

**Minutes of the Joint Plan Commission Public Hearing(s)  
Town of Lisbon, Town Hall  
Thursday, October 11, 2018  
6:30 P.M.**

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

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

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.

**A Joint Public Hearing on October 11, 2018 at 6:30 p.m. at the Lisbon Town Hall, located at W234 N8676 Woodside Road, for the purpose of providing the community a reasonable opportunity to comment upon the proposed creation of the Project Plan for the District. The District is expected to be a mixed-use district based on the identification and classification of the property proposed to be included within the District. Proposed projects costs include various public improvements and cash grants to owners or lessee or developers of land located within the district (development incentives) and professional and organizational services, administrative costs, and finance costs. The proposed costs include projects within the proposed boundary and within a 1/2 mile radius of the proposed boundary of the District. All interested parties will be given a reasonable opportunity to express their views on the proposed creation of the District, the proposed boundaries of the District, and the proposed Project Plan thereof.**

**Public Hearing Comments:** Chairman Osterman read an email from Ken Heun, N56W22164 Silver Spring Drive. Mr. Heun's email outlined the following questions regarding the TID.

1. The town will spend money on improvements to make the TID property more attractive for development. But assume we have a recession which results in no development. At what point in time would the town taxpayers have to step in and cover the BID expenditures? I assume this would require new property taxes, correct?
2. What would be the maximum \$ exposure to town taxpayers for TID improvements? Is a maximum exposure amount set by the TID proposal?
3. Assuming maximum \$ exposure and no resulting development, what would be the resultant property tax increase due to the TID per 100K of assessed value? For how many years?
4. It's my understanding that the TID improvements are paid for by the increase in property taxes on the development that occurs within the TID. What is your projected rate and value of developments? That is, when would you expect it to be 25%, 50% 75% and fully developed and what increased valuation would each milestone bring?
5. What can the town do if TID development is below projections?
6. How do you rate the attractiveness of our TID properties compared to other competing properties in the vicinity?

There was no one further to speak for this public hearing

**a Joint Public Hearing will be held by the Lisbon Plan Commission and Town Board of Supervisors on Thursday, October 11, 2018, beginning at 6:30 P.M. immediately following**

**the previously scheduled public hearing at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, 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, Chapter 11, Section 4, relating to Conditional Use Permits.**

**Public Hearing Comments:** None.

### **Adjournment**

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

**Minutes of the Plan Commission Meeting  
Town of Lisbon, Town Hall  
Thursday, October 11, 2018  
Following the Public Hearing beginning at 6:30 P.M.**

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

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

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

### **Discussion and necessary action on July 12, 2018 and September 13, 2018 Plan Commission Public Hearing & Meeting minutes.**

*Motion by Commissioner Meyer to approve the September 13 2018 Plan Commission minutes with the correction of Mark Meyer being absent. Seconded by Commissioner Nelson. Motion carried, 7-0.*

*Motion by Chairman Osterman to approve the July 12 2018 Plan Commission minutes. Seconded by Commissioner Samanske. Passes 7-0.*

### **New Business**

#### **Discussion and necessary action on Resolution 05-18, "Resolution Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 1, Town of Lisbon, Wisconsin" and recommendation to the Town Board of the same.**

Todd Taves from Ehlers presented a slide regarding the Tax Increment District. Mr. Taves explained how the TID would generate revenue for improving public infrastructure in the area of the district. A Tax Incremental District is established to help fund improvement projects and spark development in areas that might not be developed on their own. The TID includes 225 acres including school district property and Lied's property. Mr. Taves explained that all parcels in the increment have to be adjoining. The school district will not have an impact on TID's growth as they are tax exempt. Currently the proposed TIF district has a \$835,000 value of taxable income. Any value added above that goes to a special fund for development in the TID. Mr. Taves distributed an updated Project Plan which includes an estimate of infrastructure including the Lied's property. Mr. Taves explained that Kunkel estimated a \$4.2 million

expenditure for improvements with a 12 year estimate of an additional \$33 million in assessed property value. The monies borrowed would be paid back in a 17 year timeframe depending on the development pattern. Mr. Taves also addressed the question read during the public hearing as to what happens if the TID does not generate enough revenue. He explained that the Town should be doing improvements in conjunction with the new development which could come in phases or be paid for by the developer. Projection of value does not account for the Casey's development which is in the TID boundary. Mr. Taves explained that a Joint Review Board met on this issue and that this Resolution needs to be approved by the Town Board with final approval going back to the Joint Review Board.

Commissioner Nelson asked how the public facilities included in the TID would affect the process. Mr. Taves explained that it would have no affect because the school district is tax exempt. He explained the TID would mainly be for development of the Lied's property. Mr. Nelson questioned what the eligible project costs included. Mr. Taves explained that the State gives a list of what improvements can and cannot be included in a TID and there are very few things you cannot have a TID pay for. Commissioner Nelson stated that the Lied's property has been sitting for 4-6 years and doing no good to anyone including the Town, is generating no revenue and is an eye sore. Attorney Hammes stated that is the whole concept of this tax incremental district. You have to have this type of project in place to get this developed or else in 20 years it will still be sitting there.

Commissioner Stadler had concerns about the land north of the proposed road and doesn't see anyone wanting to get involved, especially if they do not know if a road will go through. She feared it might turn into a dead area. Commissioner Oelhafen asked what determines when the road goes in or doesn't go in. Attorney Hammes stated that the Plan Commission will have to approve and ultimately the Town Board. Until there is someone willing to develop it, we do not know. Once this gets put in place, you can start marketing these properties and will have a better idea.

Chairman Osterman brought up the questions that were asked by Mr. Heun in his email. In the case of a recession, there are some sunk costs upfront from the town; however there will not be significant costs until the infrastructure goes in which should be parallel with development. Mr. Osterman asked about the maximum exposure would be for the Town which Mr. Taves mentioned was addressed on page 18 of the report. Exposure would be limited as the infrastructure would not be put in place until development occurs. The projected rate of growth can be found in the packet provided by Ehlers. If the projections fall short, Attorney Hammes explained the shortfalls would be handled in the developer agreements. Ms. Stadler asked whether Casey's General Store would be affected by the TID. Attorney Hammes responded that their property was incorporated into the TID so the increased value that Casey's brings to the property will be incorporated into the TID fund.

Commissioner Oelhafen asked if there was already a high capacity well on that property. Attorney Hammes replied yes, but his understanding from Kunkel is that we would have to do a different well. It would be a private well that could be dedicated to the Town at any time. Commissioner Samanske questioned whether it is possible to use the existing well with the adequate testing. Chairman Osterman stated the one on the site was more used for watering. The Commission also discussed putting in a public well as opposed to a private well. A private well could be specked for a public well and could be dedicated to the Town at some point.

*Motion by Commissioner Osterman to approve Resolution 05-18, "Resolution Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 1, Town of Lisbon, Wisconsin" and recommendation to the Town Board of the same. Seconded by Commissioner Nelson. Motion passed 7-0.*

**Discussion and necessary action on Zoning Text Amendment Ordinance 10-18, "An Ordinance Repealing and Recreating Chapter 11, Section 4 of the Zoning Code of the Town of Lisbon Relating to Issuance of Conditional Use Permits" and recommendation to the Town Board of the same.**

Attorney Hammes explained that last November the statute has changed regarding Conditional Use permits. The significant change was if you have a Conditional Use ordinance, as long as property meets those standards, you have to grant the permit. In the past a lot of municipalities used a CUP and were discretionary. Commissions were not basing their approvals on proven data points, but only opinions about something being "too noisy" or "a lot of traffic". This ordinance redrafts and restates the ordinance to use the same standards as in the State Statutes. The denial of the Conditional Use Permit needs to be based on substantial evidence and not merely on conjecture. The ordinance does modify the approval process where recommendation from the Plan Commission will now go to the Town Board. These types of ordinances are being adopted throughout Waukesha County and the State.

Commissioner Stadler questioned why there was nothing in the ordinance about termination or expiration of Conditional Use status. She explained the Plan Commission in the past could perform onsite inspections for CUP's on a yearly basis and could terminate the CU when the property was sold. Attorney Hammes stated the State Statute allows an allotted amount of time the CU can be valid if the board so would choose. On a sale, the new applicant could assume the use of the conditional ordinance on the property. Chairman Osterman added that a lot of Plan Commissions around the state, there was no evidence being provided for cause to deny a CUP. Attorney Hammes added that substantial evidences is defined in the ordinance. He added that noise, for example, can be measured by decibels, traffic by traffic studies, etc.

Mr. Meyer asked regarding a previous CUP that came to the Plan Commission, a traffic study would win out for granting the permit. Attorney Hammes responded that this was correct. Mr. Meyer also asked what brought on the change of the Plan Commission becoming a recommending body to the Town Board. Mr. Hammes explained that the Town of Lisbon is unusual that the Plan Commission does not usually issue Conditional Use Permits. Usually the norm is that Town Board or Common Council would issue CUPs because they are they are the governing body ultimately responsible.

Commissioner Nelson asked if the Commission had a feeling about something, even if the applicant bring in experts, does this change still give the Plan Commission some credible power. Mr. Hammes used the example of a conditional use permit for a wedding barn venue. He explained that there is a lot of money put into a business, and restricting the use to that owner could make the building impossible to sell if new owners are not also permitted to use the conditional use approved for the property. Attorney Hammes added that substantial evidences is defined in the ordinance. He added that noise, for example, can be measured by decibels, traffic by traffic studies,

*Motion by Commissioner Nelson to approve Ordinance 10-18, "An Ordinance Repealing and Recreating Chapter 11, Section 4 of the Zoning Code of the Town of Lisbon Relating to Issuance of Conditional Use Permits" and recommendation to the Town Board of the same with additional information in Ord. 10-18 supplied this morning. Seconded by Commissioner Samanske. Motion carried 7-0.*

**Discussion and necessary action on the request from Dan and Bob Olson of Globe Contractors, for the property located at N50W23076 Betker Dr. Pewaukee, WI 53072, LSBT 0284.995.004, for a Sign Permit, for a concrete slab ground sign.**

Tracy Olson was present and gave an overview of the sign Globe Contractors will be implementing. She explained the dimensions and placement of the sign is so it can be seen on both sides. There will be no lighting so no electrical permit needed. The footings will be four feet deep with steel rods. Commissioner Meyer stated he was in favor but whether the Commission could approve the sign since it did not meet the zoning code. Planner Lindstrom explained that the Plan Commission has the discretion to waive this standard if it is in public interest.

*Motion by Commissioner Samanske to approve the request from Dan and Bob Olson of Globe Contractors, for the property located at N50W23076 Betker Dr. Pewaukee, WI 53072, LSBT 0284.995.004, for a Sign Permit, for a concrete slab ground sign. Seconded by Commissioner Nelson. Motion passed 7-0.*

**Discussion and necessary action on the request from Paul Giles of Lannon Stone Products, for the property located at N52W23096 Lisbon Road, Sussex, WI 53089, LSBT 0237.965, for a Site Plan Amendment for a driveway relocation and related landscaping, as well as a Sign Permit request for a ground sign.**

The applicant came forward and gave a presentation to the Commission to show the current entrance off of Townline Road. The entrance is right next door to a home less than ten feet away. The applicant explained this is not a good situation for Lannon Stone as the home is too close to the entrance. Lannon Stone purchased a home to the north of the current entrance and demolished it to make room for a new drive that would be less invasive to the home to the south. The applicant explained that they would remove the old entrance and replace it with grass, placing the new entrance further north of the existing home and adding landscaping and signage.

Commissioner Nelson agreed this was definitely not an ideal situation and thinks the proposed plan is a good plan. Commissioner Samanske added that he would like to see further details on the plans for the sign. Commissioner Meyer agreed this is a great plan and doesn't see a down side. Commissioner Stadler said she did a sight inspection thinks it makes a lot of sense. Commissioner Plotecher stated she had no problems and didn't know how trucks got out so close to the roundabout. The Town Planner explained that to the Board that the plan shows the drive is part of another lot. The applicant, in order to add a new entrance could do a combination CSM or draft an easement. Mr. Lindstrom explained that for signage, the combination of properties in a CSM would make the most sense. This should be added as a condition of the approval. He also added a condition should also be added that the sign is etched and not attached to the rock which the applicant agreed to. Mr. Lindstrom also explained that the Plan Commission could waive the requirement for the business sign in an R-1 district instead of rezoning the whole property.

*Motion by Commissioner Nelson to approve the request from Paul Giles of Lannon Stone Products, for the property located at (check address) Townline Road, Sussex, WI 53089, LSBT 0237.965, for a Site Plan Amendment for a driveway relocation and related landscaping, as well as a Sign Permit request for a ground sign contingent on the application of a combination CSM, the sign being etched and waiving the R-1 sign requirement. Seconded by Commissioner Samanske. Passed 7-0.*

**Town Clerk & Town Planner**

**Overview of October Planning Appointments & Current Task/Project list.**

Planner Lindstrom gave updates to the Commission and explained that the November agenda will have a lot of items on it with a wide variety of applications.

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

Planner Lindstrom pointed out a memo that the County asked to distribute to the Plan Commissioners. He explained that the County has met with various town staff from 5 or 6 towns to understand their processes. There seemed to be a bottleneck or lag in processing applications. In this memo is the end result of what various opportunities and improvements are possible. Mr. Lindstrom asked the Commission, if we are looking at this from an objective level, what are the items that have to be in front of the Plan Commission, what can be approve from the staff level and what the TB should approve. Commissioner Meyer agreed that the Town throws months of delays at people and require them to pay to go to the board and Plan Commission. A lot of times we cannot get things approved in time for construction. If applicants have to go somewhere else anyways, why don't they just go straight to the Town Board? Administrator Gresch explained the benefits of allowing some items to be approved at a staff level if they meet the requirements of our code, using sign permits as an example. She asked, if it meets the Town's code, why does it have

to go to the Plan Commission? Commissioner Meyer stated he was more concerned about going to the Town Board and Plan Commission in which the administrator stated that some have to go to both per our code. The Planner explained that some of these smaller process are running into issues when the County gets involved with Shoreland Wetland jurisdiction.

### **Discussion and update on wedding barn venues.**

Planner Lindstrom explained to the Board that there have been 3 separate inquiries regarding wedding barn venues. The Town currently doesn't have anything in the code regarding this as a use or conditional use. At this point, these venues would be brought to the Plan Commission as an unspecified conditional use. Mr. Lindstrom asked for direction from the Commission as to how they would like to proceed with these types of applications. He mentioned adding this as number 35 under the conditional use zoning code.

Commissioner Nelson asked if the Town would be in any legal holes in regards to fire or injury. The Planner explained this would be no different than any other business which are issued CUPs. These establishments would have the same conditions as any other venue with fire and safety restrictions. Commissioner Nelson expressed concern that typically barns are not a place you have large groups of people and are not made for that purpose.

Commissioner Oelhafen explained that the State is no longer requiring their approval for plans for these barn venues because every barn that would come through the State would fail. They leave it up to the municipality and the County. Mr. Oelhafen explained he spoke with other inspectors and they enforce the code without having to go to the State for approved plans. He also explained that the proper inspections on the part of the building inspector and Fire Department are still required. Administrator Gresch mentioned that the Fire Department should be involved with this process right away.

Planner Lindstrom explained that in the current code these venues would be unspecified conditional use and the first applicant could be a good guideline to establish these conditions. Commissioner Samanske expressed that these should be a case by case scenario. Commissioner Stadler expressed concerned about neighbors being in close proximity to these establishments. She was concerned about alcohol consumption occurring in or close to residential neighborhoods and those safety concerns. She also mentioned the issue of noise, traffic and other concerns in regards to what becomes of the empty farmland in some of these scenarios.

Administrator Gresch explained that these establishments are able to apply for a liquor license and the Waukesha Health Department does get involved. She also explained, as far as food goes, caterers could be used for any private party and these would be no different. Supervisor Plotecher asked Planner Lindstrom if it would be easier to add this to our zoning code as number 35 of our conditional uses. Mr. Lindstrom stated it would be beneficial to use the common elements of these venues to the code, but if the Commission intends on having different restrictions for different venues, it may be beneficial to do these on a case by case basis.

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

### **Adjournment.**

*Motion by Commissioner Nelson to adjourn the Thursday, October 11, 2018 Plan Commission Meeting at 8:08 P.M. Seconded by Supervisor Oelhafen. Motion carried, 7-0.*

Respectfully submitted,

Dan Green, WCMC  
Town of Lisbon Clerk