

**Minutes of the Joint Plan Commission & Town Board Public Hearings  
Town of Lisbon, Town Hall  
Thursday, April 12, 2018  
6:30 PM**

A Joint Public Hearing was held by the Town of Lisbon Plan Commission and Town Board of Supervisors at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089 was called to order by Chairman Joseph Osterman at 6:31 P.M.

**Roll Call:** Present: Chairman Joseph Osterman, Supervisors Plotecher, Beal and Gamiño, Plan Commission Members Ed Nelson, Mark Meyer, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Planner Dan Lindstrom, Administrator Matt Janecke, Attorney Kevin Clark and Clerk Gina Gresch.

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

Joint Public Hearing to solicit public comments on the Comprehensive Land Use Plan Amendment request from Other Public Lands to be Preserved/Industrial Special Use to Governmental & Institutional and a Rezone request from A-10 Agricultural District to Public & Institutional for the Hamilton School District, and Conditional Use Permit for a Major Grading Permit for the property located at W220N6151 Town Line Road, LSBT 0244.999.004, PT SE1/4 SEC 25 T8N R19E.

**Public Hearing Comments:** Chairman Osterman opened the hearing to comments from the public, which there were none.

**Adjournment**

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

Public Hearing to solicit public comments on the Conditional Use Permit request for an In-Law Unit for Jeremy Rush, for the property located at N72W24740 Good Hope Road, Lisbon, WI 53089, LSBT 0203.994.005, PARCEL B CERT SURV 3433 VOL 26/77 REC AS DOC# 1068979 PT SW1/4 SEC 15 T8N R19E.

**Public Hearing Comments:** Chairman Osterman opened the hearing to comments from the public, which there were none.

**Adjournment**

The public hearing was closed at 6:34 P.M.

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**Minutes of the Plan Commission Meeting  
Town of Lisbon, Town Hall  
Thursday, April 12, 2018  
Following Public Hearings beginning at 6:30 PM**

Chairman Osterman called the Plan Commission meeting to order at 6:34 P.M.

**Roll Call:** Present: Chairman Joseph Osterman, Supervisors Plotecher, Beal and Gamiño, Plan Commission Members Ed Nelson, Mark Meyer, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Planner Dan Lindstrom, Administrator Matt Janecke, Attorney Kevin Clark and Clerk Gina Gresch.

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

**Discussion and necessary action on the minutes.**

*Motion by Commissioner Nelson to approve the March 8, 2018 Plan Commission Public Hearing and Meeting minutes. Seconded by Commissioner Samanske. Motion carried, 7-0.*

## **New Business**

### **Discussion and necessary action on the Temporary Plan of Operation request for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0283.998, to allow night time operations.**

Bruce Borden with Stark Pavement was present and stated they received a contract to pave I-94 which can only be worked on at night. The main plant is not in Lisbon but if they do need the Lisbon quarry in case of a breakdown they would like to be able to use it. Planner Lindstrom read his comments into the record which are attached to the minutes. Chairman Osterman stated he lives next door and they do a good job of keeping the noise down. He isn't aware of any issues when they have nighttime operations. He also doesn't have a problem with 24 hour operation as long as it is limited to 10 events.

*Motion by Chairman Osterman to approve the Temporary Plan of Operation request for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0283.998, to allow night time operations subject to the following conditions:*

1. *Temporary asphalt plant hours of operation shall start no earlier than 4AM.*
2. *Sunday asphalt plant operations shall be from 7AM to 5PM if needed.*
3. *Temporary operation terminates by Wednesday, November 1, 2018.*
4. *Shall not be any processing (crushing or washing) of aggregates at night.*
5. *Trucks hauling into and out of the site will be routed forward as much as possible to eliminate potential noise from back up alarms.*
6. *The loaders feeding the plant will be equipped with low frequency back up alarms that utilize a "squawking" sound instead of emitting a high frequency type sound that carries a further distance.*
7. *Trucks will not be allowed to bang their tailgates.*
8. *Nighttime truck routes will utilize state and county roads only. There will be no trucking on any town roads at night.*
9. *All the truck drivers hauling from the facility will be instructed to follow all highway safety rules and regulations including the use of engine brakes (especially at night) as they travel to and from the plant.*
10. *Truck drivers will be reminded that the use of this facility at night is a privilege and not a right and they need to respect our neighbors and follow all traffic regulations as they travel through Lisbon.*
11. *Maintain radio contact with the trucks hauling from our facility and address any complaints immediately.*
12. *Any truckers that do not abide by the rules will be removed from the job.*
13. *No jake-brake usage.*
14. *24-hour operations can occur but are limited to 10 events per year.*
15. *Temporary operation terminates by October 1, 2018, or at the completion of the scheduled Highway I-94 work, whichever occurs first.*
16. *Non-objection from any Waukesha County reviewing agencies, including, but not limited to Waukesha County Environmental Health Department.*
17. *Temporary early start between 4:00 am and 7:00 am are to only be used in service emergency if a breakdown occurs at the Milwaukee facility.*

*Seconded by Commissioner Oelhafen. Motion carried, 7-0.*

### **Discussion and necessary action on the request for Lannon Stone Products, for the property located at N52W23096 Lisbon Road, LSBT 0281.991.002, for a Site Plan for a cold storage building.**

This item is postponed until the applicant arrives.

**Discussion and necessary action on the request for an extension to the 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 project was delayed and ATC needs to use the site for an additional four months, or through July 31, 2018. Planner Lindstrom doesn't have any issues with the extension.

*Motion by Commissioner Nelson to approve the request for an extension to the 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, until July 31, 2018. Seconded by Commissioner Samanske. Motion carried, 7-0.*

**Discussion and necessary action on the following requests for the Hamilton School District, for the property located at W220N6151 Town Line Road, LSBT 0244.999.004 and recommendation to Town Board of the same:**

**Comprehensive Land Use Plan Amendment from Other Public Lands to be Preserved/Industrial Special Use to Governmental & Institutional.**

Planner Lindstrom read his comments into the record which are attached to the minutes.

*Motion by Chairman Osterman to approve the Comprehensive Land Use Plan Amendment from Other Public Lands to be Preserved/Industrial Special Use to Governmental & Institutional for the Hamilton School District, for the property located at W220N6151 Town Line Road, LSBT 0244.999.004 and recommendation to the Town Board of the same. Seconded by Commissioner Stadler. Motion carried, 7-0.*

**Rezone from A-10 Agricultural District to Public & Institutional.**

*Motion by Commissioner Nelson to approve the Rezone from A-10 Agricultural District to Public and Institutional for the Hamilton School District, for the property located at W220N6151 Town Line Road, LSBT 0244.999.004 and recommendation to the Town Board of the same. Seconded by Commissioner Oelhafen. Motion carried, 7-0.*

**Site Plan and Plan of Operation and Conditional Use Permit request for a Major Grading Permit.**

The anticipated completion grading date is the opening of school, September 2019. Planner Lindstrom commented the size of the parking lot which is large due to dated zoning code. The school district should work with the Town to either comply with parking stall width and depth requirements, revise the site plan to meet the larger stall depth and width or get an exception to the code for smaller parking stalls. The Plan Commission discussed the future traffic increase due to a new school. Bryan Rudd, Hamilton School Business Manager stated the bus entrance/parent drop-off driveway is shared, however the drop off areas are separate. The high school and existing middle school will have the early start time and the new school will be later, around 8:30/8:45am. That actually results in about 350 less students arriving at the same time. He is waiting to hear from Waukesha County if they will require turn-off lanes but they will comply with whatever Waukesha County requires them to do. Plan Commission members discussed the parking stall sizes and if the Town's code should be updated. Commissioner Stadler doesn't want to see the parking lot regulations changed. It was noted that other schools in Lisbon have smaller parking stalls but those were done before the zoning code rules were put into place. Chairman Osterman agreed the Town should review that part of the code in the future.

*Motion by Chairman Osterman to approve the Site Plan and Plan of Operation and Conditional Use Permit request for a Major Grading Permit for the Hamilton School District, for the property located at W220N6151 Town Line Road, LSBT 0244.999.004, subject to the following conditions:*

- 1. Approval of a Comprehensive Development Plan - Land Use Plan Amendment for the portion of the Industrial designated lands to Governmental and Institutional to accommodate proposed zoning.*
- 2. Approval of a rezoning of the A-10 portion of the property to Public-Institutional or other appropriate zoning classification.*
- 3. The Town of Lisbon retains the ability to annually review the CUP for compliance.*
- 4. Include applicant stipulations and descriptions listed in the March 2018 application packets*

5. *The Transportation Impact Analysis (TIA) shall be reviewed and improvements implemented as required by the Study or the reviewing agencies.*
6. *Any outstanding comments from Town Engineer review be complied with in accordance with review –storm water review Submitted March 22, 2018, and site plan review submitted March 27, 2018.*
7. *Approval is contingent on approval of the storm water management permit, submitted separate of the site plan.*
8. *Obtain approval of all required Town, County and State permitting. Requirements set forth by any permitting is to be reflected, as applicable, within the storm water management plan. Provide copies of all approvals to the Town.*
9. *Obtain approval of all required Town, County and State (WRAPP) permitting. Requirements set forth by any permitting is to be reflected, as applicable, within the storm water management plan. Provide copies of all approvals to the Town.*
10. *Grading:*
  - a. *No adverse drainage, runoff, erosion or sedimentation shall take place onto adjoining properties or to environmentally sensitive areas public or private roads and right of ways.*
  - b. *A deadline for completion of the entire project shall be established. The Town Plan Commission must approve of any extensions to the deadline established. Anticipated completion date is the start of the 2019 school year.*
  - c. *The proposed grading and land-altering activities shall conform to the Town of Lisbon's adopted Storm Water Management and Erosion Control Ordinance (refer to Addendum F and Section 3 (c) 11) and a permit under that ordinance must be issued prior to the issuance of the conditional use permit.*
  - d. *Erosion Control measures to be maintained until the site is 80% vegetated.*
  - e. *Grading must follow an approved site and grading plan.*
  - f. *Upon completion, an as-built survey is required to be performed and submitted to the Town.*
11. *Parking: Work with the Town to either comply with parking stall width and depth requirements or revise the site plan to meet the larger stall depth and width.*
12. *Non-objection from Waukesha County various department and correction of any deficiencies prior to issuance of the Conditional Use Permit, including but not limited Waukesha County Parks and Land Use – Environmental Health Department.*
13. *Comments from the February 16, 2018, Waukesha County Department of Parks and Land Use letter to Bryan Ruud be complied shall be complied with, where practical and where recommended by the Village and Town, which could include: Development of the remaining corridor lands is prohibited by a conservation easement or deed restriction.*

*Seconded by Commissioner Nelson. Motion carried, 7-0.*

**Discussion and necessary action on the Conditional Use Permit request for an In-Law Unit for Jeremy Rush, for the property located at N72W24740 Good Hope Road, Lisbon, WI 53089, LSBT 0203.994.005.**

Mr. Rush was present and stated it is his desire to take the 2.5 car garage and convert it into an in-law unit for his mother. He also would like to add a 1.5 car garage east of that. The breezeways would stay and the two doors on the front end of the garage will be removed. He would like to keep the door circled on the plan. Above the in-law unit is an existing storage area which he would like access via stairs from the exterior of the building.

Planner Lindstrom read his comments into the record which are attached to the minutes. He reviewed the front door and stated the overall intent is to keep the house looking like it is one unit. He also requests the additional plumbing in the storage area is removed so it cannot be used as living space. He recommends approval based off of the Plan Commission's judgement on the door. Commissioner Oelhafen stated he was at this site two years ago and the upstairs area was finished with a kitchenette. This and the separate entrance from the garage door with an exterior entrance are red flags for him. Mr. Rush stated the stairs will be removed and the plumbing and related fixtures have been moved; he wants to keep that area as storage. Plan Commission members continued to discuss the removal of the front door and agreed that the code should be adhered to so Mr. Rush will remove the door in question.

*Motion by Commissioner Nelson to approve the Conditional Use Permit request for an In-Law Unit for Jeremy Rush, for the property located at N72W24740 Good Hope Road, Lisbon, WI 53089, LSBT 0203.994.005, subject to the following conditions:*

- 1. Certification from the Waukesha County Department of Parks and Land Use Environmental Health Division that the septic system will accommodate the proposed use and in accordance with COMM 83, County, and State Sanitary Codes.*
- 2. The in-law unit's maximum living area shall not exceed eight hundred (800) square feet and shall contain no more than two (2) bedrooms.*
- 3. The architecture of the residence shall be compatible with the adjacent residential neighborhood and shall appear to be a single family residence. All other appropriate zoning district requirements for the principal living unit shall be complied with. Revisions to the concept plan to show a common entrance in accordance with Part C under §4-13 of the Town's Zoning Ordinance.*
- 4. The Plan Commission shall determine if it is appropriate to have an interior door between the in law unit and the principal residence.*
- 5. Removal of the remaining appliances in the upstairs attic to ensure it is used for storage, as intended.*
- 6. Removal of the front door from the approved Site Plan.*
- 7. Removal of the two easterly doors.*

*Seconded by Commissioner Samanske. Motion carried, 7-0.*

### **Unfinished Business**

**Discussion and necessary action on the Conditional Use request (CU00003) of Robert Bortolotti, 15230 Turnberry Drive, Brookfield, WI, 53005, owner of Lake Five Landscape and Mulch Supply, c/o Sara Ladish, located at W275 N7813 Lake Five Road, Lisbon, WI, 53089, to operate a tree farm, tree service, and green landscape materials recycling center with retail mulch sales on the property located at W275 N7813 Lake Five Road, Lisbon, WI, 53089 and recommendation to Waukesha County of the same.**

Sarah Ladish and Waukesha County Assistance Planner Sandy Scherer was present. Plan Commission members discussed the amount of time needed to use the tub grinder, noise levels associated with that and notifying the neighbors when they will be using the tub grinder. Ms. Ladish is requesting to be allowed to use the tub grinder up to five times per year, for up to five days at a time, for a maximum of eight hours per day, Monday through Friday. It probably won't take that long but she'd like to have the leeway if she needs it. Some Plan Commission members wanted to require Ms. Ladish to notify the neighbors when they will be using the tub grinder, but others felt they can't require someone to talk to their neighbors. They suggested it would be a good idea to do so. Ms. Ladish stated she will contact them no matter what. There was further discussion about the decibel levels. Current property owner Dan Voss was present and stated there are berms on all four sides of the property. The code allows for a decibel reading of 66 at 300 feet from the property line; the closest home is 600 feet away. Even speaking right now would register about 60 decibels. He has been in the Town for 10 years and has never had a complaint about the grinder. It's also the same grinder the Town uses at the Compost Site. In comparison, there are property owners closer to the Compost Site than his neighbors are to his property. It was suggested the operation should follow the decibel levels as stated in the B-4 section of the Town's Zoning Code.

Planner Scherer reviewed some additional conditions/requests. Saturday hours of operation 8am to Noon, April through October so they can deliver mulch and firewood. No onsite retail sales, items on the trailers and where everything will be parked needs to be clarified. Ms. Ladish replied she isn't sure what will be on the trailers as she isn't sure what equipment she will need and some of the equipment will be parked both in and outside. She also verified she understand the use of the tub grinder will be up to five times per year, for up to five days at a time, for a maximum of eight hours per day, Monday through Friday.

Plan Commission members continued discussing the decibel and related frequency levels as well as notifying the neighbors about making noise. Chairman Osterman stated noises with higher frequencies are more annoying than those with lower frequencies. Commissioner Nelson stated he understands the neighboring homeowner's concerns but most of them live within 500 to 1,000 of a major railroad which has increasing traffic. Their concerns are warranted and they have been addressed. Commissioner Samanske stated Mr. Voss has been tub grinding for 10 years and hasn't had one complaint about that, only the chainsaw usage. He feels we are asking for more problems by contacting the neighbors prior to doing any grinding and that would just give them a reason complain about the operation. As always, if the Town acts on

complaints if they are filed with the Town. Commissioner Stadler disagreed and feels they should be notified as a courtesy. Mr. Voss stated the tub grinding hasn't been a problem since the closest neighbor is 600 feet away, well outside of the 300 foot decibel range. Supervisor Plotecher agreed with Commissioner Stadler. Commissioner Oelhafen also feels the property owner should notify the neighbors but don't agree that the Town should make them do that. Chairman Osterman agreed. Ms. Ladish stated she has already introduced herself to everyone. Ms. Ladish's final comment is the Conditional Use should be issued to Lake Five Properties, LLC.

*Motion by Commissioner Nelson to approve the Conditional Use request (CU00003) and Site Plan and Plan of Operation of Robert Bortolotti, 15230 Turnberry Drive, Brookfield, WI, 53005, owner of Lake Five Landscape and Mulch Supply, c/o Sara Ladish, located at W275 N7813 Lake Five Road, Lisbon, WI, 53089, to operate a tree farm, tree service, and green landscape materials recycling center with retail mulch sales on the property located at W275 N7813 Lake Five Road, Lisbon, WI, 53089 and recommendation to Waukesha County of the same, subject to the following conditions:*

1. *The Town of Lisbon retains the ability to annually review the Conditional Use Permit for compliance.*
2. *The residence presently on the property may be utilized as a rental unit.*
3. *Hours of operation: 7:00 am to 6:00 pm Monday through Friday and 8:00 am to 12:00 pm on Saturday for mulch delivery.*
4. *Up to six (6) full-time employees on site.*
5. *Up to six (6) single axle trucks, three trailers, one loader, and a trailer with a water tank.*
6. *May bring in tub grinder for the purpose of recycling wood base, brush, wood chips, and any type of wood, excluding pallets approximately five (5) times per year, for up to five (5) days for each time, for up to eight (8) hours per day, Monday through Friday.*
7. *Maintain the screening berms on the west side of the property. Berm shall comply with any previously approved grading plans.*
8. *Decibel levels shall not exceed 66 dB at the property line.*
9. *Mulch piles shall be no greater than 15 feet in height.*
10. *Discontinue the on-site small engine repair business and limit repair of on-site vehicles and equipment.*
11. *No on-site retail mulch sales.*
12. *No on-site soil storage, composting, or sales.*
13. *Prior to scheduled grinding operations, email notifications shall be made available to homeowners within 300 feet of the grinding operations and to adjoining property owners.*
14. *All on-site equipment shall utilize low-frequency backup alarms.*
15. *Submit a sign application prior to replacing existing business signage.*
16. *Non-objection from the Fire Department and correction of any deficiencies prior to issuance of the Conditional Use Permit.*
17. *Non-objection from the Building Inspector and correction of any deficiencies prior to issuance of the Conditional Use Permit.*
18. *Non-objection from any Waukesha County reviewing agencies, including, but not limited to Waukesha County EHD.*
19. *Owner be addressed as Lake Five Properties, LLC.*

*Seconded by Commissioner Samanske. Motion carried, 7-0.*

#### **Town Clerk & Town Planner**

#### **Assign Annual Inspection of Plans of Operation and Conditional Use Business Establishments.**

- Commissioner Oelhafen – Always Contractors
- Commissioner Meyer - BPX Contractors and Forston Construction.

**Assign Quarry Inspections for Northwest Asphalt, Halquist, Payne & Dolan, Genesee Aggregate, LaFarge & Lannon Stone.**

- Commissioner Nelson - Northwest Asphalt, Halquist & Genesee Aggregate
- Commissioner Samanske - Payne & Dolan
- Commissioner Oelhafen - LaFarge
- Commissioner Stadler - Lannon Stone

**Overview of March Planning Appointments.**

Planner Lindstrom briefly reviewed the March planning appointments he and the Clerk held, of which two were on tonight's agenda. During one of the appointments it was found that the Town has been issuing Conditional Use Permits for Limited Family Businesses incorrectly. They shouldn't be in an outbuilding and the Code states the business shall not occupy more than 20% of the floor area of "the home" not "the site" which is how it was presented in the past. There are more property owners who want to have businesses but in a separate building from their home. The Town should look at filling that gap in the Zoning Code. He's had various phone conversations with realtors; most of them are for Indian Grass. Sandy Knutson is looking to move to the boat rental place on CTH Q to continue the rental business and move her denture making operation to the new property. Next month's agenda will have Plans of Operation for businesses on Indian Grass, items for Barnwood Conservancy, Hamilton School District projects and Casey's General Store.

**Requests from members to put future items on the agenda.**

**Adjournment.**

*Motion by Commissioner Nelson to adjourn the Thursday, April 12, 2018 Plan Commission Meeting at 8:40 P.M. Seconded by Commissioner Samanske. Motion carried, 7-0.*

Respectfully submitted,

Gina Gresch, MMC/WCPC  
Town of Lisbon Clerk



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April 2, 2018

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

Re: Stark Pavement SPPO

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: -  
Business Name: Stark Pavement Corp  
Property Owner: Thomas Holquist

Stark Pavement Corp request to continue their early morning operations to service the 94 reconstruction project. The early morning operation is only in the case of a breakdown at the Milwaukee facility. In July of 2017, the Town of Lisbon approved the SPPO with the following conditions.

#### July 13, 2017 Plan Commission Approval Conditions

1. Temporary asphalt plant hours of operation shall start no earlier than 4AM.
2. Sunday asphalt plant operations shall be from 7AM to 5PM if needed.
3. Temporary operation terminates by Wednesday, November 1, 2017.
4. Shall not be any processing (crushing or washing) of aggregates at night.
5. Trucks hauling into and out of the site will be routed forward as much as possible to eliminate potential noise from back up alarms.
6. The loaders feeding the plant will be equipped with low frequency back up alarms that utilize a "squawking" sound instead of emitting a high frequency type sound that carries a further distance.
7. Trucks will not be allowed to bang their tailgates.
8. Nighttime truck routes will utilize state and county roads only. There will be no trucking on any

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town roads at night.

9. All the truck drivers hauling from the facility will be instructed to follow all highway safety rules and regulations including the use of engine brakes (especially at night) as they travel to and from the plant.
10. Truck drivers will be reminded that the use of this facility at night is a privilege and not a right and they need to respect our neighbors and follow all traffic regulations as they travel through Lisbon.
11. Maintain radio contact with the trucks hauling from our facility and address any complaints immediately.
12. Any truckers that do not abide by the rules will be removed from the job.
13. No jake-brake usage.

If the Plan Commission does not object to the continued early morning operations, then staff recommends adding or revising the following conditions.

3. Temporary operation terminates by ~~Wednesday, November 1, 2017~~, October 1, 2018, or at the completion of the schedule Highway 94 work, whichever occurs first.
14. Non-objection from any Waukesha County reviewing agencies, including, but not limited to Waukesha County EHD.
15. Temporary early start between 4:00 am and 7:00 am are to only be used in service emergency if a breakdown occurs at the Milwaukee facility.

Sincerely,

Daniel J. Lindstrom, AICP  
Town Planner

cc: Town of Lisbon Staff



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April 5, 2018

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

Re: Lannon Stone SPPO Amendment

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:	March 1, 2018
Business Name:	Lannon Stone Product C/O Hans Dawson
Property Owner:	Lannon Stone Product C/O Hans Dawson
Tax Key:	0281.991.002.
Zoning:	M-2 General Industrial District
New or Existing Business:	Existing business primarily located within the Village of Sussex
Replacing an Existing Business:	No
Change of Use or Operation	No, this is an addition to the current operations.
Operation Summary:	Adding a 60'x60' cold /unheated storage barn to the existing limestone mining operation. The barn will be used to store materials used in and resulting from the mining operation.
Hours of Operation:	6:00am to 8:00pm Monday-Friday and 6:00am to 4:00pm Saturday
Full-Time Employees:	18
Part-Time Employees:	0

**Pertinent Reviewed Materials – Operation Details**

Outdoor Storage of Materials: Existing mining supply and storage screened from public view.  
Parking: No changes  
Outdoor Lighting: LED –Wall Pack – See attached.  
Signage: No change.  
Trash/Recycle Impacts: The Applicant stated trash and recycling is internal to the building.  
Stormwater Impacts: No change to existing Stormwater plan with the Village of Sussex.  
County Shoreland Zoning Review Required: Yes  
Odor, Smoke, Noise from Operation: No additional  
Chemical, Hazardous Waste, Solvents Stored On-Site: The existing shop, already located in the Town has oils for equipment. There are no anticipated changes storing of materials than what is already approved.  
Storage/Sale of Gasoline or Petroleum Products: No  
Fire Department Inspection Date: Following completion of building.  
State Approved Building Plans Date: Plans are currently pending State of Wisconsin approval.

**Additional Comments:**

Planning staff recommends approval subject to the following conditions.

1. Building plan approval from the Wisconsin Department of Safety & Professional Services.
2. No changes to the approved Stormwater plans with the Village of Sussex.
3. Must receive approval from any utilities regarding any potential site utility relocations.
4. No change to the approved hours of operation.
5. To the extent possible, match building materials to the existing structure.

Sincerely,

Daniel J. Lindstrom, AICP

Town Planner

cc: Matthew Janecke, Administrator, Town of Lisbon  
Gina Gresch, Clerk, Town of Lisbon



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April 5, 2018

Town of Lisbon  
Plan Commission  
W234 N8676 Woodside Road  
Lisbon, WI 53089-1545

RE: Conditional Use Permit Application Review for In-law Unit for Jeremy Rush

### **Introduction**

This review addresses the conditional use permit application submitted by Jeremy Rush (Applicant) for conversion of a 2+ car garage into an in-law unit at the home located at N72 W24740 Good Hope Road in the Town. The property is located on a 0.83-acre lot zoned R-2. Interior dimensional measurements for the garage are 19'x39' – a total of 741 square feet. This item is up for discussion at the Joint Plan Commission meeting with the Village of Sussex.

### **Site Understanding**

The property is a former farmstead, and the existing structure is composed of the original home and two building additions. The Applicant proposes to remove the existing front door to the building addition and relocate it several feet to the east. The new front door would open into a new foyer/living room area within the in-law unit. The two existing garage doors will be sealed and enclosed. The Applicant proposes a new 16'x20' one-car garage to the east of the existing garage. The existing garage would be converted into the foyer/living room and the new kitchen/dinette.

The Applicant proposes to remove the existing staircase immediately inside the front door of the building addition. New external steps are proposed in the backyard behind the breezeway door. A new staircase is also proposed within the new garage that will connect to the attic space above the in-law unit. The attic space would be accessible from both the principal unit and the in-law unit.

### **Issues to Consider**

Key issues for the Town to consider are listed below. Some of these address aspects of the project that do not comply with Town Ordinances, while others are simply issues that the Town may want to consider when evaluating the project as a whole.

- Part C on Page 100 of the Zoning Ordinance states that a common entrance to the residence and in-law unit should be designed so that a separate front entrance off the common entrance is available and the structure does not appear to be a duplex. Initial concept drawings showed an existing breeze court with a door between the principal unit and in-law unit, but did not show a common entrance. The Plan Commission should consider whether it is acceptable to allow two separate front entrances – (one for the principal unit, and one for the in-law unit).
- Offset – The Zoning Code requires a twenty-foot minimum offset for R-2 Districts (Page 177). The Applicant stated their intention to build a new garage to service the principal structure at an undefined future date.

- The Applicant and the Town should be mindful of these dimensions when considering future construction plans. The plans to appear to meet the offset requirements.
- During conversations with the Applicant, they stated their intention to submit a revised concept drawing that would reestablish the doorways into the primary residence and eliminate the proposed staircase internal to the garage. The Applicant would utilize the proposed staircase in the external to the in-law unit to access the attic.
- The attic above the in-law unit was a former catering business. Most of the appliances and materials used for the business have been removed. However, a sink, toilet, and plumbing infrastructure remain. The Applicant has stated their intention to use the upstairs attic exclusively for storage. The Town should consider making removal of the sink and toilet a condition of approval for the conditional use permit to ensure the attic is used for its intended purpose.
- Temporary parking for the principal unit will be in the driveway until the Applicant constructs a new garage west of the house. The applicant will have drawings available to the Plan Commission to illustrate the full proposed use of the property.
- The Applicant did not specify what type of architectural style the exterior of the new garage addition will have, but the Town should ensure that it complies with Part C under §4-13 (see below).

### Zoning Code

Section 4-13 of the Zoning Code states the following requirements for in-law units as conditional uses:

- A. Certification from the Waukesha County Department of Parks and Land Use – Environmental Health Division that the septic system will accommodate the proposed use and is in accordance with COMM 83, County, and State Sanitary Codes.
- B. The in-law unit's maximum living area shall not exceed 800 square feet and shall contain no more than 2 bedrooms. There shall be an additional off-street parking space for the in-law unit. There shall be no more than 1 in-law unit per single family lot.
- C. The architecture of the residence shall be compatible with the adjacent residential neighborhood and shall appear to be a single-family residence. All other appropriate zoning district requirements for the principal living unit shall be in compliance. A common entrance to the residence and in-law unit should be designed into the structure so that a separate front entrance off of the common entrance is available and the structure does not appear to be a duplex.
- D. The Plan Commission shall determine whether it is appropriate to install an interior door between the in-law unit and the principal residence.
- E. A Deed Restriction shall be filed in the Waukesha County Register of Deeds Office and a copy of the recorded document presented to the Building Inspector prior to issuance of the Building Permit. This Deed Restriction shall state that the in-law unit is to be occupied by persons related by blood, adoption or marriage to the family occupying the principal unit and that the Conditional Use is not transferable without formal approval of the Plan Commission without necessity of a public hearing and that the unit will be used as intended.

All applications for conditional use permits shall be subject to a public hearing prior to a final determination. Section 4(e) of the Zoning Code also requires all conditional use approvals to be reviewed at least once per year at a time to be determined by the Town to ensure compliance with the terms and conditions of the approval.

### **Recommended Conditions for Approval**

The Town may wish to require the following conditions for approval of the CUP in order to ensure compliance with all Town Ordinances and Regulations:

1. Certification from the Waukesha County Department of Parks and Land Use – Environmental Health Division that the septic system will accommodate the proposed use and is in accordance with COMM 83, County, and State Sanitary Codes.
2. A Deed Restriction shall be filed in the Waukesha County Register of Deeds Office and a copy of the recorded document presented to the Building Inspector prior to issuance of the Building Permit. This Deed Restriction shall state that the in-law unit is to be occupied by persons related by blood, adoption or marriage to the family occupying the principal unit and that the Conditional Use is not transferable without formal approval of the Plan Commission without necessity of a public hearing and that the unit will be used as intended.
3. The in-law unit's maximum living area shall not exceed 800 square feet and shall contain no more than 2 bedrooms.
4. Revisions to the concept plan to show a common entrance in accordance with Part C under §4-13 of the Zoning Ordinance.
5. Removal of the remaining appliances in the upstairs attic to ensure it is used for storage, as intended.
6. Provide details to the Town regarding the architectural style of the garage addition to ensure it complies with Part C under §4-13 of the Zoning Ordinance, prior to obtaining building permits

### **Conclusion**

The Applicant has submitted all required elements of a conditional use permit application. Based on Town requirements and the details of the proposal stated above, the Plan Commission should approve, conditionally approve, or deny this application for a conditional use permit.

Sincerely,

Daniel J. Lindstrom, AICP  
Town Planner

AP

cc: Matthew Janecke, Administrator, Town of Lisbon  
Gina Gresch, Clerk, Town of Lisbon