

**Minutes of the Plan Commission Public Hearings
Town of Lisbon, Town Hall
Thursday, April 30, 2020**

Roll Call: Present: Chairman Joseph Osterman, Plan Commission Members Ed Nelson, Mark Meyer, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Administrator Gina Gresch, Planner Josh Langen, Planner Rachel Holloway, Engineer Mitch Leisses, Attorney Michael VanKluenen. Absent: Supervisor Plotecher.

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. 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.

PUBLIC HEARING #1 - Conditional Use Permit request for a Limited Family Business in the A-5 Zoning District, for David Grgich, for the property located at W274N6710 Lake Five Road, Lisbon, WI 53089, LSBT 0220.998.009.

Public Hearing Comments:

David Grgich, W274N6710 Lake Five Road, he is the applicant and has been running a small landscaping business and respects his neighbors and property. Wants to make sure everyone is on the same page as him. He's asking for a Conditional Use so he can run his business. He's lived here 27 years and hasn't had any neighbors complain. Anyone is welcome to come on his property and check out how clean his operation is.

Joe Eberle, W272N6692 Ardeevin Court, sent the Administrator a statement which was read into the record. "Dear Plan Commission Members, my wife and I are residents of Ironwood West Subdivision and are approximately 300 feet from the applicant's property. We have lived at this address since September 2016. We object to the Town granting the requested Conditional Use Permit for the following reasons: 1. The current operation on the property produces noise at times which is a nuisance to the surround area. 2. The petition submitted by the applicant states that he is the only employee of the business. I find this hard to believe. In my 50 years in the construction field I have never seen or heard of a one-man paving/landscaping operation. 3. I do not consider "landscaping, driveway sealcoating and snowplowing" to be a "professional operation" under the Town's Zoning Code. Look at the examples for such stated in Chapter 11, paragraph 16(a). 4. The business is not "operated in the residence, the attached garage or detached accessory build". It is operated outside. The noise from the apparent repair and maintenance of the equipment is what is objectionable and this is performed outside of any structure. 5. The business does involve the use of "machinery, tools" by its very nature. 6. The operation of the business does negatively "affect the residential character of the surrounding neighborhood. 7. Construction is not a serve oriented business or a home occupation. For these reasons, we respectfully request the Plan Commission to deny this application."

John Spitz, Ironwood Golf Course, Top-O-Hill Drive, stated the reason he is here tonight. He said his golf course operation is subject to intense scrutiny. He operates under a Conditional Use, and has had to come to the Plan Commission regarding noise from people who do not live in the town. Had to answer to a number of different things. He complies with the zoning code. He applied for it at the beginning not after the fact. He noted pavement from Grgich's land encroaching on the neighboring property he was trying to sell. He asked for equal justice under the law, otherwise what use is the law as it is written.

David Grgich, said he purchased the additional piece of property where pavement encroached. The pavement was there before he sold the property to Spitz. The new owners next door purchased 10 feet of land from him and they are working together. He said he was here before Spitz and sold him land when his home and business were here. He isn't sure about the noise concern because repairs are done indoors.

John Spitz, said it can be checked when he purchased property and paid taxes and said he was there before Grgich was. He said the use of that property outside of A-5 zoning, which is in-home or ag based, not sure asphalt sealing and storage of equipment are under the ag definition. He is here to state he has complied to the law then the same is held for adjoining property owners. It had a negative impact to be able to market the properties to sell. Whenever he does anything on his property he has to come back to the Town. The law should be equally applied. Chairman Osterman asked if Mr. Spitz is in favor or not. Mr. Spitz stated he wants to follow the law.

There were no further public hearing comments, therefore Public Hearing #1 was adjourned at 6:49 PM.

PUBLIC HEARING #2 - Conditional Use Permit request for Major Grading Permit, in the Q-1 Zoning District, for property owned by Lannon Stone Products, for applicant Carl Johnson of Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, Lisbon, WI 53089, LSBT 0280.992, SE1/4 SE1/4 & E 5 AC OF NE1/4 SE1/4 SEC 34 T8N R19E.

Public Hearing Comments:

Darrin W244N4850 Swan Road, asked the Commission to consider how to manage noise related to expansion. He hears beeping and slamming trucks. The previous owners were very forthcoming with the residents and he thanks them for that. They addressed noise with mitigation features on the truck, sound buffering devices. He asks the new company do the same. If they are doubling storage capacity, is it adding noise getting supplies back and forth. He asked the Plan Commission and Stark team to please take noise into consideration and find ways to buffer and reduce noise. The Lannon Stone team has done a very good job mitigating noise when crushing.

There were no further public hearing comments, therefore Public Hearing #2 was adjourned at 6:53 PM.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, April 30, 2020
Immediately Following the Public Hearings beginning at 6:30 PM**

Roll Call: Present: Chairman Joseph Osterman, Plan Commission Members Ed Nelson, Mark Meyer, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Administrator Gina Gresch, Planners Josh Langen, Rachel Holloway, Engineer Mitch Leisses, Attorney Michael VanKluenen. Absent: Supervisor Plotecher.

Comments from citizens present pertaining to items on the agenda.

JoAnne Brandtjen, N74W25134 Howard Lane, stated that for the Hillside development she is concerned about losing wildlife, waterways and wetlands, and still confused about the fact that they aren't doing the clustered development with different sized lots. Concerned about increased traffic on Howard Lane because there is only one in and out, people will fly down their road. What has the DNR said about the development? Concern about berming and having some barrier between the development and the existing homes to the south. She noted they reduced lots from 58 to 54. She said there is constant construction behind her home.

Sherry Howard, N73 W25201 Howard Lane, emailed her comments which the Administrator read into the record:

"I have a couple of comments regarding the revised proposal for the Hillside Ridge development.

With regard to the Basin Wet Area shown on the site map at page 128 of the agenda materials, I have concerns about the distance of this Basin Wet Area to the bordering Howard Lane properties. According to

Neumann Companies, the Basin Wet Area is expected to have water in it at most/all times and the portion of the Basin Wet Area closest to the Howard Lane properties is approximately 20 feet from the property line. Based on the site maps, it appears the Basin Wet Area will be about 40 feet wide and 8 to 10 feet deep. Neumann Companies also indicated that it no longer plans to build a berm along the southern property line between the storm water basin area and the Howard Lane properties. What precautions will be taken to assure the Basin Wet Area does not spill over into the Howard Lane properties? Also what safety precautions are being taken to prevent someone from falling into the Basin Wet Area, especially in the portions that run along the property lines of the lots within the proposed subdivision and the proposed walking trail? Neumann Companies previously stated it would not install any fencing in or around the proposed storm water basin area.

The April 22, 2020 letter from the Town Planner indicates that Neumann Companies is requesting Town "assistance with a special assessment to recoup costs associated with road improvements that will provide access" to the parcel currently owned by Payne & Dolan. As the Neumann Companies' proposed development is a subdivision and not a tax incremental district, the Town should not have any responsibility for nor involvement in seeking reimbursement for infrastructure. Neumann Companies should be responsible for seeking reimbursement from the owner and/or developer of the current Payne & Dolan property if that parcel is developed at some point in the future.

Discussion and necessary action to postpone approval of the March 12, 2020 Plan Commission Public Hearing & Meeting minutes.

Motion by Commissioner Meyer to postpone approval of the March 12, 2020 Plan Commission minutes. Seconded by Commissioner Nelson. Motion carried, 7-0.

Unfinished Business

New Business

Discussion and necessary action on the request for David Grgich, for the property located at W274N6710 Lake Five Road, Lisbon, WI 53089, LSBT 0220.998.009, for a Conditional Use Permit for a Limited Family Business in the A-5 Zoning District and recommendation to the Town Board of the same.

David Grgich is proposing to operate a landscaping, driveway sealcoating, and snowplow business as a Limited Family Business at his primary residence on Lake Fire Road. The site is approximately 6 acres in size and is zoned A-5 Mini Farm. Limited Family Businesses are allowed in the A-5 district by Conditional Use Permit. The applicant anticipates himself and one (1) other employee to be working. The driveway and landscaping operations will generally have seasonal work hours between 6am and 9pm. The snowplow operations will generally be off-season.

He submitted substantial evidence addressing the Zoning and CUP criteria and the Plan Commission should consider his request. The applicant reviewed the criteria and has complied with all of them. There are several conditions the applicant is well aware of. Plan Commission has option to adopt with presented conditions, change conditions or deny with reason.

Ed Nelson said looking at the aerial, the property SE of this land, is that the land owner who sent the letter objecting to the project? Mr. Grgich stated no, he thinks it is further down. People to the south with horses have been there 20 years. Ed stated he didn't understand the mention of asphalt on the neighboring property. Grgich stated there was some of his driveway on the neighboring property. He spoke with the neighbor and bought 10 feet of permanent easement. Ed asked if he parks any equipment outside? Grgich said yes, one vehicle but not on the side where neighbors can see it. Grgich said he doesn't have a paving business; he does seal coating and repair. He doesn't have any stockpiles of materials anywhere.

Chad, the only concern is the neighbor who sent in the email. Grgich isn't sure if that person has something to do with Spitz or not.

Jane, condition #8, 20% of building can be used. How is that determined? Chairman can't take up more than 20% of the building area. Josh asked applicant this question. Between small office and outbuilding it is less than 20% of area. Jane, recommendation from planner is very good.

Mark Meyer, doesn't think the neighbor behind garage is there. He's only 130' from the neighbor to the east. #12 on Site Plan and Plan of Operation references trucks plural instead of singular. Application says parking inside, but other areas say there is parking outside. Not sure why he needs two employee parking spots for one employee. Grgich yes, he has the one truck parked outside like a normal driveway. It's a small pickup truck parked, like F250/F350. Mark how many trucks does he have? Grgich he owns 3 trucks but only one is parked outside. Grgich business runs 2 of them. One truck is parked outside and isn't viewable from anyone's property. CHAIRMAN, application should state 2 trucks. Grgich, normal business day he only takes out one truck. On a busy day or emergency it'll be 2 trucks. There are 3 people including himself; his son and one other employee. Joe, normal day – Grgich arrive at 730am and leave with one truck and trailer around 8am out of his driveway. Comes home before 5pm and parks inside that's his day. Mark, the Site Plan and Plan of Operation needs to be updated.

Bryan, no problems with property. He went to visit property without owner's knowledge. Took pictures and property is very clean pretty secluded. He doesn't have any problems with him operating the business as stated on the agenda.

Osterman, as far as noise, there is a neighbor here referring to noise. Grgich, he is very quiet. He will make sure there is no maintenance going on outside of the building ever. Josh, with what is allowed under CUP there is a list of different types of work, small engine repair is listed and for items to be used off-site which is what he does. The Plan Commission does have leeway to go outside of those stated examples. Son and employee are allowed under Limited Family Business. Joe, how long business operate on site? Grgich, 24 years. He didn't know he needed to come to the town for approval.

Motion by Commissioner Nelson to approve the Conditional Use Permit for a Limited Family Business in the A-5 Zoning District, for David Grgich, for the property located at W274N6710 Lake Five Road, Lisbon, WI 53089, LSBT 0220.998.009, subject to the following conditions and recommendation to the Town Board of the same:

- 1. The number of vehicles and employees be updated within the Site Plan and Plan of Operation document.*
- 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 occupancy permits.*
- 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 occupancy permits.*
- 5. The Town Engineer review the site plans to ensure the site is in compliance with the respective Town codes. Non-objection from the Town Engineer and correction of any deficiencies prior to issuance of Site Plan and Plan of Operation approval.*
- 6. The Waukesha County Environmental Health Division may review and approve of the uses on the subject property, prior to the issuance of any permits.*
- 7. Any unauthorized expansion of the limited family business will be subject to an amendment to the conditional use permit and, if said amendment is denied, the existing use may not be able to operate, any proposed expansion could not take place, and/or the existing conditional use permit could be terminated.*

8. *All employees, except one full-time equivalent, shall be members of the family residing on the premises.*
9. *The plan commission shall determine the total percentage of the buildings that may be devoted to the limited family business. However, the total percentage used shall not exceed 20% of what is available.*
10. *The limited family business is restricted to a service oriented business or home occupation type business and is prohibited from manufacturing or assembling products. The sale of products on the premises, which are not produced by the limited family business, is prohibited. The limited sale of products as accessories to the business may be permitted or limited by specific conditions in the conditional use permit.*
11. *The conditional use permit shall restrict the number and types of machinery and equipment the limited family business operator may be allowed to bring onto the premises, and the machinery and equipment must be stored inside a building. If the use of any machinery, tools, or other appliances can reasonably be construed as creating an abnormal nuisance to the surrounding property owners, the Town Plan Commission may consider termination of said business after a public hearing is held.*
12. *The structures used in the limited family business shall be considered to be residential accessory buildings and shall meet all of the requirements for such buildings. The design and size of the structures are subject to conditions in the conditional use permit.*
13. *The conditional use permit shall automatically expire and terminate upon the sale of the property or its transfer to a non-occupant of the property.*
14. *The limited family business shall not operate on a parcel having less than the minimum parcel size required for the district in which it is located. For certain uses that are determined by the town to have a potential adverse effect on adjacent residential zoned properties, additional requirements regarding location and site standards (i.e. screening) may be required as conditions of the conditional use permit.*
15. *An up-to-date Site Plan and Plan of Operation must be on file at all times with the Town of Lisbon.*
16. *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 Conditional Use Permit and/or Site Plan/Plan of Operation permit, as applicable, with all the zoning procedures at the time of being followed.*
17. *The Town reserves the right to review any condition imposed as part of this Conditional Use Permit and 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 CUP and/or SPPOO Permits or termination of the use.*

Seconded by Commissioner Oelhafen. Motion carried, 6-0.

Discussion and necessary action on the request for Carl Johnson of Stark Pavement Corporation, for the property owned by Lannon Stone Products, LSBT 0280.992 and LSBT 0280.999, for a Conditional Use Permit for a Major Grading Permit, in the Q-1 Zoning District.

Josh, we will discuss these simultaneously but will vote on them separately.

Stark Pavement Corporation is proposing to expand their existing aggregate stockpiling area in order to improve the efficiency of the asphalt plant. They will need to grade approximately 180,000 sq. ft. of ground area, plus associated drainage improvements, in order to do so. The property is located at the County

Highway K, west of the intersection with County Highway F. The property is composed of two parcels of approximately 44.74 and 8.73 acres in size and is zoned Q-1 Quarrying. The site plan includes:

- A proposed additional aggregate & recycled asphalt stockpile area measuring 180,000 sq. ft.;
- Grading specifications
- Erosion control notes

Stark Pavement anticipates three full employees at the site, with operations running 6am to 6pm Monday through Friday, 6am to 2pm on Saturday, and 7am to 5pm on Sunday. The property is located at the County Highway K, west of the intersection with County Highway F. The property is composed of two parcels of approximately 44.74 and 8.73 acres in size and is zoned Q-1 Quarrying. The site plan includes:

- A proposed additional aggregate & recycled asphalt stockpile area measuring 180,000 sq. ft.;
- Grading, Ground Cover, Berm, and Erosion control notes;
- One (1) loading area for large trucks;
- Description of outdoor storage to consist of aggregate and recycled asphalt stockpiles;

Stark Pavement anticipates three full employees at the site, with operations running 6am to 6pm Monday through Friday, 6am to 2pm on Saturday, and 7am to 5pm on Sunday.

Langen reviewed the site plan with the Plan Commission, will move piles of aggregate there to assist in the operation of the business. The Conditional Use is limited to the grading but as always is asked if they are able to comply with the Conditional Use regulations. This proposal will not change anything they've been doing the last few decades. Recommends to approve the Conditional Use for major grading and approve amended Site Plan and Plan of Operation with conditions listed in the Planner's report.

Carl Johnson with Stark, 12845 W. Burleigh Road, Brookfield. It would be prudent to address the public comments made. Comments well received about noise abatement. He will add, since applied they measured existing grade of land intending to disturb and it would appear there is 11,000 cubic yards of material that needs to be displaced and will easily lend itself to being a landscape berm to cut down on noise. They'd rather do this than truck things off-site.

Mitch Leisses, might need to review those berm plans, if there's more than allowed the Plan Commission will have to approve that too. Carl, the higher you make it the shorter it becomes and the opposite. A rough idea is a 10 foot high berm, 990 feet of property. 15 feet height, 440 feet, less than half. Mitch berming is pretty restrictive here. Even 10 feet needs to be reviewed.

Chairman Osterman stated his and his uncles are the closest properties to this and already discussed noise issues and ran calculations as a result of this.

Jane, what will happen to tree line? Carl, remain unchanged. Ed, the storage area is just for asphalt, Carl yes, products that go into making asphalt. The reason for additional area was to make more efficient use of the adjoining quarry operations. This way they don't have to jam multiple aggregate stockpiles in the same area. Carl, the trees on the west side remain and the berm will be along the same property line. Joe, they'll have to make a permit request for a berm. Carl, they'll have to go to Waukesha County also for storm water and County issues the permit to start construction. What does the timeline look like for a landscape berm? Mitch, not sure if the County would need to review, it could be separate and it won't take long to update that on their plan. Mitch, berm doesn't need to go to Waukesha County. Mitch, he will email Carl the sections on berming. Carl, they can be very flexible. Chad, anything over 4' tall will need a major grading permit.

Motion by Commissioner Nelson to approve the Conditional Use Permit for a Major Grading Permit, in the Q-1 Zoning District, for Carl Johnson of Stark Pavement Corporation, for the property owned by Lannon Stone Products, LSBT 0280.992 and LSBT 0280.999, subject to the following conditions and recommendation to the Town Board of the same:

1. *The Town of Lisbon retains the right to review the grading for compliance and maintenance of*

associated stormwater with approved plans.

2. *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 occupancy permits.*
3. *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 occupancy permits.*
4. *The Town Engineer review the site plans to ensure the site is in compliance with the respective Town codes. Non-objection from the Town Engineer and correction of any deficiencies prior to issuance of Site Plan and Plan of Operation approval.*
5. *Outdoor storage of materials, the aggregate stock, will be partially screened by an extended berm.*
6. *There shall be no additional trash or commercial/office recycling stored outside of the building, exclusive of raw materials.*
7. *Provide plans for ongoing maintenance of landscaping, including mowing and weed management.*
8. *Soil tests shall be done, and provided to the Town, to confirm the soils are buildable.*
9. *The proposed hours and days of operation shall be 6am to 6pm Monday through Friday, 6am to 2pm on Saturday, and 7am to 5pm on Sunday.*
10. *All erosion control devices be installed and maintained throughout the duration of the construction project. It is imperative that erosion control be established prior to the onset any excavating or grading activities.*
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. *Waukesha County review and approval of stormwater plans.*
13. *Waukesha County approval of any final Stormwater Management Practice and Maintenance Agreement.*
14. *Once the Storm Water Management Practice and Maintenance Agreement and any addendums of the same have been executed, a record copy shall be sent to the Town of Lisbon and the Town's Engineer for their records.*
15. *The applicant should obtain all necessary State and County permits and provide a copy of permit approvals to the Town for their records.*
16. *An up-to-date Site Plan and Plan of Operation must be on file at all times with the Town of Lisbon.*
17. *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 Conditional Use Permit and/or Site Plan/Plan of Operation permit, as applicable, with all the zoning procedures at the time of being followed. Any use not specifically listed as permitted for this Q-1 Quarrying zoning district, shall be considered to be prohibited, except as otherwise specified herein.*
18. *The Town reserves the right to review any condition imposed as part of this Conditional Use Permit and 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 CUP and/or SPPOO Permits or termination of the use.*
19. *Apply for a CUP for berming on the west side of the parcel.*

Seconded by Commissioner Meyer. Motion carried, 6-0.

Discussion and necessary action on the request for Carl Johnson of Stark Pavement Corporation, for the property owned by Lannon Stone Products, LSBT 0280.992 and LSBT 0280.999, for a Site Plan/Plan of Operation Amendment, in the Q-1 Zoning District.

Motion by Commissioner Nelson to approve the Site Plan/Plan of Operation Amendment, in the Q-1 Zoning District, for Carl Johnson of Stark Pavement Corporation, for the property owned by Lannon Stone Products, LSBT 0280.992 and LSBT 0280.999, subject to the following conditions:

- 1. The Town of Lisbon retains the right to review the grading for compliance and maintenance of associated stormwater with approved plans.*
- 2. 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 occupancy permits.*
- 3. 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 occupancy permits.*
- 4. The Town Engineer review the site plans to ensure the site is in compliance with the respective Town codes. Non-objection from the Town Engineer and correction of any deficiencies prior to issuance of Site Plan and Plan of Operation approval.*
- 5. Outdoor storage of materials, the aggregate stock, will be partially screened by an extended berm.*
- 6. There shall be no additional trash or commercial/office recycling stored outside of the building, exclusive of raw materials.*
- 7. Provide plans for ongoing maintenance of landscaping, including mowing and weed management.*
- 8. Soil tests shall be done, and provided to the Town, to confirm the soils are buildable.*
- 9. The proposed hours and days of operation shall be 6am to 6pm Monday through Friday, 6am to 2pm on Saturday, and 7am to 5pm on Sunday.*
- 10. All erosion control devices be installed and maintained throughout the duration of the construction project. It is imperative that erosion control be established prior to the onset any excavating or grading activities.*
- 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. Waukesha County review and approval of stormwater plans.*
- 13. Waukesha County approval of any final Stormwater Management Practice and Maintenance Agreement.*
- 14. Once the Storm Water Management Practice and Maintenance Agreement and any addendums of the same have been executed, a record copy shall be sent to the Town of Lisbon and the Town's Engineer for their records.*
- 15. The applicant should obtain all necessary State and County permits and provide a copy of permit approvals to the Town for their records.*
- 16. An up-to-date Site Plan and Plan of Operation must be on file at all times with the Town of Lisbon.*
- 17. 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 Conditional Use Permit and/or Site Plan/Plan of Operation permit, as applicable, with all the zoning procedures at the time of being followed. Any use not specifically listed as permitted*

for this Q-1 Quarrying zoning district, shall be considered to be prohibited, except as otherwise specified herein.

18. *The Town reserves the right to review any condition imposed as part of this Conditional Use Permit and 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 CUP and/or SPPOO Permits or termination of the use.*
19. *Apply for a CUP for berming on the west side of the parcel.*

Seconded by Commissioner Samanske. Motion carried, 6-0.

Discussion and necessary action on the request for Derek Fournier of Elevate 97, for the property owned by Kwik Trip, LSBT 0219.994.008, for a Sign Permit Application for a Sign Package, in the B-1 Zoning District.

Josh Langen summarized the proposal. This review addresses the sign permit application submitted by Elevate 97 (Applicant) for the Kwik Trip located at N67W27619 Silver Spring Drive in the Town, LSBT 0219.994.008. Construction of the new building has been delayed for a year. There's a typo on the agenda, B1 vs B2. Gina, wouldn't this be a scrivener's error? Michael, yes, if the Plan Commission agrees that everything else is consistent. Doesn't see why Plan Commission couldn't move forward. Plan Commission members understand it was a typo and discussion continued.

Kwik Trip is remodeling their location along Silver Spring Drive to bring the signs at the site in conformance with the Town Ordinances. The Applicant proposes the following:

- One (1) LED Building Sign
- Three (3) LED Canopy Letters
- Two (2) LED Diesel Canopy Enter/Exit Signs
- One (1) Diesel Exhaust Fluid Price Changeable Letter Sign
- Four (4) Driveway Directional Signs
- Two (2) Changeable Message Freestanding Pylon Signs

Langen presented site plan with proposed sign locations. Langen explained to the Plan Commission that they would need to approve some exceptions to Chapter 13 & 11 to accommodate the proposed sign package and current industry standards. Those exceptions included approval of EMC Cabinet and Price Letter signs which dim at night and Kwik Trip ID signs which only turn on at night, an additional pylon ground sign, signage areas as shown on the plans, proposed heights as shown, inclusion of a second changeable message sign integrated in the second pylon sign as shown on the site plan, and the proposed sign location on Moraine Drive, County Highway MD. Langen also explained a supermajority vote is required to approve a changeable message sign closer than 400 feet to a residential zoned property. The Plan Commission will also need to approve the three (3) changeable letter signs, the canopy signs as shown in the sign package submittal, and allow the signs to be regulated by the Sign Code and to comply with those standards

Langen also noted the Plan Commission could recommend approval of the sign application along with the allowable waivers and additional signage allowance, subject to the conditions listed in the staff report.

Plan Commission indicated they ok with the sign being on all night or only on for employee hours. Ed, current signs at location are lit all night, 24/7, canopy, name signs and fuel sign. Mark, the pumps are active all night but the store is closed, so some signs would be appropriate for that. If we are letting them have the pumps on then the signs should be on. Maybe not have the changeable message board. Scott Timm, Green Bay, WI with Elevate 97 for Kwik Trip. He has a letter from Kwik Trip that hours of operation are 4am to Midnight.

Out of those 24 hours, 20 are business hours. Josh, changeable message sign dims at night. Chad ok with that especially since it the current signs stay on all night long. Jane agrees with Ed and Chad. We haven't had any complaints. Mark and Bryan are good.

Only 1 ground sign allowed; however, they have 2 because they have 2 entrances. Chad, same siding on both roads? Scott, yes. Chad wasn't aware that both signs would be the same size. Ed, the foundation signs on both roads are the same sign that announce the price of gas. All Kwik Trip did was attach their name to the current sign. Plan Commission ok with two signs. Langen indicated signage area doubles, but if you take out the changeable letter signs the signs do meet the size requirements. Plan Commission ok with that. Langen indicated sign heights, about 5 feet higher because stacking multiple types of signs. Plan Commission ok with that.

Langen explained both changeable message boards and changeable letter signs are different, Plan Commission ok with that. Langen further explained a supermajority needed to approve changeable message board sign closer than 400feet to a neighboring property. Scott, they can turn that sign off separate from the other sign. Chad, will that light create more of a nuisance? Scott, it shouldn't, they all automatically set themselves to a half foot candle. Ed, there is no private residence within 400 feet of the station. Plan Commission doesn't have any issues since there are no private residences adjacent. Mark and Bryan are ok. Will not need a supermajority vote being there is no residential properties within 400'. Property line to property line is 420'. Plan Commission no issues then.

Langen listed the 3 changeable letter / price signs. 2 pylon 1 diesel. No restrictions on these. Plan Commission no problems. Canopy signs explained as a standard sign. No problem with Plan Commission.

These signs will be regulated by chapter 13, not chapter 11. Plan Commission had no problems with that.

Scott stated Kwik Trip agrees with all of the conditions.

Ed wants to look at the base of the sign towers. 8' from bottom of sign to ground level. Would like to see either fake or real brick up those 8' so we aren't just looking at a piece of steel. Scott stated KT at some locations on pylons have a pole wrap. There will be landscaping area under that. They have a more pleasing way than a pole wrap. They would do the column wrap all the way up the sign, which is actually better looking. They provide a nice brick base at the bottom and it enhances the landscaping. Brick base could be around 3' tall. Scott is proposing a brick base, so it would match the pump islands. Pole wrap will not be used, will do the base instead. Ed agrees with the brick base. Scott asks without scaled site plan, he can't tell how far from the property line is, that makes a shorter setback. Plan Commission doesn't sound like this will be an issue. Ed concerned with signage setbacks. Chad would also like to see the brick base.

Motion by Commissioner Nelson to approve the Sign Permit Application for a Sign Package, in the B-2 Zoning District, for Derek Fournier of Elevate 97, for the property owned by Kwik Trip, LSBT 0219.994.008, with the allowable waivers from Chapter 13, Sections 13.09(3), 13.12(c)(3)(a), 13.12(c)(3)(B), 13.12(c)(3)(D), 13.12(c)(5)(e), (h), (j), (k), 13.12(c)(8), 13.08 (a)(5) and additional signage allowance from Chapter 11, Sections 11(3)(m)(2), 11(3)(m)(4), 11(3)(m)(5), 11(25)(b)(4)(b) and (c). and subject to the following conditions:

- 1. The Applicant would need to show conforming landscape areas on the plans and build as such.*
- 2. The Applicant would need to ensure these signs are in compliance with the driveway sign setback requirements.*
- 3. The Applicant would need to ensure these signs are in compliance with the right-of-way and property line sign setback/offset requirements.*
- 4. The Applicant would need to ensure the pylon signs and integrated WatchFire EMC cabinet signs are in compliance with the separation requirements for scrolling message signs.*
- 5. Provide a brick base to the pylon sign.*

6. *Signs as proposed by the applicant to be in conformance with the exceptions granted by Plan Commission and the conditions required of the applicant.*

Seconded by Commissioner Samanske. Motion carried, 6-0.

Discussion and necessary action on the request for Neumann Developments Inc., for the property located along Hillside Road, in the Town of Lisbon, LSBT 0205.995 and LSBT 0208.987 generally located on the west side of Hillside Drive adjacent to Beverly Lane, for the following:

Preliminary Plat for the proposed Hillside Ridge subdivision and recommendation to the Town Board of the same.

Chairman Osterman, Bill Eder was on prior to public comments and then left and came back.

Bill Eder, N74W25168 Howard Lane, not too much to add, just concerned with the water and could make the lots a little bit bigger. He'd like to see a berm and some trees blocking off the view from their property. Water issues is the big thing.

Planner Rachel Holloway stated the proposed development contains 79 acres located northeast of STH 164, west of Hillside Road, and north of the residential lots and church on Howard Lane. The Plat and SDP are modified re-submittals of applications that the Town reviewed in fall of 2019; the applicant needed to start over with the project after soil conditions in the south end of the site prompted revisions to the plat layout.

The changes include the removal of a cul-de-sac road in the southwest corner of the plat and the addition of a lot in the southeast corner along Hillside Road, for a total reduction in the number of lots from 54 to 48. The revised Plat consists of 48 lots and seven (7) outlots. Lots will be accessed by three new public streets – an extension of Beverly Lane, a new temporary cul-de-sac extending westward from Beverly Lane to the edge of the plat ("Highland Drive"), and a new permanent cul-de-sac extending east off of Beverly Lane ("Ridgeline Court"). The lots would be served with well and septic.

The Preliminary Plat is reviewed in accordance with the standards detailed in the Chapter 12 Subdivision Code, and other applicable sections of the Lisbon Municipal Code. The SDP is reviewed in accordance with Town Ordinance 01-18, which created Section 33 of the Zoning Code to specify Town requirements for Planned Unit Developments. The SDP was also reviewed per Ordinance 06-19 which approved the GDP and created the PUD zoning overlay.

The GDP approved May 28, 2019 provided for waivers to Town standards within the R-1 zoning district to allow for minimum lot sizes of 30,000 square feet, up to 55 residential lots, and a minimum of 40% open space. While it was not specified in the approval ordinance, the GDP also established minimum lot widths of 110 feet, and minimum building setbacks of 35 feet and 20 feet offsets. The Plat is consistent with the approved GDP. The Lisbon-Sussex Border Agreement identifies this area as an area that may receive Sussex utilities. The Agreement anticipated the future use of the site as primarily single-family, at 1 acre per unit density, with some of the site as condominiums at 0.7 acres per unit. The proposed plat is below these density thresholds. The plat must be reviewed by the Joint Plan Commission (JPC).

In the Town's 2019 approvals of the original Preliminary Plat and GDP, it approved waivers for maximum cul-de-sac length, lot slopes, side lot lines not at 90 degree or radial angles, nonconforming tangent length between curves, and determined that Ridgeline Court does not need to extend to the edge of the plat. The proposed layout complies with all of the lot requirements under Chapter 12, Sec. 7.06, as modified by the approved GDP. All lots show front setbacks of 35' and side and rear offsets of 20 feet. Per the GDP, the Plat lots are a minimum of 30,000 square feet, have a minimum average width of 110 feet, and have front setbacks of 35' and side and rear setbacks of 20'.

Ed, the septic possibly encroach on other lots? Rachel, yes and that needs to be fixed. Bryan, when permits

are applied for Waukesha County will make sure the septic systems are within the lot. He thinks the drawings just need to be cleaned up. Actually has to be 5' away. Bryan Lindgren, areas highlighted are tested suitable. Actually design will be submitted to Waukesha County. Eric Obarski agreed that the labeling needs to be cleaned up a bit on the plat.

Waiver request for boulevard width – ordinance requires 20' they are requesting 17' so it lines up better with existing Beverly Lane. Lindgren, tried to keep them as lined up as possible. Jane, what about size for FD for the trucks to get in, losing 3' and the FD trucks are getting bigger. Lindgren and Obarski, it's just the opposite, actually gaining 3', but this is actually just the size of the island. Plan Commission members ok with the boulevard. Steve DeCleene, their preference is to have the island as an outlot and be maintained by the HOA. What does the town prefer? Mitch that's written in the covenants correct? Deed outlot to HOA and the HOA maintains it. Mitch, if the town owns it then we could end up with maintenance. Plan Commission doesn't want to own the island and the HOA should maintain it.

Ed, any problems with obtaining the Payne & Dolan lot? Bryan Lindgren, correct no updates; they are asking an unreasonable price for selling it. They will have access at the north end of their property. Asks the town to put an assessment on the property and then the town's concerns will be addressed. Somehow bringing the current/future lot owner into a negotiation, either be part of the HOA or grant an easement for the trail to cross. Ed, is this a problem for the Town? Chairman asked attorney how special assessment would work. Michael, researching that right now. Formal request by developer, the town doesn't need to do a special assessment for the benefit of one party. It will have to be worked out between developer and owner of the property. Town should not take a side. Rachel, the trail is supposed to be private, so the town doesn't have as much interest in the trail because of that. Chairman asked if they're discussed this with P&D. Lindgren, P&D has chosen not to engage in conversations. Jane, concerns about southern part that borders Howard lane properties, is it true they have some berms behind one of the east lots. They are concerned about water coming into their properties? Mitch stated Sherry Howard sent an email earlier in the week that he responded to. With the whole south portion of the development, there is a small berm in some areas that carries a consistent elevation of 966, some areas only a foot high, other area about 4 feet. Regards storm water, we have town ordinance which follows Waukesha County that regulates this and did review the SWM report and they are reducing the peak flows of SW through this facility or a series of ponds placed in this larger basin area. Even in a 100 year rain event, over 24 hours will be reducing the sw rate coming from that property that heads towards 164. He really believes this design will improve the sw concerns that they have currently. Jane, what about west side of 164. Mitch, no they will not get more rainwater according to the design. Could we add some security to the berm by adding height? It's a possibility. There are three pond areas that will be wet all the time, they are designed that way and will only be 5' deep. Joe is going thru sherry's concerns. Mitch, typical to not have fencing around a stormwater facility. The slopes are 3:1 and designed in a safety shelf, where water will always be. If someone does fall down at the top of the bond, they would hit that safety shelf and is only 1 foot deep at the edge. That is a DNR design standard. Also they don't put fencing up because people will find a way in there and slows people down from getting in there if someone does need help.

Chad questions on water and runoff. Around lots 5 or 6 there is a culvert running from north field, running down hillside flowing to the south. What is happening with that culvert? Bryan, yes, they picked that up, there is a cross culvert there, there's a plan to divert that water thru there. Eric takes it from north channels between 6 & 7 into sw facility. Current runoff and flow rates are taking into design criteria, so that was taken into account. Ed, outlot 5, mow grass or semi prairie? Eric, minor grading thru there and grass will be prairie style, designed to take in some water upon very high rainfall. Won't be a manicured area. Waukesha County does inspect that area and they are native grasses specific to those soils.

Mark Meyer, setbacks why 35 instead of 50 on these lots. Rachel, this is the same as the last GDP submittal. Bryan, bring those houses forward to ease up the yards along the other neighbors. Chairman, the majority of the subdivision doesn't abut other properties. Mark, might be making it look dissimilar to the area around it. We're not seeing houses about backyards, what's the benefit? Bryan, grading, length of driveways, cost to future owners, enhances street scape, preserve is 35' as well. Eric makes viability of septic systems available.

Bryan, there are wooded areas on site too, preserves more of the building pad. Jane there has to be a secondary septic field designated so you need the bigger back yards. Ed is ok with it. 35' is the minimum right? Chad is ok with that then. Mark prefers different but will go along with it. Bryan, what are most of the septic's in the subdivision? Bryan majority mound. Bryan, if mound system fails, they rebuild it in the same spot so a 2nd site isn't needed. Bryan prefers 50' but would be ok with 35'. With shorter driveways have to watch the pitch of the driveways. Steve, they are bringing a lot of soils in to build up the road and row and front setback. Bryan agrees driveways would fail if there's too much fill in the front yard. He's ok with 35'. Jane, mounds in the front are ok, they take up a lot of room and people might want to put things in their back yard like a pool or playground equipment.

Rachel trails, is Plan Commission ok with trails being private but wanted 10' wide base, 8' wide trails. Plan Commission ok with it. Mitch, 8' is designed for ada accessibly. Joe, berm height it can be raised a little bit? Mitch, if there was excess topsoil, they'd have to look at it. What would be acceptable to the neighbors? Joe, best engineering practices are telling us this is what will work at 966 elevation. Mitch, there is an emergency spillway built in and helps direct water. Highest it would get is within a 1 foot of the top of the berm. Outlots are maintained by HOA and its part of SWMA that they maintain. Joe, who inspects those? Mitch, the Town should be checking them especially if we are utilizing them for MS4Permitting we should make sure they are being maintained.

Motion by Commissioner Nelson to approve the Preliminary Plat for Neumann Developments Inc., for the proposed Hillside Ridge Subdivision, LSBT 0205.995 and 0208.987, subject to the following conditions and recommendation to the Town Board of the same:

- 1. Subject to the Developer satisfying all comments, conditions and concerns of the Town Planner (as noted in the April 22, 2020 review memo) and the Town Engineer, which includes compliance with the Town's adopted Land Division Review Checklist and Subdivision Control Ordinance; and all reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Commerce per Chapter 236, Wisconsin Statutes and Chapter COMM 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per Chapter 236, Wisconsin Statutes; the Waukesha County Department of Parks and Land Use (including the Planning and Zoning Division, Parks System Division, Land Resources Division, and Environmental Health Division) and the Waukesha County Department of Public Works; in regard to the Preliminary Plat, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final Plat whichever is earlier.*
- 2. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, approval of a Developer's Agreement for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final Plat, whichever is earlier.*
- 3. Subject to the Developer submitting to the Town Clerk and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, a letter of credit or cash for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final Plat, whichever is earlier.*
- 4. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, approval of the final draft of the deed restrictions prior to commencing construction of any improvement, whether public or private, or site development, or approval of the Final Plat, whichever is earlier.*

5. *The Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.*
6. *Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.*
7. *Subject to the Developer applying for and receiving from the Town BOA, Town Plan Commission, Town Board, and Waukesha County, all necessary variances and waivers (if any) to the Town of Lisbon Zoning Ordinance and the Town of Lisbon Subdivision Control Ordinance prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final Plat, whichever is earlier.*
8. *A waiver is granted to boulevard island width, approved at 17 feet.*
9. *Applicant to provide a landscaping plan for the boulevard island with final plat submittal.*
10. *Applicant to correct rounding in the basement elevation table to clearly state 18 inches.*
11. *Trails are acceptable at 8 feet wide pavement and 10 feet wide easement.*
12. *Applicant to provide documentation that Waukesha County review comments have been addressed.*

Seconded by Commissioner Samanske. Motion carried, 6-0.

Combined General Development Plan and Specific Development Plan for the proposed Hillside Ridge subdivision and recommendation to the Town Board of the same.

Planner Holloway reviewed the proposal. The SDP was reviewed by the Town's Sec. 33 PUD Ordinance, as well as Ordinance 06-19 which approved the PUD overlay and GDP for this development. The SDP complies with the conditions from Ordinance 06-19. It is consistent with the approved GDP and adds detail.

At the request of the Plan Commission, the Applicant included an internal trail network and a planned tot lot (small park) to add neighborhood amenities in exchange for smaller lot sizes. The paved walking trail would be located in outlots and would be privately owned and maintained, but built to Town standards. The plat shows the tot lot park located within Outlot 1.

Review Comments - Recommended SDP Modifications:

1. The GDP-SDP lists maps on page 5 that are to be included in the document. Reconcile this list with the table of contents on the cover, if these maps are to be attachments to the GDP-SDP. Specifically, a GDP-SDP map that illustrates the entire development including lots, streets, trails, the tot lot, and stormwater facilities should be included in the table of contents and attached.

2. The Trail will be private; therefore, it is likely not necessary to include the details within the plat or GDP-SDP document, but the park details should be included. The Plan Commission may recommend a conditional approval on the GDP-SDP to including these items and any other items stated above.
3. The document should include the legal description of the property boundaries.
4. On page 6 of the document, the "Standard Street Cross-Sections" section describes the trail amenity and suggests that the HOA or adjacent land owners will be responsible for maintaining adjacent outlots. Please rename this section to better reflect the contents (perhaps "Streets, Trails, and Outlots").
5. Page 7 ("Site and Structure Design Code") notes that sections 1 and 2 will be enforceable by the Town, while other sections will be privately enforced. The Town should confirm that this is acceptable and matches the intent of the previous GDP approval. This was deemed acceptable.

Motion by Commissioner Nelson to approve the Combined General Development Plan and Specific Development Plan for Neumann Developments Inc., for the proposed Hillside Ridge Subdivision, LSBT 0205.995 and 0208.987, subject to the following conditions and recommendation to the Town Board of the same:

1. *The applicant shall supply the information listed under the "Recommended SDP Modifications" section, and any additional items requested by the Plan Commission.*
2. *The following documents shall be incorporated by reference into the GDP-SDP:*
 - a. *Hillside Ridge Preliminary Plat and Final Plat*
 - b. *Soil Evaluation Report dated 3/20/2020*
 - c. *Seasonal High Groundwater Determination Report dated 2/7/2020*
 - d. *Final Construction Plans (upon approval by Town Engineer and Waukesha County)*
 - e. *Stormwater Management and Erosion Control Plan (upon approval by Town Engineer and Waukesha County)*
 - f. *Restrictive Covenants dated 3/25/2020 (or as approved by the Town Board)*

Seconded by Commissioner Oelhafen. Motion carried, 6-0.

Request from members to request items on future agendas.

Adjournment.

Motion by Commissioner Nelson to adjourn the Thursday, April 30, 2020 Plan Commission Meeting at 9:17 P.M. Seconded by Commissioner Stadler. Motion carried, 6-0.

Respectfully submitted,

Gina C. Gresch, MMC/WCPC
Town of Lisbon Administrator