

**Minutes of the Plan Commission Meeting  
Town of Lisbon, Town Hall  
Thursday, February 1, 2018  
6:30 PM**

Chairman Osterman called the Plan Commission meeting to order at 6:34 P.M.

**Roll Call:** Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Ed Nelson, Mark Meyer, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Planner Dan Lindstrom, Administrator Matt Janecke and Clerk Gina Gresch.

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

**Discussion and necessary action on January 11, 2018 Plan Commission Public Hearing & Meeting minutes.**

*Motion by Supervisor Plotecher to approve the minutes of the Plan Commission Public Hearing and Regular Meeting for Thursday, January 11, 2018. Seconded by Commissioner Nelson. Motion carried, 7-0.*

**New Business**

**Discussion and necessary action on the Site Plan and Plan of Operation request for Randy Kohler, VividInk Print Solutions, LLC, for the property located at N69W25055 Indian Grass Lane, Unit J, Lisbon, WI 53089, LSBT 0225.999.009.**

Planner Lindstrom read his comments into the record which are attached to the minutes. Mr. Kohler stated the building space is for fulfillment purposes only. The products are owned by his clients and they come to the space, package and ship their product.

*Motion by Commissioner Nelson to approve the Site Plan and Plan of Operation request for Randy Kohler, VividInk Print Solutions, LLC, for the property located at N69W25055 Indian Grass Lane, Unit J, Lisbon, WI 53089, LSBT 0225.999.009. Seconded by Commissioner Samanske. Motion carried, 7-0.*

**Discussion and necessary action on the Site Plan and Plan of Operation request for Alfred Bayer, Wisconsin Custom Metal Fabrication, Inc., for the property located at N70W25156 Indian Grass Lane, Units D & E, Lisbon, WI 53089, LSBT 0225.999.004.**

Planner Lindstrom read his comments into the record which are attached to the minutes. He stated the Town's Fire Marshall submitted his comments yesterday which include a condition that the Fire Department shall signoff on the space before occupancy is given. The Fire Department wants to review the space because it's a change in use, which was vacant to its proposed use. Commissioner Oelhafen who is also the Town's Building Inspector explained that a stop work order has been issued due to pending State and Waukesha County reviews; not enough information was submitted or permits pulled for the work that was started.

Chairman Osterman asked if the stop work order affects the Plan of Operation approval. Planner Lindstrom stated the Plan Commission could conditionally approve the request. Mr. Bayer explained he manufactures high end custom architectural work; decorative items finish work. Commissioner Meyer stated the issue with the building is that a fire alarm system wasn't installed from when the building was originally built. Commissioner Oelhafen stated one of the other issues is walling off Unit E from F and combining Units D and E.

*Motion by Chairman Osterman to approve the Site Plan and Plan of Operation request for Alfred Bayer, Wisconsin Custom Metal Fabrication, Inc., for the property located at N70W25156 Indian Grass Lane, Units D & E, Lisbon, WI 53089, LSBT 0225.999.004, subject to obtaining State of Wisconsin, Waukesha County Parks and Land Use, Lisbon Building Inspection and the Lisbon Fire Department approvals. Seconded by Commissioner Nelson. Motion carried, 7-0.*

**Discussion and necessary action on the following requests for Chris Miller of Miller Marriott Construction Company, for the property located on Lake Five Road and CTH VV, known as Barnwood Conservancy, LSBT 0217.998.**

**Preliminary Plat and recommendation to the Town Board of the same.**

Planner Lindstrom read his comments into the record which are attached to the minutes, which outlined the technical items left to correct. Commissioner Stadler stated the Park Committee would like the word "Proposed" removed from the plat because other times easement were proposed to be converted into walking paths and that never happened. Mr. Pudelko stated he will reword that because it relates to road dedication.

Mr. Pudelko reviewed the Planner's review letter and responded to any comments that haven't been addressed yet. The soil tests yielded the results as they expected so they will implement what they presented. Trail easements will be referenced in a separate recordable document. He envisions the subdivision maintaining the trails and he replaced the athletic facility with a field and shelter built from the existing barn's wood, which will be for the subdivision residents only to use.

Administrator Janecke stated the Planner and Attorney are reviewing the Developer's Agreement and will come before the Plan Commission and Park Committee to make a recommendation to the Town Board for final approval. Plan Commission members asked questions about trees, how many will be removed and will any be replanted. Mr. Pudelko stated there will be a fair amount of trees removed but those along Lake Five Road will remain and other tree lines are being planned. The Oak tree will be protected so there won't be any grading done in that area. He also explained that the areas shown for septic systems are larger than required so there will be more undisturbed area on each lot.

*Motion by Chairman Osterman to approve the Preliminary Plat request for Chris Miller of Miller Marriott Construction Company, for the property located on Lake Five Road and CTH VV, known as Barnwood Conservancy, LSBT 0217.998, and recommendation to the Town Board of the same, subject to the following conditions:*

1. *Revise the location map north arrow to reflect the orientation of the Preliminary Plat.*
2. *Include the location of Lot 9 percolation test of Sheet 2.*
3. *Non-objection from Town Staff and other reviewing agencies.*
4. *Remove "proposed" from ROW along Lake Five Road.*

*Seconded by Commissioner Nelson. Motion carried, 7-0.*

**Declaration of Restrictions and recommendation to the Town Board of the same.**

Planner Lindstrom read his comments into the record which are attached to the minutes. His comments are not recommendations, just observations. The Plan Commission and Mr. Miller discussed who will have control of the Homeowners Association and restrictions enforcement via the proposed ordinance. Mr. Miller stated he will retain the right for all architectural standards. He would be happy to revisit this when the Town's attorney has time to meet and review. Planner Lindstrom stated adding the overlay district is adding an extra layer of security; only the Town can change the restrictions by ordinance. That ordinance will be based off of this proposed document; the ordinance is being drafted for this specific site. Chairman Osterman stated a motion isn't needed at this time.

**Discussion and necessary action to re-approve the December 7, 2017 Plan Commission minutes.**

Clerk Gresch stated a resident requested two documents be removed as attachments because they had their phone number and handwritten notes on them.

*Motion by Commissioner Oelhafen to re-approve the minutes of the Plan Commission Public Hearing and Regular Meeting for Thursday, December 7, 2017. Seconded by Commissioner Meyer. Motion carried, 7-0.*

**Unfinished Business**

**Discussion and necessary action on the proposed Ordinance 01-18, Ordinance Creating Section 33 and Repealing/Recreating Various Sections of the Town of Lisbon Zoning Code related to Planned Unit Developments as an Overlay District, and recommendation to the Town Board of the same.**

Planner Lindstrom reviewed his and Waukesha County Community Assistance Planner Sandy Scherer's comments and any changes made to the ordinance due to those comments. There was a significant change made to clarify the roles of the Town Board and Plan Commission in the process. Based on other municipalities and case law, any resolution done at the Plan Commission level is recommended to the Town Board for approval, but the majority of the work should be done by the Plan Commission. Minor typographical and consistency errors were also cleaned up. Chairman Osterman asked if the Town Attorney has reviewed the ordinance yet. Planner Lindstrom hasn't seen any reviews yet. Administrator Janecke stated Attorney Hammes tried to include a mixed use district but that wasn't allowed since the public hearing wasn't published to include that and Waukesha County agreed they should be separate. Attorney Gutenkunst started reviewing but we haven't received a response yet. Chairman Osterman stated he would like to see the attorney's comments before it is approved; other Plan Commission members agreed. Plan Commission members discussed the possibility of approving the ordinance, only if the attorney didn't have any changes. If there are any changes, it should come back to the Plan Commission.

*Motion by Chairman Osterman to approve proposed Ordinance 01-18, Ordinance Creating Section 33 and Repealing/Recreating Various Sections of the Town of Lisbon Zoning Code related to Planned Unit Developments as an Overlay District, subject to Town Attorney review and that no changes to intent of the ordinance are made by the Town Attorney, and recommendation to the Town Board of the same. Seconded by Commissioner Nelson. Motion carried, 7-0.*

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

Clerk Gresch reminded everyone the meetings are now on the second Thursday of the month.

**Adjournment.**

*Motion by Commissioner Nelson to adjourn the Thursday, February 1, 2018 Plan Commission Meeting at 7:47 P.M. Seconded by Commissioner Oelhafen. Motion carried, 7-0.*

Respectfully submitted,

Gina Gresch, MMC/WCPC  
Town of Lisbon Clerk



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January 18, 2018

Chairperson Osterman and Members of the Town Plan Commission  
Town of Lisbon  
W23N8676 Woodside Road  
Lisbon, WI 53089

Re: Vivid Ink Print Solutions, LLC Plan of Operation Review (Preliminary Packet)

Dear Plan Commission Members:

The above-referenced Plan of Operation/Site Plan was received by our office for review on behalf of the Town of Lisbon. Certain permitted uses as well as certain conditional uses require the submission of a Site Plan and Plan of Operation which provides a detailed description of the proposed use and serves as a basis for consideration prior to approval by the Town Plan Commission. The purpose of such a Site Plan and Plan of Operation review is to document the permit file, determine adequacy of the data submitted to describe the permitted and accessory uses and buildings proposed and document the plan and method of operation to enable a determination of compatibility with the Ordinance and consideration of approval.

#### **Pertinent Reviewed Materials – Summary Overview**

Planner Appointment Date:	January 10, 2018
Business Name:	Vivid Ink Print Solutions, LLC
Property Owner:	Kroeger Properties, LLC
Tax Key:	0225.999.009
Zoning:	M-2 General Industrial District
New or Existing Business:	New business
New or Existing Structure:	Existing, build out of a multi-tenant space
Replacing an Existing Business:	No
Change of Use or Operation	The site is currently vacant; therefore, it is not a change of use or change of operation.
Operation Summary:	Vivid Ink Print Solutions is a business-to-customer print fulfillment center. Printed materials are assembled at the location and drop shipped to clients. This is a permitted use in the M-2 District.
Hours of Operation:	9:00a -5:00pm anticipated Monday through Friday and weekends as necessary to complete orders.
Full-Time Employees:	One(1)
Part-Time Employees:	Three (3) – contracted employees

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January 18, 2018

Chairperson Osterman and Members of the Town Plan Commission  
Town of Lisbon  
W23N8676 Woodside Road  
Lisbon, WI 53089

Re: WCMF Plan of Operation Review (Preliminary Packet)

Dear Plan Commission Members:

The above-referenced Plan of Operation/Site Plan was received by our office for review on behalf of the Town of Lisbon. Certain permitted uses as well as certain conditional uses require the submission of a Site Plan and Plan of Operation which provides a detailed description of the proposed use and serves as a basis for consideration prior to approval by the Town Plan Commission. The purpose of such a Site Plan and Plan of Operation review is to document the permit file, determine adequacy of the data submitted to describe the permitted and accessory uses and buildings proposed and document the plan and method of operation to enable a determination of compatibility with the Ordinance and consideration of approval.

**Pertinent Review Materials – Summary Overview**

Planner Appointment Date:	January 10, 2018
Business Name:	Wisconsin Custom Metal Fabrication, Inc
Property Owner:	Tomasini Family Limited Partnership
Tax Key:	0225.999.004
Zoning:	M-2 General Industrial District
New or Existing Business:	New
New or Existing Structure:	Existing, build out of two multi-tenant spaces
Replacing an Existing Business:	No
Change or Use or Operation:	The site is currently vacant; therefore, it is not a change of use or change of operation.
Operation Summary:	Custom metal fabrication business specializing in custom orders located within an existing building. No anticipated on-site retail sales from the business. This is a permitted use in the M-2 District.
Hours of Operation:	The hours of operation are scheduled to be 6:00am-6:00pm Monday through Friday and weekends as necessary to complete orders.
Full-Time Employees:	Two (2)
Part-Time Employees:	None.

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January 26, 2018

Chairperson Osterman and Members of the Town Plan Commission  
Town of Lisbon  
W23N8676 Woodside Road  
Lisbon, WI 53089

Re: Barnwood Conservancy Subdivision Preliminary Plat (Revised Letter)  
Town of Lisbon

Dear Plan Commission Members:

The above-referenced Preliminary Plat was received in our office for review on behalf of the Town of Lisbon. The proposed lots are situated south of Thousand Oaks Addition, west of Woodland Oaks and Stonehouse Woods, and east of the Village of Merton. The Preliminary Plat is being proposed by Chris Miller, an authorized member of Barnwood Conservancy LLC. The land's existing zoning designation is A-10: Agricultural; however, the land was rezoned recently and the Applicant was granted a Conditional Use Permit for the development.

We have completed our review of the following documents for the Preliminary Plat of the Barnwood Conservancy Subdivision:

- Preliminary Plat received December 22, 2017
- Declaration of Restrictions received December 22, 2017
- Initial review sent January 5, 2018
- Revised drawings and comments received January 23 to January 26, 2018

After reviewing the above materials, we have the following revised comments:

### **Preliminary Plat Summary**

The Preliminary Plat consists of 52 lots and four outlots with an area of 76.5180 acres including right-of-ways. Lots will be accessed along the extensions of Hansen Drive, Hickory Chasm Drive, and Denton's Run and by two new streets: Wren's Way and Pintail Court. The Preliminary Plat is being proposed as an unsewered cluster subdivision with 13 R-1 Zoning single-family lots, with an average size of 44,002 square feet. The Plat proposes 39 PUD single-family lots with an average size of 31,541 square feet. The Preliminary Plat proposes four outlots of common open space in the proposed subdivision. Outlots 1-4 measure 5.3034, 1.5392, 17.7045, and 0.3075 acres respectively. No lakes, water courses, rivers or streams are within the Plat. The Preliminary Plat is within Zone X(minimal flooding), as designated by FEMA. The remainder of this letter reviews the submitted Preliminary Plat in accordance with the standards detailed in Chapter 12, Section 4: Preliminary Plat, and other applicable sections of the Town of Lisbon Municipal Code.

## Chapter 12 Section 4 Review

The items listed below were found deficient or lacking information with regard to ordinance requirements. Items included in the Preliminary Plat that are not listed below were found to be in compliance with Chapter 12 of the Town of Lisbon Municipal Code. A specific code section exclusion from this review letter does not infer approval of the Preliminary Plat, and additional information could be required at a later date if requested by the Town Board, Plan Commission, or Town Staff.

4.01.c: *General location sketch showing the location of the subdivision within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing;*

The location map north arrow should be corrected to match Preliminary Plat direction

4.02.r: *Location of soil percolation tests where required by the Wisconsin Administrative Code, conducted in accordance with the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the Preliminary Plat. Where mound systems are proposed, information required by the Wisconsin Administrative Code shall be submitted and may be required to be shown on the plat.*

The location of Lot 9 percolation test should be included on the additional sheets.

7.06.a: *Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.*

We agree with the comments submitted in the response letter from TRIO Engineering and do not believe there to be remaining issues regarding the proposed lot layout as related to 7.06.a.

## Sheet 5 of 5

Sheet 5 of 5 was missing from the revised submittal. We have requested a copy of the sheet and will conduct a review of the additional sheet prior to the Plan Commission meeting.

## Review Criteria

Overall, the Applicant addressed the comments in our initial Preliminary Plat review letter. The Preliminary Plat now better reflects the requirements and standards required by Town of Lisbon Ordinances. The Preliminary Plat still must follow the Waukesha County plat review process. The Town should consider the items listed above, then either approve, conditionally approve, or hold over the Applicant's Preliminary Plat application until any concerns have been met. Any action should also be contingent on Town Engineer review and County review and approval.

We recommend Plan Commission approval subject to the following conditions.

1. Revise the location map north arrow to reflect the orientation of the Preliminary Plat.
2. Include the location of Lot 9 percolation test of Sheet 2.
3. Non-objection from Town Staff and other reviewing agencies.

The County approval process includes submitting:

- Copies of the Preliminary Plat (check with County for number of copies)
- A soil test for every lot or a letter from the Town Clerk certifying whether sewer service is available
- A completed Waukesha County Department of Parks and [Land Use Subdivision Plat Submittal Form](#)
- A "Preliminary Storm Water Review Letter" from the Land Resources Division, in accordance with

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the Waukesha County Storm Water Management and Erosion Control Ordinance.

- Review of the Land Division Checklist.
- Subdivision Review Fee

Should the County approve or conditionally approve the Preliminary Plat, the Applicant will then move to the next phase of the land development process with the Town, which is Final Plat approval.

Sincerely,

Daniel J. Lindstrom, AICP  
Town Planner

cc: Town of Lisbon Staff

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