only~~ in conformance with the overall intent of these provisions while also protecting the public interest.

Commented [SS50]: Town Board?

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f. In public open space or open space owned by the property owners or in recreational use containing environmentally significant areas as defined in this ordinance, a maximum of 5% of the environmentally significant areas may be used for limited construction of recreational related structures and recreation paths and trails. Otherwise, there shall not be any clear cutting or clearing of vegetation other than dead, diseased, or dying vegetation or removal of invasive species on any lands being so preserved in public open space or open space owned by the property owners or in recreational use which are considered Upland or Environmental Corridors, as depicted on the Town of Lisbon Zoning Map and/or Land Use Plan/Comprehensive Development Plan or any subsequent amendment thereto. If invasive species are removed, they shall be replaced in kind with vegetation indigenous to the corridor.

g. Public open space or open space owned by the property owners or in recreational use shall contain at least 90% green space. Such public open space or open space owned by the property owners or in recreational use shall not be part of individual residential building lots, and all but 5% of the open space shall be free of structures and impervious surfaces. The Plan Commission ~~may modify the 5% open space requirement, but only~~ in conformance with the overall intent of these provisions while also protecting the public interest. The remaining open space that is not required to be green space, which may be up to 10% open space, may include surface area of water bodies such as ponds or detention basins.

Commented [SS52]: Town Board?

4. Park dedications and/or reservations. ~~Certain park dedication and/or reservation provisions of the subdivision control/land division and development ordinance of the town shall apply to all residential units erected in a planned unit development. Specifically, where dedication/reservation of open space or public sites are not in accordance with the Town of Lisbon Park and Recreation Plan (which references the Town of Lisbon Land Use Plan or subsequent component thereof such as a Comprehensive Development Plan), or compatible with the development of the~~

Commented [dlin53]: Reorganized under supplemental regulation.

community, the developer shall pay fees, in lieu thereof, to the Town, as established on an annual basis by the Town.

5. Modification of zoning district requirements. Any 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 conditional use and upon compliance with the following:

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a. All private onsite waste disposal system provisions are approved by the Waukesha County Environmental Health Division.

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b. Town of Lisbon Land Use Plan/Comprehensive Development Plan or any subsequent amendments thereto, is not contrary to the general welfare and/or economic balance of the community, and that the benefits and amenities of the resultant development justifies the variation from the normal requirements of the district in which the development is located.

6. Supplemental Residential Planned Unit Developments Standards:

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a. As part of the planned unit development petition process, the Town may require a conceptual yield plan and a conceptual conservation design (PUD) subdivision to be submitted so the Town can determine whether or not there will be no more lots allowed with the planned unit development than one would be allowed with a conventional layout.

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b. Planned unit developments are not permitted in the EFD district, and while the C-1 Conservancy District can be part of a PUD as an outlot, no portion of any building lots or structures shall be allowed in the C-1 Conservancy District.

Commented [SS56]: This addition and the two similar ones on pages 11 and 12 are important as they outline districts where PUDs CANNOT occur. Particularly in the B-4 District (below) as that is a "Sussex zone" and not allowed per agreement or until zoning district is changed per agreement.

c. Density Bonus. The zoning district lot sizes and density for residential planned unit developments may be modified by applying up to a 30% maximum density bonus to the density otherwise permitted in each of the base zoning district, unless otherwise stated below or elsewhere in this ordinance. The 30% increase can be applied to any area where the base zoning district is not C-1, EFD, B-4, and Q-1, unless otherwise stated below or elsewhere in this ordinance. This is the maximum dwelling unit density increase for a residential planned unit development whether or not it is served by public sewer. For example, where lands are to be developed as a planned unit development and are to be served with public sewer, the density may only be increased by a total of up to the maximum of 30%. The planned unit development density bonus and the sewer reduction provisions of this ordinance cannot both be applied to further increase the density bonus beyond the 30% maximum.

UC	Five (5) acres per dwelling unit*
AD-10	Not less than one acre per dwelling unit based on a 10 acre density
RD-5	Not less than one acre per dwelling unit based on a five acre density
R-1	Thirty thousand (30,000) square feet per dwelling unit R-2 Thirty thousand (30,000) square feet per dwelling unit R-3 Thirty thousand (30,000) square feet per dwelling unit
RM	Thirty thousand (30,000) square feet per dwelling unit (if three or more units are proposed, the site must be sewerd)
B-P	Forty thousand (40,000) square feet per dwelling unit

*Note: Upland Corridors are further subject to the following: If all of the Upland Corridor zoned lands and designated Environmental Corridors are preserved in their entirety within the public open space or open space owned by the property owners or in recreational use, and are preserved in their natural state, the density of one unit per five (5) acres may be added to the maximum number of dwelling units otherwise allowed in this section.

- d. Lands with a C-1 base zoning district may not be used in formulating the density of the project as a reduction has already been factored in the above table and the maximum 30% density bonus. When lands border a public body of water, pyramiding as defined in this ordinance may be allowed if the minimum frontage and average width of the parcel fronting on the public body of water at the high water mark is one hundred (100) feet for the first dwelling unit and an additional twenty-five (25) feet for each dwelling unit thereafter. No more dwelling units may have access to the public body of water than what would result from the application of this pyramiding provision irrespective of the overall size of the development project.
- e. The 30% density bonus is justified as a slight increase in density is a reasonable compromise in order to achieve more sustainable conservation design development that preserves natural features, creates more open space within developments, protects the rural character of the town, and cause less need for infrastructure such as roads and storm water management facilities. The 30% density bonus can only be utilized in the Town of Lisbon if the following criteria are met:
 - i. The development plan for a given site must incorporate an absolute minimum of 40% of the site in public open space or open space owned by the property owners or recreational use. In calculating the open space, not more than 20% of the required open space may be floodplain or wetland. This requires 80% of the open space to be upland or non-lowland open space.
 - ii. The Town must create and map an Upland Corridor zoning district for all primary and secondary environmental corridors as well as isolated natural resource areas, which allows for development at a density not greater than one unit per five acres.
 - iii. Individual development projects must be developed as planned unit developments, conservation design developments utilizing conservation design standards, or cluster design developments, which allow the town to properly analyze the project's design. Conventional subdivision developments cannot be considered when using the 30% density bonus option.
 - iv. Significant natural resource features such as primary and secondary environmental corridors, isolated natural resource areas, wetlands, and floodplains must be protected and shall be incorporated into the protected open space. If any portion of the above natural resource features will be located on a private lot, said resource must be protected with a protective covenant or restriction. Sites that do not contain significant natural resource features may be conducive to prairie or

wetland restorations, enhanced with the establishment of landscaped open spaces, or used for agricultural purposes.

7. Supplemental Commercial/Light Industrial Planned Unit Developments:

The economic practicality of a proposed Commercial/Light Industrial planned unit development shall be justified on the basis of purchasing potential, competitive relationship, and demonstrated tenant interest. The use of a Commercial/Light Industrial planned unit development may be authorized only where commercial and light industrial properties are planned for on the future land development map. The location of the proposed business/industry uses can be flexed on the site so long as no more area is devoted to such uses than would be permitted in the base zoning district in which the planned unit development is located. The attendant parking areas and service facilities for the commercial/industrial areas shall be included in the areas allocated to such non-residential uses.

a. Planned unit developments are not permitted in the EFD, B-4, and Q-1 districts, and while the C-1 Conservancy District can be part of a PUD as an outlet, no portion of any building lots or structures shall be allowed in the C-1 Conservancy District.

b. The proposed planned unit development shall be served by adequate off-street parking, loading, and service facilities.

c. The planned unit development shall not create an adverse effect upon the general traffic pattern or adjoining property values.

d. Architecture, landscaping, lighting, and general site development shall be compatible with the surrounding neighborhood.

e. The aforementioned requirements shall be certified by the Town Plan Commission as having been fully met.

f. In the business/industrial zoning district planned unit developments, the density shall be the same as in the R-3 district (30,000 square feet), except in the B-P District where it must be no less than 40,000 square feet.

8. Supplemental Mixed Planned Unit Developments:

A Mixed planned unit development shall consider allowing a mixture of business, light industrial, residential or other uses. The location of the uses can be flexed on the site so long as no more area is devoted to the various uses than would be permitted in the base zoning district in which the planned unit development is located. The attendant parking areas and service facilities for the non-residential part of the project shall be included in the areas allocated to such non-residential uses.

a. Planned unit developments are not permitted in the EFD, B-4, and Q-1 districts, and while the C-1 Conservancy District can be part of a PUD as an outlet, no portion of any building lots or structures shall be allowed in the C-1 Conservancy District.

b. The proposed mixture of commercial, light industrial, residential, and other uses shall produce a unified composite that is compatible both within itself and with the surrounding neighborhood.

c. The mixed uses shall conform to the general requirements applicable to

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each of them as here-in-before set forth.

- d. The maximum allowable dwelling unit density shall be computed using only the residential area portion of the total planned unit development area. If residential use and non-residential use occur in the same proposed building, that percentage of the commercial/industrial use of the building shall be deducted from said building lot and only the remaining area shall be used in the density computation for the remaining residential units.

- e. Example - Computing Maximum Dwelling Unit Density in a Mixed Planned Unit Development:

A developer wishes to divide one hundred (100) acres of land into a mixed planned unit development. Ten (10) of these acres are zoned C-1 Conservancy. The development plan shows ten (10) acres devoted to commercial uses in the B-2 District. The remainder is zoned R-1 Residential. The following computations demonstrate the method of determining how many residential units may be allowed in the project.

Gross acreage 100 acres Less ten (10) acres zoned C-1 - 10 acres 90 acres

Less ten (10) acres designated - 10 acres for B-2 Business use

Remainder for residential use 80 acres

Total residential acreage in sq. ft. used to calculate the density:

80 acres x 43,560 square feet = 3,484,800 square feet

Divide by the square feet per dwelling unit requirement for the R-1 Residential district after applying the 30% density bonus or other applicable figure:

3,484,800 divided by 30,000 square feet = 116 units

The 10 acres designated for commercial use cannot be included in the planned unit development density as it is not zoned for residential use and would have to be rezoned to residential use to be considered in the residential density. Any lands zoned C-1 likewise may not be used in formulating the density of the project as a reduction has already been factored in the maximum 30% density bonus or other applicable figure.

- 9. Condominiums. The Town of Lisbon may allow, upon petition, a planned unit development where the ownership is held in common under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin State Statutes (condominiums). The Town provides regulations to guide condominium development in Section 4 (h) 20 or 21 of this ordinance. Multifamily condominium developments must be served by public sewer.

- 10. Town of Lisbon-Village of Sussex Border Agreement dated January 22, 2001. In the U.S. Public Land Survey System Township of primarily Section 16 of the Town of Lisbon,

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Commented [dlin62]: Reorganized under supplemental regulation.

but also containing a small portion of Section 17, condominium development of any kind will be permitted only if sewer is available and only at a density of no more than one (1) unit per 0.71 acres in accordance with the border agreement with the Village of Sussex and the adopted sewer service area plan, and as may be amended in the future.

11. Town of Lisbon-Village of Merton Joint Planning Area. Any multi-family planned unit development uses in the Town of Lisbon/Village of Merton joint planning/extraterritorial land use area will only be allowed subject to the terms agreed to in a joint planning process with the Village of Merton.
12. Financial Guarantees. In approving the planned unit development plan, in whole or in part, the Plan Commission may require the posting of appropriate financial guarantees for any public improvements in an amount determined by the Town Engineer, and in a form approved by the Town Attorney. Such financial guarantees shall guarantee the completion of the project as approved.
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 public hearing shall be required pursuant to Section 33 of this Ordinance and notice thereof given pursuant to the provisions of Section 36 of this Ordinance.
14. Termination: If a permit, as required in any of the other Town approval processes related to the planned unit development, is not issued by the Building Inspector or the Town within two (2) years of receiving approval of the planned unit development, or if physical development has not otherwise commenced, the approval shall automatically be terminated without public hearing.

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DRAFT

Other standards that need to be addressed

Section 2 Definitions

Planned Unit Development (PUD) is a development strategy, process or procedure that requires conditional use approval whereby a parcel of land is developed for a specific use in such a way as to provide specific benefits to the community (for example more efficient provision of public services such as roads and utilities), as well as the developer and future citizens who will reside with the development, and where the normal application of standards and requirements, primarily the lot sizes, are made more flexible, and which shall contain substantial amounts of common open space for aesthetics (rural character), natural resource or sensitive area preservation/protection (steep slopes, wetlands, floodplains, environmental corridors, etc.), or recreational purposes usually by clustering the lots (refer to Figure 1). For the purposes of this ordinance, a conservation subdivision shall be an interchangeable term with planned unit development and clustering. Owners of each lot may also own the building on the lot, or the development may be a condominium form of ownership.

Commented [SS71]: The new definition should continue to reference this Figure as it is helpful especially for the lay person to understand what is meant here.

RECOMMEND REVISING TO

Planned Unit Development (PUD) is a district established to provide a regulatory framework designed to encourage and promote improved environmental and aesthetic design in the Town by allowing for greater design freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of this Chapter and the Town Comprehensive Plan (refer to Figure 1), including dedicated open space and the preservation/protection of natural resources and environmentally sensitive areas. To further these goals, the district allows diversification and variation in the bulk and relationship of uses and structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. The district is further intended to encourage developments consistent with coordinated area site planning. For the purposes of this ordinance, a conservation subdivision shall be an interchangeable term with planned unit development and clustering. Owners of each lot may also own the building on the lot, or the development may be a condominium form of ownership.

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Commented [SS74]: Again, these things help the lay person or someone not familiar with the Town's ordinance. The intent was to help educate as well as regulate.

Section 3(d)(2) Use regulations

Accessory Uses and Structures: In any district, accessory structures, buildings and uses customarily incident to the permitted buildings, uses and structures in that district shall be permitted subject to such requirements as may be hereinafter designated for that district in which they are located and in accordance with Section 3(i)5. No pyramiding as defined herein shall be permitted on any lands fronting on navigable waters, except as may be specifically permitted accessory to a marina or resort, and which may be allowed under the terms of an approved planned unit development. No accessory building, use or structure shall be permitted that by reason of noise, dust, odor, appearance, lighting, traffic generation, smoke, fumes, dirt, vibrations, fire, explosives, pollution, or other objectionable factors creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property. These nuisance determinations shall also include, but not be limited to, incidents of apiary operations where there is bee stinging, bee swarming, or bees otherwise creating a disturbance. Such adverse affects may be required to be corrected or eliminated by such measures as are directed by Sections 3c3 and 37 of this ordinance; and Chapter 5, Nuisances, of the Town of Lisbon, Waukesha County, Wisconsin, General Code of Ordinances, also included as Addendum B herein.

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Section 3(i)(3) Open Space

C. No part of the open space provided for any building shall be included as part of the open space required

for another building, except as hereinafter provided for in planned unit developments (refer to Section 33).

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Section 3(i)(4) Residential Density

Residential Density (either referred to as units per acre or minimum lot size) shall not exceed the density hereinafter specified by the regulations for the zoning district in which the development/building is located except as otherwise regulated in accordance with Section 3 (e) 4 (sewer reductions), Section 4 (Conditional Uses), and Section 4 (h) 20 (Multiple Family Units) and Section 33 (Planned Unit Developments).

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Section 10(3) PARK AND RECREATION DISTRICT CONDITIONAL USES

Conditional uses as provided below and in Sections 4 (h) 17, 24, and 29.

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SECTION 11 AD-10 AGRICULTURAL DENSITY 10-ACRE DISTRICT

e. Conditional Uses

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SECTION 12 RD-5 RURAL RESIDENTIAL DENSITY 5-ACRE DISTRICT

e. Conditional Uses

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SECTION 13 A-10 AGRICULTURAL DISTRICT

e. Conditional Uses

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SECTION 14 A-5 MINI-FARM DISTRICT

e. Conditional Uses

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SECTION 15 A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT

e. Conditional Uses

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SECTION 16 R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT

e. Conditional Uses

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SECTION 17 R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

e. Conditional Uses

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SECTION 18 R-3 TWO FAMILY RESIDENTIAL DISTRICT

e. Conditional Uses

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SECTION 18 R-3 TWO FAMILY RESIDENTIAL DISTRICT
e. Conditional Uses

SECTION 23 P-I PUBLIC AND INSTITUTIONAL DISTRICT
e. Conditional Uses

Conditional uses as provided in Sections 4 (h) 24 and 29.

SECTION 24 B-1 RESTRICTED BUSINESS DISTRICT
e. Conditional Uses

SECTION 25 B-2 LOCAL BUSINESS DISTRICT
e. Conditional Uses

SECTION 26 B-3 GENERAL BUSINESS DISTRICT
e. Conditional Uses

SECTION 31 M-1 LIMITED INDUSTRIAL DISTRICT
e. Conditional Uses

SECTION 32 M-1 LIMITED INDUSTRIAL DISTRICT
e. Conditional Uses

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REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: 2018 Plan Commission Meeting Schedule
PREPARED BY: Gina C. Gresch, Clerk
REPORT DATE: Monday, December 18, 2017
RECOMMENDATION: Review the 2018 holidays and how it affects the Plan Commission meeting schedule.
EXPLANATION: There are two holidays which could affect Plan Commission attendance. I would like to know if the Plan Commission agrees the meetings should be moved one week later. <ul style="list-style-type: none">• 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 Plan Commission meeting. --Recommend moving this meeting to September 13.