



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

Agenda
Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, February 1, 2018
6:30 PM

1. 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 January 11, 2018 Plan Commission Public Hearing & Meeting minutes.

4. New Business

- a. Discussion and necessary action on the Site Plan and Plan of Operation request for Randy Kohler, VividInk Print Solutions, LLC, for the property located at N69W25055 Indian Grass Lane, Unit J, Lisbon, WI 53089, LSBT 0225.999.009.
- b. Discussion and necessary action on the Site Plan and Plan of Operation request for Alfred Bayer, Wisconsin Custom Metal Fabrication, Inc., for the property located at N70W25156 Indian Grass Lane, Units D & E, Lisbon, WI 53089, LSBT 0225.999.004.
- c. Discussion and necessary action on the following requests 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.
 - i. Preliminary Plat and recommendation to the Town Board of the same.
 - ii. Declaration of Restrictions and recommendation to the Town Board of the same.
- d. Discussion and necessary action to re-approve the December 7, 2017 Plan Commission minutes.

5. Unfinished Business

- a. Discussion and necessary action on the proposed Ordinance 01-18, Ordinance Creating Section 33 and Repealing/Recreating Various Sections 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.

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

7. Adjournment.

Joseph Osterman
Chairman

Jane Stadler
Secretary

Posted: 2018-01-25

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.

Office: (262) 246-6100 - E-Mail: townhall@townoflisbonwi.com – www.townoflisbonwi.com

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

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

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

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

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

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

Adjournment

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

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

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

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

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

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

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

New Business.

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

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

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

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

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

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

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

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

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

Discussion and necessary action on 2018 Plan Commission meeting schedule.

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

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

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

Unfinished Business. None.

Request from members to request items on future agendas.

Adjournment.

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

Respectfully submitted,

Gina Gresch, MMC/WCPC
Town of Lisbon Clerk

Town of Lisbon, WI Plan Commission Meeting

January 11, 2018

ITEM 4.a.

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

Reason for Transferring From CUP to an Overlay District

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

2017 Wisconsin Act 67

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

Summary of Changes

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

Changes/Clean Up since the Packet

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

Changes Since the Packet – After Discussion with the County

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

Who is Vierbicher?

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



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

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

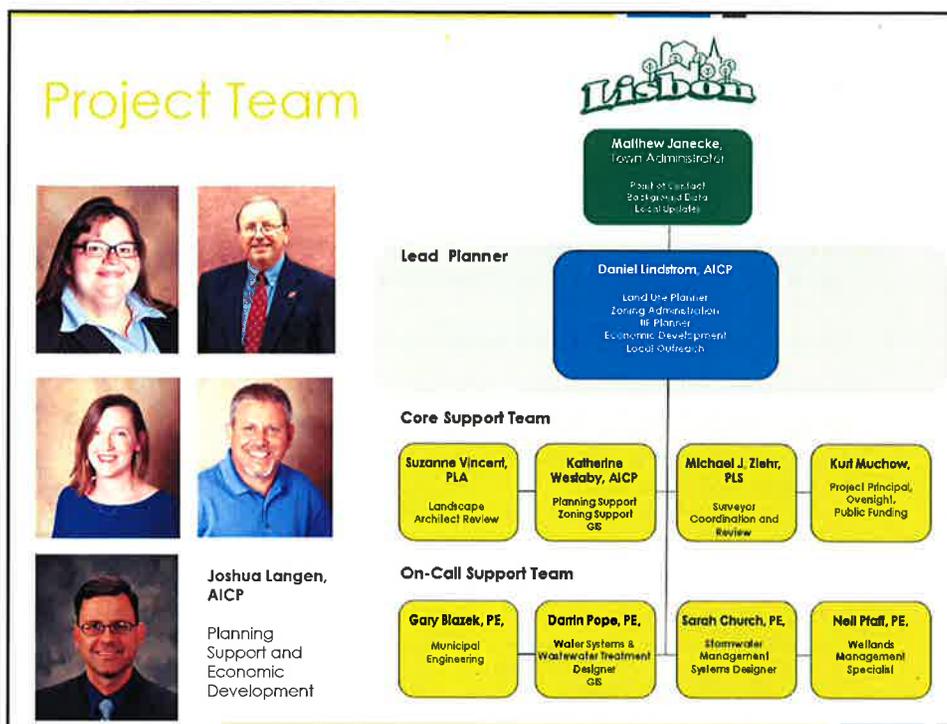
Water & Environmental Resources
 Roadblock Analysis
 Lake Rehabilitation & Management
 Stormwater & Water Quality Management
 Environmental Assessments
 Regulatory Compliance & Permitting
 Wetland Management

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

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

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

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



Item 4.b.

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

*Your mouse is too loud
LOL*

Planning and Zoning Approach

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

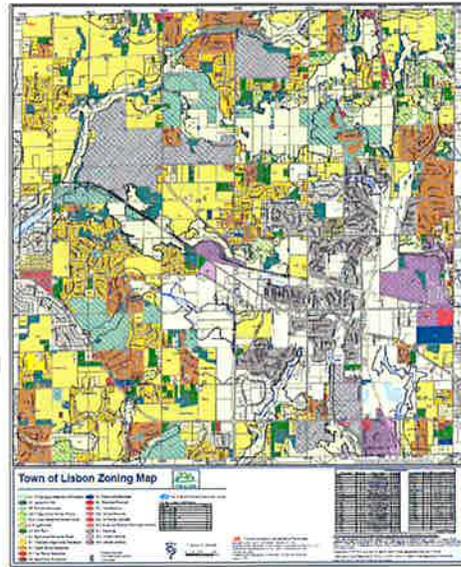
- General consulting as directed on an as-needed basis.
- Preparation of Staff report pertaining to:
 - New/conceptual development proposals,
 - Rezoning and planning unit development requests,
 - Conditional use permits,
 - Subdivision plats/plans and certified survey maps,
 - Variance requests,
 -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

Request for Proposal
Zoning Administration and Planning Services
 The Town of Lisbon is seeking proposals for the services of a Zoning Administrator and Planning Commission. The services include reviewing and recommending zoning applications, preparing staff reports, and providing general zoning and planning advice to the Town Board and Plan Commission. The successful bidder will be responsible for the day-to-day administration of the zoning code and the planning commission's operations.

Item	Quantity	Unit Price	Total Price
1. Zoning Administrator	1	\$10,000	\$10,000
2. Planning Commission	1	\$5,000	\$5,000
Total			\$15,000

Planning and Zoning Approach

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



Planning and Zoning Approach

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

Additional Land Development Services

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

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



Additional Land Development Services

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

CURRENT HOUSING DESCRIPTION

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

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

3. If OWNER, how long have you owned the current residence?
 0-3 years 3-9 years 9-24 years 24-32 years 32+ years

4. If OWNER, what are your typical monthly housing expenses? (mortgage, taxes, insurance, utilities, fees, etc.)
 Less than \$200 \$200-\$250 \$250-\$300 \$300-\$350 \$350-\$400
 \$400-\$450 \$450-\$500 \$500-\$550 \$550-\$600 \$600-\$650

5. If OWNER, what is the approximate assessed value of the home?
 Less than \$50,000 \$50,000-\$75,000 \$75,000-\$100,000 \$100,000-\$125,000
 \$125,000-\$150,000 \$150,000-\$175,000 \$175,000-\$200,000 \$200,000-\$250,000

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

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

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

8A. If you are interested in purchasing, please check any barriers you face to purchasing (Please check all that apply):
 Lack of down payment Monthly payment would be too high
 Closing costs Not in purchasing area in the next years
 Home with liability Other (please specify) _____
 None of the above Other (please specify) _____

9. Indicate current housing type:
 Single family detached or attached Condo or building with 3-4 units
 Townhouse or rowhouse Condo or building with 5-12 units
 Duplex/triplex/quadruplex Condo or building with 13 or more units
 Other housing with 1-2 units Mobile home

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

Planner and Zoning Administration Process

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

Item 4.b.

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

Item 4.b.

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

Item 4.c.

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

Discussions



N27 W23957 Paul Road, Suite 105
Pewaukee, WI 53072
(262) 875-5000 phone
(608) 826-0530 fax
www.vierbicher.com

January 18, 2018

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

Re: Vivid Ink Print Solutions, LLC Plan of Operation Review (Preliminary Packet)

Dear Plan Commission Members:

The above-referenced Plan of Operation/Site Plan was received by our office for review on behalf of the Town of Lisbon. Certain permitted uses as well as certain conditional uses require the submission of a Site Plan and Plan of Operation which provides a detailed description of the proposed use and serves as a basis for consideration prior to approval by the Town Plan Commission. The purpose of such a Site Plan and Plan of Operation review is to document the permit file, determine adequacy of the data submitted to describe the permitted and accessory uses and buildings proposed and document the plan and method of operation to enable a determination of compatibility with the Ordinance and consideration of approval.

Pertinent Reviewed Materials – Summary Overview

Planner Appointment Date:	January 10, 2018
Business Name:	Vivid Ink Print Solutions, LLC
Property Owner:	Kroeger Properties, LLC
Tax Key:	0225.999.009
Zoning:	M-2 General Industrial District
New or Existing Business:	New business
New or Existing Structure:	Existing, build out of a multi-tenant space
Replacing an Existing Business:	No
Change of Use or Operation	The site is currently vacant; therefore, it is not a change of use or change of operation.
Operation Summary:	Vivid Ink Print Solutions is a business-to-customer print fulfillment center. Printed materials are assembled at the location and drop shipped to clients. This is a permitted use in the M-2 District.
Hours of Operation:	9:00a -5:00pm anticipated Monday through Friday and weekends as necessary to complete orders.
Full-Time Employees:	One(1)
Part-Time Employees:	Three (3) – contracted employees

vision to really



W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545
TEL: (262) 246-6100

Plan Commission Application

Application Type and Fee (check all that apply)

*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs and studies.

Commercial
*All commercial projects including any change of occupancy, change of use, or construction/alteration must be submitted to the Lisbon Fire Department as well for review and inspections.

Residential – Home-Based Bus. / In-Law Unit

- | | |
|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Accessory Building Waiver: \$100
(Size/Location/Architectural Review) <input type="checkbox"/> After the Fact Application: Double Fees <input type="checkbox"/> Certified Survey Map: \$200 + \$10 Per lot <ul style="list-style-type: none"> <input type="checkbox"/> Dedication Fee (Per lot): \$2,658
(Paid upon receipt of signed CSM) <input type="checkbox"/> Conditional Use Permit: \$350 <ul style="list-style-type: none"> <input type="checkbox"/> Amendment / Original <input type="checkbox"/> Major Grading Permit <input type="checkbox"/> Deed Restriction: \$100 <input type="checkbox"/> Developer's Agreement: \$250 <input type="checkbox"/> Groundwater Separation Waiver: \$100 <input type="checkbox"/> Land Use Amendment: \$300 <input type="checkbox"/> Conceptual: \$100 | <ul style="list-style-type: none"> <input type="checkbox"/> Plat Review: <ul style="list-style-type: none"> <input type="checkbox"/> Final - \$200 <input type="checkbox"/> Preliminary - \$500 <input type="checkbox"/> Re-Submittal: \$200 <input type="checkbox"/> Rezone: \$350 <input type="checkbox"/> Sign Permit Application: \$30 + Sign Fees
(See Adopted Fee Schedule) <input checked="" type="checkbox"/> Site Plan/Plan of Operation: <ul style="list-style-type: none"> <input type="checkbox"/> Amendment: \$250 <input checked="" type="checkbox"/> Original: \$500 <input type="checkbox"/> Temporary: \$125 <input type="checkbox"/> Special Meeting: \$600 <input type="checkbox"/> Waivers/Modification from Land Division and
Development Ordinance: \$200 |
|---|---|

R
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JAN 10 2018
TOWN OF LISBON

Property Information

N69W25195 Indiangrass Ln., Sussex WI 53089

Property Address	City	Zip
<u>0225 999 009</u>	<u>193, 1092 SF</u>	<u>General Industrial</u>
Tax Key/Parcel ID #	Lot Size	Current Zoning

Property Owner

Kroeger Properties, LLC

Name / Company Name

[Signature]

Signature

N87W27445 Perennial Terrace

Address

Hartland	WI	5302
City	State	Zip

414-416-1080 LBranscombe@wi.rr.com

Phone E-mail Address

Applicant

Randy Kohler

Name

VividInk Print Solutions LLC

Company

140 Simmons Ave, Unit 391

Address

Pewaukee	WI	53072
City	State	Zip

262.719.0940 **randykohler**

Phone E-Mail Address

A complete application along with the appropriate fees shall be submitted by the deadline stated on the meeting schedule. In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the Project Review Checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. The Town of Lisbon reserves the right not to accept an application that is deemed incomplete.



RECEIVED
JAN 10 2018
TOWN OF LISBON

W234N8676 WOODSIDE RD. • LISBON, WI 53089-1545 • TEL: (262) 246-6100 • FAX: (262) 820-2023
E-mail: townhall@townoflisbonwi.com • Website: www.townoflisbonwi.com

SITE PLAN AND PLAN OF OPERATION

Please fill out the entire application all questions need a response. If something does not apply please put N/A. Incomplete applications will not be processed or put on the agenda. The completion of this application form must be accompanied by one copy of an up to date and detailed Site Plan drawn to scale and including, but shall not be limited to, all existing buildings, signage, lighting, landscaping, parking, loading, storage, dumpsters, septic and well, etc; an interior layout (plans) of all buildings and the existing and proposed uses of the interior spaces (i.e., office, retail, restaurant, etc); and any other supporting materials. The above shall be submitted to the Town Hall, and upon review of the information, additional items may be required. The plans shall be drawn to scale and shall be no larger than 11" x 17", and shall also be emailed as a PDF. Future revisions to the approved Site Plan/Plan of Operation will require new approvals.

- New business in existing building or on existing site
 New Owner
 Temporary Use
 Change in Operations (summarize below what is changing; days/hours, etc)

- Change in Use (summarize below prior and new use below)

BUSINESS / PROPERTY OWNER & PROPERTY INFORMATION

Tax Key Number 0025 999 009 Acres 193,692 sf. Zoning General Ind.

Business Name & Contact Person: VividInk Print Solutions LLC

Full Address (include City & Zip): 140 Simmons Ave., Unit 391 Pewaukee WI 53072

Phone Number & Email: 262.719.0940 / randykohler@vivid-ink.com

Signature & Date: _____

Property Owner Name: Kroeger Properties LLC

Full Address (include City & Zip): N87W27445 Perennial Terrace, Hartland WI 53029

Phone Number & Email: 414-416-6800 / LBranscombe@wi.m.com

Signature & Date: 1/10/18 [Signature]

1. Is this business replacing another business? Yes No

a. If yes, what is the prior business' name: _____

2. Is this an expansion of an existing Town approved/based operation? Yes No

a. If yes, please explain: _____

HOURS OF OPERATION & OPERATING SPECIFICS

3. Describe in detail below the specific type of business operation (Retail, Restaurant, Manufacturing, Office, etc.), including temporary, accessory, and outdoor uses (storage, etc). Provide a separate list of all items sold or produced on the property. If items are produced, please provide a separate explanation of the production process.

This is the Fulfillment Center for this business. We assemble and drop ship B2C Mrktg. program. *1/10/18*

4. Days & Times of Operation:

a. Days & Times: MF 9AM to 5PM SUN - SAT *1/10/18*

5. Employees (if self-employed please count yourself)

a. Full-Time 1
b. Part-Time 3

FOOD / BEVERAGE / LIQUOR

6. Is there any food & beverage / liquor service? Yes No

a. If yes, please explain: _____

7. Table Seating Capacity

- a. Outside: _____
- b. Inside: _____
- c. Bar: _____

8. Food / Soda Vending Machines Yes No

- a. If yes, quantity of each: _____

OUTDOOR USES

9. Is there any outdoor storage? Yes No

- a. If yes, please explain: _____

10. Will there be any outdoor events? Yes No

- a. If yes, please describe the types of events, parking accommodations, sanitary facilities and delineate the locations of the events on the Site Plan submitted. Attach a separate sheet if necessary.

11. Will there be any customer dockage? Yes No

- a. If yes, please indicate on the Site Plan length and number of piers.

12. Parking Lot

- a. Dimensions 62 x 600
- b. Total number of spaces 120
- c. Number of spaces allotted for employees 5-7

MUSIC / ENTERTAINMENT

13. Are any problems such as odor, smoke or noise resulting from this operation? Yes No

a. If yes, describe what types (live, amplified, recorded, jukebox, etc), indoors and/or outdoors, and the days and hours music will be provided? Attach a separate sheet if necessary.

14. Game Machines Yes No

a. Quantity: _____

b. Location: _____

BUILDINGS

15. Building A

a. Dimensions & Levels: 1 level

b. Use: general industrial

16. Building B

a. Dimensions & Levels: _____

b. Use: _____

17. Building C

a. Dimensions & Levels: _____

b. Use: _____

LIGHTING (Submit Cut-Sheets)

18. Outdoor Lighting

a. Type(s): pole lights

b. Locations(s): _____

SIGNAGE (Also submit the Town's Signage Application & appropriate fees)

19. Describe below the type of signage that exists and what signage is proposed on the site (attached, free standing, ground, mobile, projecting, window, electronic message, banners, flags, sandwich boards, etc.) and if the signs are illuminated, single/double faced, along with the number, size, and height of all signs.

signs are attached to building
No SIGNAGE (see attached)

CHEMICALS/HAZARDOUS MATERIALS

20. Are there any Chemicals, Hazardous Waste or Solvents stored on the site? Yes No

a. If yes, please list those items and how they are disposed of or attach a separate sheet if necessary.

bry

21. Does this Operation involve the Storage/Sale of gasoline or any other Petroleum Products? Yes No

a. If yes, please list those items and how they are disposed of or attach a separate sheet if necessary.

STORM WATER RETENTION, FLOW OF SURFACE WATER, AND AMOUNT OF IMPERVIOUS SURFACES

22. Are there surface water drainage facilities? Yes No

a. If yes, please explain: _____

REFUSE DISPOSAL

23. Are there dumpsters/waste containers on the site? Yes No

a. If yes, show on the Site Plan submitted the location of dumpsters and any screening.

PERMIT APPROVAL / ISSUANCE DATES

24. Is Highway Access Permit Needed? Yes No

a. Date Issued: _____

25. DNR Well Approval (For New Constructions Only)

a. Date Approved: 2/21/14

26. Septic System Approval (For New Constructions Only)

a. Date Approved: _____

27. Fire Department Inspection Yes No

a. Date Inspected: _____

28. Did the Wisconsin Department of Safety & Professional Services approve building plans? Yes No

a. Date Approved: _____

29. Is security fencing necessary? Yes No

HORSE BOARDING

30. Does this Operation involve the Boarding of Horses? Yes No

a. Maximum number of horses boarded: _____

b. Maximum number of horses owned: _____

31. Has a Conservation Plan been prepared by the Land Conservation Committee? Yes No

a. Date Prepared: _____

.....
Town Approval Date(s): _____

County Approval Date(s): _____



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SITE INSPECTION NOTIFICATION:

The Town of Lisbon Town Plan Commission and Town Board request permission of the property owner or responsible party to enter the subject property, between the hours of 9am to 5pm or upon prior 24 hour notice, for a site inspection prior to any scheduled Plan Commission or Board meeting. The site inspection will allow the Town Plan Commission and Town Board to make more informed decisions with respect to the requested application.

I, the undersigned, have been advised that my signature grants permission to members of the Town Plan Commission and Town Board to conduct site inspections of the subject property. Failure to authorize said site inspection will not be held against the property owner or responsible party in the decision of the requested application; however, the site inspection does allow the Town Plan Commission and Town Board to make more informed decisions.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Randy Kohler
ADDRESS 140 SIMMONS AVE, UNIT 391 PEWAUKEE WI 53072
DATE 1/10/18 SIGNATURE Randy Kohler
PHONE 262.719.0940 EMAIL randykohler@vivid-ink.com

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Kroeger Properties, LLC
ADDRESS N87W27445 Perennial Terrace, Hartland
DATE 1/10/18 SIGNATURE L Branscombe
PHONE 414-416-6800 EMAIL LBranscombe@wi.rr.com

COMMENTS:

[Signature]
Town Official Accepting Form

1-10-18
Date



RECEIVED
JAN 10 2018
TOWN OF LISBON

PROFESSIONAL SERVICE REIMBURSEMENT FEES:

Pursuant to the Town of Lisbon Municipal Code Section 1.14, the Town of Lisbon Town Board has made a determination that whenever the services of the Town Planner, Town Engineer, Town Attorney, or any other of the Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Treasurer shall charge one hundred and five percent of the cost of that service for the fees incurred by the Town to the property owner incurring those fees even if the request is not approved. The additional five percent cost above the cost of the service is levied to cover Town administrative charges. Also, pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved. Imposition of any fees, costs, or charges, however, is subject to the property owner's appeal rights as described in the Town of Lisbon Municipal Code Section 1.14

The undersigned, have been advised that, pursuant to the Town of Lisbon Municipal Code Section 1.14, if the Town Planner, Town Engineer, Town Attorney, or any other Town professional provides services to the Town because of my/our activities, whether at my/our request or at the request of the Town, I/we shall be responsible for the fees incurred by the Town. In addition, I/we have been advised that pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are my/our responsibility even if my/our request is not approved. By signing this document, I am not waiving my/our appeal rights that are described in the Town of Lisbon Municipal Code Section 1.14.

Statements will be sent monthly so you are kept up to date regarding your current charges.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME RANDY KOHLER
ADDRESS 140 SIMMONS AVE, UNIT 391 PEWAUKEE WI 53072
DATE 1/10/18 SIGNATURE Randy Kohler
PHONE 262.719.0940 EMAIL randykohler@vivid-ink.com

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Kroeger Properties, LLC
ADDRESS N87W27445 Perennial Terrace, Hartland
DATE 1/10/18 SIGNATURE L Branscombe
PHONE 414-416-6800 EMAIL LBranscombe@wi.rr.com

PROJECT NAME Vivid Ink.

1-10-18



N27 W23957 Paul Road, Suite 105
Pewaukee, WI 53072
(262) 875-5000 phone
(608) 826-0530 fax
www.vierbicher.com

January 18, 2018

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

Re: WCMF Plan of Operation Review (Preliminary Packet)

Dear Plan Commission Members:

The above-referenced Plan of Operation/Site Plan was received by our office for review on behalf of the Town of Lisbon. Certain permitted uses as well as certain conditional uses require the submission of a Site Plan and Plan of Operation which provides a detailed description of the proposed use and serves as a basis for consideration prior to approval by the Town Plan Commission. The purpose of such a Site Plan and Plan of Operation review is to document the permit file, determine adequacy of the data submitted to describe the permitted and accessory uses and buildings proposed and document the plan and method of operation to enable a determination of compatibility with the Ordinance and consideration of approval.

Pertinent Review Materials – Summary Overview

Planner Appointment Date:	January 10, 2018
Business Name:	Wisconsin Custom Metal Fabrication, Inc
Property Owner:	Tomasini Family Limited Partnership
Tax Key:	0225.999.004
Zoning:	M-2 General Industrial District
New or Existing Business:	New
New or Existing Structure:	Existing, build out of two multi-tenant spaces
Replacing an Existing Business:	No
Change or Use or Operation:	The site is currently vacant; therefore, it is not a change of use or change of operation.
Operation Summary:	Custom metal fabrication business specializing in custom orders located within an existing building. No anticipated on-site retail sales from the business. This is a permitted use in the M-2 District.
Hours of Operation:	The hours of operation are scheduled to be 6:00am-6:00pm Monday through Friday and weekends as necessary to complete orders.
Full-Time Employees:	Two (2)
Part-Time Employees:	None.

vision to reality



W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545
TEL: (262) 246-6100

Plan Commission Application

Application Type and Fee (check all that apply)

*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs and studies.

<input checked="" type="checkbox"/> Commercial <i>commercial projects including any change of occupancy, change of use, or construction/alteration must be submitted to the Lisbon Fire Department as well for review and inspections.</i>
<input type="checkbox"/> Residential – Home-Based Bus. / In-Law Unit

- | | |
|---|--|
| <input type="checkbox"/> Accessory Building Waiver: \$100
(Size/Location/Architectural Review) | <input type="checkbox"/> Plat Review: |
| <input type="checkbox"/> After the Fact Application: Double Fees | <input type="checkbox"/> Final - \$200 |
| <input type="checkbox"/> Certified Survey Map: \$200 + \$10 Per lot | <input type="checkbox"/> Preliminary - \$500 |
| <input type="checkbox"/> Dedication Fee (Per lot): \$2,658
(Paid upon receipt of signed CSM) | <input type="checkbox"/> Re-Submittal: \$200 |
| <input type="checkbox"/> Conditional Use Permit: \$350 | <input type="checkbox"/> Rezone: \$350 |
| <input type="checkbox"/> Amendment / Original | <input type="checkbox"/> Sign Permit Application: \$30 + Sign Fees
(See Adopted Fee Schedule) |
| <input type="checkbox"/> Major Grading Permit | <input checked="" type="checkbox"/> Site Plan/Plan of Operation: |
| <input type="checkbox"/> Deed Restriction: \$100 | <input type="checkbox"/> Amendment: \$250 |
| <input type="checkbox"/> Developer's Agreement: \$250 | <input checked="" type="checkbox"/> Original: \$500 |
| <input type="checkbox"/> Groundwater Separation Waiver: \$100 | <input type="checkbox"/> Temporary: \$125 |
| <input type="checkbox"/> Land Use Amendment: \$300 | <input type="checkbox"/> Special Meeting: \$600 |
| <input type="checkbox"/> Conceptual: \$100 | <input type="checkbox"/> Waivers/Modification from Land Division and
Development Ordinance: \$200 |

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TOWN OF LISBON

Property Information

N70 W251576 INDIAN GRASS LANDS UNITS D+E, LISBON
 Property Address City Zip

0225-999-004 Lot Size M-2 Current Zoning

Tax Key/Parcel ID #

Property Owner

TOMASINI FAMILY LIMITED PARTNERSHIP
 Name / Company Name C/O JBA MANAGEMENT

[Signature]
 Signature

885 Sunnyridge Run
 Address

DeWauve WI 53072
 City State Zip

262-695-0900 MTHUENE@JUSSONREALTY.COM
 Phone E-mail Address

Applicant

Alfred Bayer
 Name

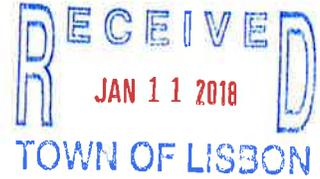
Wisconsin Custom Metal Fabrication, Inc.
 Company

N93 W25287 Bittersweet Dr.
 Address

Lisbon WI 53089
 City State Zip

650-274-6466 Althewelder@yahoo.com
 Phone E-Mail Address

A complete application along with the appropriate fees shall be submitted by the deadline stated on the meeting schedule. In order for an application to be considered **complete**, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the Project Review Checklist. **IF** applying for a conditional use or development agreement, a document showing vested interest in the property is required. The Town of Lisbon reserves the right not to accept an application that is deemed incomplete.



W234N8676 WOODSIDE RD. • LISBON, WI 53089-1545 • TEL: (262) 246-6100 • FAX: (262) 820-2023
E-mail: townhall@townoflisbonwi.com • Website: www.townoflisbonwi.com

SITE PLAN AND PLAN OF OPERATION

Please fill out the entire application all questions need a response. If something does not apply please put N/A. Incomplete applications will not be processed or put on the agenda. The completion of this application form must be accompanied by one copy of an up to date and detailed Site Plan drawn to scale and including, but shall not be limited to, all existing buildings, signage, lighting, landscaping, parking, loading, storage, dumpsters, septic and well, etc; an interior layout (plans) of all buildings and the existing and proposed uses of the interior spaces (i.e., office, retail, restaurant, etc); and any other supporting materials. The above shall be submitted to the Town Hall, and upon review of the information, additional items may be required. The plans shall be drawn to scale and shall be no larger than 11" x 17", and shall also be emailed as a PDF. Future revisions to the approved Site Plan/Plan of Operation will require new approvals.

- New business in existing building or on existing site** **New Owner** **Temporary Use**
- Change in Operations (summarize below what is changing; days/hours, etc)**

- Change in Use (summarize below prior and new use below)**

BUSINESS / PROPERTY OWNER & PROPERTY INFORMATION

Tax Key Number LSBT 0225999004 Acres _____ Zoning M-2

Business Name & Contact Person: Wisconsin Custom Metal Fabrication, Inc, Alfred Bayer

Full Address (include City & Zip): N93W25287 Bittersweet Dr, Lisbon, WI 53089

Phone Number & Email: 650-274-6466 Alchewelder@yahoo.com

Signature & Date: Alfred J. Bayer III 1/2/2018

Property Owner Name: Tomasini Family Limited Partnership c/o JFA Management Services

Full Address (include City & Zip): 1285 Sunnyridge Rd, Pewaukee, WI 53072

Phone Number & Email: 262-685-8800 mthorne@judsonrealestate.com

Signature & Date: J. Tomasini 1-5-18

1. Is this business replacing another business? Yes No

a. If yes, what is the prior business' name: _____

2. Is this an expansion of an existing Town approved/based operation? Yes No

a. If yes, please explain: _____

HOURS OF OPERATION & OPERATING SPECIFICS

3. Describe in detail below the specific type of business operation (Retail, Restaurant, Manufacturing, Office, etc.), including temporary, accessory, and outdoor uses (storage, etc). Provide a separate list of all items sold or produced on the property. If items are produced, please provide a separate explanation of the production process.

Wisconsin Custom Metal Fabrication, INC, is a metal fabrication
business specializing in high end custom architectural
metal shapes, weldments, store fronts and cladding, using
steel, stainless steel, brass, aluminum and copper.

4. Days & Times of Operation:

a. Days & Times: 6:00 am - 6:00 pm 7 days a week

5. Employees (if self-employed please count yourself)

a. Full-Time 2

b. Part-Time _____

FOOD / BEVERAGE / LIQUOR

6. Is there any food & beverage / liquor service? Yes No

a. If yes, please explain: _____

7. Table Seating Capacity

- a. Outside: _____
- b. Inside: _____
- c. Bar: _____

8. Food / Soda Vending Machines Yes No

- a. If yes, quantity of each: _____

OUTDOOR USES

9. Is there any outdoor storage? Yes No

- a. If yes, please explain: _____

10. Will there be any outdoor events? Yes No

- a. If yes, please describe the types of events, parking accommodations, sanitary facilities and delineate the locations of the events on the Site Plan submitted. Attach a separate sheet if necessary.

11. Will there be any customer dockage? Yes No

- a. If yes, please indicate on the Site Plan length and number of piers.

12. Parking Lot

- a. Dimensions EXISTING
- b. Total number of spaces FOR BUILDING 42 PLUS REAR YARD
- c. Number of spaces allotted for employees 8

MUSIC / ENTERTAINMENT

13. Are any problems such as odor, smoke or noise resulting from this operation? Yes No

a. If yes, describe what types (live, amplified, recorded, jukebox, etc), indoors and/or outdoors, and the days and hours music will be provided? Attach a separate sheet if necessary.

See attachment.

14. Game Machines Yes No

a. Quantity: _____

b. Location: _____

BUILDINGS

15. Building A

a. Dimensions & Levels: 98'-64'

b. Use: m-2

16. Building B

a. Dimensions & Levels: _____

b. Use: _____

17. Building C

a. Dimensions & Levels: _____

b. Use: _____

LIGHTING (Submit Cut-Sheets)

18. Outdoor Lighting

a. Type(s): Existing

b. Locations(s): _____

SIGNAGE (Also submit the Town's Signage Application & appropriate fees)

19. Describe below the type of signage that exists and what signage is proposed on the site (attached, free standing, ground, mobile, projecting, window, electronic message, banners, flags, sandwich boards, etc.) and if the signs are illuminated, single/double faced, along with the number, size, and height of all signs.

There is currently no signage on the building. Our company may place a small non-lighted sign in the window that would fit within the towns allowed limits. No additional signage is allowed by the building owner at this time.

CHEMICALS/HAZARDOUS MATERIALS

20. Are there any Chemicals, Hazardous Waste or Solvents stored on the site? Yes No

a. If yes, please list those items and how they are disposed of or attach a separate sheet if necessary.

See attachment

bry

21. Does this Operation involve the Storage/Sale of gasoline or any other Petroleum Products? Yes No

a. If yes, please list those items and how they are disposed of or attach a separate sheet if necessary.

See attachment

STORM WATER RETENTION, FLOW OF SURFACE WATER, AND AMOUNT OF IMPERVIOUS SURFACES

22. Are there surface water drainage facilities? Yes No

a. If yes, please explain: Existing

REFUSE DISPOSAL

23. Are there dumpsters/waste containers on the site? Yes No

a. If yes, show on the Site Plan submitted the location of dumpsters and any screening.

PERMIT APPROVAL / ISSUANCE DATES

24. Is Highway Access Permit Needed? Yes No

a. Date Issued: _____

25. DNR Well Approval (For New Constructions Only)

a. Date Approved: _____

26. Septic System Approval (For New Constructions Only)

a. Date Approved: _____

27. Fire Department Inspection Yes No

a. Date Inspected: TBD _____*

28. Did the Wisconsin Department of Safety & Professional Services approve building plans? Yes No

a. Date Approved: 9-5-17 _____

29. Is security fencing necessary? Yes No

HORSE BOARDING

30. Does this Operation involve the Boarding of Horses? Yes No

a. Maximum number of horses boarded: _____

b. Maximum number of horses owned: _____

31. Has a Conservation Plan been prepared by the Land Conservation Committee? Yes No

a. Date Prepared: _____

.....
Town Approval Date(s): _____

County Approval Date(s): _____

List of items sold or produced at Wisconsin Custom Metal Fabrication, Inc.

(WCM Fabrication)

WCM Fabrication is a producer of high end custom architectural shapes and welded products. The majority of our business is custom built to customer's specification and needs, therefore it is difficult to give specific examples of the products we will be producing. Some general examples of the items and products that we will be producing are steel, stainless steel, aluminum, and brass cladding for walls, doorways, elevators, store fronts, custom handrails and other general welded products. Although WCMF will occasionally work with home construction contractors or private owners, our company will concentrate on customers in the retail, business, bio tech, health care, pharmaceutical and computer industries.

Production processes at Wisconsin Custom Metal fabrication, Inc.

(WCM fabrication)

WCM Fabrication will be producing products based on customer provided prints, drawings and design specifications. Finished products will be created from blank metal sheets, tubes, bars, angles and plates using various metal production equipment including a hydraulic press break, hydraulic metal shear, vertical power band saw, vertical mill, metal lathe, welding machines, tube roller, and various other metal fabrication specific hand tools (grinders, cut off wheels, drills, etc.). Our production is specifically tailored to our customer's needs and is centered on low volume, custom design work.

13. Are any problems such as odor, smoke or noise resulting from this operation?

As a metal fabrication business there will be occasional noise and dust from the production process during normal business hours. The overall majority of the noise produced should be contained inside of the building during production. Although on warmer days the drive in roll up door may be opened for cooling and ventilation needs, no noise is expected to be at levels high enough to impact the surrounding business or persons due to the door opening to the rear of the building which faces a tree line and highway 164. Examples of possible noise producing situations are metal grinding, shearing and cutting, as well as normal machine operation sounds necessary to the production of finished metal products.

The minimal amount of dust produced from grinding and polishing of our metal products will be contained inside of the building. There are no foreseeable situations where our company would produce enough dust to impact surrounding businesses or persons.

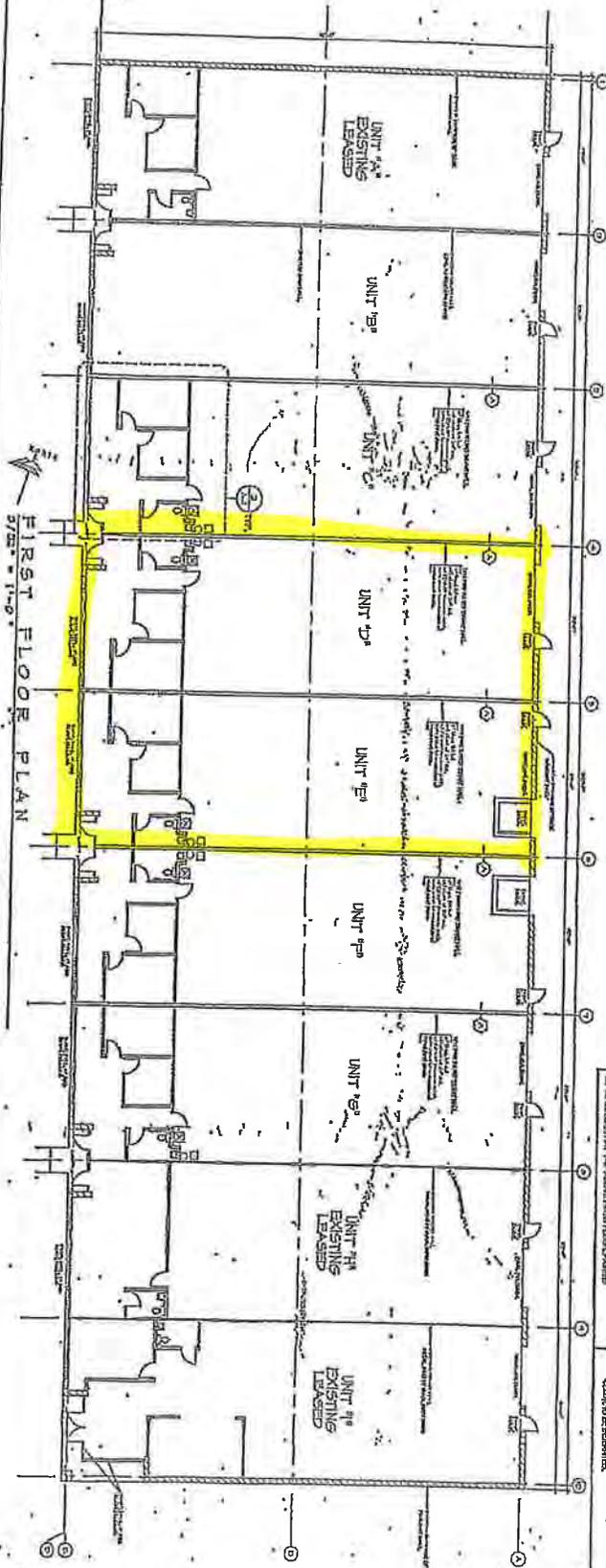
No nuisance odors are expected to be produced.

20. Are there any Chemicals, Hazardous Waste or Solvents stored on the site?

Our company will have a minimum amount of chemicals on site for degreasing and lubrication of parts and machines, when possible we will choose to use the greenest alternative for any cleaning or lubricating purposes. We do not foresee having more than five (5) gallons total at one time of lubricating oil, degreaser, spray paint, or other chemicals. All chemicals will be disposed of in accordance with local and government regulations.

21. Does this Operation involve the Storage/Sale of gasoline or any other Petroleum Products?

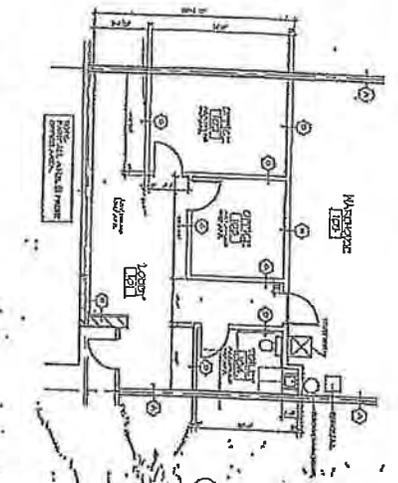
Our company will have petroleum products on site in the form of hydraulic fluid that will be stored in holding tanks (approximately 50 gallon capacity each) attached to our hydraulic metal shear and press brake. The tanks are self-contained and permanently attached to the machines. We do not foresee the need to add or remove hydraulic fluid to these machines after their initial installation.



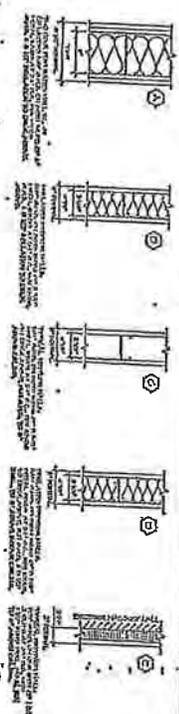
FIRST FLOOR PLAN
DATE: 11.08.08

2 ENLARGED TENANT BUSINESS OFFICE

5 CONNECTION OF WALL & DECK



1 WALL TYPES



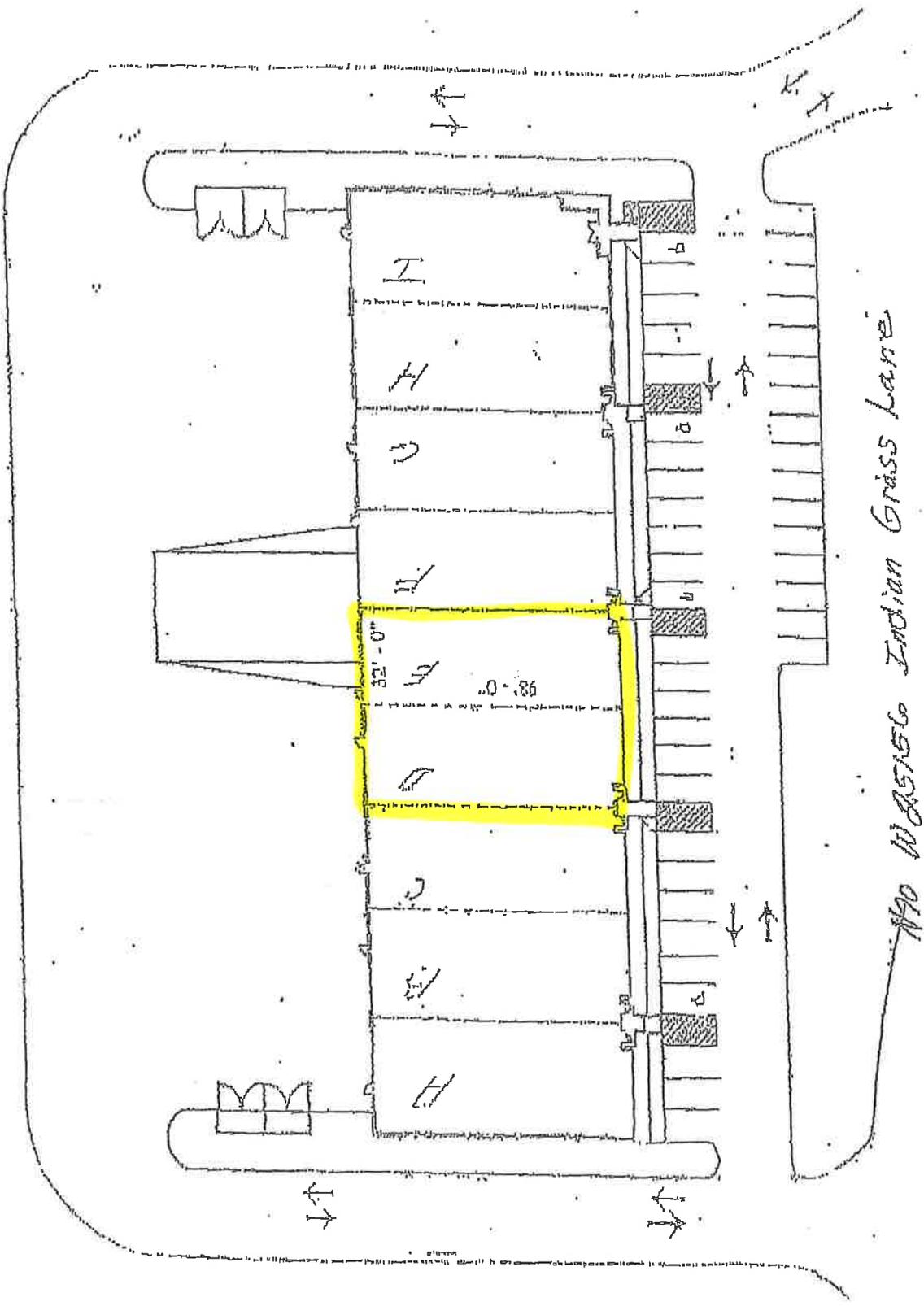
SUSPENSION SYSTEM DETAILS

NOTES

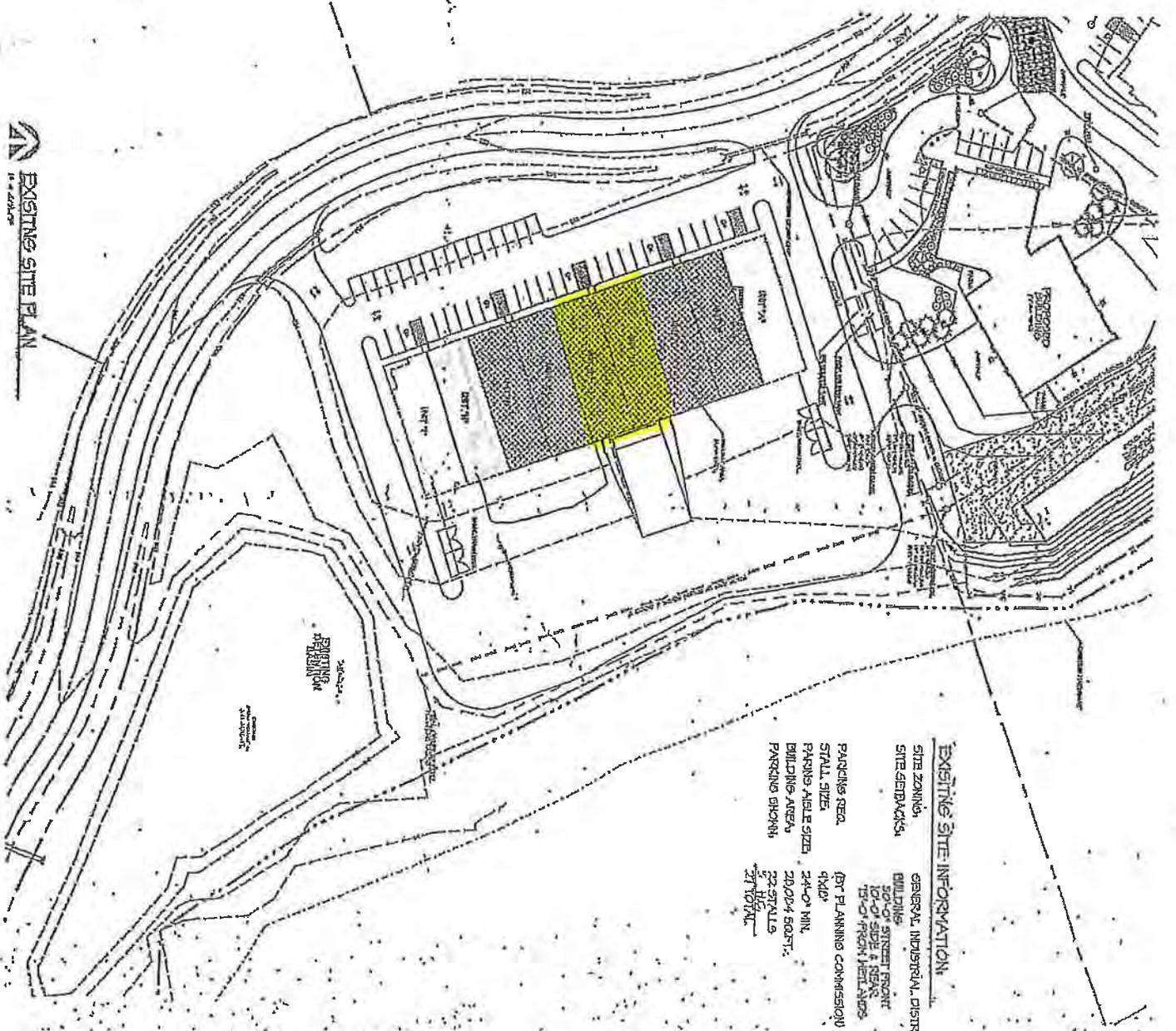
1. Refer to the notes on the previous page for general information.
2. All work shall be in accordance with the latest edition of the relevant standards and specifications.
3. All materials shall be of a quality and standard approved by the relevant authorities.
4. All work shall be completed within the specified time frame.
5. All work shall be completed in accordance with the relevant safety regulations.

GENERAL NOTES

1. All work shall be in accordance with the latest edition of the relevant standards and specifications.
2. All materials shall be of a quality and standard approved by the relevant authorities.
3. All work shall be completed within the specified time frame.
4. All work shall be completed in accordance with the relevant safety regulations.
5. All work shall be completed in accordance with the relevant environmental regulations.
6. All work shall be completed in accordance with the relevant fire safety regulations.
7. All work shall be completed in accordance with the relevant health and safety regulations.
8. All work shall be completed in accordance with the relevant accessibility regulations.
9. All work shall be completed in accordance with the relevant energy efficiency regulations.
10. All work shall be completed in accordance with the relevant sustainability regulations.



EXISTING SITE PLAN



EXISTING SITE INFORMATION

- SITE ZONING, GENERAL INDUSTRIAL DISTRICT
- SITE SETBACKS, BUILDING 50'-0" STREET FRONT 10'-0" SIDE & REAR 15'-0" FROM NEIGHBORS
- PARKING AREA, (BY PLANNING COMMISSION) 9X10'
- STALL SIZE, 24'-0" MIN.
- PARKING AISLE SIZE, 28'-0" MIN.
- BUILDING AREA, 28,000 SQ. FT.
- PARKING BAY, 22 STALLS
- 27 STALLS



PROFESSIONAL SERVICE REIMBURSEMENT FEES:

Pursuant to the Town of Lisbon Municipal Code Section 1.14, the Town of Lisbon Town Board has made a determination that whenever the services of the Town Planner, Town Engineer, Town Attorney, or any other of the Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Treasurer shall charge one hundred and five percent of the cost of that service for the fees incurred by the Town to the property owner incurring those fees even if the request is not approved. The additional five percent cost above the cost of the service is levied to cover Town administrative charges. Also, pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved. Imposition of any fees, costs, or charges, however, is subject to the property owner's appeal rights as described in the Town of Lisbon Municipal Code Section 1.14

The undersigned, have been advised that, pursuant to the Town of Lisbon Municipal Code Section 1.14, if the Town Planner, Town Engineer, Town Attorney, or any other Town professional provides services to the Town because of my/our activities, whether at my/our request or at the request of the Town, I/we shall be responsible for the fees incurred by the Town. In addition, I/we have been advised that pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are my/our responsibility even if my/our request is not approved. By signing this document, I am not waiving my/our appeal rights that are described in the Town of Lisbon Municipal Code Section 1.14.

Statements will be sent monthly so you are kept up to date regarding your current charges.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Alfred Bayer
ADDRESS N93 W25287 Bittersweet Dr, Lisbon, WI 53089
DATE 1/2/2018 SIGNATURE [Signature]
PHONE 650-274-6466 EMAIL Althewelder@yahoo.com

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Tomasini Family Limited Partnership c/o J&A Management Services
ADDRESS 1285 Sunnyridge Rd, Pewaukee, WI 53072
DATE 1/5/18 SIGNATURE [Signature]
PHONE 262-695-8800 EMAIL lthorne@judsonrealestate.com

PROJECT NAME Metal Fabrication Business.



SITE INSPECTION NOTIFICATION:

The Town of Lisbon Town Plan Commission and Town Board request permission of the property owner or responsible party to enter the subject property, between the hours of 9am to 5pm or upon prior 24 hour notice, for a site inspection prior to any scheduled Plan Commission or Board meeting. The site inspection will allow the Town Plan Commission and Town Board to make more informed decisions with respect to the requested application.

I, the undersigned, have been advised that my signature grants permission to members of the Town Plan Commission and Town Board to conduct site inspections of the subject property. Failure to authorize said site inspection will not be held against the property owner or responsible party in the decision of the requested application; however, the site inspection does allow the Town Plan Commission and Town Board to make more informed decisions.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Alfred Bayer
ADDRESS N93W25287 Bittersweet Dr. Lisbon, WI 53089
DATE 1/2/2018 SIGNATURE [Signature]
PHONE 650-274-6466 EMAIL Althewelder@yahoo.com

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Tomasini Family Limited Partnership c/o J&A Management Services
ADDRESS 1285 Sunnyridge Rd, Pewaukee, WI 53072
DATE 1/5/18 SIGNATURE [Signature]
PHONE 262-695-8800 EMAIL uthorne@judsonrealestate.com

COMMENTS:

[Signature]
Town Official Accepting Form

1-10-18
Date

**DECLARATION OF RESTRICTIONS OF
BARNWOOD CONSERVANCY**

This Declaration of Restrictions ("Restrictions") is made by BARNWOOD CONSERVANCY, LLC, a Wisconsin limited liability company ("Declarant"). Declarant has caused the land subject to the Restrictions, said land being described in Exhibit A, to be platted and will improve the land as a residential subdivision comprised of 52 lots and 4 outlots. Declarant now desires to establish a general plan for the use, occupancy and enjoyment of the BARNWOOD CONSERVANCY, and therefore, does hereby declare for the mutual benefit of present and future owners of lots in the BARNWOOD CONSERVANCY ("Owners"), that the BARNWOOD CONSERVANCY ("Subdivision") is subject to the following covenants, conditions and restrictions.

ARTICLE A

BUILDING AND USE RESTRICTIONS

1. Purpose and Intent. The BARNWOOD CONSERVANCY is intended to be a low-density conservation subdivision in the Town of Lisbon, developed with mid-sized, traditional homes with quietly attractive architecture. The building and use restrictions are intended to insure architectural control that maintains a high level of quality and thoughtful development as set forth in the Restrictions.

2. Dwelling. All lots in the Subdivision are hereby restricted to allow for the erection of only one (1) single family residence ("Dwelling"). A Dwelling shall be limited to one-story and two-story houses. Each Dwelling shall have an attached side-facing garage which shall be of sufficient size to accommodate a minimum of two cars.

3. Architectural Approval and Building Standards. In accordance with the current Town Code, state law, and other applicable regulations, Declarant shall have the power to regulate the appearance, design and general aesthetics of the Subdivision through architectural approval until a Dwelling has been constructed on all lots in the Subdivision, at which time the Board of Directors of the Homeowners Association shall appoint an Architectural Control Committee to perform Declarant's duties pursuant to this Article A. No Dwelling, fence, swimming pool, deck, patio, recreational structure or equipment (including, without limitation, play houses, tree houses, trampolines, portable basketball hoops, skateboard or skating structures, and roller or ice rinks), retaining wall, landscape feature, artistic or decorative sculpture or structure, whether temporary or permanent, shall be constructed, placed or moved onto a lot, nor shall any structure's exterior exposures be remodeled, reconstructed, or added to, unless first being granted architectural approval by Declarant, or the subsequent Architectural Control Committee. The foregoing listing of the items that are subject to Declarant's review and approval shall be construed as being illustrative and not exhaustive, and shall be broadly construed so as to give Declarant broad authority over any structure or improvement to land that may affect the architectural, aesthetic, or environmental qualities of the Subdivision. Collectively, all of these items, structures and improvements shall be referred to as "Improvements" and any Dwelling or other structure shall be referred to as a "Structure".

(a) All building plans for any Structure, which plans shall include, but not be limited to, the exterior design and color of each Structure to be constructed, driveway location, and all yard grades and stake out surveys showing erosion control measures, shall be submitted to Declarant prior to the commencement of any construction or site

Commented [dlin1]: Should there be a provision if the Declarant sells or opps out of ownership early. Furthermore, If all units have been sold and the Developer no longer has ownership on any remaining parcels should that also trigger a transfer to the HOA?

preparations. Declarant must approve the submitted plans in writing before an Owner (or its agents or contractors) may submit an application for a building permit with the Town of Lisbon or commence any construction or site preparations.

(b) All Improvements other than a Structure, such as landscaping, decorative fences, in-ground swimming pools, decks, recreational structures or equipment, or other similar Improvements, are subject to the prior written approval of Declarant. All of the aforementioned Improvements shall be consistent in theme with the materials and colors of the Dwelling located on the lot. Construction of any Improvement other than a Dwelling must be completed in full accordance with approved plans, and located as shown on a Plat of Survey or scaled and measurable site plan to be presented with the request for approval, within 6 months from the date construction is commenced, unless otherwise provided by Declarant in writing. Declarant reserves the right to require that any recreational structure or equipment be located within a landscaped area filled with wood chips, mulch, or rubber chips. The approval of any plans by Declarant shall expire and be of no further force or effect unless construction is commenced within one year after approval is given.

(c) Declarant's approval of building design, square footage, location, and any other element influencing the appearance and aesthetics of the Subdivision shall be based upon the building and use restrictions contained in this Article A, such guidelines as may be adopted or amendmended from time-to-time by Declarant, and the professional judgment of Declarant's principals, all such factors being in Declarant's sole, but reasonable, discretion. Without limiting Declarant's authority, Declarant shall have the right to withhold its approval of a proposed Improvement if the proposed Improvement is too similar in appearance to other Improvements in proximity, is not consistent with the

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intent of these Restrictions, or is not aesthetically compatible with the other Improvements within the Subdivision. Declarant shall take into consideration the suitability of the Improvement in relationship to its location and in relationship to other existing Improvements, the effect of the proposed Improvement upon the value of other Improvements in the Subdivision and other lots in the Subdivision, the construction materials to be utilized, the site upon which it is proposed to be erected, the harmony of the design and exterior colors thereof with other Improvements, the view and outlook from adjacent properties, the preservation or enhancement of property values within the Subdivision, and any and all other considerations which may affect or influence Declarant in attempting to comply with the purposes herein set forth, it being the intent of Declarants to maintain diversity in appearance and maintain a high quality of design in the Subdivision.

(d) The Owner shall submit to Declarant a full size set of building and site plans and a plat of survey showing the location of the planned Improvement(s) for Declarant's review. The Owner's submission shall include one full sized printed set of the plans and survey, an 11" x 17" printed set of the plans and survey, and another electronic set submitted as a PDF file. Any changes or revisions required by Declarant shall first be made to the plans by the Owner and resubmitted to Declarant before final approval is given. Following Declarant's final approval, the plans shall not be materially altered, revised, or amended without Declarant's written consent.

(e) Notwithstanding the powers reserved to Declarant in this Declaration and except for such duties explicitly set forth by ordinance, statute, or written agreement executed by Declarant, Declarant shall have no obligation to maintain, and shall not be

4 (page numbers incorrect)

Commented [dlin2]: Does not match the statement commented on below.

responsible for maintaining or protecting, the value of property in the Subdivision.

Commented [dlin3]: Does match the statement above.

4. Amendments. Declarant (or the Homeowners Association after Declarant transfers such authority), and no other, shall have the right and authority to modify or to permit variances from these Restrictions, if in Declarant's opinion, the modifications or variance are consistent and compatible with the overall scheme of the Subdivision, provided that no such modification shall be in violation of governmental laws, rules and regulations, or have the effect of revoking an approval previously granted in writing hereunder.

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Notwithstanding the foregoing, any such modifications or variances shall be at the sole and absolute discretion, aesthetic interpretation and business judgment of Declarant and this

Commented [dlin4]: Vague, could use further definition.

paragraph, and any modifications or variances granted hereunder, shall not in any way be interpreted as, (i) preventing Declarant from requiring at any time, and from time to time, strict compliance with the Restrictions, or (ii) as entitling any other Owner to a modification or variance except as approved and granted in writing by Declarant.

Commented [dlin5]: Not sure this belong here

Minimum Home Size. The following minimum sizes for a Dwelling in the Subdivision shall be based solely on living area within the Dwelling. For the purpose of computing the square footage of living area within a Dwelling, the basement level and garage area of a Dwelling shall not be included in the square footage. Declarant's determination and calculation of the minimum square footage required for a Dwelling to be built upon a lot shall be final, provided that the minimum conforms to the applicable municipal zoning requirements. Declarant's determination of the classification of the Dwelling for the purpose of determining the minimum square footage (i.e., single story or two story) shall be final. All Dwellings in the Subdivision shall have the following minimum living areas:

Commented [dlin6]: Should be underline and section No. 5. All other section numbers would also change.

- (a) A single story Dwelling shall have a minimum of 1700 square feet of

living area on the first floor of the Dwelling.

(b) A two story Dwelling shall have a combined minimum of 1800 square feet of living area on the two floors of the Dwelling.

5. Exterior Materials. Exterior walls of all Dwellings must be constructed of structural or thin-cut face brick, stucco-type material, Dryvit, stone, wood, **LP® SmartSide®**, Hardiplank®, or other similar products approved by Declarant. In no event shall the exterior, or any portion of the exterior, of any structure consist of aluminum or vinyl siding. The color of exterior siding and trim shall be subject to Declarant's approval.

Commented [dlin7]: Should some direction be given for an architect/owner instead of just the pictures in B at the end of this document?

6. Brick and Masonry. If masonry is used as siding, the masonry must be placed on all walls of the Dwelling, unless it is placed only on fireplaces, chimneys or column bases. Declarant may require brick lines, brick accents, or other decorative architectural detail on Dwellings as an exterior material at the sole discretion of Declarant.

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7. Casings and Shutters. All windows on Dwellings must be trimmed using minimum 5 1/2" casing, shutters, or any other trim approved in writing by Declarant. Unless prior approval in writing is provided by Declarant, windows are required on all four (4) sides of the Dwelling. If shutters or window casings and trim are used on windows, they must be used on all four sides of the Dwelling.

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8. Fireplaces and Chimneys. Direct vent fireplaces will be permitted only if the exterior portion of the vent elements are at the rear of side of the Dwelling. No vent elements will be allowed on the front of the Dwelling (street facing facade). Chimneys need not be masonry, but must be architecturally consistent with the remainder of the Dwelling's exterior.

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9. Roofs. All roof areas shall have an appropriate pitch of eight feet in height for each twelve feet in length (8/12), except for porches, rear dormers and other special circumstances if the same are approved in writing by Declarant. Declarant shall have the right to approve a lesser pitch if it is better suited to the architectural design of the house. All roof areas shall be covered with wood shakes, 30 year dimensional fiberglass or asphalt shingles, slate, copper or other approved metals. However, Declarant shall have the right to approve other roofing materials if they are of comparable or superior quality and are better suited to the approved building design. All roofing materials must be approved by Declarant in advance in writing and such approval shall be in Declarant's sole discretion.

10. Exterior Appearances. The Dwelling's exterior style may be consistent with one of the home styles depicted in Exhibit B. Declarant retains the authority to permit home styles different from those depicted in Exhibit B.

11. Water and Sanitary. All lots will be served by private wells and septic systems installed and maintained in accordance with the applicable municipal code. This provision shall not limit the lawful authority of the municipality to develop and install public sewer and water systems.

12. Attached Garages and Driveways. One garage with a minimum of two standard- sized automobile stalls shall be attached to the Dwelling, directly or by breezeway and shall be constructed at the same time as the Dwelling. Garage entrances shall be side entry unless existing lot conditions do not permit such side entry. Declarant's determination of architectural design, including garage entrances, shall be final. All driveways, patios, sidewalks, and walkways shall be paved with asphalt, concrete or brick. Driveway location shall be subject to Declarant's review and approval.

Commented [dlin10]: High-end pea gravel with an epoxy finish/coating is another option I have seen included in declarations.

13. Accessory Buildings. Detached accessory buildings are permitted, but shall be subject to Declarant's review and approval. The siding, theme and style used for any detached accessory buildings shall match the siding, theme and style of the Dwelling. Additional garages, playhouses, play equipment, dog houses, pet houses, and kennels shall be allowed only as approved detached accessory buildings. A detached accessory buildings may require a building permit issued by the Town of Lisbon and all detached accessory buildings must comply with applicable zoning regulations and dimensional restrictions, such as lot coverages, setbacks and offsets.

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14. Prohibited Improvements. Above-ground pools, inflatable swimming pools (the inflated height of which is greater than 18-inches), inflatable play structures or units (the inflated height of which is greater than 18-inches and the use of which shall continue for more than 24 continuous hours), and any other structure or improvement not explicitly permitted in the Restrictions, whether temporary or permanent and attached to the ground or moveable, are prohibited. This prohibition and restriction shall be broadly construed so as to carry out Declarant's intent that lots shall be developed only with a Dwelling and those other Improvements listed in this Article A.

15. Setbacks and Offsets. All setbacks and offsets of improvements shall be strictly enforced as set forth in the applicable zoning code or building restrictions of the Town of Lisbon and Waukesha County, and as set forth on the Subdivision plat.

Commented [dlin11]: Would recommend removing in case the building setbacks in the PUD and/or the zoning code change.

16. Erosion Control. During all construction, Owners, and all contractors and subcontractors, shall comply with all governmental erosion control plan requirements.

17. Completion of Commenced Work. The construction of all Dwellings, initial landscaping and paved driveways, shall be completed within 12 months from the start of construction. In the event that landscaping or driveway construction is not completed within the 12-month time period, Declarant or the Homeowners Association, as the case may be, may complete the landscaping and driveway and charge the Owner for all costs incurred to complete the work, which charge may be secured by a lien on the lot and improvements. If an Owner chooses to leave the lot vacant indefinitely, the lot shall be maintained in accordance with all applicable federal, state, county and municipal laws, codes, regulations, ordinances and this Declaration. If the lot is not reasonably maintained, Declarant or the Homeowners Association may hire a contractor to maintain the lot and charge the Owner for all costs incurred by Declarant or Homeowners Association, which charge may be secured by a lien on the lot.

Commented [dlin12]: Should an option for an extension be granted for hardships due to shortend growing or concrete pouring season or other weather related delays out of the control of the Owner/Builder?

Commented [dlin13]: Different font

Commented [dlin14]: Different font

18. Grading. All lots shall be graded immediately upon completion of construction. Each Owner must strictly adhere to and finish grade its lot in accordance with the master grading plan or any amendment thereto approved by the Town of Lisbon and Waukesha County on file in the County Park & Planning office. Each Owner is required to submit a lot grading plan in compliance with the Subdivision's final master grading plans and specifications to the Developer, the Town of Lisbon and the County Building and Zoning Official at the time of permitting and shall implement the approved lot grading plan prior to occupancy. Final yard grade and top of foundation elevation are subject to approval by the Town of Lisbon, Waukesha County and Declarant, and shall be consistent with the master grading plan. The grade shall thereafter be maintained to strictly comply with the comprehensive grading plan and erosion control standards for the Subdivision approved by the Town of Lisbon and Waukesha County. Strict

Commented [dlin15]: Different font spacing

compliance with such grading plan shall be enforced so as to prevent the improper discharge or redirection of storm water onto any adjacent lots. Declarant, Town of Lisbon and Waukesha County, and their agents, employees or independent contractors, shall have the right, but not the obligation, to enter upon any lot, at any time, for the purpose of inspection, maintenance, or correction of any drainage condition and the Owner shall be responsible for the cost of any such inspection, maintenance or correction. Any correction of a drainage condition by the Town of Lisbon shall be subject to a special charge pursuant to Wisconsin Statutes § 66.0627 and any amendment thereto.

19. Street Cleaning or Repair. Each Owner shall cause its contractors to keep the Subdivision's roads, curbs, gutters, trails, drainage ways and ditches, and right-of-way areas (collectively, "Roads") reasonably clean and free of debris resulting from the construction. In addition, each Owner shall repair, or cause its contractors to repair, any damage caused to the Subdivision's Roads by Owner or its contractors. If the Owner does not clean or repair or restore any damage to the Roads of the Subdivision as required in this section, Declarant or the Homeowners Association, after five (5) days prior written notice to the Owner, shall have the right, but not the obligation, to clean and repair or restore such Roads and Declarant or the Homeowners Association may require the Owner to pay the cost thereof pursuant to a Special Assessment as provided in Article B, Section 8 hereof.

Commented [dlin16]: Require a tracking pad? Most are required as part of an erosion control permit.

20. Maintenance of Lot During Construction. During construction, the Owner shall ensure that its contractors maintain a clean construction site, including, but not limited to, cleanup of all scraps, paper, or other waste materials, and that all access to the lot shall only be through the approved driveway, and by no other means. In the event that the Owner or its contractors fail to maintain a clean construction site or enter the lot by means other than the

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driveway, Declarant or the Homeowners Association shall have the right to perform the necessary cleanup (including any road clean-up) and make the necessary repairs (including any repairs to any neighboring lot) and shall be entitled to collect from the Owner all expenses that were incurred by Declarant and the Homeowners Association and to levy a special assessment against the lot Owner.

21. Lamppost. All Owners shall pick-up, erect and maintain a subdivision standard lamppost, with an unswitched photo-electric cell, at a location to be reviewed and approved by Declarant. The design (including materials) of each lamppost shall be subject to the approval of Declarant, in Declarant's sole discretion. The lamppost shall be maintained by the Owner, at the Owner's expense, in a proper operating manner. If the Owner fails to maintain the lamppost in proper operating order, maintenance of the lamppost may, fifteen (15) days after written notice to the Owner, be performed by Declarant or the Homeowners Association and the cost of such maintenance shall be a Special Assessment against the Owner's lot, payable according to the terms and conditions contained in Article B, Section 8 hereof. Owners shall operate the light in the lamppost between the hours of dusk to dawn. All repairs, maintenance, operation and replacement of these lights shall be performed by the Owner at its sole expense.

Commented [dlin17]: If there is a preapproved design to be picked up then the subject to approval of the Declarant for a different lamp post is unnecessary.

Commented [dlin18]: Some standards jump between 5 and 15 day notices. Should they all be the same?

Commented [dlin19]: Business days?

22. Landscape Plans & Tree Restrictions. Owners shall submit a landscape plan for review by Declarant no later than at the time a building permit is applied for. The removal of any tree shall be subject to Declarant's review and approval and shall also be subject to the restrictions on tree removal set forth on the Subdivision Plat. Four (4) trees greater than four (4) inches in caliper must be included in each lot's landscape plan, with two (2) such trees to be planted or maintained in the front yard.

Commented [dlin20]: Should be prior to building permit application if the removal of any tree is subject of Declarant approval.

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23. Mailboxes. All Owners shall pick-up, erect and maintain a

subdivision standard mailbox at a location to be reviewed and approved by Declarant and in accordance with Town of Lisbon and US Post Office regulations. The design (including materials) of each mailbox/newspaper box shall be subject to the approval of Declarant, in Declarant's sole discretion.

Commented [dlin21]: Similar to lamppost If there is a preapproved design to be picked up then the subject to approval of the Declarant for a different mailbox is unnecessary.

24. Fences and Screenings. Landscape Plans showing exact locations and construction details of fences, walls, hedges or mass screening plantings shall be submitted to Declarant and be approved in writing before they may be constructed or planted. Fence approvals are at Declarant's sole discretion and will depend on such items as landscape screening, functionality, location, and materials. No fences erected on any lot shall be higher than five (5) feet from the graded surface of the lot. No perimeter lot fencing shall be permitted. If the fence restrictions and ordinances of the Town of Lisbon or Waukesha County in effect from time-to-time are more restrictive than the restrictions contained herein, the zoning restrictions and ordinances shall control and supersede the terms and conditions contained herein to the extent and solely with respect to those issues for which such restrictions and ordinances are more restrictive.

25. Outside Storage. There shall be no long-term outside storage of cars, motorcycles, snowmobiles, ATVs, boats, watercraft, canoes, kayaks, jet skis, trailers, buses, trucks or campers, or any other vehicles or items deemed to be unsightly by Declarant or the Homeowners Association. "Long term" storage shall be any storage that persists for more than 30 consecutive days, or for more than half of any 60 day period. The overnight outside storage or parking of vehicles, used for commercial purposes and bearing identification or signage of commercial purposes, is expressly prohibited, and any such commercial vehicle must be housed in a garage.

26. Miscellaneous Improvements. In ground swimming pools may be permitted upon approval by the Declarant. There shall be no above-ground swimming pools, sport courts, or satellite dish antennas having a diameter in excess of twenty-four (24) inches. No antenna or permitted satellite dish shall be mounted or installed on any roof. Any antenna or permitted satellite dish, if possible without interfering with reception, will be placed and screened so as to minimize its visibility from roadways and neighboring lots. Notwithstanding the foregoing, this section shall not supersede any applicable federal or state laws or ordinances regulating over the air receptive devices.

Commented [dlin22]: Tennis?

Commented [dlin23]: This standard could be in violation of state and federal laws.

27. Debris. No lot shall be used in whole or in part for the storage of rubbish or building materials (other than during the construction of an approved Dwelling or other permitted Improvements) of any character whatsoever, nor shall any lot be used for the storage of any property, item or material that shall cause such lot to appear unclean or untidy or that will be obnoxious or offensive in the opinion of Declarant or the Homeowners Association. Trash, garbage, refuse, debris or other waste kept on any lot in preparation for removal from such lot shall be kept in sanitary, covered containers, which are stored out of sight of the street and adjacent property.

Commented [dlin24]: Would recommend defining rubbish for clarification. Neighbors have different ideas of what constitutes rubbish.

28. No Nuisance. No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be a nuisance to the neighborhood.

Commented [dlin25]: Vague. Again could use definition.

29. Pets. No exterior dog kennel or dog house which is not attached to the Dwelling shall be constructed or maintained on any lot except as a detached accessory building pursuant to Section 14 of this Article A. No Owner shall keep any pet or pets which create a nuisance to neighboring Owners or the public. Owners shall comply with all Town of Lisbon and Waukesha County ordinances regarding the keeping and licensing of pets. All farm animals, poultry, horses, etc., and all animals kept for commercial purposes are strictly

Commented [dlin26]: Who makes this judgment call? Neighbors don't always get along.

prohibited.

30. Owner's Waiver of Liability and Indemnification of Declarant Regarding Storm Water Detention Ponds and Storm Water Infiltration Ponds. The storm water retention ponds, infiltration basins, and Stormwater management devices or structures (collectively, "Ponds") located within the Subdivision have been created and were required by the Town of Lisbon and Waukesha County to assist in the detention and infiltration of storm water from the Subdivision. The Ponds are not intended to be used for swimming or as recreational facilities, and any such use of the Ponds is strictly prohibited. Any person entering the Ponds does so at their own risk. By purchase of a lot in the Subdivision, each Owner and its respective successors, assigns, heirs and personal representatives, waives, to the fullest extent permitted by law, any and all claims or liability for damages against the Declarant, the Homeowners Association, and their respective agents, contractors, employees, officers, directors, shareholders, successors and assigns, arising from, or relating to, bodily injury or property damage sustained in or about, or resulting from the use or existence of, the Ponds. In addition, each Owner, and their successors, assigns, heirs and personal representatives, agrees to indemnify, defend and hold harmless Declarant, the Homeowners Association, and their respective agents, contractors, employees, officers, directors, shareholders, successors and assigns, from and against any and all liabilities, claims, demands, costs and expenses of every kind and nature (including attorneys' fees), including those arising from any death, bodily injury or property damage sustained in or about, or resulting from the use or existence of, the Ponds brought by any member of the Owner's family, the Owner's invitees, or guests.

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31. Enforcement. Declarant and the Homeowners' Association shall have the right, but not the obligation, to enforce all of the terms, conditions and restrictions contained herein and any rules or regulations promulgated hereunder. Any Owner violating the terms, conditions or restrictions contained herein shall be personally liable for, and shall reimburse Declarant or the Homeowners' Association for, all costs and expenses, including attorneys' fees, incurred by Declarant or the Homeowners' Association in enforcing the terms, conditions and restrictions contained in this Declaration. Any Owner who causes or allows any improvement or improvements to be constructed, installed, placed, or altered on that Owner's lot or anywhere else in the Subdivision without first obtaining the prior written approval of Declarant or the Homeowners' Association shall, at Declarant's or the Homeowners' Association's discretion, be required to remove such improvement or improvements in their entirety at the Owner's expense. The foregoing shall be in addition to any other rights or remedies which may be available at law.

32. Release of Liability. The Owners, by the purchase of their lots, agree that Declarant, the Homeowners Association and its board members shall not be held liable for any good faith decision or decisions made by Declarant or the Homeowners Association in enforcing the terms, conditions and restriction contained herein and in establishing these restrictions.

33. Assignment of Authority. Declarant may delegate or assign the authority and responsibilities of Declarant contained herein to the Homeowners Association once Declarant no longer owns any lots in the Subdivision, or otherwise in its sole discretion, or as otherwise set forth in this Declaration.

Commented [dlin27]: This does not match with page two that states until all homes are built. This states until declarant no longer owns lots in the subdivision. The difference is if someone purchases a lot and land banks for several years before building or is someone purchases two adjoin lots.

ARTICLE B

BARNWOOD CONSERVANCY HOMEOWNERS' ASSOCIATION, INC.

I. Membership & Power. Each Owner of a lot in the Subdivision shall be a member in a Wisconsin non-stock, nonprofit corporation named BARNWOOD CONSERVANCY Homeowners' Association, Inc. (herein referred to as the "Homeowners Association"). The Homeowners Association is created for purposes of: (a) managing and controlling the common affairs of the Subdivision, (b) managing, controlling and maintaining any Common Area in the Subdivision (as defined below), and (c) performing other duties as set forth herein for the common benefit of the Owners.

2. Common Areas.

(a) The term "Common Areas" shall include the following areas of the Subdivision:

(i) All outlots, conservancy areas, dedicated trails and common areas of the Subdivision as shown on the Final Plat of the Subdivision.

(ii) Any area of easements granted to the Owners or Homeowners Association by Declarant or as indicated on the Final Plat over portions of the lands subject to this Declaration.

(iii) The grass areas, and any fencing and landscaping, shelters contained within the unimproved portions of any public rights-of-way included within the lands subject to this Declaration.

(iv) Such areas of the Subdivision, any area outside of the Subdivision, and any Outlot within the Subdivision that have been dedicated to the Town of Lisbon or Waukesha County, to the extent that the obligation of maintaining

such area has been delegated to or assumed by the Homeowners' Association.

(v) Such other areas or items for which the Homeowners Association is obligated to maintain as set forth in the Development Agreement with the Town of Lisbon or Waukesha County.

(b) Each lot shall have an appurtenant undivided fractional ownership interest in the Common Areas (that are not otherwise owned by or dedicated to the Town of Lisbon or Waukesha County), the numerator of which shall be one and the denominator of which shall be the total number of lots subject to the Declaration.

3. Use of Common Areas. All Common Areas and related facilities shall be used for the common benefit of the Owners of lots in the Subdivision, except as otherwise restricted by easement or rules promulgated by the Homeowners Association or by virtue of dedication to the Town of Lisbon or Waukesha County . Such Common Areas shall not be used for recreational or other activities by any Owner unless in accordance with the terms, conditions and restrictions contained herein or as are hereafter adopted or otherwise approved by Declarant or the Homeowners Association. Declarant shall have the right to erect signs in the outlots and Common Areas to promote the sale of lots, subject to the Town of Lisbon Sign Code. Any signs, monuments, structures or other common facilities legally constructed by Declarant or the Homeowners Association on any Common Areas shall be operated and properly maintained and repaired by Declarant or the Homeowners Association (as the case may be) so as to be neat and attractive in appearance.

The Homeowners Association shall properly maintain the Common Areas so that they are neat and attractive in appearance (including, without limitation, proper care and cutting of grass and other vegetation). The Homeowners Association shall maintain all storm water drainage facilities (detention ponds, infiltration basins) so as to ensure that they function

properly. The obligation to maintain the storm water detention ponds and infiltration basins includes, but is not limited to, the obligation to clean and dredge such facilities as necessary and as specified by the relevant sections of the manual for maintenance of the same supplied by the engineer who designed the ponds, if any, or as required by the Stormwater Maintenance Agreement entered into by Declarant and the Town of Lisbon or Waukesha County. Any plantings or signs placed in the Subdivision by Declarant or the Homeowners Association at any of the entry locations shall also be considered Common Areas, and shall be cared for and maintained in the same manners as described above. Any portion of the Common Area within the public street right-of-way may only be improved or altered with the consent of the appropriate public authorities, but such areas may be maintained in a neat and attractive manner by the Homeowners Association.

Deleted: .

In the event that maintenance of the storm water management measures is not undertaken by the Homeowners Association, the Town of Lisbon or Waukesha County may perform maintenance work on the storm water management measures if such failure to maintain (i) has a material adverse effect on property, or (ii) endangers the public health or safety provided, however, that before the Town of Lisbon or Waukesha County shall have the right to perform any such maintenance pursuant to this section (except in the case of an emergency situation), such government entity shall provide the Homeowners Association with written notice stating with specificity the maintenance activities the Town of Lisbon or Waukesha County deems to be required with respect to the storm water management measures and the Homeowners Association shall have ten (10) days after receipt of such written notice to perform such maintenance. Said ten-day period shall be extended if the Association has commenced such maintenance work within the ten-day period and is diligently proceeding to complete the same.

Commented [dlin28]: Check to see the Town of Lisbon Municipal Code. The Municipal code superseded this private agreement and would not dictate the Town's actions.

In the case of an emergency situation, as determined in the discretion of the Town of Lisbon or Waukesha County, no notice will be required prior to the Town of Lisbon or Waukesha County performing emergency maintenance. The lot owners will be liable for the failure of the Homeowners Association to undertake any repairs, such liability to be pro rata accruing to their actual ownership interest in the common area.

The costs of any measures undertaken by the Town of Lisbon pursuant to this Section shall be assessed against all the lot owners pro rata according to their fractional ownership interest in accordance with the provisions of Section 66.0627, Wis. Stats. It is expressly understood and acknowledged that such costs shall be deemed a special charge for current services and may be levied in accordance with the provisions of Section 66.0627, Wis. Stats. Any such assessment which is not paid within sixty days after billing shall be deemed a delinquent special charge and shall become a lien upon the lot against which such charge has been assessed. Such delinquent charges shall be extended upon the current or next tax roll as a delinquent tax against the lot for which payment has not been received, and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special charge.

The Homeowners Association shall, maintain and repair all buildings constructed in the Common Areas.

4. Association Governance. The Homeowners Association shall initially be governed by a three member Board, hereinafter referred to as the "Board," which shall be authorized to manage the Homeowners Association. The initial members of the Board will be appointed by Declarant. The number of Board members may be altered subject to restrictions set forth in the Association's Articles of Incorporation and Bylaws.

5. Board Members. To qualify as a member of the Board, a person must be an Owner or a duly designated officer, agent or representative of Declarant.

6. Terms and Declarant's Rights. The term of office of the initial members of the Board (which have been appointed by Declarant) shall commence upon the incorporation of the Homeowners Association and appointment by Declarant, and shall continue until Declarant no longer owns any of the lots then subject to this Declaration. During such initial term, Declarant shall have the right to appoint, remove or replace all three members of the Board.

Commented [dlin29]: Could be a very vague amount of time. This matches with Page Two, but not Section 33 Assignment of Authority.

7. Powers. Subject to the rights of Declarant as provided in Article B, Section 6 above, the election, duties, and powers of the Board shall be as provided in the Bylaws of the Homeowners Association.

8. Assessments. The Board shall levy and collect assessments in accordance with the following:

(a) The Owner of each lot shall be subject to a general annual (or more frequent, if required) assessment ("General Assessment") equal to its pro rata share of the costs incurred or anticipated to be incurred by the Homeowners Association in performing its duties and discharging its obligations hereunder. The pro rata share of an Owner of a lot shall be a fraction, the numerator of which shall be one and the denominator of which shall be the total number of lots subject to this Declaration at the time of the assessment. General Assessments shall include, but not be limited to: taxes; insurance; repair, replacement and additions to the improvements made to the Common Areas; equipment; materials; labor, reserve fund, management and supervision thereof; and, all costs for the Association reasonably incurred in conducting its affairs and enforcing the terms, conditions and restrictions contained in this

Declaration.

The Board shall also have the power to levy a special assessment ("Special Assessment") against any individual Owner for the failure of such Owner to: maintain said Owner's lot in accordance with the reasonable standard of the Subdivision; install the seeding, sodding, and/or mulching of the lots; maintain the lamppost and mailbox required herein; install lawn trees and landscaping required herein; and, failure of said Owner to comply with the terms, conditions and restrictions contained in this Declaration.

Herein General Assessments and Special Assessment are sometimes collectively referred to as "Assessments."

(b) Assessments shall be approved at a duly convened meeting of the Board.

(c) Written notice of an Assessment shall be personally delivered to each Owner subject to the Assessment or delivered by regular mail addressed to the last known address of such Owner.

(d) Assessments shall be due and payable on or before thirty (30) days after the mailing or personal delivery of the notice, as the case may be.

(e) Assessments not paid when due shall bear interest at the rate of twelve percent (12%) per annum from the date due until paid, and such unpaid Assessments and the interest thereon shall constitute a continuing lien on the real estate against which it was assessed until they have been paid in full. The Assessments and interest thereon shall also be the personal obligation of the Owner of the lot against which the Assessment was made at the time the assessment was made.

(f) The Board may record a document with the Register of Deeds in Waukesha County, Wisconsin, giving notice of a lien for any such unpaid Assessment and, upon payment

or satisfaction of the amount due, record a document canceling or releasing any such lien. The failure to file any such notice shall not impair the validity of the lien. All recording and attorney fees relating to any such document or the collection of an Assessment shall be borne by the affected Owner.

(g) Upon application by any Owner, any member of the Board may, without calling a meeting of the Board, provide to such Owner a statement in recordable form certifying (1) that the signer is a duly elected or appointed member of the Board, and

(1) as to the existence of any unpaid assessments or other amounts due to the Homeowners Association. Such statement shall be binding upon the Board and shall be conclusive evidence to any party relying thereon of the payment of any and all outstanding Assessments or other amounts due to the Homeowners Association.

(h) Without limiting the availability of all legal and equitable remedies available to Declarant or the Homeowners Association, any lien for Assessments may be foreclosed by a suit authorized by the Board to be brought on behalf of the Association, in a like manner as the foreclosure of a mortgage on real property. The affected Owner shall be responsible for all of the Association's costs in collecting the Assessment, including, but not limited to, attorneys' fees.

9. Limitation on Board. During the initial term of the Board, the Board shall not have the power to make improvements to the Common Area in addition to those then in existence (herein referred to as "Additional Improvements") without the written approval of Declarant. After the initial term, the Board shall not have the power to make Additional Improvements having a cost in excess of Five Thousand Dollars (\$5,000.00) without the consent of the then current Owners of twenty-three (23) lots.

10. Indemnification of Board. Members of the Board shall not be liable for any

action taken by them in good faith in discharging their duties hereunder, even if such action involved a mistaken judgment or negligence by the member or agents or employees of the Board. The Association shall indemnify and hold the members of the Board harmless from and against any and all costs or expenses, including reasonable attorney's fees, in connection with any suit or other action relating to the performance of their duties hereunder.

11. Failure to Enforce Not Waiver. Failure of the Homeowners Association or the Board to enforce any terms, conditions or restrictions contained in this Declaration, upon the violation thereof, shall not be deemed to be a waiver of the rights to do so, or an acquiescence in any subsequent violation.

ARTICLE C

AMENDMENT PROVISIONS

Any of the provisions of this Declaration may be annulled, waived, changed, modified or amended at any time by written document setting forth such annulment, waiver, change, modification or amendment, executed by the Owners of lots having at least seventy five percent (75%) of the votes in the Association; provided, however, that any such action must also be approved in writing by Declarant so long as it shall be an Owner. This Declaration and all amendments shall be executed as required by law so as to entitle it to be recorded, and shall be effective upon recording in the office of the Register of Deeds for Waukesha County, Wisconsin. Where there is more than one owner of a lot the signature of any one co-owner shall be adequate to demonstrate that all co-owners of such lot have "executed" the document(s) described above.

ARTICLE D

RESERVATION BY DECLARANT OF RIGHT TO GRANT EASEMENTS

Declarant hereby reserves the light to grant and convey easements to any government entity and to any public or private utility or communications company, upon, over, through or across those portions of any lot within 10 feet of any lot line and upon, over, through or across any portion of any outlet for purposes of allowing the government entity, utility or communications company to furnish gas, electric, water, sewer, cable television, fiber optic or other utility service within or through the Subdivision; or through any portions of the Subdivision for purposes of facilitating drainage of storm or surface water within or through the Subdivision. Declarant may grant such easements in its own name and without the consent or approval of any lot Owner, until such time as Declarant has conveyed legal title to all lots platted in the Subdivision. After that time the Board shall have the power to grant easements to any government entity and/or to any public or private utility or communications company upon, over, through or across any portion of any outlet for purposes of allowing the government entity, utility or communications company to furnish gas, electric, sewer, cable television, fiber optic or other utility services within or through the Subdivision, or through any portions of any outlets for purposes of facilitating drainage of storm or surface water within or through the Subdivision.

Commented [dlin30]: Declarant may grant easement in its name without consent of land owners. One the Declarant has conveyed the legal title the Board can only grant easements over outlets. This should be an equal reflection one way or the other.

Commented [dlin31]: See comment above.

ARTICLE E

TERM AND BINDING EFFECT

This Declaration and any amendments shall be in force for a term of 30 years from the date the Declaration is recorded. Upon the expiration date of such initial 30 year term or any extended term as provided herein, this Declaration shall be automatically extended for a successive term of 10 years, unless prior to the end of the then-current term a Notice of Termination is executed by the Owners of at least seventy-five percent (75%) of all lots and

their mortgagees, and is thereafter recorded in the Office of the Register of Deeds of Waukesha

County. This Declaration shall be a covenant running with all lands within the Subdivision and shall be binding upon all Owners and any other person claiming under or through Declarant.

Where there is more than one owner of a lot the signature of any one co-owner shall be adequate to demonstrate that all co-owners of such lot have "executed" the document(s) described above.

Commented [dlin32]: Town should require a minimum notice period so they can financially plan for maintenance of outlots, open space, trails, and stormwater facilities.

This Declaration of Restrictions of BARNWOOD CONSERVANCY is executed by the undersigned as of _____, 2018.

Deleted: 7

DECLARANT

By _____
Chris Miller

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me _____, day of March, 2018, Chris Miller, as authorized member of BARNWOOD CONSERVANCY, LLC, a Wisconsin limited liability company, who acknowledged the foregoing document for the purposes recited therein on behalf of said limited liability company.

Notary Public, State of Wisconsin
My commission expires _____

EXHIBIT A LEGAL DESCRIPTION

The BARNWOOD CONSERVANCY

Lots 1 through 52 and Outlots 1, 2 and 3 of "BARNWOOD CONSERVANCY", recorded in the Office of the Register of Deeds for Waukesha County on
_____, in Book _____ of Subdivision Plats, at Pages ___
through ___, as Document No. _____, being a Subdivision of
a part of the [insert legal description], Waukesha County, Wisconsin.

Parcel Identification Number prior to recording of Subdivision Plat: _____

EXHIBIT B
Historic Home Styles

Something similar to these styles are encouraged.

Commented [dlin33]: Landscape view to enlarge the pictures.





999 Fourier Drive, Suite 201
Madison, Wisconsin 53717
(608) 826-0532 phone
(608) 826-0530 FAX
www.vierbicher.com

January 26, 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 (Revised Letter)
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
- Initial review sent January 5, 2018
- Revised drawings and comments received January 23 to January 26, 2018

After reviewing the above materials, we have the following revised 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

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 north arrow should be corrected to match Preliminary Plat direction

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 location of Lot 9 percolation test should be included on the additional sheets.

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.*

We agree with the comments submitted in the response letter from TRIO Engineering and do not believe there to be remaining issues regarding the proposed lot layout as related to 7.06.a.

Sheet 5 of 5

Sheet 5 of 5 was missing from the revised submittal. We have requested a copy of the sheet and will conduct a review of the additional sheet prior to the Plan Commission meeting.

Review Criteria

Overall, the Applicant addressed the comments in our initial Preliminary Plat review letter. The Preliminary Plat now better reflects the requirements and standards required by Town of Lisbon Ordinances. The Preliminary Plat still must follow the Waukesha County plat review process. 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.

We recommend Plan Commission approval subject to the following conditions.

1. Revise the location map north arrow to reflect the orientation of the Preliminary Plat.
2. Include the location of Lot 9 percolation test of Sheet 2.
3. Non-objection from Town Staff and other reviewing agencies.

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

January 5, 2018

Page 3

the Waukesha County Storm Water Management and Erosion Control Ordinance.

- Review of the Land Division Checklist.
- Subdivision Review Fee

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

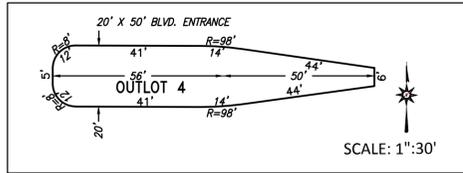
M:\Lisbon, Town of\170246 - Town Planning\Planning & Zoning\2017 Tasks\Task 2017.1 - Barnwood Conservancy CUP-Plat\Reviews\2018-01-26 Plan Commission Letter.docx

STORM WATER MANAGEMENT PRACTICE MAINTENANCE
 THE TITLEHOLDERS OF LOTS 1 THROUGH 52 OF THE BARNWOOD CONSERVANCY SUBDIVISION EACH SHALL HOLD 1/52 UNDIVIDED INTEREST IN OUTLOTS 1, 2 AND 3 WHERE THE STORMWATER MANAGEMENT PRACTICES ARE LOCATED. THERE ARE ONE OR MORE SEPARATE DOCUMENTS RECORDED ON THE PROPERTY TITLE THROUGH THE WAUKESHA COUNTY REGISTER OF DEEDS ENTITLED "STORM WATER MANAGEMENT PRACTICE MAINTENANCE AGREEMENT" ("MAINTENANCE AGREEMENT") THAT APPLIES TO OUTLOTS 1, 2 AND 3 AND DRAINAGE EASEMENTS. THE MAINTENANCE AGREEMENT SUBJECTS THIS SUBDIVISION PLAT, AND ALL LOT OWNERS THEREIN, TO CONVENTS, CONDITIONS AND RESTRICTIONS NECESSARY TO ENSURE THE LONG-TERM MAINTENANCE OF THE STORM WATER MANAGEMENT PRACTICE. THE AGREEMENT ALSO OUTLINES A PROCESS BY WHICH THE TOWN OF LISBON MAY LEVY AND COLLECT SPECIAL ASSESSMENTS OR CHARGES FOR ANY SERVICES THE COMMUNITY MIGHT PROVIDE RELATING TO ENFORCEMENT OF THE MAINTENANCE AGREEMENT.

IN ACCORDANCE WITH CHAPTER 14 - ARTICLE VIII OF THE WAUKESHA COUNTY CODE OF ORDINANCES ("STORM WATER ORDINANCE"), THE STORM WATER PERMIT HOLDER IS RESPONSIBLE FOR CONSTRUCTING THE STORM WATER MANAGEMENT PRACTICES FOLLOWING PLANS APPROVED BY WAUKESHA COUNTY AND IS RESPONSIBLE FOR MAINTAINING THE STORM WATER PRACTICES UNTIL PERMIT TERMINATION BY WAUKESHA COUNTY. UPON TERMINATION OF THE STORM WATER PERMIT, THE OWNERS OF LOTS 1-52 SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE STORM WATER MANAGEMENT PRACTICES IN ACCORDANCE WITH THE MAINTENANCE AGREEMENT.

BASIS OF BEARINGS
 Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone), in which the West line of the NE 1/4 Bars N00°11'52"E. Vertical Datum is based on NGVD-29

DETAIL A



PRELIMINARY PLAT OF BARNWOOD CONSERVANCY

Part of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 8 North, Range 19 East, Town of Lisbon, Waukesha County, Wisconsin.

RECEIVED
 By Gina Gresch at 1:13 pm, Jan 25, 2018

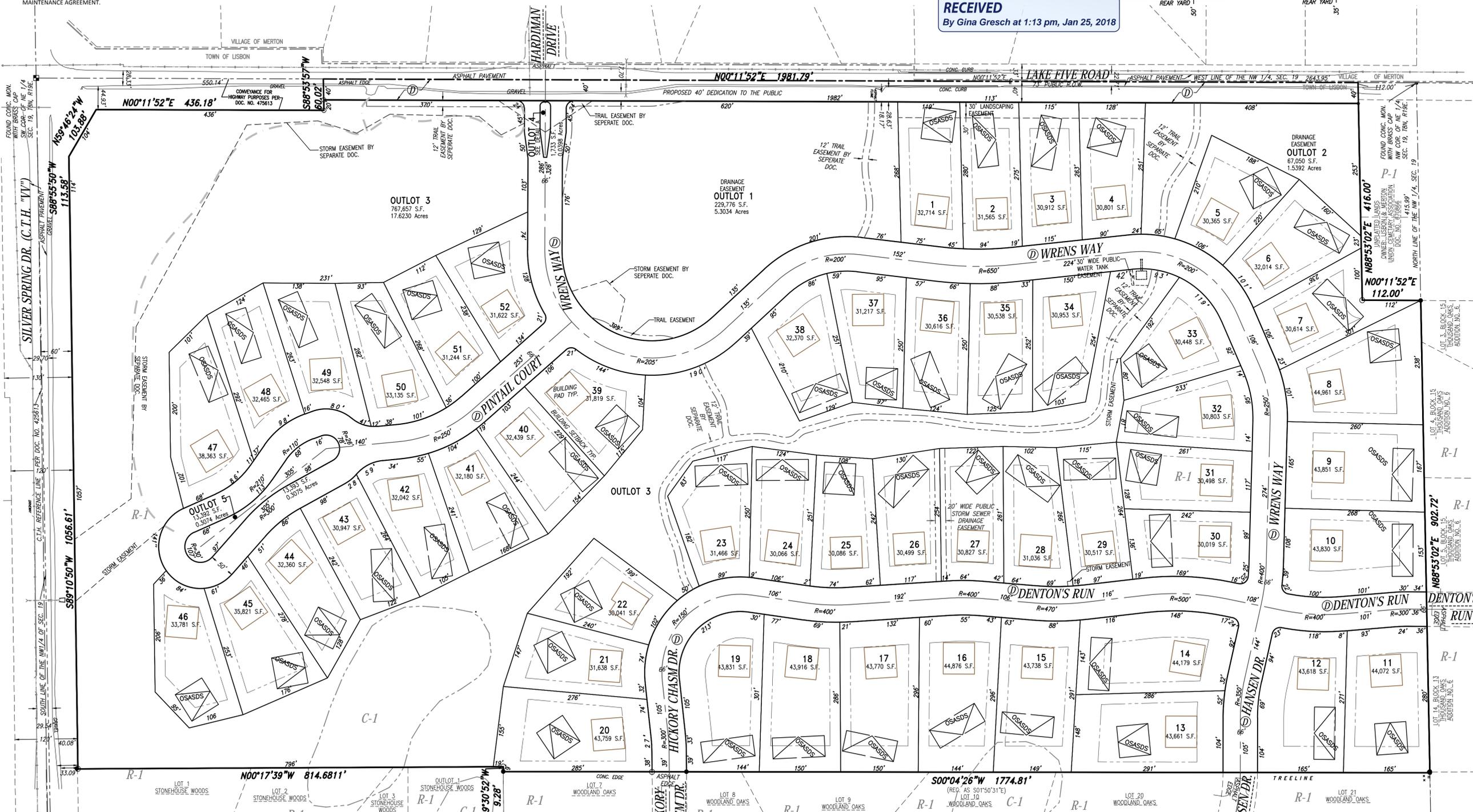
TYP. SETBACK DETAILS, ZONE R-1

TYP. SETBACK DETAILS, ZONE R-1(PUD)

OWNER/SUBDIVIDER
 Miller Marriott Construction Co. LLC
 249 Pawling Ave., Suite 201
 Hartland, WI 53029

ENGINEER
 TRIO Engineering
 12660 W. North Ave. Bldg. D
 Brookfield, WI 53005

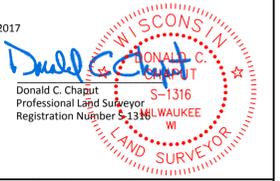
- NOTE:**
- Property is located within the FEMA flood map 55133C0068H, effective on 11/05/2014 and indicates it is within Zone X, areas of minimal flooding.
 - The Wisconsin DNR determination letter (WIC-SE-2017-68-03846) dated 12/28/17 for the Wetlands Determination and Delineation performed by Stantec on September 28, 2017 confirms that no wetlands are present on the site.
 - Lots to be serviced by wells and onsite soil absorption sewage disposal systems(OSASDS). System envelopes shown in approximate location.
 - Public Roads to be paved with Asphalt with open road ditches and culverts except where there is to be Concrete Curb and Gutter in Wrens Way, Dentons Run and along Boulevards
 - Stormwater drainage easements shall be provided around stormwater facilities on Outlots 1, 2 and 3. Utility easements shall be determined by the utility companies and included on the Final Plat. All lots to have Underground Utility Services.
 - Topography by Chapat Land Surveys, LLC, September, 2017.
 - Existing buildings will be removed.
 - No direct vehicular access shall be allowed onto a: Lake Five Road from Lots 1, 2, 3 and 4 and Outlots 1, 2 and 3. b: Also, Silver Spring Drive (C.T.H. "VV") from Outlot 3.
 - All wells shall be located within 50 ft. of the front lot line to ensure proper separation to septic systems and stormwater management areas.
 - The lowest exposed yard grade of any permanent structure or home shall be Elevation 994.5 or higher to provide 2 ft. vertical separation to the peak 100-year elevation of the stormwater area.
 - Each individual lot owner shall have an undivided fractional ownership in Outlots No. 1, 2, 3 and 4. The Town of Lisbon or Waukesha County shall not be liable for any fees or special charges in the event they become the owner of any lot or outlot in the subdivision by reason of tax delinquency.
 - Per the Wisconsin Historic Preservation Database and State Archaeologist there are no reported archaeological sites on the site.
 - Vision Corner Easement: The height of planting berms, fences, signs & any other structure within the easement is restricted to 24" above the intersection elevation. There shall be no direct vehicular access from the lots in this subdivision to the public roads across the vision corner.
 - The 12 foot wide Public Access Easement is granted to the Town of Lisbon for asphalt trail purposes.
 - The 15 foot wide Landscaping Easement is granted to the Barnwood Conservancy Homeowners Association.
 - Soil Types shown on Sheet 2.
 - Geotech Soil Borings and Septic Testing shown on Sheets 2-5. Geotech Soil Borings were completed by PSI Inc., on 9/28/17. The Septic Testing was completed by Leitza Inc. on 12/18/17 and observed by Waukesha County.
 - Both Urban and Rural Sections have 24 feet pavement. Urban Sections will have 30" Concrete Curb and Rural Sections will have 2 feet Gravel Shoulder.
 - Outlot 1 contains Stormwater Management Facilities, a Public Trail System, a Private Shelter and Open Space.
 - Outlot 2 contains Stormwater Management Facilities, a Public Trail System and Open Space.
 - Outlot 3 contains Stormwater Management Facilities, a Public Trail System and Open Space.
 - Outlot 4 contains Landscaping within the Wrens Way entrance boulevard to be maintained by the Owners of all Lots within this Subdivision.
 - Outlot 5 contains Landscaping within the Pintail Court cul-de-sac to be maintained by the Owners of all Lots within this Subdivision.



- LEGEND**
- - INDICATES FOUND 1" IRON PIPE
 - - INDICATES SET 1" IRON PIPE
 - R = - INDICATES RADIUS OF CURVE
 - Ⓧ - INDICATES RIGHT-OF-WAY DEDICATED TO THE PUBLIC
 - R-1 - ZONING CLASSIFICATION
 - - 60' x 60' BUILDING PAD TYP.
 - OSASDS - ONSITE SOIL ABSORPTION SEWAGE DISPOSAL SYSTEM

I, Donald C. Chapat, Registered Land Surveyor, do hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that, to the best of my knowledge, have fully complied with the provisions of the subdivision and plating ordinance of the Town of Lisbon, Waukesha County and Chapter 236 of the Wisconsin State Statutes.

Date: December 22, 2017



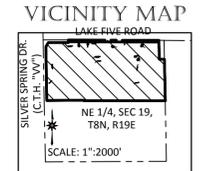
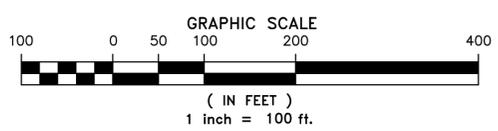
DATA SUMMARY
 1) TOTAL LAND AREA = 76,5180 ACRES
 - LAKE FIVE RD R-O-W = 1.8198 ACRES
 = DEVELOPMENT LAND AREA = 74,6982 ACRES
 2) AVERAGE LOT SIZE: R-1 ZONING = 44,002 S.F. / 1.0101 AC.
 PUD R-1 ZONING = 31,541 S.F. / 0.7241 AC.
 3) OVERALL DEVELOPMENT DENSITY FACTOR = 74.6982 ACRES / 52 LOTS = 1.4365 ACRES/LOT

DATA SUMMARY (CONT)
 4) R-1 ZONING REQUIREMENTS (LOTS 8-20):
 LOT SIZE: 43,560 S.F. MIN.
 LOT WIDTH: 150 FT. AVERAGE
 PUBLIC ROAD SETBACK: 50 FT.
 SIDE YARD SETBACK: 20 FT.
 REAR YARD SETBACK: 50 FT.

DATA SUMMARY (CONT)
 4) R-1 (PUD) ZONING REQUIREMENTS (LOTS 1-7 & 21-52):
 LOT SIZE: 30,000 S.F. MIN.
 LOT WIDTH: 110 FT. AVERAGE
 PUBLIC ROAD SETBACK: 35 FT.
 LAKE FIVE ROAD SETBACK: 50 FT.
 SIDE YARD SETBACK: 20 FT.
 REAR YARD SETBACK: 35 FT.

APPROVING/OBJECTING AGENCIES
 - TOWN OF LISBON
 - WAUKESHA COUNTY PLANNING/ZONING DIVISION
 - WAUKESHA COUNTY DEPARTMENT OF PUBLIC WORKS
 - WISCONSIN DEPARTMENT OF ADMINISTRATION
 - VILLAGE OF MERTON (EXTRA-TERRITORIAL JURISDICTION)

5) LENGTH OF ROADWAY: 5382 LINEAL FT.
 6) 4 OUTLOTS = 24,8546 ACRES
 OUTLOTS 1 AND 3 WILL HAVE INFILTRATION BASINS.



CHAPUT LAND SURVEYS
 234 W. Florida Street
 Milwaukee, WI 53204
 414-224-8068
 www.chapatlandsurveys.com

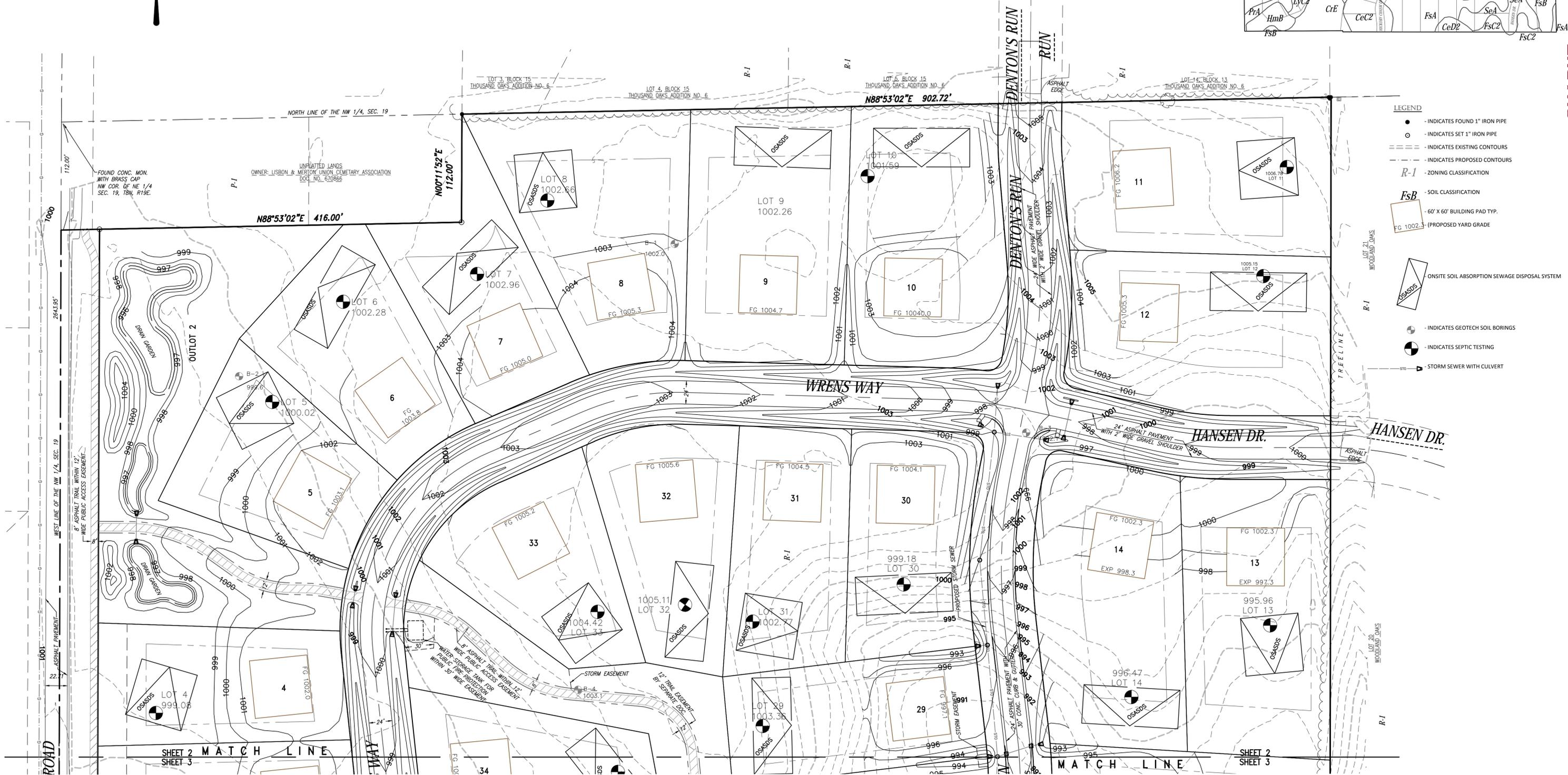
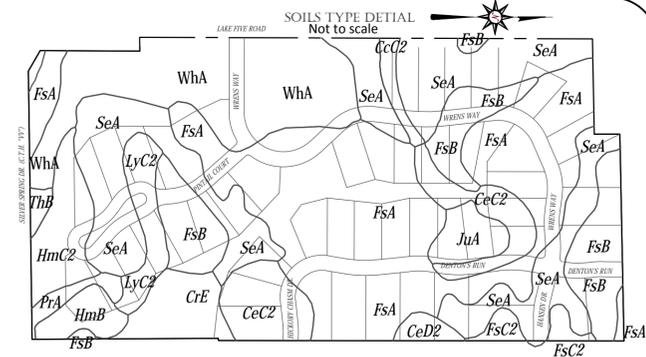
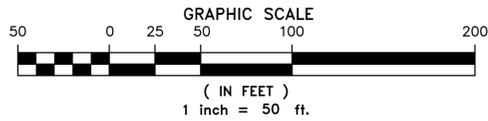
Date	Revision description
01/24/18	Town review edits

SHEET 1 OF 5
 Drawing No. 2672-dEb

CHAPUT LAND SURVEYS

PRELIMINARY PLAT OF BARNWOOD CONSERVANCY

Part of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 19,
Township 8 North, Range 19 East, Town of Lisbon, Waukesha County, Wisconsin.



- LEGEND**
- - INDICATES FOUND 1" IRON PIPE
 - - INDICATES SET 1" IRON PIPE
 - - INDICATES EXISTING CONTOURS
 - - - - - INDICATES PROPOSED CONTOURS
 - R-1 - ZONING CLASSIFICATION
 - FsB - SOIL CLASSIFICATION
 - FG 1002.3 - 60' X 60' BUILDING PAD TYP.
 - FG 1002.3 - (PROPOSED YARD GRADE)
 - OSASDS - ONSITE SOIL ABSORPTION SEWAGE DISPOSAL SYSTEM
 - ⊗ - INDICATES GEOTECH SOIL BORINGS
 - ⊗ - INDICATES SEPTIC TESTING
 - ⊗ - STORM SEWER WITH CULVERT

CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

Date	Revision description

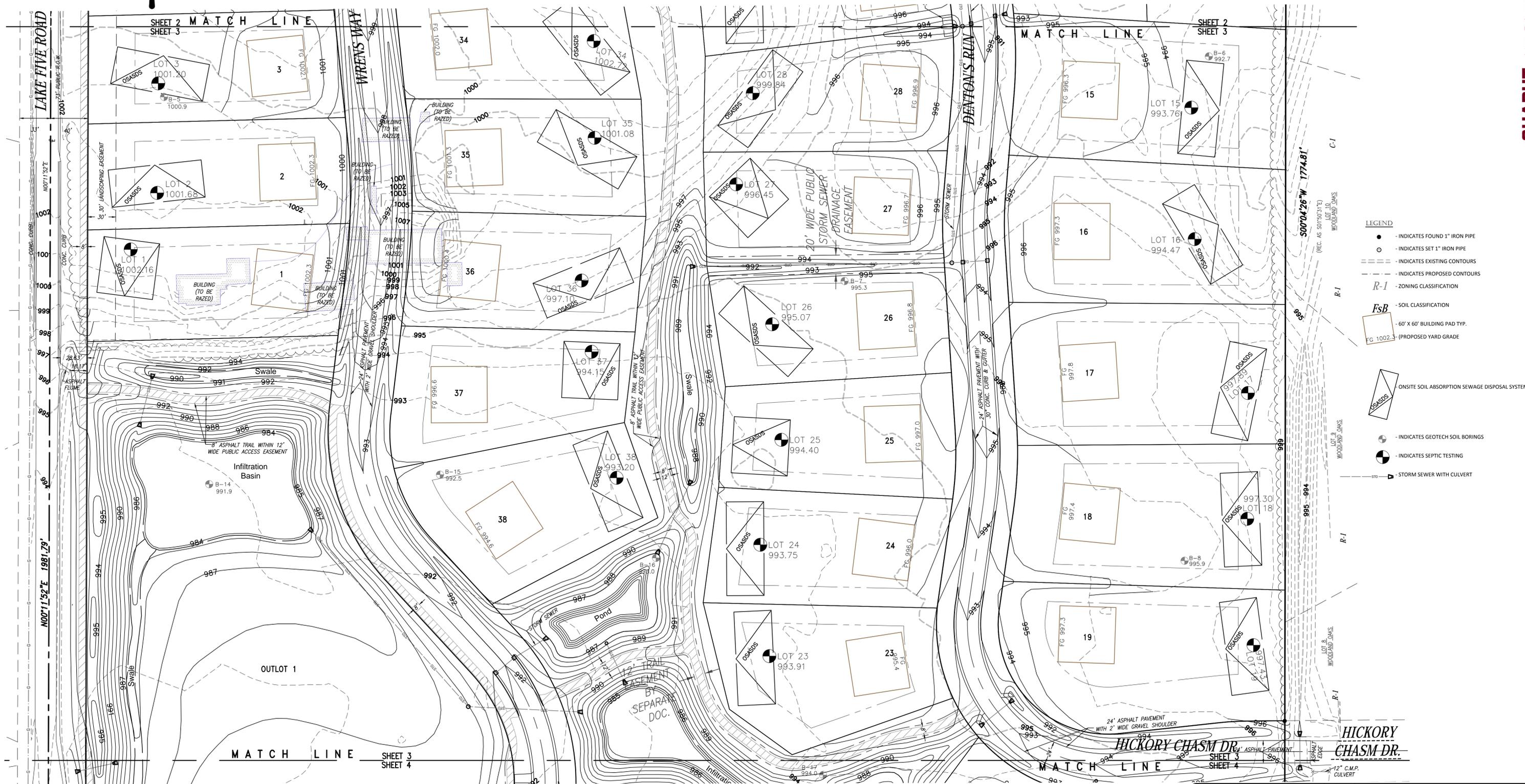
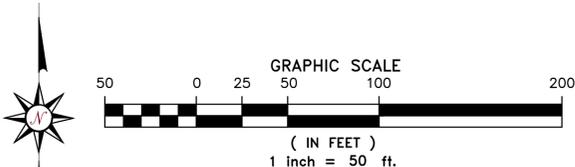
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surveyor's work product doctrine or surveyor / client privilege. The information shown
herein is intended solely for the use of the client and client directed third parties.

SHEET 2 of 5
Drawing No. 2672-dEb

CHAPUT LAND SURVEYS

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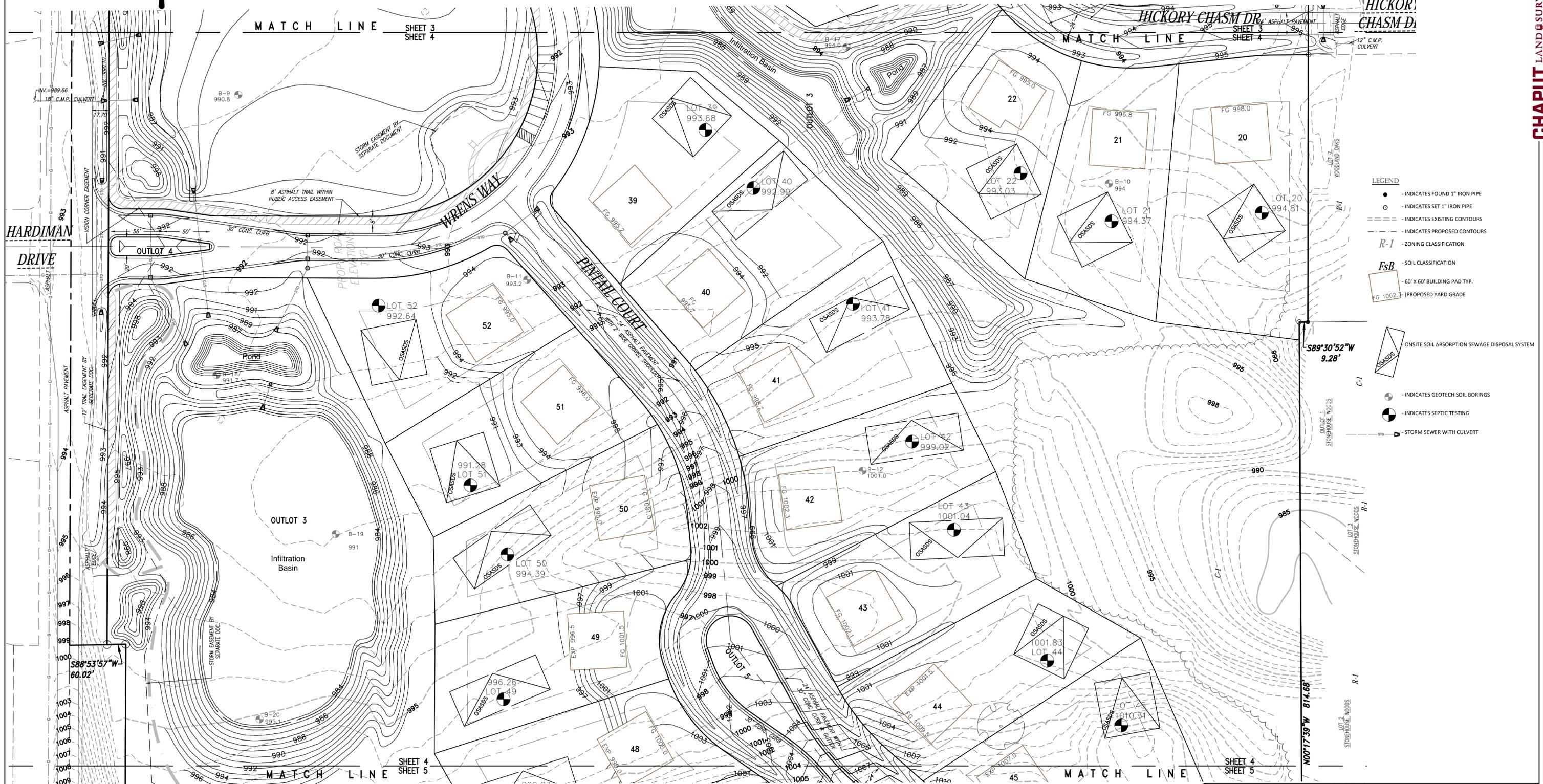
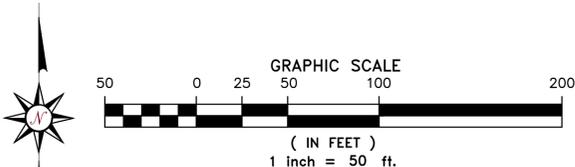
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SHEET 3 OF 5
Drawing No. 2672-dEb

CHAPUT LAND SURVEYS

PRELIMINARY PLAT OF BARNWOOD CONSERVANCY

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HARDIMAN DRIVE

MATCH LINE SHEET 3 SHEET 4

MATCH LINE SHEET 3 SHEET 4

HICKORY CHASM DR
CHASM DR

MATCH LINE SHEET 4 SHEET 5

MATCH LINE SHEET 4 SHEET 5

S89°30'52"W
9.28'

S88°53'57"W
60.02'

N00°17'39"W 814.68'

CHAPUT LAND SURVEYS

234 W. Florida Street Milwaukee, WI 53204 414-224-8068 www.chaputlandsurveys.com

Date	Revision description

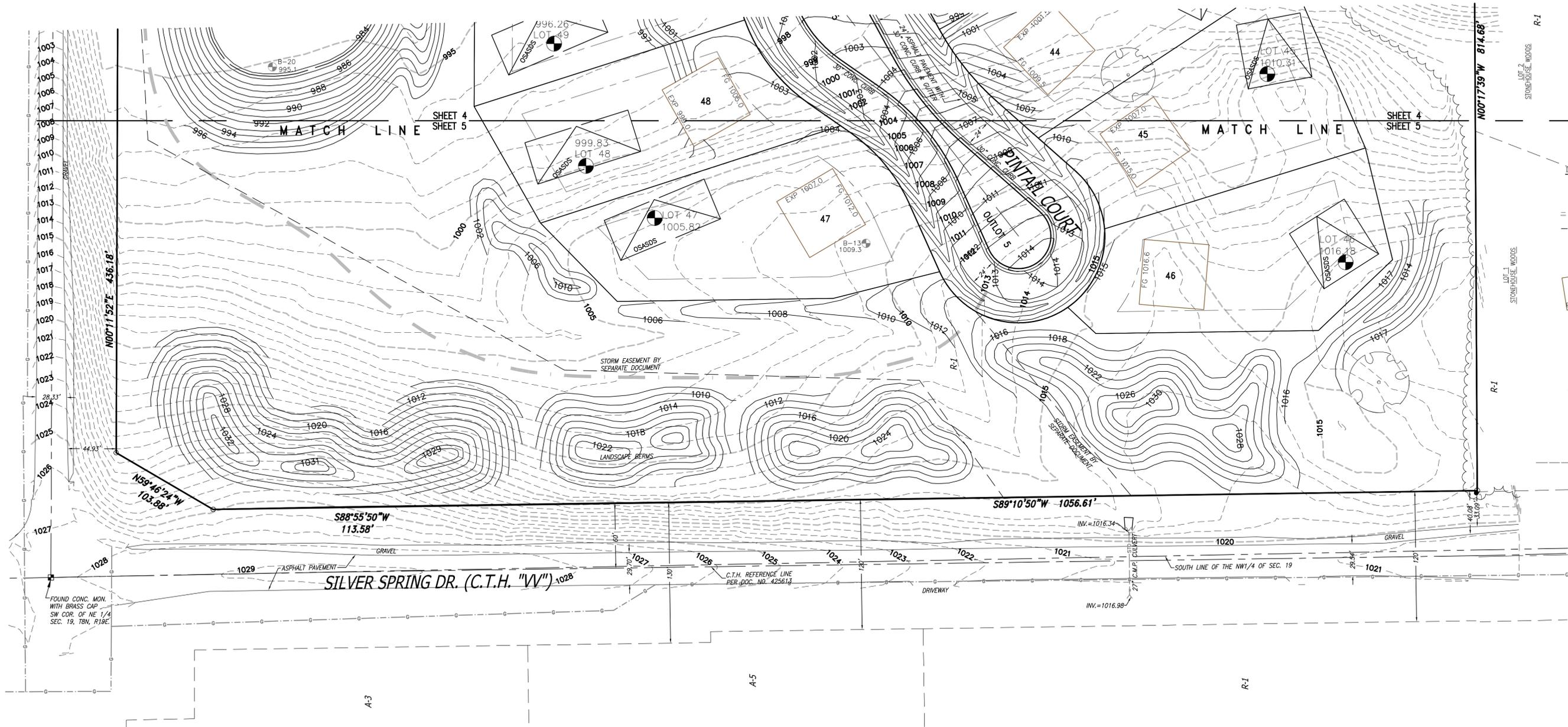
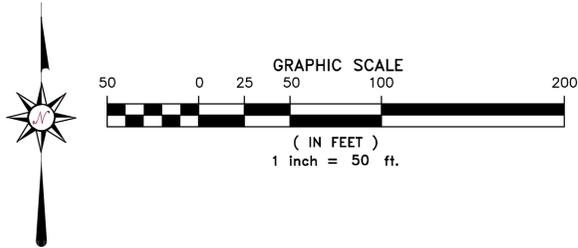
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SHEET 4 OF 5
Drawing No. 2672-deb

CHAPUT LAND SURVEYS

PRELIMINARY PLAT OF BARNWOOD CONSERVANCY

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SHEET 5 of 5
Drawing No. 2672-dEb



January 8, 2018, 2017

Town of Lisbon
W23N8676 Woodside Road
Lisbon, WI 53089

Attn: Daniel Lindstrom, AICP
Town Planner

Re: Barnwood Conservancy Subdivision Preliminary Plat
Re: January 5, 2018 Review Comments

Dear Daniel:

Enclosed you will find our responses to your January 5, 2018 comments on the Barnwood Conservancy Subdivision Preliminary Plat. Our responses are provided in bold lettering below.

Chapter 12 Section 4 Review:

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 4 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.
Chaput – the location map has been rotated to match the main drawing.

Commented [dlin1]: Correction.

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.
Chaput – a closed boundary is provided with the survey.

Commented [dlin2]: No additional work necessary. Just a note.

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.
The contours and grading are shown on the new detail scale sheets.

Commented [dlin3]: Per our conversation, these could be already prepared and just need to sent over.

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;*

Commented [dlin4]: Addition.

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.

The street type, width and elevations are provided in detail on the supplemental sheets.

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.

Chaput – the names of adjacent subdivisions and owners of unplatted lands are labeled on the plat.

Commented [dlin5]: Suggestion to match the work already completed for the surrounding property.

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).

The subdivision will be well and septic; there are no municipal sewer or water facilities serving the property. Existing storm sewer and gas, electric and telephone lines surrounding the development are shown on the plans.

The We Energies utility layouts and easements will be shown at the time of final plat and based on the design layout completed by We Energies after Preliminary Plat approval.

Chaput - The proposed public access, vision corner and storm sewer easements are shown on the Preliminary Plat.

Commented [dlin6]: Identify adjacent facilities.

Commented [dlin7]: Confirmed to be completed after meeting with utility company.

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.

The Wisconsin DNR concurrence letter (WIC-SE-2017-68-03846) dated 12/28/17 for the Stantec delineation on 09/28/17 confirms that no wetlands are present on the site.

Chaput – this information has been added to the plat.

Commented [dlin8]: Submit updated with an concurrence letter.

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

Commented [dlin9]: Corrections and listing any additional know drainage from ROW to SW facilities.

and east ends of the proposed street. The Fire Department shall confirm the street name layout is appropriate for their response purposes.

Chaput – All streets will be public and are noted as such on the plat. Proposed storm sewer and storm water drainage easements are shown on the plat. Wrens Way road name has been added at both legs of the requested intersection.

4.02.i *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.

Chaput - The radii of all curves and length of tangents for all road centerline is labeled on the plat. Note that a curve table will be provided with Final Plat.

Commented [dlin10]: Curve table might not be necessary for the preliminary plat, but a cleaner face of the preliminary plat would help locate and identify the radii.

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.

Chaput – the soil types and boundaries are shown on the plat and identified in supplemental exhibits. The location of soil boring tests completed by PSI are shown on the plat. The location of soil percolation tests completed by Lietzau, Inc., one per lot, are shown on the updated plat.

Commented [dlin11]: Per our conversation, these could be already prepared and just need to sent over on a separate sheet.

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.

Chaput – The tangent lengths are labeled along the centerline. All tangents meet the 100' distance between curves requirement of the Town code. The curve table will be provided with Final Plat.

Commented [dlin12]: Design to keep in mind for final layout.

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 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.*

Commented [dlin13]: Design to keep in mind for final layout.

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.

Chaput – A 50' long x 20' wide boulevard entrance meeting Town requirements has been added to the Lake Five Road intersection. The landscape plan identifies proposed signage and landscaping at this entrance.

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.

Chaput – 15' radii have been added to the proposed intersections.

Commented [dlin14]: Correction to keep in mind for final layout.

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.

Chaput – The side lot lines have been adjusted on the updated plat to generally meet the street at close to right angles. Note that certain side lot lines are intentionally set as shown to: a) maximize open space (when adjacent to Outlots); b) allow homes to be located where topography is ideal, and; c) provide appropriate septic area on each lot where most ideal. A detailed explanation of why side lot lines are as proposed is provided in the following:

1. Lots 1- 33, 35 – 37 and 39 - 45 – All side lot lines are close to right angles.
2. Lot 34 – The north side lot line is angled to maximize the size/width of the common open space outlot containing the proposed trail.
3. Lot 38 – The south side lot line is angled to increase the size of the open space and adjacent storm water management pond.
4. Lots 46 & 47 – the south side lot line is perpendicular to Silver Spring Drive and angled to increase the size/width of the common open space, allowing for a larger landscape berm and drainage area between CTH VV and the lot. Note that the lot layout allows the homes to be situated in an appropriate location with proper relationships to adjoining lots.
5. Lot 48 – adjusted as much as practicable, the Lot 47/48 side lot line is angled to the curvilinear street cul-de-sac but generally uniform with the opposing side lot lines of lots 47 and 48, creating a traditional shaped lot with uniform home locations and appropriate septic areas. Placing this lot line at an exact right angle to the curvilinear bulb would create an atypical lot shape, which is not desired.
6. Lots 49 – 52 – the side lot lines have been adjusted to be close to right angles with the street. As was noted with Lot 48, the side lot lines for 49 – 52 are designed to create a uniform lot shape allowing for appropriate home and septic areas; providing exact right angles to the curving road would create rear-converging lots, which are less typical and are not desired.

Commented [dlin15]: Per our conversation, several near the outlots could be acceptable to preserve open space, but lines between lots should come closer to the right-angles to the streets.

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.

Commented [dlin16]: No additional work necessary. Just a note.

Chaput - Lot 1 – 4 back up to an arterial street and will contain a landscape easement to provide buffer to Lake Five Road, all meeting code provisions.

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.

Chaput – The storm sewer easements are shown on the plat. Outlots 1, 2 and 3 contain storm water management facilities and are labeled as such on the plat.

Commented [dlin17]: Response to Requirement 4.02.J. Utility easements to be detailed after meeting with the utility.

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 to the trails will be privately maintained (hold harmless, access easements, etc).

The trail network in Lake Five Road right-of-way will be public. Chaput – The paved trails within the subdivision outlots are proposed to be situated within a 12' wide public access easement, as is shown on the updated plat.

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.**
Chaput – the external boundary description is provided.
- **The subdivision must be tied to the section corners if the section lines are described on the face of the Preliminary Plat.**
Chaput – the subdivision is tied to the section corners.
- **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.**
Chaput - The plat has been reformatted and divided in to detail sheets added to improve legibility.

Commented [dlin18]: Per our conversation, this could be already prepared and just need to be included.

Commented [dlin19]: Addition/correction

Commented [dlin20]: Correction

- 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.

Chaput – a line work legend has been added to the plat.

- **The outlots** must be labeled as public or private and for the designated purposes (reserved for green space, stormwater management, etc).

Chaput – a description of each outlot is provided in the general notes.

- **Additional proposed pin set details** should also be included in the legend.

Chaput – the lot corner descriptions have been 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.

The Town requested a 40' half section of right-of-way along Lake Five Road, which is consistent with Hardiman Meadows across the street. The County has not requested additional right-of-way. Note that the 60' width at the CTH VV intersection encompasses an area of steep slope; this condition does not exist further north along Lake Five Road, making the need for an additional 20' of right-of-way not applicable.

Commented [dlin21]: Addition/correction

Commented [dlin22]: Addition/correction

Commented [dlin23]: If known

Commented [dlin24]: Confirm

Please feel free to contact me with any questions, comments or to further discuss the updated plans.

Sincerely,

Josh Pudelko, M.S., P.E.
President
Trio Engineering

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CONSULTING ENGINEERING

LAND SURVEYING

LAND PLANNING

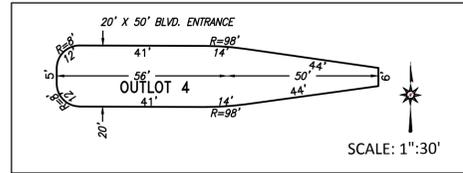
Trio Engineering, LLC • 12660 W. North Ave Bldg D Brookfield, WI 53005 • t: 262.790.1480 f: 262.790.1481 • jpudelko@trioeng.com

STORM WATER MANAGEMENT PRACTICE MAINTENANCE
 THE TITLEHOLDERS OF LOTS 1 THROUGH 52 OF THE BARNWOOD CONSERVANCY SUBDIVISION EACH SHALL HOLD 1/52 UNDIVIDED INTEREST IN OUTLOTS 1, 2 AND 3 WHERE THE STORMWATER MANAGEMENT PRACTICES ARE LOCATED. THERE ARE ONE OR MORE SEPARATE DOCUMENTS RECORDED ON THE PROPERTY TITLE THROUGH THE WAUKESHA COUNTY REGISTER OF DEEDS ENTITLED "STORM WATER MANAGEMENT PRACTICE MAINTENANCE AGREEMENT" ("MAINTENANCE AGREEMENT") THAT APPLIES TO OUTLOTS 1, 2 AND 3 AND DRAINAGE EASEMENTS. THE MAINTENANCE AGREEMENT SUBJECTS THIS SUBDIVISION PLAT, AND ALL LOT OWNERS THEREIN, TO CONSENTS, CONDITIONS AND RESTRICTIONS NECESSARY TO ENSURE THE LONG-TERM MAINTENANCE OF THE STORM WATER MANAGEMENT PRACTICE. THE AGREEMENT ALSO OUTLINES A PROCESS BY WHICH THE TOWN OF LISBON MAY LEVY AND COLLECT SPECIAL ASSESSMENTS OR CHARGES FOR ANY SERVICES THE COMMUNITY MIGHT PROVIDE RELATING TO ENFORCEMENT OF THE MAINTENANCE AGREEMENT.

IN ACCORDANCE WITH CHAPTER 14 - ARTICLE VIII OF THE WAUKESHA COUNTY CODE OF ORDINANCES ("STORM WATER ORDINANCE"), THE STORM WATER PERMIT HOLDER IS RESPONSIBLE FOR CONSTRUCTING THE STORM WATER MANAGEMENT PRACTICES FOLLOWING PLANS APPROVED BY WAUKESHA COUNTY AND IS RESPONSIBLE FOR MAINTAINING THE STORM WATER PRACTICES UNTIL PERMIT TERMINATION BY WAUKESHA COUNTY. UPON TERMINATION OF THE STORM WATER PERMIT, THE OWNERS OF LOTS 1-52 SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE STORM WATER MANAGEMENT PRACTICES IN ACCORDANCE WITH THE MAINTENANCE AGREEMENT.

BASIS OF BEARINGS
 Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone), in which the West line of the NE 1/4 Bars N00°11'52"E. Vertical Datum is based on NGVD-29

DETAIL A

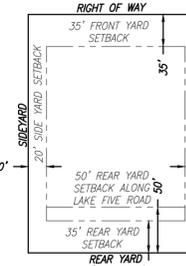
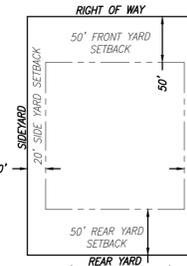


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TYP. SETBACK DETAILS, ZONE R-1

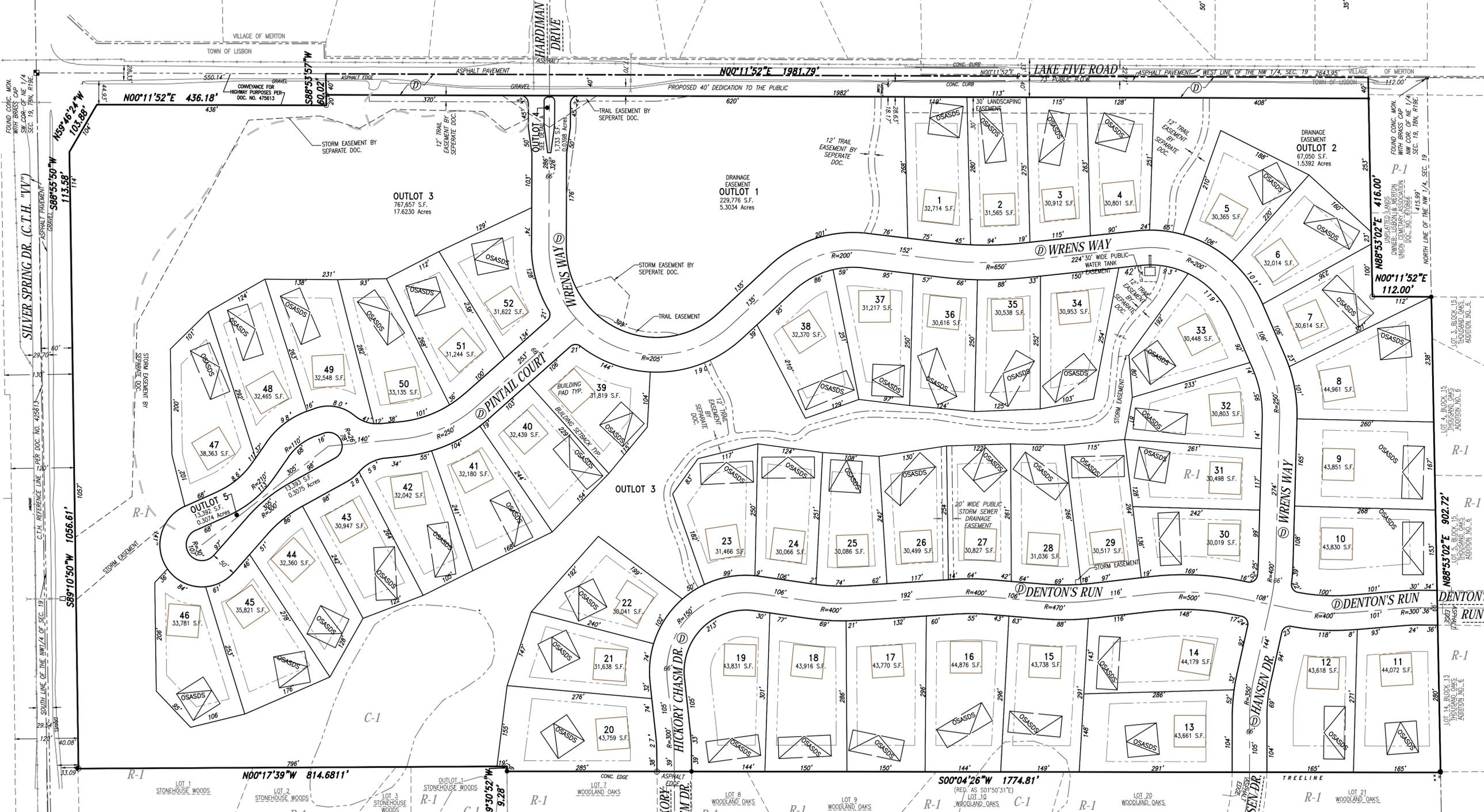
TYP. SETBACK DETAILS, ZONE R-1(PUD)



OWNER/SUBDIVIDER
 Miller Marriott Construction Co. LLC
 249 Pawling Ave., Suite 201
 Hartland, WI 53029

ENGINEER
 TRIO Engineering
 12660 W. North Ave. Bldg. D
 Brookfield, WI 53005

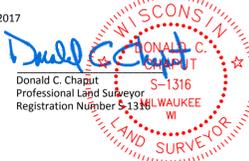
- NOTE:**
- Property is located within the FEMA flood map 55133C0068H, effective on 11/05/2014 and indicates it is within Zone X, areas of minimal flooding.
 - The Wisconsin DNR determination letter (WIC-SE-2017-68-03846) dated 12/28/17 for the Wetlands Determination and Delineation performed by Stantec on September 28, 2017 confirms that no wetlands are present on the site.
 - Lots to be serviced by wells and onsite soil absorption sewage disposal systems(OSASDS). System envelopes shown in approximate location.
 - Public Roads to be paved with Asphalt with open road ditches and culverts except where there is to be Concrete Curb and Gutter in Wrens Way, Dentons Run and along Boulevards
 - Stormwater drainage easements shall be provided around stormwater facilities on Outlots 1, 2 and 3. Utility easements shall be determined by the utility companies and included on the Final Plat. All lots to have Underground Utility Services.
 - Topography by Chaput Land Surveys, LLC, September, 2017.
 - Existing buildings will be removed.
 - No direct vehicular access shall be allowed onto a: Lake Five Road on Lots 1, 2, 3 and 4 and Outlots 1, 2 and 3. b: Also, Silver Spring Drive (C.T.H. "VV") from Outlot 3.
 - All wells shall be located within 50 ft. of the front lot line to ensure proper separation to septic systems and stormwater management areas.
 - The lowest exposed yard grade of any permanent structure or home shall be Elevation 994.5 or higher to provide 2 ft. vertical separation to the peak 100-year elevation of the stormwater area.
 - Each individual lot owner shall have an undivided fractional ownership in Outlots No. 1, 2, 3 and 4. The Town of Lisbon or Waukesha County shall not be liable for any fees or special charges in the event they become the owner of any lot or outlot in the subdivision by reason of tax delinquency.
 - Per the Wisconsin Historic Preservation Database and State Archaeologist there are no reported archaeological sites on the site.
 - Vision Corner Easement: The height of planting berms, fences, signs & any other structure within the easement is restricted to 24" above the intersection elevation. There shall be no direct vehicular access from the lots in this subdivision to the public roads across the vision corner.
 - The 12 foot wide Public Access Easement is granted to the Town of Lisbon for asphalt trail purposes.
 - The 15 foot wide Landscaping Easement is granted to the Barnwood Conservancy Homeowners Association.
 - Soil Types shown on Sheet 2.
 - Geotech Soil Borings and Septic Testing shown on Sheets 2-5. Geotech Soil Borings were completed by PSI Inc., on 9/28/17. The Septic Testing was completed by Leitza Inc. on 12/18/17 and observed by Waukesha County.
 - Both Urban and Rural Sections have 24 feet pavement. Urban Sections will have 30" Concrete Curb and Rural Sections will have 2 feet Gravel Shoulder.
 - Outlot 1 contains Stormwater Management Facilities, a Public Trail System, a Private Shelter and Open Space.
 - Outlot 2 contains Stormwater Management Facilities, a Public Trail System and Open Space.
 - Outlot 3 contains Stormwater Management Facilities, a Public Trail System and Open Space.
 - Outlot 4 contains Landscaping within the Wrens Way entrance boulevard to be maintained by the Owners of all Lots within this Subdivision.
 - Outlot 5 contains Landscaping within the Pintail Court cul-de-sac to be maintained by the Owners of all Lots within this Subdivision.



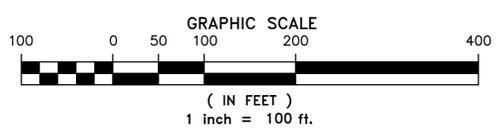
- LEGEND**
- - INDICATES FOUND 1" IRON PIPE
 - - INDICATES SET 1" IRON PIPE
 - R = - INDICATES RADIUS OF CURVE
 - Ⓧ - INDICATES RIGHT-OF-WAY DEDICATED TO THE PUBLIC
 - R-1 - ZONING CLASSIFICATION
 - - 60' x 60' BUILDING PAD TYP.
 - OSASDS - ONSITE SOIL ABSORPTION SEWAGE DISPOSAL SYSTEM

I, Donald C. Chaput, Registered Land Surveyor, do hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that, to the best of my knowledge, have fully complied with the provisions of the subdivision and plating ordinance of the Town of Lisbon, Waukesha County and Chapter 236 of the Wisconsin State Statutes.

Date: December 22, 2017



- DATA SUMMARY**
- TOTAL LAND AREA = 76,5180 ACRES
 - LAKE FIVE RD R-O-W = 1.8198 ACRES = DEVELOPMENT LAND AREA = 74,6982 ACRES
 - AVERAGE LOT SIZE: R-1 ZONING = 44,002 S.F. / 1.0101 AC. PUD R-1 ZONING = 31,541 S.F. / 0.7241 AC.
 - OVERALL DEVELOPMENT DENSITY FACTOR = 74.6982 ACRES / 52 LOTS = 1.4365 ACRES/LOT
- DATA SUMMARY (CONT)**
- R-1 ZONING REQUIREMENTS (LOTS 8-20): LOT SIZE: 43,560 S.F. MIN. LOT WIDTH: 150 FT. AVERAGE PUBLIC ROAD SETBACK: 50 FT. LAKE FIVE ROAD SETBACK: 50 FT. SIDE YARD SETBACK: 20 FT. REAR YARD SETBACK: 50 FT.
 - R-1 (PUD) ZONING REQUIREMENTS (LOTS 1-7 & 21-52): LOT SIZE: 30,000 S.F. MIN. LOT WIDTH: 110 FT. AVERAGE PUBLIC ROAD SETBACK: 35 FT. LAKE FIVE ROAD SETBACK: 50 FT. SIDE YARD SETBACK: 20 FT. REAR YARD SETBACK: 35 FT.
 - LENGTH OF ROADWAY: 5382 LINEAL FT.
 - 4 OUTLOTS = 24,8546 ACRES
 - OUTLOTS 1 AND 3 WILL HAVE INFILTRATION BASINS.
- APPROVING/OBJECTING AGENCIES**
- TOWN OF LISBON
 - WAUKESHA COUNTY PLANNING/ZONING DIVISION
 - WAUKESHA COUNTY DEPARTMENT OF PUBLIC WORKS
 - WISCONSIN DEPARTMENT OF ADMINISTRATION
 - VILLAGE OF MERTON (EXTRA-TERRITORIAL JURISDICTION)



CHAPUT LAND SURVEYS

234 W. Florida Street
 Milwaukee, WI 53204

414-224-8068
 www.chaputlandsurveys.com

Date	Revision description
01/24/18	Town review edits

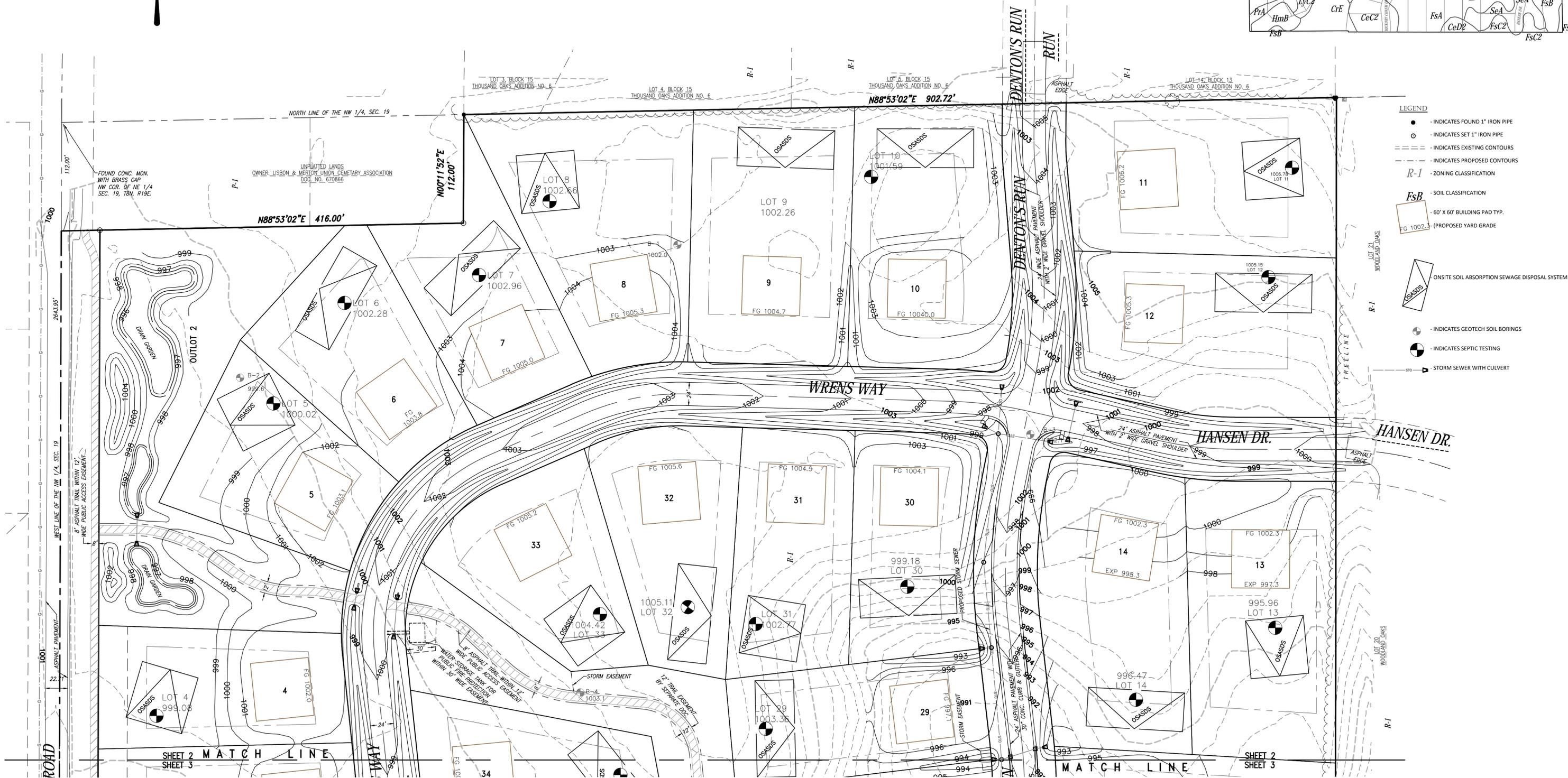
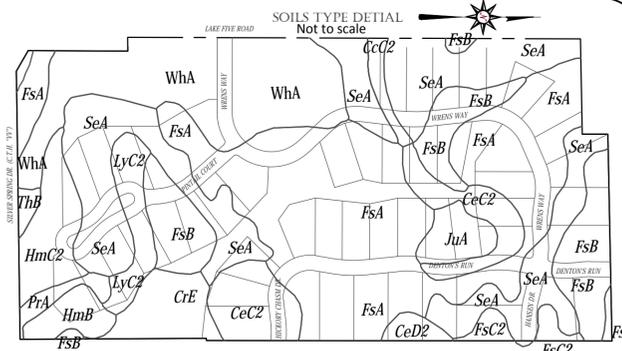
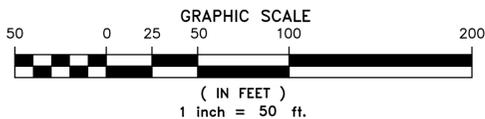
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SHEET 1 OF 5
 Drawing No. 2672-dEb

CHAPUT LAND SURVEYS

PRELIMINARY PLAT OF BARNWOOD CONSERVANCY

Part of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 19,
Township 8 North, Range 19 East, Town of Lisbon, Waukesha County, Wisconsin.



- LEGEND**
- - INDICATES FOUND 1" IRON PIPE
 - - INDICATES SET 1" IRON PIPE
 - - INDICATES EXISTING CONTOURS
 - - - - - INDICATES PROPOSED CONTOURS
 - R-1 - ZONING CLASSIFICATION
 - FsB - SOIL CLASSIFICATION
 - FG 1002.3 - 60' X 60' BUILDING PAD TYP.
 - FG 1002.3 - (PROPOSED YARD GRADE)
 - OSASDS - ONSITE SOIL ABSORPTION SEWAGE DISPOSAL SYSTEM
 - - INDICATES GEOTECH SOIL BORINGS
 - - INDICATES SEPTIC TESTING
 - - STORM SEWER WITH CULVERT

SHEET 2 MATCH LINE
SHEET 3

MATCH LINE
SHEET 2
SHEET 3

CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

Date	Revision description

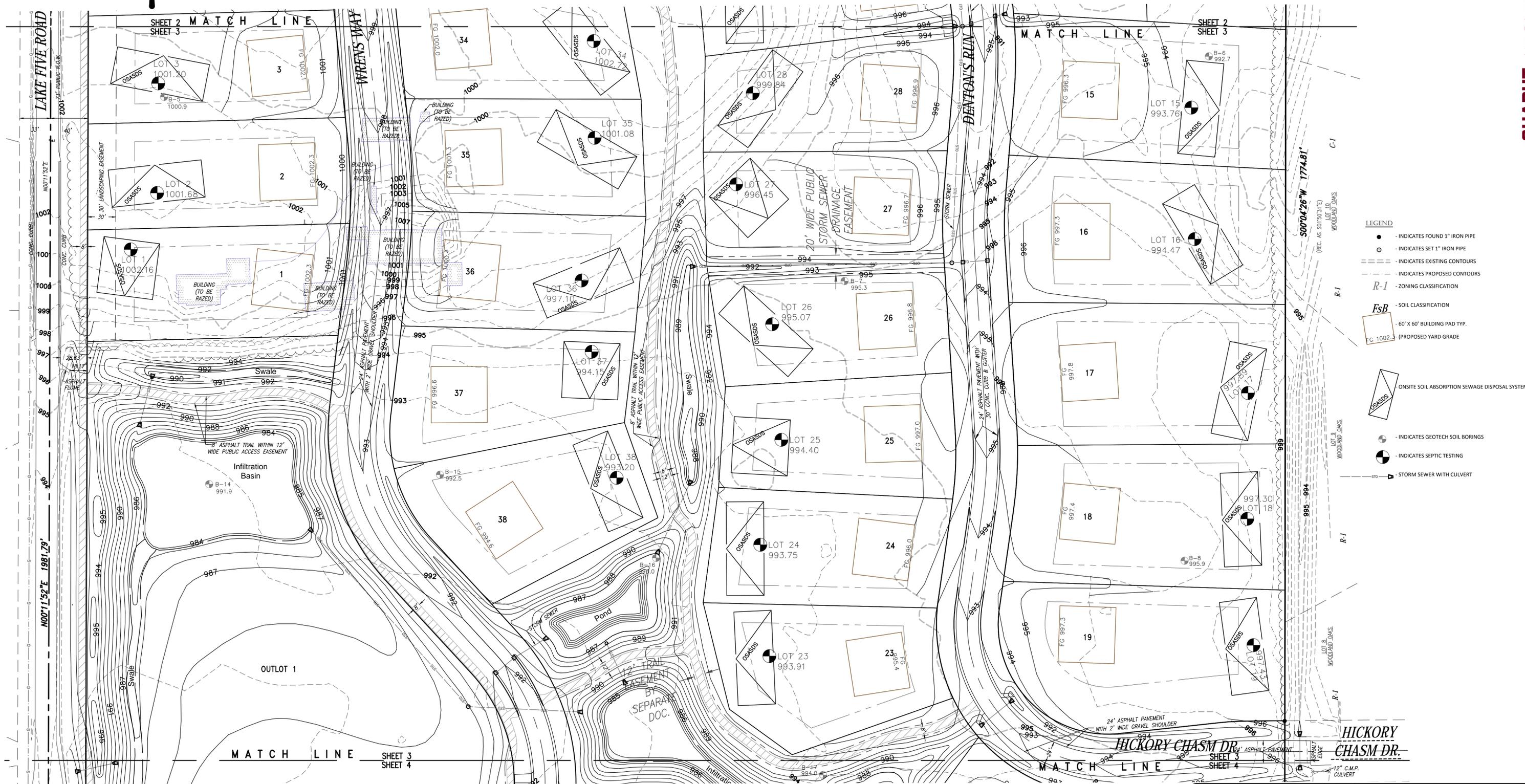
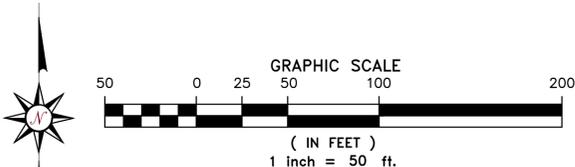
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SHEET 2 of 5
Drawing No. 2672-dEb

CHAPUT LAND SURVEYS

PRELIMINARY PLAT OF BARNWOOD CONSERVANCY

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CHAPUT LAND SURVEYS

234 W. Florida Street Milwaukee, WI 53204 414-224-8068 www.chaputlandsurveys.com

Date	Revision description

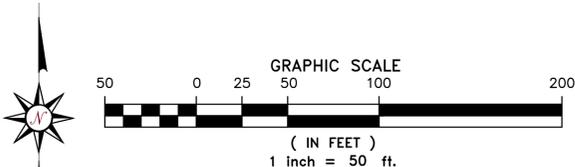
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SHEET 3 OF 5
Drawing No. 2672-dEb

CHAPUT LAND SURVEYS

PRELIMINARY PLAT OF BARNWOOD CONSERVANCY

Part of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 19,
Township 8 North, Range 19 East, Town of Lisbon, Waukesha County, Wisconsin.



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 - ⊕ - INDICATES GEOTECH SOIL BORINGS
 - ⊙ - INDICATES SEPTIC TESTING
 - - STORM SEWER WITH CULVERT

Date	Revision description

CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
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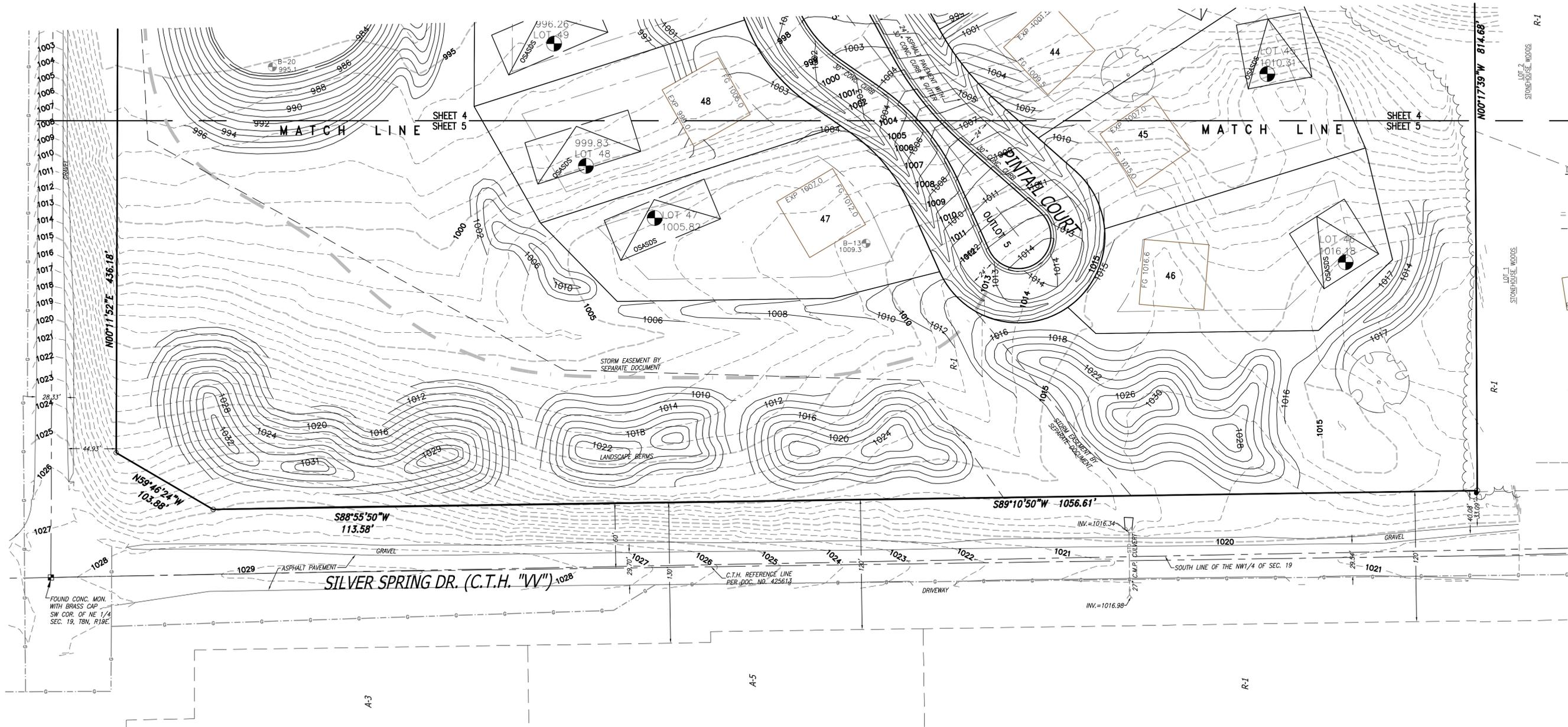
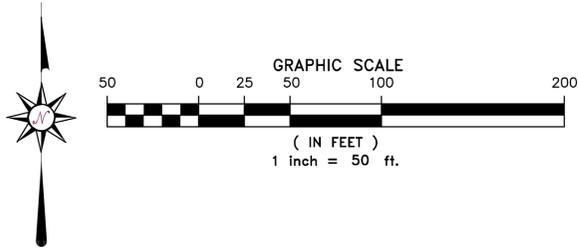
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SHEET 4 OF 5
Drawing No. 2672-deb

CHAPUT LAND SURVEYS

PRELIMINARY PLAT OF BARNWOOD CONSERVANCY

Part of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 19,
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 - — — - STORM SEWER WITH CULVERT

CHAPUT LAND SURVEYS

CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
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Date	Revision description

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SHEET 5 of 5
Drawing No. 2672-dEb

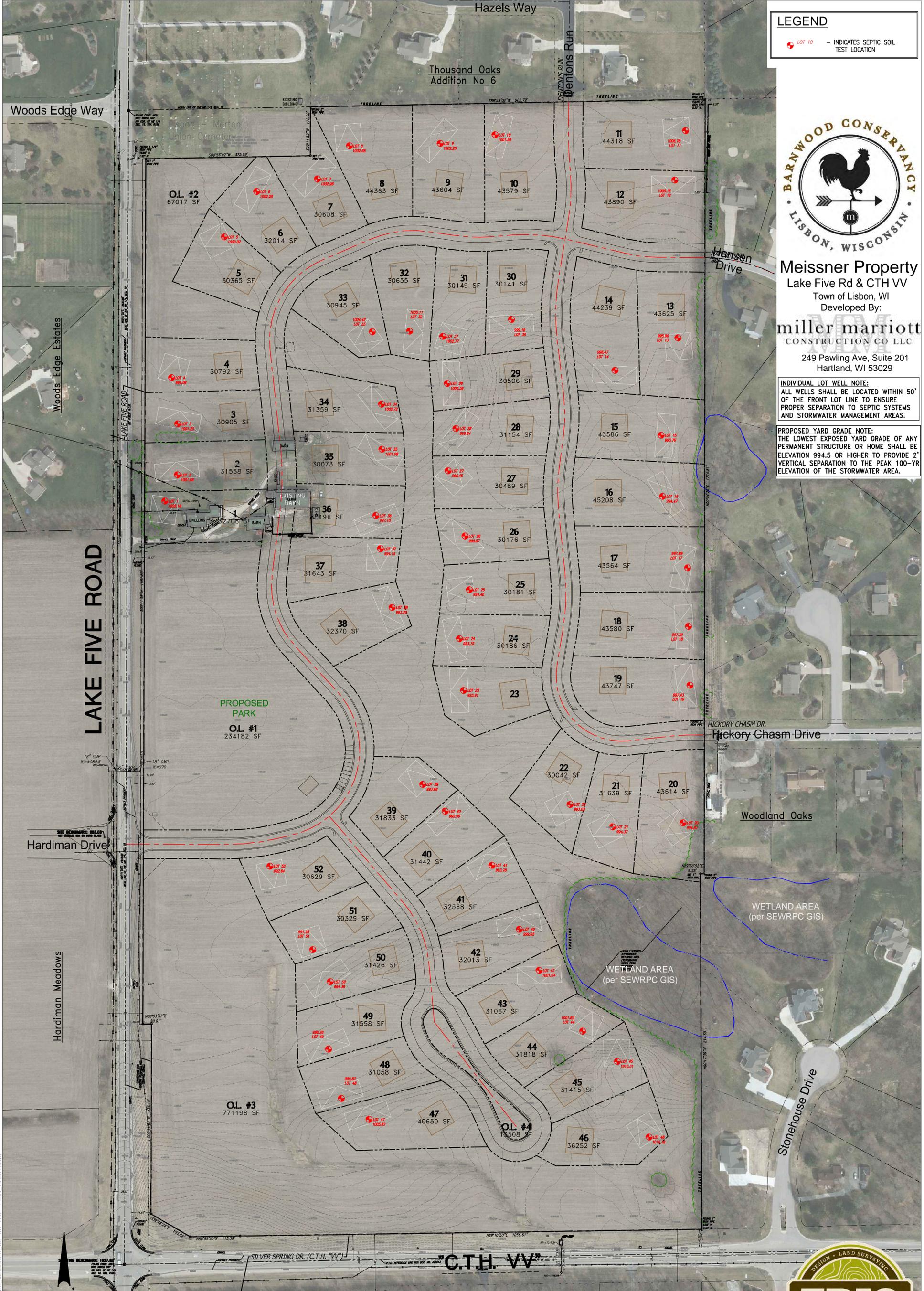
LEGEND
 LOT 10 - INDICATES SEPTIC SOIL TEST LOCATION



Meissner Property
 Lake Five Rd & CTH VV
 Town of Lisbon, WI
 Developed By:
miller marriott
 CONSTRUCTION CO LLC
 249 Pawling Ave., Suite 201
 Hartland, WI 53029

INDIVIDUAL LOT WELL NOTE:
 ALL WELLS SHALL BE LOCATED WITHIN 50' OF THE FRONT LOT LINE TO ENSURE PROPER SEPARATION TO SEPTIC SYSTEMS AND STORMWATER MANAGEMENT AREAS.

PROPOSED YARD GRADE NOTE:
 THE LOWEST EXPOSED YARD GRADE OF ANY PERMANENT STRUCTURE OR HOME SHALL BE ELEVATION 994.5 OR HIGHER TO PROVIDE 2' VERTICAL SEPARATION TO THE PEAK 100-YR ELEVATION OF THE STORMWATER AREA.



Data Summary Table

52 Single Family Lots [13 lots - R-1 & 39 lots - R-1 PUD]

Total Meissner Area = 74.66 acres
 (74.98 ac - 0.32 ac Lake Five Rd ROW)
 R-1 Zoning = 15.51 acres
 Lots 8 - 20 = 13 lots
 R-1 PUD Zoning = 59.15 acres
 Lots 1-7 & 21-52 = 39 lots
 Density = 1.44 acres/lot
 Total Road Length = 5,450 l.f.
 [104.8 l.f. per lot]

R-1 PUD Proposed Standards
 Lot Size: 30,000 s.f. min.
 [Average Lot Size=31,445 sf]
 Lot Width: 110' minimum
Proposed Setbacks:
 Public Road = 35'
 Side=20'
 Lake Five Road = 50'
 Rear=35'

R-1 Regulations
 Lot Size: 43,560 s.f. min.
 [Average Lot Size=43,916 sf]
 Lot Width: 150' average
Proposed Setbacks:
 Public Road = 50'
 Side=20'
 Rear=50'

Development Summary
 Proposed Zoning:
 R-1 = 15.51 acres
 R-1 PUD = 59.15 acres
 52 Lot "Conservation Subdivision"
 - Park, Outdoor Amenities
 & Walking Trails
 - Pavilion structure created from recycled barn material

PUD Open Space Calculations:
 Total PUD Area = 59.15 acres
 Outlot Area = 24.9 ac (42.1%)
 - % Wetland = 1.48/24.9 = 5.9%
 - % Stormwater = 3.5/24.9 = 14.1%
 - % Upland = 19.92/24.9 = 80%



12660 W. NORTH AVE., BLDG D
 BROOKFIELD, WI 53005
 PHONE: (262) 790-1480
 FAX: (262) 790-1481
 EMAIL: jpudelko@trioeng.com
 DATE: 12/14/2017

H:\C800\8333\MEISSNER-LISBON-PRERELEASE\CIVIL-MEISSNER-SEPTIC-TEST-PLAN-22X34.DWG



RECEIVED

By Gina Gresch at 4:05 pm, Jan 26, 2018

December 28, 2017

WIC-SE-2017-68-03846

Chris Miller
Miller Marriott Construction Co. LLC
249 Pawling Ave Suite 201
Hartland, WI 53029

RE: Wetland Delineation Report for the Barnwood Conservancy Subdivision project, located in the SW ¼ of the NE 1/4 of Section 19, Township 08 North, Range 19 East, Town of Lisbon, Waukesha County

Dear Mr. Miller,

We have received and reviewed the wetland delineation report prepared for the project area referenced above by Stantec Consulting Services Inc. This letter will serve as confirmation that no state regulated wetland is present within the project area, based upon a November 8, 2017 field visit. This finding of no state regulated wetland within the project area is valid for five years unless altered site conditions warrant a new wetland delineation be conducted. Be sure to send a copy of the report, as well as any approved revisions, to the U.S. Army Corps of Engineers.

If you are planning development on the property, you are required to avoid take of endangered and threatened species, or obtain an incidental take authorization, to comply with the state's Endangered Species Law. To insure compliance with the law, you should submit an endangered resources review form (Form 1700-047), available at <http://dnr.wi.gov/topic/ERReview/Review.html>. The Endangered Resources Program will provide a review response letter identifying any endangered and threatened species and any conditions that must be followed to address potential incidental take.

In addition to contacting WDNR, be sure to contact your local zoning office and U.S. Army Corps of Engineers to determine if any local or federal permits may be required for your project.

If you have any questions, please contact me at (608) 261-6430 or email Neil.Molstad@wisconsin.gov.

Sincerely,

Neil Molstad
Wetland Identification Specialist

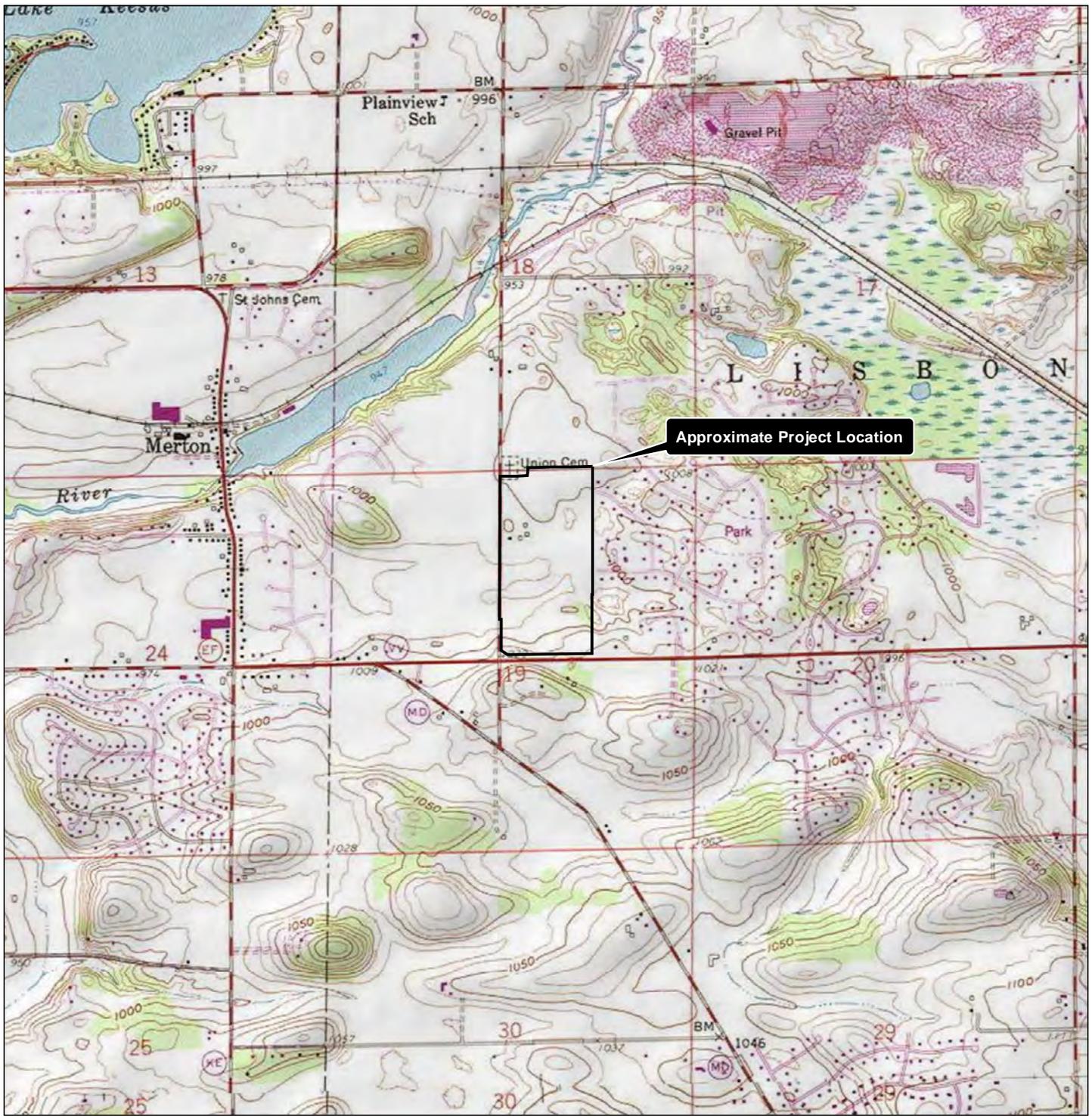
We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

cc: Marie Kopka, Project Manager, U.S. Army Corps of Engineers
Town of Lisbon
Waukesha County
Kurt Rubsam, Stantec
Travis Schroeder, DNR Water Management Specialist
Intake, DNR Stormwater SE Region
Chris Jors, SEWRPC

Attachments:

Project Area Location Map
Aerial Photo Exhibit with Sample Point Locations



Legend
 Approximate Project Boundary

Figure No.
1
 Title
Project Location and Topography

Client/Project
 Miller Marriott Construction Company
 Barnwood Conservancy Subdivision
 Wetland Delineation

Project Location
 T8N, R19E, S18, 19,
 T. of Lisbon,
 Waukesha Co., WI

Prepared by JM on 2017-08-24
 Technical Review by BT on 2017-08-24
 Independent Review by KR on 2017-09-25

Notes
 1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources Include: Stantec, WDOT, WDNR
 3. Background: USGS 7.5' Topographic Quadrangles



Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.





NOTE: THIS FEATURE IS NOT STATE REGULATED WETLAND.



- Legend**
- Approximate Project Boundary
 - Sample Point
 - Culvert
 - Drainageway
 - 2ft Elevation Contour
 - ~ DNR 24k Hydrography*
 - ~ Perennial Stream
 - - - Intermittent Stream
 - Waterbody

Notes
 1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources Include: Stantec, WDOT, WDNR
 3. Orthophotography: 2015 NAIP

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*No Features Within Data Frame

Figure No. 5
 Title: Field Collected Data
 Client/Project: Miller Marriott Construction Company, Barnwood Conservancy Subdivision, Wetland Delineation
 Project Location: 193705591, T8N, R19E, S18, 19, Waukesha Co., WI
 Prepared by JM on 2017-08-24, Technical Review by JH on 2017-09-01, Independent Review by KR on 2017-09-25

Scale: 1:4,800 (at original document size of 8.5x11)





REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission
ITEM DESCRIPTION: Re-Approval of December 7, 2017 Plan Commission minutes
PREPARED BY: Gina C. Gresch, Clerk
REPORT DATE: Friday, January 26, 2018
RECOMMENDATION: Re-approve the 2017-12-07 Plan Commission minutes.
EXPLANATION: At the request of a resident, I removed their typed / handwritten public comments attachment from the minutes and inserted a summary of their comments like the others. I also inserted comments for another speaker whose comments I thought I had as an attachment and did not. Since changes were made, the minutes need to be re-approved. Thank you.

**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, stated she is frustrated the Plan Commission has not asked enough questions of the developer. The cost of the home and lot packages, homeowners association fees, taxes, landscaping, trees and utilities were not discussed. These costs will increase the cost of living. She cannot foresee why someone want one of these lots when you can have a home with more square footage and land for the same amount of money. Retirees can't afford it living on a fixed income and millennials want to live in the city, unless they plan on having kids. She is also concerned about the baseball field/picnic area, the costs of keeping it clean, will there be waste containers, metro toilets and who will maintain the property? This area visible on a busy road; will it be public or private? This could keep people from living in this subdivision. It could turn into an eyesore. Also, once the homeowners take over the HOA, they could disband it and that will cause problems for the neighbors and the Town. She googled Miller Marriott Construction to see what experience they have with subdivision development, which they've only developed one, in Hartland. That development is on one-third acre lots with sewer and water, not at all like what is being proposed here. Maybe a more experienced developer can come up with a better plan for one acre lots.

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, N71W27609 Woods Edge Way, Merton, asked the Plan Commission if any of them live in this area of the new development. At the last few meetings, have any of the neighbors requested any of the things the developer has proposed. The residents know the land will be developed and just want 40,000 square foot lots. She referenced other newer subdivisions in the area that are one acre lots. There should be a document provided by the developer with the covenants and restrictions, not just one page. Please listen to the Lisbon residents who care and trust the Plan Commission to make the right decision and act in their best interest. What is the major benefit to the Town to approve smaller lots? These residents took their time to come out and voice their reasonable concerns. Do not short change them.

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 is unable to attend the meeting and read an email from him, **Richard Denney, W273N7277 Dentons Run**, is concerned about the aquifer quality and quantity, the 35 foot setback and that the covenants and restrictions were not in the packet for the commission which should be spelled out before approval have public comment on.

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. 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



Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, December 7, 2017
Engineering and Planning Comments

Old Business:

Item No. 3 - Discussion and necessary action on minutes of the Plan Commission Meeting and Public Hearing for Thursday, November 2, 2017.

Unfinished Business:

Item No. 4a - 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. (Second Review)

1. The property in question is presently Zoned A-10, Agricultural and a small area of C-1 Conservancy. Based on a future field investigation if the C-1 is found to be a WDNR wetland this area will remain undisturbed.
2. The proposed plan as now submitted will require a Rezoning to the R-1 Suburban Single Family Residential District along with a Conditional Use Permit to allow for development under the Planned Unit Development Regulations.
3. The plan now incorporates several significant layout changes such as:
4. The area on the north side of the entrance to Lake Five Road shows the outlot as possible Open Space and not organized athletic fields.
5. Lots 1 to 7, 34 to 38 and 39 to 52 inclusive are proposed for development under the Planned Unit Development Code Section. Remaining lots are proposed R-1.
6. The developer has submitted a yield plan that demonstrates that the site could yield 53 units under a straight R-1 layout.
7. Under the PUD Ordinance a 30% reduction to lot width and lot area is allowed along with reduction to setback. The developer is requesting to move forward with a 35 feet front setback. Recommend against the front yard setback reduction.
8. Planned Unit Development Regulations are stated on Page 106(21) of the Zoning Code.
9. Per the Planned Unit Development the following is required.
 - A. Meeting with Town Administrator (done).

- B. Name and legal description (done).
 - C. Request for variances (done).
 - D. Estimated building cost (done).
 - E. Project plans conceptual (done).
 - F. Open space calculations (done).
 - G. Detailed letter describing the benefits of the Planned Unit Development (done).
 - H. Information regarding on-site sewage disposal system (additional information required at this time).
 - I. Natural resource features (shown on preliminary plat document).
 - J. Conceptual provisions for Storm Water Management (preliminary information shown with calculations).
10. Once the Plan Commission determines that all conceptual comments have satisfactorily addressed the owner may file the required application.
 11. The Town has provided the required notice to abutting property owners per Section 36 of the Zoning Code.
 12. A cover letter which details how the proposed PUD complies with the Town's Adopted Land Use Plan/Comprehensive Development Plan (done).
 13. Submittal of an overall site development plan showing how objectives of Section 4(h)(21) are to be met (done).
 14. Show location of recreational, green space (done).
 15. Provide Landscape Plan. Landscaping has been shown along the south and west property lines but more detail and discussion are recommended.
 16. Architectural Plans (structure photos have been provided since first application).
 17. Show location of all private easements (Final Plat will define easements).
 18. Character of soils (soil types) have been shown on Preliminary Plat (done).
 19. Show existing and proposed grades (done).
 20. Anticipate uses of adjoining lands in regard to roads and water drainage (done).
 21. A Grading Plan (a more detailed Grading plan is required prior to our recommendation for approval).
 22. Building Plans (Preliminary Plans have been submitted).
 23. Storm Water Management and Erosion Control Plan (a more detailed plan is required prior to construction approval).
 24. Existing and proposed water features (conceptually shown).
 25. Signage Plan (details provided by applicant).
 26. A Lighting Plan (not applicable).
 27. Dumpster (not applicable).
 28. Fencing Plan (not applicable).
 29. Screening Plan (shown on preliminary layout).
 30. Parking Plan (not applicable).
 31. The proposed development complies with Paren C 1 through 4 listed on Page 111 of the Zoning Code.

32. The Town Plan Commission and Board heard from many citizens expressing their opposition to the Planned Unit Development, regarding lot size, lot setbacks, road connections, etc.

New Business:

- Item No. 5a - 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
1. Property is Zoned Local Business by Waukesha County and B-2 Local Business by the Town of Lisbon.
 2. The applicant has paid his permit application fee of \$48.78.
 3. Per the Town's Sign Code, proposed sign is classified as a wall sign which are permitted in the Town.
 4. It is the responsibility of the SCA (Sign Code Administrator) to either deny the application, put the permit on hold pending receipt of additional information or issue the permit stating any conditions or stipulations for approval.
 5. Per Section 13.12(c)(1) Wall signs are allowed and limited to one per building tenant.
 6. Per Section 13.12(c)(2) A wall sign shall not exceed fifty square feet or 85% of the tenants lineal façade frontage whichever is less. (Sign meets or exceeds this restriction)
 7. Per Section 13.12(c)(2)D A wall sign shall not project higher than the parapet line of the building wall. (Sign meets or exceeds this restriction)
 8. Per Section 13.09 Any sign illuminated shall obtain an electrical permit from the Town of Lisbon's Building Inspection Department.
 9. Recommend approval of the sign application.
- Item No. 5b - 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
1. The property is located on the west side of Townline Road at Maclynn Drive.
 2. The property is presently Zoned A-10 Agricultural with an area of C-1 Conservancy in the southwest and Upland Corridor in the southeast corner.
 3. Based on the Waukesha County GIS Data Base the property is occupied by two metal buildings.
 4. Site is approximately 17 acres in size.
 5. RE: Petition for a Conditional Use Permit.
 - A. Reference to present zoning classification should state A-10.

- B. Pages 4, 5 & 7 of the Petition for a Conditional Use Permit all lack signatures from the applicant and property owner.
- C. Per Section 13, A-10 Agricultural District, Paren(d)(8), Contractor's Yard is permitted as a Conditional Use.
- D. A Contractor's Yard is defined as; The exterior premises on which construction and maintenance materials or landscape materials (ie) sand, gravel, stone, timbers, wood chips or construction or maintenance equipment, (bulldozers, front end loaders, backhoes, trucks, etc. are stored to be utilized for off-site construction.
- E. No retail sales shall occur at this site.
- F. The applicant should trim and clear any vegetation obscuring vision and ingress and egress to the site.
- G. The applicant should compile and submit a Plan of Operation to accompany Conditional Use Permit.
- H. Contractor should minimize the slamming of tailgates and use of backup alarms.
- I. The project narrative submitted provides no information as to the amount of material that will be stored on the site. Applicant should quantity materials in addition to the machinery they anticipate.
- J. Trucking routes should be directed to County or State Highways as much as possible.
- K. Recommend that item be held over until Plan of Operation is submitted and approved by the Plan Commission.

- Item No. 5c - 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
- 1. Property is Zoned A-5 Mini Farm District.
 - 2. Per Section 14(d)(7) Contractors Yard are permitted as a Conditional Use in the A-5 District.
 - 3. On page 1, Site Plan and Plan of Operation the missing Tax Key Number should be stated as LSBT 0173 997 with Zoning stated as A-5 Mini Farm District.
 - 4. On page 2, item 2, Town of Lisbon Site Plan/Plan of Operation should be amended to indicate Yes. Paren 2(a) should provide information on business expansion.
 - 5. Line 16, all buildings shown on sketch provided should be dimensioned and referenced including the residence.
 - 6. Per line Item 19, no signage is requested, is that correct?
 - 7. There is concern over the 5:00 a.m. start and 10:00 p.m. close time since there are residential neighbors to the north.

8. Page 97, paren 11(D) requires a berm of 10 feet height between any abutting residential property.
9. Grading Plan is lacking in the major grading permit application.

- Item No. 5d - 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
1. As stated above the properties subject to this Conceptual Proposal are N75W25635 and N74W25599 State Road 164. These properties are part of the Reimer Trust and are situated on the westerly side of Hwy "164" opposite Howard Lane.
 2. Based on the Town of Lisbon Comprehensive Land Use Plan these two parcels are designated for future Commercial and Residential Uses with areas of Primary Environmental Lands.
 3. At this time the applicant has not submitted any conceptual plans for consideration.

Respectfully Submitted
JAHNKE & JAHNKE ASSOCIATES INC.
Town of Lisbon Engineers

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

	NAME (PLEASE PRINT)	ADDRESS	CIRCLE WHICH HEARING YOU ARE HERE FOR
1	Valerie Lutz-Reed	W268 N 6678 Lakeview	ATC Andrew Polahar
2	Michael Reed	W268 N 6678 Lakeview	ATC Andrew Polahar
3	CRIG MAGNUSON	N87 W 27141 PERIPHERAL TER	ATC Andrew Polahar
4	Loey Polahar	3838 Cloway Lakes Colgate	ATC Andrew Polahar
5	Darryl Taylor	N73 W 24955 Mich Rd.	ATC Andrew Polahar
6	Karen & Michael Williams	W273 N 7345 Diablos	ATC Andrew Polahar
7	Michelle Moore	N72 W 27337 Hazels Way	ATC Andrew Polahar
8	Jean Hill	N 69 W 27089 Hickory	ATC Andrew Polahar
9	CHRISTOPHER ANWAR	W271 N 6994 Anwar	ATC Andrew Polahar
10	DAVID HAHN	W267 N 6919 WILLOWBESS WAY	ATC Andrew Polahar
11	JIM MANVIO LT	Big Pawling Ave	ATC Andrew Polahar
12	MIKE SELMAUSEN	W23 W 27096 KETTLE COVE LANE	ATC Andrew Polahar
13	MARIE ROHNE	N69 W 27111 Hickory Chasm	ATC Andrew Polahar
14	THOMAS ROHNE	" "	ATC Andrew Polahar
15	Aarony Bogardus	N71 W 27238 Hansen Dr.	ATC Andrew Polahar
16	John Reed	N82 W 27263 Susan Dr.	ATC Andrew Polahar
17	Jeff & Sandra Leland	N70 W 27251 Hansen Dr.	ATC Andrew Polahar
18	Michelle & Brian Davis	N72 W 27373 Hazel Way	ATC Andrew Polahar
19	Kim McChesney	Annunzio Falls	ATC Andrew Polahar
20	Jerry Metzger	N80 W 27690 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 Conroy	N85W25TH ST Hwy Hill Ald Lisbon, IA 53083	ATC Andrew Polahar
22			ATC Andrew Polahar
23			ATC Andrew Polahar
24			ATC Andrew Polahar
25			ATC Andrew Polahar
26			ATC Andrew Polahar
27			ATC Andrew Polahar
28			ATC Andrew Polahar
29			ATC Andrew Polahar
30			ATC Andrew Polahar
31			ATC Andrew Polahar
32			ATC Andrew Polahar
33			ATC Andrew Polahar
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36			ATC Andrew Polahar
37			ATC Andrew Polahar
38			ATC Andrew Polahar
39			ATC Andrew Polahar
40			ATC Andrew Polahar

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.

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.

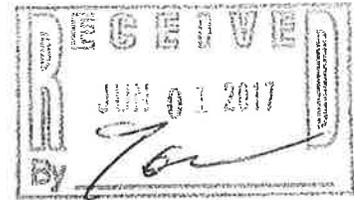
Paul Farrow
County Executive

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. Kuehmer, AICP
Senior Planner

VMK:mmm

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

ORDINANCE CREATING SECTION 33 AND REPEALING/RECREATING VARIOUS SECTIONS OF THE LISBON ZONING CODE RELATED TO PLANNED UNIT DEVELOPMENTS AS AN 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, dedicated open spaces, the preservation/protection of natural resources and environmentally sensitive areas 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 [SS1]: This is a new section, replacing a Reserved section in the zoning code.

Commented [dlin2]: 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.

Commented [dlin3]: Section added clarify the intention of the PUD ordinance.

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.

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

Commented [dlin4]: 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 (GDP). Following the pre-petition conference, the owner or ~~his~~ their agent shall 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

Commented [dlin5]: 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 [dlin6]: Retained.

Commented [dlin7]: New step, but requires all the same information as the concept planning.

consideration.

- a. General Development Plan requirements. 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 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:
 - 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, natural resources, 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 submitted 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

Commented [dlin8]: 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.

the petition prior to the Plan Commission meeting.

- b. The Plan Commission shall hold a public hearing under Section 35 and 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. 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 at the Waukesha County Register of Deeds office 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. 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 35 of this Chapter.

~~If the approved GDP, is 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 request shall be considered by the Town Board, and only approved by mutual agreement with the petitioner or upon showing of just cause by the petitioner.~~

- 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 [dlin9]: New/modified step.

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

Commented [dlin10]: 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, slopes in excess of twelve percent, and any other natural resource features.
- xvii. 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.
- 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 or Town Board in considering the application.

5. Specific Development Plan Review/Hearing and Referral.

- a. The petition for a SDP approval shall be submitted 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 prior to the Plan Commission meeting.
- ~~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 [dlin11]: Modified step and added Town Planner to the review.

Commented [SS12]: If it is the intent for this Section (33) to follow a rezone procedure, then perhaps Section 35 should be cited? Kathy?

Commented [SS13]: See similar comment on page 3 above.

Commented [SS14]: 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.
 - 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.
 - iii. Whether the proposal is in conformity with the Town of Lisbon land use plan/comprehensive development plan or adopted components or amendments thereof.
 - iv. Whether the proposal would be contrary to the general welfare and economic prosperity of the Town or of the immediate neighborhood.
 - v. That the benefits and design of the resultant development justifies the establishment of a Planned Unit Development.
- b. The Town Board shall not grant approval or conditional approval unless it has found,

Commented [dlin15]: Reorganized section.

based on documentation that supports, the following:

- 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.
- 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.
- 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.
- e. Determination. The Town Board/Plan Commission, after due consideration, may deny the petition, approve the petition as submitted, 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/Plan Commission. ~~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 [dlin16]: 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'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

Commented [dlin17]: Modified and added this section to simplify Section 4 (h)(21)(a)(5). This make reference to the land division ordinance so not restate the requirements.

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.

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

Commented [dlin18]: Reorganized under supplemental regulation.

3. Open space areas.

Commented [dlin19]: 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.

- 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

Commented [dlin20]: Reorganized under supplemental regulation.

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

Commented [dlin21]: Reorganized under supplemental regulation.

6. Supplemental Residential Planned Unit Developments Standards:

Commented [dlin22]: Reorganized under supplemental regulation.

- 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. Planned Unit Development overlay districts are not permitted over in the EFD district, and while the C-1 Conservancy District can be part of a PUD overlay district as an outlet, no portion of any building lots or structures shall be allowed in on lands designated in an underlying the C-1 Conservancy District.
- 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 sewerded)
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:

Commented [dlin23]: Reorganized under supplemental regulation.

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 overlay districts are not permitted ~~over~~ 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 on lands designated in an underlying 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.

Commented [dlin24]: 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.

- a. Planned unit developments overlay districts are not permitted ~~in~~ over 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 on lands designated in an underlying ~~in the~~ C-1 Conservancy District.
- b.
- c. 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.
- d. The mixed uses shall conform to the general requirements applicable to each of them as here-in-before set forth.
- e. 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.
- f. 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, 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 and shown in the clause on ~~the an~~ adopted Town of Lisbon/Village of Merton joint planning area/extraterritorial land use plan map.
12. Financial Guarantees. In approving the planned unit development plan, in whole or in part, the Town Board 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 Additions: Any subsequent change or addition to the plans or uses identified in the GDP or SDP 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 Sections 33, 35, and 36 of this Ordinance ~~to the provisions of Section 36 of this Ordinance~~ to amend the GDP

Commented [dlin25]: Reorganized under supplemental regulation.

Commented [dlin26]: Reorganized under supplemental regulation.

Commented [dlin27]: Reorganized under supplemental regulation.

Commented [dlin28]: Reorganized under supplemental regulation.

Commented [dlin29]: Reorganized under supplemental regulation.

prior to SDP and site plan approval.

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~~SDP, or if physical development has not otherwise commenced, the approval shall automatically be terminated without public hearing.

Commented [dlin30]: 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 (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 [SS31]: The new definition should continue to reference this Figure as it is helpful especially for the lay person to understand what is meant here.

~~**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.~~

Commented [SS32]: 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 conditional use permit for a 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 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.

Commented [dlin33]: The creation of the overlay district allows for residential, mix-use, commercial, industrial PUDs.

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 ~~4 (h) 21~~33).

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 ~~21~~Section 33 (Planned Unit Developments).

SECTION 9 UC UPLAND CORRIDOR DISTRICT

d. Conditional Uses

~~2. Single family residential planned unit developments only~~

SECTION 11 AD-10 AGRICULTURAL DENSITY 10-ACRE DISTRICT

e. Conditional Uses

~~9. Single family residential planned unit developments only~~

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

e. Conditional Uses

~~9. Single family residential planned unit developments only~~

SECTION 13 A-10 AGRICULTURAL DISTRICT

d. Conditional Uses

~~16. Single family residential planned unit developments only~~

SECTION 14 A-5 MINI-FARM DISTRICT

d. Conditional Uses

~~15. Single family residential planned unit developments only~~

SECTION 15 A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT

d. Conditional Uses

~~10. Single family residential Planned Unit Developments~~

SECTION 16 R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT

d. Conditional Uses

~~9. Single family residential Planned Unit Developments~~

SECTION 17 R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

d. Conditional Uses

~~9. Single family residential Planned Unit Developments~~

SECTION 18 R-3 TWO FAMILY RESIDENTIAL DISTRICT

d. Conditional Uses

~~7. Single family residential Planned Unit Developments~~

SECTION 23 P-I PUBLIC AND INSTITUTIONAL DISTRICT

e. Conditional Uses

Conditional uses as provided in Sections 4 (h) 24 and 29. ~~Lands zoned Public and~~

~~Institutional may be included as public and institutional lands in planned unit developments in accordance with Section 33 of this ordinance.~~

SECTION 24 B-1 RESTRICTED BUSINESS DISTRICT

d. Conditional Uses

~~5. Single family residential Planned Unit Developments~~

SECTION 25 B-2 LOCAL BUSINESS DISTRICT

d. Conditional Uses

~~6. Single family residential Planned Unit Developments only, and mixed or commercial planned unit developments~~

SECTION 26 B-3 GENERAL BUSINESS DISTRICT

d. Conditional Uses

~~6. Single family residential Planned Unit Developments only, and mixed or commercial planned unit developments~~

SECTION 31 M-1 LIMITED INDUSTRIAL DISTRICT

e. Conditional Uses

~~2. Single family residential Planned Unit Developments only, and mixed or commercial planned unit developments~~

SECTION 32 M-2 GENERAL INDUSTRIAL DISTRICT

e. Conditional Uses

~~2. Single family residential Planned Unit Developments only, and mixed or commercial planned unit developments~~

SECTION 3: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

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

