

**Minutes of the Joint Town Board and Plan Commission Public Hearing
Town of Lisbon, Town Hall
Thursday, July 12, 2018
6:30 PM**

A Joint Public Hearing was held by the Town Board of Supervisors and 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, Mark Meyer, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Planner Dan Lindstrom, Attorney Kevin Clark, Supervisor Linda Beal and Interim Administrator 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.

NOTICE IS HEREBY GIVEN that a Joint Public Hearing will be held by the Lisbon Town Board of Supervisors and Plan Commission on Thursday, July 12, 2018 beginning at 6:30 P.M. at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, to solicit public comments on the rezoning from A-3 Agricultural Residential Estate District to B-4 Commercial Special Use Zoning District and for a Conditional Use Permit request for an Automobile, Gasoline, and Service Station and Convenience Stores associated with gasoline sales in the B-4 Commercial Special Use Zoning District and for a Major Grading Permit for Casey's General Store, Submitted by Arc Design representative, for the property located at W220N5701 Townline Road, Lisbon, WI 53089, LSBT 0244.999.003.

Public Hearing Comments:

Ken Heun, N56W22164 Silver Spring Drive, lives west and adjacent to the proposed Casey's General Store. He missed the first meeting they appeared before the Plan Commission but didn't receive a notice. He has signed up for the Town Board and Plan Commission agendas and is working with the Clerk on resolving the website notification issues. He feels as though he was robbed of the opportunity to present other possible site layouts. He requested the Town do not allow a 24-hour operation as that could lead to more crime and noise. Install a high quality eight-foot privacy fence on the west lot line between their properties to reduce noise and light pollution, as well as move the dumpster eastward. He questions the storm water report because the 100-year storms are happening more often. His other concerns include not allowing outside music or semi-truck fueling, this is not a truck stop. He questioned if the property will be on private or municipal services, and if municipal services, who will be providing those? His last concern is about the 27-foot-tall free-standing sign which he assumes it will go on the corner but not sure exactly where it is going. Also, when are they expected to open?

Kathy Huen, N56W22164 Silver Spring Drive, hopes the lights will be directed away from their yard as they are the house right next to this proposed gas station.

Eric Miller, W220N5784 Townline Road, emailed his public comments and asked they be read into the record. "I live on the east side of Townline Rd, north of the new proposed gas station. I note that they are asking that the stations hours are 24/7 but don't specify if those are the stores hours or just the pumps. I have no problem with the pumps being open 24/7 if they dim the properties lights after the store closes. I do have a problem with the issue of the store being open 24 hours. You will be attracting the after-bar crowd from the nearby area, which on summer weekends you can hear the roar of motorcycles late at night going down Silver Spring and Town Line after closing time. This new store will be a magnet for that traffic if it's open late. ½ the surrounding area is residential to the east and south, and this would not make for a good neighbor. The pylon sign also drew my attention in the renderings; it shows a very tall

looking 25+ft sign on two rather spindly looking steel poles, the proportions aren't very flattering. Can this be changed to a monument style sign of ½ the height, with a brick base to match the rest of the building; it would be a cleaner more upscale look. The subdivision on the opposite corner, Taylor's Woods, will be viewing this from their back windows. Similar newer gas stations don't have the tall pylon signs anymore unless they are on the freeway for the exposure. Thank you for your consideration."

Adjournment

The public hearing was adjourned at 6:41 P.M.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, July 12, 2018
Following Public Hearing beginning at 6:30 PM**

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, Attorney Kevin Clark and Interim Administrator Gina Gresch.

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

Discussion and necessary action on June 14, 2018 Plan Commission Meeting minutes.

Motion by Commissioner Nelson to approve the June 14, 2018 Plan Commission minutes. Seconded by Commissioner Samanske. Motion carried, 5-0.

Unfinished Business. None.

New Business

Discussion and necessary action on the following requests for Casey's General Store, for the property located at W220N5701 Townline Road, Lisbon, WI 53089, LSBT 0244.999.003:

Ordinance 08-18, An Ordinance Rezoning LSBT 0244.999.003 from A-3 Agricultural Residential Estate District to B-4 Commercial Special Use Zoning District, and recommendation to the Town Board of the same.

Planner Lindstrom stated the Plan Commission saw this last month as a conceptual proposal. Casey's submitted materials by the required 30-day deadline, however since that submittal there have been significant site plan changes due to requests by Waukesha County. Staff was not comfortable reviewing the new information without Plan Commission guidance because of the unique B4 District, which has more standards than a traditional zoning district. The modified site plan has many unanswered questions but doesn't change the rezone so the Plan Commission could move forward with that. There are also many questions about the storm water plan changing because of Waukesha County's requests to modify the site plan. Attorney Kevin Clark stated he isn't sure what has all changed because he only has the original packet. Planner Lindstrom stated he conducted his review as the Plan Commission has requested; review what was submitted by the 30-day deadline. The Village of Sussex Architectural Review Board reviewed the plans yesterday and they will meet the Village's requirements.

Present for Casey's General Store was Lauren Downing, Civil Engineer; Heidi Marceys, District Manager and Jeff Hansen, Area Supervisor. Engineer Downing reviewed a presentation showing the updated site plan. Those updates include: all lighting will be downward facing, which directions can be shifted, the rear of the building will be brick rather than metal screening, added rooftop unit screening, added brick wrap around the columns at the gas station, signage has been revised from a pylon to monument with the address on the front of the sign. Waukesha County didn't like the originally proposed driveway locations, so both driveways were pushed to the extreme property line. Pushing the driveways changed the storm water detention area to two smaller wet ponds instead of one, which were shifted to the rear of the store. They also tried to meet the Town's zoning code relating to landscaping standards; which seems to be a significant amount. There shouldn't be an issue with installing a privacy fence for the neighbor. The dumpster enclosure will match the building and will be enclosed behind cedar gates. Plan Commission members questioned the dumpster location and would like it moved to the east and expressed concern about a 24-hour operation. Engineer Downing explained the correction location because it allows for a wide aisle for the garbage truck, but it could be feasible. District Manager Marceys stated there will be inside seating for eight people and the Village of Sussex suggested adding some outdoor seating. She manages 35 stores and of those only three are 24-hour operations. Plan Commission members requested hours of operation be 5AM to 10PM or 11PM, maybe 10:30PM. Engineer Downing requested 5AM to Midnight, or at least have the pumps remain open. They understand the Plan Commission member's concerns about the outdoor seating and hours of operation. There are cameras inside and out and when there were issues they addressed them right away. It's important to Casey's for the site to look good and also don't want to encourage people hanging around outside. They will install a privacy fence or a matching brick wall to eliminate noise and will make sure the light doesn't spill over to the neighbor's property.

Commissioner Stadler asked if Planner Lindstrom had a chance to review the revised submittal. She's concerned that he has not and therefore can't give the Plan Commission his opinion of what they should or shouldn't be concerned about. Then Town has application requirements for a reason, to give staff time to review. To come to the Plan Commission and present changes without comments from the Planner and Attorney is not the right procedure and would appreciate it if they could respect our rules. She would like to see this on the August agenda so staff and the Plan Commission have time to review everything. Engineer Downing meant no disrespect and if they are held over to the August meeting, that will give them a chance to address the changes brought up tonight. Chairman Osterman and Plan Commission members agreed about the submittal process, moving the dumpster, changing the signage, and not allowing 24-hour operations and not allowing outside seating.

Chairman Osterman stated he would be agreeable to 5AM to 10:30PM instead of a 24-hour operation and the fence is a must for the neighbors. Since the neighbors haven't had a chance to review the updated site plan and with major changes to the storm water plan he recommends postponing all action to the August Plan Commission meeting. Engineer Downing states she appreciates the feedback and will come back next month to present a better plan. There was some discussion about noise coming from the pumps. There will be speakers but they shouldn't be too loud. Also, there are no semi-truck pumps.

Planner Lindstrom brought up a few other items of concern that arose because of the B4 zoning district's higher standards. The first one is Casey's requires a wider driveway opening than what B4 allows. Another issue is they don't need as many parking stalls as required. The same goes for landscaping. The code requires many more tree plantings than what they have room for. All three of these issues will require Zoning Board of Appeals waivers. There is plenty of landscaping planned as a buffer to the adjacent lot. The Village of Sussex's Architectural Review Board has already reviewed the project and is comfortable with the upgrades to the building materials, smaller building elements and signage and recommends approval to the Town and Joint Planning Commission. The Village didn't have any comments on the storm water and grading plans since those will change due to the driveway

placements and widths. Hazardous materials will be in the next Plan Commission packet for the Fire Department and Building Inspection review. Any conditions set by the Plan Commission should include their review comments. The Board of Appeals meeting probably won't meet until after the August Plan Commission meeting; however, the approval of the Plan Commission doesn't dictate approvals for Board of Appeals variances. Commissioner Meyer is in favor of expressing to the Board of Appeals that the Plan Commission supports a wider driveway entrance.

Attorney Clark reminded the applicant that the Plan Commission's approval is subject to Waukesha County's approval. Chairman Osterman asked Ms. Downing if she wants to continue with the rezone approval only or wait until the Board of Appeals meets, then act on everything at the same time. Planner Lindstrom stated postponing action won't hold up Casey's process at all.

Conditional Use Permit request for an Automobile, Gasoline, and Service Station and Convenience Stores associated with gasoline sales in the B-4 Commercial Special Use Zoning District.

Conditional Use for a Major Grading Permit.

Motion by Chairman Osterman to postpone action on all three agenda items for Casey's General Store, for the property located at W220N5701 Townline Road, Lisbon, WI 53089, LSBT 0244.999.003, to allow the Board of Appeals time to act on required variances. Seconded by Commissioner Samanske. Motion carried, 7-0.

Presentation on conceptual plan for a Comprehensive Land Use Plan Change for the property known as the Reimer Property, located on STH 164, south of Jay Lane, LSBT 0207.998.001, 0226.999, 0207.999, 0207.998.002 and 0212.994.

Planner Lindstrom stated this is an updated version of what the Plan Commission was presented last December. The Neumann Development Team wants to move forward with another concept which would require a comprehensive land use plan amendment and a rezoning. No action is needed; this is informational only.

Kevin Anderson, Neumann Developments stated the plan was updated to include residential, senior care/independent living and a small flexible area for something commercial, or condominiums, or maybe different sized lots for single family residential. This development would require sewer and water. Planner Lindstrom stated the Town hired S.E.H. to conduct a sewer analysis. Dual force mains can handle this development, but it's a matter of serving the site through infrastructure of lift stations and sewer extension. The bigger issue is trying to figure out the water side of this. This large of an area has to be serviced to water, and if it can't, then the development will be a typical subdivision on well and septic and that isn't what the Comprehensive Land Use Plan calls for in this area. The applicant has the land under contract to develop and needs direction from the Plan Commission; either find a new site or move forward to develop this one.

Kevin Anderson stated Neumann Development is very interested in putting together options, but the first plan requires water. They could move forward with the seller for a single-family residential development but then the land value is lower. With water, the plan is functional, however engineering can't begin until it is confirmed there will be water available.

Plan Commission members discussed the plan and brought up the following concerns. There is only one way in and out, there are wetlands on the site, how will water be accessed/provided and the proposed quarter acre lots are too small. Accessing the development via STH 164 will be difficult, Waukesha County and the WISDOT needs to be involved. Kevin Anderson stated it could be two years until this area is developed due to the water issue. If something isn't available, they would move on to a single-family residential development with well and septic. He would like to run parallel processes to keep things moving

forward; he could bring back a well and septic plan to the next meet and will work with Waukesha County to get the process going.

Town Clerk & Town Planner

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

Planner Lindstrom stated the two items on tonight's agenda is what he and the Clerk have been working on.

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

Interim Administrator Gresch stated while working with Planner Lindstrom she has found some inconsistencies in our application fees. For example, why is a new Site Plan and Plan of Operation cost more than a Conditional Use Permit? A Conditional Use Permit requires publication, mailings, more review time, etc. She did a quick fee comparison to other municipalities in Waukesha County and found there is another option for fees, but isn't sure if it will work here. Some municipalities charge a larger upfront fee and then deduct fees as they are invoiced to the town and either require more fees or issue a refund at the end of the process. She isn't sure which process would be better or require more work, could be a wash. She will work with Planner Lindstrom on this and bring more information back to the Plan Commission. Another item she and the Planner would like to bring to the Plan Commission's attention is many of the signage and plans of operation amendment applications could be reviewed and approved by staff, provided they met all of the zoning code requirements. That would free up the Plan Commission's time to work on larger projects, like the one presented tonight or to work on addressing the zoning code updates. Plan Commission members commented they wouldn't mind if we worked toward that. Changing the process for signage applications would require amending Chapter 13 which isn't as intense as amending the Zoning Code.

Requests from members to put future items on the agenda.

Commissioner Stadler asked when the Plan Commission will begin reviewing the Zoning Code; we really should be making time at our meetings to do so. Chairman Osterman stated the whole code needs to be re-done.

Adjournment.

Motion by Commissioner Nelson to adjourn the Thursday, July 12, 2018 Plan Commission Meeting at 8:31 P.M. Seconded by Chairman Osterman. Motion carried, 7-0.

Respectfully submitted,

Gina Gresch, MMC/WCPC
Town of Lisbon Interim Administrator