

VILLAGE OF LANNON
MEETING MINUTES FROM THE 8/26/21 JOINT PLAN COMMISSION/VILLAGE BOARD MEETING

1. Call to order by presiding officer. President Sommers called the meeting to order at 6:00 p.m.
2. Roll Call: Village Board: Jensen, Martin, Nellis, Sommers and Yates. Reek and Barbieri absent.
Plan Commission: Bembenek, Grim, Nellis, Janas, Payleitner, Sommers and Yates.
3. Statement of Public Notice was confirmed.
4. Discussion and Possible action on complaint received for CS Motorsports at 7136 Townline Rd., Lannon WI 53046. Engineer Ben Wood stated that they have gotten complaints regarding noise at CS Motorsports. Racing, drop offs at all hours, etc. Clerk to notify the business owner and complainant to appear at next meeting. Grim stated he did get a Plan of Operation and reviewed it. Moderate to high at times noise levels. The Dyno in the building is located in far NE corner of building. If the front door is open you may hear it. Say they are not running dyno after hours. Grim/Yates motioned to table until the next meeting instructing owner to come in to respond to complaint. Motion carried unanimously.
5. Discussion and Possible action on complaint received for Johnson & Son's Paving at 20275 W. Good Hope Rd., Lannon WI 53046. Attorney de la Mora stated that they went back to see what ownership records show and Village records show. In order for Plan Commission to make a recommendation, you need to appreciate what is involved. Engineer Ben Wood stated that this is in response when residents from Lannon Estates showed up to complain and photos were provided of the flooding. Stormwater runoff runs right to the front of the residence. 2020 pictures show that it has always run toward that unit. Berm is to direct the water however it is not working and it is running over that. The roads are owned by Lannon Development, some parcels are owned by Johnson and Sons. Elevations step down in elevation from Good Hope Rd. along diamond drive. It is the natural low spot. The complaint was received in 2015 originally. It is a private property issue from back then, still showing flooding and we need to look at this again regarding current complaints. Those units started to come into play in the 1990's. It was always asphalt across the street, Johnson & Son's Paving did repave and improved the site. They did not change the grades, the issue is historically that this has always been a low spot and those units are in the way for the water to flow back to the pond. Attorney de la Mora stated the slope of the land. Was it always a low spot, did the paving change the flow of the water, etc. Common enemy rule is water. Farmers could drain water off their property in order to use the land however as time goes forward the state has gone away from that. If water from your property is going onto someone's else's property you could be party to a private nuisance. Asset Development owns the land, the road has low spots and the land has been gradually developed. Village has no interest in Diamond Dr. that is a private road. The Village can be a mediator between Jonson & Sons Paving and Lannon Estates representative. We could knock heads together and they need to come up with a solution to this problem. They have relocated to another location out of Lannon. There is a lot of negative impact and their may be a lot of solutions, ditch line, remove those units and relocate elsewhere or create a collection point or a combination of a multiple of things. They have had problems in the past. It is not our job to design it for them. Recommend that the Village Board direct Ben and Hector to try to mediate between the parties and have the owners come up with a stormwater management plan for the properties. They need to work this out between them, we don't have as much responsibility as the owners of these properties. Grim questioned who owns Diamond Dr. Grim witnessed the water running down the east side of the road than it does from across the street. Were they suppose to put curb and gutter in when they developed that portion of Lannon Estates. Nobody knows what will happen in the future of a property when you approve these plans. Yates stated that the water expansion project is supposed to run along that road, is that a full mill and overlay. Utility easement. Pave that road with the construction. Could they fix that when they do the water main installation. Curb and gutter, maybe there could be an agreement between Lannon Estates and the contractor to make some progress on these issues. Jensen asked why there is more debris in there now if the water isnt coming from the Johnson & Son's Paving? The Village should deal with that by getting cooperation from the current leaser of that property. If we don't get voluntary cooperation we can go in and deal with that business on it's own. The debris is showing there is a new tenant there and they need to talk about a solution to this so they can co-exist. Hector cautioned redesigning the

road because there is a bowl there and once we get involved we will get the fingers pointed to the Village. Jerry stated that the one lot was vacant and the water stayed on that lot. The Village bought that lot and sold it to Johnsons, they filled in the lot and raised the grade without a permit. It changed the direction of the water. Johnson was supposed to put in a swale to redirect the water back to the Johnsons property. Grim/Janas motioned to send this to the Village Board to negotiate between property owners. Motion carried unanimously.

6. Discussion and possible action on Plan of Operation Amendment for Lannon Stone Products at 19567 W. Good Hope Rd. Lannon WI 53046. Nate from Lannon Stone Products was present to explain the blasting frequencies and proposal. He went through some of the complaints they were receiving. Blasting is the main concern from the noise and vibrations. State has regulations over all the blasting. We set standards well below the state level mandates. They had reduced the complaints by a significant amount. They still do get complaints but they do need blast to operate their business. The more they need to blast the more it costs for them. 60 holes is their limit, if they can eliminate the number of holes it could reduce the amount of blasting they do. They have date and time restrictions already. They monitor velocity, frequency and airblast/overpressure, and fragmentation. They do comply with all the ordinances throughout the state and municipality. Pounds of explosives per hole. The less severe the blasts are if they put less explosives and the wave form. Trying to meet a middle range between the vibrations. Cloud cover makes it reflect back down instead of dissipating in the air. They contract blasting out and hold them to higher standards. They would like to retain all other restrictions just remove the hole limit. Payleitner questioned what happens when 120 hole goes wrong? Nate stated that they do worse case scenarios before they actually blast. If they are closer to lot lines they take a more conservative approach. They would not do 120 holes near residences. Ben Wood stated that the quarries report them to our engineer, and they just look that it was legal, nothing beyond that. Difference between a 60 and a 120 hole. Blast goes back 18 feet to maybe 144 feet long at 120 hole blast. Trial period? The Air changes, air vibrations change from the 60 to 120. Timing of the shot changes more, soft chain of reaction. If they are not timed well, the noise comes from not well timed explosives. All the other standards are in place. Recently there was a revision with the Conditional Use permit from last year. Applicant should propose in writing the changes to that portion of the plan of operation. Propose a trial basis. If you eliminate, they can blast more efficiently and less frequently. It deserves consideration. They still have state limits they need to conform to. There are three main vendors that do this and they are certified through the state. They have their own engineers and make adjustments based on their blasts and are extremely regulated. 60 Day review and 90 day review before we make a decision. They plan months in advance. Jan 1st probation period to end. Subject to their attorney recommending language changes to the Plan of Operation so we know what they are talking about when the permanent application is accepted. Yates/Nellis motioned to conditionally increase the hole limit to 150 to the end of 2021 with the provision that all data is provided and reviewed mid term of the trial period and the end of the trial period that the requesters attorney provide language with suggested revisions to Plan of Operation would look like for permanent approval. Motion carried unanimously.

7. Rezoning of parcel LANV 0073481002 LOCATED AT 20920 W. MAIN STREET CONSISTING OF APPROXIMATELY 11.4 ACRES FROM R2 with a C1 Overlay TO NRD with a PUD Overlay; and the proposed PUD Agreement with Developer and incentives from available Tax Incremental Revenues that may be generated by the proposed Stonewood Trail condominium development. Attorney de la Mora summarized the PUD process. Planned Unit Development. It is a form of zoning of a property which is an overaly in such that in this case is 11.5 acres of land, we agree on an arrangement of development of this land. 32 condominium unit, different sizes, etc. to stipulated locations and sizes. 1582 sq ft and some with 1604 sq ft. It allows us to dictate what the access is, layout, number of garages, etc. Incidental improvements, extended side walk, green space/picnic area to be determined and specific landscape plans and manor of implementation of units. Constructed in one phase with two steps. Modify setback rules, density and height, not necessarily the use. It's a negotiated process. The two sides agree and you have more certainty as to the guidelines. More regulation on our part as well. Engineer Ben Wood summarized the rezoning is the development

agreement, it is the PUD, it is all one document. It requires a public hearing and it also requires the Plan Commission make recommendation to the Village Board for approval. Rezoning and PUD are acted upon. Overview of the project summarized by Ben Wood, Village Engineer. Look out basements, not walk outs, they will have patios, looking to start in October with a three-year buildout. First 10 units done first then the remainder of the units will be built. Founding couple of Whispering Ridge Condos, would we name a street after that family. It was passed along to Tom and he passed it to Sawall and they accommodated the requested. This is small and roads will be private. No monument signs, just street signs. Existing street lights are adequate. Updated wetlands. Guest parking spots, off street parking, two-way streets and extended sidewalks. Ben summarized the exhibits of the developer's agreement. Every driveway has ballard led lights. No other street lights. There are street lights at the entrances per Waukesha County. Landscaping plans were reviewed as was the development agreement. Also, how complaints will be handled. The hours of activity were also discussed. Financial component was discussed by John Cameron from Ehlers.

8. Open Public hearings. Public Hearing was opened at 8:46 p.m.

Carrie Brangnelson – Main St. House across street from developer. Her parents were the first ones to move into the condos and their last name was grey. What a nice surprise. She asked if there would be blasting for units and roads should have curb and gutter.

Gary Kendorski 20349 w Good Hope Rd. – has some concerns with screening. They are screening to the road but none to the few properties to the back of the property. He would like to see more trees left on the lot lines and maybe add more along the north edge so properties could be screened so they wouldn't have to hear and see the construction. That is a long time to hear that kind of noise. There needs to be development but we don't want to suffer because the tax base will increase. Also concerned with the construction blasting. Consideration if it causes problems with the wells. Who is going to monitor that? Concerned about the level of noise and 12 hours a day of construction. Are lights on all the time? Do we have to look at those all night long? Where is trash located, hopefully not off our lot line. Is the developer agreement public? Parameters set on construction, how long it will take, when it will start, when it will stop or will it vary.

Jerry Bringnelson – W. Main St. Looks pretty nice, are these owner occupants and not rental units.

Greg Draeger – Filmore Dr. and Main St. across from the access road. I have a private well and septic system, blasting shakes up my well water when Whispering Ridge blasted for their construction and now he is closer to. Will the developer guarantee my well.

Chris Barber – main concern with the air over pressure. It avoids that topic. Soundwaves can damage the exterior of the house. How will it affect them, will blast be any bigger with 120 holes vs. 60 holes.

Gary Kendorski – fill brought on to the property. Wetland is next to his property, will that drain onto my property? If the grade is changing, water will be going into my yard.

Penny Draeger – entrance across the street, are they going to widen the highway and take our property with turn lanes.

Engineer Ben Wood tried to answer questions. There is a ditch along the property so it will intercept the flow and go into the wetlands. It will not go onto his property. Engineer Ben Wood explained how all the water will drain from the property. Blasting for utilities only. They are bringing in fill instead. Screening back side of the property. They want to keep what they can, they will take what they have to. We will add screening to keep it secluded, the new owners don't want to look at you either. Cant plant in the ditch. Noise of construction. It is a 3 year schedule, they will do construction in 1-10 first and it may be done this year depending on the market. 6 month build per unit once infrastructure is in. The market will dictate. Build as fast as they can sell them. Blasting has not had an adverse impact on a well with all the other developments. Not blasting that far down. Lighting and garbage pickup was discussed. No dumpster area, each unit has their own bins. The agreement is public, final and recorded version will be available when finished. Owner occupied units, they could rent out if so choose. They are not rental units. There will not be egress lanes added. Binder course is based on construction schedule. Don't want it done too early, need to go through a freeze and thaw. Janas

questioned the lighting – it doesn't look very bright. What is the safety issue for the residents, will it be bright enough? Lights directed toward the houses.

9. Close Public Hearings. Public hearing was closed at 10:10 p.m.
10. Discussion and possible action to rezone parcel LANV 0073481002 LOCATED AT 20920 W. MAIN STREET from R2 with a C1 overlay to NRD with a PUD Overlay.
 - a. Recommendation of the Plan Commission. Grim/Yates motion to rezone the property to NRD with a PUD Overlay. Motion carried by unanimous vote.
 - b. Action of Village Board. Nellis/Martin motioned to rezone the property as recommended by the Plan Commission. Motion carried unanimously.
11. Discussion and possible action to approve the proposed PUD Agreement, including developer incentives.
 - a. Recommendation of the Plan Commission. Nellis/Bembenek motion to approve contingent upon staff getting into final form based on recommendations by Plan Commissions. Motion carried unanimously.
 - b. Action of Village Board. Yates/ Nellis motioned to approve the recommendation of the Plan Commission for the PUD agreement.
12. Adjournment of Plan Commission Meeting. Grim/Bembenek motioned to adjourn at 10:16 p.m. Motion carried unanimously.
13. Discussion and possible action on a condominium plat for Stonewood Trail Development, LANV 0073481002. Address based on applicant directing staff. Yates/Jensen motioned to approve based on staff recommendations. Motion carried unanimously.
14. Discussion and possible action on a resolution for the Municipal Revenue Obligation and financial incentive related to Stonewood Trail Development. No action to take, language of MRO is in development agreement. It needs to be prepared by staff and inserted.
15. Adjournment of Village Board meeting. Nellis/Martin motioned to adjourn at 10:18 p.m. Motion carried unanimously.

September 15, 2021
Respectfully submitted,
Brenda Klemmer
Village of Lannon Clerk/Treasurer

*Notice is hereby given that the Municipal Building is accessible to elderly and disabled persons.**Notice is also hereby given that members of other governmental bodies from the Village of Lannon may be present at this meeting to gather information about a subject on which they may have decision making responsibility and may constitute a quorum of that governmental body. No action by any of those governmental bodies, except the Village Board of Lannon, will be taken at this meeting.