

**Minutes of the Plan Commission Public Hearing(s)  
Town of Lisbon, Town Hall  
Thursday, April 11, 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 was Supervisor Linda Beal.

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 conducted by the Lisbon Town Board of Supervisors and Plan Commission on Thursday, April 11, 2019, beginning at 6:30 PM at the Town of Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089 to consider a proposed amendment to the Town of Lisbon Comprehensive Development Plan: 2035 and an accompanying rezoning request. The purpose of the public hearing is to accept public comments on the proposed amendment and rezoning. An application has been filed by Neumann Developments Inc. for the property owned by Bowen Global Investments requesting an amendment to the Land Use Plan Map adopted as part of the Town Comprehensive Development Plan. The application requests that the Land Use Plan Map be amended from Rural Density and Other Agricultural Land & Other Open Lands to be Preserved to Suburban I Density Residential and Other Open Lands to be Preserved on parcel LSBT 0264.998. The subject property is generally located north of Lisbon Road and south of Ainsworth Road and Basham Lane. A rezoning of the property from A-10 Agricultural District to R-1 Suburban Single Family Residential District. A Planned Unit Overlay District General Development Plan has also been requested and will be considered at the public hearing.

**Public Hearing Comments:**

**Pat Wells, W279N5959 Walnut Grove Drive** – Stated he represented the neighborhood association for Walnut Grove. There were a number of residents who received notice of the Comprehensive Plan amendment and wanted to know if the letter that was sent was correct as the properties in his subdivision had a net of 3 to 5 acres and the proposed subdivision is a Conservancy Subdivision with only 1.67 acres per lot. He is wondering if a variance would be required based on the current zoning and comprehensive plan.

**Gary Gohde, W275N5747 Green Meadow Lane** – Explained he is not against development as long as it meets the density of the Town's plan. Their category is suburban II density and he had concerns of the lower density zoning so close to them affecting their property values.

**Peter Merbeth, N56W27034 Lisbon Road** – Is the owner of the property on the corner of Lisbon Road and County MD. He is questioning whether this was to be a retention or a detention pond.

This public hearing was closed at 6:47 PM.

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Lisbon Plan Commission and Town Board of Supervisors on Thursday, April 11, 2019, following the previously schedule public beginning at 6:30 P.M. at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, to solicit public comments on the rezoning from A-10 Agricultural District to R-1 Suburban Single Family Residential District

and Planned Unit Development Overlay District, for the property owned by Bowen Global Investments, for the property located at: LSBT 0264.998 from A-10 Agricultural to R-1 Suburban Single Family Residential Planned Unit Development District, for the purpose of developing the subject property and provide lots for a subdivision.

**Public Hearing Comments: None.**

**NOTICE IS HEREBY GIVEN** that a Joint Public Hearing will be held by the Lisbon Town Board of Supervisors and Plan Commission on Thursday, April 11, 2019, following the previously scheduled hearing at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, to solicit public comments on the request for a Planned Unit Development – General Development Plan (PUD – GDP) for Hillside Ridge LLC, for the property located at W250N7551 Hillside Road, LSBT 0208.987, and the property generally located on the west side of Hillside Road, north of Howard Lane, across from Beverly Lane, LSBT 0205.995.

**Public Hearing Comments:**

**Sherry Howard, N73W25201 Howard Lane** – Explained she lives just south of the proposed Hillside Subdivision and had questions regarding the development plan. She expressed concern about the tot lot location and about a deeded easement on the property that was left out of the plans. She asked that the deeded easement be included in the PUD. She also questioned whether or not a bike trail and tot lot is a benefit to the overall community. The max yield plan does not take into account the standing ground water levels and this area is already susceptible to flooding and has high resting ground water. She suggested to require the developer's agreement to pay and be financially liable for a period of 8 to 10 years, any water damage from flooding and questioned how an HOA could be responsible for maintaining the retention ponds.

**William Eder, N74W25168 Howard Lane** – Expressed concern about the amount of houses with no place for the water to go. He has shown pictures to the Town regarding this and went to the neighborhood meeting hosted by Neumann. He explained there was a natural "kettle" where the water collects. Developer plans always look good on paper but when they leave, the residents and Town are left with the liability. He expressed concerns about polluted water systems from all of the septic systems and asked if the developer was aware of the corn dryers that are adjacent to the property and operate 5 months of the year.

**Joanne Brandtjen, N74W25134 Howard Lane** – Reiterated concerns of water, traffic, noise and construction. She stated there has always been water on the property since she could remember.

**Rod Kilian, W150N6115 Pocahontas Dr.** – Expressed concerns about water on the church's property.

**Brandon Wester, N75W25620 Hwy 164** – Explained he moved to his location because he and his wife like to ride dirt bikes and make noise without having to worry about neighbors calling the cops. He questioned if he would now have the cops called on him every day if a subdivision goes up.

This public hearing was closed at 7:09 PM

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Lisbon Plan Commission on Thursday, April 11, 2019, following the previously scheduled hearing to solicit public comments on the Conditional Use Permit for a wedding and event barn and request for a Major Grading Permit for David and Kim Meyer dba Hartland Weddings and Events, for the property located at W259N8598 State Road 164, Hartland, WI 53029, LSBT 0178995001. PT NW1/4 SEC 9 T8N R19E; COM W1/4 COR.

**Public Hearing Comments: None**

**NOTICE IS HEREBY GIVEN** that a Joint Public Hearing will be held by the Lisbon Plan Commission and Town Board of Supervisors on Thursday, April 11, 2019, following the previously schedule public beginning at 6:30 P.M. at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, to solicit public comments on the rezoning from Agricultural District to M-2 General Industrial District to allow industrial uses, for the property owned by the Town of Lisbon, for 44.96 acres of the west portion of the property located at N63W22039 County Road F, LSBT 0241.999, N1/2 NE1/4 SEC 25 T8N R19E.

**Public Hearing Comments: None**

### **Adjournment**

The public hearings were adjourned at 7:11 P.M.

**Minutes of the Plan Commission Meeting  
Town of Lisbon, Town Hall  
Thursday, April 11, 2019  
Following the Public Hearing beginning at 6:30 P.M.**

Chairman Osterman called the Plan Commission meeting to order at 7:12 P.M.

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

### **Comments from citizens present pertaining to items on the agenda.**

**Gary Gohde, W275N5747 Green Meadow** – Explained that his subdivision to the west of the proposed Neumann development on Lisbon Road also experiences water and flooding issues.

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

*Motion by Commissioner Meyer to approve the March 14, 2019 Plan Commission minutes. Seconded by Commissioner Nelson. Motion carried, 7-0.*

### **New Business**

**Discussion and necessary action on the following requests for John Then, dba SPACE4U LLC, for the property located at W230N9515 Colgate Road, LSBT 0149.999:**

- i. Certified Survey Map and recommendation to the Town Board of the same.**
- ii. Plan of Operation amendment as a result of the splitting of this parcel to separate the storage unit business from the auto repair shop.**

Dan Lindstrom explained the two items before the Commission. The original SPPOO was approved several years ago for automotive repair shop. The CUP for the storage units was approved a couple of years ago. The applicant has met with the County and have worked out an arrangement with them for when someone does come in who is interested in being a tenant for the garage. From the CSM standpoint, as long as the conditions of approval are met and the wetland delineations required by the County are followed through, we recommend approval subject to those conditions. The Plan of Operation is just a cleanup item to separate the two businesses from the CSM.

Commissioner Stadler asked if there has been a current inspection on the premises from the building inspector. She was referring to page 33 of the packet which part of Waukesha County's requirements. Planner Lindstrom also explained that a lot of this application from a County point of view is cleanup from what was originally done with the Town.

*Motion by Commissioner Nelson to approve the request for John Then, dba SPACE4U LLC, for the property located at W230N9515 Colgate Road, LSBT 0149.999 for a two-lot Certified Survey Map contingent on approval from the Village of Richmond, the conditions of the Town Planner, the conditions of Waukesha County and recommendation to the Town Board of the same. Seconded by Commissioner Samanske. Motion carried 7-0.*

*Motion by Chairman Osterman to approve the request for John Then, dba SPACE4U LLC, for the property located at W230N9515 Colgate Road, LSBT 0149.999 for a Plan of Operation amendment as a result of the splitting of this parcel to separate the storage unit businesses from the auto repair shop. Seconded by Commissioner Nelson. Motion carried 7-0.*

**Discussion and necessary action on the following requests for Neumann Developments Inc., on behalf of Bowen Global Investments, Inc., for the property located at N56W27476 Lisbon Road, Tax Key LSBT 0264.998 and recommendation to the Town Board of the same:**

- iii. Comprehensive Plan Amendment from Rural Density and Other Agricultural Land & Other Open Lands to be Preserved to Suburban I Density Residential and Other Open Lands to be Preserved.**
- iv. Rezone from A-10 Agricultural District to R-1 Suburban Single Family Residential District and Planned Unit Development Overlay District – General Development Plan.**

Commissioner Stadler recused herself from these two items.

Bryan Lindgren and Steve DeCleene were present from Neumann Developments Inc. The first purpose to discuss is the land use amendment and to make sure the County's land use lines up with the Town. Mr. Lindgren explained that property values will be supportive of the development with properties with homes at \$450,000 to \$650,000. The storm water engineer Neumann has contracted with has worked with necessary storm water flows as it comes onto the site and passes off the site.

Planner Lindstrom explained the intent of the applicant to change the future land use map. Chairman Osterman explained to the audience the difference between a Comprehensive Plan map and a Zoning map. He explained there may be some confusion as to the Comprehensive Plan not being in line with the zoning map for the subdivision to the west of the proposed property. The current zoning of the subdivision to the west of the Stolz property is R-1, however the County's Land Use Map shows densities of 3-5 acres per lot. This is unusual, that a zoning designation is less restrictive than the Comprehensive Plan. The current zoning is now 1 acre lots. The current zoning of the subdivision to the west is actually similar to what is being proposed for this property.

Mr. Lindstrom explained that the PUD process is a two-step process with first a General Development that focuses on overarching issues such as general storm water, impact on the neighbors etc. The second step is a Specific Development Plan. Mr. Nelson asked if the GDP would allow the Plan Commission to review and make recommendations. Mr. Lindstrom explained that the Plan Commission will see each piece of the subdivision as it comes including the preliminary plat, the GDP and the SDP.

The Chairman asked if everyone was comfortable with what had been discussed as a change to the land use is a big deal. Commissioner Nelson questioned if, based on what was discussed, there would be responsibility on the developer when it comes to storm water. Dan Lindstrom explained the County and

State have storm water regulations that everyone has to abide by. As the developer moves forward with the GDP and SIP process they will have to meet the requirements of the County and the Town. The standards for water flows onto other properties dictate that no additional water is redirected to adjacent lands than what is currently being diverted. Attorney Kevin Clark explained the County has standards for water flow and what the developer has to do to meet these standards. He explained Neumann will have to go through an extensive process for storm water management and we do not have all the information in front of us yet to this point.

Steve DeCleene from Neumann explained they do recognize the water on the north east site and did not have lots in that section with sufficient space to hold a lot of water in that area. Bryan Lindgren reiterated the point they have to answer to the County's standards and will have to manage all the water on site including impervious surfaces.

Chairman Osterman addressed the letter that was submitted to the Clerk's Office regarding the comprehensive plan and requesting the zoning be the same as the neighboring subdivision. He explained that this is similar zoning as the R-1 zoning of that subdivision with the only difference being this is a conservancy subdivision and it meets the Suburban II density. Mr. Lindstrom added that the way density is calculated in the letter is not how the Town and County measure density.

Steve DeCleene explained the max yield compares a conservation subdivision with a regular R-1 subdivision. He explained that the 3-5 acre lot sizes will be obsolete. Conservation subdivisions give opportunity to pull lots off the main roads and away from water reservation areas. He explained most people think 30,000 square feet is plenty of space for their lots and these types of subdivisions provide a way to meet neighbors.

The board unanimously favored the PUD, pointing out the benefit it provides to controlling water with the open spaces and creates more usable shared space. The PUD also provides more open space between homes and Lisbon Road. The Chairman questioned the 60 foot cul-de-sac in which Neumann stated the 60 foot measurement was a radius which meets the Town's 75 foot diameter requirement.

*Motion by Commissioner Nelson to approve the request for Neumann Developments Inc, for the property located at N56W27476 Lisbon Road, Tax Key LSBT 0264.998, for approval of a Comprehensive Plan Amendment from Rural Density and Other Agricultural Land & Other Open Lands to be Preserved to Suburban I Density Residential and Other Open Lands to be Preserved and recommendation to the Town Board and Merton Joint Plan Commission of the same. Seconded by Supervisor Plotecher. Motion carries 6-0 with Commissioner Stadler abstaining.*

Attorney Kevin Clark stated the new PUD ordinance requires a report of the Commission's findings which need to be reported to the Town Board with their recommendation. This needs to provide a short report of the contingencies of their recommendation. This can be done in the motion or a report of such. Planner Lindstrom explained that usually meeting minutes in draft format will suffice for this requirement. Attorney Clark explained the reason for this is because the Plan Commission will make requirements at the meeting, however, not all the Town Board members are present.

*Motion by Supervisor Nelson to approve the request for Neumann Developments Inc, for the property located at N56W27476 Lisbon Road, Tax Key LSBT 0264.998, to Rezone from A-10 Agricultural District to R-1 Suburban Single Family Residential District and Planned Unit Development Overlay District – General Development Plan with special attention to the 4/11/2019 Plan Commission Minutes as the findings of the Plan Commission with recommendation to the Town Board and Merton Joint Plan Commission of the same. Seconded by Supervisor Plotecher. Motion carried, 7-0.*

**Discussion and necessary action on the request for Neumann Developments Inc, for the property located at W250N7551 Hillside Road, LSBT 0208.987, and the property generally located on the west side of Hillside Road, north of Howard Lane, across from Beverly Lane, LSBT 0205.995, 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 LSBT 0205.994 in the Town of Lisbon.**

Bryan Lindgren from Neumann Development reviewed the some of the comments from their original PUD and considered the requests for better use of the open space. The new plan incorporated a recreational trail one mile long and a tot lot with some prairie grass areas for kids. He explained these areas were thought to have the least immediate impact to property owners. Mr. Lindgren also presented the yield plan to the Commission and explained the conservation subdivision is not designed to get more lots, but to preserve the open space. He explained there is an unrecorded easement to 164 and they are still working on trying to obtain the lot from Payne and Dolan.

Planner Lindstrom explained the rezone of this parcel is still working its way through the Town Board and Waukesha County Board as well as the Joint Planning review with the Village of Sussex. He explained there were concerns about the tot lot being too close to storm water areas. He also mentioned that a 10% grade level would be required. The overall density of Neumann's conservancy subdivision is comparable to a subdivision with R-1 zoning. He also explained that any easement from the Payne and Dolan property would be addressed going through the plat process. Any financial liability in regards to storm water would be incorporated into the developer's agreement. Soil tests would also be required during the plat process and all storm water controls will be reviewed thoroughly during this process. In regards to the noise ordinance, there will be no change to the current ordinance and is the same no matter where you live.

Mr. Lindstrom also explained the use and development of the property as described in our boarder agreement does have this area proposed to have sewer and water. The Town will need to figure out the legalities of the requirement of sewer based on our ordinance and the boundary agreement. Chairman Osterman explained the town had purchased 173,000 gallons of daily flow from Sussex, and if we purchased it, we should use it. If a sewer extension is required this would mean potentially smaller and more lots on the property.

Steve DeCleene stated he only sees the water issues improving around Howard Lane with two large ponds. These plans will need to go through extensive analysis and is vetted through Waukesha County with a surety for two years to make sure the ponds work properly. Mr. DeCleene also explained the two detention ponds will be clay lined and will take two to three years to mature. He explained he was confident they will be able to make water flow over 164 smoothly at a rate below what the area is seeing with the two ponds connecting with an overflow ditch between them. The DOT will also review drainage calculations and will be highly scrutinized.

Commissioner Nelson explained that the second detention pond is near a wetland and in the case of excessive rain events, would water be able to flow through those wetlands? Mr. DeCleene explained the water would have to flow around those wetland areas and go straight to the 164 right of way. Mr. Nelson asked if the HWY 164 overflow would be a ditch or a culvert system in which Mr. DeCleene stated would most likely be a high capacity swale.

Commissioner Samanske had concerns to the north with the road coming to the property behind lots 1 through 7. He explained between lots 4 and 5 there is a culvert which allows the property to the north to

drain down to the south. He questioned where the water from the north to the south is going to go? Mr. DeCleene explained there will be grass swales and a culvert under the road to divert to the pond. There were other concerns about grading heading west along 164. Mr. DeCleene explained they have staked for borings and shot storm water culverts but there is still more testing to do. The more serious testing is when they mark topography of the area. Neumann's engineer also mentioned the culvert that runs to 164 is only 24" and may be why this area floods.

Commissioner Stadler asked if they had considered the noise from the corn dryer to the north and west of the proposed subdivision. She questioned if the subdivision would change his operations. Planner Lindstrom explained there are exceptions to the noise ordinance with the "right to farm" laws. He also explained this can be marked on the plat of wet basin requirements, right to farm requirements and others. Commissioner Stadler also had concerns about hunting in the area and how this would cause issues due to the distance a firearm can be discharged from a subdivision.

Supervisor Plotecher stated she still had concerns about water.

Mr. DeCleene responded that the same amount of water is going to be on this parcel; however, they are now providing a great deal of storage for the water. He stated Neumann cannot say they will solve every problem with water, but they are introducing a solution to some of the concerns brought forward. Chairman Osterman explained the Town has gotten better with storm water from 2005 to now. He mentioned Sweetbriar Lane gets brought up a lot and agreed this is a bad area, but this was not the norm and this area was developed over 20 years ago. Now, technology has gotten a lot better with storm water management.

Commissioner Meyer explained the County has gotten more aggressive with storm water as does the Town whose engineer has to review Neumann's plans. The Commission has not seen water issues come back to bite the Town and they have only gotten better over the years. He stated he thinks the water issues will be much improved from where they are currently and there will only be more engineering reviews moving forward.

Chairman Osterman asked the Commission what their thoughts were on the PUD. Commissioner Nelson stated he didn't think the HOA would want a tot lot with the location of the lot close to the settlement pond. He recommended placing it anywhere away from its current location. Mr. DeCleene stated perhaps lot 4 would be a better option. Mr. Nelson also expressed concerns about lots 48, 52, 53 and 54 and to how close they are to those detention ponds. Mr. DeCleene explained there are a lot of lots that come close to these types of ponds and did not see this as a practical objection. Commissioner Nelson mentioned this as a safety concern for children. Mr. Nelson also mentioned having the entire recreational trail get paved because woodchips require too much maintenance and are not practical for runners and bikers. Mr. DeCleene explained that they never paved paths in wooded areas. The developer explained that the entire path would be paved except between lots 15 to 33 which would be woodchips. Commissioner Samanske agreed with Commissioner Nelson and stated if you are putting in the work you want to create a path people will use.

Mr. DeCleene came back to a previous question regarding property values. He explained that with the cost of materials for homes increasing, the lowest new home cost they can put on the market would be \$425,000 in Waukesha County. This means the sale price of these homes would exceed the homes around it. Chad Samanske explained he had concerns about the tot lot next to the water basin. He also had some concerns with lots 48 through 52 but did agree that if buyers are aware of the water ponds they should be cognizant of this when purchasing. He also expressed concerns with the Payne and Dolan property in the middle of the subdivision.

Commissioner Meyer agreed that out lot 4 would be better suited for a tot lot. He also wanted to see the bike trail paved all the way through. Overall he stated this was a good development given this piece of property. Commissioner Stadler expressed concerns with lots 22, 23 and 24 which are located near where property for a potential school is located. She stated water is a big concern and if sewer is involved, the Plan Commission would have to look at a different layout and design. The developer may not support the cost of running sewer to this location. Typically sewer lots are not bigger than 30,000 square feet.

Supervisor Plotecher stated the plan does not seem to do anything extraordinary and doesn't do anything for her. Commissioner Oelhafen expressed concerns with the tot lot being close to the retention pond. He also stated they should watch the basement floor elevations near the pond lots and to watch for lateral leaching. Also keep in mind the ordinance for the depth to high ground water. Mr. Oelhafen stated he wasn't an advocate of walking trails and if they didn't have one he wouldn't ask them to put one in. They are great when used, but if it doesn't get maintained it looks bad. Chairman Osterman stated he didn't like the idea of the path going through a wooded area for the safety of residents and homeowners.

Planner Lindstrom reviewed the PUD ordinance in the packet and the identified objectives for approving a Planned Unit Development. Commissioner Oelhafen stated he would like this subdivision to be a PUD so it allows for extra room to handle the water. Supervisor Plotecher stated if she had to choose she would rather see this as a PUD. Commissioner Stadler agreed, of the two, she liked the PUD map as did the other Commissioners. Chairman Osterman explained that conventional PUDs have space between the individual properties and agreed this subdivision fits better in the space as a PUD. The Chairman also addressed concerns about farming near the subdivision and wanted to make a restriction that neighbors have the right to farm. Bryan Lindgren stated they could record this as a plat note and/or declarations could be added. Planner Lindstrom stated he would add two conditions, one the future SDP is cognoscente of the right to farm and approval subject to the boarder agreement. This way we can continue to move this forward and if it doesn't meet the boarder agreement we can stop it at that point.

Supervisor Plotecher asked if the developer plans to put trees along the roads. Bryan Lindgren explained they will be putting covenants of two to three trees per lot. He also explained they have some berms outlined outside of the water basin and will dress those up.

*Motion by Chairman Osterman to approve the request for Neumann Developments Inc for the property located at W250N7551 Hillside Road, LSBT 0208.987, and the property generally located on the west side of Hillside Road, north of Howard Lane, across from Beverly Lane, LSBT 0205.995, for approval of Ordinance 06-19, an Ordinance establishing a Planned Unit Development Overlay District General Development Plan and recommendation to the Town Board and Sussex JPC of the same. Seconded by Commissioner Nelson. Motion carried, 7-0.*

**Discussion and necessary action on the request for the Town of Lisbon, for the property located at N63W22039 County Road F, LSBT 0241.999, for approval of Ordinance 10-19, an Ordinance Rezoning LSBT 0241.999 from Agricultural District to M-2 General Industrial District to allow industrial uses and recommendation to the Town Board of the same.**

*Motion by Chairman Osterman to approve the request for the Town of Lisbon, for the property located at N63W22039 County Road F, LSBT 0241.999, for approval of Ordinance 10-19, an Ordinance Rezoning LSBT 0241.999 from Agricultural District to M-2 General Industrial District to allow industrial uses and recommendation to the Town Board of the same. Seconded by Commissioner Nelson. Motion carried, 7-0.*

**Discussion and necessary action on the request for David and Kim Meyer dba Hartland Weddings and Events, for the property located at W259N8598 State Road 164, Hartland, WI 53029, LSBT 0178995001:**

- v. Conditional Use Permit for a wedding and event barn ("Unspecified Conditional Use") and major grading permit and recommendation to the Town Board of the same.**
- vi. Sign permit.**

Planner Lindstrom went through his review of the request from the Meyers. He explained they came to the Plan Commission last year for a major grading permit. He focused on the key parts for the Commission to consider when moving this forward and that would be the conditions of approval. The site plans and building plans are attached to the agenda packet along with recommendations and points to note. Planner Lindstrom reviewed and recommended the following conditions:

1. The Applicant shall comply with all site plan and operational aspects details on the submitted materials. The Site Plan shall be on file at the Town of Lisbon. It is the Applicant's responsibility to contact the Planning Office when inspections are needed.
2. The Town of Lisbon retains the right to annually review the business operation for compliance with approved plans. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
3. Land Use, Licensing, and Operation:
  - a. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
  - b. The Applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
  - c. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
  - d. Hours of operation are a.m. to a.m./p.m., April 1 – September 30 annually (i.e. There is at least one period of 90 consecutive days in which the barn is used for no more than one social event.) The Commission made the determination of hours operation later in the meeting.
  - e. Outdoor Entertainment shall be limited to the hours of a.m. to p.m. The Commission made the determination of entertainment hours later in the meeting.
  - f. Total site occupancy shall be no more than individuals including staff and/or catering staff.
  - g. The operation shall be limited to a Class liqueur licenses.

- h. There shall be no outdoor storage of materials.
  - i. All onsite dumpsters shall be stored within enclosure areas.
  - j. The Applicant shall prepare an Emergency Action Plan and review the action plan with the Fire Marshall.
  - k. Any additional or future business signage shall be required to obtain signage approval.
    - i. No signage in Highway 164 right-of-way.
    - ii. The sign shall be 10 feet from the abutting lot line and right-of-way line to ensure proper vision clearance.
4. Access:
- a. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
  - b. On-site parking shall be limited to handicapped accessible spaces and parking for staff and event set up and coordinators/honorees.
  - c. If the State of Wisconsin, Waukesha County Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
5. Building and Site Plan:
- a. Building plans must be submitted to the Town for review and approval prior to occupancy. Architectural drawings for the event structure, signed and stamped by a licensed architect, are required and must be submitted prior to the issuance of occupancy. The plans shall include and should show the proposed ingress/egress paths, exit/emergency lighting, and fire extinguishers, as well as all other information deemed necessary by the Building Inspector and Fire Marshall.
  - b. The Building Inspector shall inspect the premises to ensure the site is in compliance with the respective building codes. Any identified issues shall be corrected prior to the issuance of an occupancy permit.
  - c. The Applicant shall provide proof that the Fire Department has inspected the site and approved its use. This shall include applicable site drive improvements necessary to access the site in an emergency.
  - d. Smoking and all open flames are prohibited in the barn and within 50 feet of the barn, except for certain catering services.
  - e. The building shall be inspected by a structural engineer building's structural and any required alterations will be made prior to occupancy. The results shall be submitted to the Town Clerk and Building Inspector.
  - f. Exit lights/emergency lights and fire extinguishers are required.
  - g. The Applicant is requesting a "warming only" kitchen at this time. A CUP amendment shall be obtained if the Applicant wishes to establish a commercial kitchen.

- h. Site grading shall be approved by the Town Engineer.
  - i. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
  - j. A statement from the Applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with applicable ADA regulations.
6. Septic
- a. Approval by Waukesha County Environmental Health Division (appointment date TBD).
  - b. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new developments.
7. The approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Site Plan/Plan of Operation permit with all the zoning procedures at the time of being followed. Any use not specifically listed as permitted shall be considered to be prohibited, except as may be otherwise specified herein.
8. The Town reserves the right to review any condition imposed as part of Conditional Use Permit and Site Plan and Plan of Operation if said use becomes a problem in the area. The Town Plan Commission and Waukesha County may modify, change, delete, add, etc. any conditions, through the Site Plan and Plan of Operation process, which they feel may be reasonable in order to allow this use and ensure it does not become detrimental to the surrounding area.

Chairman Osterman questioned if this would be considered a limited family business. Mr. Lindstrom stated this would be a staffed business and so went forward as an unspecified use. Attorney Clark stated the limited family business is more for an office setting and do not usually have a private hall. Commissioner Nelson asked if this was going to have a conventional septic tank. The Planner stated the applicant has been working with the county and it was explained that a conventional system had to be installed. Testing has been done for the mound system.

Mr. Meyer explained the DOT would allow them to add 10 spaces and they would be doing a gravel parking area. They have agreements with two entities for offsite parking, one in Lisbon and one in Sussex. The Commission questioned what they would like their hours of operation to be, keeping in mind the hours of operation is not when event will be held, but any work being done on the property including setup and take down. Planner Lindstrom explained that most communities have an "everybody out" end time. This would include staff, guests and caterers. In his experience, this time is one hour after the event is finished. Mr. Lindstrom also made a clarification on the difference between hours of operation and the personal use of your property. It was agreed that the event should end at 11:00 AM with an "everybody out time of 1:00 AM. The open time would be set to 8:00 AM. Outdoor entertainment time hours were restricted to 10:00 PM.

Clerk Dan Green explained to the Commission that the venue would be looking to acquire a liquor license and the Town did have one available for this venue. This would need to be approved by the Town Board.

Mr. Meyer pointed out the staircase off the deck in the architectural drawing is going the wrong way and should be going toward the level ground. He also mentioned they contacted Sussex and they had no issues with colored ink parking. Each parking lot being used has 100 spots. The applicant explained the code states there needs to be an exit within 50 feet. Commissioner Stadler expressed concern with the parking situation and asked why they could not have onsite parking. Mr. Meyer explained that they would need to build a \$300,000 turn lane off of HWY 164. Ms. Stadler explained there may be conflicts with other events that may be going on at the places where the offsite parking is located. Planner Lindstrom explained that it is not uncommon for similar offsite parking to take place. Supervisor Plotecher didn't see any problems but questioned the amount of noise at the parking drop off sites. Commissioner Oelhafen stated he met with the fire marshal on the property and said he would require structural engineering plans.

*Motion by Commissioner to approve the request for David and Kim Meyer dba Hartland Weddings and Events, for the property located at W259N8598 State Road 164, LSBT 0178.995.001 for a Conditional Use Permit for a wedding and event barn ("Unspecified Conditional Use") and major grading permit and recommendation to the Town Board of the same. Seconded by Commissioner Nelson. Motion carried, 6-1 with Commissioner Stadler opposing.*

### **Sign Permit**

Planner Lindstrom explained this does not fit within our monument sign. The Town does not usually allow for pole signs and we do not have a spot in the Town Code. The Commission agreed that the sign would look nicer with two posts, one on each side, as the current sign looks more like a for sale sign.

*Motion by Chairman Osterman to approve the request for David and Kim Meyer dba Hartland Weddings and Events, for the property located at W259N8598 State Road 164, LSBT 0178.995.001 for a sign permit to construct a two-post monument sign contingent on the conditions of the Town Planner. Seconded by Commissioner Samanske. Motion carried, 7-0.*

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

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

*Motion by Chairman Osterman to postpone "Assign Annual Inspection of Plans of Operation and Conditional Use Business Establishments" until the May Plan Commission meeting. Seconded by Commissioner Nelson. Motion carried, 7-0.*

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

The quarry inspections were assigned as follows:

Genesee Aggregate – Commissioner Stadler  
Northwest Asphalt – Commissioner Meyer  
Lannon Stone – Commissioner Meyer  
LaFarge – Commissioner Samanske  
Payne and Dolan – Commissioner Nelson  
Halquist – Commissioner Oelhafen

#### **Overview of March and April Planning Appointments.**

Planner Lindstrom and Clerk Green reviewed planner appointments including some transfers of adjacent lands and potential CSM applicants.

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

**Adjournment.**

*Motion by Commissioner Nelson to adjourn the Thursday, April 11, 2019 Plan Commission Meeting at 10:26 P.M. Seconded by Supervisor Samanske. Motion carried, 7-0.*

Respectfully submitted,

Dan Green, WCMC  
Town of Lisbon Clerk