



**TOWN OF LISBON
MEETING MINUTES
PLAN COMMISSION**

*Town Chairperson: Joseph Osterman, Chair
Supervisors: Mark Meyer, Ed Nelson, Bryan Oelhafen, Rebecca Plotecher, Chad Samanske, Jane Stadler*

Thursday, June 11, 2020

6:30 PM

Town Hall, Board Room
W234N8676 Woodside Rd.

Regular Meeting

Call to Order

Chairman Osterman called the Plan Commission meeting to order at 6:30 PM.

1. Roll Call

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

Commissioners absent: Chad Samanske

Also present: Tedia Gamiño, Town Supervisor (constituted a quorum)
Natasha Girard, Deputy Clerk-Treasurer
Rachel Holloway, Town Planner
Josh Langen, Town Planner
Michael Van Kleunen, Town Attorney

2. Public Hearings with Town of Lisbon Plan Commission:

A. PUBLIC HEARING #1: A Joint Public Hearing with the Town Board of Supervisors and Plan Commission to solicit public comments on amendments to the Town's Zoning Code, Chapter 11, in particular, but not limited to, Chapter 11.3.m. Signs, and incorporation of sign regulations into Chapter 11.5.

Chair Osterman opened the public hearing at 6:30 PM.
No public comments.
Chairman Osterman closed the public hearing at 6:32 PM.

B. PUBLIC HEARING #2: To solicit public comments on Berm construction request in association with a Conditional Use Permit for major grading for property owned

by Lannon Stone Products, applicant Carl Johnson of Stark Pavement Corporation, for the properties located at N51W23995 Lisbon Road, Lisbon, WI 53089, LSBT 0280.999, LOT 1 CSM #5524 VOL 44/340 REC AS DOC #1484915 PT NE1/4 SE1/4 SEC 34 T8N R19E; LSBT 0280.992, SE1/4 SE1/4 & E 5 AC OF NE1/4 SE1/4 SEC 34 T8N R19E.

Chair Osterman opened the public hearing at 6:32 PM.

No public comments.

Chairman Osterman closed the public hearing at 6:33 PM.

Regular Meeting following Public Hearings

1. Roll Call

Roll previously called. Supervisor Gamiño left the meeting.

2. Comments from citizens

No citizen comments. Chairman Osterman moved to next item.

3. Minutes from April Plan Commission meeting

Minutes were not ready for review, so review was postponed to the next meeting. Chairman Osterman moved to next item.

4. Unfinished Business

No unfinished business discussed. Chairman Osterman moved to next item.

5. New Business

a. Discussion and necessary action on the request for Lannon Stone Products, applicant Carl Johnson of Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, Lisbon, WI 53089, LSBT 0280.999 and LSBT 0280.992, for berm construction in association with a Conditional Use Permit for major grading.

Carl Johnson appeared on behalf of Stark Pavement Corp.

Planner Langen explained they are back before the Commission because they amended their site plan for an aggregate stockpile area; the previous approval was conditioned on installing a berm for screening, and the Commission wanted to see it. Because it exceeds 8 feet tall it requires notice of land owners within 300 feet – to be safe we noticed it further, 500 feet with class 2 notice as is done for a CUP, so that the Commission could review it as part of the CUP. He presented slides with highlights on the zoning, parcels involved, surrounding lands. Berm would be within 40 feet of a property line but it is another parcel owned by Stark. They could get up to 12 feet high, maximum allowable based on the location and zoning code standards. He showed site plan on the screen.

Langen noted the proposal does not appear to endanger public health. Berm will alleviate potential nuisances such as noise and visual impact. Staff recommends approval of the

berm, associated SPPOO, and CUP, subject to conditions in the staff report, and any that you may add.

Nelson: Will berm be permanent?

Johnson: Yes, will be vegetated, and we will likely add trees to it to further shield noise and appearance.

No other comments from staff or Commissioners.

Motion by Chairman Osterman, to approve the berm in association with the Conditional Use for major grading, subject to the conditions in the staff report.

2nd: Nelson

No further discussion

Passed 6-0-0

b. Discussion and necessary action on the request for Lannon Stone Products, applicant Carl Johnson of Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, Lisbon, WI 53089, LSBT 0280.999 and LSBT 0280.992, for berm construction in association with a SPPOO amendment.

Motion by Chairman Osterman, to approve the berm in association with an SPPOO Amendment, subject to conditions in the staff report.

2nd: Nelson

No further discussion

Passed: 6-0-0

c. Discussion and necessary action on the request from Kwik Trip, for the property owned by Wexford Heights, LLC, property located at W260N9579 STH 164, Colgate, WI 53017, LSBT 0161.999.004, for a Conditional Use Permit for a Gas Station / Convenience Store in the B-2 Local Business District, and associated Site Plan / Plan of Operation.

Motion by Stadler, to postpone action until next meeting based on applicant request.

2nd: Nelson

No further discussion

Passed: 6-0-0

Chair Osterman moved to Item F on agenda

f. Discussion and necessary action to review the Conditional Use for Robert and Lulita Zellmer, for the property located at N59W27099 Ainsworth Road, in the Town of Lisbon, LSBT 0264.994, for a private target range.

Osterman: This is a Town request to review the CUP request in light of adjacent development Preserve at Harvest Ridge.

Dustin Zellmer was present. Said a tree fell on backstop last fall so it is in need of repair. He thinks the new berm will work, wants to reconstruct the backstop as is. Neumann Companies has offered to rebuild the backstop with a berm behind it. Details are still to-be-determined. Osterman clarified this was Waukesha County (WC) requirement to review the existing CUP.

Leisses noted there are some wetlands in the area so those would need to be reviewed as part of berm construction. Zellmer stated there should not be wetlands there. He shared documents.

Holloway said County staff noted the potential for wetland and for stormwater to be considered since it could potentially impact drainage on Zellmer's land.

Eric Obarski of Neumann Companies said Neumann is willing to work with Town Engineer to identify where a berm could be built and design it.

Nelson asked for clarification on what is the berm versus backstop?

Zellmer: The backstop is made of wood; the berm would be behind that.

Osterman: Berm would need another meeting, but there would be more advance notice.

Nelson: Is it a private club?

Zellmer: It is just a family target range; my father builds black powder guns as a hobby.

Holloway: County's concern is safety, they support ideas like notifying lot owners in adjacent subdivision, potentially increasing size of the berm.

Zellmer: Ok with increasing width and height, and considering angle based on direction of homes on adjacent land.

Motion by Osterman to postpone action until they come back to the Commission with plans.

2nd: Nelson

Stadler: Can we act on the plat next if this berm hasn't been resolved yet?

Michael: We think it can be resolved.

Passed 6-0-0

Chair Osterman moved to Item D on agenda

d. 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:

- i. Discussion and possible action on a Phase 1 Development Agreement for the proposed Hillside Ridge subdivision and recommendation to the Town Board of the same.**

Holloway gave overview and referenced slides.

Stadler: Think they've addressed comments before regarding stormwater.

Motion by Nelson to recommend Town Board approval of the Development Agreement.

2nd: Oelhafen

Stadler: Has there been any movement on the unplatted lot in the middle of the plat?

Obarski: None, we are working around it at this time, they do not want to be part of the association.

Passed 6-0-0

e. Discussion and necessary action on the request for Neumann Developments Inc., for the property located along Lisbon Road, in the Town of Lisbon, LSBT

0264.030 generally located north of Lisbon Road and south of Ainsworth Road, adjacent to Basham Lane, for the following:

i. Discussion and possible action on a Phase 2 Final Plat for the Preserve at Harvest Ridge subdivision and recommendation to the Town Board and Waukesha County of the same.

Holloway gave an overview, referenced slides.

Obarski pointed out the phase in relation to the Zellmer item.

Discussion of public access easement in Outlot 5, does this extend to the storm ponds?

Obarski: Yes it does and that is the purpose.

Discussion of the berm and whether County staff has been out to see it.

Obarski: We are willing to build the berm, have 11 lots now that we would like to sell and want them to be comfortable with the current location and operation of firing range.

Van Kleunen referenced conditions of approval. We've discussed line of fire, size of berm and should add condition to the plat approval that a berm be created consistent with the recorded CU on file with WC. Also, add a condition that Final Plat includes a notation that there is a black powder range next door, and could be included in the deed restrictions. These are ways that the Plan Commission could ensure safety.

Osterman: Can you clarify?

Michael: Plat and deed restrictions will be recorded, so that people buying lots in this subdivision will have the opportunity to review those documents and be made aware there is a black powder range next door.

Obarski: Is what goes on there now any different than what could happen without a conditional use?

Osterman: Ordinance requires a 500 foot buffer from firing range.

Van Kleunen: Ordinance regulates weapons. And this is not a matter of Town ordinances but a Conditional Use, which allows specific uses and exceptions. If it were just the ordinance, it would be a prohibited use based on the location in relation to homes.

Osterman: I think you need 40 acres, we need to check ordinance again.

Meyer: The CUP granted in the past did not include 22s, only muzzle loaders.

Holloway: Recommend notations about the range using the language as stated in the CU, no more.

Osterman: Would this be recorded to all lots?

Obarski: Deed restrictions would be amended for Phase 2. If that verbage went in, think this phase and subsequent phases could have that. Wouldn't put it on every lot.

Nelson: Do what's prudent.

Meyer: I think we've conducted a review, which is needed, and we will ensure that a backstop and berm is reconstructed to the permit, and established that the CU is for muzzle loaders specifically. I'm ok with this as long as there are reasonable precautions.

Osterman: Do we need to review general CUP standards again?

Langen shared the standards.

Osterman: If we put the notes on plat and covenants, does it suggest that the CUP does these things and meets these standards?

Meyer: It doesn't if people don't know about it ahead of time.

Osterman: Are we potentially impairing property value by adding notes? We want to be conscious of the new people moving in, but also not devalue the lots.

Oelhafen: People might get the wrong idea or have misconceptions if you say "shooting range".

Holloway: The CUP specifies "private target range", for muzzle loading firearms, black powder weapons.

Obarski: Can it just say there is a CUP on adjacent property, with a document number?

Michael: Conditions of CUP said if property "to the west" gets developed. This could apply to every phase to the west.

Langen: The Town simply had to "review" the CUP, by reviewing it they did not necessarily approve the CUP anew.

Discussion of how the plat notation should read. There was consensus that it should note a CU for a private target range that allows discharge of muzzleloading or black powder weapons, call it what it is specifically.

Obarski: No problem with this.

Van Kleunen: Agree. Also ensure that the property is in a condition consistent with the conditional use, which we have discussed earlier tonight and the developer will help ensure that the Zellmer property is brought into a state consistent with the conditional use on file.

Obarski: Not okay with conditions on the final plat associated with Zellmer's CUP, don't want to be responsible for another land owner maintaining compliance with their CUP.

A Commissioner suggested approval should be conditioned on Neumann assisting the neighboring land owner (Zellmer) with establishing a berm on their property.

Osterman: Was there an issue with live springs on the property?

Obarski: Town Engineer and the County have been reviewing this, we need to establish seasonal high ground water level. Basement (top of floor) elevation must be 18 inches above that. We will note this on the plat; the elevations that were short noted in staff memo were rounding errors.

Osterman: Just want to make sure there aren't issues with individual properties, water coming up in basements etc.

Leisses: Neumann has been good about having me and County staff on site regularly during construction.

Stadler: Yes think that's in this area. Zellmer may know better? Dustin Zellmer pointed to location of area he has hunted for many years.

Van Kleunen: A general motion should be okay if the specific language is included in the minutes.

Motion by Meyer to approve the Final Plat subject to the engineer's and planner's comments, and the verbage on the language discussed tonight for a plat note and the restrictive covenants.

2nd: Nelson

Osterman: Any further discussion?

Stadler recused herself

Passed 5-0-1

ii. Discussion and possible action on a Phase 2 Development Agreement for the Preserve at Harvest Ridge subdivision and recommendation to the Town Board of the same.

Motion by Osterman, 2nd by Oelhafen, to recommend approval of the Development Agreement to Town Board.
Stadler recused herself.
Passed 5-0-1.

g. Discussion and necessary action on Ordinance 03-20 amendments to the Town's Zoning Code, Chapter 11, in particular, but not limited to, Chapter 11.3.m. Signs, and incorporation of sign regulations into Chapter 11.5, and recommendation to the Town Board of the same.

Langen summarized. He noted Commission has seen the proposed ordinance language before, and Town Attorney has recommended this be done as part of Chapter 11 not Chapter 13. He added some language regarding roadside stands, these were not mentioned in previous draft. Cleaned up some language at request of Plan Commission regarding changeable copy signs and abandoned signs. Added EFD and PR districts which were not included previously. Ground signs allowed to be 40 square feet for farm operations in A-10, A-5, and EFD districts, 15 square feet in other districts or for other than farm operations. For temporary signs, cleaned up A-frame sign language for less repetition. Exemptions language needed to include Waukesha County. "Zoning Administrator" is now referenced, as is done throughout the zoning code, since Zoning Administrator is the Plan Commission, or their designee, and they have the ability to delegate review/approval authority for things as they see fit. We put in some language that clarifies what would happen when the Commission is reviewing a CUP. Applicants may submit to Zoning Administrator if not part of CUP, or to the Plan Commission for review and approval as part of the CUP process, through which they could request flexibility to specific sign standards. Regarding appeals, if decision is from Zoning Administrator, can appeal through Board of Appeals. If it is from PC, may appeal to Village Board. We went through entire Zoning Code for language about signs (referred to about 272 times), to correct references to sections to read Sec. 11.5 not Chapter 13. Staff recommends approval recommendation to Town Board subject to Town Attorney review prior to this going to Town Board.

Osterman: Comments?

Nelson: Think the ordinance has been updated and more clarity provided both for us and for individual applicant.

Langen: You also asked us to compare with other communities as a reality check, we did that and incorporated some ideas. This should be a code that fits with the surrounding area.

Meyer: Good work on a not so exciting project.

Stadler: Agree. Glad to see it's followed through.

Commissioners thanked Langen for his work on the ordinance.

Langen: We'll have to change Chapter 13 in the future to "reserved" to clean that up, but for now we wanted to just tackle Chapter 11 to get it resolved there first.

Motion by Nelson to approve Ordinance 03-20, and recommend Town Board approval of the same.

2nd: Meyer

No further discussion

Passed 6-0-0.

6. Request from members to request items on future agendas.

Planners reviewed upcoming agenda items and recent submittals that the Commission will be seeing soon.

7. Adjournment

Motion by Meyer, 2nd by Nelson, to adjourn. Passed 6-0-0. Adjourn 8:18 PM.

Respectfully Submitted,

Rachel Holloway
Planner