

**Minutes of the Joint Waukesha County
and Town of Lisbon Plan Commission Public Hearing
Town of Lisbon, Town Hall
Thursday, March 8, 2018
6:30 PM**

A Public Hearing was held by Waukesha County Parks and Land Use and the Town of Lisbon Plan Commission at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089 was called to order by Chairman Joseph Osterman at 6:32 P.M.

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Ed Nelson, Mark Meyer and Jane Stadler. Also present: Waukesha County Community Assistance Planner Sandy Scherer, Planner Dan Lindstrom Attorney Kathy Gutenkunst and Clerk Gina Gresch. Absent: Administrator Matt Janecke, Plan Commission Members Chad Samanske and Bryan Oelhafen.

Chairman Osterman stated the public hearings were published in the Lake Country Now and Northwest Now papers, on the Town's website and on the Town Hall posting boards.

Joint Public Hearing to consider the Unspecified Conditional Use request (CU00003) of Robert Bortolotti, 15230 Turnberry Drive, Brookfield, WI, 53005, owner of Lake Five Landscape and Mulch Supply, c/o Sara Ladish, located at W275 N7813 Lake Five Road, Lisbon, WI, 53089, to operate a tree farm, tree service, and green landscape materials recycling center with retail mulch sales on property described as follows: Lots 1 and 2, CSM No. 10582, Volume 101, Page 232, located in the NW ¼ of Section 18, T8N, R19E, Town of Lisbon. More specifically, the approximately 17 acres are located at the Lake Five Road address cited above.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public.

Mike Theil, N77W2378 Garnet Court, objects to the retail sales component of the Conditional Use Permit because the property isn't zoned for that; its zoned residential. When he purchased his current property, he did so because the surrounding land was all residential properties. He enjoys the country atmosphere and quiet rural setting. He appreciates that Voss Tree Service is trying to operate a commercial business but it is a slippery slope if retail sales are allowed. The tree farm is a compatible use with surrounding properties, retail sales is not. He is worried that he will eventually have the equivalent of Steins in his backyard. It's confusing to see land zoned for residential trying to grow a business like this when surrounded by residences.

Steve Heckenkamp, W274N8712 Lake Five Road, reiterated what Mr. Theil said. He's lived here for 35 years and saw the business expand without approval. He has been against the noise the business creates and he's getting tired of it. He knows some of the operations were approved but he hasn't complained. He asked the new owners that they cut their grass during their business hours she he has two days of quiet during a weekend. He has spoken with the new owners and they thought the land was zoned commercial. He asks the new owners to keep the noise down. Voss received approval to do small engine repair for chainsaws and that turned into working on and reselling chippers and grinders. He wants to make sure that isn't going to happen again. To cut down on the noise, he asked that the trucks be parked on the south side of the shop garage or in the pit as originally approved, to not leave them running in winter in the front of the garage. Also, if they are doing any work in the garage in the summer, that they leave the east doors closed and work from south side because there aren't any neighbors on that side. He wants every approval requirement they have to follow in writing. He also asked if the new owners will have more or less equipment than Voss.

Karen Perling, N77W27801 Garnet Court, owns the home that abuts Voss' backyard. He also opposes the retail sales for the same reasons and agrees with Mr. Heckenkamp about the noise. She lives on the west side of the property and she hears all of the noise when the south garage door is open and trucks are idling. She is concerned with the amount of dust coming from the property because she has allergies, asthma and COPD. She came to live here for the quietness, countryside and good clean air and she's not getting that right now. She would like something to be done about the dirt bike riding up and down the snowmobile trails. She would like guidelines the new owners have to follow. The proposed operations should have been looked at and addressed when the new property owners applied to the Plan Commission. She suggests they re-do the application accordingly.

Jim Heckenkamp, N71W26053 Camelot Court, is Steve Heckenkamp's brother, lives down the road and goes to his house often. The traffic on Lake Five Road is dangerous. People speed through that area and there is low visibility in many area. His brother lives across the street from Voss and he is very cautious coming up the hill, especially when Voss is operating. It's very noisy in this area. He moved out here more than 30 years ago for the quiet and it needs to be enforced. People should find actual commercial property to run their commercial business. The business is ruining the lifestyle of what people are used to out here.

Kristen Braun N77W2727804 Garnet Court, her family moved in last September for the quiet country living and nature. The tree lot is beautiful to look at but she doesn't want the noise. She wants a safe area for her children. She wants to be able to have her windows open during the summer, enjoy a fresh breeze and nature sounds, not engine sounds. She and her husband work full time and the kids are in daycare. She would like peace and quiet on the weekend; no noises, no smells. Her one-year old son has lung issues, she doesn't want dust getting in the house. She didn't know any of this was happening when they moved in. Keeping it as a tree farm is fine, but she wants it quiet on the weekends.

Joan Heckenkamp, W274N7812 Lake Five Road, she will be retiring soon and doesn't want to listen to the noise either. Sometimes she hears several chainsaws running at the same time. Chainsaws weren't approved by the Town and has asked them to stop. The business is a nuisance and disturbance. She also has a problem with the wood burner as it creates a winter fog that is dangerous to your lungs. It either has to be repaired or controlled better so it doesn't cause health issues. If the new owners are not intending to occupy the house she wants assurance that whoever is renting it won't be using dirt bikes and four-wheelers. Yes there are 17 acres but it creates a lot of noise.

Robert Bortolotti, 15230 Turnberry Drive, Brookfield, addressed the neighbor's concerns. He and Ms. Ladish never applied for a retail permit; someone else added that to their application. Retail is not their intention, the property will not turn into a Steins. Waukesha County Community Assistance Planer Sandy Scherer asked the applicant questions about the differences between the Town and County's applications. The applicant stated they will be "doing the same thing Voss did", however Voss had added operations that weren't approved by the Town. Mr. Bortolotti stated when they applied to operate the business, all they want to do is make mulch, sell it for landscaping jobs, run the tree farm and store their equipment there. The mulch is sold to contractors and they load and deliver it; people don't come to the site and buy it. The mulch is in piles, not in bins. He also stated he doesn't understand how one of the neighbors can hear the noise when there is a natural tree line sound barrier. He stated he heard the neighbors say Voss makes too much noise, yet a train goes through the area six to eight times a day. It is also not his intention to have trucks running in the winter. Steve Heckenkamp stated he wants all equipment's backup alarms silenced. Mr. Bortolotti stated he can't do that, it's against the law. There was further discussion about Voss' business operations, equipment, wood burner, who will be living on the property and running the business.

Mr. Theil asked why Waukesha County wasn't involved in the 2008 application process. Because they didn't receive Waukesha County approval is that the same as a denial? Planner Scherer stated Waukesha County wasn't involved in 2008 because at that time, she believes the property wasn't encroaching on the area under shoreland jurisdiction. The Heckenkamps asked how a residential property can be used for a commercial business. If the new owners do the same thing as Voss does what kind of precedence will that set. Planner Scherer stated the land is zoned agricultural under Town zoning and R-2 under Waukesha County zoning. Attorney Gutenkunst stated each application is judged separately and each situation is different.

Adjournment

There were no further public comments and the public hearing was adjourned at 7:16 P.M.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, March 8, 2018
Following Public Hearing(s) beginning at 6:30 PM**

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Ed Nelson, Mark Meyer and Jane Stadler. Also present: Waukesha County Community Assistance Planner Sandy Scherer, Planner Dan Lindstrom Attorney Kathy Gutenkunst and Clerk Gina Gresch. Absent: Administrator Matt Janecke, Plan Commission Members Chad Samanske and Bryan Oelhafen.

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

Discussion and necessary action on February 1, 2018 Plan Commission Meeting minutes.

Motion by Supervisor Plotecher to approve the February 1, 2018 Plan Commission minutes. Seconded by Commissioner Nelson. Motion carried, 5-0.

New Business

Discussion and necessary action on the Conditional Use request (CU00003) of Robert Bortolotti, 15230 Turnberry Drive, Brookfield, WI, 53005, owner of Lake Five Landscape and Mulch Supply, c/o Sara Ladish, located at W275 N7813 Lake Five Road, Lisbon, WI, 53089, to operate a tree farm, tree service, and green landscape materials recycling center with retail mulch sales on the property located at W275 N7813 Lake Five Road, Lisbon, WI, 53089 and recommendation to Waukesha County of the same.

Waukesha County Community Assistance Planner Sandy Scherer gave some history on the property. Historically, it was a fill site and never licensed by the DNR. Waukesha County was involved in the 1994 Conditional Use Permit process to approve the restoration of the existing landfill and grading of the former abandoned gravel pit. Mr. Trembl purchased the property and had a Conditional Use Permit from the Town for a trucking operation with minimal maintenance in 1973. In June 2008 the Town and County approved a two-lot CSM and shortly after the Town approved a Site Plan and Plan of Operation and Conditional Use for Voss Tree Service for Tree Farming, which was permitted use at the time. There were other recorded conditions placed at that time. In 2011 the Town amended the Conditional Use Permit without Waukesha County involvement. In 2010, the Town changed the property's zoning from A-2 to A-10, allowed added signage on the silo and allowed small engine repair. There were some intermittent complaints the Town received and addressed over those time periods. One of the issues was noise and a condition of approval was to set an approve decibel level which wasn't done.

Planner Lindstrom stated the 2008 Site Plan was purposely drawn to stay out of the shoreland district so that's probably why Waukesha County wasn't involved. When some of the operation's boundary shifted into the shoreland area it became non-conforming. A change in ownership and operations is why we are here now. He and Waukesha County Planner have questions about the discrepancies in the applicant's answers between the Town and County applications. The Planners and Plan Commission reviewed both applications line by line. The Plan Commission and applicants also discussed all aspects of the business, employees, parking, hours of operation, mulch making operations, tub grinding, mulch painting, outdoor storage, equipment maintenance, signage, fire and building inspections, grading, berming and screening. There were some questions the applicants couldn't answer. They told the Plan Commission that Voss wouldn't tell them everything they need to know about his operation until they purchased the property.

The Plan Commission and applicants discussed the tub grinder, how many times they intend to operate it in a calendar year. Ms. Ladish stated that they could be using the tub grinder five times per year, and each time would be up to 5 days at a time, for a total of 25 days. Spring grinding will always have a larger quantity depending on how much material is accumulated over winter and the grinder's availability. The Plan Commission felt that 25 days of grinding is too much for this area. Ms. Ladish stated she really didn't know how long they will need it for because they won't know how much they will have to grind. It was noted by Supervisor Plotecher that the letter from Mr. Heckenkamp stated Mr. Voss ran the tub grinder for five days, two days at a time each time. Everyone agreed that amount of time is satisfactory. There was also discussion about the tub grinder's decibel level and the grinder's manufacturer should have that information.

After much discussion about other topics including trucks parking and idling and chainsaw usage. It was determined that there were so many differences between the Town and County application answers as well as some unknown information, it was decided a new application should be completed and brought back to the Plan Commission. The Town's Plan of Operation form asks for information about what the operation will be and the County's form asks for current operations. Other topics discussed included the fact that retail is allowed in that zoning but the applicant doesn't want to sell their product to the public. Attorney Gutenkunst stated she understands the applicants don't own the property yet but they have to tell the Plan Commission exactly what they want to do and how they will operate, rather than the Plan Commission helping them complete the paperwork during the meeting. There are many unanswered questions and discrepancies between the Town and County applications. This should be postponed and brought back to another meeting once the applicant has the unknowns figured out. The applicant and Plan Commission members continued to discuss various elements of the application but was not able to come to any approval.

Motion by Chairman Osterman to postpone the Conditional Use request (CU00003) of Robert Bortolotti, 15230 Turnberry Drive, Brookfield, WI, 53005, owner of Lake Five Landscape and Mulch Supply, c/o Sara Ladish, located at W275 N7813 Lake Five Road, Lisbon, WI, 53089, to operate a tree farm, tree service, and green landscape materials recycling center on the property located at W275 N7813 Lake Five Road, Lisbon, WI, 53089 to the April 12, 2018 Plan Commission meeting. Seconded by Commissioner Meyer. Motion carried, 5-0.

Discussion and necessary action on the signage request for Kwik Trip, for the property located at N67W27666 Moraine Drive, Lisbon, WI 53089, LSBT 0219.994.001.

Planner Lindstrom read his comments into the record which are attached to the minutes. They are asking to change the signage and structure, however that makes them non-conforming signs. Is the Plan Commission okay with that? Chairman Osterman stated the Plan Commission can waive that requirement.

Motion by Commissioner Stadler to approve the signage request for Kwik Trip, for the property located at N67W27666 Moraine Drive, Lisbon, WI 53089, LSBT 0219.994.001. Seconded by Commissioner Nelson. Motion carried, 5-0.

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

Attorney Gutenkunst stated updated version of this ordinance is about eight pages. She and Attorney Hammes have been working diligently with Planners Lindstrom and Scherer. This ordinance simplifies the process and requires one hearing instead of two; it outlines the process. This ordinance should be more general, then create a PUD ordinance for the specific nature of the development. Planner Lindstrom and Attorney Gutenkunst reviewed the minor changes between the ordinances they each drafted. Once this is finalized they will work on drafting another ordinance particular to the Barnwood Development.

Motion by Chairman Osterman to adopt Ordinance 01-18, Ordinance Creating Section 33 and Repealing/Recreating Various Sections of the Lisbon Zoning Code Related to Planned Unit Developments as an Overlay District, in the Town of Lisbon, Waukesha County, Wisconsin, subject to changes made by the Town Attorney and Plan Commission, and recommendation to the Town Board of the same. Seconded by Commissioner Meyer. Motion carried, 5-0.

Discussion and necessary action to approve the Annual Mobile Home Park License for American Mobile Home Communities and recommendation to the Town Board of the same.

Clerk Gresch stated the permit can be approved and it will go to the Town Board on Monday, March 12.

Motion by Commissioner Nelson to approve the Annual Mobile Home Park License for American Mobile Home Communities and recommendation to the Town Board of the same. Seconded by Supervisor Plotecher. Motion carried, 5-0.

Discussion of the Plan Commission application process, including but not limited to planner's appointments, application timing, fees, forms, review reports, etc.

Clerk Gresch stated now that Planner Lindstrom has been with the Town a couple of months, we would like to streamline the Plan Commission processes but need guidance from the Plan Commission first. Some of the items they need Plan Commission guidance on include the Plan Commission fees. Why a Conditional Use Permit is \$350 and a Site Plan and Plan of Operation is \$500 when a Conditional Use is much more involved? Also there are fees we aren't charging for that we should be like the Developer's agreement and Declaration of Restrictions. We would also like to know if we should be charging for the first planner's appointment. Many times those people at the meeting don't come back for Plan Commission approval. We feel the clock starts ticking when they apply and the Planner has to start working on the review. We are working on creating an application workbook that covers all departments, getting better communication between departments and streamlining the forms. There are inconsistencies in the sign and zoning codes and no guidelines for Plan of Operations to follow. She and the Planner would like to know what they are looking for in their packet. More information from the Planner? Would they like the items to only make it to the Plan Commission once they are just about 100% ready to be approved? We keep having to finish applications for people at the meeting and that isn't working. Plan Commission members agreed they don't want to see anything on the agenda or in the packet unless it's been through all department reviews, all conditions have been met and ready for Plan Commission approval.

Overview of February Planning Appointments.

Request from members to request items on future agendas.

Correspondence.

Lannon Stone 2017 Recap Letter.

Adjournment.

Motion by Commissioner Nelson to adjourn the Thursday, March 8, 2018 Plan Commission Meeting at 10:02 P.M. Seconded by commissioner Stadler. Motion carried, 5-0.

Respectfully submitted,

Gina Gresch, MMC/WCPC
Town of Lisbon Clerk



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March 1, 2018

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

Re: Green Waste Material Recycling - Conditional Use Permit and Plan of Operation and Review

Dear Plan Commission Members:

The above-referenced Conditional Use Permit (CUP) and Plan of Operation/Site Plan was received by our office for review on behalf of the Town of Lisbon. This item is up for a joint Public Hearing with the Town of Lisbon and Waukesha County.

Application Summary:

In July 2008, the Town of Lisbon approved, with conditions, a CUP for a Green Waste Recycling Operation located at W27N7813 Lake Five Road (Parcel IDs 0214999007 and 0214999008) for Voss Tree Service. The property also has a single family home that could be used as a rental property. The Applicant is wishing to purchase the existing business and maintain the operation under their ownership. The Applicant attended a Planner Appointment in January 2018 and was informed that while the current owner received Town approval in 2008, the application process failed to obtain Waukesha County approval for the land use within the Shoreland Zoning areas. It is unclear to Town and Waukesha County staff how the CUP was recorded without Waukesha County approval. Therefore to continue the operation the Applicant now needs to obtain Waukesha County approval for the operation.

History:

At the time of the 2008 approval, the Town Board found in its determination that the issuance of the CUP was in the spirit and intent of the Zoning Code so long as the term of the CUP and operation do not cause any disturbance or nuisance to neighboring properties. The Town Board placed the following conditions on the CUP:

1. Hours of operation: 7:00 am to 6:00 pm Monday through Friday.
2. Six (6) full-time employees.
3. Six (6) single axle trucks, three trailers, and one large loader.
4. May bring in tub grinder for the purpose of recycling wood base, brush, wood chips, and any type of wood, excluding pallets approximately five (5) times per year.
5. The residence presently on the property may be utilized as a rental unit.

In the first few years after the Town approval, several complaints were made on the property for noise and additional improvements were made to address the concerns (landscaping, berm, etc).

Town staff was also informed that the current owner demolished and made modifications to the interior of the first floor without obtaining approvals and was attempting to use the first floor as an office location. This modification is inconsistent with the conditions of the CUP and should be returned to a preexisting condition or the CUP should be modified to allow for the use of a first-floor office consistent with all applicable building codes.

The 2008 Town of Lisbon approved CUP is attached to this application packet.

Plan of Operation Review

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 functions 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 the adequacy of the data describing the permitted and accessory uses and proposed buildings, and document the plan and method of operation. This will enable a determination of compatibility with the Ordinance and consideration of approval.

Pertinent Reviewed Materials – Summary Overview

Property Owner:	Dan Voss (seller)
Tax Key:	0214999007 and 0214999008
Zoning:	A-10 and Waukesha County Shoreland Zoning
New or Existing Business:	Replacing an existing business
New or Existing Structure:	Existing. No proposed changes to the 2008 approved CUP/Site Plan
Replacing an Existing Business:	Yes
Change of Use or Operation	See notes in the additional comment section below.
Operation Summary:	This is the continuation of the green waste recycling operation at the current site. The owners intend to run the operation as stipulated in the 2008 CUP. It is noted the 2008 CUP was only approved by the Town and not Waukesha County.
Hours of Operation:	7:00 am - 6:00 pm Monday through Friday per the 2008 Town approved CUP.
Full-Time Employees:	Six (6)
Part-Time Employees:	none

Pertinent Reviewed Materials – Operation Details

Outdoor Storage of Materials:	Six (6) single axle trucks, three (3) trailers, and one (1) loader per CUP.
Parking:	No proposed changes to the 2008 Town approved CUP.
Outdoor Lighting:	No proposed changes to the 2008 Town approved CUP.
Signage:	Existing signage. Changing the sign structure would require a sign permit.
Trash/Recycle Impacts:	No proposed changes to the 2008 Town approved CUP.
Stormwater Impacts:	No proposed changes to the 2008 Town approved CUP.

County Shoreland Zoning Review
Required:

Approval of the CUP and Plan of Operation requires Waukesha County approval.

Odor, Smoke, Noise from Operation: There is noise typically associated with the operation of the tub grinder and machinery. The previous CUP limits tub grinder use to five times per year. The CUP does not define the unit of "time". Planning staff recommends that the Plan Commission define the unit of time (i.e. 1-Day, 3-Days, 1 Week, during stated hours of operation etc).

Chemical, Hazardous Waste,
Solvents Stored On-Site:

Planning staff does not anticipate any issues related to storage of chemical, hazardous waste, or solvents. Fuel storage shall be subject to approval by the Fire Department and Building Inspector.

Storage/Sale of Gasoline or
Petroleum Products:

The Plan Commission could request additional information regarding the fuel storage for the on-site equipment.

Fire Department Inspection Date: None scheduled at this time. Planning staff recommends including Fire Department approval as an additional condition of approval.

State Approved Building Plans Date: No proposed commercial changes at this time. Planning staff recommends including any State Commercial Plan and local Building Inspector approval as an additional condition of approval.

Recommendations:

Planning staff recommends CUP and Plan of Operation approval subject to the following conditions:

1. The Town of Lisbon retains the ability to annually review the CUP for compliance.
2. Hours of operation: 7:00 am to 6:00 pm Monday through Friday.
3. Six (6) full-time employees.
4. Six (6) single axle trucks, three trailers, and one large loader.
5. May bring in tub grinder for the purpose of recycling wood base, brush, wood chips, and any type of wood, excluding pallets approximately five (5) times per year. Time is defined as _____.
6. Non-objection from the Fire Department and correction of any deficiencies prior to issuance of the Conditional Use Permit.
7. Non-objection from the Building Inspector and correction of any deficiencies prior to issuance of the Conditional Use Permit.
8. Non-objection from the Waukesha County and correction of any deficiencies prior to issuance of the Conditional Use Permit.

Planning staff reserves comment on the final recommended condition until the Applicant has expressed their plans for the first floor of the housing unit.

9. The residence presently on the property may be utilized as a rental unit and the first floor shall, within _____ (days, weeks, months, etc.) be returned to the preexisting condition before the unauthorized demolition and modifications.

Or if the Applicant wishes to use the first floor as an office for operations:

March 1, 2018

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9. The residence presently on the property may be utilized as a mixed-use structure, with a residential rental unit on the second floor and the first floor as an office for the green waste recycling operation – subject to all applicable building plan approvals.

The issues outlined above are meant to act as a guideline to assist you in discussions as to what issues you feel need to be addressed in order for you to review this proposal. I will be in attendance at the March 8th Plan Commission meeting to answer any questions.

Sincerely,

Daniel J. Lindstrom, AICP
Town Planner

cc: Matthew Janecke, Administrator, Town of Lisbon
Gina Gresch, Clerk, Town of Lisbon



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March 1, 2018
Chairperson Osterman and Members of the Town Plan Commission
Town of Lisbon
W23N8676 Woodside Road
Lisbon, WI 53089

RE: Sign Permit Application Review for LaCrosse Sign Group (on behalf of Kwik Trip)

Introduction

This review addresses the sign permit application submitted by LaCrosse Sign Group (Applicant) for a new Kwik Trip location at N67 W27666 Moraine Drive in the Town. Kwik Trip is planning to remodel a convenience store and fuel station at the site of a former PDQ. The Applicant intends the following:

- Use of the two existing freestanding signs located along Moraine Drive and Silver Spring Road, while re-facing the existing double-faced PDQ cabinets on these signs with new Kwik Trip cabinets.
- Replace the PDQ wall (building) mounted sign with a 12'1" x 2'0" wall mounted Kwik Trip sign.
- Replace and relocate two 12'1" x 2'0" wall (canopy) mounted signs along the north and east faces of the fueling pavilion.

The site is 2.99 acres and is currently zoned B-2 (Local Business). Other pertinent details with respect to this application and Town of Lisbon Ordinances are included below.

Sign Code and Zoning Code Review

When dealing with sign replacements, it is important to ensure current signage is in conformance with codes. The sign code addresses existing signage as follows:

Existing Signs 13.13 (a)

- (1) Existing signs which become nonconforming upon adoption of this ordinance *shall not be reconstructed, remodeled, relocated or altered in any way unless such action will make the sign conforming in all respects with this ordinance* (note: normal maintenance is permitted).
- (2) A nonconforming sign or sign structure which is damaged may be restored only after the owner has shown that the damage did not exceed fifty (50) percent of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty (50) percent of the appraised sign value, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming, in all respects, to the sign code. If restoration of a damaged sign is not completed within three (3) months of the date damage occurred, such sign shall be removed or replaced in a manner as will conform with all specifications of this ordinance
- (3) At such time as the owner of a building or lot, on which a nonconforming sign(s) is located, requests Planning Commission approval for any change to the use, building, or lot, the Planning Commission may require that such nonconforming sign(s) be removed or made to conform with this ordinance as a condition of building or site approval..

Section 13.13(a)(1) is most important in this scenario. Several of the existing signs do not conform with the current Sign Code, specifically the following standards:

- Business and industrial uses shall be permitted one wall per tenant and one freestanding sign per principal building.

The current site has two freestanding signs, two canopy signs (calculated as wall signs), and one wall sign on the principal building. Therefore, the existing sign package is nonconforming to the current sign code.

Furthermore, section 13.12(c)(2) Wall Signs states, a wall sign may not exceed 50 square feet. The proposed building wall sign is 24.1 square feet and complies with the size standard; however, the replacement and relocation of the two canopy signs exceed the total amount and size of the signs. Nonconforming signage changes should be limited to the existing square feet currently on the canopy so to not expand the non-conforming sign. The SCA (Town Plan Commission) will need to either restrict the new canopy signs to the current PDO sign size and location or allow for the modification to the larger and relocated sizeⁱ.

Finally, Section 13.12(c)(3) Freestanding Signs states freestanding signs shall not exceed 60 square feet in area, shall not be located less than 10 feet to the property line, right-of-way line, or driveways, and shall not exceed 20 feet in height. The B-2 Zoning District increases the allowable height to 25', but decrease the maximum sign area to 50 square feet. The Applicant's design drawings maintain the freestanding sign on Silver Spring Road as 26 feet-8 inches tall with an overall area of 111 square feet, and the freestanding sign on Moraine Drive as 27 feet tall with an overall area of 112.52 square feet. The applicant requests to change the sign faces and cabinets to add an additional digital fuel price display and an electronic changeable message sign. The SCA (Town Plan Commission) will need to determine if the changing of the sign type and materials classifies as expanding on the nonconforming nature of the sign or is simply a changing of the sign faceⁱⁱ.

The issues outlined above are meant to act as a guideline to assist you in discussions as to what issues you feel need to be addressed in order for you to review this proposal. I will be in attendance at the March 8th Plan Commission meeting to answer any questions.

Sincerely,

Daniel Lindstrom, AICP
Town Planner
Vierbicher

cc: Matthew Janecke, Administrator, Town of Lisbon
Gina Gresch, Clerk, Town of Lisbon

ⁱ Section 13.16 states that the Plan Commission may, in its judgment, waive or modify the provisions of this chapter where it would further the public interest and uphold the purpose of this ordinance as put forth in §13.01. A waiver or modification may be based on site specific hardships such as topographic aberrations, traffic safety, and visual encumbrances, among other factors. The Ordinance also states that individual waivers shall not be misconstrued as setting precedence for allowing similar or nearly similar waivers in the future, even if application circumstances are identical