



TOWN OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

MINUTES OF THE REGULAR TOWN PLAN COMMISSION MEETING

Thursday, July 9, 2020

Call to Order

Chairman Osterman called the Plan Commission meeting to order at 6:39 PM.

Roll Call

Commissioners present: Mark Meyer
Ed Nelson
Bryan Oelhafen
Becky Plotecher
Chad Samanske
Jane Stadler
Joe Osterman, Town Chair

Also present: Steven Braatz, Jr., Interim Clerk-Treasurer
Rachel Holloway, Town Planner
Michael Van Kleunen, Town Attorney

Comments from citizens present pertaining to items on the agenda

Theresa Nelson, N95W25850 Riverview Dr. – Asked about placing agenda items on the Plan Commission agenda up to 24 hours in advance.

Minutes

Motion by Plotecher, seconded by Nelson, to approve the minutes of the April 30 Plan Commission public hearing and meeting. Motion carried.

New Business

Haass Farms subdivision Final Plat

Motion by Nelson, seconded by Samanske, to approve the request from Mike Kaerek, for the properties located at W275N9101 Lake Five Road, tax key LSBT 0167.999.001 and LSBT 0167.999, for a Final Plat for the Haass Farms subdivision and recommend to the Town Board of the same. The approval is subject to the clarifications and revisions as stated in the Town Planner memo dated July 2, 2020, and in the Waukesha County memo dated June 4, 2020. Motion carried.

Hillside Ridge Phase 1 Final Plat

Motion by Nelson, seconded by Samanske, to approve the request from Neumann Developments Inc., for the property located on the west side of Hillside Drive adjacent to Beverly Lane in the Town of Lisbon, tax key LSBT 0205.995 and LSBT 0208.987, for a Final Plat for Phase 1 of the Hillside Ridge subdivision and recommendation to the Town Board of the same. The approval is subject to the clarifications and revisions as stated in the Town

*Planner memo dated July 2, 2020, striking the last sentence of #12 and striking all of #13.
Motion carried.*

Request from members to request items on future agendas

None.

Adjournment

Motion by Nelson, seconded by Samanske, to adjourn the meeting at 7:14 p.m. Motion carried.

Respectfully Submitted,

Steven Braatz, Jr.
Interim Clerk-Treasurer



July 2, 2020

Chairperson Osterman and Town Plan Commission Members
Town of Lisbon
N23N8676 Woodside Road
Lisbon, WI 53089

RE: Haass Farms Subdivision Final Plat Review

Dear Plan Commission Members:

The above-referenced final plat was received in our office for review on behalf of the Town of Lisbon. The applicant, Mike Kaerek of MK/S-EP LLC, is proposing a single-family subdivision situated north of Twin Pine Farm II, south of Songbird Meadows, west of Peppers Ridge, and east of Hideaway Acres.

The applicant has submitted the following materials for review:

- Final Plat (received June 11, 2020)
- Stormwater Management Plan (received June 11, 2020)
- Civil Plans (received June 4, 2020)
- Declaration of Restrictive Covenants (received March 24, 2020)
- Boulevard landscape plan (received June 17, 2020)

Summary

The 67-acre plat consists of 43 lots, six (6) outlots, and public rights-of-way (ROW). The Preliminary Plat was conditionally approved by the Town Board on June 24, 2019. A revised Preliminary plat was submitted on June 2, 2020 to address comments and conditions of approval; the revised plat addresses all of the Town's conditions but has yet to be finalized with the County.

The plat would dedicate the southern half of Hickory Road, a designated collector road, in order to establish the full road right-of-way; however, no lots would take access from Hickory Road. Lots will be accessed by internal streets consisting of a westward extension of Red Fox Run and a northward extension of Monarch Drive, and an internal "looped" roadway configuration ("North Red Fox Run" and "North Red Fox Run") and two cul-de-sacs ("Hampton Court" and "Wilshire Court").

The lots would be serviced by well and septic systems, and have an average size of 47,091 square feet. The six (6) outlots provide common open space and act as stormwater management areas. No lakes, water courses, rivers, or streams are within the plat. The Preliminary Plat is within Zone X (minimal flooding), as designated by FEMA.

Construction Plans and the Stormwater Management Plan were submitted in June and have received approval by the Town Engineer and Waukesha County (the County stormwater permit was issued June 11, 2020). A letter of credit has been provided to the Town and fees have been paid. The developer has opted to pay a fee in lieu of fire water storage tanks. The Development Agreement was approved in July 2019 and executed in January of 2020.

The plat is subject to extraterritorial review by the Village of Richfield, scheduled for the month of July.

Background Information

Property owner: MK/S-EP LLC

Location: South of Hickory Road and west of Lake Five Road

Tax Key: LSBT0167999

Adjacent land uses and zoning:

- North: Single-family residential neighborhood Songbird Meadows, north of Hickory Road;
- South: Single-family residential neighborhood Twin Pine Farm II;
- East: Single family residential neighborhood Peppers Ridge;
- West: Single-family residential neighborhood Hideaway Acres (Town of Merton)



Existing and Proposed Zoning: R-1 Suburban Single-Family Residential

Future Land Use: "Suburban I Density Residential" (see inset map image)

Consistency with Comprehensive Plan

Suburban I Density Residential is defined as residential development ranging from 1.5 to 2.9 acres per dwelling unit. The proposed final plat provides for an overall plat density of 1.56 acres per lot, consistent with this density policy.

Consistency with Zoning

The land was rezoned to R-1: Suburban Single Family Residential in March of 2019. The R-1 district sets a minimum lot width of 150 feet, minimum lot size of 1 acre, and a front yard setback of 50 feet. The final plat layout is consistent with the zoning standards.

Plat Review Comments

The plat substantially conforms to the adopted Preliminary plat. It contains 11 double-frontage lots; however, the locations are necessary to provide additional ROW for adjacent Hickory Road. No direct access will be allowed to Hickory Road from those lots. The plat also includes a 30' landscaping easement along Hickory Road and Lake Five Road. The final plat complies with all of the lot requirements under Chapter 12, Sec. 7.06.

Clarifications and Revisions (needed prior to Town Board approval of plat, unless otherwise noted)

1. Chapter 12 Sec. 7.01 (i) states that street names shall not duplicate or be similar to existing street names elsewhere in the Town. Street names shall be approved by the Town and by Waukesha County.

2. Please modify the label on Hickory Road to include the words "dedicated to the public".
3. There are a few ordinance standards that require waivers based on the plat layout. The Town may have approved these waivers during the preliminary plat approval; however no record of this was found so it is recommended that the Town confirm at this time:
 - o Sec. 7.03 requires a minimum diameter of 120 feet for cul-de-sac ROW and 90 feet for pavement; the approved construction plans provide 120 feet and 81 feet, respectively.
 - o Sec. 7.05 sets a minimum block length 400 feet unless otherwise dictated by exceptional topography or other limiting factors of good design. The blocks along the south side of Red Fox Run are technically short of this required length.
4. Sec. 7.03(g) requires a minimum tangent of 100 feet between curves; this was previously approved by the Town.
5. Chapter 12 states that driveways with preplanned locations shall be shown on the plat. If preplanned driveway locations are known, the Applicant shall add them to the plat. Based on the street layout and master grading plan, the following restrictions are recommended:
 - o Lot 26 to be accessed from the north (Hampton Court).
 - o Lot 27 to be accessed from the south (Red Fox Run).
 - o Lot 29 to have access restricted from the Lake Five Road extending west as far as the west end of the boulevard island.
6. Note that building setbacks in places vary from the typical R-1 zoning requirement (50' setbacks and 20' offsets, see plat sheet 3). The applicant confirmed that these reflect the need to keep buildings out of drainage easements, efforts to protect existing trees (in the case of lots 7-10), and County required 50' offsets from storm ponds.
7. Sec. 7.02(a) requires a 30-foot planting strip where lots back up to a limited access highway, with a plat note stating "This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited." The plat provides a landscape easement along Hickory Road and Lake Five Road, and an associated plat note. The ordinance does not specify requirements for plantings within these easements. Hickory Road is not necessarily a "limited access highway;" however, the Development Agreement requires the developer to "implement a landscape plan within the landscape easement set forth on the Plat as approved by the Town Engineer and Town Board." This was revealed during this plat review; for this reason a landscape plan was not required with the submittal.

If the Plan Commission would need to review the landscape plan, it is recommended that this be a condition of plat approval and done as a follow-up to Town action on the plat.

8. The drainage easement across lots 17-20 overlaps with the landscape easement along Hickory Road. Typically plantings are prohibited within drainage easements. The two easements should not overlap and may need to be reconfigured to address the needs of each easement. Because the residential lots across Hickory Road front on Hickory, it may be preferable to keep a narrower landscape easement in this area that can fit some plantings, if the drainage easement can be reduced slightly.
9. Any required landscaping shall be installed per the approved Landscaping Plan, with installation to be field verified by the Town Engineer.

10. Plat note 7 on sheet 4 states that basement floor surfaces shall be a minimum of one (1) foot above the seasonal high water table elevation. The Town requires a minimum 18 inches; this shall be corrected in the plat note.
11. Sec.7.03(j) requires boulevard entrance at least 50' long x 20' wide, with landscaping to be approved by the Plan Commission. The applicant has provided the details for the island on the Overall Basin Seeding Plan dated 6/17/2020. See plan for proposed plantings and the general location for the future monument sign.
12. Sec. 7.03(j) also requires monument/ground signage in the boulevard island as long as it meets Town ordinances and does not interfere with vision triangles on the plat. The applicant intends to submit signage plans at a later date. Any new proposed subdivision signage shall require a sign permit application submitted to the Town Plan Commission for review and approval.
13. Prior to Town signatures on the plat, the applicant shall address any review comments from Waukesha County, the Village of Richfield, and the Department of Administration and provide documentation to the Town that these comments have been satisfied.
14. Address any comments from the Town Engineer's review of the final plat, Civil Plans, Stormwater Management Plan, and Geotechnical Report.
15. On the Town Board approval certificate, please amend the Town Clerk's name and title to Steven Braatz, Interim Clerk. On the Town Treasurer's certificate, please confirm the Treasurer's name with the Town prior to finalizing the plat for signatures and recording.

Recommendation – Final Plat

If the Plan Commission would require additional information they have the ability to request it; however the Commission is obligated by ordinance to recommend approval, conditional approval, or rejection of the plat within 30 days of the submittal. If the Plan Commission is comfortable with the proposed final plat, they may conditionally approve it with the recommended conditions listed above as well as the following standard conditions of approval:

1. The Developer is subject to satisfying all comments, conditions, and concerns of the Town Planner (as noted above) and the Town Engineer. This 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 and receiving from the Town Attorney and the Town Engineer, the 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 Board, Town Attorney, Town Planner, and Town Engineer, approval of the final draft of the deed restrictions prior to the approval of the final plat.
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. This includes 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, his/her tenants, operators, or occupants, for reimbursement of professional fees (as described above); for personal property taxes; 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.

Any conditional approval document shall not be read as providing any assurance or expectation that such variances or waivers will be granted, and shall not vest any right regarding the grant of such variances or waivers.

Sincerely,

Rachel Holloway, AICP
Town Planner

Joshua Langen, AICP
Town Planner

cc: Steven Braatz, Interim Clerk, Town of Lisbon
Mitch Leisses, PE, Kunkel Engineering
Michael Van Kleunen, Cramer, Multhauf & Hammes, LLP
Sandy Scherer, Waukesha County Town Assistance Planner
Jacob Heermans, Waukesha County Department of Parks & Land Use

Review of Haass Farms Final Plat dated 6/4/20

(please forward comments to Petitioner, T/Lisbon Plan Commission and Town Board)

- The landscape easement and the drainage easement overlap on Lots 17-20. The Town should rectify the situation by trying to make allowances for both easements, if possible.
- If a boulevard entrance is proposed, it should be shown on the Final Plat.
- On Sheet 4 under the Town of Lisbon Treasurer's Certificate, the name of the Town Treasurer, in two places, should be replaced with Steven Braatz, Jr. and his title should be Interim Clerk-Treasurer in both instances.
- Likewise, the name of the Town Clerk on Sheet 4 under the Town Board Approval Certificate should be Steven Braatz, Jr. and his title should be Interim Clerk-Treasurer.
- In the notary statement in Owner's Certificate of Dedication on Sheet 4, the word 'persons' should be 'person'.
- The dedications of right-of-way for Lake Five Road and Hickory Road shall state, to be dedicated to the public for road purposes.
- It was noted the building setbacks/offsets were other than those required by the R-1 District in some instances and it is assumed this is due to drainage easements, well setbacks, etc.
- The Final Plat must be approved by the Waukesha County Planning and Zoning Division.
- The Final Plat must be approved by DOA.
- The County LRD issued their SW Permit on 6-11-20. Please note:
 - The name of the qualified native planting specialist should have been submitted by the end of June, and
 - The stormwater maintenance agreement must be recorded immediately following recording of the plat.
- The plat must receive Village of Richfield ETZ approval.
- Plat must comply with the County Septic Code.
- Plat must comply with the Town's Land Division and Devotement Ordinance.
- Fire protection must be addressed to the Town's satisfaction.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer

Town of Lisbon Community Assistance Planner

Senior Planner

Waukesha County Department of Parks and Land Use

Planning and Zoning Division

515 W. Moreland Blvd. Room AC 230

Waukesha, WI 53188

Phone 262.548.7790 Fax 262.896.8071

Email sscherer@waukeshacounty.gov

PZD Website www.waukeshacounty.gov/planningandzoning

Town of Lisbon Website <http://www.townoflisbonwi.com/>

Waukesha County GIS Interactive Mapping Site www.waukeshacounty.gov/defaultwc.aspx?id=39458

County Planner of the Day Customer Service Hours 8:00 am-4:30 pm Tuesday-Friday pod@waukeshacounty.gov



Please consider your responsibility to the environment before printing this e-mail.

cc: Jake Heermans, Waukesha County



July 2, 2020

Chairperson Osterman and Town Plan Commission Members
Town of Lisbon
N23N8676 Woodside Road
Lisbon, WI 53089

RE: Hillside Ridge Subdivision Final Plat Review

Dear Plan Commission Members:

The above-referenced plat was received in our office for review on behalf of the Town of Lisbon. Hillside Ridge LLC (Neumann Companies, Inc.) has submitted a Final Plat for Phase 1 of the Hillside Ridge subdivision located at W250N7551 Hillside Road (Tax Keys LSBT0208987 and LSBT0205995). We have reviewed the following application materials:

- Final Plat (received June 10, 2020)
- Landscape Plan (received June 10, 2020)
- Stormwater Management Plan (received May 8, 2020)
- Civil Plans (received May 8, 2020)
- Geotechnical Report (received March 31, 2020)
- Declaration of Restrictive Covenants (received March 25, 2020)

Summary

The project was established as a 79-acre Planned Unit Development with a General Development Plan (GDP) approved in May of 2019. The Preliminary Plat and Specific Development Plan (SDP) were approved by the Town in May of 2020. Waukesha County issued a conditional approval of the Preliminary Plat on June 30, 2020.

The Final Plat comprises 36 lots and five (5) outlots. The lots would be serviced by well and septic systems, and range from 30,000 to 40,206 square feet. The outlots will provide common open space, including trails, a tot lot playground area, and stormwater management areas. The plat also dedicates the western 33 feet of Hillside Road to the public for roadway purposes.

The first phase of construction will comprise lots 1-36 as well as Outlots 1, 3, 4 and 5. The Phase 1 construction plans and Stormwater Management Plan were submitted in May and have received approval by the Town Engineer and Waukesha County (the County stormwater permit was issued May 20, 2020). A letter of credit for Phase 1 has been received. The Development Agreement for Phase 1 was approved by the Plan Commission and Town Board in June, subject to final review by the Town Attorney. It is expected to be executed soon.

The plat is subject to extraterritorial review by the Village of Sussex. Typically it would also be subject to Joint Plan Committee (JPC) review under the boundary agreement with Sussex; however at this time JPC meetings are not being scheduled in light of boundary agreement negotiations.

Application Review

Background Information

Property owner: Hillside Ridge LLC

Location: northeast of STH 164, west of Hillside Road, and north of the residential lots and church on Howard Lane

Tax Keys: LSBT0208987 and LSBT0205995

Adjacent land uses and zoning:

- North: Rural single-family residential lots, Hamilton School District property (zoned A-10 Agricultural and A-5 Mini Farm)
- South: Residential lots, Sussex Fellowship Church, Menomonee Falls Saddle Club (R-2, A-3, A-10, P-1)
- East: Residential subdivisions (Polo Fields, Hidden Oaks, zoned R-1)
- West: Agricultural, rural residence (zoned A-10, C-1)



Existing and Proposed Zoning: R-1 Suburban Single Family Residential with a PUD overlay (GDP & SDP approved in May 2020). A small area zoned A-10 Agricultural and C-1 Conservancy/Wetland in southwest corner.

Future Land Use: "Low Density Residential", "Medium Density Residential, and "Other Open Lands to be Preserved" (see inset image)

Consistency with Comprehensive Plan

The proposed development is consistent with the Comprehensive Plan. Most of the area is planned for low-density residential, and some medium density residential. The proposed plat provides 1.64 acres per dwelling unit, which is below the maximum density that the plan allows. Areas mapped as "Other Open Lands to be Preserved" reflect soil conditions; specific site investigations have resulted in areas that will remain as open space. No commercial use is proposed, though a small area appears in the "commercial" category on the Comprehensive Land Use Plan map.

The subdivision is consistent with all provisions of the Town of Lisbon Parks and Open Space Plan and falls within the service area for Fred Keller Field and Lisbon Community Park.

Consistency with Zoning

The site is zoned R-1 Suburban Single-Family with a PUD Overlay. The PUD approved in May 2019 established a minimum lot size of 30,000 square feet, minimum lot widths of 110 feet, a minimum of 40% open space, minimum building setbacks of 35 feet and 20 feet offsets. The Plat is consistent with the approved GDP.

Consistency with Intergovernmental Agreements

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.

Plat Review Comments

The plat has been reviewed in accordance with the standards in the Chapter 12 Subdivision Code, and other applicable sections of the Lisbon Municipal Code.

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'.

The plat is also consistent with waivers granted during Preliminary Plat review. Waivers were approved to the Chapter 12 requirements for boulevard island width (approved at 17 feet wide), and trail widths (approved at 8 feet wide on a 10 foot wide base), side lot line angles, minimum road tangent lengths, and maximum cul-de-sac lengths.

The final plat layout substantially conforms to the approved Preliminary Plat layout.

Clarifications and Revisions (needed prior to Town Board approval of plat, unless otherwise noted)

1. Road names must be reviewed and approved by the Town and Waukesha County.
2. Sec. 5.02(k) states that septic systems and driveways with preplanned locations shall be shown on the plat. These should be added to the plat if applicable.
3. Based on the master grading plan and curved street, we suggest that Lots 13 and 24 be access-restricted along Beverly Lane. The Town Engineer may wish to comment on this item.
4. The Plan Commission may require building setback lines to be shown per Sec. 5.02 and 7.07, where greater than normally required by ordinance. We recommend building setbacks be shown or noted on the plat referencing the approved PUD, since they are atypical. This would also be consistent with the other PUD subdivision that is currently being platted.
5. A waiver is needed to Sec. 7.03 which requires a minimum diameter of 120 feet for cul-de-sac ROW and 90 feet for pavement (or alternately, a "T" turnaround on temporary dead ends); the approved construction plans appear to provide a smaller bulb.
6. If the Town Engineer agrees, the plat should include information for minimum basement floor elevations and seasonal high groundwater elevations.
7. Drainage easements are provided on Outlots 4 and 5 of the plat. The Town Engineer should verify if additional easements must be shown based on the approved construction plans.
8. Vision Corner Easements should be clearly depicted on the plat. The plat and construction plans do not show one at the intersection of Beverly Lane and Highland Drive. There is one at Beverly Lane and Hillside Road, and sheet 6 of the plat contains a note about vision corner restrictions.
9. Sec. 7.02(a) allows the Town to require a landscape easement along adjacent highways where lots back onto the road. This was not required for this plat; however the plat does provide space for landscaping along Hillside Road within Outlot 1 (see also the proposed Landscaping Plan).
10. A boulevard island is provided for in the construction plans to meet the requirements in Sec.7.03(j). The landscaping must be approved by the Plan Commission. A Landscaping Plan has been provided for Town review and approval, showing plantings along Hillside Road, the

entrance boulevard island, and other outlots. The landscaping shall be installed per the approved Landscaping Plan, with installation to be field verified by the Town Engineer.

11. Sec. 7.03(j) requires monument/ground signage in the boulevard island as long as it meets Town ordinances and does not interfere with vision triangles on the plat. The applicant intends to submit signage plans at a later date. Any new proposed subdivision signage shall require a sign permit application submitted to the Town Plan Commission for review and approval.
12. Proposed trails will have an 8' wide asphalt pavement on a 10' wide base, and will be privately owned and maintained. Public access easements shall be provided for all trails. Easement documentation shall be provided to the Town for review and approval prior to recording, and a copy of any recorded easement documents shall be provided to the Town upon recording.
13. A plat note shall be added that reads: "There shall be a 12' wide Public Access Easement centered upon and located over the public asphalt trail system to be created by separate document and granted to the Town of Lisbon for public trail purposes."
14. Plat note 3 should specify that Outlots 1, 2, 3 and 4 contain a proposed trail. Plat notes should also note lot owner maintenance responsibilities for the trails and the tot lot within the plat.
15. Plat notes 12, 13, and 14 are not required since the Town has approved these waivers on the record. If the developer wishes to keep them, note 14 should be amended to state the waiver has been granted.
16. Utility easements shall be designated on the plat, or created by separate easement. If created by a separate document, a copy of the recorded document shall be provided to the Town upon recording, per the Development Agreement.
17. Waukesha County has commented that they will require the release the access easement currently providing access from Hwy 164 to the landlocked parcel, since public roads now provide direct access to that land. This may not be under the applicant's control.
18. Waukesha County recommends that the Town require, review and approve an open space maintenance plan for this subdivision. The Town should determine if this is needed.

The GDP-SDP states that the neighborhood association or adjacent homeowners will be responsible for maintaining the outlots, and that Deed Restrictions will ensure high quality. However, it does not state specific maintenance responsibilities.

The Deed Restrictions provided in March provide for common ownership of "common areas" (including outlots, amenities, islands and medians), and they state that "the Association shall maintain, repair and replace the Amenity Area to the extent determined necessary or advisable by the Association and as required by law." These documents do not grant the Town any specific enforcement rights into the future. If the Town wishes to require specific maintenance standards, they may require this be added to the deed restrictions, as well as a provision requiring Town approval to amend such maintenance provisions.

19. Prior to Town signatures on the plat, the applicant shall address any review comments from Waukesha County, the Village of Sussex, and the Department of Administration and provide documentation to the Town that these comments have been satisfied.
20. Address any comments from the Town Engineer's review of the final plat, Civil Plans, Stormwater Management Plan, and Geotechnical Report.

21. On the Town approval certificates, please amend the Town Clerk's name and title to Steven Braatz, Interim Clerk.

Recommendation – Final Plat

If the Plan Commission would require additional information they have the ability to request it; however by ordinance the Commission must recommend approval, conditional approval, or rejection of the plat within 30 days of the submittal. If the Plan Commission is comfortable with the proposed Final Plat, they may conditionally approve it. Planning staff recommend the following standard conditions of approval:

1. Subject to the Developer satisfying all comments, conditions and concerns of the Town Planner (as noted above) 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 Board, Town Attorney, and Town Planner, and Town Engineer, approval of the final draft of the deed restrictions prior to the approval of the Final Plat.
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.

Sincerely,

Rachel Holloway, AICP
Town Planner

Joshua Langen, AICP
Town Planner

cc: Steven Braatz, Interim Clerk, Town of Lisbon
Mitch Leisses, PE, Kunkel Engineering
Michael Van Kleunen, Cramer, Multhauf & Hammes, LLP
Sandy Scherer, Waukesha County Town Assistance Planner
Ben Greenberg, Waukesha County Department of Parks & Land Use

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