



**TOWN OF LISBON  
PLAN COMMISSION MINUTES  
FEBRUARY 2, 2023**

**DRAFT  
PUBLIC HEARING MINUTES**

A Public Hearing and the regular meeting of the Lisbon Plan Commission were held on Thursday, February 2, 2023, at the Richard Jung Memorial Fire Station, N54 W26455 Lisbon Road, Lisbon, WI.

Chairman Osterman called the Public Hearing to order at 6:30p.m.

**Roll Call:** Present: Chairman Joseph Osterman; Plan Commission Members Ed Nelson, Bryan Oelhafen, Joe Eberle, and Jeff Musche; Planner Orrin Sumwalt; Engineer Mitch Leisses; Attorney John Macy; Administrator Kathy Nickolaus; and Clerk Elisa Cappozzo Katch to record the minutes. Supervisor Rebecca Plotecher was absent and excused.

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Lisbon Plan Commission on Thursday, February 2, 2023, during the regular Plan Commission meeting which starts at 6:30pm at the Richard Jung Fire Station, N54W26455 Lisbon Road, Lisbon, WI, to solicit public comments on a request by owner/applicant Lane Sharpe for a Major Grading Conditional Use Permit in the A-3 Agricultural/ Residential Estate Zoning District, in conjunction with the construction of a landscape pond for aesthetic purposes and recreational use on the property located at N74W27324 Howards Pass, Tax Key LSBT 0216.079.

Chairman Osterman read the published Notice of Public Hearing into the record and opened the Hearing for public comments.

**Public Comments:**

*[Public Hearing transcript to be attached upon receipt from Court Reporter.]*

There being no further comments, Chairman Osterman closed the Public Hearing at 7:23p.m.

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**PLAN COMMISSION MINUTES**

Chairman Osterman called the regular Plan Commission meeting to order at 7:23 p.m.

**Citizen Comment:** None.

**Minutes – January 5, 2023 Public Hearings & Plan Commission**

*Motion by Musche, second by Nelson, to approve the minutes of the January 5, 2023 Public Hearing & Plan Commission meeting as presented. Motion carried.*

**Unfinished Business:**

- A. Requests by Samuel Abraham/ Level Headed Mudjacking, for approval of the following for the property located at N51W22222 Lisbon Rd/ LSBT0288.980 in the B-2 Local Business District:
- i. Determination of Similarity for a Service Contractor Facility  
*Motion by Eberle to determine that a mudjacking business is similar in nature to a Service Contractor Facility as outlined in the Lisbon Zoning Code. The motion was seconded by Nelson, was voted on, and carried unanimously.*
  - ii. Approval of original Site Plan/ Plan of Operation  
*Motion by Eberle to approve an original Site Plan/ Plan of Operation for Samuel Abraham/ Level-Headed Mudjacking, for the property located at N51W22222 Lisbon Road/ LSBT 0288.980 subject to Planner and Engineer comments:*
    1. The Site Plan/Plan of Operation approval is limited to Samuel Abraham (Level Headed Mudjackers, LLC) on the existing parcel known as LSBT 0288.980. Use of the property by any other entity, for any purpose, is not permitted. The approval shall reflect the following Plan of Operation:
      - a. Uses and activities: Use is limited to the operation of an office and garage for the storage of work vehicles used in conjunction with a mudjacking business use.
      - b. Number of employees:
        - i. Part-time: 2
        - ii. Full-time: 5
        - iii. Maximum 7 employees at any given time
      - c. Hours of operation: Monday – Saturday 7:00 a.m. to 7:00 p.m. Staff may be on premises from 7 a.m. to 10 p.m. Monday through Sunday strictly for indoor uses such as planning, organizing, cleaning, repairing equipment, or preparing.
      - d. Outdoor storage: Outdoor storage shall be limited to a material storage bin as identified on the Site Plan.
      - e. All commercial trucks associated with the mudjacking business (e.g., one ton dump truck, tandem axle truck, single axle truck, skid steer, etc.) shall be stored indoors.
    2. This Site Plan/Plan of Operation approval is subject to the Petitioner complying at all times with the plans and documents presented to the Town of Lisbon Plan Commission on February 2, 2023.
    3. A Landscape Plan depicting the location of the proposed landscape plantings shall be prepared and submitted to the Town Planner for review and approval, prior to commencement of the proposed use.
    4. The applicant shall submit a Sign Permit Application detailing the proposed signage and locations for review and approval by the Sign Code Administrator.
    5. The Petitioner shall satisfy all comments, conditions, and concerns of the Town of Lisbon Plan Commission and Board, Town Engineer and Town Planner for the site plan, and other documentation.
    6. Waukesha County shall review the proposal for potential impacts and any changes required pertaining to erosion control and stormwater management and provide written documentation to the Town, prior to commencement of the use.
    7. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Town Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Town Building Inspector, if granted, shall be solely for the benefit of the Town of Lisbon, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner’s intended uses.
    8. Fire Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Town of Lisbon Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Town of Lisbon Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Town of Lisbon, and shall not be relied upon by the petitioner or others as proof of fire safety of any structure on the property, or as proof of compliance with any particular fire safety standard that would apply to new construction. The petitioner shall independently determine the fire safety and suitability of all structures on the property for the petitioner’s intended uses.

9. This 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 being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
10. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.
11. The Property Owner shall allow Town of Lisbon representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.
12. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Town of Lisbon.
13. The Petitioner and/or Property Owner shall, on demand, reimburse the Town of Lisbon for all costs and expenses of any type incurred by the Town in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Town of Lisbon by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Town of Lisbon must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town of Lisbon, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town of Lisbon, including possible cause for termination of the conditional approval.

*The motion was seconded by Nelson, was voted on, and carried unanimously.*

## **New Business**

- A. Request by Lane Sharpe for a Major Grading Conditional Use Permit related to construction of a landscape pond on property located at N74w27324 Howards Pass/ LSBT 0216.079  
Chairman Osterman polled the Commissioners as to whether they found the pond in question to be a pool under Lisbon's Code, to which they agreed unanimously. The Plan Commission is obligated to uphold Lisbon's Code as it is written. Under Lisbon's Code, a pool is limited to 3% of the lot's area, so the pool cannot be approved as presented.  
*Motion by Eberle to find that the landscape pond meets the definition of a private swimming pool as per Lisbon's Code, and deny the request by Lane Sharpe for a Major Grading Permit related to a Landscape Pond in the A-3 Agricultural/ Residential Estate Zoning District, on the property located as N74w27324 Howards Pass/ LSBT 0216.079. The motion was seconded by Osterman, was voted on, and carried unanimously.*
- B. Discussion only regarding Status Update for Blaze Landscaping at W220N5859 Townline Road  
Administrator Nickolaus indicated she had recently met with Blaze and the driveway was now installed. Blaze is moving forward with the site plan that was recently approved by the Plan Commission and will continue to provide Lisbon with updates as requested. No action was taken.
- C. Discussion only regarding proposed text amendment to Zoning Code regarding off-site signage for properties located within Lisbon Business Park East  
The Commissioners discussed whether the zoning code should allow signage for businesses within LBPE to be located on a property they did not own, and possible benefits/detriments. No action was taken.

### **Planner Report**

Planner Sumwalt gave a brief update on recent Planner Appointments and upcoming projects. No action taken.

### **Adjournment**

*There being no further business, Chairman Osterman moved to adjourn. The motion was seconded by Commissioner Nelson, was voted on, and carried unanimously. The meeting was adjourned at 7:58p.m.*

Respectfully submitted,

Elisa Cappozzo Katch, WCMC  
Lisbon Clerk