

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, September 13, 2018
6:30 PM**

Chairman Osterman called the Plan Commission meeting to order at 6:30 P.M.

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

Comments from citizens present pertaining to items on the agenda.

Kenneth Heun, N56W22164 Silver Spring Drive, thanked Casey's for moving their dumpster enclosure further to the east. He did express concerns regarding hours of operations which Casey's is requesting 24 hours of operation. He asks Casey's to be open from 5 AM until 10 PM due to their isolated location. Mr. Heun also expressed concerns that this could become a regular hangout resulting in vandalism and loud noise. Mr. Heun asked that a privacy fence be set up along the property. He has not seen details of this fence. He also expressed concerns about the lighting spillover from the Silver Spring entryway. He also asked if the culvert proposed would be big enough for the amount of storm water runoff on their property which runs underneath his driveway. If they do not address these questions, he asked the Plan Commission to deny their request.

Unfinished Business

Discussion and necessary action on the following requests for Casey's General Store, for the property located at W220N5701 Townline Road, Lisbon, WI 53089, LSBT 0244.999.003:

Ordinance 08-18, An Ordinance Rezoning LSBT 0244.999.003 from A-3 Agricultural Residential Estate District to B-4 Commercial Special Use Zoning District, and recommendation to the Town Board of the same.

Lauren Downing, Civil engineer from ArcDesign, went through the previous site layout and what changes were made including the dumpster enclosure. She also explained that though 24 hour operation is preferred, they would work with the Town for more restrictive hours. Storm water has been reviewed by the Town's engineer and they are required to meet Waukesha County requirements. Casey's cannot send more water to the culvert than what is already there, and in this case there is a slight reduction. Casey's also proposed revised lighting with .2 foot candles and single head lights. The Board of Appeals have reviewed and approved variances for the driveway and landscaping.

Ms. Downing explained the fence surrounding the property would be Cedar. The Plan Commission expressed concerns about deterioration and asked if there would be a maintenance schedule. Ms. Downing explained that is handled on a store to store basis and Town ordinances may restrict fences in disrepair.

Planner Lindstrom read his comments into the record which are attached to the minutes. Applicant has made adjustments based on the concerns of the Plan Commission and residents. Mr. Lindstrom also brought forward Casey's signage packet for their monument sign. The hours of operation will have to be determined by the Plan Commission in reviewing their Conditional Use Permit.

Motion by Commissioner Nelson to approve Ordinance 08-18, An Ordinance Rezoning LSBT 0244.999.003 from A-3 Agricultural Residential Estate District to B-4 Commercial Special Use Zoning District, for Casey's General Store, for the property located at W220N5701 Townline Road, Lisbon, WI 53089, LSBT 0244.999.003, and recommendation to the Town Board of the same. Seconded by Commissioner Samanske. Motion carried, 6-0.

Conditional Use Permit requests for an Automobile, Gasoline, Service Station and Convenience Stores associated with gasoline sales in the B-4 Commercial Special Use Zoning District and a Major Grading Permit for the same and Site Plan and Plan of Operation.

Chairman Osterman stated that the hours of operation is still an issue and the Plan Commission did not support the idea of a 24 hour operation for Casey's. They supported hours of operation from 5:00 AM until 10:00 PM. Ms. Downing explained that the request for 24 hours was only an available option. Chairman Osterman asked if this Casey's delivered pizzas and if there would be a late crowd. Every store operates differently, some deliver and some do not. The commission did not want to extend hours longer on weekends. Chairman Osterman asked what Kwik Trips hours of operation are. Commission asked if anyone gets there earlier than 5 AM to cook donuts. Ms. Downing explained that a single person does need to be there an hour early. In the same token, the store employees will need to stay past the hours of operation for closing. Mr. Osterman explained he would like to see everyone in the store out of there by 11:00 PM.

Reviewing the hours of operation of the Kwik Trip on Silver Spring near Merton allows 5 AM to 11 PM. Mr. Osterman asked if there would be a lot of disturbances for the neighbor past the closing hours including taking out garbage past closing hours. The Commission suggested setting up hours of operation and additionally employee hours where the store is closed but employees are allowed to open and close the store. It was determined by Ms. Downing that an hour before and an hour after the hours of operation would be enough time to allow adequate time for opening and closing.

The Commission determined what hours of operation they would want to restrict Casey's considering the Commission allowed Kwik Trip to be open until 11 PM. Ms. Downing explained that two people usually close down the store. The Commission also inquired as to how late Casey's would serve pizzas so that a late customer does not extend the closing time of the business. Mr. Nelson explained that he would like to see the hours of operation from 5:00 am until 10 pm with an hour allotted before and after for opening and closing the store. Commissioner Samanske agreed with the morning hours and thought either 10 or 11 PM would be acceptable for him. Commissioner Stadler agreed with the operating hours from 5 AM until 10 PM. Commissioner Plotecher explained that if we allowed Kwik Trip to be open until 11 PM, we should allow Casey's the same. Commissioner Stadler explained that Kwik Trip does not have a house right next door as does Casey's. Commissioner Oelhafen and Chairman Osterman agreed to the hours of 5 AM until 11 PM to keep things fair. It was a unanimous consent to allow the hours of operation from 5:00 AM until 11:00 PM with employee hours to be from 4:00 AM until 12:00 AM and 24 hours pay at the pump operations.

Planner Lindstrom read his comments regarding all of the recommended conditions.

Commissioner Stadler expressed concerns with Casey's being open until 11 PM. The Commission considered reviewing these hours after 3 months. Chairman Osterman explained that the review of this CUP was covered in the first conditional use.

Motion by Commissioner Nelson to approve the Conditional Use Permit requests for an Automobile, Gasoline, and Service Station and Convenience Stores associated with gasoline sales in the B-4 Commercial Special Use Zoning District and a Major Grading Permit for the same and Site Plan and Plan of Operation, for Casey's General Store, for the property located at W220N5701 Townline Road, Lisbon, WI 53089, LSBT 0244.999.003, subject to the following conditions:

- A. *The Town of Lisbon retains the ability to annually review the CUP for compliance.*
- B. *Hours of operation: Customer hours not to be established outside the hours of 5:00 am to 11:00 pm Monday through Sunday. Employee hours not to be established outside the hours of 4:00 am to 12:00 am. Hours of operation not to be restrictive of fuel and supply delivery typical of convenience store with fuel pumps operation.*
- C. *Fuel Canopy to be classified and allowed as accessory building, as shown at a height of 25 feet.*
- D. *No outdoor storage to be allowed, except propane storage and ice chests.*
- E. *Sign package to be approved by the SCA*
- F. *Comply with parking plan and variance request, as approved by Board of Appeals.*
- G. *Comply with landscape plan and variance request, as approved by Board of Appeals.*
- H. *Comply with driveway plan configuration and variance request, as approved by Board of Appeals.*
- I. *Obtain non-objection from the Fire Department and correction of any deficiencies prior to issuance of the Conditional Use Permit.*
- J. *Obtain non-objection from the Building Inspector and correction of any deficiencies prior to issuance of the Conditional Use Permit.*
- K. *Obtain non-objection from the Waukesha County and correction of any deficiencies prior to issuance of the Conditional Use Permit.*
- L. *Show compliance with any Joint Plan Commission review comments.*
- M. *Approval of grading CUP.*
- N. *County approval of final Stormwater Management Agreement.*
- O. *Final site plan/plan of operation approval shall be required to be obtained from the Plan Commission prior to issuance of a Certificate of Occupancy.*
- P. *Waukesha County Rezoning Approval*

Seconded by Commissioner Oelhafen. Motion carried, 5-1 with Commissioner Stadler opposing.

New Business

Discussion and necessary action on the Certified Survey Map for Halquist Stone Company, for the property located at N51W23563 Lisbon Road, Lisbon, WI 53089, LSBT 0281.996 and LSBT 0283.999, and recommendation to the Town Board of the same.

Planner Dan Lindstrom presented the three lot CSM to make an additional lot for development and establish lot lines to differentiate those uses. Mr. Lindstrom explained Waukesha County will have final review and approval and assumes they will restrict or deny access to CTH F. Commissioner Sadler concerned about putting buildings and homes on top of existing sites and if this would restrict quarrying to the bedrock beyond that. The Planner explained that the zoning prohibits that area from being used for quarry purposes and the environmental corridor would be too problematic for extending that Q-1 zoning. Mr. Halquist also explained that the area may be developed in the future if someone wants to buy it, but has not intentions right now. Commissioner Samanske asked if lot lines needed to be straight. Mr. Lindstrom explained that the lot line follow the natural features of the earth and along the river. The property line also uses the existing drainage which also ties into the existing quarry. Mr. Halquist explained that soils tests were not done; however, soils will be tested if any development occurs on the property.

Motion by Chairman Osterman to approve the Certified Survey Map for Halquist Stone Company, for the property located at N51W23563 Lisbon Road, Lisbon, WI 53089, LSBT 0281.996 and LSBT 0283.999, and recommendation to the Town Board of the same, subject to the following conditions:

1. *Waukesha County has final approval.*
2. *Contours as shown on the Certified Survey Map.*
3. *All other comments from the planner*
4. *Soil testing waived*

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

Town Clerk & Town Planner

Overview of August Planning Appointments & Current Task/Project list. None.

Discussion and update on the Plan Commission application process, including but not limited to planner's appointments, application timing, fees, forms, review reports, etc.

Dan Waukesha County have focus group on making consistent processes, will bring to October meeting.

Request from members to request items on future agendas.

Adjournment.

Motion by Commissioner Samanske to adjourn the Thursday, September 13, 2018 Plan Commission Meeting at 7:35 P.M. Seconded by Commissioner Oelhafen. Motion carried, 6-0.

Respectfully submitted,

Gina Gresch, MMC/WCPC
Town of Lisbon Administrator