

**Minutes of the Plan Commission Public Hearing(s)
Town of Lisbon, Town Hall
Thursday, March 14, 2019
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, Plan Commission Members Ed Nelson, Mark Meyer, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Town Planner Dan Lindstrom and Attorney Kevin Clark. Also present were Supervisors Linda Beal and Tedia Gamiño.

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.

NOTICE IS HEREBY GIVEN that a Joint Public Hearing will be held by the Lisbon Plan Commission and Town Board of Supervisors on Thursday, March 14, 2019 beginning at 6:30 P.M. at the Lisbon Town Hall, W234N8676 Woodside Rd., Lisbon, WI 53089, to solicit public comments on the rezoning from A-10 Agricultural District to R-1 Suburban Single Family Residential District, for the property owned by the Town of Lisbon, known as the Pauline Haass land, for the property located at LSBT 0167.999., for the purpose of a subdivision development.

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

Kari Sear N92W27884 Hickory Road, lives across from said land. She expressed concern because of the flooding at Sweetbriar Lane that it will not go into the subdivision. This issue seems to be worse by the year and she wanted to make sure that where water ponds are being proposed, that they are deep enough to get all the water away from this area.

Steve Kostca W279N8970 Sundown Court- Had concerns about flooding into his back yard. He wanted to know know if planning will be done to make sure that water has a way to go somewhere else. Follow up question. He also had concerns, as a biker, that Lake Five Road will have too much traffic and asked if safety of bikers and runners will be addressed.

Rob Brazgel N92W27788 Hickory Road – Expressed concerns about flooding as he has upwards of 8 feet on his property.

Lou Ann Evert N90W27443 Red Fox Run, Hartland - Questioned where the entrances and exits are going to be and how is it going to tie into the existing subdivision.

The public hearing was closed to the next public hearing.

NOTICE IS HEREBY GIVEN that a Joint Public Hearing will be held by the Lisbon Plan Commission and Town Board of Supervisors on Thursday, March 14, 2019 following the previously scheduled hearings at the Lisbon Town Hall, W234N8676 Woodside Rd., Lisbon, WI 53089, to solicit public comments on the rezoning from A-3 Agricultural/Residential Estate District to R-1 Suburban Single Family Residential District, for the property owned by Donald and Eileen Dlobik, for the property located at W275N9101 Lake Five Rd, LSBT 0167.999.001., to be developed as a part of the proposed subdivision on the Pauline Haass land.

Public Hearing Comments: Chairman Osterman explained this public hearing was also related to the previous item. There were no comments from the public on this public hearing.

NOTICE IS HEREBY GIVEN that a Joint Public Hearing will be held by the Lisbon Plan Commission and Town Board of Supervisors on Thursday, March 14, 2019 following the previously scheduled hearings at the Lisbon Town Hall, W234N8676 Woodside Rd., Lisbon, WI 53089, to solicit public comments on the rezoning from A-10 Agricultural District and C-1 Conservancy Wetland and Floodplain District to R-1 Suburban Single Family Residential District and Planned Unit Development Overlay District, for the property owned by Hillside Ridge LLC, for the property located at W249N7416 Hillside Road, LSBT 0205.995, for the purpose of a subdivision development.

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

Sherri Howard – N73W25201 Howard Lane – Expressed concerns of the notice which referenced an incorrect street address. The address is actually owned by her son across the street. She also expressed concerns that there was not a conceptual process for the PUD. Dan Lindstrom responded to Ms. Howard stating that there is a two-step process, first the conceptual, then the General Development Plan. The applicant is going through a one step process of reviewing the conceptual as part of their GDP along with the rezone tonight.

Sherri Howard continued and expressed that the development did not provide for open spaces as the plan standards outline. She explained PUD should be for a specific benefit to the community. 55 lots on half-acre lots she thought would only benefit the developer and the developer doesn't have to deal with problems down the road. She explained the PUD is supposed to be clustered, making smaller lots to preserve open space for lands that are sensitive or lands that need to be protected. She thought this subdivision uses the entire subdivision and corridors which they are not supposed to do. Ms. Howard also expressed concerns with flooding and high ground water in the area.

Ms. Howard provided documentation and studies from Waukesha County that show 27 of the proposed lots fall within the soils and high ground water. She explained the developer did meet with the surrounding property owners and explained how they were going to address the water issue by putting in two large ponds which will drain near 164. Currently all properties in the area are under water and the middle of the proposed property is under a lake. She asked the Plan Commission and Town Board table this request until they can get a full scope of what this is going to do.

Lois Bray N71W24759 Good Hope Road. Had the same concerns about the water table and the roads. The impact of traffic and all the development is not why she moved to her home 10 years ago.

Mary Eder N74W25134 Howard Lane. Explained she lives on the property that is right behind the proposed subdivision and expressed concerns about water. This is a concern for all neighbors near her including the church property and the Saddle Club. She explained there is no place for water to go.

Carole Schultz Menomonee Fall Saddle Club – Represented the Menomonee Falls Saddle Club and seconded what was previously said.

Sherri Howard – N73W25201 Howard Lane – Wanted further explanation on concern for clay-lined ponds being drained near the wetlands. She explained that there was a request to dig the ditches deeper and was told the ditches cannot be dug any deeper. She has concerns that the Town spent a lot of money fixing water problems because of developments that went in. She doesn't want the Town to spend more money by taking on more water issues.

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and Planned Unit Development Overlay District, for the property owned by Roger Rodeghier, for the property located at W250N7551 Hillside Road, LSBT 0208.987, to be developed as a part of the proposed subdivision on Hillside Road.

Public Hearing Comments: Chairman Osterman opened the hearing and explained this public hearing was related to the previous item. There were no comments by the public.

Adjournment

The public hearings were adjourned at 6:52 P.M.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, March 14, 2019
Following the Public Hearing beginning at 6:30 P.M.**

Chairman Osterman called the Plan Commission meeting to order at 6:52 P.M.

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Mark Meyer, Jane Stadler and Bryan Oelhafen. Also present: Planner Dan Lindstrom, Attorney Kevin Clark and Clerk Dan Green. Excused were Chad Samanske and Ed Nelson.

Comments from citizens present pertaining to items on the agenda.

Dustin Zellmer N59W27019 Ainsworth Road– represented his father and grandfather whose properties boarder the northwest portion of the Stolz property. He explained there were pictures and a map that were given to the Commission which depicts water issues currently on the property and had concerns about flooding where lots are being proposed on the Lisbon Road subdivision.

Joanne Brandtjen N74W25134 Howard Lane. Explained she has multiple neighbors, the Howards, the Deerrs, the Harts, the Steins, the Grosses, Smiths, the Reeses, the Eders and the church that are concerned about flooding.

Discussion and necessary action on February 14, 2019 Plan Commission Public Hearing & Meeting minutes.

Motion by Commissioner Oehlhafen to approve the February 14, 2019 Plan Commission minutes. Seconded by Commissioner Samanske. Motion carried, 6-0.

Discussion and necessary action to approve the Annual Mobile Home Park License for American Mobile Home Communities and recommendation to the Town Board of the same.

Motion by Chairman Osterman to approve the Annual Mobile Home Park License for American Mobile Home Communities and recommendation to the Town Board of the same. Seconded by Commissioner Nelson. Motion carried, 6-0.

Discussion and necessary action on the request by Innovative Signs, on behalf of Allegis Corp., for the property located at N49W22900 Commerce Centre Dr., Pewaukee, LSBT 00287.985.002, (Allegis Corporation, Suite B) for a non-illuminated wall sign.

Planner Dan Lindstrom explained this was brought to the Plan Commission in December. They made an amendment to the sign which was already approved. Based on current ordinances, we were not able to approve this application at a staff level.

Motion by Commissioner Nelson to request by Innovative Signs, on behalf of Allegis Corp., for the property located at N49W22900 Commerce Centre Dr., Pewaukee, LSBT 00287.985.002, (Allegis Corporation, Suite B) for a non-illuminated wall sign. Seconded by Commissioner Oelhafen. Motion carried, 6-0.

Discussion and necessary action on the request for Neumann Developments Inc, for the property located at W249N7416 Hillside Road, LSBT 0205.995, for approval of Ordinance 05-19, an Ordinance Rezoning LSBT 0205.995 from A-10 Agricultural District and C-1 Conservancy Wetland and Floodplain District to R-1 Suburban Single-Family Residential District and for approval of Ordinance 06-19 and Ordinance establishing a Planned Unit Development Overlay District General Development Plan and recommendation to the Town Board of the same. NOTE: The proposed Planned Unit Development Overlay District General Development Plan Ordinance encompasses parcels LSBT 0208.987, LSBT 0205.995, and LSBT 0205.994 in the Town of Lisbon.

The Town Clerk and Planner explained to the Commission that the address on the agenda is incorrect. The Town has to provide notice of a property using the best information provided to us at the time of sending the notice. The Town based the address on Waukesha County's GIS, which had not been updated, however the tax key on this parcel is correct.

Bryan Lindgren from Neumann Developments gave a presentation to the Commission. This is a 55 lot conservation subdivision on 79 acres. This is similar to a cluster style development which condenses the lots and uses the other available lands for preservation and stormwater management. Mr. Lindgren explained this was a challenging subdivision and appreciated being able to meet the neighbors. There is a significant amount of water flowing uphill into the Howard lane properties back yards. Mr. Lindgren presented pictures showing where the water is stagnating. Neumann proposed two storm water basins along the south property line with diversion berms and retention ponds. He stated no action does not improve the situation of the neighbors and they have engineers on the project working to capture that water and redirect it, and doesn't see how their situation will not vastly improve.

Dan Lindstrom explained this item and the next agenda item should be discussed under this item as they are both related to this proposal. He also explained when hearing notices went out there was another parcel that was anticipated being included in the PUD. It is already zoned R-1 but it was not included in the PUD at this point. Mr. Lindstrom also explained that tonight's agenda items are about the rezone and the GDP. Conservation subdivisions require 40% protection of the site. The proposal addresses the stormwater management. There was a comment of the "clusterness" of the subdivision. There is no clear cut definition, if a project was 400 acres, they could have larger clusters. Because this isn't a huge cluster, you do not get the "typical" clusters. These lots are larger than a typical cluster would be. The future land use map shows this area being planned for subdivision purposes. A corner of this was set for commercial use. We had the applicant remove that from their rezone and PUD. The orange piece on the future land use map shows medium density residential and yellow shows low density residential.

Mr. Lindstrom also reviewed the other open lands to be preserved marked on the future land use map. He explained there are wetland delineations and soil tests that need to be done. The Open lands to be preserved are guesses based off of old soil tests and satellite imaging. From a PUD standpoint, a few months ago the Commission saw Kaerek's conceptual plan. There is a 12 month timeframe for final designs and preliminary plat and covenants as part of the specific development plan. Mr. Lindstrom explained that for storm water management, we rely on codes and Waukesha County has their codes and standards. Waukesha County did a preliminary review of the plan along with a Town development review. Working with the Town and County engineers.

Chairman Osterman explained this area has been designated since 2001 to be a subdivision. The best way to preserve land from future development is to purchase it and preserve it.

Neumann's storm water engineer from SEH explained how they would divert water from the property and push it south and west across HWY 164. He stated that the ponds would be large and lined with clay to keep water out of the ground water. They would also build homes to stay within the Town and County's requirements of staying above the resting ground water. Chairman Osterman mentioned there were concerns from citizens concerning water being diverted and coming back on the property. The SEH engineer stated they need to survey the culvert and the ditch along 164. Commissioner Stadler was concerned about the neighbor on 164 who's property the water would be diverted to. The engineer responded that that area is already a wetland. Their plan would be to alleviate the water on Howard Avenue which eventually goes into that wetland. The SEH engineer explained ordinances are typically based on the rates of water not being more than what was originally on the property and this will be a factor in the County's review.

Commissioner Samanske expressed concern regarding the property on the west side of 164 that may potentially be another development in the future. The Reamer property may be impacted from potential development from the north. Commissioner Nelson state he would be concerned about lots 48-55 based on where the water sits on the property. The applicant explained that the two ponds would work in conjunction with each other and would be connected by a swale or pipe.

The Commission expressed concerns about the conceptual design of the subdivision and the use of open spaces. They discussed possibly putting in bike paths that would be paved. There were also concerns about traffic and wanted to see a max yield plan. The applicant explained that this would be a HOA subdivision and those costs would go into the upkeep of the 40% conservancy areas and the retention ponds.

Attorney Kevin Clark explained there are identified objectives outlined in the Town's Code, Section B 1-7. These would be recommendations to the Town board but each development does not have to meet all of these. The Commission should consider if the benefits of what they do meet or outweigh the benefits of the rest.

Chairman Osterman explained he would like to see some help with Howard Lane and thinks Neumann is trying to control stormwater issues. On the design and open space, he explained he was a little disappointed with the rest of the land in an open space subdivision. Commissioner Nelson stated he would strongly recommend looking into a walking path similar to what was looked at in Barnwood subdivision. Chairman Osterman also stated that turnarounds need to be 75' as fire trucks cannot make the 60' turnaround.

The Commission had concerns with the Planned Overlay Development portion of the ordinance but agreed to take up the matter of the rezoning of the property. They all agreed they wanted to see a little more in the concept plan to include walking paths and a better use of the open space.

Motion by Chairman Osterman to approve the request for Neumann Developments Inc, for the property located at W249N7416 Hillside Road, LSBT 0205.995, for approval of Ordinance 05-19, an Ordinance Rezoning LSBT 0205.995 from A-10 Agricultural District a District to R-1 Suburban Single-Family Residential District and recommendation to the Town Board. Seconded by Samanske. Motion carries 6-0.

Motion by Commissioner Osterman to hold over Ordinance 06-19, an Ordinance establishing a Planned Unit Development Overlay District General Development Plan to the next meeting. Seconded by Commissioner Oelhafen. Motion carried, 6-0.

Discussion and necessary action on the request for Neumann Developments Inc, for the property located at W250N7551 Hillside Road, LSBT 0208.987, for approval of Ordinance 06-19, an Ordinance establishing a Planned Unit Development Overlay District General Development Plan and recommendation to the Town Board of the same. NOTE: The proposed Planned Unit Development Overlay District General Development Plan Ordinance encompasses parcels LSBT 0208.987, LSBT 0205.995, and LSBT 0205.994 in the Town of Lisbon.

Motion by Commissioner Osterman to hold over Ordinance 06-19, an Ordinance establishing a Planned Unit Development Overlay District General Development Plan to the next meeting. Seconded by Commissioner Nelson. Motion carried, 6-0.

Discussion and necessary action on the request for the Town of Lisbon, for the property located at LSBT 0167.999, for approval of Ordinance 07-19, an Ordinance Rezoning LSBT 0167.999.001 from A-10 Agricultural District to R-1 Suburban Single Family Residential District and recommendation to the Town Board of the same.

Mr. Lindstrom explained that items E and F on the agenda were related and should be taken up together. The property is currently owned by the Town requesting a rezone for a typical subdivision that would not be based off of a PUD. The future land use has this slated for Suburban Density I Residential. At this point this is just a rezoning request and this is not yet at the development stage review.

Motion by Commissioner Nelson to approve the request for the Town of Lisbon, for the property located at LSBT 0167.999, for approval of Ordinance 07-19, an Ordinance Rezoning LSBT 0167.999.001 from A-10 Agricultural District to R-1 Suburban Single Family Residential District and recommendation to the Town Board of the same. Seconded by Commissioner Oelhafen. Motion carried, 6-0.

Discussion and necessary action on the request for Mike Kaerek, on behalf of Donald and Eileen Dlobik, for the property located at W275N9101 Lake Five Rd, LSBT 167.999.001, for approval of Ordinance 08-19, an Ordinance Rezoning LSBT 0167.999 from A-3 Agricultural/Residential Estate District to R-1 Suburban Single Family Residential District and recommendation to the Town Board of the same.

Motion by Chairman Osterman to approve the request for Mike Kaerek, on behalf of Donald and Eileen Dlobik, for the property located at W275N9101 Lake Five Rd, LSBT 167.999, for approval of Ordinance 08-19, an Ordinance Rezoning LSBT 0167.999.001 from A-3 Agricultural/Residential Estate District to R-1 Suburban Single Family Residential District and recommendation to the Town Board of the same. Seconded by Commissioner Nelson. Motion carried, 6-0.

Discussion and necessary action on the request for Keller, Inc, on behalf of Halquist Stone, for the property located at W221N6913 Townline Road, LSBT 0237.970, for a Site Plan/Plan of Operation amendment to construct a 56' x 64' maintenance shop for quarry.

Dan Lindstrom explained the request for a site plan/plan of operation amendment for a new maintenance shop. He explained there were no issues with proposed operation, but with a new building comes a site plan review. Waukesha County will do the same review process internally as there is shoreland jurisdiction. The proposed shed is 3,584 square feet and is isolated on the site. Dan explained the conditions of approval which are his standard conditions with the addition that they comply with conditions from Waukesha County.

Motion by Commissioner Nelson to approve the request for Keller, Inc, on behalf of Halquist Stone, for the property located at W221N6913 Townline Road, LSBT 0237.970, for a Site Plan/Plan of Operation

amendment to construct a 56' x 64' maintenance shop for quarry per town planner recommendations. Seconded by Commissioner Samanske. Motion carried, 6-0.

Presentation by Neumann Developments Inc., on behalf of Bowen Global Investments, Inc., for the conceptual subdivision development of the property located at N56W27476 Lisbon Road, Tax Key LSBT 0264.998.

Bryan Lindgren from Neumann Developments presented the concept plan for potential development on opposite end of the town from the Hillside proposal. Mr. Lindstrom explained this is going through a Comp Plan amendment first which needed to be amended to allow for residential development.

Mr. Lindgren explained this follows the same style cluster development but slightly larger with 64 lots. This will access Lisbon Road to the south and Ainsworth Road to the north. Similar considerations have been brought to their attention for stormwater particularly in the northeast part of the parcel. Outlot 3 is nearly 14 acres to account for significant amounts of stormwater. This subdivision will have amenity areas such as community gathering areas and could accommodate walking areas.

Commissioner Stadler questioned the drive off of Ainsworth being in the middle of a flood basin. Mr. Lindgren explained that delineations have not been done on the property and they intend to manage all of the flows in this area on the property by capturing it to flow at the same natural rate as it currently is and not divert it. Commissioner Stadler explained there is a spring on the property and Mr. Lindgren confirmed there is a seep in that area. There is significant grade where lots are proposed and tests will need to be done to stay in the 18" high water level. This will be presented as another PUD with 30,000 square feet lots.

The Commission was in agreement that a PUD subdivision fits this area. There were some concerns with traffic on a road with a 55 mile per hour speed limit. There also were concerns with the amount of water that is on the northeast corner of the property. Mr. Lindgren explained that the County will dictate the storm water modeling as they move forward. The Commission was also in agreement that they would like to see walking paths in this subdivision.

Town Clerk & Town Planner

Town Sign Code Update Exercise Facilitated by the Town Planner.

Dan Lindstrom explained he wanted to have a frank discussion on moving forward with the sign code. He asked if the town wanted to proceed with content neutral reviews. The current code has some restrictions that should not be, based on the Supreme Court ruling from 4 years ago. Commissioner Nelson questioned if this effects message signs. Mr. Lindstrom explained if you should not be interpreting the message, only the architecture based on the code. The Commission also discussed what sign applications require Commission's review and what could be approved by staff. Commissioner Meyer suggested if people apply and the sign meets the code or exceeds by 10%, staff should have the authority to approve.

Dan Lindstrom stated he will draft standards and bring them to the Commission for review. Some signs are slightly outside of the ordinance. The Commission agreed that signs up to a certain size over what the code allows, staff can approve using their discretion. To trigger a Plan Commission review, would be on an appeal basis that if staff denied an application, they may turn to the Commission for approval. Mr. Lindstrom explained that there should be some public input when changing the code and discussed possibly holding public forums or review meeting. The Commission decided to leave the changes up to the planner and the attorney. The public will be notified through the ordinance process. Staff would deny it if not meeting the code and Plan Commission could overturn the appeal. Plan Commission agrees with appeal.

The Commission also agreed that the sign code standards should be based on zoning districts which have more leeway for restrictions near residential areas than in industrial areas. Mr. Nelson expressed some concerns regarding hate speech signs in regards to free speech issues.

Overview of February and March Appointments & Current Task/Project list.

Planner Dan Lindstrom and Clerk Dan Green reviewed planner appointments from the past month. The issue of lot splits was brought up by the Town Planner.

U.S. Postal Service National Delivery Planning Standards Update

The Commission moved to this update first while developers were still present. The cluster box is going to be the standard moving forward in subdivisions. A packet from the US Postal Service is included in the packet.

Requests from members to put future items on the agenda.

Adjournment.

Motion by Commissioner Samanske to adjourn the Thursday, March 14, 2019 Plan Commission Meeting at 9:15 P.M. Seconded by Supervisor Nelson. Motion carried, 5-0.

Respectfully submitted,

Dan Green, WCMC
Town of Lisbon Clerk