

**Minutes of the Plan Commission Public Hearing(s)
Town of Lisbon, Town Hall
Thursday, November 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 6:32 P.M.

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

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, November 14, 2019 beginning at 6:30 P.M. 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. The purpose of the public hearing is to accept public comments on the proposed amendment. An application has been filed by Jim Forester for the property owned by Rightway Bus, LLC, 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 & Other Agricultural Lands to Low Density Residential for the property located at N95W23759 County Line Road, LSBT 0150.997. The Other Open Lands to be Preserved will not be changed. (Rescheduled from October 10, 2019 meeting)

Public Hearing Comments:

Mike Kinlen N94W23633 Hermitage Drive, stated his main concern is water drainage. The concept shows a 30 foot drainage easement which goes to Hyde Park Drive. Water drains and runs east to the back side of his property where there are problems with ground water levels. Some residents have multiple pumps on their property. If the new subdivision would make it better he would be in favor but if it is not guaranteed he is not in favor and will seek legal advice if water issues get worse.

Anthony Valoria, N95W23853 HWY Q, stated the Town should keep its vision for this property of 5 plus acre lots. He understands there is a low density subdivision to the east but the land to the west is rural density. This will set precedent to rezone the other properties. He expressed concern of the effects of a small town atmosphere going away along with the negative effects on the Bark River, the shorelands and potentially their wells.

Lisa Odis W220N9523 Town Line Road, stated she is against this plan. The Town adopted this plan as a long range planning vehicle. She is strongly against this type of development and changing something we put in place already. She was upset she had to find out about the amendment from a community group website. She expressed the need to preserve the natural habitats. She also expressed concern about flooding and the woodland corridor areas.

Scott Radke N95W23787 County Line Road, stated he canvassed the neighborhood and most are against it. He also expressed concerns about the water table, aesthetics, and traffic including construction traffic.

Sara Valoria N95W23853 HWY Q, is opposed to the Comprehensive Plan amendment and this is an

example of the Town not protecting its resources. She explained the long range plan is to add parks and preserve lands along the Bark River. If allowed, this would be doing the opposite. She also expressed concern with low density 20,000 square foot lots.

Dawn Hockerman, N95W23719 Hermitage Dr, stated she was opposed to rezoning. She wants to keep the small town feel. She stated the Town fought to stay independent and asked if the Town needs to grow any further. She also expressed concern for the wells fed by Bark River and the increase in police and fire services.

Jeff Ellner N91W24192 Crooked Bridge Court, is opposed to amendment. Mr. Ellner referenced Arrowhead Park and criticized the large houses on small lots. He also questioned how many more houses would be taking water out of the aquifer. He asked if there had been a study done on the well. He also questioned if studies had been done on traffic and schools in the area.

Eric Schmitt N88W24240 North Lisbon Road, is opposed to the Comprehensive Plan amendment. He stated he moved to Lisbon 4 years ago for the rural setting. He stated he is not against development, but wants to keep the rural density of 5 acres.

Sue Miller N87w24189 North Lisbon Road, stated she was opposed to the plan change. She likes living in a rural area, but now traffic has made it unsafe in her neighborhood. She expressed concern that traffic will only get worse with more development.

Mellissa Fenninger, N91W24201 Crooked Bridge Court, agrees with everything that was said previously. She moved to Lisbon 17 years ago and loves the aesthetics. She expressed concerns about wells and about bringing crime in with more residential development.

Dan Fischer W265N2995 Thousand Oaks Drive, stated he is opposed to the Comprehensive Plan change. He does not like the piece-meal rezoning process. He feared the trend seems to be going to smaller and smaller lots.

Gail Neuens, N88W24944 North Lisbon Road, stated she and her husband are both against the rezoning. They like larger lot sizes and expressed concerns with traffic since the 164 project started. She also had concerns about the Bark River being preserved.

AJ Ludwig, N90W24279 Crooked Ridge Drive, expressed concerns with the wells. There have also been issues with speeding and drivers running through stop signs. He stated the safety of other drivers and pedestrians are concerns along with crime concerns including examples of theft in the area.

Laurie Laubenheimer, W237N9333 Monticello Dr., is opposed to the Comprehensive Plan amendment and expressed concerns about the wells. She questioned if testing could be done. She also expressed concerns about traffic and safety.

Mary Lerch, N88W23462 North Lisbon Road, explained she is against the Comprehensive Plan amendment and agrees with the current land use of 5+ acre parcels.

Sara Bastian, W229N9414 Colgate Road, agrees with traffic concerns that were previously stated. She explained she has a difficult time turning right onto Highway Q and adding more families will create more traffic and longer bus rides for her children.

Kim McCarty, W237N9477 Mr. Vernon, expressed concerns with traffic. She stated she walks her dog and it is becoming more and more dangerous to do. She stated it is not possible to walk a dog along North Road anymore.

Dawn Hockerman, N95W23719 Hermitage Dr, asked if there was a way to put this item to a vote of the people or to bring this to a referendum. She expressed she wanted to have a vote as a referendum of the whole Town of Lisbon.

Lisa Odis W220N9359 Town Line Road, also asked that the Commission put this item on a referendum.

Chairman Osterman opened the hearing to comments from the public, which there were none. The public hearing was closed at 7:08 PM.

NOTICE IS HEREBY GIVEN that a Joint Public Hearing will be held by the Lisbon Plan Commission and Town Board of Supervisors on Thursday, November 14, 2019, beginning at 6:30 P.M. following the previously scheduled 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, Sections 27 and 28, relating to the Commercial Special Use Zoning Districts, and proposed amendments to the text of the Town of Lisbon Zoning Ordinance in accordance with Wisconsin State Statutes, re-adopting Ordinance 01-18 related to Planned Unit Developments as an overlay district in the Town of Lisbon.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public, which there were none. The 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, November 14, 2019, beginning at 6:30 P.M. following the previously scheduled hearing at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, to solicit public comments on a Conditional Use Permit request for a Bed and Breakfast for Jeremy and Lori Rush, for the property located at N72W24740 Good Hope Road, Lisbon, WI 53089, LSBT 0203.994.005, PARCEL B CERT SURV 3433 VOL 26/77 REC AS DOC# 1068979 PT SW1/4 SEC 15 T8N R19E.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public, which there were none. The public hearing was closed at 7:10 PM.

Adjournment

The public hearing was adjourned at 7:10 P.M.

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

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

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

Discussion and necessary action on October 10, 2019 Plan Commission Public Hearing & Meeting minutes.

Motion by Commissioner Samanske to approve the October 10, 2019 Plan Commission minutes. Seconded by Commissioner Nelson. Motion carried, 5-0. Commissioner Meyer Abstaining.

New Business

Discussion and necessary action on Resolution 16-19, Resolution Amending the Town of Lisbon Land Use Map from Rural Density and Other Agricultural Lands and Other Open Lands to Low Density Residential (Other Open Lands to be Preserved will not be changed), for the request of Jim Forester for the property owned by Riteway Bus LLC, for the property located at N95W23759 County Line Road, LSBT 0150.997 and recommendation to the Town Board of the same. (Rescheduled from October 10, 2019 meeting)

Planner Dan Lindstrom explained that staff was taking notes through the public hearing and will be available to answer those questions. He led with a couple of points of clarification. He first explained that tonight's meeting is not to take action on a rezone. This is a Comprehensive Plan amendment only. As far as a referendum which was mentioned earlier, the process for a comprehensive plan amendment is a formal process and those same procedures should be followed for all applications. Jim Forrester explained the proposal is for a residential, single family development to mirror the subdivision to the east with the same acreage. He stated he did not have stormwater plans or a formal layout, he only proposed a conceptual at this point. The Comprehensive Plan is the first step in the process.

Planner Lindstrom also explained that stormwater and traffic concerns are addressed during the platting process. The stormwater plans are dictated by Waukesha County at a later date. Building in wetland areas are also concerns that are addressed at the platting process and are also reviewed by Waukesha County. As far as concerns about land density, the land use reflects 20,000 square foot lot minimums. The Town Zoning Code, however, dictates the actual size through which is one acre density. The conceptual plan actually shows an overall density of 1.4 acres. You are able to go above the low density designation but are not able to go below the limit. He also explained the current land use is 5 acres, but you can have smaller lots than that, as long as your overall density of 5 acres is met.

Chairman Osterman found an old Zoning Code in which the plan shows this area as A-2. The density in A-2 was 30,000 square foot lot sizes. He questioned what changed in 2008 that changed our map to A-10. Commissioner Stadler explained at the time the County was trying to preserve the rural theme of the area. Waukesha County had a rule that the Town was governed by and told us what we could do. A certain percentage of the land had to be in agricultural A-10. The Town did not have a choice in this amendment process. Chairman Osterman explained that the Town is supposed to be at 5 acre density in total and currently we are at 3.5 acre density.

Chairman Osterman also explained that in the subdivision to the east there is a dead end (Hyde Park). The Fire Department planned this as potential access to that subdivision. The future land use was then amended after the subdivision was put in.

Commissioner Meyer stated that this point of the process does not address the concerns of traffic and safety issues. The subdivision to the east has smaller lots than what is being proposed. He explained the applicant is asking to go back to a density that was at one time allowed. He stated he can see both sides and understands the concerns that were brought forward. He explained that water issues have not been a concern with recent subdivisions and most new developments have led to improved drainage with the retention ponds that are in place. He used an example of Barnwood which has improved the neighbors adjacent to it. He also explained when he first read into the matter he did not expect much opposition considering its density and that it is harmonious with the development to the east. He also explained that the process seems backwards at times; however a developer is not going to spend money on traffic and water studies before first having a path to move forward.

Commissioner Stadler expressed her biggest concern is the traffic. She explained there are now talks about a round-a-bout on Hillside and HWY Q and that this is adding a significant amount of houses which will add

to traffic numbers. She agreed with Commissioner Meyer's comments but still has a concern with traffic. She agreed that water usually is not an issue between working with the Town and County engineers and our code dictates you cannot add water to surrounding properties, more than what was previously there.

Chairman Osterman also added that the Town has gotten much better with stormwater as a Town. He explained that the parcel in question do not touch the Bark River, but there is some Shoreland Zoning which is governed by Waukesha County. The biggest issue here is that the zoning was changed to A-10. The majority of the time that residents have lived in this area this property was zoned A-2. He also explained that the Town has not usually had much kick back from residents with 1 acre density lots in the past as that is what residents have wanted. He also explained that the subdivision to the East has a lot of densities with some lots being as small as .67 acres. He also agreed with Commissioner Meyer's comments that sometimes the process is a little backwards, but if the Town does not approve the amendment, the process will end right here.

Commissioner Stadler and Supervisor Plotecher explained that Waukesha County required the Town to change the zoning designation from A-2 to A-10. Attorney Gutenkunst explained that at the time the County wanted all communities to be at 5 acre densities, but at the time before the change this area could have been developed at the same density as the subdivision to the east.

Planner Lindstrom explained the Town had an applicant go through the same process on Lisbon Road. Chairman Osterman stated if you live next to an open field and you want to preserve it, you should purchase it yourself. He also is aware of traffic concerns but stated a traffic study should not be required for a comprehensive plan amendment. Attorney Gutenkunst stated this is a balancing act between the property rights of the owner and the neighbors. She also referenced Barnwood as the neighbors in that subdivision were also against that development. This proposal is harmonious with the subdivision to the east.

Chairman Osterman addressed a comment about Lisbon not wanting to be like Sussex. He stated that we are not. He explained that 20,000 square foot density is not what is going to happen in this development. The Town would approve 1 acre lots and there is no sewer or water coming to this area. Sussex is developing ¼ acre lots. Jim Forester stated he wanted to move forward in the spring or summer of next year. He explained he did not have to give a conceptual plan, but wanted to be transparent. He explained his other development, Twin Pine Farms, improved stormwater issues those neighbors had.

Planner Lindstrom explained the applicant had a DRT meeting with the County and will submit a rezone through the Town parallel to submitting a rezoning with Waukesha County. Waukesha County only updates the Comprehensive Plan Map once a year typically.

Commissioner Nelson explained that residents should not necessarily shut the door on new people moving in as everyone came from another place and moved to the Town. People are not moving to the Town with the intention of increasing crime and traffic just as our current residents did not. Mr. Nelson explained he would like to see this as a conservancy subdivision.

Commissioner Meyer asked the applicant if he considered to a planned unit development. Mr. Forrester explained that a PUD would not work in this area and is not economical. Commissioner Samanske questioned why the zoning was changed to A-10. Supervisor Plotecher explained that at the time of the change her current property was zoned A-2 and was changed to A-10. Attorney Gutenkunst explained that there is still a long process ahead for this to be approved including three committees through Waukesha County. Chairman Osterman explained that if the Comprehensive Plan Amendment is approved this will open the door for a rezone which will follow after.

Dan Fischer asked The Town can make a change if they do not understand why the change occurred in the first place. Attorney Gutenkunst stated the Commission could table this item or move it to the Town Board so that staff could have time to review this with Sandy Scherer and discover exactly why the change occurred. Commissioner Stadler stated that the Commission has all of the information and has no further question that can be answered at a future meeting. She explained that they have to consider future changes to the properties to the west.

Planner Lindstrom made a point of clarification. The first, the Comprehensive Plan was adopted in 2009. The Town may want to consider doing a full review of the Comprehensive Plan as it has been ten years since the last change. Chairman Osterman asked that Planner Lindstrom and Clerk Green reach out to Sandy Scherer so she can explain the reasons for the change in the land use plan in 2009. If the Plan Commission moves forward with this amendment, the Town Board will review this. He stated the next Town Board meeting will be on Monday, November 25, 2019 at 6:30 P.M. The Town will make sure that someone from Waukesha County will be present.

Motion by Commissioner Meyer to approve Resolution 16-19, Resolution Amending the Town of Lisbon Land Use Map from Rural Density and Other Agricultural Lands and Other Open Lands to Low Density Residential (Other Open Lands to be Preserved will not be changed), for the request of Jim Forester for the property owned by Riteway Bus LLC, for the property located at N95W23759 County Line Road, LSBT 0150.997 and recommendation to the Town Board of the same. Seconded by Supervisor Plotecher. Motion carried, 5-1 with Ed Nelson opposing.

Discussion and necessary action on the request from Jeremy Rush for the property located at N72W24740 Good Hope Road, LSBT 0203.994.005, for the following:

i. Conditional Use Permit Amendment for a Bed & Breakfast

Planner Lindstrom explained this Conditional Use is for a Bed and Breakfast. This is related to the discussion of short term rentals that was had at the Town Board. The applicant has submitted a Bed and Breakfast request for their historical property. They have received a permit from Waukesha County for this use. This is different than a short term rental in that our Zoning Code clearly defines a bed and breakfast. The applicant has also submitted their plan of operation along with a sign permit application. They wanted to make sure they provided you as much information as possible. The Conditional Use will be forwarded to the Town Board for approval. The property owner is Jeremy and Laurie Rush who are here to speak on their application. Before the applicant came forward Planner Lindstrom reviewed his prescribed standards of approval.

- A. *Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located. For building with significant architectural or historical value, the architectural integrity and arrangement of existing interior spaces must be maintained and the number of guest rooms shall not be increased except as may be required to meet health, safety, and sanitation requirements.*
- B. *Off-street parking shall be provided at the rate of one (1) parking space for each room rented and two (2) spaces for the owner/occupant. The front yard shall not be used for off-street parking for temporary guests unless the parking area is screened from view with natural plant material, and found to be compatible with the neighborhood.*
- C. *The number of rooms shall be limited to five (5) sleep-in rooms or less, excluding those used by the occupants of the facility, and no room may contain more than two (2) beds. There must be at least five hundred (500) square feet of gross interior floor area for each sleeping room. These facilities providing service to a greater number of guests are not considered "license exempt" under state law and must comply with state hotel/motel restaurant licensing procedures administered by the County or State Health Department. The issuance of such licenses shall not be considered as conferring non-conforming commercial status to the use that would either allow alterations of the facility or otherwise compel rezoning of the property for commercial use beyond the scope of this section.*
- D. *One (1) on premise sign may be allowed provided that such sign is compatible with the residential use of the site and its surrounding areas and is not more than fifteen (15) square feet in size with letter sizes not less than five (5) inches in height.*

- E. All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast facility.*
- F. Room rentals to families or individuals shall not exceed fourteen (14) consecutive days during any thirty-day (30) period.*
- G. The bed and breakfast facility must be accessory to and contained within the single-family dwelling occupied by the owner (e.g., not a manager) of said premises.*
- H. The only meal to be provided to travelers/guests shall be breakfast and it shall only be served to guests taking overnight lodging in the facility.*
- I. The Waukesha County Department of Parks and Land Use - Environmental Health Division (EHD) shall examine both the water system and the sewage disposal system, and shall conduct a general health and safety inspection of the proposed facility. The EHD may impose any conditions required to ensure that all necessary health and safety standards have been met. The applicant shall not initiate any construction activity and other improvements related to the bed and breakfast facility; or begin operation of the facility until a determination, in writing, by the EHD that the necessary inspections have been completed and any deficiencies have been corrected. The proprietor shall have a water quality evaluation conducted by a recognized water testing laboratory on an annual basis following the certification of adequacy by the EHD. The results of that test shall be submitted to the EHD with a copy to the town building inspector.*
- J. The physical development and operation of the conditional use must conform, in all respects, to the approved plan of operation*
- K. The Town of Lisbon retains the right to annually review the CUP for compliance with approved plans.*
- L. The existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code.*
- M. 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 Town upon request.*
- N. 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.*
- O. 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 CUP.*
- P. All vehicles must access the site through the approved driveway.*
- Q. This Conditional Use Permit is non-transferable to any future property owner without a new Conditional Use Permit approval and issuance by the Town. The sale of any portion of the subject property shall terminate this Conditional Use Permit.*

- R. *The Waukesha County Environmental Health Division may review and approve of the uses on the subject property, prior to the issuance of any permits.*
- S. *If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use is in conflict with any other aspect of the Conditional Use or any aspect of any plan of the Conditional Use, the more restrictive provision shall be controlling as determined by the Town Plan Commission and the Waukesha County Park and Planning Commission.*
- T. *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 CUP and 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.*

Mr. Rush, the property owner explained that they chose this location because of the history of the home. They had gone through the Conditional Use Permit process for an in-law unit and later amended that Conditional Use for the use of the upstairs area. He explained that they did receive a license from Waukesha County. The room is 560 square feet and they have made improvements to the upstairs area. Laura Rush reviewed the operations of the bed and breakfast and spoke about the history of the home. She provided a brochure to the Commission and explained she would be happy to answer any questions the Commission had.

Commissioner Nelson asked how many rooms would be rented out. The applicant stated there would be a sleeping room, a lounge area and a kitchen. There will only be one guest staying at a time and no children will be allowed. Supervisor Plotecher asked if the original intention of renovating the upstairs was for their son. They explained that this was the original intention, but as all these renovations became costly they found this use to be beneficial to them.

Motion by Commissioner Nelson to approve the request from Jeremy Rush for the property located at N72W24740 Good Hope Road, LSBT 0203.994.005 for a Conditional Use Permit Amendment for a Bed and Breakfast and recommend to the Joint Plan Commission and Town Board of the same. Seconded by Commissioner Samanske. Motion carried, 6-0.

ii. Sign Permit

Planner Lindstrom explained that the sign met the standards of the Town but the location would need to be moved onto the property and out of the right of way.

Motion by Commissioner Nelson to approve the request from Jeremy Rush for the property located at N72W24740 Good Hope Road, LSBT 0203.994.005 for a sign permit contingent on the Planner's recommendations. Seconded by Commissioner Samanske. Motion carried, 6-0.

Discussion and necessary action on the request from Frank Gross, for the property located at N80W23792 Plainview Road, LSBT 0187.998.009, for a four lot Certified Survey Map and recommendation to the Town Board of the same.

Planner Lindstrom explained this is a request for a 4-lot Certified Survey Map which originally came to the Plan Commission about 10 years ago. At the time the applicant worked through the process which stalled when it got to Waukesha County. Planner Lindstrom explained he reviewed the CSM and provided his review to the surveyor. The site is adjacent to Plainview Road. He explained there is Waukesha County Shoreland on the northern part of the lots. Waukesha County also provided comments as well as the Town Engineer. Dan reviewed his conditions of approval.

- Sec. 4.01(d) requires land dividers to use a scale of no more than 100 feet to one inch. All pages except Page 1 of the CSM adhere to this requirement. Page 1 uses a scale of 150 feet to one inch. This is acceptable as a way of showing the full site on one sheet.
- Sec. 4.01(f) requires land dividers to show ownership of all lands contiguous to the proposed CSM owned or controlled by the sub-divider or owner, even if only a portion of said area is proposed for immediate development. The first page can be at a smaller scale to include the additional lands owned by the applicant.
- Sec. 4.02(b) requires land dividers to show existing and proposed topographic contours of no more than two-foot intervals on all lands to be subdivided. The Applicant shall amend the CSM to show these on at least one of the sheets.
- Sec. 4.02(m) requires land dividers to show the existing zoning on and adjacent to the proposed subdivision. The Applicant shall amend the CSM to show the existing zoning district on its face.
- Sec. 4.02(p) requires land dividers to show soil type, slope, and boundaries in accordance with U.S. Soil Conservation Service. The Applicant shall amend the CSM to show these elements.
- Sec. 4.02(r) requires land dividers to show the location of soil tests. The Applicant shall amend the CSM to show legend to document the test locations.
- Sec. 5.02(k) requires land dividers to show septic systems with preplanned locations on the CSM. If applicable, the Applicant shall amend the CSM to show them.
- Sec. 7.06(e) states that depth to width ratio shall not exceed 2.5 to 1. All four lots have a depth greater than 2.5 times the width. The Applicant shall either amend the CSM to comply with this requirement or seek a waiver from the Plan Commission.
- CSM shall read as a re-division of Lot 2.
- Update SEWRPC dates in relevant notes to read September 2019.
- Joint driveway easement agreements between the Applicant and the owners of proposed lot 1 and Lot 2 and proposed Lot 3 and 4 are required prior to the approval of the CSM. Plan Commission and Town Attorney shall review the Joint Driveway Agreements. Agreement review may also be required from the Waukesha County Public Works Department.
- The CSM shall be submitted to the Village of Sussex for review and approval, as it lies within the 1.5-Mile Extraterritorial Jurisdiction boundary limit.
- Approval shall be subject to the approval of a stormwater management plan found to be acceptable by the Town Engineer and Waukesha County Land Resources Division.

Commissioner Nelson asked what the applicant was looking to do with the property. Mr. Gross explained he plans to sell these lots. Planner Lindstrom explained this area is zoned A-3 and this divide will meet the zoning requirements. He also explained that the Plan Commission would need to grant a waiver for the width of the lots. Section 7.06(e) states the depth to width ration shall not exceed 2.5 to 1 which these lots will exceed. He explained the reason is due to the building envelope of the lots with the amount of Shoreland zoning to the north which makes portions of these lots unbuildable.

Motion by Commissioner Nelson to approve request from Frank Gross, for the property located at N80W23792 Plainview Road, LSBT 0187.998.009, for a four lot Certified Survey Map and waiving the depth to width requirements outlined in Section 7.06(e), contingent on the Planner and Engineer's comments and

recommendation to the Joint Planning Committee and the Town Board of the same. Seconded by Commissioner Samanske. Motion carried, 6-0.

Discussion and necessary action on Ordinance 19-19, an Ordinance amending Chapter 11, Section 27 of the Town Zoning Code related to the B-4 Commercial Special Use Zoning District and recommendation to the Town Board of the same.

Attorney Gutenkunst stated this Ordinance was prepared by Attorney Hammes who recommends approval. This ordinance lists the permitted uses and reinstates the design standards for the B-4 district. This recommendation comes from a conversation with Waukesha County regarding the Lied's property.

Motion by Chairman Osterman to approve Ordinance 19-19, an Ordinance amending Chapter 11, Section 27 of the Town Zoning Code related to the B-4 Commercial Special Use Zoning District and recommendation to the Town Board of the same. Seconded by Commissioner Meyer. Motion carried, 6-0.

Discussion and necessary action on Ordinance 20-19, an Ordinance amending Chapter 11, Section 28 of the Town Zoning Code related to the B-P Industrial/Business Park Special Use Zoning District and recommendation to the Town Board of the same.

Attorney Gutenkunst explained this is similar to Ordinance 19-19 and stems from the discussion with Waukesha County. This ordinance also maintains the design standards in this district.

Motion by Chairman Osterman to approve Ordinance 20-19, an Ordinance amending Chapter 11, Section 28 of the Town Zoning Code related to the B-P Industrial/Business Park Special Use Zoning District and recommendation to the Town Board of the same. Seconded by Commissioner Nelson. Motion carried, 6-0.

Discussion and necessary action on Ordinance 18-19, an Ordinance re-adopting Ordinance 01-18 related to Planned Unit Developments as an overlay district and recommendation to the Town Board of the same.

Planner Lindstrom explained this item was originally approved last year and is back due to some points of clarification from Waukesha County. The Town is looking to reestablish those changes.

Motion by Chairman Osterman to approve Ordinance 18-19, an Ordinance re-adopting Ordinance 01-18 related to Planned Unit Developments as an overlay district and recommendation to the Town Board of the same. Seconded by Commissioner Meyer. Motion carried, 6-0.

Discussion and necessary action on the request from Preserve at Harvest Ridge, LLC for the property located at LSBT 0264.998.002, or the following:

iii. Developer's Agreement

Planner Lindstrom explained the Developer's Agreement and the Final Plat are being brought forward for final approval. The Developer's Agreement has gone back and forth with the attorney and developer as we look at phasing out the development for the Parade of Homes. The Final Plat will show a two phase development, but due to the weather, the developer was not able to complete paving on the entire first phase. With this the Town has created a "sub phase" which will encompass those lots that will be used for the Parade of Homes. Planner Lindstrom also explained that the developer had been given the authority by the Town Board to begin grading the site early.

The developer, Steve DeCleene explained that the month of October and November have been tough with unusually saturated conditions. He explained they have stormwater facilities established. They have also done a base layer of paving on the first portion of phase I and will begin the second portion of this phase in the next two months and hopefully be paved in April or May. He explained that outlots 1 thru 3 will be

completed as part of the "Parade" phase and every lot owner will own a portion of the outlots. Commissioner Stadler asked what the deadline is for putting in roads which Engineer Mitch Leisses explained was October 18 according to the DOT. After that date, it is up to the Town's Engineer to approve. He also explained that at cold temperatures there are additives to help keep the heat in the pavement. To avoid the frost they also are placing salt on the aggregate. Mr. Leisses explained he will do a walk through on the site and mark any areas that have failed and have them redone if/when it is feasible.

Outlots 1-3 stormwater will be completed as part of the parade phase. Included every lot owner will own a portion of the outlots. Jane, what is the date that roads are put in? Mitch, DOT lists 10/18 as the date paving should be completed. From that point on it is engineer's approval. AT this time of year, there are additives to help keep the heat within that and make it place able on the site. Trying to avoid frost setting in the ground, they have placed salt on the aggregate. You do not want to place pavement on the frozen ground. Mitch will do a walkthrough of the site and mark any areas that have failed and have them redo when feasible.

Motion by Chairman Osterman to approve the Developer Agreement for Preserve at Harvest Ridge, LLC for the property located at LSBT 0264.998.002 contingent on the recommendations of the Town Planner, Town Attorney and Engineer and recommend to the Town Board of the same. Seconded by Commissioner Nelson. Motion carried, 5-0. Commissioner Stadler abstained.

iv. Final Plat

Planner Lindstrom explained he gave an updated letter to Neumann with some minor corrections and those corrections have been updated by the applicant. The civil plans have been reviewed by the engineer. Mr. Lindstrom explained he will be doing some follow up with Waukesha County on the Lisbon Road right of way dedication as the property owner to the east was different than what is proposed on the Final Plat.

Motion by Commissioner Nelson to approve the Final Plat for Preserve at Harvest Ridge, LLC for the property located at LSBT 0264.998.002 contingent on the recommendations of the Town Planner and Town Engineer and recommend to the Town Board and JPC of the same. Seconded by Commissioner Samanske. Motion carried, 5-0. Commissioner Stadler abstained.

Conceptual

Discussion on a preliminary site plan for the property owned by Amin Hamdan and located at the corner of C.T.H. F and C.T.H. K, LSBT 0284.994.001 for a proposed truck washing station.

Planner Lindstrom explained this was a conceptual site plan/plan of operation for a two bay truck washing facility. The applicant explained that businesses in the area are looking for ways to keep the roads clean with all of the trucks that come through this area. They were looking at the constructability and the feasibility at this location. The applicant explained this would be a full hand wash station and not an automated system. The applicant also explained they are looking into a fully reusable water system with a well. They would prefer to catch the water, clean and filter it and pump less water out of the ground. They explained the filtering system will be different when different cleaning agents are used. They also explained that any solid waste will be discharged at the dump site. Commissioner Samanske explained that these types of sites are regulated by the DNR.

Planner Lindstrom explained there are no defined truck washing stations in our code and this would require an unspecified Conditional Use Permit. Mr. Lindstrom also explained that this would be an overlapping jurisdiction with the Village of Sussex and recommended that the applicant speak with the Village to see if this would be something they would consider approving given the design standards of this area.

Discussion and necessary action on the requests from Donnette Mayrack and Sara Christon, N75W27099 Oakwood Road, LSBT0216.996.002 and N75W27092 Oakwood Road, LSBT0216.996.003, for a conceptual review to remove a park path reservation.

Ms. Christon explained this is a reservation that was added after the land was divided and was supposed to connect the park with Thousand Oaks subdivision. The Reservation ends prior to Oakwood Road. There is now a walking path on Lake Five Road that connects these areas. Commissioner Nelson explained that at the time the Town was trying to open up the Community Park and gain access to the neighboring subdivisions. Attorney Gutenkunst explained that the process for removing the reservation would be to have a surveyor draft a release document which could be approved via a Resolution.

Motion by Chairman Osterman to direct staff to draft the necessary documents to remove the reservation. Seconded by Commissioner Meyer. Motion carried, 6-0.

Town and Planner Report

October & November Planner Appointments

Planner Lindstrom reviewed the planner appointments from October and November. The appointments included a CSM for H&H Auto, an inquiry on expanding a multi-housing area on Town Line Road, a CSM for Mr. Gross which was acted upon, a potential CSM for a property on Walnut Road and a site plan/plan of operation for an addition to a Halquist building.

Requests from members to put future items on the agenda.

Adjournment.

Motion by Commissioner Nelson to adjourn the Thursday, November 14, 2019 Plan Commission Meeting at 9:43 P.M. Seconded by Commissioner Samanske. Motion carried, 6-0.

Respectfully submitted,

Dan Green, WCMC
Town of Lisbon Clerk