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VILLAGE BOARD & PLAN COMMISSION PUBLIC HEARING MINUTES

Public Hearings and the regular meeting of the Lisbon Plan Commission were held on Wednesday, March 22, 2023, at the Richard Jung Memorial Fire Station, N54 W26455 Lisbon Road, Lisbon, WI.

President Osterman called the Public Hearings and Plan Commission meeting to order at 6:33p.m.

Roll Call: Present: Village President Joseph Osterman; Trustees Linda Beal and Rebecca Plotecher; Plan Commission Members Bryan Oelhafen, Joe Eberle, Jeff Musche, and Sherry Howard; Planner Orrin Sumwalt; Engineer Mitch Leisses; Attorney John Macy; Administrator Kathy Nickolaus; and Clerk Elisa Cappozzo Katch to record the minutes. Commissioner Sean McCormack was absent and excused.

Joint Public Hearing No. 1: A request by owners/applicants David & Nicole Berg, to rezone the eastern half of the property located at N71W22371 Good Hope Road/ LSBT 0237.978 from County Shoreland M-2 General Industrial District to County Shoreland R-1 Suburban Single Family Residential District. The purpose of the rezoning is to match the existing zoning on the western half of the property. The Village is processing this request under the County Shoreland Zoning Ordinance because, upon incorporation, the Village is required to administer the County Shoreland Zoning Ordinance until such time as the Village adopts a Village Shoreland Zoning Ordinance.

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

Planner Sumwalt and Applicant Nicole Geboy-Berg gave a brief overview of the proposal.

Public Comments: None.

There being no further comments, President Osterman closed the Public Hearing at 6:40p.m.

The Joint Public Hearing being concluded, Trustee Beal took her leave.

Public Hearing No. 2: A request by applicant Caitlin LaJoie/ Briohn Building Corp. on behalf of owner John Willinger/EV Wisconsin LLC, for a Major Grading Conditional Use Permit in the M-2 General Industrial Zoning District, related to construction of a new Industrial Equipment sales, service, and repair facility on the property located at N62W22356 Richard Road/ LSBT 0241.999.012.

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

Planner Sumwalt and Engineer Leisses gave a brief overview of the proposal.

Public Comments: None.

There being no further comments, President Osterman closed the Public Hearing at 6:41p.m.



Public Hearing No. 3: A request by applicant Caitlin LaJoie/ Briohn Building Corp. on behalf of owner Larry Kelly/ Attitude Holdings, LLC, for a Major Grading Conditional Use Permit in the B-4 Commercial Special Use Zoning District, related to construction of a new dance studio on the property located at N62W22113 Lieds Lane/ LSBT 0241.999.006.

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

Planner Sumwalt gave a brief overview of the proposal. Engineer Leisses indicted he was still awaiting County concurrence on proposed Stormwater plans. Commissioner Eberle asked why the County was still doing review of Stormwater, and Engineer Leisses responded that the County has jurisdiction only until Lisbon adopts its own Stormwater Ordinance.

Public Comments: None.

There being no further comments, President Osterman closed the Public Hearing at 6:44p.m.

Public Hearing No. 4: A request by Steven and Kate Garman for an after-the-fact Major Grading Conditional Use Permit in the R-1 Suburban Single Family Residential Zoning District, for the property located at N61W26124 Bracklyn Drive/ LSBT 0257.059, related to the installation of a swimming pool.

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

Planner Sumwalt and Engineer Leisses gave a brief overview of the proposal.

Commissioner Musche asked applicant if he realized how much dirt actually needed to be moved, and applicant indicated they didn't understand the size of the project until after they had begun the work.

Public Comments: None.

There being no further comments, President Osterman closed the Public Hearing at 6:50p.m.

PLAN COMMISSION MINUTES

The regular meeting of the Lisbon Plan Commission was held on Wednesday, March 22, 2023, at the Richard Jung Memorial Fire Station, N54 W26455 Lisbon Road, Lisbon, WI.

President Osterman called the meeting to order at 6:50 p.m.

Citizen Comment: None.



Approval of Meeting Minutes

President Osterman noted that Clerk Katch requested approval of the February meeting minutes be postponed until the April meeting; no objections. Motion by Musche, second by Eberle, to postpone approval of the February meeting minutes until the next meeting. The motion carried unanimously.

New Business

- A. Request by Mike Kotlarek/ Benchmark Survey for extraterritorial approval of CSM for MRTT 0335.998
Attorney Macy and Planner Sumwalt advised that the applicant has asked for approval to be postponed because Merton is postponing their approval, however Lisbon has to act within 60 days of receiving a CSM. Attorney Macy advised the Plan Commission to deny the request for approval so as to meet statutory requirements, unless applicant provides written extension or withdraws their request.

Motion by Chairman Osterman to deny the request for approval of CSM for MRTT 0335.998, unless applicant provides a written extension to timeframe for approval or withdraws their request, and recommendation to Village Board of the same. The motion was seconded by Eberle, was voted on, and carried unanimously.

- B. Request by H&H Auto for approval of 2-lot CSM for LSBT 0248.983
Motion by Eberle to approve a 2-lot Certified Survey Map for H&H Auto at LSBT0248.983, LSBT0248.983.001, and LSBT0248.976, and recommendation to Village Board of the same, subject to Planner and Engineer comments:

1. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Lisbon Plan Commission and Board, Village Engineer, Village Planner and Village Attorney, including those outlined in this report, and all reviewing, objecting, and approving bodies regarding the Certified Survey Map prior to signature.
2. The Petitioner shall obtain an Auto Salvage Business Annual License from the Village Clerk.
3. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Lisbon for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village 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 Village 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 Village 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 Village 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 Village of Lisbon, including possible cause for termination of the conditional approval.

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

- C. Request by Morrison's Auto for original Site Plan/ Plan of Operation at W233N5639 County Rd F
Motion by Eberle to approve an original Site Plan/ Plan of Operation for Bill Morrison/ Morrison's Auto, for an auto recycling and auto parts business on the H&H Auto property located at W233N5639 County Road F/ LSBT 0248.983.001 in the M-2 General Industrial Zoning District, subject to Planner and Engineer comments, and adding a condition that Stormwater must comply with local, State, and federal regulations:

1. The Site Plan/Plan of Operation approval is limited to Robert R. Morrison (Morrison's Auto, Inc.) on the existing parcels known as LSBT 0248.983.000, and 0248.976. 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 automotive salvage yard including auto recycling, automotive parts storage, wholesale, and retail auto parts sales.
 - b. Number of employees:
 - i. Full-time: 12



- ii. Part-time: 2
 - iii. Minimum 2 employees at any given time
 - iv. Maximum 14 employees at any given time.
 - c. Hours of operation:
 - i. Business Hours: 8:00 a.m. to 6:00 p.m. Monday – Friday
 - ii. Operating Hours: 6:00 a.m. to 6:00 p.m.
 - d. Outdoor storage: Outdoor storage shall be limited to vehicles, and large automotive parts.
- 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 Village of Lisbon Plan Commission on March 22, 2023.
- 3. The Petitioner shall obtain an Auto Salvage Business Annual License from the Village Clerk.
- 4. The petitioner shall install an eight (8) foot high solid fence to match the material and color of the existing fence on site along the south and west property lines and tie it into the existing fence to fully enclose the property, per Chapter 21, Section 21.08 (b) of the Village Municipal Code.
- 5. Any business signage shall be required to obtain signage approval through the Village of Lisbon sign application process.
- 6. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Lisbon Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.
- 7. 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 Village, prior to commencement of the use.
- 8. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village 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.
- 9. Fire Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village of Lisbon Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village of Lisbon Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village 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.
- 10. 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.
- 11. 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.
- 12. The Property Owner shall allow Village of Lisbon representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.
- 13. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Lisbon.
- 14. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Lisbon for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village 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 Village 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 Village 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 Village 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 Village of Lisbon, including possible cause for termination of the conditional approval.

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

D. Request by David & Nicole Berg for Shoreland Rezone of N71W22371 Good Hope Road

Motion by Eberle to approve the request by applicant/owners David & Nicole Berg, to rezone the eastern half of the property located at N71W22371 Good Hope Road/ LSBT 0237.978 from County Shoreland M-2 General Industrial District to County Shoreland R-1 Suburban Single Family Residential District, and recommendation to Village Board of the same, subject to Planner and Engineer comments:

1. The subject property to be rezoned from the County Shoreland M-2 General Industrial District to County Shoreland R-1 Suburban Single-Family Residential shall be limited to LSBT 0237.978.
2. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Lisbon for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village 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 Village 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 Village 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 Village 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 Village of Lisbon, including possible cause for termination of the conditional approval.

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

E. Request Steven & Kate Garman for Major Grading CUP for N61W26124 Bracklyn Drive

Motion by Plotecher to approve the request by Steven and Kate Garman for an after-the-fact Major Grading Conditional Use Permit in the R-1 Suburban Single Family Residential Zoning District, for the property located at N61W26124 Bracklyn Drive/ LSBT 0257.059, related to the installation of a swimming pool, subject to Planner and Engineer comments:

1. The Conditional Use approval is limited to LSBT 0257.059
2. The Conditional Use approval is limited to Steve Garman and to allow major grading in association with the construction of a 20' x 45' in-ground swimming pool in accordance with plans, documents, and specifications presented to the Village of Lisbon Plan Commission on March 22, 2023, except as further restricted or modified herein.
3. The Conditional Use approval shall not be in full force and effect until such time as the Petitioner obtains the necessary approvals and satisfies all comments, conditions, and concerns of the:
 - a. Village of Lisbon Plan Commission and Board, Village Engineer, Village Planner and Village Attorney with respect to the submitted plans, documents, and specifications.
 - b. Waukesha County Department of Land Resources for the erosion control and stormwater management plan including a stormwater maintenance agreement.
4. All sediment and erosion control BMPs shall be in accordance with WDNR Technical Standards: https://dnr.wisconsin.gov/topic/Stormwater/standards/const_standards.html
5. Once the erosion control measures are in place and prior to commencing construction the applicant shall contact Mitchell Leisses with Kunkel Engineering Group, 920-210-6330, for an initial inspection.
6. An as-built plan/survey of the land disturbance shall be prepared and submitted to the Village Engineer within 30 days of the completion of grading to assure compliance with the approved plan.
7. The Applicant shall record on the subject property, and any other property restricted by the granting of this permit, a notice prepared by the Village of the granting of the permit.
8. The owner or operator must keep a copy of the CUP, including the list of all conditions, on the site, available for inspection to the public during business hours.
9. The Village of Lisbon retains the right to review the grading for compliance and maintenance of associated stormwater facilities with approved plans.



10. The CUP shall expire 1 year after Plan Commission approval if the approved use has not commenced.
11. The Conditional Use Permit shall be filed with the Waukesha County Register of Deeds and approved as to form by the Village Attorney.
12. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Lisbon for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village 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 Village 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 Village 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 Village 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 Village of Lisbon, including possible cause for termination of the conditional approval.
13. Other Conditions.
 - a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
 - b. This Conditional Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Lisbon Plan Commission as being in compliance with all pertinent ordinances.
 - c. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the Conditional Use may be terminated by action of the Village of Lisbon Plan Commission, pursuant to the enforcement provisions of this Conditional Use Order.
 - d. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
 - e. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Order may be amended upon the prior approval of the Village of Lisbon Board, upon receipt of a recommendation from the Plan Commission, if the Village of Lisbon Plan Commission finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Village of Lisbon Plan Commission feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
 - f. Should any paragraph or phrase of this Conditional Use Permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use and the remainder shall continue in full force and effect.
 - g. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use is in conflict with any other aspect of the Conditional Use or any aspect of any plan of the Conditional Use, the more restrictive provision shall be controlling as determined by the Village of Lisbon Plan Commission.

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

F. Requests by Briohn Building Corp. for the following related to Vermeer at N62W22356 Richard Rd:



i. Original SPPOO for sales, service & repair facility, and any applicable waivers

Planner Sumwalt noted that a number of waivers have been requested:

- a. Motion by Howard, second by Plotecher, to deny requested waiver to Section 2.1, Table 3 of the Design Standards to allow fewer plantings in the land use buffers than prescribed. Motion carried unanimously.
- b. Motion by Eberle, second by Oelhafen, to approve requested waiver to Section 2.1, Table 3 of the Design Standards to allow a 15' land use buffer width along the north property line, **subject to approval by the Village of Sussex**. Motion carried unanimously.
- c. Motion by Eberle, second by Howard, to approve requested waiver to Section 3 (j) 12. of the Lisbon Zoning Ordinance to allow the proposed number of off-street parking spaces, having considered the factors in Section 3 (j) 12. A-E of the Lisbon Zoning Ordinance. Motion carried unanimously.
- d. Motion by Eberle, second by Plotecher, to approve requested waiver to Section 3 (G) of the Design Standards to allow a commercial parking lot in the street yard, finding those spaces are adequately blocked from the street view by the proposed landscaping., **subject to approval by the Village of Sussex**. Motion carried unanimously.

Motion by Plotecher to approve the request for approval of an original Site Plan/Plan of Operation for an industrial equipment sales, service & repair facility for Vermeer at N62W22356 Richard Road/ LSBT 0241.999.012, subject to Planner and Engineer comments:

1. The Site Plan/Plan of Operation approval is limited to Caitlin LaJoie (Briohn Building Corp.) and EV Wisconsin, LLC on the existing parcel known as LSBT 0241.999.012. 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 Industrial equipment sales and service including accessory office space, parts storage, and a repair garage with wash bay and storage area.
 - b. Number of employees:
 - i. Full-time: 38
 - ii. Minimum 15 employees at any given time
 - iii. Maximum 38 employees at any given time.
 - c. Hours of operation:
 - i. Business Hours: 7:00 a.m. to 5:00 p.m. Monday – Friday
 - ii. Operating Hours: Primary business hours as noted above, however the business/property owner and its operator shall have access to the site 24/7/365.
 - d. Outdoor storage: Outdoor storage shall be limited to customer equipment, new equipment, and used trailers, within the approximately 2.69-acre recycled asphalt surface outdoor storage area, outdoor equipment display in the 9,060 square foot paved and locked display area and the designated paved display areas near the building, and four (4) 80-foot-long large trailer equipment parking stalls.
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 Village of Lisbon Plan Commission on March 22, 2023.
3. A final Landscape Plan, depicting appropriate screening on all sides of the building per Section 2, Table 3 of the Design Standards shall be prepared and submitted to the Village Planner, prior to issuance of a Building Permit.
4. Any business signage shall be required to obtain signage approval through the Village of Lisbon sign application process.
5. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Lisbon Plan Commission and Board, Village Engineer and Village 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 provide written documentation to the Village, prior to commencement of the use.
7. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village 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 Village of Lisbon Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village of Lisbon Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village 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 Village 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 Village of Lisbon.
13. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Lisbon for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village 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 Village 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 Village 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 Village 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 Village of Lisbon, including possible cause for termination of the conditional approval.

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

ii. Major Grading CUP related to construction of the same

Motion by Osterman to approve the request for approval of a Major Grading Conditional Use Permit related to construction of Vermeer development at N62W22356 Richard Road/ LSBT 0241.999.012, subject to Planner and Engineer comments:

1. The Conditional Use approval is limited to LSBT 0241.999.012
2. The Conditional Use approval is limited to Caitlin LaJoie (Briohn Building Corp.) and EV Wisconsin, LLC to allow major grading in association with the construction of an industrial equipment sales and service building including accessory office space, parts storage, and a repair garage with wash bay and storage area in accordance with plans, documents, and specifications presented to the Village of Lisbon Plan Commission on March 22, 2023, except as further restricted or modified herein.
3. The Conditional Use approval shall not be in full force and effect until such time as the Petitioner obtains the necessary approvals and satisfies all comments, conditions, and concerns of the:
 - a. Village of Lisbon Plan Commission and Board, Village Engineer, Village Planner and Village Attorney with respect to the submitted plans, documents, and specifications.
 - b. Waukesha County Department of Land Resources for the erosion control and stormwater management plan including a stormwater maintenance agreement.
4. All sediment and erosion control BMPs shall be in accordance with WDNR Technical Standards. https://dnr.wisconsin.gov/topic/Stormwater/standards/const_standards.html
5. Once the erosion control measures are in place and prior to commencing construction the applicant shall contact Mitchell Leisses with Kunkel Engineering Group, 920-210-6330, for an initial inspection.



6. An as-built plan/survey of the land disturbance shall be prepared and submitted to the Village Engineer within 30 days of the completion of grading to assure compliance with the approved plan.
7. The Applicant shall record on the subject property, and any other property restricted by the granting of this permit, a notice prepared by the Village of the granting of the permit.
8. The owner or operator must keep a copy of the CUP, including the list of all conditions, on the site, available for inspection to the public during business hours.
9. The Village of Lisbon retains the right to review the grading for compliance and maintenance of associated stormwater facilities with approved plans.
10. The CUP shall expire 1 year after Plan Commission approval if the approved use has not commenced.
11. The Conditional Use Permit shall be filed with the Waukesha County Register of Deeds and approved as to form by the Village Attorney.
12. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Lisbon for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village 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 Village 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 Village 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 Village 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 Village of Lisbon, including possible cause for termination of the conditional approval.
13. Other Conditions.
 - a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
 - b. This Conditional Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Lisbon Plan Commission as being in compliance with all pertinent ordinances.
 - c. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the Conditional Use may be terminated by action of the Village of Lisbon Plan Commission, pursuant to the enforcement provisions of this Conditional Use Order.
 - d. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
 - e. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Order may be amended upon the prior approval of the Village of Lisbon Board, upon receipt of a recommendation from the Plan Commission, if the Village of Lisbon Plan Commission finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Village of Lisbon Plan Commission feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
 - f. Should any paragraph or phrase of this Conditional Use Permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use and the remainder shall continue in full force and effect.



- g. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use is in conflict with any other aspect of the Conditional Use or any aspect of any plan of the Conditional Use, the more restrictive provision shall be controlling as determined by the Village of Lisbon Plan Commission.

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

G. Request by Briohn Building Corp. for the following related to Attitude Dance at N61W22113 Lieds Ln:

- i. Original SPPOO for a dance studio, and any applicable waivers

Planner Sumwalt noted that applicants requested a waiver to Section 3(G) of the Design Standards.

*Motion by Eberle, second by Howard, to approve requested waiver to Section 3 (G) of the Design Standards to allow a commercial parking lot in the street yard, finding those spaces are adequately blocked from the street view by the proposed landscaping, **subject to approval by the Village of Sussex**. Motion carried unanimously.*

Motion by Eberle to approve the request for approval of an original Site Plan/Plan of Operation for a dance studio for Attitude Dance at N62W22113 Lieds Lane/ LSBT0241.999.006, subject to Planner and Engineer comments:

1. The Site Plan/Plan of Operation approval is limited to Caitlin LaJoie (Briohn Building Corp.) and PR Lisbon, LLC on the existing parcel known as LSBT 0241.999.005. 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 a dance studio.
 - b. Number of employees:
 - i. Full-time: 1
 - ii. Part-time: 6
 - iii. Minimum 2 employees at any given time.
 - iv. Maximum 4 employees at any given time.
 - c. Hours of operation:
 - i. Business Hours: 8:00 a.m. to 9:00 p.m. Monday – Friday
 - ii. Operating Hours: 8:00 a.m. to 9:00 p.m. Monday – Friday
8:00 a.m. to 8:00 p.m. Saturday – Sunday
The owner shall have access to the studio 24/7/365 as needed to complete administrative work.
 - d. Outdoor storage: Outdoor storage of any materials or equipment is prohibited.
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 Village of Lisbon Plan Commission on March 22, 2023.
3. A paved trail connection shall be provided by the property owner at the time of the future trail installation by the Village within the adjacent 20' Pedestrian Access Easement.
4. Any business signage shall be required to obtain signage approval through the Village of Lisbon sign application process.
5. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Lisbon Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.
6. Waukesha County shall review the proposal for potential impacts and any changes required pertaining to stormwater management and erosion control and provide written documentation to the Village, prior to commencement of the use.
7. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village 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 Village of Lisbon Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for



the subject property. Approval by the Village of Lisbon Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village 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 Village 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 Village of Lisbon.
13. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Lisbon for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village 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 Village 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 Village 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 Village 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 Village of Lisbon, including possible cause for termination of the conditional approval.

ii. Major Grading CUP related to construction of the same

Motion by Osterman to approve the request for approval of a Major Grading Conditional Use Permit related to construction of a dance studio for Attitude Dance at N62W22113 Lieds Lane/LSBT0241.999.006, subject to Planner and Engineer comments:

1. The Conditional Use approval is limited to LSBT 0241.999.006
2. The Conditional Use approval is limited to Caitlin LaJoie (Briohn Building Corp.) and Attitude Holdings, LLC to allow major grading in association with the construction of an Attitude Dance Company dance studio in accordance with plans, documents, and specifications presented to the Village of Lisbon Plan Commission on March 22, 2023, except as further restricted or modified herein.
3. The Conditional Use approval shall not be in full force and effect until such time as the Petitioner obtains the necessary approvals and satisfies all comments, conditions, and concerns of the:
 - a. Village of Lisbon Plan Commission and Board, Village Engineer, Village Planner and Village Attorney with respect to the submitted plans, documents, and specifications.
 - b. Waukesha County Department of Land Resources for the erosion control and stormwater management plan including a stormwater maintenance agreement.
4. All sediment and erosion control BMPs shall be in accordance with WDNR Technical Standards. https://dnr.wisconsin.gov/topic/Stormwater/standards/const_standards.html
5. Once the erosion control measures are in place and prior to commencing construction the applicant shall contact Mitchell Leisses with Kunkel Engineering Group, 920-210-6330, for an initial inspection.
6. An as-built plan/survey of the land disturbance shall be prepared and submitted to the Village Engineer within 30 days of the completion of grading to assure compliance with the approved plan.
7. The Applicant shall record on the subject property, and any other property restricted by the granting of this permit, a notice prepared by the Village of the granting of the permit.
8. The owner or operator must keep a copy of the CUP, including the list of all conditions, on the site, available for inspection to the public during business hours.



9. The Village of Lisbon retains the right to review the grading for compliance and maintenance of associated stormwater facilities with approved plans.
10. The CUP shall expire 1 year after Plan Commission approval if the approved use has not commenced.
11. The Conditional Use Permit shall be filed with the Waukesha County Register of Deeds and approved as to form by the Village Attorney.
12. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Lisbon for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village 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 Village 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 Village 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 Village 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 Village of Lisbon, including possible cause for termination of the conditional approval.
13. Other Conditions.
 - a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
 - b. This Conditional Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Lisbon Plan Commission as being in compliance with all pertinent ordinances.
 - c. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the Conditional Use may be terminated by action of the Village of Lisbon Plan Commission, pursuant to the enforcement provisions of this Conditional Use Order.
 - d. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
 - e. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Order may be amended upon the prior approval of the Village of Lisbon Board, upon receipt of a recommendation from the Plan Commission, if the Village of Lisbon Plan Commission finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Village of Lisbon Plan Commission feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
 - f. Should any paragraph or phrase of this Conditional Use Permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use and the remainder shall continue in full force and effect.
 - g. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use is in conflict with any other aspect of the Conditional Use or any aspect of any plan of the Conditional Use, the more restrictive provision shall be controlling as determined by the Village of Lisbon Plan Commission.

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



H. Assignment of annual Quarry Inspections

Commissioner Musche volunteered to inspect Lannon Stone Products; Inspector Oelhafen volunteered to inspect LaFarge; Commissioner Howard volunteered to inspect Payne & Dolan; Commissioner Eberle volunteered to inspect Genessee Aggregate and Halquist, and offered to have Commissioner McCormack accompany him for his first year of inspections. No formal action was taken.

I. Discussion only regarding creation of Village Shoreland, Floodland, and Wetland Zoning Ordinances

Planner Sumwalt gave an overview of proposed process and will bring draft ordinance to next meeting following public information sessions.

Planner Report

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

Adjournment

There being no further business, Commissioner Eberle moved to adjourn. The motion was seconded by Commissioner Musche, was voted on, and carried unanimously. The meeting was adjourned at 8:42p.m.

Respectfully submitted,

Elisa Cappozzo Katch, WCMC
Lisbon Village Clerk