

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, June 13, 2019
6:30 P.M.**

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, Mark Meyer, 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. None.

Discussion and necessary action on May 9, 2019 Plan Commission Public Hearing & Meeting minutes.

Motion by Commissioner Nelson to approve the May 9, 2019 Plan Commission minutes. Seconded by Commissioner Samanske. Motion carried, 7-0.

New Business

Discussion and necessary action on the request for Casey's Marketing Company on behalf of Casey's General Store for the property located at W220N5701 Town Line Road, LSBT 0244.999.003, for a site plan amendment to relocate the underground storage tanks and proposed curb location.

Dan Lindstrom explained the proposed site plan amendment is to move the underground gas tank location and potential change to the curb. He showed the changed location on the site map and explained this is most likely for safety and ease of access. He explained he had no issues with the change and recommends approval of the site plan changes.

Commissioner Nelson asked what the distance was from where the island is to the underground tanks. Planner Lindstrom stated around 60 feet. Commissioner Stadler stated that the applicant needs an amendment to the site plan, but other conditions should remain the same. Chairman Osterman asked if these could be driven over or if they were raised up significantly. Lauren Downing from Casey's was present and explained they are raised up but only an inch and can be driven over.

Motion by Commissioner Nelson to approve the request for Casey's Marketing Company on behalf of Casey's General Store for the property located at W220N5701 Town Line Road, LSBT 0244.999.003, for a site plan amendment to relocate the underground storage tanks and proposed curb location with attention to the recommendations from the Town Planner. Seconded by Commissioner Meyer. Motion carried, 7-0.

Discussion and necessary action on the request for Jamason Ames on behalf of Sherwood Forest Bowmen, for the property located at N61W25600 Walnut Road, LSBT 0254.017, for a site plan amendment to construct a 24' x 32' gazebo. (Administratively approved)

Planner Lindstrom explained this was administratively approved as the application was on the cusp of the deadline for the May meeting. Staff recommends approval of the site plan amendment to build a gazebo if there are no objections from the Commission.

Motion by Commissioner Samanske to approve the request for Jamason Ames on behalf of Sherwood Forest Bowmen, for the property located at N61W25600 Walnut Road, LSBT 0254.017, for a site plan amendment to construct a 24' x 32' gazebo. Seconded by Commissioner Nelson. Motion carried, 7-0.

Discussion and necessary action on the request from Joel Pemberton dba Joes Car Care and Sales (property owner SPACE4U LLC), for the property located at W230N9515 Colgate Road, LSBT 0149.999, for a plan of operation amendment for change of ownership (formerly All American Automotive) for an auto repair and sales shop.

Planner Lindstrom explained this property is owned by Mr. Then who did a CSM for this parcel in April. This application is for the business that will be operating on the new parcel. Waukesha County had previously had jurisdiction on this property until the owner delineated and the designation was removed by the DNR. The plan of operation is for a car sales and repair shop which is permitted in the B-3 district. There is a slight change to what is on the application; the applicant would like to amend the hours of operation a half an hour earlier for the applicant to use the space before opening and extending the Saturday hours. The Planner recommended approval of the Site Plan/Plan of Operation contingent on the following conditions:

1. The Applicant shall comply with all site plan and operational aspects included in the previously approved submitted materials. The Site Plan shall be on file at the Town of Lisbon and Waukesha County.
2. The Town of Lisbon retains the right to annually review the business operation for compliance with approved plans.
3. The Fire Chief shall inspect the premises to ensure the site is in compliance with the respective fire codes. Non-objection from the Fire Department and correction of any deficiencies prior to issuance of SPPOO.
4. The Building Inspector shall inspect the premises to ensure the site is in compliance with the respective building codes. Non-objection from the Building Inspector and correction of any deficiencies prior to issuance of SPPOO.
5. There shall be no outdoor storage of materials and there shall be no outdoor storage and sale of junked or wrecked vehicles, equipment, or parts (Zoning Code – Section 26(b)(2)(d))
6. Hours of Operation shall be limited to Monday-Saturday 8:00 am to 6:00 pm. This shall mean the time employees and/or the operators are on-site.
7. There shall be no trash stored outside of the building. The existing dumpster/waste container shall be screened at all times by an enclosure.
8. Vehicles shall be stored on a hard surface and any vehicles susceptible of leaking fluid shall be stored interior to the building while they await repair. There shall be no parking on the road or in the road right-of-way.
9. There shall be no storage of gasoline on site, except for the removal of gasoline from vehicles prior to repair. Such gasoline shall be stored in appropriate containers and disposed of by a certified disposal service. Used gasoline shall be stored off the ground and secured until a certified disposal company can collect the used fluids. Applicant shall inform the Town Clerk of the contracted disposal services and such information shall be kept on file in with the Town and with the applicant.
10. Used and new engine oil, antifreeze, and other fluids shall be stored off the ground and secured until a certified disposal company can collect the used fluids. Applicant shall inform

the Town Clerk of the contracted disposal services and such information shall be kept on file in with the Town and with the applicant.

11. The Waukesha County Environmental Health Division may review and approve of the uses on the subject property, prior to the issuance of any permits.
12. Any additional or future business signage shall be required to obtain signage approval through the Town of Lisbon sign application process.
13. An up-to-date Site Plan and Plan of Operation must be on file at all times with the Town of Lisbon.
14. 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.
15. The Town reserves the right to review any condition imposed as part of this Site Plan and Plan of Operation if said use becomes a problem in the area. The Town Plan Commission 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. Any major change, as determined by the Town Plan Commission may require modification to the SPPOO Permits or termination of the use.

Commissioner Nelson asked if the applicant purchased the business which the applicant explained he is leasing the building for his business. Mr. Nelson asked if the applicant was okay with the conditions described which the applicant said yes. Mr. Nelson asked if he anticipated growing his business which the applicant stated if he were to expand he would expand the building as well. He also stated he was in agreement with the hours of operation.

Motion by Commissioner Nelson to approve the request from Joel Pemberton dba Joes Car Care and Sales (property owner SPACE4U LLC), for the property located at W230N9515 Colgate Road, LSBT 0149.999, for a plan of operation amendment for change of ownership (formerly All American Automotive) for an auto repair and sales shop with notice to the Town Planner's comments and with the revision to the hours of operation. Seconded by Supervisor Plotecher. Motion carried, 7-0.

Discussion and necessary action on the request from Mike Kaerek, for the properties located at W275N9101 Lake Five Road, Hartland, tax key LSBT 0167.999.001 and LSBT 0167.999, for a Preliminary Plat and recommendation to the Town Board of the same.

Planner Lindstrom explained the majority of his comments are surface level and these are still being reviewed by Waukesha County and Richfield. The engineer also sent his review letter and both recommend approval subject to conditions including the approval of all agencies and with the following conditions:

1. Approval from all applicable Town Staff, Waukesha County reviewing departments, Village of Richfield, and other applicable reviewing agencies.
2. Revise the name of the plat to "Preliminary Plat of Haass Farms"
3. Include a preliminary plat symbol legend.
4. Removal of fire tanks locations if the applicant selects the fee in lieu of option.

5. Include a percolation test location for each proposed lot.
6. Label the building and structures to be removed.
7. Locate the general location of Onsite Soil Absorption Sewage Disposal System (OSASDS) envelopes for each lot. Identify any differences for Lot 1 and Lot 31.
8. Note 11 should be revised to include the references to the impacted lots.
9. Revise the Surveyor certificate to also include references to Wisconsin State Statutes 236 and Waukesha County.
10. Include the following additional notes:
 - a. All wells shall be located within 50' of the front lot line to ensure proper separation to septic systems and storm water management systems.
 - b. Utility easements shall be determined by the utility companies and included in the final plat.
 - c. Per the Wisconsin Historic Preservation database and State Archeologist, there are no reported archeological site on the site.
 - d. The 30-foot wide Landscaping Easement is granted to the Haass Farms Homeowners Association.
 - e. Outlot 1 contains Landscaping and storm water easement.
 - f. Outlots 2-6 contains storm water easement.

Mr. Lindstrom explained he would want the plat renamed to a subdivision name and include a legend on the plat. The applicant has expressed interest in doing a fee in lieu of water storage tanks. The Town also requires perk tests for all lots which will need to be submitted before the final plat is recorded. Buildings that are to be removed should also be labeled as such. There is also a curve that does not meet the 100 foot requirement of tangent points which can be waived by the Town Board. The Board agreed they would have no problem with waiving this requirement as long as the Fire Department did not have a problem which they did not.

Commissioner Nelson explained that water has been a concern for the neighbors to the north and asked if the Planner was satisfied in the cases of extreme weather events, that there would be no storm water issues. Mr. Lindstrom explained these plans are still being reviewed by Waukesha County at this time but the site does have four storm water retention areas. They are also using structures and pipes to get water to these storm water areas on half of the subdivision.

Motion by Commissioner Nelson to approve the request from Mike Kaerek, for the properties located at W275N9101 Lake Five Road, Hartland, tax key LSBT 0167.999.001 and LSBT 0167.999, for a Preliminary Plat and recommendation to the Town Board of the same based on the Town Planner's recommendations and Kunkel's storm water review. Seconded by Commissioner Samanske. Motion carried, 7-0.

Discussion and necessary action on the requests for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0283.998:

Temporary Plan of Operation request to allow night operations

Planner Lindstrom explained this there are two pieces to this application, one regarding the change in ownership of the leased land and the second is to extend night operations temporarily. Mr. Lindstrom explained where the site location was (near Maple Rd. and Lisbon Rd.). The Board had no concerns. The applicant explained they are not looking to make this a permanent operation but they do get DOT projects every year. Planner Lindstrom commented that the Sunday hours were missing from the application which they had previously been approved to do. The applicant had no objections to adding Sunday hours of operation from 7:00 am to 5:00 pm.

Motion by Chairman Osterman to approve the request for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0283.998 for a Temporary Plan of Operation request to allow night operations. Seconded by Commissioner Samanske. Motion carried, 7-0.

Site Plan/Plan of Operation amendment to reflect the change of land ownership from Halquist to Lannon Stone Products.

Motion by Chairman Osterman to approve the request for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0283.998 for a Site Plan/Plan of Operation amendment to reflect the change of land ownership from Halquist to Lannon Stone Products. Seconded by Commissioner Nelson. Motion carried, 7-0.

Town Clerk & Town Planner

Review quarry inspection reports

LaFarge – Commissioner Samanske stated there were no problems to report. He explained they are pulling from south East corner and there is a new operations manager.

Northwest Asphalt – Commissioner Meyer reported that there are some changes and NW Asphalt is looking to expand south 300 feet to stockpile asphalt for the DOT. They are looking at trucking internally and increase the berm to reduce noise even more.

Lannon Stone Products – Commissioner Meyer reported some changes to operations including their water management plan. They currently have 25 to 30 pumps moving water and they want to get that down to 2 pumps. They are planning on increasing the amount of roads in the plant. They are hoping to reduce the amount of aggregate coming into the roads. Their long term plan would be tunneling under County F or putting up a bridge.

Genesee Aggregate- Commissioner Stadler explained there is a new manager. They have a new portable crushing plant. There is new signage is around the plant and berms are in the process of being formed. They are working with ready mix this year. The site is orderly and neat. They are willing to provide Lisbon access to water if the fire department needs it. She rated them excellent and didn't have any problems.

Halquist – Commissioner Oelhafen visited the Ideal Quarry who are mainly dealing with big slabs of rock. He stated the site was very neat and they run a tight ship with nothing laying around or out of place. They showed how they do their blasting and the pieces that do not come out nice get crushed by the portable crusher into gravel.

Payne and Dolan – Commissioner Nelson stated they are getting ready to set up conveyers and equipment. He did not get out of the truck but appeared that everything was in excellent conditions and well maintained.

Review and discussion regarding five area maps outlining special joint review areas with the Village of Sussex.

Planner Lindstrom explained that over the past few months there has been claim of a special use area by the Village of Sussex. These special use areas come from a few areas designated in the boarder agreement. The Joint Plan Commission is no longer a recommending body when it comes to these areas, but becomes an approval body. This will be a discussion point at the next JPC meeting. Planner Lindstrom showed the five areas outlined in the Boarder agreement. He reviewed our Town comprehensive plan as well as

Sussex's 2020 and 2040 comp plans. Near Hillside along 164 the Town's comp plan should reference these areas as special areas. Sussex's 2040 plan is now expanding their special use area. He explained the Leid's property was originally in the boarder agreement showing the commercial areas only as special use. On the comprehensive plan for the Town, we reference this as commercial special use. The Villages 2020 plan referenced that as well. In the Village's 2040 Comprehensive Plat it expanded the whole remainder of the property as special use. The same expanded special use area is seen on the southeast corner of Lisbon Road and County F. The Village of Sussex's 2040 Comprehensive Map now shows the entire industrial areas as special use. The Planner explained there are large discrepancies that need to be negotiated between the two communities.

Discussion regarding food truck ordinances and procedures

Town Clerk Dan Green explained the request from a vendor who is looking to park a food truck in the strip mall along County Q and Hwy 164. The purpose of this item is to get a direction from the Plan Commission as to if they would want the Town to write an ordinance to allow food trucks. Planner Lindstrom explained he has a lot of experience with food truck in working with other communities and could assist in drafting an ordinance depending on what the Plan Commission decides.

Commissioner Nelson stated there was opposition to the strip mall in that area and he thought people in homes in this area would not be pleased. The Commission asked what other communities are doing and Attorney Clark stated he can come up with a list from other communities. Planner Lindstrom stated he has a lot of research in regards to this. The Commission directed Attorney Clark and Planner Lindstrom to look into this.

Overview of June Planner Appointments

Planner Lindstrom reviewed planner appointments throughout the month and also mentioned that the sign ordinance will be coming to the Commission at one of the next meetings.

Requests from members to put future items on the agenda.

Adjournment.

Motion by Commissioner Samanske to adjourn the Thursday, June 13, 2019 Plan Commission Meeting at 7:57 P.M. Seconded by Supervisor Nelson. Motion carried, 7-0.

Respectfully submitted,

Dan Green, WCMC
Town of Lisbon Clerk