



TO: Town of Lisbon Plan Commission
CC: Kathy Nickolaus, Elisa Cappozzo, John Macy, Mitch Leisses
FROM: Orrin Sumwalt, Planning Consultant
RPT DATE: November 14, 2022
MTG DATE: December 1, 2022
APRVL DATE:
FOTH FILE: 22L020.01/31
RE: Abraham –
Text Amendment Request

BACKGROUND:

1. Petitioner/Agent: Samuel Abraham
2. Property Owner: Samuel Abraham
3. Location/Address: N51W22222 Lisbon Drive, Lisbon, WI 53089
4. Tax Key Number: LSBT 0288.980
5. Area: 0.86 AC
6. Existing Zoning: B-2 Local Business
7. Proposed Zoning: NA
8. Future Land Use: Extractive

OVERVIEW:

On Monday, October 24, 2022, Mr. Abraham applied for a text amendment to the Town's Zoning Ordinance, in response to his direction from the Plan Commission to work with staff to revise his proposal and resubmit with adherence to the Zoning Code.

At the October 6, 2022, meeting of the Plan Commission, Mr. Abraham requested approval of a Site Plan/Plan of Operation (SPPO) to operate an office and garage for storage of work vehicles for Level Headed Mudjackers, LLC from the former Broadway Limousine property located at N51W22222 Lisbon Drive, Lisbon, WI 53089. As part of his application, Mr. Abraham requested the Plan Commission to determine whether the proposed office and garage for the storage of vehicles used in conjunction with the operation of a mudjacking business use is similar to the Permitted Uses in the B-2 District.

Planner Sumwalt advised that, although the proposed use of the property is not specifically listed as a Permitted Use for a B-2 zoned parcel, the code states that any similar use subject to the approval of the Plan Commission is allowed as a Permitted Use. The Commissioners all liked the proposal and thought that the subject property was a very appropriate location for it. They discussed in great detail whether the proposed office and garage for the storage of vehicles used in conjunction with the operation of a mudjacking business use is close enough to the Permitted Uses in a B-2 district. The members were concerned that it would be too much of a stretch to equate mudjacking with a professional office or utility office. Additionally, the Commissioners directed Mr. Abraham to work with staff to revise his proposal and resubmit with adherence to the Zoning Code. the request for approval of an original Site Plan/ Plan of Operation for applicant Samuel Abraham/ Level Headed Mudjackers, LLC to be located at N51W22222 Lisbon Road/ LSBT 0288.980 was denied.

PLANNER COMMENTS:

1. Text Amendment.

On Monday, October 24, 2022, Mr. Abraham applied for a text amendment to Section 25 (b) of the Town's Zoning Ordinance. The proposed amendment to Section 25 (b) 2.KK. would add a permitted use for "service contractor facilities" to the B-2 Local Business District. The applicant with assistance from Staff proposed to add the text below. At their November 3, 2022, meeting, the Plan Commission provided feedback to Mr. Abraham to make some changes, which he has agreed to do. Mr. Abraham's revised text amendment language is below in track changes.

Section 25 (b) 2. KK.

Service contractor facilities for electricians, plumbers, HVAC contractors, roofers, carpenters, millwork installers, and, subject to the Plan Commission's determination, similar trades, and services to be used as sales offices, showrooms, and accessory storage for associated equipment, vehicles, and supplies which may be allowed by the Plan Commission all which must be located inside of a building or screened to the Plan Commission's satisfaction. All such users are subject to approval by the Plan Commission of a site plan and plan of operation which may contain conditions that the Plan Commission feels are necessary to satisfy goals and objectives of the code."

Section 25 (b) 2. KK.

Service contractor facilities for electricians, plumbers, roofers, carpenters, and, subject to the Plan Commission's determination, similar trades, and services, to be used as sales offices, showrooms, and accessory storage for associated equipment, vehicles, and supplies which may be allowed by the Plan Commission all which must be located inside of a building, otherwise authorized by the zoning code, or screened to the Plan Commission's satisfaction. All such users are subject to approval by the Plan Commission of a site plan and plan of operation which may contain conditions that the Plan Commission feels are necessary to satisfy goals and objectives of the code."

The Plan Commission should determine whether they find the proposed text amendment to be appropriate.

- Deleted: HVAC contractors,
- Deleted: millwork installers,
- Deleted: ,

STAFF RECOMMENDATION:

Depending on confirmation by the Town of Lisbon Plan Commission of the above-described comments, the Town of Lisbon Plan Commission may take the following actions:

Text Amendments

The Town of Lisbon Plan Commission recommends to the Town Board **Approval** of the Text Amendment Request for Samuel Abraham to Lisbon Code Chapter 11, Section 26 (b) 2. KK, site regulations subject to the following conditions:

1. The text amendment is subject to approval by Waukesha County.
2. 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



Staff Review

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.

EXHIBIT:

- A. Petitioner Application



W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545
TEL: (262) 246-6100

Plan Commission Application

Application Type and Fee (check all that apply)

*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs and studies.

Commercial
**All commercial projects including any change of occupancy, change of use, or construction/alteration must be submitted to the Lisbon Fire Department as well for review and inspections.*
 Residential - Home-Based Bus. / In-Law Unit

- Accessory Building Waiver: \$100 (Size/Location/Architectural Review)
- After the Fact Application: Double Fees
- Certified Survey Map: \$200 + \$10 Per lot
 - Dedication Fee (Per lot): \$2,658 (Paid upon receipt of signed CSM)
- Conditional Use Permit: \$350
 - Amendment / Original
 - Major Grading Permit
- Deed Restriction: \$100
- Developer's Agreement: \$250
- Groundwater Separation Waiver: \$100
- Comp. Plan/Land Use Amendment: \$300
- Conceptual Review: \$100
- Plat Review:
 - Final - \$200
 - Preliminary - \$500
- Re-Submittal: \$200
- Rezone: \$350
- Sign Permit Application: \$30 + Sign Fees (See Adopted Fee Schedule)
- Site Plan/Plan of Operation:
 - Amendment: \$250
 - Original: \$500
 - Temporary: \$125
- Special Meeting: \$600
- Waivers/Modification from Land Division and Development Ordinance: \$200
- Other TEXT AMENDMENT Fee: ~~100~~ \$50.⁰⁰ *Sec. 25(b) Zoning Code*

Property Information

NS1 W22222 Lisbon Rd. Sussex WI 53089
 Property Address City Zip

LSBT0288980 0.8619 Acres B-2
 Tax Key/Parcel ID # Lot Size Current Zoning

Property Owner

Samuel Abraham / Level Headed MudJackers
 Name / Company Name

[Signature]
 Signature

1113 W19717 Woodberry Ct.
 Address

Germantown WI 53022
 City State Zip

(414) 552-0397 Levelhmad@gmail.com
 Phone E-mail Address

Applicant

Samuel Abraham
 Name

Level Headed MudJackers
 Company

1113 W19717 Woodberry Ct
 Address

Germantown WI 53022
 City State Zip

(414) 552-0397 Levelhmad@gmail.com
 Phone E-Mail Address

A **complete application** along with the appropriate fees shall be submitted by the deadline stated on the meeting schedule. In order for an application to be considered **complete**, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the Project Review Checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. *The Town of Lisbon reserves the right not to accept an application that is deemed incomplete.*

To Whom it May Concern,

I, Samuel Abraham, am requesting a Text Amendment for an addition to Sec. 25 (b) of the Lisbon Zoning Code, and to add a Permitted Use of “office for construction or other similar trade, so as long as services are primarily rendered off-site.” Thank you for considering this request.

Best Regards,

Samuel Abraham

Owner/Operator of Level Headed Mudjackers

To the Lisbon Plan Commission:

Based upon the Plan Commission's recent feedback, I, Samuel Abraham, am amending my request for a text amendment to Section 25(b) of the Lisbon Zoning Code to add the following permitted use:

"Service contractor facilities for electricians, plumbers, ~~HVAC contractors~~, roofers, carpenters, ~~millwork installers~~, and, subject to the Plan Commission's determination, similar trades, and services, to be used as sales offices, showrooms, and accessory storage for associated equipment, vehicles, and supplies which may be allowed by the Plan Commission all which must be located inside of a building, [otherwise authorized by the Lisbon Zoning Code](#), or screened to the Plan Commission's satisfaction. All such uses are subject to approval by the Plan Commission of a site plan and plan of operation which may contain conditions that the Plan Commission feels are necessary to satisfy the goals and objectives of the code."

Signed

Date

To the Lisbon Plan Commission:

Based upon the Plan Commission's recent feedback, I, Samuel Abraham, am amending my request for a text amendment to Section 25(b) of the Lisbon Zoning Code to add the following permitted use:

"Service contractor facilities for electricians, plumbers, ~~HVAC contractors~~, roofers, carpenters, ~~millwork installers~~, and, subject to the Plan Commission's determination, similar trades, and services, to be used as sales offices, showrooms, and accessory storage for associated equipment, vehicles, and supplies which may be allowed by the Plan Commission all which must be located inside of a building, ~~otherwise authorized by the Lisbon Zoning Code~~, or screened to the Plan Commission's satisfaction. All such uses are subject to approval by the Plan Commission of a site plan and plan of operation which may contain conditions that the Plan Commission feels are necessary to satisfy the goals and objectives of the code."


Signed Samuel Abraham

11-15-2022
Date