

**Minutes of the Joint Plan Commission & Town Board Public Hearing
Followed by Plan Commission Public Hearings
Town of Lisbon, Town Hall
Thursday, May 10, 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 6:30 P.M.

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

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.

A Joint Public Hearing will be held by the Lisbon Plan Commission and Town Board of Supervisors on Thursday, May 10, 2018 beginning at 6:30 P.M. at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, to solicit public comments on the proposed change to Town of Lisbon Code of Ordinances Chapter 11 providing for a Planned Unit Development Overlay Zoning District. The proposed development by Barnwood Conservancy LLC will be generally located at the northeast corner of Lake Five Road and Silver Spring Drive (C.T.H. "VV")., LSBT 0217.998. The developer is seeking approval of a General Development Plan for a 52 lot conservation subdivision in the Town of Lisbon.

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

Cindy Thones, W272N7021 Surrey Hill Court, stated her property abuts Barnwood Conservancy, understands the farmland would eventually be developed and agrees with the Town's decision to allow it to be developed. People have complained about future traffic problems when in fact there already is one. Well and septic isn't an issue since there would be well and septic if it was developed into another subdivision. She appreciates it that the developer changed the original plan to blend the new and existing lots. She understands and agrees that this is the best use of the property due to the wetlands. The rural setting is a perfect entrance into the Town and reinforces what we are all about.

Adjournment

There were no further public comments and the public hearing was adjourned at 6:39 P.M.

A Public Hearing will be held to solicit public comments on the Conditional Use Permit request for a Major Grading Permit for the Hamilton School District, for the property located at W220N6151 Townline Road, Lisbon, WI 53089, LSBT 0241.997.

Public Hearing Comments: Chairman Osterman opened the hearing to comments from the public which there were none.

Adjournment

Public hearing was adjourned at 6:39 P.M.

A Public Hearing will be held to solicit public comments on the Conditional Use Permit request for a Major Grading Permit for David and Kim Meyer, for the property located at W259N8598 State Road 164, Hartland, WI 53029, LSBT 0178.995.001.

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

David Meyer, W259N8598 State Road 164, Hartland, property owner, wants to fill the northwest corner of the lot which is under one acre and will plant grass and trees there. It will be clean, structural fill from a footing excavation done between the hours of 7AM and 6PM and there will be a street sweeper on site.

Adjournment

There were no further public comments and the public hearing was adjourned at 6:41 P.M.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, May 10, 2018
Following Public Hearing(s) beginning at 6:30 PM**

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

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

Discussion and necessary action on April 12, 2018 Plan Commission Public Hearing & Meeting minutes. **Not Complete. Will be ready for June**

New Business

Discussion and necessary action on Ordinance 07-18, An Ordinance Changing the Zoning Classification of Property Located at the northeast corner of Lake Five Road and Silver Spring Drive (C.T.H. "VV"), LSBT 0217.998 from R-1 Suburban Single Family Residential District and C-1 Conservancy/Wetland and Floodplain District to a Planned Unit Development (PUD) District, and recommendation to the Town Board of Supervisors and Waukesha County of the same.

Planner Lindstrom stated the PUD overlay creates an additional layer of protection which the Plan Commission will see the last piece of this next month with the Specific Development Plan details. This ordinance allows the Town to continue moving forward with the developer so he can bring forth all of the remaining items at the same time; storm water maintenance agreement, Letter of Credit, Developer's Agreement, etc. The items in this ordinance have already been addressed by the Plan Commission. This step is specifically for Barnwood; another developer would have to go through their own process. Attorney Clark suggested adding a sunset date of December 31, 2018, so that if there aren't any permits taken out, the ordinance is no longer valid.

Motion by Commissioner Nelson to approve Ordinance 07-18, An Ordinance Establishing a Planned Unit Development Overlay Zoning Classification of Property Located at the Northeast corner of Lake Five Road and Silver Spring Drive (C.T.H. "VV"), LSBT 0217.998 and recommendation to the Town Board of Supervisors and Waukesha County of the same. Seconded by Commissioner Samanske. Motion carried, 7-0.

Discussion and necessary action on the Developer's Agreement 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.

Motion by Chairman Osterman to postpone the Developer's Agreement 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. Seconded by Commissioner Meyer. Motion carried, 7-0.

Discussion and necessary action on the Conditional Use Permit request for a Major Grading Permit for the Hamilton School District, for the property located at W220N6151 Townline Road, Lisbon, WI 53089, LSBT 0241.997.

Planner Lindstrom explained the school is looking to add on 30,000 square feet of space which requires a major grading permit. The school's addition is on the east side and some storage towards the rear of the building. The school will be using the same size parking stalls as what they already use. If the Plan Commission wants to require the school to meet the Town's parking stall requirements, it can be added as a condition. There was a discussion about vehicle sizes and that the parking stall the school uses is one foot shorter than what the code requires. Commissioners Meyer and Oelhafen, Supervisor Plotecher and Chairman Osterman are okay with the smaller stalls, Commissioner Stadler is not but will go along with whatever the Plan Commission decides.

Motion by Commissioner Nelson to approve the Conditional Use Permit request for a Major Grading Permit for the Hamilton School District, for the property located at W220N6151 Townline Road, Lisbon, WI 53089, LSBT 0241.997, subject to the following conditions:

1. *The Town of Lisbon retains the ability to annually review the CUP for compliance.*
2. *Include applicant stipulations and descriptions listed in the Plan Commission submittal application packets.*
3. *Any comments from Town Engineer Storm water Review be complied with in accordance with review Storm water submittal.*
 - a. *Approval is contingent on approval of the storm water management permit, submitted separate of the site plan.*
 - b. *Obtain approval of all required Town, County and State permitting. Requirements set forth by any permitting is to be reflected, as applicable, within the storm water management plan. Provide copies of all approvals to the Town.*
 - c. *Obtain approval of all required Town, County and State (WRAPP) permitting. Requirements set forth by any permitting is to be reflected, as applicable, within the storm water management plan. Provide copies of all approvals to the Town.*
4. *Grading*
 - a. *No adverse drainage, runoff, erosion or sedimentation shall take place onto adjoining properties or to environmentally sensitive areas public or private roads and right of ways.*
 - b. *A deadline for completion of the entire project shall be established. The Town Plan Commission must approve of any extensions to the deadline established.*

Motion by Commissioner Nelson to approve the Conditional Use Permit request for a Major Grading Permit for David and Kim Meyer, for the property located at W259N8598 State Road 164, Hartland, WI 53029, LSBT 0178.995.001, subject to the following conditions:

1. *The Town of Lisbon retains the ability to annually review the CUP for compliance. Grading*
 - a. *No adverse drainage, runoff, erosion or sedimentation shall take place onto adjoining properties or to environmentally sensitive areas public or private roads and right of ways.*
 - b. *A deadline for completion of the entire project shall be November 1, 2018. The Town Plan Commission must approve of any extensions to the deadline established.*
 - c. *The proposed grading and land-altering activities shall conform to the Town of Lisbon's adopted Storm Water Management and Erosion Control Ordinance (refer to Addendum F and Section 3 (c) 11) and a permit under that ordinance must be issued prior to the issuance of the conditional use permit.*
 - d. *Erosion Control measures to be maintained until the site is 80% vegetated.*
 - e. *Grading must follow an approved site and grading plan.*
 - f. *Upon completion, an as-built survey is required to be performed and submitted to the Town.*
2. *Disturbance shall be limited to those detailed on the grading plans.*
3. *Removal of parking lot notes on page C2. Approval of this CUP for major grading does not necessitate the approval for any future uses on site. Any changes to the primary use of the property must comply with the Town of Lisbon municipal codes – including but not limited to Zoning Code, Land Division and Development, Signage, and Storm water and Erosion Control.*

Seconded by Commissioner Meyer. Motion carried, 7-0.

Discussion and necessary action the Site Plan Amendment request to for installation of an equipment enclosure and extension of fenced compound, for American Tower Corporation, for the property located at W230N9215 Colgate Road, Lisbon, WI 53089, LSBT 0149.995.002.

Planner Lindstrom stated this is strictly an equipment storage facility on an existing tower.

Motion by Commissioner Nelson to approve the Site Plan Amendment request to for installation of an equipment enclosure and extension of fenced compound, for American Tower Corporation, for the property located at W230N9215 Colgate Road, Lisbon, WI 53089, LSBT 0149.995.002, subject to the following conditions:

- 1. All site plan and operational aspects details on the submitted materials shall be complied with. Site Plan shall be on file at the Town of Lisbon.*
- 2. The Town of Lisbon retains the right to annual review the business operation for compliance with approved plans.*
- 3. The Fire Chief shall inspect the premises to ensure the site is in compliance with the respective fire codes and submitted plans. Any identified issues shall be corrected prior to issuance of an occupancy permit.*
- 4. The Building Inspector shall inspect the premises to ensure the site is in compliance with the respective building codes and submitted plans. Any identified issues shall be corrected prior to issuance of an occupancy permit.*
- 5. Approval by Waukesha County Environmental Health Division.*
- 6. The approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Site Plan/Plan of Operation permit with all the zoning procedures at the time of being followed. Any use not specifically listed as permitted shall be considered to be prohibited, except as may be otherwise specified herein.*
- 7. The Town reserves the right to review any condition imposed as part of this Site Plan and Plan of Operation if said use becomes a problem in the area. The Town Plan Commission and may modify, change, delete, add, etc. any conditions, through the Site Plan and Plan of Operation process, which they feel may be reasonable in order to allow this use and ensure it does not become detrimental to the surrounding area.*

Seconded by Supervisor Plotecher. Motion carried, 7-0.

Discussion and necessary action the Site Plan and Plan of Operation request for The Mosaica Group, for the property located at N70W25156 Indian Grass Lane, Unit E, F and G, Lisbon, WI 53089, LSBT 0225.999.004.

Planner Lindstrom reviewed the Site Plan and Plan of Operation and stated we have been getting used to seeing these buildings and their approvals. This property is under Waukesha County's Shoreland jurisdiction so are involved in the approval process. Melanie Thone, Mosaica Group GM and CFO explained they are commercial printing business and the main operation is in Sussex. They would like this space for overflow storage; it is a perfect spot right down the road. They want a space to store supplies on pallets which are items that they don't move a lot of but need to get to quickly. She spoke with the Fire Marshall and since the building doesn't have a sprinkler system, those items that require that are kept at the Sussex location. They are leasing the three units and will not have any walls separating them. She also stated Mosaica received Waukesha County approval today.

Motion by Commissioner Nelson to approve the Site Plan and Plan of Operation request for The Mosaica Group, for the property located at N70W25156 Indian Grass Lane, Unit E, F and G, Lisbon, WI 53089, LSBT 0225.999.004, subject to the following conditions:

- 1. All site plan and operational aspects details on the submitted materials shall be complied with. Site Plan shall be on file at the Town of Lisbon and Waukesha County.*
- 2. The Town of Lisbon retains the right to annual review the business operation for compliance with approved plans.*
- 3. Alternations for Building plans and fees must be submitted to the Town for review and approval prior to occupancy.*
- 4. The Building Inspector shall inspect the premises to ensure the site is in compliance with the respective building codes. Any identified issues shall be corrected prior to issuance of an occupancy permit.*
- 5. The Fire Chief shall inspect the premises to ensure the site is in compliance with the respective fire codes. Any identified issues shall be corrected prior to issuance of an occupancy permit.*
- 6. Approval by Waukesha County Environmental Health Division (2/20/2018).*
- 7. Hours of operation are Monday to Friday from 7:00 a.m. to 6:00 p.m.*
- 8. There shall be no outdoor storage of materials.*
- 9. All onsite dumpsters shall be stored within the dumpsters enclosure areas.*
- 10. Any additional or future business signage shall be required to obtain signage approval.*
- 11. The approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Site Plan/Plan of Operation permit with all the zoning procedures at the time of being followed. Any use not specifically listed as permitted shall be considered to be prohibited, except as may be otherwise specified herein.*
- 12. The Town reserves the right to review any condition imposed as part of this Site Plan and Plan of Operation if said use becomes a problem in the area. The Town Plan Commission and Waukesha County may modify, change, delete, add, etc. any conditions, through the Site Plan and Plan of Operation process, which they feel may be reasonable in order to allow this use and ensure it does not become detrimental to the surrounding area.*

Seconded by Commissioner Samanske. Motion carried, 7-0.

Discussion and necessary action on the Site Plan and Plan of Operation request for Carlos Castillo, Intelligent Media, for the property located at N70W25156 Indian Grass Lane, Unit D, Lisbon, WI 53089, LSBT 0225.999.004.

Planner Lindstrom stated this is Mosaica's neighbor in the same building. This site already received Waukesha County approval. It will also be used for storage but there is a small build out component. Carlos Castillo, owner of Intelligent Media explained his business works for Charter Communications and he and staff are usually arriving between 7am and 8am and dropping off equipment between 5pm and 6pm. There will be one person dispatching so there is not much inside activity. Chairman Osterman suggested setting longer hours, Mr. Castillo agreed and requested 6:30am to 9pm Sunday through Saturday. There will not be any spools of wire in the building, those are kept on the truck. Planner Lindstrom stated the applicant still needs building and fire inspection, but they are still under construction.

Motion by Commissioner Samanske to approve the Site Plan and Plan of Operation request for Carlos Castillo, Intelligent Media, for the property located at N70W25156 Indian Grass Lane, Unit D, Lisbon, WI 53089, LSBT 0225.999.004, subject to the following conditions:

- 1. All site plan and operational aspects details on the submitted materials shall be complied with. Site Plan shall be on file at the Town of Lisbon and Waukesha County.*
- 2. The Town of Lisbon retains the right to annual review the business operation for compliance with approved plans.*
- 3. The Fire Chief shall inspect the premises to ensure the site is in compliance with the respective fire codes. Any identified issues shall be corrected prior to issuance of an occupancy permit.*
- 4. The Building Inspector shall inspect the premises to ensure the site is in compliance with the respective building codes. Any identified issues shall be corrected prior to issuance of an occupancy permit.*
- 5. Approval by Waukesha County Environmental Health Division (2/20/2018).*
- 6. Hours of operation are 7 days a week from 6:30 a.m. to 9:00 p.m.*
- 7. Outdoor storage is limited to the Trucks, equipment, and trailers to conduct business operations.*
- 8. All onsite dumpsters shall be stored within the dumpsters enclosure areas.*
- 9. Any additional or future business signage shall be required to obtain signage approval.*
- 10. No additional modifications or alterations to Unit D without approval from the Town Building Inspector and Fire Chief.*
- 11. The approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Site Plan/Plan of Operation permit with all the zoning procedures at the time of being followed. Any use not specifically listed as permitted shall be considered to be prohibited, except as may be otherwise specified herein.*

12. *The Town reserves the right to review any condition imposed as part of this Site Plan and Plan of Operation if said use becomes a problem in the area. The Town Plan Commission and Waukesha County may modify, change, delete, add, etc. any conditions, through the Site Plan and Plan of Operation process, which they feel may be reasonable in order to allow this use and ensure it does not become detrimental to the surrounding area.*

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

Discussion on the conceptual presentation of Casey's General Store, for the property located at W220N5701 Townline Road, Lisbon, WI 53089, LSBT 0244.999.003.

Dean Holton of Arc Design presented the conceptual plan for Casey's General Store. They would like to build on the northeast corner of CTH V and CTH VV, it will be centrally located, seven pumps, 14 fueling stations, room for fuel storage and a loading zone for delivery trucks. Conversations with Waukesha County about access points has begun, which they would like to see access on CTH V, with a right turn in and right turn out. There is also some anticipated road widening movements for access to CTH VV.

Plan Commission member asked questions about the development; will there be a car wash, are there any restrictions selling liquor next to a school, will it be on sewer and if the building could be set at an angle so the front faces both roads.

There will not be a carwash, the statutes require 300 feet between the main entrances of the school and gas station to qualify for a license, which there is and the Town Board has to make the decision about sewer hookup because there is a limited amount of capacity there. Casey's presented the building perpendicular with CTH VV being the main road. Plan Commission members commented they would like to see more brick by the pumps, possibly all the way up to the canopy. Planner Lindstrom stated this is in the Village of Sussex Joint Planning Area so there are some issues with the Comprehensive Plans and zoning amendments. The Town's Comprehensive Plan calls for commercial, however the Intergovernmental Boundary Agreement Exhibit H classifies this land as Institutional. This will need to be addressed as the Town's plan is newer than the Boundary Agreement. There could be a Comprehensive Plan Amendment by the Village and a zoning amendment by the Town to make this work.

Discussion and necessary action on request from LaFarge for a temporary truck route for the Colgate Mine.

Randi Wille and José Nieto, from LaFarge are asking for a temporary truck route for trucks leaving the Colgate mine that can't use STH 164 due to upcoming construction. The DOT is asking LaFarge to exit onto CTH Q to the east and then a limited group of loaded trucks could go south on Hillside to Plainview, then turn north back on STH 164 to CTH Q. It would be from July to November, then April 2019 through November 2018. They only need one alternative route for leaving the mine; return trips should not be using Hillside Road. During peak season there could be an average of 16 trucks per day.

Plan Commission members discussed the alternative routes and were not comfortable with trucks turning onto STH 164 from Plainview Road. That intersection is dangerous to start with. Another suggested route would be from CTH C to Townline Road to CTH K to STH 164. LaFarge commented that third party contracts will be concerned about taking a longer route which will increase everyone's prices. Planner Lindstrom stated normally this kind of decision is made by the Town Board. Also Chapter 42 of the Town's Code specifically states LaFarge cannot use Plainview Road from STH 164 east to Townline road. He and his staff would like to research this more before bringing this to the Town Board. Chairman Osterman asked staff to figure out a solution and bring it to the Town Board.

Town Clerk & Town Planner

Overview of April Planning Appointments & Current Task/Project list.

Planner Lindstrom stated he and Clerk Gresch have been trying to track and manage everything from planner's appointments to Plan Commission applications. There have been 34 projects they've worked on since the beginning of the year. We want the Plan Commission to be informed of everything they are working on and see what could possibly be coming before them. He reviewed April's planner's appointments and that people have been taking advantage of having digital meetings if they can't make it to the Town Hall. Commissioner Samanske if the Plan Commission could have access to the tracking sheet. Clerk Gresch stated she will add everyone to the Google sheet.

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

Planner Lindstrom stated he and Clerk Gresch are also working on a new review process so that the Plan Commission has all staff reviews in one document, which is why they saw more comments about tonight's agenda items. We will continue to review and update the process and get the Plan Commission members as much information as they can before the Plan Commission meeting. He also commented the Plan Commission might want to consider letting staff review and approve simple requests, for example The Mosaica Group request, so the Plan Commission has more time to work on the more detailed requests. Plan Commission members commented they like the changes. It gets difficult when you have one meeting per month and an applicant comes in at the last minute with revisions and we can't revise the review letter or packet in time. We are trying to be more sensitive to that.

Request from members to request items on future agendas.

Clerk Gresch stated Mineral Extraction Permits will be on the next agenda

Adjournment.

Motion by 8:45 P.M. Seconded by Commissioner Oelhafen. Motion carried, 7-0.

Respectfully submitted

Gina Gresch, MMC/WCPC
Town of Lisbon Clerk