

Village of Mukwonago  
**Notice of Meeting and Agenda**

**PLAN COMMISSION MEETING**  
**Wednesday, August 12, 2020**

Time: **6:30 pm**

Place: **Mukwonago Municipal Building, Board Room, 440 River Crest Ct**

- 1. Call to Order**
- 2. Roll Call**
- 3. Comments from the Public**

*Please be advised, per Wisconsin Statute Sec. 19.84(2), information and comment will be received from the public by the Plan Commission. The Public Comment Session is granted to the public at the start of each Plan Commission meeting. The Public Comment Session shall last no longer than fifteen (15) minutes and individual presentations are limited to three (3) minutes per speaker. However, these time limits may be extended at the discretion of the Chief Presiding Officer. The Plan Commission may not respond to or have any discussion on information received during the public comment session unless it is placed upon the Agenda for a subsequent meeting.. Public comments should be addressed to the Plan Commission as a body. Presentations shall not deal in personalities personal attacks on members of the Plan Commission, the applicant for any project or Village Employees. Comments shall not be used to engage others in a debate in this forum. All comments, questions and concerns should be presented in a respectful professional manner. Any questions to an individual member of the Plan Commission or Staff will be deemed out of order by the Presiding Officer.*

**4. Approval of Minutes**

- 4.1 Approval of Minutes  
[20200714 PlanCommissionMinutesdraft.pdf](#)

**5. New Business**

*Discussion and Possible Action on the Following Items*

- 5.1 Recommend to the Village Board approval of **RESOLUTION 2020-36** for the LED sign located at the Mukwonago Police Department, 627 S Rochester St (Village of Mukwonago, Owner; Ron Bittner, Applicant); MUKV 1976-936  
[Police Dept Sign Review](#)  
[RESOLUTION 2020-36 PD LED Sign.pdf](#)
- 5.2 Recommend to the Village Board approval of **RESOLUTION 2020-37** for the update of the wall sign located at the Lynch Ford, 1017 Main St (Lynch Ford, Applicant); MUKV 2009-963  
[Lynch sign review.pdf](#)  
[RESOLUTION 2020-37 Lynch-Amato Site-Sign.pdf](#)



- 5.3 Recommend to the Village Board approval of **RESOLUTION 2020-41** for the monument sign located at the The Pointe Apartments, 907 Main St (The Pointe Apartments, Owner; Mikko Erkamaa, Applicant); MUKV 2009-965-003

[Pointe Sign Staff report](#)

[RESOLUTION 2020-41 Pointe Apartments Sign.pdf](#)

- 5.4 Recommend to the Village Board approval of **RESOLUTION 2020-38** on the Site Plan and Architectural Review Request for a Multi-family Residential Project at 200 Grand Ave (Ulrich M & Karen A Jentzsch Revocable Trust, Owner; Ulrich Jentzsch, Applicant); Parcel MUKV 1976-085-001

[200 Grand Avenue.pdf](#)

[RESOLUTION 2020-38 SPAR 200 Grand Ave.pdf](#)

- 5.5 Recommend to the Village Board approval of **RESOLUTION 2020-39** on the Site Plan and Architectural Review Request for a Addition to Existing Detached Garage at 1341 Bear Pass (Meadows of Mukwonago LLC, Owner and Applicant); Parcel MUKV 2015-012

[1341 Bear Pass staff review.pdf](#)

[RESOLUTION 2020-39 SPAR 1341 Bear Pass Garage.pdf](#)

- 5.6 Recommend to the Village Board approval of **RESOLUTION 2020-40** of the Extraterritorial Certified Survey Map Review of property located outside of and within 1.5 miles of Village Boundary in Town of Mukwonago for Sean Mommsen at W304S10581 Lakeview Dr and W304S10544 Lakeview Dr (Sean Mommsen, Applicant); Parcel MUKT 2005-213-001.

[Mommsen CSM review.pdf](#)

[RESOLUTION 2020-40 Extra Terr Review - Town of Mukwonago.pdf](#)

- 5.7 Concept Review for Proposed Blue Bay Redevelopment at 927 Main Street (Victor & Zani Islami, Owner; Jay Campbell, Applicant); Parcel MUKV 2009-964-001

[Blue Bay redevelopment.pdf](#)

- 5.8 Discussion on Proposed Amendments to the Zoning Code with Regard to Conditional Uses. Possibly Direct Staff to set a public hearing date for the proposed ordinance and work with the Village Attorney as to final form.

[Staff Report on Proposed Amendments to Conditional Uses](#)

## 6. Adjournment

It is possible that a quorum of, members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note, upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact the Municipal Clerk's Office, (262) 363-6420.



## **MINUTES OF THE PLAN COMMISSION MEETING**

### **Tuesday, July 14, 2020**

#### **Call to Order**

Chairman Winchowky called the meeting to order at 6:30 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

#### **Roll Call**

Commissioners present: Fred Winchowky, Chairman  
Jim Decker  
Jason Wamser  
Mark Penzkover  
Eric Brill  
Robert Harley

Commissioners excused: Ken Werner

Also present: John Weidl, Administrator  
Tim Schwenke, Civitek Consulting  
Linda Gourdoux, Deputy Clerk/Treasurer

#### **Comments from the Public**

Opened at 6:32 pm

David Boebel, 815 Parkview Ln; spoke against Proposed eight-unit condominium development at 200 Grand Ave

Closed at 6:39 pm

#### **Minutes**

Motion made by Decker/Brill to approve the minutes of the June 9, 2020 regular meeting, carried.

#### **Public Hearing**

**Public hearing to consider an application for a Conditional Use for an Animal Training Facility use out of an existing structure, Zoned as M-4, Industrial, on Parcel MUKV 1970-998-006 (760 Swan Drive, Property has multiple addresses on same structure) David J Rampacek, Owner; Patti Muraczewski, Applicant)**

Opened at 6:40 pm

No Comments

Closed at 6:41 pm

**Public hearing to consider an application for a Conditional Use for a Landscape Contractor use out of the interior of an existing structure, Zoned as M-2, Industrial, with Village Center Overlay District (Multi-Purpose Perimeter Sub-District) on Parcel MUKV 1976-981 (414 S Rochester St) (Darwin N Greenwald, Owner; Chris Fickau, Applicant)**

Opened at 6:41 pm



David Boebel, 815 Parkview Ln; spoke for Conditional Use for a Landscape Contractor.  
Closed at 6:42 pm

## New Business

**Recommend to the Village Board approval of RESOLUTION 2020-30A on Conditional Use Request for a proposed indoor dog training use at 760 Swan Drive (David J Rampacek, Owner; Patti Muraczewski, Applicant); Parcel MUKV 1970-998-006.**

Schwecke gave overview of project

Motion made by Decker/Penzkover to approve RESOLUTION 2020-30A on Conditional Use Request for a proposed indoor dog training use at 760 Swan Drive (David J Rampacek, Owner; Patti Muraczewski, Applicant); Parcel MUKV 1970-998-006, with the conditions listed in the Staff Report dated July 2, 2020, carried

1. The on-going operation of the Conditional Use for "For Pet's Sake" dog training business shall be consistent with the written information and plans submitted by the applicant along with statements made at the public hearing by the applicant or by others on behalf of the applicant.
2. Any future expansions or changes to the plan of operation as presented shall gain a new or amended Conditional Use approval.
3. The property shall be maintained in a clean and presentable condition always. No debris shall accumulate on the site.
4. This Conditional Use approval shall not be transferred within the subject property to another Conditional Use category without submittal and approval for a new Conditional Use.
5. If this Conditional Use remains in good standing, this Conditional Use may be transferred ownership without gaining a new Conditional Use.
6. Prior to issuance of the first building permit for the use, applicant shall pay all required charges and fees to the Village.
7. Applicant and/or property owner shall be responsible for enforcement of all requirements of this Conditional Use approval. If not enforced by property owner, the property owner will be responsible for compliance and financial penalties as allowed by Municipal Code.
8. Approval for the interior remodel shall be subject to all plans and information submitted for the application by the applicant, Patti Muraczewski, March 9, 2020, with all plans and information on file in the office of the Zoning Administrator. The plans may be further modified to confirm to other conditions of approval; the building and floor plans may be modified with the approval of the Zoning Administrator and Supervisor of Inspections to conform to Building and Fire Safety Codes and all plans may be further modified to conform to Village design standards.
9. Prior to the issuance of a building permit, the following shall occur:
  - a. All final plans shall be presented to the building inspection office for a building permit and shall be consistent with the plans noted in Condition No. 8 or as modified.
  - b. Approval of the building plans by the Fire Chief.
  - c. Approval of building plans by the Building Inspector.
10. Prior to occupancy issuance, the following shall occur:
  - a. A building permit for occupancy shall be issued by the Building department. Completion of the interior finish in accordance with approved plans which require a building permit and all applicable codes.



- b. Parking lot striping shall be added to the entire property, to accommodate this use and existing and proposed uses out of the existing storefronts on the property. Said parking surface area shall be striped, including provisions for handicap stalls, meeting requirements of Section 100-402, shall be shown on a site plan and presented to the Zoning Administrator for approval.

**Recommend to the Village Board approval of RESOLUTION 2020-31 on Conditional Use Request for a proposed indoor contractor storage use for landscaping business at 414 S Rochester St (Darwin N Greenwald, Owner; Chris Fickau, Applicant); Parcel MUKV 1976-981.**

Schwecke gave overview of project

Motion by Wamser/Brill to approve RESOLUTION 2020-31 on Conditional Use Request for a proposed indoor contractor storage use for landscaping business at 414 S Rochester St (Darwin N Greenwald, Owner; Chris Fickau, Applicant); Parcel MUKV 1976-981, with the conditions listed in the Staff Report dated July 1, 2020, carried

1. The on-going operation of the Conditional Use for Fickau Landscaping business shall be consistent with the written information and plans submitted by the applicant along with statements made at the public hearing by the applicant or by others on behalf of the applicant.
2. Any future expansions or changes to the plan of operation as presented shall gain a new or amended Conditional Use approval.
3. The property shall be maintained in a clean and presentable condition always. No debris shall accumulate on the site.
4. No outside storage of work vehicles, equipment, or trailers shall be located on the premises outside of the garage structure.
5. This Conditional Use approval shall not be transferred within the subject property to another Conditional Use category without submittal and approval for a new Conditional Use.
6. If this Conditional Use remains in good standing, this Conditional Use may be transferred ownership without gaining a new Conditional Use.
7. Prior to issuance of the first building permit for the use, applicant shall pay all required charges and fees to the Village. In addition, any other charges and fees accrued during construction shall be paid before issuance of an occupancy permit.
8. Applicant and/or property owner shall be responsible for enforcement of all requirements of this Conditional Use approval. If not enforced by property owner, the property owner will be responsible for compliance and financial penalties as allowed by Municipal Code

**Recommend to the Village Board approval of RESOLUTION 2020-32 on Site Plan and Architectural Review Request for a proposed exterior garage remodel by adding garage door for landscaping business at 414 S Rochester St (Darwin N Greenwald, Owner; Chris Fickau, Applicant); Parcel MUKV 1976-981.**

Schwecke gave overview of project

Motion by Decker/Harley to approve RESOLUTION 2020-32 on Site Plan and Architectural Review Request for a proposed exterior garage remodel by adding garage door for landscaping business at 414 S Rochester St (Darwin N Greenwald, Owner; Chris Fickau, Applicant); Parcel MUKV 1976-981, with the conditions listed in the Staff Report dated July 1, 2020, carried



1. Architectural Review approval for the exterior remodel on the garage structure to be utilized by Fickau Landscaping shall be subject to all plans and information submitted for the application by the applicant, Chris Fickau, dated June 4, 2020, with all plans and information on file in the office of the Zoning Administrator. The plans may be further modified to conform to other conditions of approval; the building and floor plans may be modified with the approval of the Zoning Administrator and Supervisor of Inspections to conform to Building and Fire Safety Codes and all plans may be further modified to conform to Village design standards. However, the basic layout and design of the site shall remain unchanged.
2. A building permit, with all applicable plans, shall be reviewed for compliance with all building code requirements.
3. The garage door shall match the style and color of existing garage door, as much as practicable, and as represented to and recommended approval by the Plan Commission.
4. A dumpster enclosure site plan and construction plans, meeting requirements of 100-601, shall be submitted for review and approval of the Zoning Administrator.
5. Four parking stalls, to be utilized by the business, shall be part of the existing paved surface. Said parking surface area shall be striped, including provisions for handicap stalls, meeting requirements of 100-402, shall be shown on a site plan and presented to the Zoning Administrator for approval.

**Concept Review Request for a proposed Eight Unit Condominium Development at 200 Grand Ave (Jentzsch Properties, Ulrich M & Karen A Jentzsch, Owner; Ulrich Jentzsch, Applicant); Zoned as B-1, Neighborhood Business District/Village Center Overlay District (Multi-Purpose Perimeter); Parcel MUKV 1976-085-001.**

Schwecke gave overview of project

Ulrich Jentzsch, Owner/Applicant gave overview of project

Plan Commission offered comments on Concept Design

**Updates from Civitek Consulting on Conditional Use Public Hearing Process Considerations.**

Time Schwecke, Owner, no updates at this time

**Change date of August 11, 2020 Plan Commission meeting due to conflict with the Partisan Election.**

Meeting date changed to August 12, 2020 at 6:30 pm

**Adjournment**

Meeting adjourned at 7:17 p.m.

Respectfully Submitted,  
Linda Gourdoux  
Deputy Clerk/Treasurer



Date: August 5, 2020

To: Village of Mukwonago Plan Commission

From: Tim Schwecke, AICP, Consulting Planner

Subject: LED sign located at 627 S. Rochester Street, Mukwonago Police Department

Meeting: August 12, 2020 Plan Commission meeting

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**Location** 627 S Rochester Street

**Summary of Proposal** The Mukwonago Police Department has submitted a petition to install a new sign face with an LED message center within the existing ground sign located along Rochester Street. The proposed sign will provide community outreach to residents and visitors. (Application materials are attached.)

**Review procedures** The Village Board adopted Ordinance 971 in 2019 that exempts certain public signs from having to comply with the Village's sign regulations. Public signs are exempt when the Village Board makes a finding that "such sign does not adversely impact the public health, safety or welfare of the Village of Mukwonago, and, in fact, will promote the public health, safety and welfare of the community."

The Plan Commission is advisory to the Village Board.

**Potential motion for approval:**

Recommend to the Village Board the approval of Resolutions 2020-36 with the conditions as stated based on the finding that the sign is a public sign and does not adversely impact the public health, safety or welfare of the Village of Mukwonago, and, in fact, will promote the public health, safety and welfare of the community.

**Attachments:**

1. Application materials
2. Resolution 2020-36





## Village of Mukwonago Office of the Village Public Works Dept.

Mukwonago, Wisconsin 53149

[www.villageofmukwonago.com](http://www.villageofmukwonago.com)

(262) 363-6447 Fax: (262) 363-7197

Date: July 28, 2020

To: Fred Winchowky, Village President  
Plan Commissioners

From: Ron Bittner, Director of Public Works

Subject: Department of Public Works request to install a LED message center at the Police Department.

Meeting: August 8, 2020 Plan Commission meeting

Dear Plan Commission Members,

The Public Works and Police Departments would like to install a LED message center within the monument sign structure at the Police Department. The sign will be the first phase of a message center project throughout the Village. Future locations will include retrofitting the current sign at the Fire Department and a new sign at Indianhead Park. The signs will provide community outreach to residents and visitors.

Regards,

Ron Bittner  
Public Works Director/Weed Commissioner  
Village of Mukwonago



**Village of Mukwonago**  
**Police Department Sign Upgrade 8/1/20**





**RESOLUTION 2020-036**

**RESOLUTION APPROVING SIGNAGE FOR APPLICANT  
VILLAGE OF MUKWONAGO AT  
627 S ROCHESTER ST, PARCEL MUKV 1976-936**

**WHEREAS**, pursuant to Section 64-32, an application for signage is required to be accepted by the Zoning Administrator to review the applications for zoning compliance, which said application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

**WHEREAS**, the application was submitted by Ron Bittner, Village of Mukwonago, 627 S Rochester St, and

**WHEREAS**, the proposed sign is exempt from the Village's sign regulations 64-32 (b), because it is a public sign and does not adversely impact the public health, safety or welfare of the Village of Mukwonago, and, in fact, will promote the public health, safety and welfare of the community, and

**WHEREAS**, the proposed monument sign presented as meeting the requirements of Section 64-32 has been reviewed and recommended by the Village Plan Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Mukwonago, Wisconsin hereby approves the proposed monument sign for an LED sign at 627 S Rochester St, and

**BE IT FURTHER RESOLVED** this monument sign approval shall be subject to the plans submitted by Ron Bittner, as recommended by the Plan Commission on August 12, 2020, and on file in the office of the Zoning Administrator, with the following conditions:

1. The property owner must obtain a building permit for the approved work within 6 months of this date and begin construction and work in good faith to completion.

Passed and dated this 19<sup>th</sup> day of August, 2020.

VILLAGE OF MUKWONAGO

By: \_\_\_\_\_  
Fred Winchowky, Village President

Attest: \_\_\_\_\_  
Diana A Dykstra, Village Clerk-Treasurer



Date: August 5, 2020  
To: Village of Mukwonago Plan Commission  
From: Tim Schwecke, AICP, Consulting Planner  
Subject: Update wall sign at 1017 Main Street; Lynch Ford of Mukwonago, applicant  
Meeting: August 12, 2020 Plan Commission meeting

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**Location** 1017 Main Street

**Summary of Proposal** Lynch Ford owns the subject property and has submitted a petition to change the existing wall sign on the front of the building, from "AMATO" to "LYNCH."

**Staff comments**

1. The area of the new sign will be somewhat smaller than what is currently there.
2. The style of lettering will be substantially the same.
3. The existing and proposed signage is internally lit with LEDs.

**Review procedures** The proposal is subject to Plan Commission review.

**Potential motion for approval:**

Approve the proposed work as set forth in Resolution 2020-37, including the conditions.

**Attachments:**

1. Application materials
2. Draft Resolution 2020-37





BEFORE



AFTER

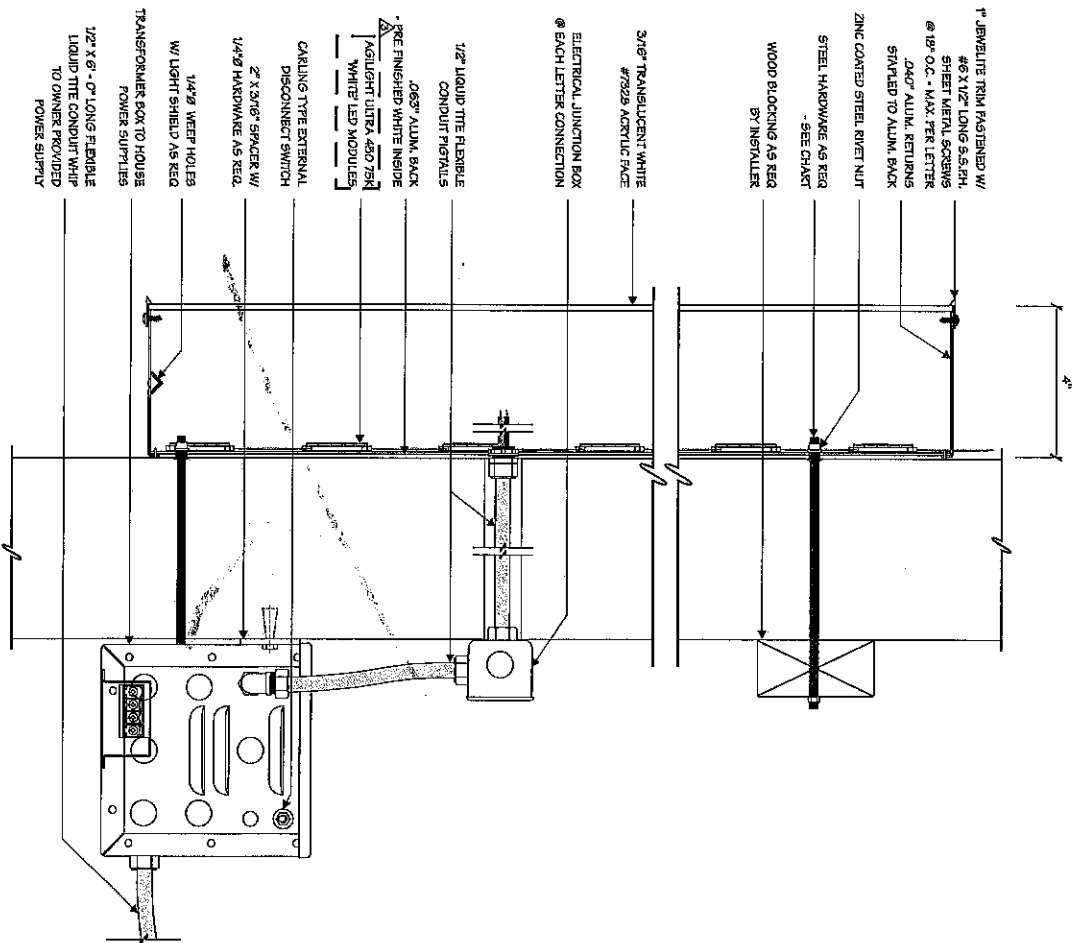
1  
12'-2 3/4"  
LYNCH  
F 26 in Blue Letters

ARTISTIC REPRESENTATION ONLY. DUE TO PERSPECTIVE AND DISTORTION ISSUES INHERENT IN PHOTOS, ACCURACY IS NOT GUARANTEED.

|                |        |                  |                         |            |  |  |            |                |
|----------------|--------|------------------|-------------------------|------------|--|--|------------|----------------|
| Dealer Code #: | F41112 | Dealership Name: | Lynch Ford of Mukwonago | File Name: | Lynch Ford Mukwonago F41112_Rev2                 | Approved by:                               | Name _____ | AGI            |
|                |        | City, State:     | Mukwonago, WI           | Scale:     | Photos: 3/32"=1' (11x17 paper)<br>Signs: 1/4"=1' | Date _____                                 |            |                |
|                |        | Date:            | 3/4/20                  | Drawn by:  | M. Folden  | Rev 1: 3/10/20 MF Rev 2: 3/16/20 MF Rev 3: | Rev 4:     | Sheet No.<br>1 |







SECTION VIEW  
1/4" = 1"

# MOUNTING HARDWARE CHART

|                        | MASONRY | WOOD | METAL |
|------------------------|---------|------|-------|
| 1/4" ZINC PLATED STEEL | ●       | ●    | ●     |
| THREADED ROD THRU WALL | ●       | ●    | ●     |
| 1/4" LAGS WITH SHIELDS | ●       | ●    | ●     |
| 1/4" LAG BOLTS         | ●       | ●    | ●     |
| 1/4" TIGGLE BOLTS      | ●       | ●    | ●     |

**NOTE:**  
1) THREADED ROD WILL BE PROVIDED STANDARD  
2) ALL OTHER HARDWARE IS TO BE PROVIDED BY THE INSTALLER AS REQ.  
3) DESIGN INTENDED FOR NOT GREATER THAN 3RD STORY MOUNTING - HIGHER ELEVATIONS REQUIRE REVIEW

**Architectural Graphics Incorporated**  
2855 International Parkway  
R.O. Box 5175  
Virginia Beach, VA 23460  
(757) 271-1800

**Project Title**  
FORD MOTOR COMPANY

**Sheet Title**  
DNL-25

**Drawing Type**  
SECTION

**Date**  
12.18.12

**Asst. Engr.**  
R.L. SMITH

**Lead Designer**  
ELB

**Drawn By**  
BLG

**Project Mgr.**  
J. OVERTON

**General Sign Specifications**  
☐ Interior ☒ Exterior  
☐ Single Faced ☐ Double Faced

**Illuminated**  
☐ Non-Illuminated  
☐ 120 Volts ☐ 277 Volts  
☐ V/L Listed ☐ Non V/L Listed

**Location**  
Windload \_\_\_\_\_  
Area \_\_\_\_\_ Sq. Ft. Weight \_\_\_\_\_ Lbs.

**Drawing Revisions**

| Drawn By | Date     | Change     |
|----------|----------|------------|
| BLG      | 01.08.12 | LED LAYOUT |
| BLG      | 05.14.12 | LED LAYOUT |
| HMBJ     | 08.02.12 | LED CHANGE |

**Approved By**  
Date Approved \_\_\_\_\_

**Code**  
12557  
Type C

**Job Number**  
DNL-25.2

**Sheet Number**  
DNL-25.2

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**RESOLUTION 2020-037**

**RESOLUTION APPROVING SIGNAGE FOR APPLICANT  
LYNCH FORD AT  
1017 MAIN ST, PARCEL MUKV 2009-963**

**WHEREAS**, pursuant to Section 64-32, an application for signage is required to be accepted by the Zoning Administrator to review the applications for zoning compliance, which said application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

**WHEREAS**, the application was submitted by Lynch Ford, 1017 Main St, and

**WHEREAS**, Section 64-32, subsection (b), requires Plan Commission review and recommendation of all signage for single tenant properties 3.01 acres or greater in size, and

**WHEREAS**, the proposed monument sign presented as meeting the requirements of Section 64-32 has been reviewed and recommended by the Village Plan Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Mukwonago, Wisconsin hereby approves the proposed change to the existing wall sign for Lynch Ford at 1017 Main St, and

**BE IT FURTHER RESOLVED** this monument sign approval shall be subject to the plans submitted by Lynch Ford, as recommended by the Plan Commission on August 12, 2020, and on file in the office of the Zoning Administrator, with the following conditions:

1. The property owner must obtain a building permit for the approved work within 6 months of this date and begin construction and work in good faith to completion.
2. The property owner must pay any outstanding application fees for the proposed signage.

Passed and dated this 19<sup>th</sup> day of August, 2020.

VILLAGE OF MUKWONAGO

By: \_\_\_\_\_  
Fred Winchowky, Village President

Attest: \_\_\_\_\_  
Diana A Dykstra, Village Clerk-Treasurer



Date: August 6, 2020

To: Village of Mukwonago Plan Commission

From: Tim Schwecke, AICP, Consulting Planner

Subject: Monument sign located at The Pointe Apartment complex on Main Street; Mikko Erkamaa, applicant

Meeting: August 12, 2020 Plan Commission meeting

**Summary of Proposal** The Pointe Apartments complex consists of 4 buildings and is currently under construction. A monument sign is proposed at the main entrance off of Main Street.

**Review comments:**

1. Standards for ground signs for apartment complexes are set forth in Section 64-21 (b) of the Village's sign code. The proposed sign and location comply with all applicable standards.
2. The proposed location is next to the dog park that is enclosed by a fence. That fence abuts the sign face on the right side. The fence should be relocated so as to not interfere with the sign display.



**Review procedure** The Plan Commission is advisory to the Village Board, which makes the final decision.

**Potential motion for approval:**

Recommend to the Village Board the approval of Resolution 2020-41 as drafted, including the conditions.

**Attachments:**

1. Application materials
2. Draft Resolution 2020-41



PROPOSED FLUME (TYP.)

PR. MAILBOX LOCATION. ATTACH TO BUILDING OR MOUNT ON CONCRETE PADS (TYP.)

1 PR. STOP SIGNS TO BE INSTALLED PRIOR TO BUILDING OCCUPANCY

PROPOSED FENCE

PR. TRASH ENCLOSURE (TYP.)

PR. HYD. (TYP.)

DOG PARK

5' WIDE PROPOSED SIDEWALK

PR. 18" CURB GUTTER (TYP.)

8" PRIVATE WATERMAIN

EX. 15" SANITARY SEWER

PROPOSED SIGN

MAIN STREET (C.T.H. ES)

VISION TRIANGLE

EX. HYDRANT

VISION TRIANGLE

STRIPING (TYP.)

2

15

24'

7

5

26'

5'

5'

12'

15'

35'

15'

7'

41'

9'

17

W

SAN



## MONUMENT SIGN SPECIFICATIONS:

**Scope of Work :** Manufacture and install (1) D/S internally illuminated monument sign with brick base as shown.

**Cabinet :** Routed .063" aluminum, skin and bones constnction, 1-1/2" aluminum angle skeleton, prepped and painted "Beige" to match PMS 663C. Saddle mounted to 4" steel support pole.

**Faces :** Routed .090" aluminum, stud welded on the backside for routed push-thru acrylic, prepped and painted "Beige" to match PMS 663C. One face to be bonded to cabinet, one face to be fastened to cabinet using countersunk screws for service access.

**Letters :** Routed 1" translucent "White" push-thru acrylic (#7328), "The Pointe Apartments" and birds to be covered with Gerber translucent "Blue" (230-167) vinyl, logo to be digitally printed translucent vinyl to match PMS 3115C and 2925C, all applied first surface.

**Base :** Vertical column to be stone. Horizontal base to be brick. Routed .063" aluminum top caps to be installed on each, scribed and bent construction, prepped and painted "Gray" to match PMS Warm Gray 5C.

**Lighting** : Cabinet lit internally using baffle mounted Hanley PF3120 "White" LED light modules.

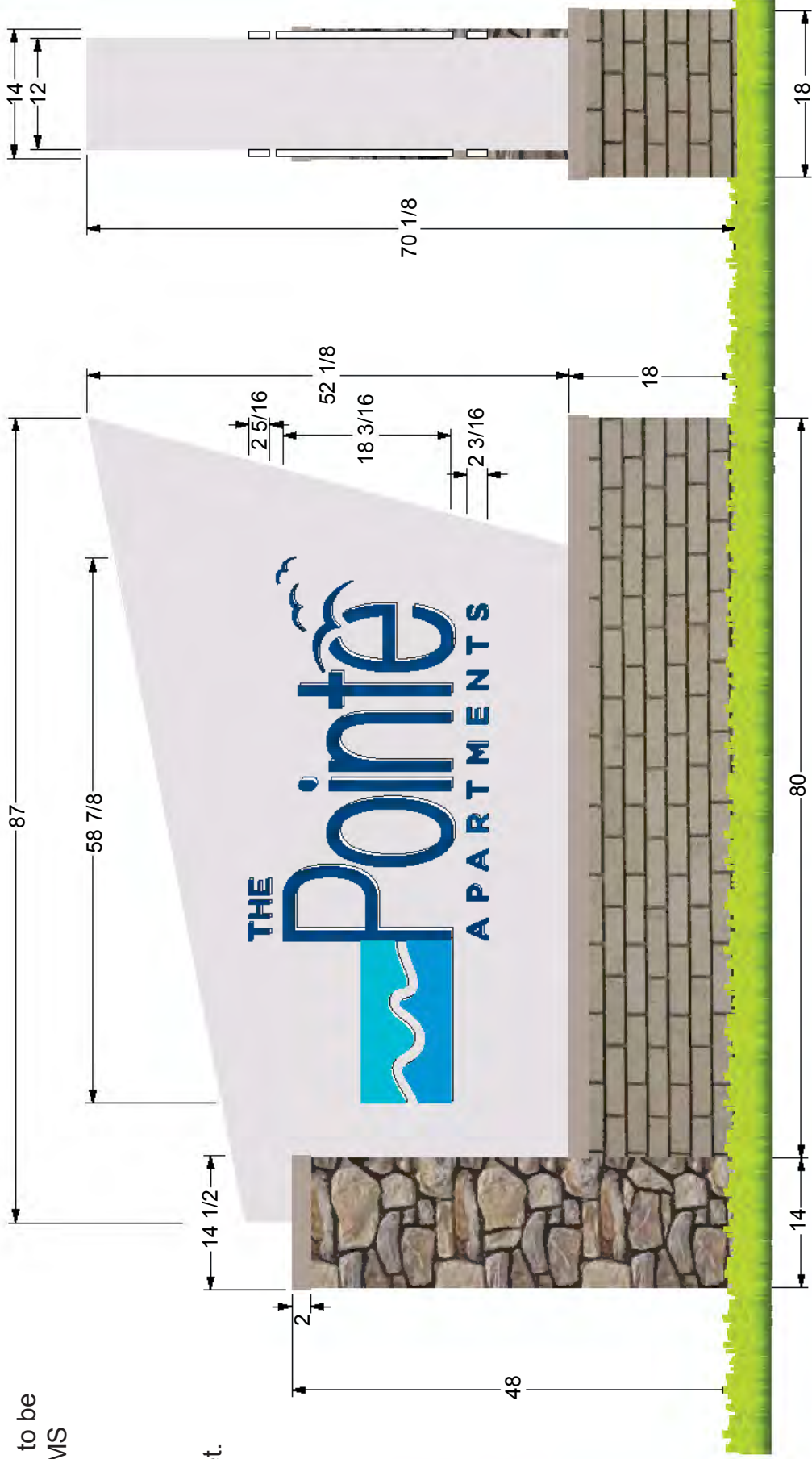
**Electrical** : 120 Volt, UL Listed & Labeled, 12 Volt Hanley power supplies mounted inside cabinet.

**Installation :** 4" steel support pole to be installed in concrete footing. Cabinet to saddle mount to support pole on top of brick and stone base as shown.

Exact location to be determined.



## New Sign in Place



### Side View

|                   |            |       |
|-------------------|------------|-------|
| Please<br>Initial | PRODUCTION | SALES |
|                   |            |       |

**VOLTAGE**  
☒ 120 Volts  
☐ 277 Volts



PR. RAIN GARDEN

PROPERTY ADDRESS

THE ADDRESS OF THE SUBJECT PARCEL IS 915 MAIN ST. MUKWONAGO, WI 53149.

100-YR FLOODPLAIN

THE SUBJECT PROPERTY IS LOCATED IN ZONE "AE" AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP: COMMUNITY PANEL NUMBER 55133C04276, EFFECTIVE DATE: NOVEMBER 5, 2014. ZONE "AE" IS DESCRIBED AS AREA WITH A BASE FLOOD ELEVATION OF 793.7.



CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.

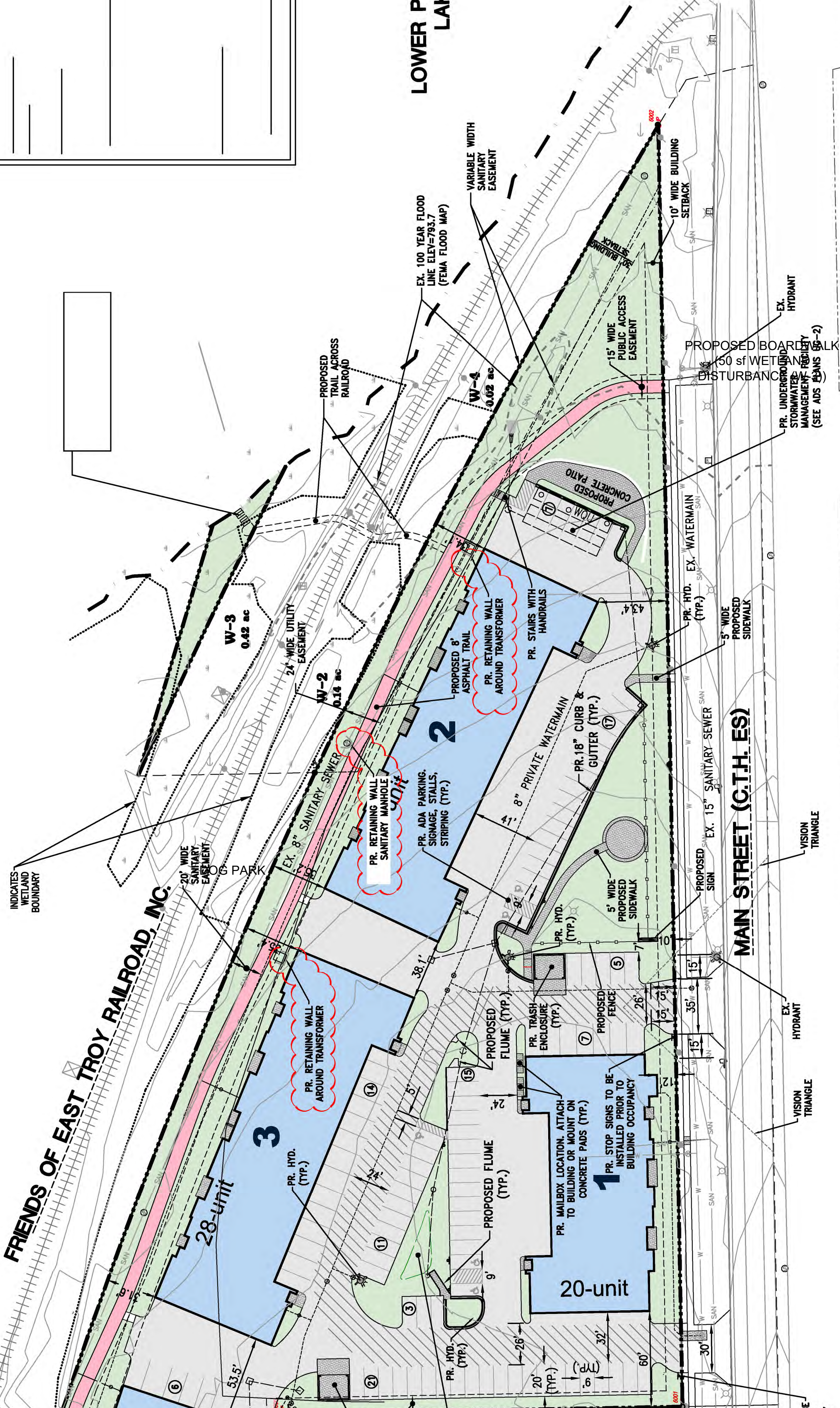
CALL DIGGERS HOTLINE 1-800-243-5811

NOTE: EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.

VARIABLE WIDTH PUBLIC ACCESS EASEMENT

\*excludes drive aisle, applies

FRIENDS OF EAST TROY RAILROAD, INC.



STANDARD ASPHALT PAVING (TYP.)

HEAVY DUTY ASPHALT PAVING (TYP.)

SCALE: 1" = 20'  
Scale: 1" = 40'  
Scale: 1" = 80'

DEVELOPMENT SUMMARY

Total Area = 193,015 sf (4.43 acres)  
Area East of Railroad = 190,561 sf (4.38 acres)  
Area West of Railroad = 2,454 sf (0.563 acres)

Current Zoning: B-2 General Business District  
- Min Greenspace Perimeter\* = 10'  
- Min Setbacks: Street & Side = 10'  
Rear = 30'

Proposed Development: Multi-Family Residential

Proposed Units: 88 units  
Density: 19.86 units/acre

Lot Coverage:  
Building Coverage: 1.14 ac (25.73%)  
Pavement: 1.73 ac (39.0%)  
Concrete: 0.15 ac (3.4%)  
Total Impervious Area: 3.02 ac (68.17%)

Wetland Area: 0.086 ac. (1.9%)

Total Open Space Area: 1.41 ac. (31.8%)

Proposed Parking:  
Garage: 89 spaces  
Driveway: 33 spaces (Buildings 1, 3 & 4)  
Surface: 81 spaces  
Total: 203 spaces (2.28/unit)



**RESOLUTION 2020-41**

**RESOLUTION APPROVING SIGNAGE FOR APPLICANT  
POINTE APARTMENTS AT  
907 MAIN ST, 903 MAIN ST, 911 MAIN ST, 915 MAIN ST  
PARCEL MUKV 2009-965-003**

**WHEREAS**, pursuant to Section 64-32, an application for signage is required to be accepted by the Zoning Administrator to review the applications for zoning compliance, which said application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

**WHEREAS**, the application was submitted by Pointe Apartments, 907 Main St, 903 Main St, 911 Main St, 915 Main St, and

**WHEREAS**, Section 64-32, subsection (b), requires Plan Commission review and recommendation of all signage for single tenant properties 3.01 acres or greater in size, and

**WHEREAS**, the proposed monument sign presented as meeting the requirements of Section 64-32 has been reviewed and recommended by the Village Plan Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Mukwonago, Wisconsin hereby approves the proposed monument sign for Pointe Apartments at 907 Main St, 903 Main St, 911 Main St, 915 Main St, and

**BE IT FURTHER RESOLVED** this monument sign approval shall be subject to the plans submitted by Pointe Apartments, as recommended by the Plan Commission on August 12, 2020, and on file in the office of the Zoning Administrator, with the following conditions:

1. The property owner must obtain a building permit for the approved work within 6 months of this date and begin construction and work in good faith to completion.
2. The property owner must pay any outstanding application fees for the proposed signage.

Passed and dated this 19<sup>th</sup> day of August, 2020.

VILLAGE OF MUKWONAGO

By: \_\_\_\_\_  
Fred Winchowky, Village President

Attest: \_\_\_\_\_  
Diana A Dykstra, Village Clerk-Treasurer



Date: August 5, 2020  
To: Village of Mukwonago Plan Commission  
From: Tim Schwecke, AICP, Consulting Planner  
Subject: Multi-family residential project at 200 Grand Avenue; Ulrich Jentzsch, applicant  
Meeting: August 12, 2020 Plan Commission meeting

---

**Location** 200 Grand Avenue

**Previous review(s)** The developer submitted a concept plan which the Plan Commission reviewed at its meeting on July 14, 2020. No decisions were rendered.

**Zoning** The property is zoned B-1, Neighborhood Business Commercial with Village Center Overlay Zoning (Multi-Purpose Perimeter Sub District). Multi-family residential is permitted by right in this district.

**Phasing** The developer will develop the project in a single phase.

**Density** The subject property is 0.3 acres and 6 dwelling units (DUs) are proposed, yielding a density of 20 DUs per acre.

**Architectural review** Both of the buildings share the same architectural style and design. Each will have asphalt shingles and a complimentary mix of lap siding (cement-fiber), stone, and brick. The color palette is brown/red earth tones. As required in the B-1 district, at least 25 percent of the street facing facades must be masonry. (To be verified.)

**Internal access/circulation** Each of the units will have access to and front on a public sidewalk. Internal stairs and an elevator provide access to the second and third floors.

**Site amenities** The developer will install a pedestrian bench along the sidewalk on Grand Avenue. No other site amenities are proposed.

**Outdoor lighting** There are no pole lights for the parking areas. While not depicted in the application materials, it is assumed there will be wall-mounted light fixtures by all exterior doors.

**Signage** No signage is proposed at this time.

**Trash collection** The developer is now proposing individual trash carts and recyclables carts. They will be kept inside of each unit and placed along Grand Avenue for pickup.

**On-site parking** Each of the six units will have a two-car garage accessible from the interior access aisle. Guest parking consists of 5 parking spaces on the south side of the project. A tandem parking space along the north lot line is designated for Unit 6.

**Street parking** Street parking is apparently allowed in front of the project on Grand Avenue and Fox Street. The Police Department has concerns over potential parking along Fox Street and may need to review implementing no parking along this area.

**Fire protection** The separation between the two buildings must be of sufficient width to allow two-way travel and especially during a structure fire. Aside from that, there are no local fire code issues. There is a fire hydrant along County Highway ES and a need for no parking curb markings may be necessary to protect this hydrant for access.



**Water and sewer service** Water and sewer service is adequate. Service lines will likely be off of Grand Avenue. However, such details will be included in the civil plans which are subject to Village review and approval.

**Zoning requirements** Below are key design considerations as they relate to the zoning requirements:

1. The floor area of each unit exceeds the minimum standard. Residential units need to be a minimum of 950 square feet for two-bedroom units. The units proposed are two bedrooms, at two different configurations; 1,440 sq. ft. of living area and a 720 sq. ft. two-stall garage. (two levels of living area,);
2. Parking requirements call for one off-street parking space per bedroom; two parking spaces are provided on the main level with a two-stall garage for each unit;
3. The building heights are set at a minimum of two stories and maximum of three stories, or 35 feet; the proposed structures are three stories.
4. Setbacks are established for this lot as 10 feet interior side yard along the neighboring single-family properties zoned R-3 to the northeast of the subject site; 10 feet is provided.
5. Parking surface area must be 3 feet from adjacent properties; 3 feet is provided.

**Review procedures** The proposed project is subject to site plan and architectural review. The Plan Commission is advisory to the Village Board.

**Potential motion for approval:**

Recommend to the Village Board the approval of Resolution 2020-38 as drafted, including the conditions.

**Attachments:**

1. Application materials
2. Draft Resolution 2020-38



MUKWONAGO CONDOS

200 Grand Avenue  
Mukwonago, WI

DRAWING INDEX:

|      |  |
|------|--|
| SP-1 | SITE PLAN, SITE LOCATION MAP, DRAWING INDEX, PLANTING SCHEDULE |
| A-1  | BUILDING "B" FOUNDATION PLAN, TYPICAL UNIT FLOOR PLANS         |
| A-2  | BUILDING "B" ELEVATIONS  |
| A-3  | ELEVATION SKETCHES   |
| A-4  | ELEVATION SKETCHES   |

PROJECT DESCRIPTION:

|   |
|---|
| NEW CONDO COMPLEX WITH 6 TOTAL UNITS BETWEEN TWO BUILDINGS. |
|---|

BUILDING "A" INFORMATION:

|                                 |            |
|---------------------------------|------------|
| BUILDING MAIN FLOOR:            | 2,578 S.F. |
| TOTAL BUILDING AREA (3 FLOORS): | 7,734 S.F. |
| NO. OF FLOORS:                  | 3          |
| BUILDING HEIGHT                 | 35 FT      |

|                                       |            |
|---------------------------------------|------------|
| SINGLE UNIT FOOTPRINT (UNIT 1 AND 2): | 784 S.F.   |
| SINGLE UNIT TOTAL AREA (3 FLOORS):    | 2,352 S.F. |

|                                    |            |
|------------------------------------|------------|
| SINGLE UNIT FOOTPRINT (UNIT 3):    | 900 S.F.   |
| SINGLE UNIT TOTAL AREA (3 FLOORS): | 2,700 S.F. |

SITE INFORMATION:

|                   |                         |
|-------------------|-------------------------|
| SITE AREA:        | 12,901 S.F. (.297 ACRE) |
| FOOTPRINT AREA:   | 4,738 S.F. (36.7 %)     |
| PAVED AREA:       | 5,465 S.F. (42.4 %)     |
| SIDEWALK AREA:    | 1.00 S.F. (.8 %)        |
| GREEN SPACE AREA: | 2,598 S.F. (20.1 %)     |
| PARKING SPACES:   | 6                       |

BUILDING "B" INFORMATION:

|                                    |            |
|------------------------------------|------------|
| BUILDING MAIN FLOOR:               | 2,160 S.F. |
| TOTAL BUILDING AREA (3 FLOORS):    | 6,480 S.F. |
| NO. OF FLOORS:                     | 3          |
| SINGLE UNIT FOOTPRINT:             | 720 S.F.   |
| SINGLE UNIT TOTAL AREA (3 FLOORS): | 2,160 S.F. |
| BUILDING HEIGHT                    | 35 FT      |

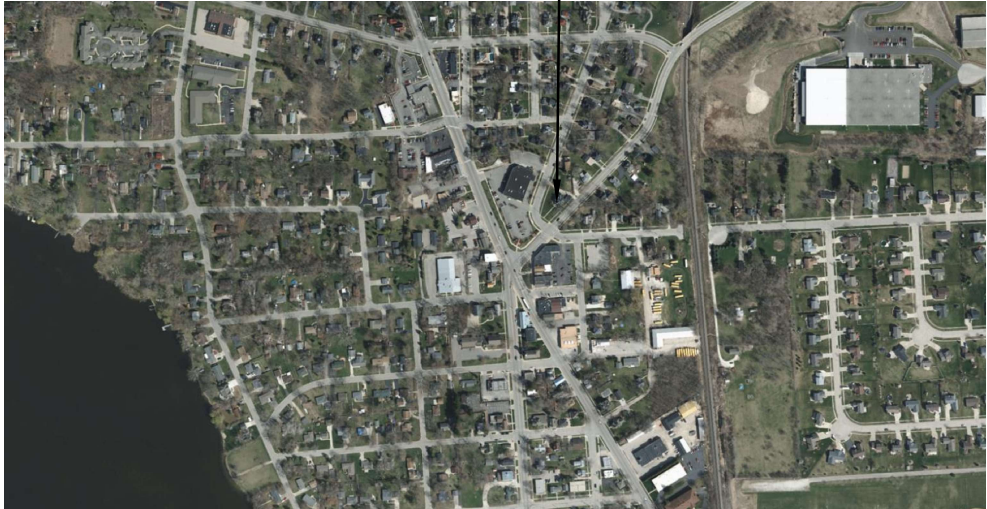


PLANTING SCHEDULE

| TYPE | DESCRIPTION                      | PLANTING SIZE | MATURE SIZE |
|------|----------------------------------|---------------|-------------|
| A    | FLOWERING CRAB 'RADIANT'         | 6-8"H         | 4' DIA      |
| B    | HETZ MIDGET ARBOR VITAE          | 15-18" H      | 10' DIA     |
| C    | EUONYMUS 'ALATUS' (BURNING BUSH) | 2-3' H        | 6' DIA      |
| D    | HOSTA 'GRAND MARMALADE'          | 12"H          | 2.5' DIA    |
| E    | TAXUS 'TAUNTONI'                 | 18-24"H       | 4' DIA      |
| F    | DWARF SPIREA 'FROEBELI'          | 15-18"H       | 3' DIA      |

NOTE: MATURE SIZES GIVEN ARE FOR PLANT SIZE AFTER 7-12 YEARS GROWTH TYP.

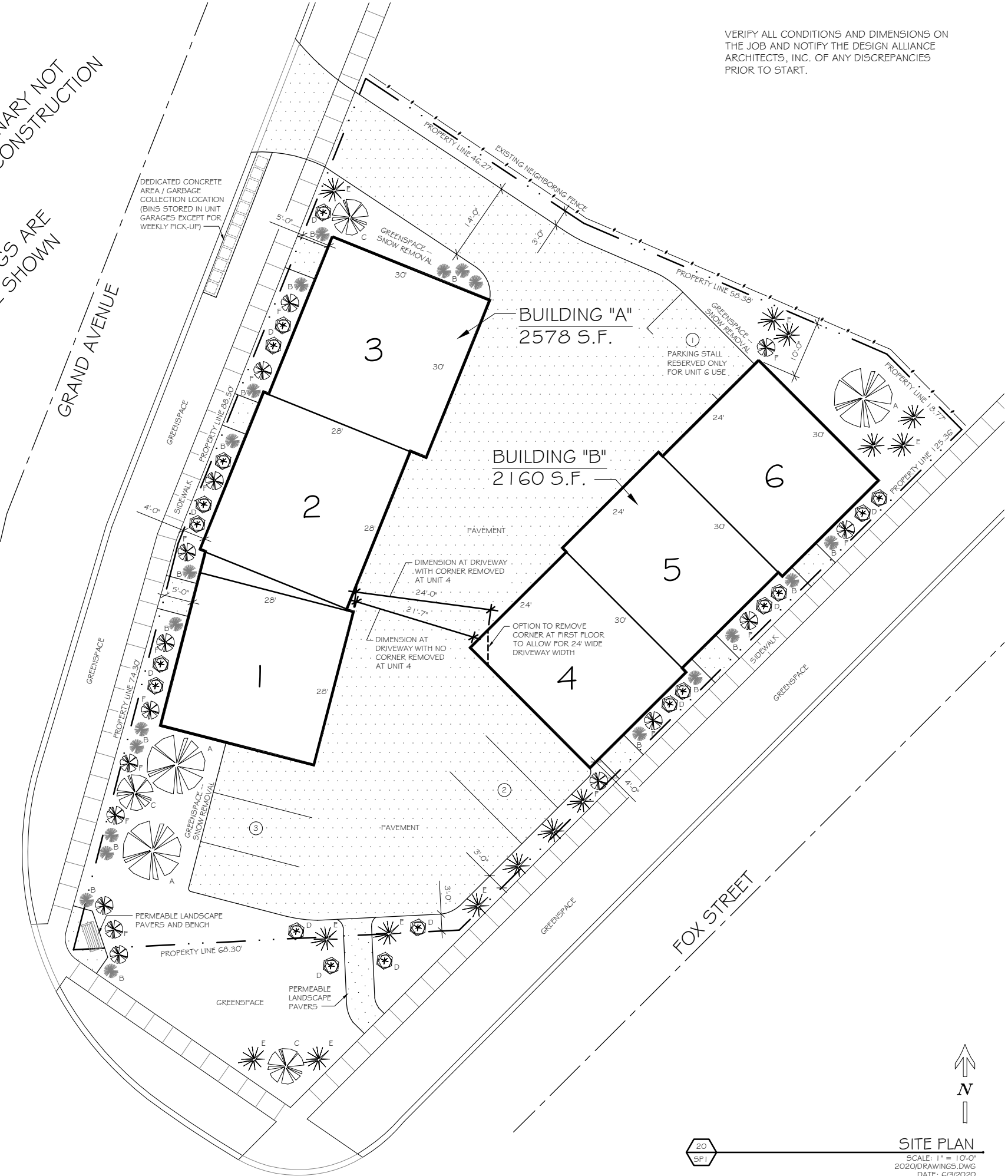
SITE LOCATION



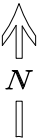
SITE LOCATION MAP

SCALE: N.T.S.  
2020/DRAWINGS.DWG  
DATE: 6/3/2020

PRELIMINARY NOT FOR CONSTRUCTION  
ALL DRAWINGS ARE 1/2 SCALE SHOWN



VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.



SITE PLAN

SCALE: 1" = 10'-0"  
2020/DRAWINGS.DWG  
DATE: 6/3/2020

MUKWONAGO CONDOS  
200 Grand Avenue  
Mukwonago, WI

DRAWING NAMES

|                   |
|-------------------|
| SITE PLAN         |
| DRAWING INDEX     |
| PLANTING SCHEDULE |
| SITE LOCATION MAP |

REVISIONS

PROJECT DATA

|             |           |
|-------------|-----------|
| DATE:       | 7/29/2020 |
| DRAWN BY:   | C.J.      |
| CHECKED BY: | P.W.      |

SHEET NO.

SP-1

Design Alliance Architects, Inc.

1003 Madison Avenue  
Fort Atkinson, WI

(920) 563-3404



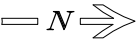
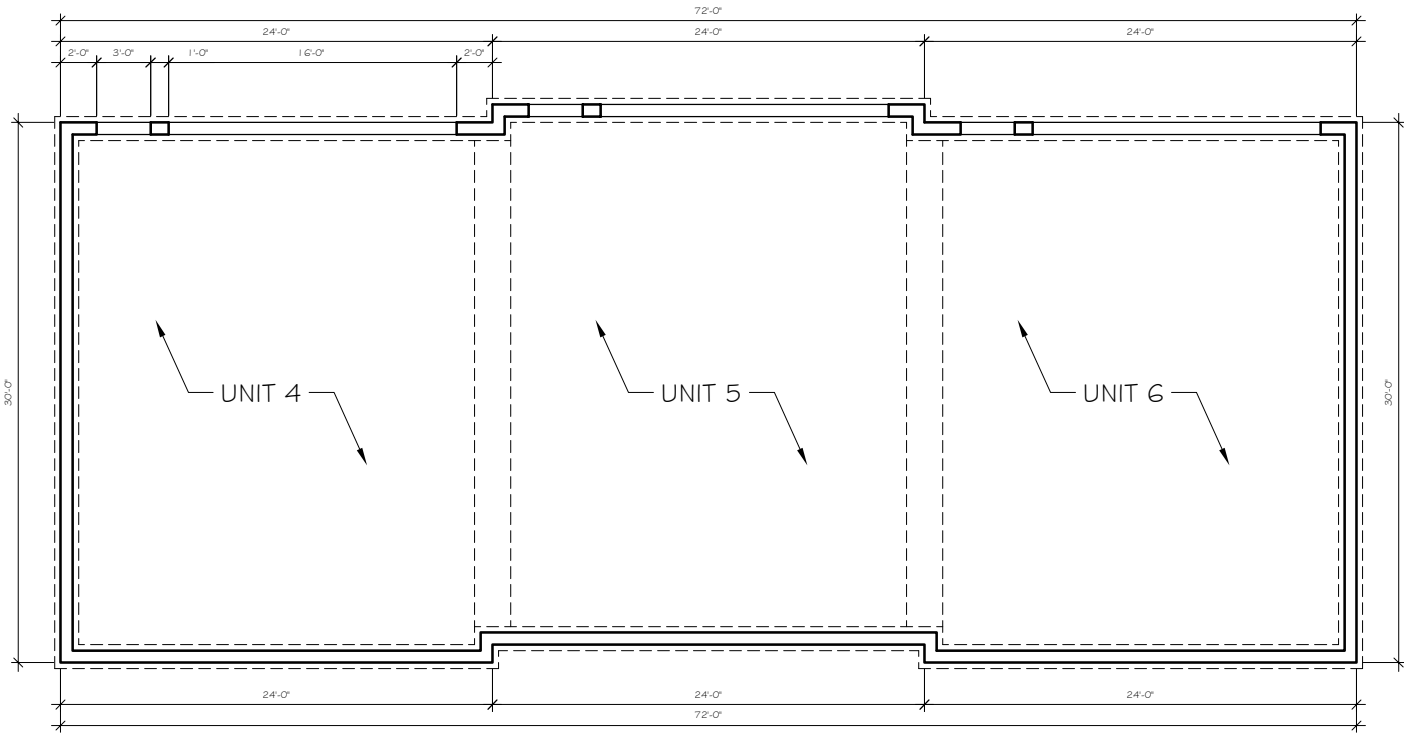
PRELIMINARY NOT  
FOR CONSTRUCTION

ALL DRAWINGS ARE  
1/2 SCALE SHOWN

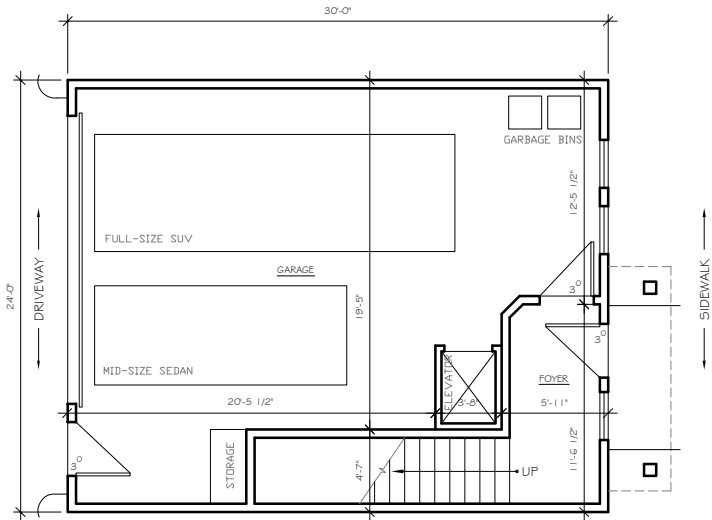
VERIFY ALL CONDITIONS AND DIMENSIONS ON  
THE JOB AND NOTIFY THE DESIGN ALLIANCE  
ARCHITECTS, INC. OF ANY DISCREPANCIES  
PRIOR TO START.

BUILDING "A" NOTE:

BUILDING "A" TO HAVE SIMILAR LAYOUT AS BUILDING "B"  
-- INCREASES AT EACH UNIT FLOOR WILL ENLARGE  
GARAGE / GREAT ROOM / BEDROOMS.

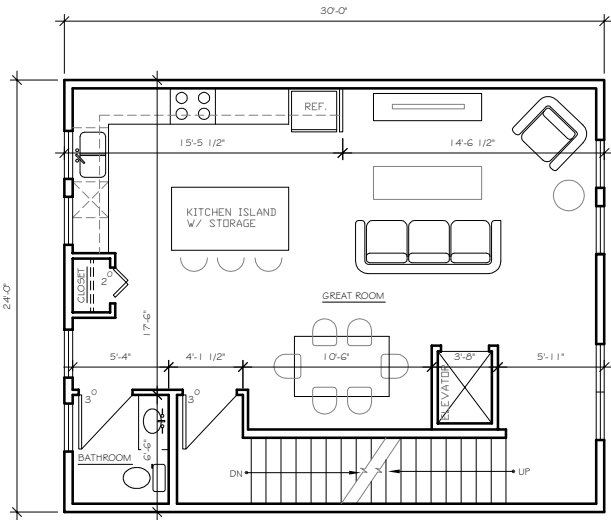


**BUILDING "B" FOUNDATION PLAN**  
SCALE: 3/16" = 1'-0"  
2020/DRAWINGS.DWG  
DATE: 6/3/2020

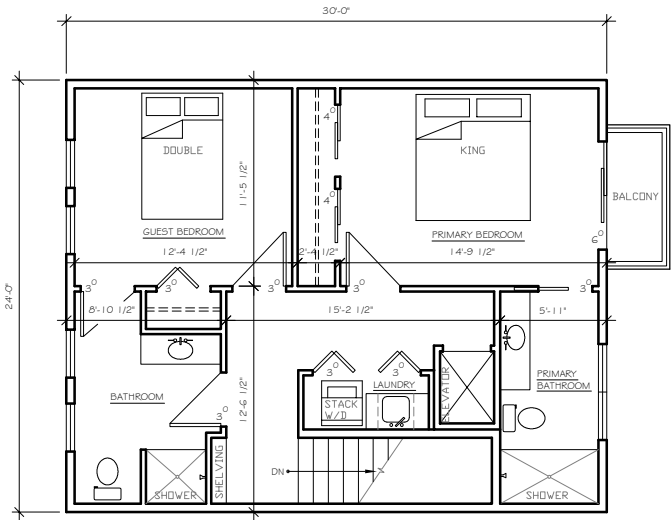


UNIT FOOTPRINT: 720 S.F.  
TOTAL UNIT AREA: 2,160 S.F.

**BUILDING "B"  
TYPICAL UNIT FIRST FLOOR**  
SCALE: 3/16" = 1'-0"  
2020/DRAWINGS.DWG  
DATE: 6/3/2020



**BUILDING "B"  
TYPICAL UNIT SECOND FLOOR**  
SCALE: 3/16" = 1'-0"  
2020/DRAWINGS.DWG  
DATE: 6/3/2020



**BUILDING "B"  
TYPICAL UNIT THIRD FLOOR**  
SCALE: 3/16" = 1'-0"  
2020/DRAWINGS.DWG  
DATE: 6/3/2020

DRAWING NAMES

TYP. UNIT FLOOR PLANS  
BUILDING "B" FND PLAN

REVISIONS

PROJECT DATA

DATE: 7/29/2020  
DRAWN BY: C.J.  
CHECKED BY: P.W.

SHEET NO.

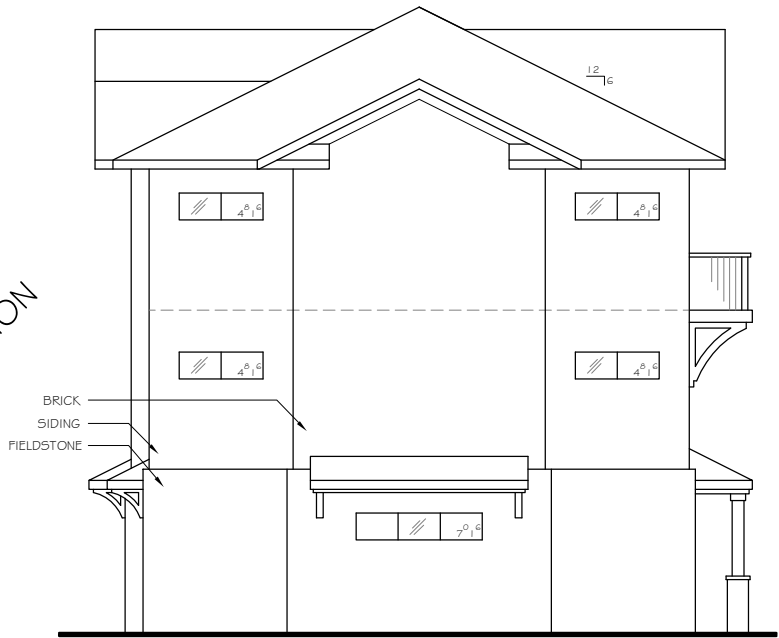
A-1



VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.

ALL DRAWINGS ARE  
1/2 SCALE SHOWN

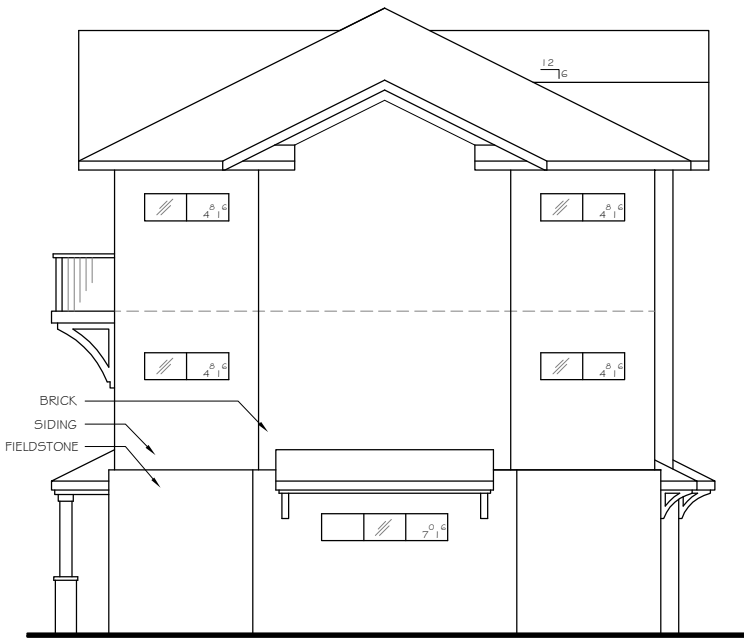
PRELIMINARY NOT  
FOR CONSTRUCTION



7 BUILDING "B" SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"  
2020/DRAWINGS.DWG  
DATE: 6/3/2020



10 BUILDING "B" WEST ELEVATION  
SCALE: 3/16" = 1'-0"  
2020/DRAWINGS.DWG  
DATE: 6/3/2020



17 BUILDING "B" NORTH ELEVATION  
SCALE: 3/16" = 1'-0"  
2020/DRAWINGS.DWG  
DATE: 6/3/2020



20 BUILDING "B" EAST ELEVATION  
SCALE: 3/16" = 1'-0"  
2020/DRAWINGS.DWG  
DATE: 6/3/2020



VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.

PRELIMINARY NOT FOR CONSTRUCTION

ALL DRAWINGS ARE 1/2 SCALE SHOWN

Design Alliance Architects, Inc.

1003 Madison Avenue  
Fort Atkinson, WI

(920) 563-3404

MUKWONAGO CONDOS  
200 Grand Avenue  
Mukwonago, WI

DRAWING NAMES

ELEVATION SKETCHES

REVISIONS

PROJECT DATA

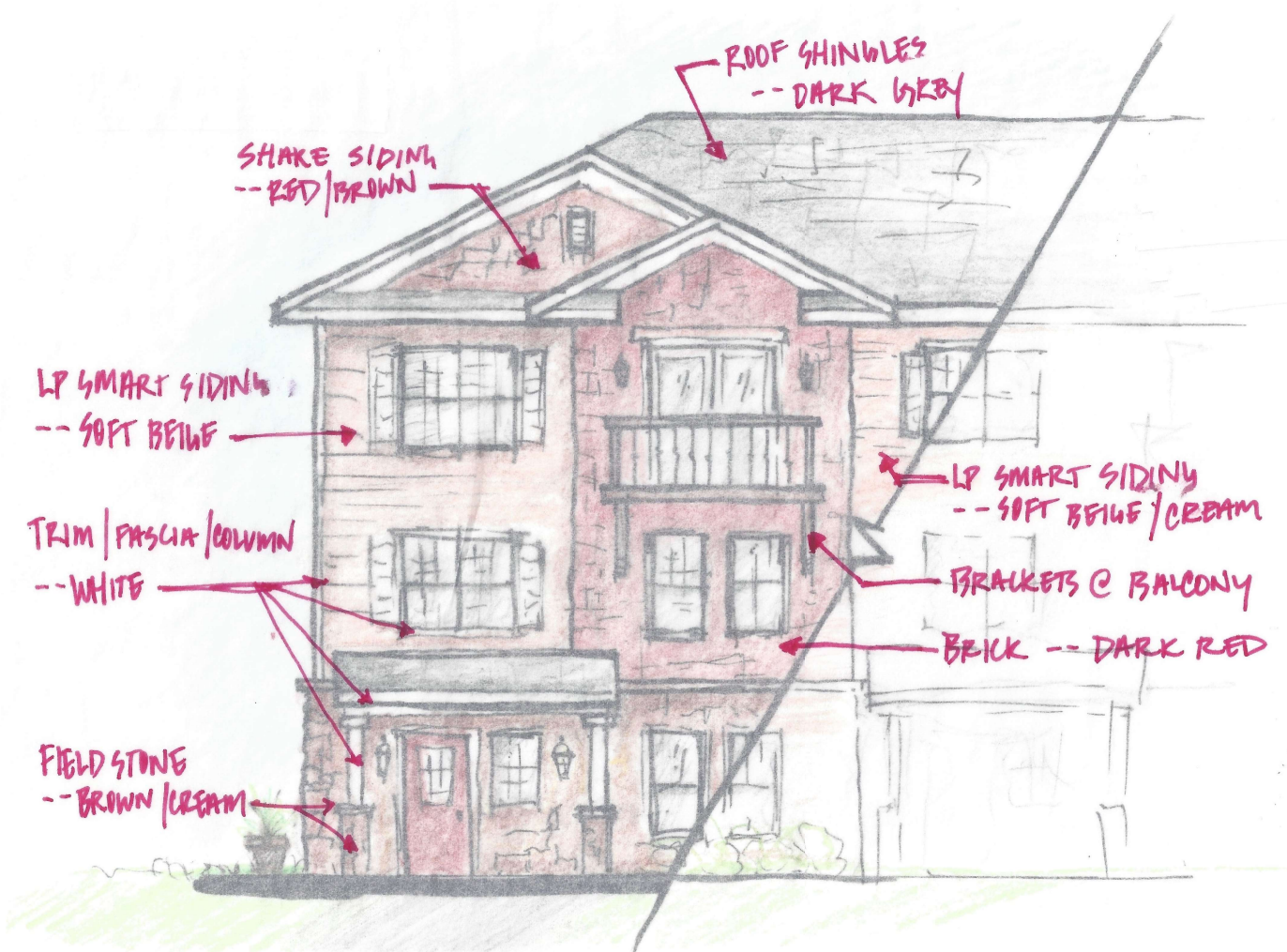
DATE: 7/29/2020

DRAWN BY: C.J.

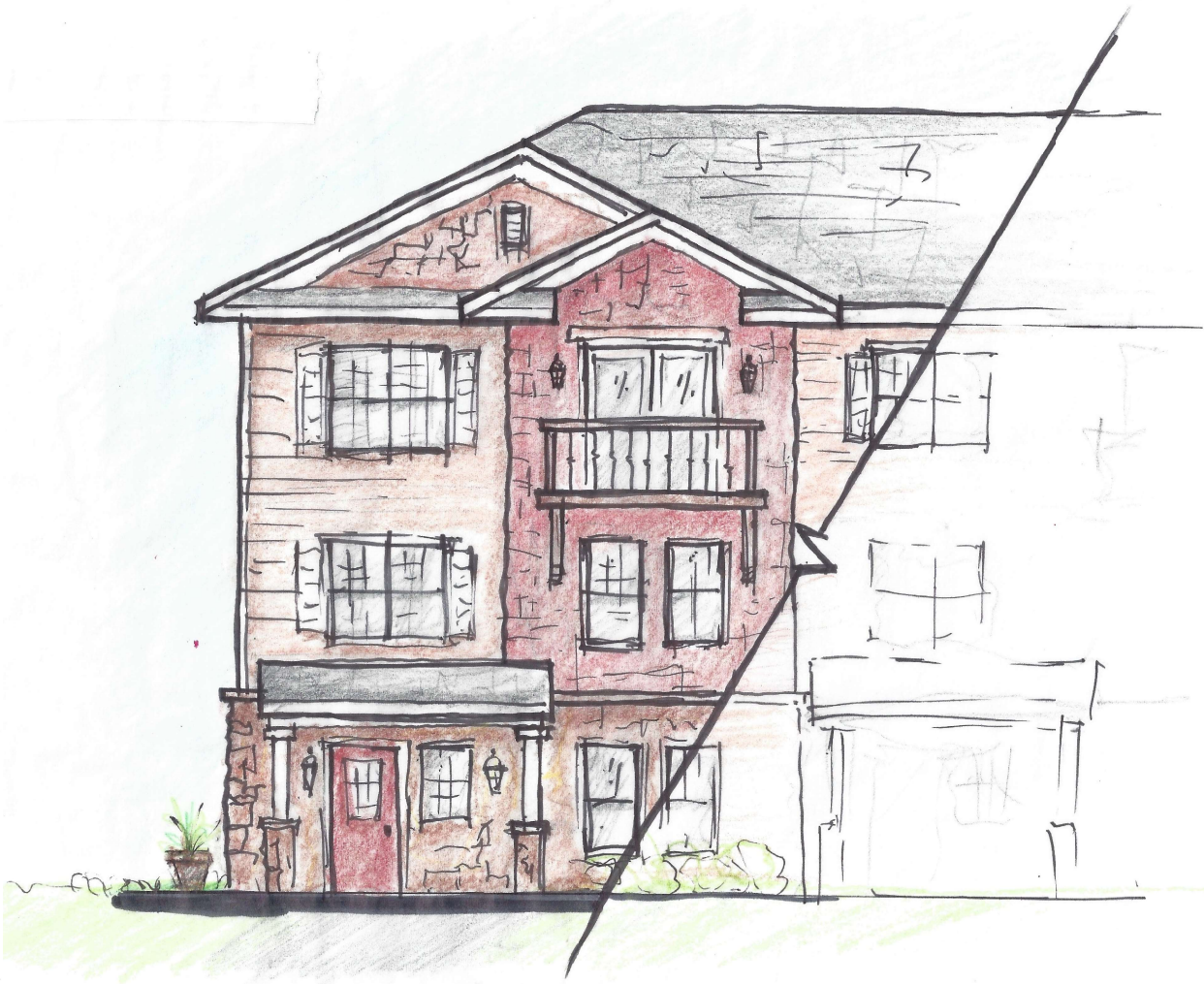
CHECKED BY: P.W.

SHEET NO.

A-3



18 ELEVATION SKETCH / MATERIALS  
A3 SCALE: N.T.S.  
2020/DRAWINGS.DWG  
DATE: 6/3/2020



20 FRONT ELEVATION SKETCH  
A3 SCALE: N.T.S.  
2020/DRAWINGS.DWG  
DATE: 6/3/2020

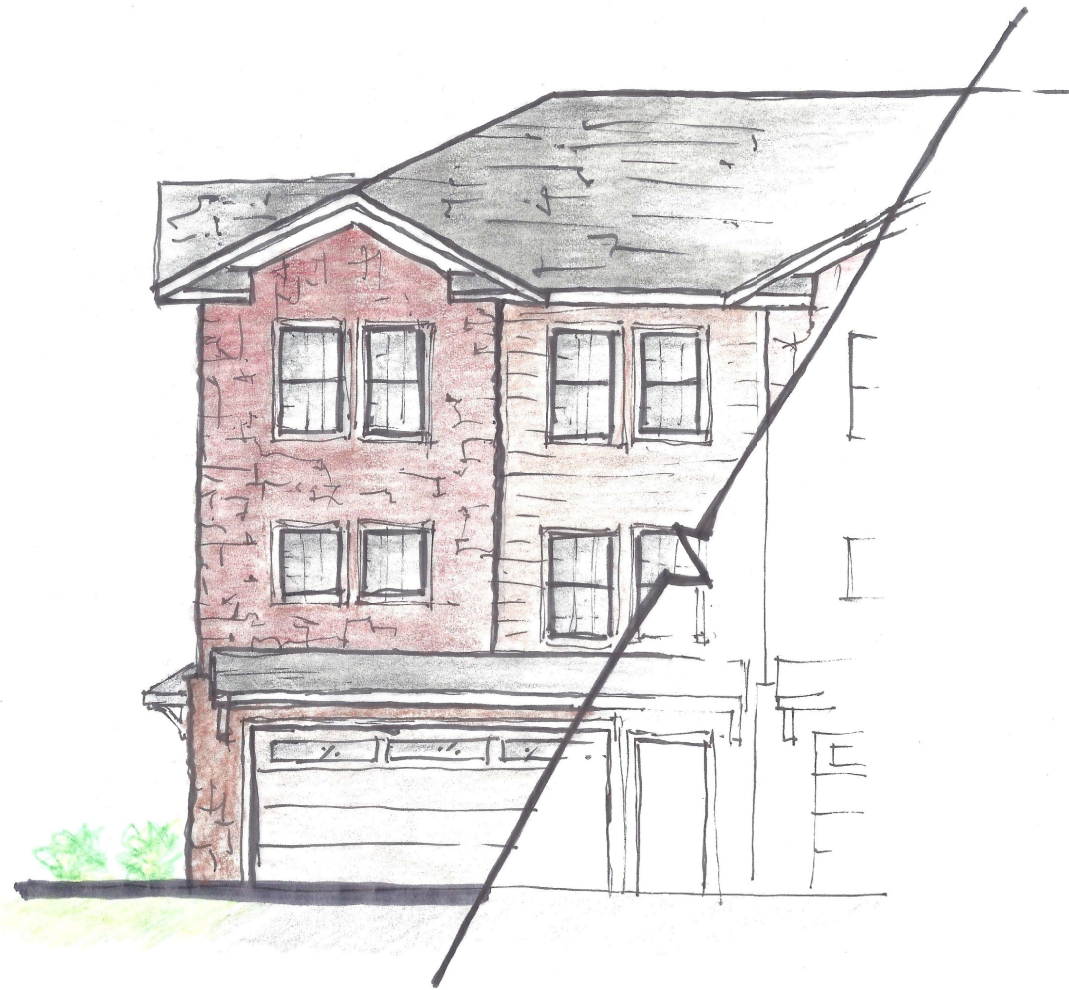




18  
A4

SIDE ELEVATION SKETCH

SCALE: N.T.S.  
2020/DRAWINGS.DWG  
DATE: 6/3/2020



20  
A4

REAR ELEVATION SKETCH

SCALE: N.T.S.  
2020/DRAWINGS.DWG  
DATE: 6/3/2020

PRELIMINARY NOT  
FOR CONSTRUCTION

ALL DRAWINGS ARE  
1/2 SCALE SHOWN

VERIFY ALL CONDITIONS AND DIMENSIONS ON  
THE JOB AND NOTIFY THE DESIGN ALLIANCE  
ARCHITECTS, INC. OF ANY DISCREPANCIES  
PRIOR TO START.

MUKWONAGO CONDOS  
200 Grand Avenue  
Mukwonago, WI

DRAWING NAMES

ELEVATION SKETCHES

REVISIONS

PROJECT DATA

DATE: 7/29/2020  
DRAWN BY: C.J.  
CHECKED BY: P.W.

SHEET NO.

A-4

Design  
Alliance Architects, Inc.

1003 Madison Avenue  
Fort Atkinson, WI

(920) 563-3404



**RESOLUTION 2020-38**

**RESOLUTION APPROVING SITE PLAN AND ARCHITECTURAL REVIEW  
FOR MULTI-FAMILY RESIDENTIAL PROJECT;  
ULRICH JENTZSCH, APPLICANT  
200 GRAND AVE; MUKV 1976-085-001**

**WHEREAS**, pursuant to Section 100-601, and 100-153 of the Zoning Code, an application for a site plan and architectural review has been filed for the approval of multi-family residential project, a permitted use within the B-1, Neighborhood Business Commercial with Village Center Overlay, which application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

**WHEREAS**, the application has been submitted by Ulrich Jentzsch, and

**WHEREAS**, a multi-family residential project in the B-1, Neighborhood Business Commercial with Village Center Overlay Zoning District in which the subject property is located, and

**WHEREAS**, the plan of operation and plans have been reviewed and recommended by the Village Plan Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Mukwonago, Wisconsin hereby approves the site plan and architectural review for multi-family residential project located at 200 Grand Ave, based upon the plan of operation and plans submitted to the Village.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** this site plan and architectural review approval shall be subject to the following conditions:

1. The developer must revise the site plan so that the minimum distance between the two buildings is 22 feet.
2. If the project is to be operated as a condo, the developer will need to prepare a condo plat consistent with Village and State requirements and submit the same to the Village for review and approval.
3. Prior to the start of any work, the developer shall establish an escrow account in an amount to be determined by the Village to cover ongoing development review services
4. Prior to the start of any work, the developer shall prepare detailed civil plans and submit the same to the Village for review and approval.
5. Prior to the start of any work, the developer shall obtain all permits and approvals as may be required.
6. The developer must comply with all requirements related to impact fees imposed by the Village.
7. The developer shall be responsible for removing excess snow from the site that cannot be stockpiled on site. Alternatively, the condo association must be responsible for removing excess snow.
8. The developer shall comply with all parts of the Municipal Code as it relates to this project.



**NOW, THEREFORE, BE IT FURTHER RESOLVED** the applicant, upon the approval of this site plan and architectural review shall agree to accept the same in writing.

Passed and dated this 19<sup>th</sup> day of August 2020.

VILLAGE OF MUKWONAGO

By: \_\_\_\_\_  
Fred Winchowky, Village President

Attest: \_\_\_\_\_  
Diana Dykstra, Village Clerk-Treasurer



Date: August 5, 2020

To: Village of Mukwonago Plan Commission

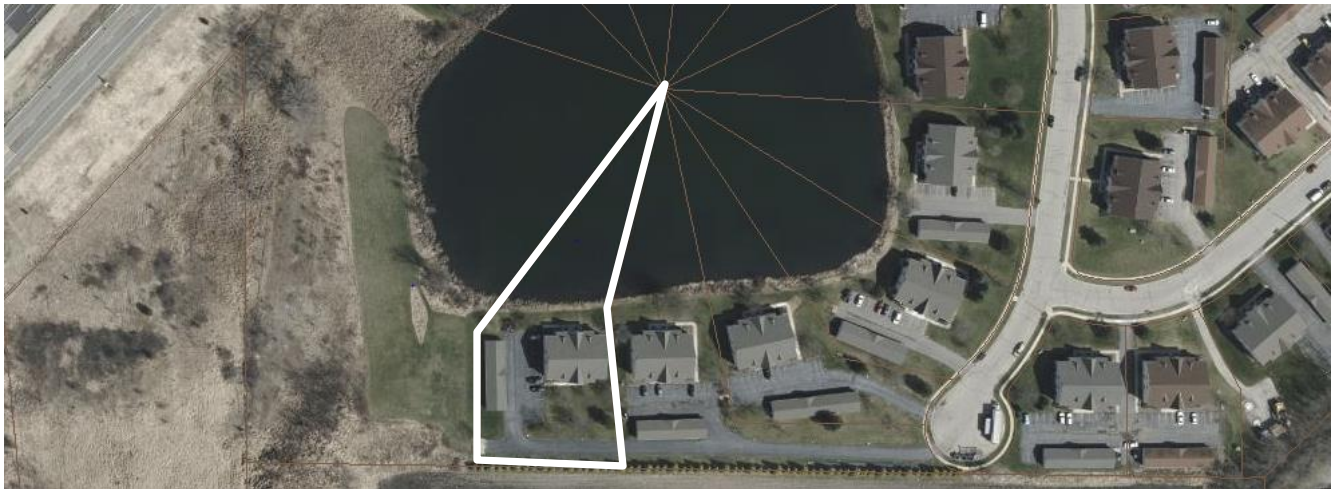
From: Tim Schwecke, AICP, Consulting Planner

Subject: Addition to existing detached garage building located at 1341 Bear Pass; Meadows of Mukwonago LLC, applicant

Meeting: August 12, 2020 Plan Commission meeting

---

**Location** 1341 Bear Pass



**Summary of Proposal** Meadows of Mukwonago LLC owns the subject property and has submitted a petition to expand the existing garage that is located along the west side of the lot. One stall (250 sf) will be added on the north side and three stalls (770 sf) will be added to south side. The property owner will use the space for storage related to the operation of the apartment building. (Application materials are attached.)

**Zoning** The subject property is zoned as a Planned Unit Development.

**Staff comments**

1. The additions will maintain the existing setback to the west lot line that currently exists.
2. No additional outdoor lighting is proposed.
3. Exterior building materials will match the existing materials (vinyl lap siding and asphalt shingles).
4. All other aspects of the site will remain unchanged.

**Review procedures** The proposed project is subject to site plan and architectural review. The Plan Commission is advisory to the Village Board.

**Potential motion for approval:**

Recommend to the Village Board the approval of Resolution 2020-39 as drafted, including the conditions.

**Attachments:**

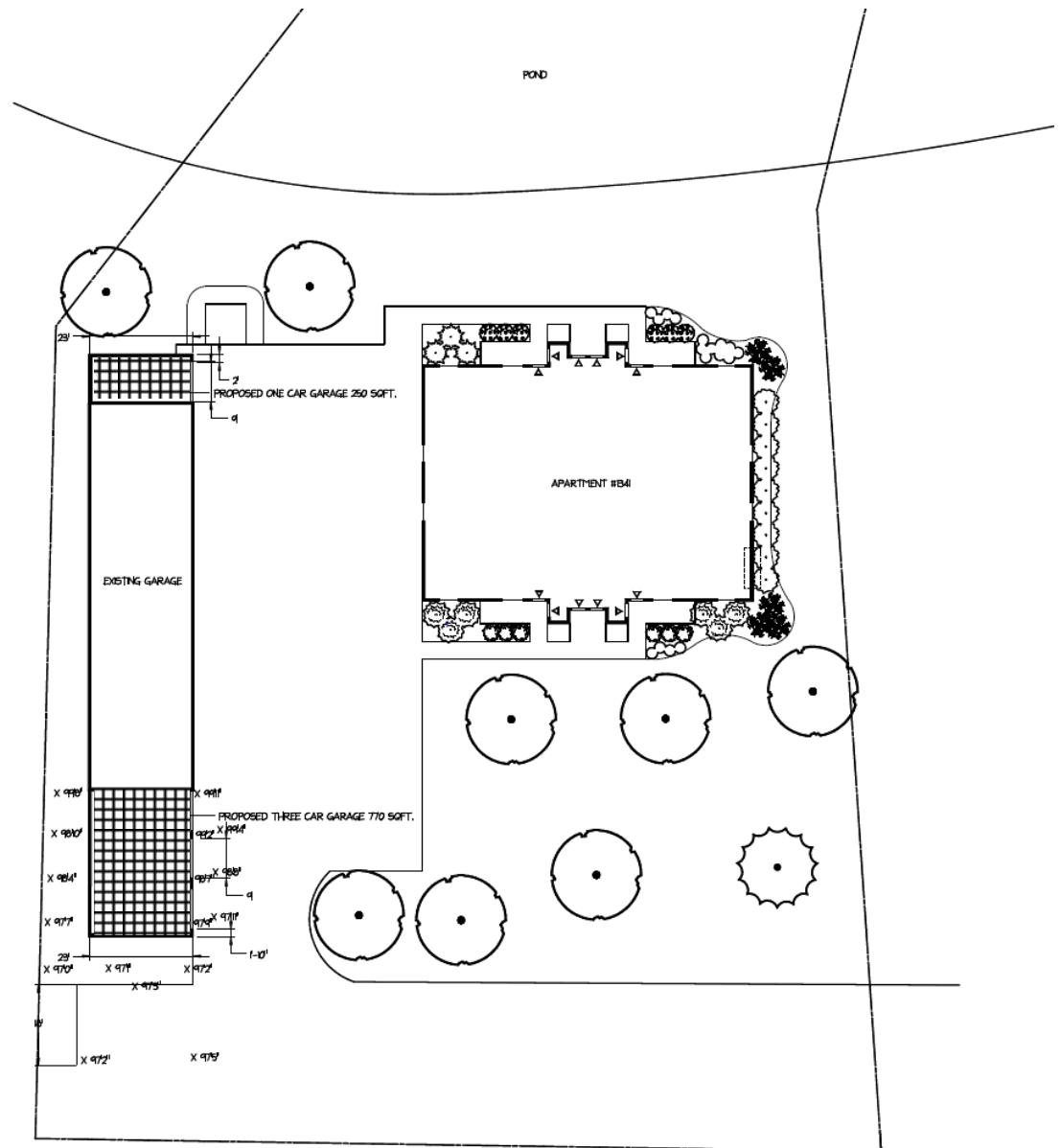
1. Application materials
2. Draft Resolution 2020-39



## Site Plan for 1341 Bear Pass



- Additions





**RESOLUTION 2020-39**

**RESOLUTION APPROVING SITE PLAN AND ARCHITECTURAL REVIEW  
FOR GARAGE ADDITION;  
MEADOWS OF MUKWONAGO LLC, APPLICANT  
1341 BEAR PASS; MUKV 2015-012**

**WHEREAS**, pursuant to Section 100-601, and 100-153 of the Zoning Code, an application for a site plan and architectural review has been filed for the approval of garage addition, a permitted use within Planned Unit Development, which application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

**WHEREAS**, the application has been submitted by Meadows of Mukwonago LLC, and

**WHEREAS**, a garage addition in the Planned Unit Development in which the subject property is located, and

**WHEREAS**, the plan of operation and plans have been reviewed and recommended by the Village Plan Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Mukwonago, Wisconsin hereby approves the site plan and architectural review for garage addition located at 1341 Bear Pass, based upon the plan of operation and plans submitted to the Village.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** this site plan and architectural review approval shall be subject to the following conditions:

1. Exterior building materials must match the existing materials.
2. The property owner must obtain a building permit for the approved additions within 6 months of this date and begin construction and work in good faith to completion..

**NOW, THEREFORE, BE IT FURTHER RESOLVED** the applicant, upon the approval of this site plan and architectural review shall agree to accept the same in writing.

Passed and dated this 19<sup>th</sup> day of August 2020.

VILLAGE OF MUKWONAGO

By: \_\_\_\_\_  
Fred Winchowky, Village President

Attest: \_\_\_\_\_  
Diana Dykstra, Village Clerk-Treasurer



**RESOLUTION 2020-39**

**RESOLUTION APPROVING SITE PLAN AND ARCHITECTURAL REVIEW  
FOR GARAGE ADDITION;  
MEADOWS OF MUKWONAGO LLC, APPLICANT  
1341 BEAR PASS; MUKV 2015-012**

**WHEREAS**, pursuant to Section 100-601, and 100-153 of the Zoning Code, an application for a site plan and architectural review has been filed for the approval of garage addition, a permitted use within Planned Unit Development, which application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

**WHEREAS**, the application has been submitted by Meadows of Mukwonago LLC, and

**WHEREAS**, a garage addition in the Planned Unit Development in which the subject property is located, and

**WHEREAS**, the plan of operation and plans have been reviewed and recommended by the Village Plan Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Mukwonago, Wisconsin hereby approves the site plan and architectural review for garage addition located at 1341 Bear Pass, based upon the plan of operation and plans submitted to the Village.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** this site plan and architectural review approval shall be subject to the following conditions:

1. Exterior building materials must match the existing materials.
2. The property owner must obtain a building permit for the approved additions within 6 months of this date and begin construction and work in good faith to completion..

**NOW, THEREFORE, BE IT FURTHER RESOLVED** the applicant, upon the approval of this site plan and architectural review shall agree to accept the same in writing.

Passed and dated this 19<sup>th</sup> day of August 2020.

VILLAGE OF MUKWONAGO

By: \_\_\_\_\_  
Fred Winchowky, Village President

Attest: \_\_\_\_\_  
Diana Dykstra, Village Clerk-Treasurer



Date: August 6, 2020

To: Village of Mukwonago Plan Commission

From: Tim Schwecke, AICP, Consulting Planner

Subject: Extraterritorial plat review of a two-lot certified survey map (CSM) in the Town of Mukwonago; Sean Mommsen, applicant

Meeting: August 12, 2020 Plan Commission meeting

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**Summary of Proposal** The applicant has prepared a two-lot certified survey map to modify the common lot line between the lots located at W304S10581 Lakeview Drive and W304S10544 Lakeview Drive in the Town of Mukwonago. As proposed, no new lots will be created. The Town of Mukwonago and Waukesha County have approved the same.

**Jurisdiction** Because the two lots are within 1.5 miles of the Village's municipal boundary the Village has review authority.

**Review procedure** The Plan Commission is advisory to the Village Board, which makes the final decision.

**Notice requirements** Aside from being shown on the meeting agenda, no other public notice is required.

**Potential motion for approval:**

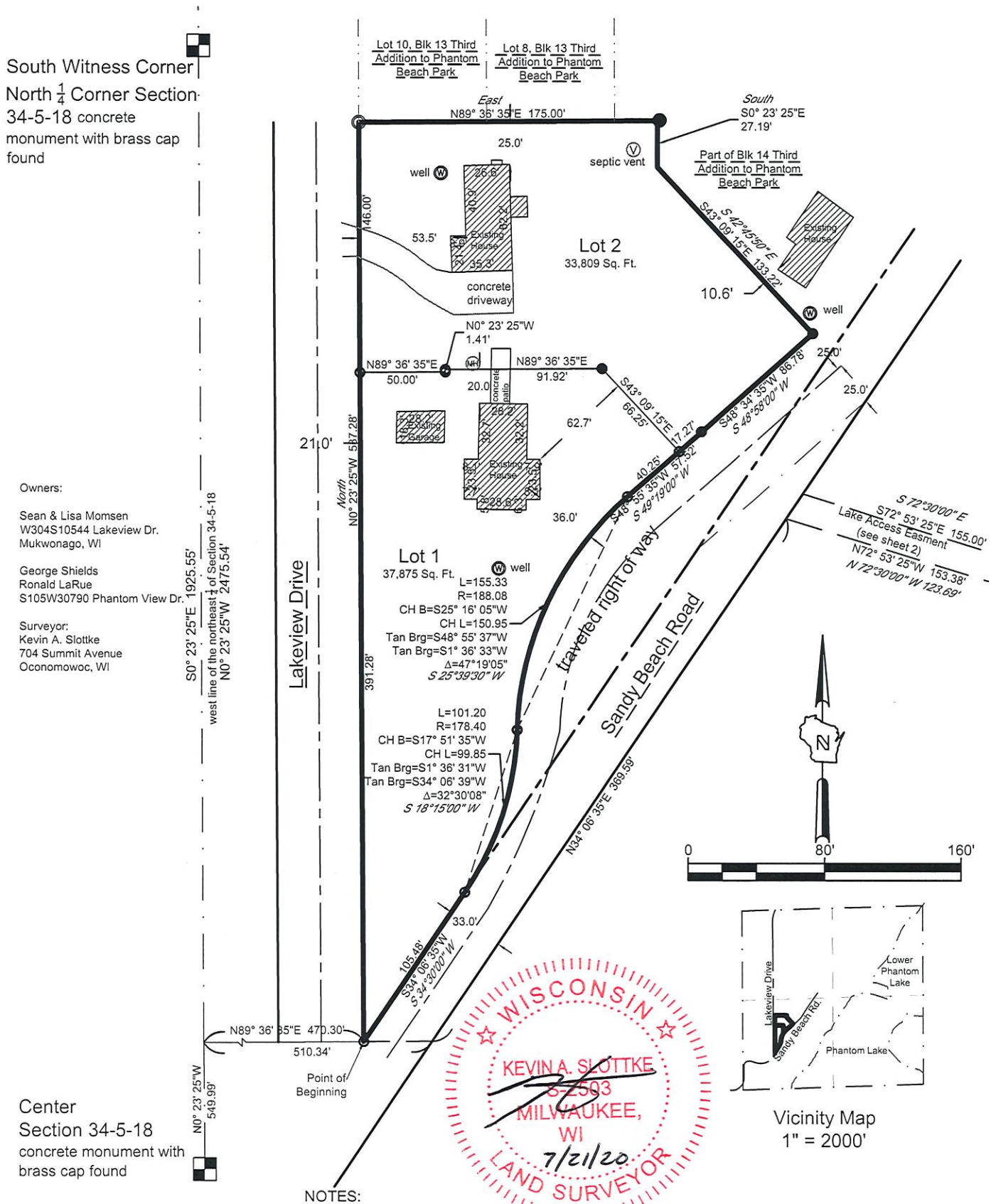
Recommend to the Village Board the approval of Resolution 2020-40 as drafted, including the conditions.

**Attachments:**

1. Certified survey map dated June 21, 2020
2. Draft Resolution 2020-40



A redivision of Lot 1 and Lot 2 of Certified Survey Map No. 7553, being a part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 34, Town 5 North, Range 18 East, Town of Mukwonago, County of Waukesha, State of Wisconsin.



- LEGEND & NOTES:

- INDICATES 1" IRON PIPE FOUND
- INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.

Coordinates & bearings referenced the Wisconsin State Plane Coordinate System, South Zone, NAD27, with the west line of the NE 1/4 of Sec. 34-5-18, assumed to bear N 00°23'25" W

*S 18°15'00" W (recorded as)*

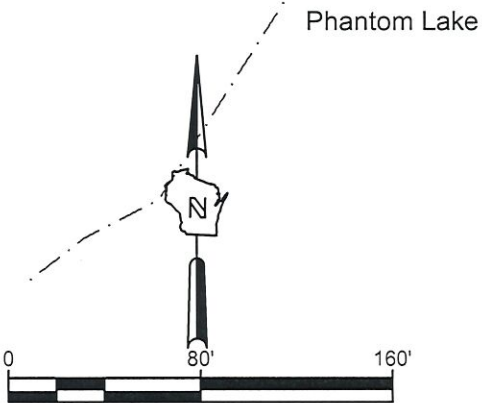
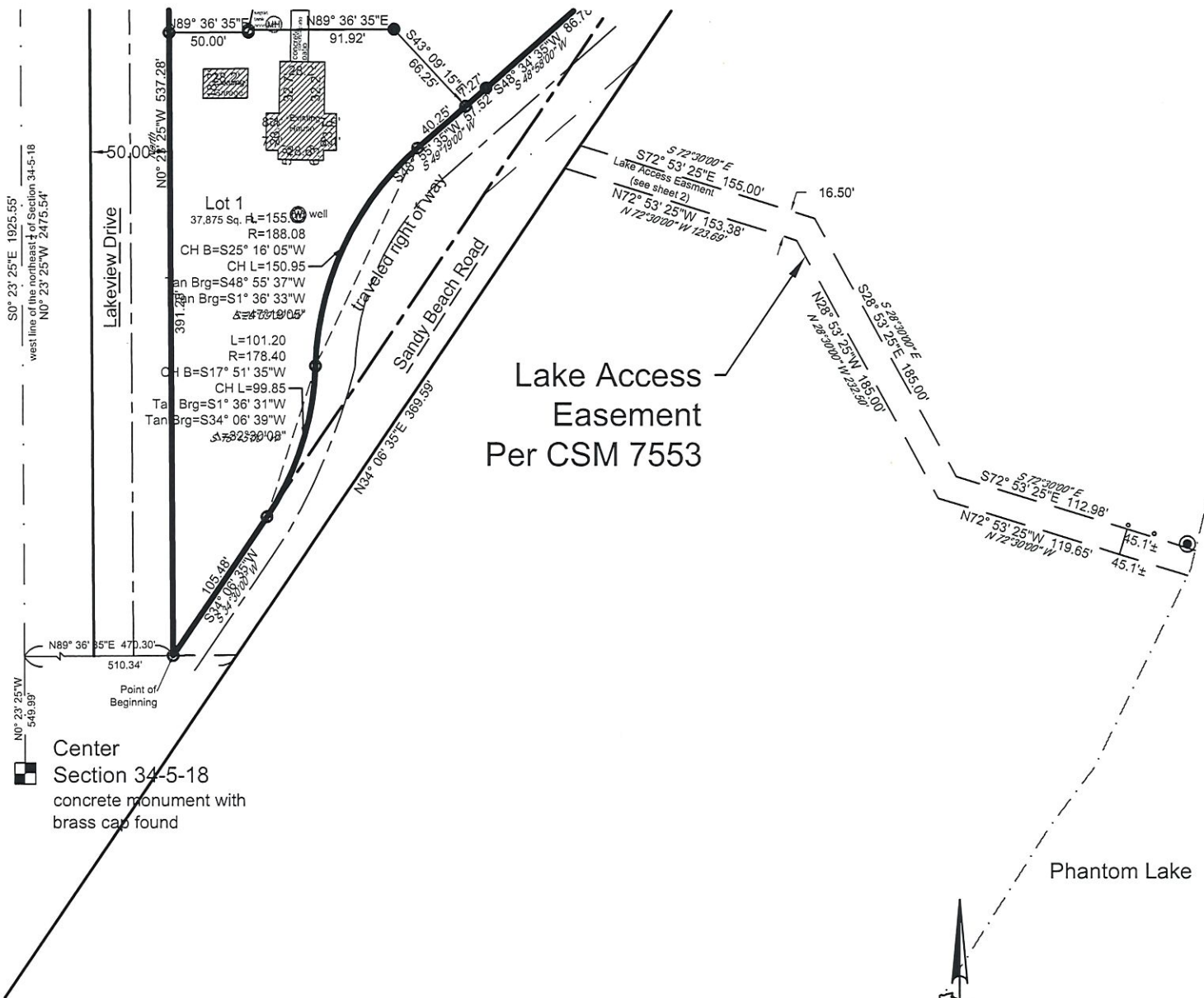
- NOTES:

1. Entire property falls within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.
2. Lot 1 is subject to conditions of a Conditional Use Permit (SCU-0455 Series) as part of a legal non-conforming Conditional Use for three residential units.
3. This certified survey map is located within a State Designated Groundwater Management Area.
4. The lake access easement as shown on Sheet 2 applies only to Lot 2 as shown on this map.
5. Per CSM 7553, a variance for the existing sub-standard road rights-of-way of Lakeview Drive and Sandy Beach Road was approved by Waukesha County Parks & Planning Commission on June 24, 1993



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lot 1 and Lot 2 of Certified Survey Map No. 7553, being a part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 34, Town 5 North, Range 18 East, Town of Mukwonago, County of Waukesha, State of Wisconsin.



## LEGEND & NOTES:

- INDICATES 1" IRON PIPE FOUND
- INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.

COORDINATES & BEARINGS REFERENCED THE WISCONSIN STATE PLANE COORDINATE SYSTEM WITH THE WEST LINE OF THE NE 1/4 OF SEC. 34-5-18, ASSUMED TO BEAR N 00°23'25" W

## NOTES:

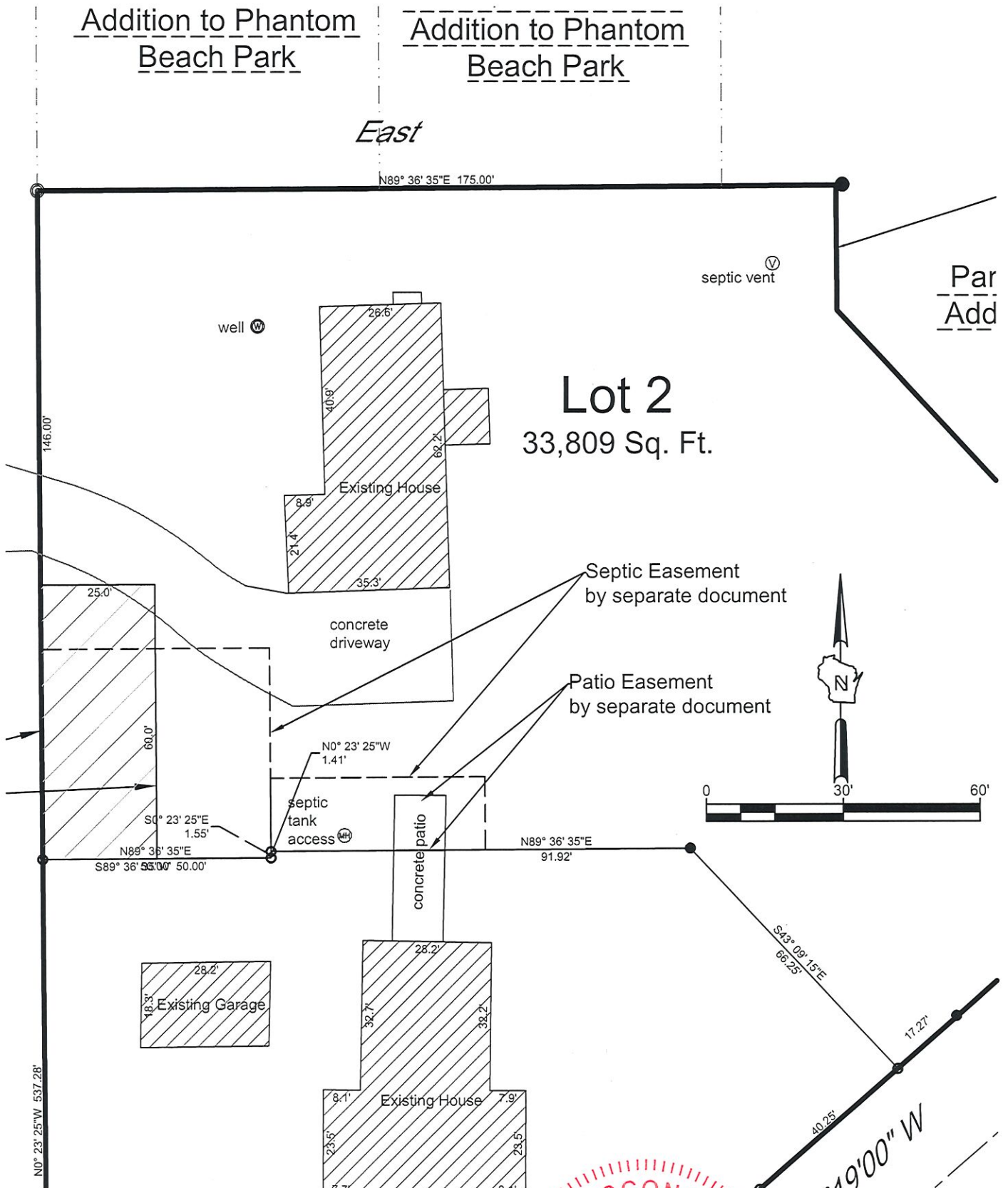
1. Access easement recorded as Doc. No. 221505, Vol. 275 of Deeds on Page 344.
2. The lake access easement as shown above applies only to Lot 2 as shown on sheet 1





# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lot 1 and Lot 2 of Certified Survey Map No. 7553, being a part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 34, Town 5 North, Range 18 East, Town of Mukwonago, County of Waukesha, State of Wisconsin.



## NOTES:

1. Entire property falls within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.

2. Lot 1 is subject to conditions of a Conditional Use Permit (SCU-0455 Series) as part of a legal non-conforming Conditional Use for three residential units.

3. Proposed easements shown on this page are not expressly created by recording of this map. Separate documents containing easement language must be recorded with the register of deeds to create the easements.





# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lot 1 and Lot 2 of Certified Survey Map No. 7553, being a part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 34, Town 5 North, Range 18 East, Town of Mukwonago, County of Waukesha, State of Wisconsin.

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
SS  
MILWAUKEE COUNTY)

I, Kevin A. Slottko, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped a redivision of Lot 1 and Lot 2 of Certified Survey Map No. 7553, being a part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 34, Town 5 North, Range 18 East, Town of Mukwonago, County of Waukesha, State of Wisconsin, bounded and described as follows:

Commencing at the South witness corner of the North 1/4 corner of said Section 34; thence S 00°23'25" W along the west line of said NE  $\frac{1}{4}$ , 1925.55 feet; thence N 89°26'35" E, 470.30 feet to the point of beginning; Thence N 00°23'25" W, parallel to said west line, 537.28 feet; thence N 89°36'35" E, 175.00 feet; thence S 00°23'25" E, parallel to said west line, 27.19 feet; thence S 43°09'15" E, 133.22 feet to the northwesterly right of way of Sandy Beach Road; thence S 48°34'35" W along said right of way line, 86.78 feet; thence S 48°55'35" W, 57.52 feet to a point of curvature; thence southwesterly, 155.33 feet along the arc of a curve whose radius lies 188.08 feet to the southeast and whose chord bears S 25°16'05" W, 150.95 feet, to a point of curvature; thence southwesterly 101.20 feet along the arc of a curve whose radius lies 178.40 feet to the west and whose chord bears S 17°51'35" W, 99.85 feet; thence S 34°06'35" W, along said right of way, 105.48 feet to the point of beginning.

Containing 71,684 Square Feet (1.64563 Acres)

That I have made the survey, land division, and map by the direction of Sean and Lisa Momsen, George Shields and Ronald LaRue, owners of said land. That the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made. That I have fully complied with s. 236.34 of the Wisconsin Statutes, the Land Division ordinances of Waukesha County and the Town of Mukwonago Code of Ordinances in surveying, dividing and mapping the same.

Kevin A. Slottko, PLS 2503 July 21, 2020

## OWNER'S CERTIFICATE

Sean Mosen and Lisa Momsen, as owners, certify that we have caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with Chapter 236 Wis. Stats, Waukesha County Land Division Ordinances, and the Town of Mukwonago Code of Ordinances.

Witness the hand and seal of said owners, this 31st day of July, 2020

Sean Momsen

Lisa Momsen

State of Wisconsin)

Waukesha County) ss

Personally came before me this 31st day of July, 2020, Sean Momsen and Lisa Momsen, to me known to be the persons who executed the foregoing instrument

(SEAL) Gail Obradovich  
Notary public, State of Wisconsin

my commission expires Oct 28, 2022

## OWNER'S CERTIFICATE

George Shields, as owner, certifies that I have caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with Chapter 236 Wis. Stats, Waukesha County Land Division Ordinances, and the Town of Mukwonago Code of Ordinances.

Witness the hand and seal of said owner, this 6 day of August, 2020

George Shields

State of Wisconsin)

Waukesha County) ss

Personally came before me this 6th day of August, 2020, George Shields, to me known to be the person who executed the foregoing instrument

(SEAL) Gail Obradovich  
Notary public, State of Wisconsin

my commission expires 10-28-22

Sheet 4 of 5



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lot 1 and Lot 2 of Certified Survey Map No. 7553, being a part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 34, Town 5 North, Range 18 East, Town of Mukwonago, County of Waukesha, State of Wisconsin.

## OWNER'S CERTIFICATE

Ronald LaRue, as owner, certifies that I have caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with Chapter 236 Wis. Stats, Waukesha County Land Division Ordinances, and the Town of Mukwonago Code of Ordinances.

Witness the hand and seal of said owner, this 31st day of July, 2020

Ronald LaRue  
Ronald LaRue

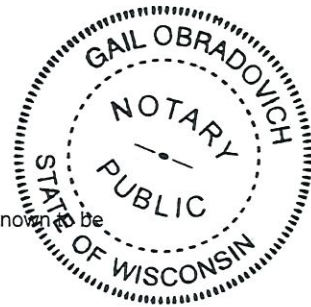
State of Wisconsin)

Waukesha County) ss

Personally came before me this 31st day of July, 2020, Ronald LaRue, to me known to be the person who executed the foregoing instrument

Gail Obradovich  
(SEAL) Notary public, State of Wisconsin

my commission expires Oct 28, 2022.



## TOWN OF MUKWONAGO BOARD APPROVAL

Resolved that the Certified Survey Map of Sean and Lisa Momsen, George Shields, Ronald LaRue, owners of said lands, being a part of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 34, Town 5 North, Range 18 East, Town Of Mukwonago, Waukesha County, Wisconsin, having been approved by the Mukwonago Town Board on August 7, 2020

Peter Topczewski  
Peter Topczewski, Chairman

## WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin State Statutes, is hereby approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dale R. Shaver, Director

## VILLAGE OF MUKWONAGO APPROVAL

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin State Statutes, is hereby approved

on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Fred Winchowky, Village President





**RESOLUTION 2020-40**

**RESOLUTION APPROVING THE EXTRATERRITORIAL REVIEW OF A TWO-LOT  
CERTIFIED SURVEY MAP WITHIN THE TOWN OF MUKWONAGO  
TAX KEY MUKT 2005-213-001**

**WHEREAS**, pursuant to the Village of Mukwonago Land Division Ordinance and the State of Wisconsin Plat Act (Chapter 236), an application for extraterritorial review of a Certified Survey Map for the property with the current tax key number of **MUKT 2005-213-001**, located within the Town of Mukwonago, was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

**WHEREAS**, the application was submitted by Sean Mommsen, and

**WHEREAS**, the subject property, located along W304S10581 Lakeview Dr and W304S10544 Lakeview Dr, falls with the 1.5-mile extraterritorial plat review area surrounding the corporate boundary of the Village of Mukwonago, and

**WHEREAS**, the Plat Act allows the Village the opportunity to review any land division that is within the 1.5-mile extraterritorial plat review area for compliance with the Village Comprehensive Plan, and

**WHEREAS**, a 2-Lot Certified Survey Map creating 2-lot CSM out of the existing parcel, and recommended by the Village Plan Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Mukwonago, Wisconsin hereby approves the 2-Lot Certified Survey Map dated July 21, 2020 prepared by Kevin A Sluttke, subject to documentation of Town Board approval and the following conditions.

1. Although the Village of Mukwonago has reviewed the subdivision plat/certified survey map, the surveyor is entirely responsible for the thoroughness and accuracy of the survey and related matters and compliance with all state and local codes, ordinances, and procedures. Modifications to the survey may be required should errors or changed conditions be found at a future date.
2. Before releasing the CSM for recording, the petitioner shall submit payment for any application fees established by the Village.
3. The petitioner must obtain the approval of the Village Engineer.

Passed and dated this 19<sup>th</sup> day of August 2020.

VILLAGE OF MUKWONAGO

By: \_\_\_\_\_  
Fred Winchowky, Village President

Attest: \_\_\_\_\_  
Diana A Dykstra, Village Clerk-Treasurer



Date: August 5, 2020

To: Village of Mukwonago Plan Commission

From: Tim Schwecke, AICP, Consulting Planner

Subject: Concept review for proposed Blue Bay Redevelopment at 927 Main Street, Jay Campbell, applicant

Meeting: August 12, 2020 Plan Commission meeting

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**Location** 927 Main Street



**Summary** The project is mixed-use with some commercial on the first floor and 87 senior housing units at an overall density of 29 units per acre.

Although there are many fine details to evaluate, the first issue to be addressed is the residential density. As noted in the Village Attorney's letter (attached), there is no zoning category in the current code that would allow the proposed density. Both the comprehensive plan and zoning code allow a maximum of 20 units per acre.

The developer has requested the opportunity to present the overall project to the Plan Commission with the understanding that the commissioners will not be able to comment directly on the project and/or whether the Village will approve any potential amendments of the zoning code and potentially the comprehensive plan. Any comments are informal and will not bind the Plan Commission and/or the Village Board when reviewing any applications that may be submitted in the future.

Ultimately, the developer will need to determine if they want to design a project that fits within the standards in the zoning or seek an amendment to the zoning code and the comprehensive plan.

**Attachments:**

1. Correspondence from Attorney Blum, dated June 24, 2020
2. Application materials



## PROJECT SUMMARY

|                   |  |              |                      |
|-------------------|--|--------------|----------------------|
| <b>Date:</b>      | July 14, 2020  | <b>From:</b> | Jason Heinonen, P.E. |
| <b>RE:</b>        | <b>Blue Bay Restaurant Redevelopment - 927 Main Street</b> |              |                      |
| <b>To:</b>        | Ben Kohout, AICP – Community Planner                       |              |                      |
| <b>Company:</b>   | Village of Mukwonago                                       |              |                      |
| <b>Address:</b>   | 440 River Crest Court<br>Mukwonago, WI 53149               |              |                      |
| <b>Project #:</b> | 560-004  |              |                      |

### Proposed Development

The site currently contains an active restaurant (Blue Bay Restaurant) and the property owner is proposing to redevelop the property into a multi-family residential complex for age fifty-five (55) and older tenants. The redevelopment would include relocating the restaurant from its current stand-alone location to within the first floor of the proposed apartment building. The existing property is highly underutilized, given the prime location within the Village. Currently, the restaurant utilizes approximately 1.25 acres of the total 3.0 acres of property. The proposed redevelopment would utilize the entirety of the property, providing a substantial increase in property value and tax revenue to the Village.

### Village Need/Fit

The Village has a limited amount of 55 and older multi-family residential properties and this development would help to meet the current and future demand. The existing Blue Bay Restaurant also serves a need in the community and would continue to do so following construction.

The proposed development would tie in well with neighboring properties and provide a continuation with The Pointe Apartments, which are currently under construction and immediately adjacent to the north end of the property.

**Zoning** - The Site is currently zoned B-2 (General Business District). A sit-down restaurant is a permitted use in the B-2 district but multi-family residential is not an allowed use as currently zoned. The Site is shown on the Comprehensive Land Use Plan to be a part of the Business Mixed Use (BMX) Overlay District. The BMX Overlay allows for multi-family residential and business uses (including service uses) on the same property, thus allowing the proposed redevelopment and meeting the future goals of the Village. The proposed layout also provides the potential for additional mixed use on the first floor.

**Density** - The proposed development, as shown on the concept plan, has a dwelling unit (DU) density of 29 DU/acres, with a total proposed number of units is eighty-seven (87). There would be approximately 30 units on the 2<sup>nd</sup> and 3<sup>rd</sup> floor and approximately 27 units on the 1<sup>st</sup> floor. The lower density on the first floor is in order to accommodate the relocated Blue Bay Restaurant (approximately 5,000 – 6,000 SF).

**Unit Size** – Units are anticipated to average approximately 1,000 SF.

**Parking** – Required parking based on total bedrooms and dining area (to be determined). Provided = 182 total

**Refuse Storage** – dumpsters will be screened from public rights-of-way. The current plan shows the refuse stored within the underground portion of the building.

**Greenspace** – the concept plan shows approximately 34% greenspace.

**Estimated Value of Project** – \$14,000,000



**Endpoint Solutions**  
6871 S. LOVERS LANE  
FRANKLIN, WI 53132  
PHONE: (414) 427-1200

|                |                  |
|----------------|------------------|
| DRAWN BY: JAH  | DATE: 07/13/2020 |
| CHECKED BY: .  | DATE: .          |
| APPROVED BY: . | DATE: .          |

PROJECT NO.

---

SHEET NO.

**EX 1**



**HIPPENMEYER, REILLY, BLUM,  
SCHMITZER, FABIAN & ENGLISH S.C.**

MARK G. BLUM  
THOMAS G. SCHMITZER  
LORI J. FABIAN  
RONALD E. ENGLISH III  
MATTHEW R. GRALINSKI

720 CLINTON STREET  
P. O. BOX 766  
WAUKESHA, WISCONSIN 53187-0766  
TELEPHONE: (262) 549-8181  
FACSIMILE: (262) 549-8191  
www.hrblawfirm.com

RICHARD S. HIPPENMEYER  
(1911-1979)  
WILLIAM F. REILLY  
(1932-2007)

EMAIL: [MGBLUM@HRBLAWFIRM.COM](mailto:MGBLUM@HRBLAWFIRM.COM)

June 24, 2020

Via Email ([jay@campbellconstructionbbg.com](mailto:jay@campbellconstructionbbg.com))

Mr. Jay Campbell, President  
Campbell Construction, Inc.  
810 Swan Drive  
Mukwonago, WI 53149

Re: Blue Bay Restaurant Site

Dear Mr. Campbell:

It is my understanding that you have made inquiries with the Village regarding the possibility of constructing a senior living development on the current Blue Bay property. Apparently, a question has arisen regarding the amount of density that might be allowed on that site.

In reviewing the Village's records on this, the 2016 Comp Plan states that "up to 20 dwelling units per acre should be allowed in the business mixed use district". From that perspective the Comp Plan language is advisory in terms of the density that would be allowed within the Zoning Code. Although the Comp Plan would have some flexibility, the actual Zoning Code would need to be amended, as my understanding is that the current zoning of this site would not allow in excess of the 20 units per acre. Based on this, my suggestion would be that if you want to consider this project further, you put together a proposal as to what it is you would like to see done, then submit it for consultation with the Plan Commission, recognizing that a Zoning Code Amendment would likely be necessary if you desire more than 20 units per acre on this site. Whether the Commission (and ultimately, the Board) is willing to do this on that location remains to be seen; hence the reason the Plan Commission consultation would be helpful.

Thank you for your consideration of these comments.

Sincerely,

HIPPENMEYER, REILLY, BLUM,  
SCHMITZER, FABIAN & ENGLISH, S.C.



Mark G. Blum

MGB/jb

Cc: Mr. John Weidl  
Mr. Ben Kohout



Date: August 5, 2020  
To: Village of Mukwonago Plan Commission  
From: Tim Schwecke, AICP, Consulting Planner  
Subject: Proposed amendments to the zoning code with regard to conditional uses  
Meeting: August 12, 2020 Plan Commission meeting

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As part of the zoning code rewrite project, staff is suggesting various changes to the Village's zoning code relating to conditional uses as an interim step before the full code is revised.

These proposed changes are in response to 2017 Act 67 which made significant changes to how conditional uses in the state are reviewed at the local level. Before Act 67, approval or denial rested on the particular circumstances relating to nature of the proposed project (e.g., size, operating conditions, etc.) and surrounding land uses. If approval was granted, conditions were imposed on a case-by-case basis to address issues. Now, approval of a conditional use application is generally assured as long as the petitioner shows they will comply with the municipality's conditions and requirements.

The proposed ordinance includes a variety of changes, those sections with policy implications are summarized below.

|                              |   |
|------------------------------|---|
| Section III                  | Added two definitions to differentiate between the initial approval (the Order) and an administrative review to ensure that any conditions are satisfied before the use is established (the Permit).  |
| Sections IV, V, VI VII, VIII | The current code treats planned unit developments (PUDs) as a conditional use. That has been changed to be consistent with state law. A PUD is essentially a rezoning.  |
| Section X                    | Conditional uses are potentially prohibited on (1) nonconforming lots, (2) lots with nonconforming uses, and (3) lots with existing conditional uses.   |
| Section XII                  | Requires a joint public hearing by the Plan Commission and Village Board. Let's discuss as to the reasons for this potential change.<br><br>Adds a new criterion that can be considered in allowing or denying a conditional use. (subsection k).             |
| Section XIV                  | Describes how conditions can be added as part of an approval.   |
| Section XV                   | Describes how the term of an approval can be set. Let's discuss why the proposed language give the Village additional tools as part of its deliberations.   |
| Section XXI                  | Removes a variety of land uses as a conditional use. Some of these are probably not appropriate in the Village under any circumstance, while the standards for the others are probably inadequate to protect the public interest. AS part of the code rewrite |

**Potential motion:** Direct staff to set a public hearing date for the proposed ordinance and work with the Village Attorney as to final form

**Attachments:**

1. Draft ordinance (unnumbered)



**Village of Mukwonago  
Walworth and Waukesha Counties**

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**ORDINANCE NO.**

**ORDINANCE TO AMEND VARIOUS SECTIONS IN CHAPTER 100 OF THE VILLAGE  
OF MUKWONAGO MUNICIPAL CODE REGARDING CONDITIONAL USES**

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**- DRAFT August 5, 2020 -**

The Village Board of the Village of Mukwonago, Waukesha and Walworth counties, do ordain as follows:

**SECTION I**

Repeal and recreate subsection 100-14(8) to read as follows:

- (8) A building permit shall be granted or denied in writing by the building inspector within 30 days after application. ~~All conditional use permits shall be granted or denied by the board of zoning and building appeals within 60 days after application, unless the time is extended by mutual consent of the applicant and the village.~~ The building permit ~~or conditional use permit~~ shall expire within six months unless substantial work has commenced, and within 18 months if the structure for which the permit was issued is not substantially completed. Any permit issued in conflict with the provisions of this chapter shall be null and void.

**SECTION II**

Revise the following definitions in subsection 100-29 to read as follows:

*Business mixed use development.* In the Village of Mukwonago, business mixed use development with ~~conditional use~~ approval under planned unit development overlay standards applied to specific business districts means a mixture of multi-family residential and business uses allowed on the same property. Business uses may include commercial, retail, service and office activities that are either new or existing. Business mixed use development may be: (1) within a single or multiple buildings within a unified development having business on lower or upper floors and multi-family residential dwelling units on the other floors; or (2) a business or businesses in buildings separate from the multi-family residential buildings with all buildings within a unified development. However, a multi-family development proposal within the area planned for business mixed use overlay within the South Main Street-River Key Area of the Update to Comprehensive Plan 2035, may apply through a planned unit development to be solely residential if conforming to the following criteria:

1. The proposal must be a redevelopment project, meaning the acquisition of property with existing buildings, impervious surface, or infrastructure are to be demolished and repurposed; and
2. The total development proposes less than 100 units of new multi-family; and
3. The proposed development area is directly abutted by an existing commercial development.



Each business mixed use development shall be under the same ownership at the time of application and approval. Nonetheless, after approval and development, the unified development site may be divided into separate ownerships.

*Conditional uses.* Uses of a special nature as to make impractical their predetermination as to a permitted use in a district. ~~A use which is permitted by this chapter, provided that certain conditions are met and that a permit is granted by the board of zoning and building appeals or, where designated, the village board or the planning commission~~

### SECTION III

Add the following definitions to subsection 100-53(1) in alphabetical order:

*Conditional use order.* A written decision issued by the town board that indicates whether the conditional use is approved or denied, and the terms of the approval if so granted. The conditional use may only be established on the subject property when the zoning administrator issues a conditional use permit indicating that all initial conditions of the approval have been satisfied.

*Conditional use permit.* A permit issued by the zoning administrator indicating that the conditional use may be established following a determination that all initial conditions of the conditional use order have been satisfied.

### SECTION IV

Repeal and recreate subsection 100-53(1) to read as follows:

- (1) *Regulatory Intent.* A planned unit development overlay district, as defined under planned unit development in section 100-29, is a regulatory process allowing modifications to a development plan to meet overall community land use goals and density criteria without being bound by exact development standards of an individual zoning district. The process provides a flexible regulatory framework designed to allow developers greater freedom, imagination and flexibility in the development of land while ensuring substantial compliance with the basic intent of the comprehensive plan and zoning code. In the Village of Mukwonago, a planned unit development is an overlay district ~~approved as a conditional use which and~~ does not appear on the municipal zoning map until a planned unit development overlay district is approved for the development site.

### SECTION V

Repeal and recreate subsection 100-53(2) to read as follows:

- (2) *Standards and criteria established.* Each planned unit development overlay district is approved using the procedure for rezoning as a conditional use. ~~Planned unit developments, as defined in section 100-29, are substantially different in character from other conditional uses and for this reason, specific standards and criteria are hereby established to regulate~~



~~each planned unit development overlay district.~~ The following describe general standards and criteria in the use and approval of a planned unit development overlay district.

- (a) A minimum property size of two acres is required for a property owner to request a planned unit development overlay district.
- (b) At time of approval, a planned unit development overlay district shall be in a unified ownership either in a single property or a grouping of properties in the unified ownership. Nothing in the planned unit development overlay district approval shall prevent future land division or sale of all or portions of the development, such as condominium ownership. Approval of a planned unit development overlay district may specify the terms of development phasing and timing of land division or sale.
- (c) The development type allowed in a planned unit development overlay district shall be consistent with the land use descriptions and policies for the subject property of the village comprehensive plan, and shall be approved with an underlying base zoning district. A planned unit development overlay district may be approved with multiple underlying base zoning districts to improve the orderly development of the unified site, or when other underlying base zoning districts must remain pursuant to other requirements, such as a floodplain district.
- (d) Uses permitted in a planned unit development overlay district shall conform to uses permitted in the underlying base zoning district or districts. Individual structures shall comply with the specific building area and height requirements of the underlying base zoning district, except when height regulations of the underlying base zoning district allows flexibility via the planned unit development process. All open space of the underlying base zoning district shall be complied with either individually or by providing the combined open space required for the entire development in one or more locations within the development. However, a planned unit development overlay district approved as a business mixed use overlay district or a village center overlay zoning district shall conform to the standards of that specific overlay district as outlined in this chapter 100.
- (e) All zoning districts allowed in this chapter may be utilized as underlying base zoning district or districts in a planned unit development overlay district, except for residential districts that permit single family development.
- (f) Approval by the village board, with recommendation from the plan commission, shall include a detailed list of allowed modifications from zoning and other Village Municipal Code requirements along with a detailed list of approved development plans. Each planned unit development shall be further regulated by a developer's agreement.

## SECTION VI

Repeal and recreate subsection 100-53(9) to read as follows:

(9) *Application procedure and required information.*

- (a) *Preliminary staff consultation.* A petitioner shall have a preliminary consultation with the village administrator and such other village staff and consultants that the



administrator deems needed and appropriate to conduct a preliminary review of the application.

~~(b) Preliminary plan commission consultation. An applicant may meet with the plan commission for a preliminary consultation prior to formally submitting a conditional use application. The purpose of the preliminary consultation is to discuss the proposed request, review the local regulations and policies applicable to the project, and discuss the land use implications of the proposal.~~

~~(b)(c)~~ Application and general development plan.

1. The applicant shall submit ~~a conditional use~~ application in accordance with the application procedure described in this chapter. In addition to the required information, a general development plan shall be submitted to the plan commission and village board for review.
2. In addition, other documents or related information may be required by the plan commission and village board, which may include, but is not limited to, economic impact and market feasibility studies, soil borings and site environmental analysis.
3. The general development plan and related information shall be available for public inspection prior to any public hearing for ~~conditional use zoning on~~ the proposed project.

## SECTION VII

Repeal and recreate subsection 100-53(11) to read as follows:

(11) *Detailed plans and information.*

- (a) After ~~conditional use zoning approval~~ has been granted based upon the information shown in the general development plan, detailed plans and information covering that portion of the total project which is intended for construction shall be submitted for approval prior to the issuance of a building permit.
- (b) The detailed plans and information shall be submitted to the plan commission for its review and approval at least 30 days prior to the expected date of approval by the plan commission. After approval by the plan commission, all detailed plans and information shall be submitted to the village board along with any written statement of the plan commission findings and recommendations within 45 days. The village board shall approve all detailed plans and information prior to the issuance of a building permit or any other permits.
- (c) The detailed plans and information shall cover that portion of the project which is intended for construction and shall include all data required this chapter.

## SECTION VIII

Repeal and recreate subsection 100-54(2) to read as follows:

- (2) *Approval.* Business mixed use developments shall be approved ~~as a conditional use~~ under planned use development (PUD) standards and procedures of section 100-53. With PUD



approval, a business mixed use development shall not be allowed modifications for the mapped designated locations for business mixed use development, for maximum density or for maximum building height; except as stated for maximum height.

## SECTION IX

Repeal and recreate subsection 100-54(7)(k) to read as follows:

- (k) *Amenities.* Amenities shall be provided to enhance enjoyment of the site by residents of the development and to enhance site aesthetics. While the amount and extent of provided amenities may be determined by the size of the development in terms of land area and allowed number of dwelling units, the plan commission and the village board approval ~~of the conditional use~~ will consider the amount of provided amenities.
1. The types of interior building amenities may include: fitness room(s), club house or community/party room(s), game room(s), secure additional storage room or area for residents, porches/balconies, manned on-site management office, etc.
  2. The types of exterior site amenities may include: natural or paved pedestrian paths, paths and sidewalks connecting to off-site paths or sidewalks, fitness trails, swimming pool and other sports/athletic facilities, outdoor gathering areas, decorative parking lot lighting, a landscape plan beyond the minimum requirements, clearly marked building/unit addresses complimentary to the building design, etc.

## SECTION X

Repeal and recreate section 100-351 to read as follows:

### ~~Sec. 100-351. Permits.~~

~~The village board may authorize the zoning administrator to issue a conditional use permit for conditional uses upon recommendation by the plan commission after review and public hearing by the plan commission as provided in article XIV.~~

### **Sec. 100-351 Applicability and restrictions**

- (a) *General applicability.* Those land uses designated as a conditional use must comply with the requirements in this Article.
- (b) *Limitation due to nonconforming lot.* In the event a lot is classified as a nonconforming lot (e.g., lot area, lot width), all conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the nature of the nonconformity does not affect the appropriateness of the lot for the conditional use. Any such determination in the affirmative shall have no bearing on the Plan Commission's recommendation and/or Village Board's decision under this Article.
- (c) *Limitation due to a nonconforming use on the lot.* In the event a lot has a nonconforming use, all conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, the non-conforming use and a proposed conditional use are compatible. Any



such determination in the affirmative shall have no bearing on the Plan Commission's recommendation and/or Village Board's decision under this Article.

- (d) *Limitation due to existing conditional use on the lot.* In the event a lot has an approved conditional use, all other conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the existing and proposed conditional uses are compatible. Any such determination in the affirmative shall have no bearing on the Plan Commission's recommendation and/or Village Board's decision under this Article.

## SECTION XI

Repeal and recreate section 100-352 to read as follows:

### Sec. 100-352. - Application.

Application for conditional use ~~permits~~ shall be made ~~in duplicate to the zoning administrator~~ on forms ~~maintained~~ by the zoning administrator and shall include the following:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
- (3) Plat of survey prepared by a registered land surveyor, or a sketch drawn to scale and approved by the zoning administrator, showing all of the information required under section 100-14 for a building permit and existing and proposed landscaping.
- (4) All information requested by site plan and architectural review in section 100-601. However, for conditional use applications in an existing structure, the zoning administrator may waive submission requirements.
- (5) The application fee for ~~applications for~~ conditional uses ~~permits~~ shall be set by village board resolution.
- (6) ~~All applications for a Conditional Use Permit must be accompanied by a~~ Plan of Operation that describes in detail, acceptable to the Zoning Administrator, the following characteristics as proposed:
  - a. Hours of operation;
  - b. Number of employees, including both full time equivalents and maximum number of personnel to be on the premises at any time;
  - c. Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate the impacts of these matters on neighboring properties;
  - d. Descriptions of any materials stored outside and any activities, processing or other operations taking place outside of an enclosed building, if otherwise allowed;
  - e. Compliance with the Village's Storm Water Ordinance, Erosion Control Standards where applicable;



- f. Sanitary facilities and private on-site waste transfer systems are in compliance with the requirements of the County agencies with jurisdiction;
- g. Facilities for managing removal of trash, solid waste and recycling materials;
- h. Anticipated daily traffic, including, but not limited to, the types and weights of vehicles, night provisions, necessary intersection and road improvements or other measures proposed to accommodate increased traffic and/or the weight of the vehicles being utilized;
- i. List of hazardous, toxic or explosive materials to be stored on site, if otherwise allowed, and any spill containment, safety or pollution measures which will be put in place for the use; and
- j. Outdoor lighting and measures taken to mitigate light pollution, impacts to neighboring properties.

## SECTION XII

Repeal and recreate section 100-353 to read as follows:

### Sec. 100-353. - Hearings.

The plan commission and village board shall hold a joint public hearing on each application, giving public notice as specified in article XIV of this chapter. The plan commission may subsequently recommend issuance—approval of the conditional use ~~permit~~ with appropriate conditions;or recommend denial ~~of the permit~~ with reasons ~~or require the submittal of a modified application~~. The recommendations shall be forwarded to the village board ~~to approve issuance or denial~~.

## SECTION XIII

Repeal and recreate section 100-352 to read as follows:

### Sec. 100-354. - Review, findings and approval.

- (a) The plan commission shall, as a minimum, review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed plan of operation.
- (b) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required ~~by the board of zoning and building appeals~~ upon itsa finding that these area necessary to fulfill the purpose and intent of this chapter.
- (c) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, shoreland-wetland zoning requirements and highway access, shall be automatically required of all conditional uses. Variances shall only be granted as provided in section 100-808 of this chapter.



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- (d) The plan commission shall recommend approval, denial or conditional approval of all conditional use applications within 60 days of submittal, unless said time frame is extended by written approval of the applicant.
- (e) When recommending approval of the conditional use ~~permit~~, the plan commission shall find that:
- (1) Such use and/or structures are in accordance with the purpose and intent of the zoning district in which it is located.
  - (2) Such use and/or structures are found to be not hazardous, harmful, offensive or adverse to the environment or value of the neighborhood and community.
- (f) The following shall apply to the administration of conditional uses ~~s~~permits:
- (1) If a structure has been granted a conditional use permit, but the conditional use permit was not granted for a specific use, then the specific use shall first gain a conditional use permit prior to occupancy, if such use required a conditional use permit in the zoning district in which property is located.
  - (2) Conditional uses that expand or relocate positions within the same property shall submit a new application to be reviewed under the standards and requirements in effect on the date of the submittal~~gain a new or amended conditional use permit~~.
  - (3) An e~~Existing~~ conditional uses ~~s~~ permits cannot be transferred within the same property or location to another conditional use category; for example from a tavern to a body shop.
  - (4) A c~~Conditional~~ uses ~~s~~ permits in good standing, such as conditional uses that conform to conditions of approval and all municipal codes, shall be allowed to transfer ownership without gaining a new conditional use permit, unless otherwise specified in the approval. The process for amending an approved conditional use order~~a permit~~ shall follow the procedures for granting a permit~~issuance~~.
- (g) Should a permit~~an~~ applicant, his/her heirs or assigns fail to comply with the conditions of ~~the permit~~an approved conditional use order issued by the village board or should the use or characteristics of the use be changed without prior approval by the village board the permit shall be revoked. The process for revoking a permit~~an~~ approval shall generally follow the procedures for granting the permit~~reviewing an application for a new conditional use~~.
- (h) Only complete applications will be accepted. In the event there are any orders pending with respect to the property or the property is in violation of the terms and conditions of the Village Code, or in the event there are fees, special charges for current services or other sums owed by the owner or occupant of the property to the Village, the Application will not be considered until such time as the outstanding fees, costs or assessments are paid and the property is in compliance with Village Ordinances.
- (i) The Village may consult with a person or persons with appropriate expertise as determined by the Village to effectively evaluate a Conditional Use ~~Permit~~ Application. The review that may be conducted by the consultant may include, but not be limited to, peer review of the reports, analysis and opinion of the applicant's consultant or experts. The adequacy of the measures proposed to protect the public health, safety and welfare, as well as the impact of traffic, noise, odors, lighting and containment, the safety or pollution prevention measures necessary to implement the Conditional Use ~~Permit~~. The Village Administrator or his/her designee will select the consultant. The applicant ~~for the Conditional Use Permit~~ shall bear all reasonable



costs and expenses associated with such consultation. The Zoning Administrator shall advise the applicant of the Village's intention to exercise its authority under this section. The applicant may withdraw a pending ~~Conditional Use Permit Application~~application to avoid the incurring of fees under this paragraph until such time as the expert or consultant is retained; after which the applicant shall be responsible for the fees incurred by the expert consultant until the time the Application withdrawn. The Village may postpone action on any ~~Conditional Use Permit~~application until any pending violations of the Village's Municipal Code are resolved and the property owner brings the property to full compliance with applicable standards and any outstanding fees, costs or expenses incurred by the property owner, or any tenant, are paid in full.

- (j) The Plan Commission may require, in its reasonable discretion, a bond or other financial guaranty to dismantle equipment, buildings or structures that may pose a hazard or nuisance after a Conditional Uses ~~Permit is has been~~ abandoned or revoked, unless otherwise required by an applicable State Law or Administrative Code provision. Any bond or financial instrument provided hereunder shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides the Village with written notice of an expiration or termination of the surety's obligation under the bond. The applicant shall remove any equipment or structure placed or erected pursuant to a Conditional Use ~~Permit-order~~ that may pose a hazard or nuisance after the ~~permit is issue has~~ abandoned or revoked not less than thirty days prior to termination or expiration of the bond or financial guaranty. The amount of the surety shall be based upon the estimated cost of the removal of the equipment, building or structure, plus twenty percent.
- (k) ~~The Plan Commission~~ The Plan Commission in making its recommendation and the Village Board in making its decision shall ensure compliance shall require with the following standards ~~for approval to be met in order to approve any Conditional Use Permit Application:~~
- (1) ~~That the~~The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the Village.
  - (2) ~~That the~~The uses, values and enjoyment of other property in the surrounding neighborhood that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
  - (3) The establishment, maintenance or operation of the conditional use is compatible with surrounding properties, whether in the same or different zoning districts. In making this determination, the Plan Commission and Village Board must determine whether the petitioner has demonstrated there are no adverse effects on surrounding properties or that potentially adverse effects have been eliminated or reduced to an acceptable level. Approaches that could be employed to mitigate potentially adverse effects will depend on the particular circumstances but may include (i) adjusting the location of the use, or parts thereof, on the subject property; (ii) limiting hours of operation; (iii) limiting the size or scope of the use, or parts thereof; (iv) controlling how the use is managed on an on-going basis; (v) providing additional landscaping; (vi) providing additional screening; and (vii) limiting operations conducted out-of-doors, if otherwise allowed.
  - (3) ~~That the~~The establishment, maintenance or operation of the conditional use will not impede the normal and ordinary development and improvement of the surrounding



property for uses permitted within the district and/or which are consistent with the standards in the Comprehensive Plan.

- (4) ~~That a~~Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
- (5) ~~That a~~Adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.
- (l) The Plan Commission shall grant approval ~~approve a Conditional Use Permit~~ if the terms and conditions of this ~~Ordinance Article~~ are met. However, in the event the terms and conditions of the ~~Ordinance Article~~ are not consented to and complied with by the applicant, the Commission ~~may reject the Conditional Use Permit~~ shall deny the application. In addition, the Commission may ~~reject deny~~ the Conditional Use ~~Permit Application~~ or place conditions on it if substantial evidence, as defined in Wisconsin Statute §62.23(7) is presented. That evidence shall demonstrate the inability of the applicant to comply with or meet the conditions of this ~~Ordinance Article~~ or that the conditions to be applied by the Plan Commission are necessary to protect the public health, safety or welfare of the community based upon the presentation of substantial evidence.

#### SECTION XIV

Add section 100-355 to the Municipal Code of the Village of Mukwonago as follows:

##### **Sec. 100-355. Special conditions of approval**

- (a) *Generally.* Based on substantial evidence, the Plan Commission may recommend and the Village Board may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare. Examples of such conditions are listed below.

| Issue                        | Potential Condition  |
|------------------------------|--|
| 1. Hours of operation        | Limit hours of operation to hours to be more compatible with surrounding uses.   |
| 2. Buffering                 | Require more of a buffer than what is otherwise required by this chapter. Buffering may include landscaping, walls or fences, berms, and other features to physically separate adjoining uses. |
| 3. Maximum floor area        | Establish a maximum floor area that may be less than what is otherwise allowed.  |
| 4. Maximum number of patrons | Limit the size of the use by establishing maximum patron loads, often by seats and/or tables   |
| 5. Uses within buildings     | Limit commercial uses to the first floor of a multistory building.   |



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|  |   |
|--|---|
| 6. Number and/or location of entrances | Design the site and building so that entrances are located in areas away from adjoining properties.   |
| 7. Outdoor activity                    | Restrict locations and/or times of outdoor activity.  |
| 8. Outdoor storage                     | Establish a maximum area for outdoor storage that may be less than what is otherwise allowed.   |
| 9. Take-out food service               | Prohibit drive-up service windows and/or walk-up service windows in certain areas of the property (e.g., near a residential use). If these are allowed, limitations could be set. |
| 10. Delivery services                  | Prohibit deliver services that entail frequent trips or establish upper limits on the activity.   |
| 11. Signage                            | Prohibit signage in areas of the property that may cause an impact on surrounding areas.  |

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(b) *Limitation on imposing conditions.* A condition of approval shall not lessen a development standard or other requirement in this chapter.

(c) *Effect on contracts with another party.* The review authority shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.<sup>[1]</sup>

**Editorial notes:**

[1] See s. 62.23(7)(gm), Wis. Stats. The Village, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

## **SECTION XV**

Add Section 100-356 to the Municipal Code of the Village of Mukwonago as follows:

### **Sec. 100-356. Term for an approval**

- (a) *Generally.* A conditional use order authorizing a conditional use shall have a 5-year term unless otherwise specified in the conditional use order.
- (b) *Change in term as part of renewal.* If a term is specified in a conditional use order (i.e., the approval is not permanent), the Plan Commission during the renewal process may revise the term to be a longer period (e.g., change renewal from 5 years to 10 years) or make the approval permanent (e.g., remove the renewal requirement from the order).
- (c) *Administrative renewal.* The order may describe an administrative renewal process to allow for streamlined renewal of the conditional use order with a provision that allows the Plan Commission and/or the Village Board to remove the conditional use order from administrative renewal if there are concerns with compliance with the conditional use order or concerns raised by the public about the applicant's operations. If the Plan Commission or the Village Board pulls the conditional use order from administrative renewal, the



conditional use order shall remain in effect while the Plan Commission provides due process to the applicant in reviewing the conditional use order and its potential renewal.

## SECTION XVI

Add Section 100-357 to the Municipal Code of the Village of Mukwonago as follows:

### Sec. 100-357. Effect of approval

- (a) **Generally.** Unless otherwise specified in the conditional use order, approvals run with the land.
- (b) **Temporary uses.** If a conditional use is listed as a temporary use and is approved by the Village Board as a conditional use, the use may be re-established with the written approval of the zoning administrator if he or she determines that the use to be re-established is substantially the same as what was originally approved and that the approved use did not create any potentially adverse impacts on the public health, safety, or welfare.

## SECTION XVII

Add Section 100-358 to the Municipal Code of the Village of Mukwonago as follows:

### Sec. 100-358. Expiration of an approval

- (a) *Non-establishment of use.* If the zoning administrator determines that substantial work as authorized by a conditional use approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval. Upon petition and with cause, the zoning administrator may grant a one-time extension, not to exceed 6 months, provided (1) the permit holder requests the extension prior to the expiration of the approval, (2) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.
- (b) *Cessation of use.* If the zoning administrator determines that a conditional use has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, he or she shall initiate the process to terminate the approval.

## SECTION XVIII

Add Section 100-359 to the Municipal Code of the Village of Mukwonago as follows:

### Sec. 100-359. Amendment of an approved conditional use

Following approval of a conditional use, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this Article. If the



proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

## **SECTION XIX**

Add Section 100-360 to the Municipal Code of the Village of Mukwonago as follows:

### **Sec. 100-360. Appeal**

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

## **SECTION XX**

Add Section 100-361 to the Municipal Code of the Village of Mukwonago as follows:

### **Sec. 100-361. Effect of comprehensive plan**

Pursuant to Wis. Stats. 66.1001(2m)(b), a conditional use approval that may be issued by the Village Board does not need to be consistent with the Village's adopted comprehensive plan.

## **SECTION XXI**

Remove the following land uses from the use table in Section 100-157 and from the use table in Section 100-158. Remove all other references to the following from the remainder of Chapter 100.

1. Correctional facility
2. Broadcasting or recording studio
3. Hazardous materials
4. Helicopter landing facility
5. Live entertainment special event
6. Outdoor racing facility
7. Outdoor storage
8. Power generation plant
9. Processing or recycling of mined materials
10. Railroad switching classification yard, or freight terminal
11. Recreational sport facility, outdoor
12. Sports facility, outdoor (with seating and property over 2 acres)
13. Test track with vehicle sales of light and heavy motor vehicles, on-road recreational vehicles or off-road recreational vehicles



**SECTION XXII**

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

**SECTION XXIII**

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of this Ordinance.

**SECTION XXIV**

This ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Mukwonago, and shall indicate the date and number of this amending ordinance therein.

**PASSED AND ADOPTED** by the Village Board this [REDACTED] day of August 2020.

VILLAGE OF MUKWONAGO

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Fred Winchowky, Village President

Countersigned:

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Diana Dykstra, Village Clerk/Treasurer