

Village of Mukwonago
Notice of Meeting and Agenda

PLAN COMMISSION MEETING
Friday, March 8, 2024

Time: **4:00 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. Public Hearings

All persons interested in making comments about any of the public hearing items will be heard. Formal petitions and written comments regarding any of the public hearing items may be submitted tonight. During the public hearing(s), if you wish to be heard, the Plan Commission asks that you begin by stating your name and address, speak for no more than three minutes and attempt to avoid duplication. Each person speaking at the public hearing must sign the Public Hearing Appearance sign-in sheet before speaking. The sign-in sheet is available on the table located at the back of the room.

- 4.1 Public Hearing for Conditional Use Amendment for a Hall (current use) and Theater (additional use) at 560 Bay View Rd; Parcel MUKV 2010-978-017; Freedom Flamingo, LLC, applicant (Tim and Kris Thelen agents).

[PH Notice - CU Amend 560 Bay View Rd.pdf](#)

5. New Business

Discussion and Possible Action on the Following Items

- 5.1 Discussion and possible recommendation to the Village Board for approval of **RESOLUTION 2024-13** for an Amendment to the Conditional Use Permit for a Hall (current use) and Theater (additional use) by Freedom Flamingo, LLC (Tim and Kris Thelen, agents); 560 Bay View Rd; Parcel MUKV 2010-978-017.

[Staff-CU_-560_Bay_View_Rd.pdf](#)

[Proposed Change: RESOLUTION 2024-13 - 560_Bay_View_CU_Amend_Order.pdf](#)

[Current CUP 560 Bay View Rd - Recorded 2023.pdf](#)

6. Adjournment

Membership:

Eric Brill, John Meiners, Karl Kettner, Mark Penzkover, Tim Rutenbeck, Jason Wamser, Fred Winchowky, and Village Planner Erin Scharf (Advisory)

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.

NOTICE OF PUBLIC HEARINGS
VILLAGE OF MUKWONAGO PLAN COMMISSION

The Village of Mukwonago Plan Commission will conduct a public hearing on Friday, March 8, 2024, for the following:

Conditional Use Amendment for a Hall (current use) and (additional use) Theater located at 560 Bay View Rd (MUKV2010978017), Freedom Flamingo, LLC, applicant (Tim and Kris Thelen, agents).

The meeting will be held in the Board Room of the Village Hall located at 440 River Crest Court, Mukwonago, Waukesha and Walworth counties. The meeting starts at 4:00 pm and the public hearings will be conducted in the order listed on the meeting agenda.

For information regarding these public hearings, contact the Village Planner/Zoning Administrator, at planner@villageofmukwonago.gov or 262-363-6420 *2111 during regular office hours. All interested parties will be heard.

Notice was sent to property owners within 250 feet of the property and surrounding municipality Clerk's within 1000 feet of the Village of Mukwonago boundary.

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aid and services. For additional information or to request this service, please contact Diana Dykstra, at 262-363-6420.

VILLAGE OF MUKWONAGO
Diana Dykstra, Clerk-Treasurer

Legal notice to be published in the *Waukesha Freeman* on February 23 and March 1, 2024



PLANNING COMMISSION

March 8, 2024 at 4:00pm

Mukwonago, WI

CONDITIONAL USE PERMIT AMENDMENT REVIEW

560 Bay View Rd

Parcel Number: MUKV 2010-978-017

Case Summary

Parcel Data

Proposal:	Aimed to allow for Theater Performances
Applicant:	Tim & Kristina Thelen/Freedom Flamingo, LLC
Request:	Conditional Use Permit Amendment
Staff Recommendation:	Approve with Conditions

Parcel Characteristics / Conditions

Acreage:	1.0581
Current Use:	Hall
Proposed Use:	Hall w/ Theater Performance
Reason for Request:	Additional Use
Land Use Classification:	Low Intensity Commercial / Business
Zoning Classification:	B-2 General Business
Census Tract:	2039.01

Public Notice

A public hearing notice was published two times in the Waukesha Freeman, and letters were mailed to surrounding property owners. Public comment as of this date, staff has not received any comments or other communications regarding this proposal.



Site Plan and Architectural Review

Architectural/ Site Review

Site Modifications	No Changes to the site.
Utilities	No modifications at this time.
Stormwater Management	No modifications at this time.
Wetlands	None
Signage	None
Parking	No modifications at this time.
Landscaping	No modifications at this time.
Trash Enclosure	No modifications at this time.
Fencing	No modifications at this time.
Outdoor Lighting	No modifications at this time.
Misc. Performance Standards	None

Staff Review

Engineering	No concerns
Public Works	No concerns
Utilities	No concerns
Police	No concerns
Fire	99 or less with all occupants (including performers, staff, and audience) or suppression would be required.
Building Inspection	No concerns
Planning	34 On-site spaces for the 99 occupants allowed is sufficient, which is unchanged from when LifePoint was there.

The Village Players are a local group of performers who have been in the Village for 52 seasons.

Previously they have held their performances at The Black Box Theater which held a conditional use permit for this type of use. They have also performed at the Greenwald Performance Center at the High School which also is incorporated in the schools' operations.

They inquired about an alcohol license with the Clerk's office on 2/15/24, and this was referred to the Planning/Zoning office to see if the current conditional use and occupancy type allowed for theater performances. The current conditional use and occupancy type do not allow for this in the B-2 district, hence the request for an amendment. The Village Players and Thelen's were not aware that they needed a conditional use permit. The code does not allow temporary uses either, which was explored.

The Planner notified the current tenant (Thelen's) that this was not allowed under their conditional use on 2/19/24 upon return from vacation.

On 2/21/24, the Planner, Fire Chief and Clerk/Interim Administrator met onsite with the Thelen's daughter. A follow-up email was sent with the next steps when they confirmed that they wanted to move forward with the amendment to their Conditional Use Permit.

We were asked to hold a special meeting to avoid them having to cancel performances. We were able to meet the public hearing and notice requirements per our code, in order to hold the special meeting.

Conditional Use Request

The applicant is requesting use of the former Lifepoint Church as a Hall for funeral home patrons, other small events (current use) and theater performances (additional use). No interior or exterior alterations are being proposed at this time.

Staff has reviewed the use and determined this meets the conditional use criteria for the B-2 Zoning District.

1. 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. 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 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. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
5. 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.

In addition, the tenant has shown compliance with the requirements set forth in the Village's zoning regulations for the specified use.

Recommendation

Conditional Use

Staff Recommends the Planning Commission recommend to the Village Board approval of a conditional use permit as set forth in the attached resolution.

To – Grant a Conditional Use Amendment permit for Hall and Theater following on going conditions deemed necessary to protect the health, safety, and welfare

1. **Ongoing conditions of approval.** The following conditions shall constitute an ongoing obligation:

Hall Operation for funeral services and other small events:

- a. No changes to the site.
- b. All activities contained indoors.
- c. No alcohol on premise without proper licensing.
- d. The hours of operation shall be 9am-8pm.

Theater Operation:

- b. No changes to the site.
- c. All activities contained indoors.
- d. No alcohol on premise without proper licensing.
- e. The hours of operation shall be 12pm-9pm.

- f. Occupancy Capacity shall not exceed 99 occupants (including performers, audience and other staff) on premise.

and determining that the conditions are consistent with Section 100-354 of Mukwonago's zoning regulations:

1. 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. 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 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. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
5. 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.

Attachments

1. Conditional Use Order

RESOLUTION 2024-13

Village of Mukwonago Order Granting a Conditional Use Amendment and Prescribing Conditions

WHEREAS, Timothy and Kristina Thelen of Freedom Flamingo, LLC (hereinafter "leasee") lease the property located at 560 Bay View Rd (hereinafter "subject property") in the Village of Mukwonago, more particularly described as follows:

PARCEL 1 CERT SURV 6616 VOL 55/91 REC AS DOC# 1687997 PT NE1/4 & NW1/4 SEC 35 T5N R18E :: DOC# 4254854; and

WHEREAS, the tenant has, consistent with the Village of Mukwonago's zoning code, submitted a conditional use application for a Hall and Theater – Freedom Flamingo LLC, occupant; and

WHEREAS, upon receipt of the petition submitted by the property owner/operator, the Village Clerk properly referred such petition to the Plan Commission; and

WHEREAS, allowing for required public notice, the Plan Commission conducted a public hearing on March 8, 2024 to consider the petitioner's request; and

WHEREAS, members of the public in attendance were given ample opportunity to provide comment regarding the petitioner's request; and

WHEREAS, the Plan Commission passed a motion recommending to the Village Board that the conditional use amendment be approved subject to certain conditions; and

WHEREAS, the Plan Commission, in passing on the matter, has made the following determinations consistent with Section CODE of Mukwonago's zoning code:

1. The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
2. The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
3. The proposed conditional use, in its proposed location and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use would maintain the desired consistency of land uses, land use intensities,

Return to:

Diana Dykstra, Village Clerk
Village of Mukwonago
440 River Crest Ct
Mukwonago, WI 53149

Parcel Number: MUKV 2010-978-017

and land use impacts as related to the environs of the subject property.

5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

In addition, the petitioner has shown compliance with the requirements set forth in the Village's zoning code for the specified use.

WHEREAS, the Village Board has carefully reviewed the recommendation of the Plan Commission and concurs with the Plan Commission's findings set forth above, provided the conditional use is operated pursuant to the conditions of approval set forth in this order.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

1. **Authorized uses.** Subject to the terms and conditions of this approval and the sections of the zoning code that apply, the tenant is authorized to operate a Hall (current use) and Theater (additional use) as set forth herein and as specified in the Village's zoning code. This approval is strictly limited to the existing building on the subject property.

2. **Issuance of permit required.** The Zoning Administrator is authorized to issue the property owner/tenant a conditional use permit when all conditions enumerated in section 3 have been satisfied to his or her satisfaction. Such permit is the last approval before the property owner can begin to establish the use as authorized herein.

3. **Initial conditions of approval.** The following conditions shall be satisfied prior to the issuance of the conditional use permit:

- a. The building inspector shall inspect the building and ensure that it complies with all applicable building codes.
- b. The tenant is required to accept the terms and conditions of this conditional use amendment order in its entirety in writing. If the property the tenant do not sign this instrument and return it to the Village Administrator within 4 months of approval, this order is null and void. Prior to such expiration, the tenant may request an extension to this time period and the Village Administrator may approve an extension with good cause.
- c. This order must be recorded against the subject property in the Waukesha County register of deeds office (only if subsections 3(a) through 3(b) have been satisfied).

In the event that any of the above conditions are not satisfied within 9 months of the date of this approval, this order shall be null and void without any further action by the Village of Mukwonago.

4. **Ongoing conditions of approval.** The following conditions shall constitute an ongoing obligation:
Hall Operation for funeral services and other small events:

- a. No changes to the site.
- b. All activities contained indoors.
- c. No alcohol on premise without proper licensing.
- d. The hours of operation shall be 9am-8pm.

Theater Operation:

- b. No changes to the site.
- c. All activities contained indoors.

- d. No alcohol on premise without proper licensing.
- e. The hours of operation shall be 12pm-9pm.
- f. Occupancy Capacity shall not exceed 99 occupants (including performers, audience and other staff) on premise.

5. **Expansion or changes.** The conditional use hereby authorized shall be confined to the subject property without extension or expansion. Any expansion or change in use shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

6. **Modification of property boundary lines.** The property owner shall not change the size and/or shape of the subject property by any means without the approval of the Village Board. If the Village Board determines that a proposed change is substantial with regard to the overall size of the parcel and/or configuration, such change shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

7. **Plans and related matters.** Unless otherwise expressly stated herein, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the amendment to be minor and consistent with the conditional use order and permit. Any change in any plan that the Plan Commission feels, in its sole discretion to be substantial, shall require a new approval and all procedures in place at the time must be followed.

8. **Inspection.** The property owner shall allow Village of Mukwonago staff, officials, and other authorized agents to inspect the subject property, at any reasonable time and for any proper purpose related to compliance with this conditional use order.

9. **Discontinuance.** Should the conditional use be discontinued in use for 365 consecutive days the use shall be terminated as set forth in the Village of Mukwonago's zoning regulations.

10. **Private rights.** This approval is given under the Village of Mukwonago's zoning regulations and is not to be interpreted to abrogate any private rights other property owners may have pursuant to deed restrictions or restrictive covenants.

11. **Interpretation.** If any aspect of this conditional use order is in conflict with any other aspect of the conditional use order, the more restrictive provisions shall be controlling, as determined by the Plan Commission.

12. **Other permits.** This order shall not be deemed to constitute a building permit, or constitute any other license or permit required by Village ordinance, or other local, state, or federal law.

13. **Severability.** In the event a court of competent jurisdiction determines that a paragraph or phrase of this conditional use order is unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use order and the remainder shall continue in full force and effect.

14. **Heirs, successors, and assigns.** This conditional use order shall be binding upon the property owner and their heirs, successors, and assigns. Upon a change in ownership, the property owner shall notify the Village Clerk or if the owner leases the space to another tenant.

15. **Ongoing review.** This conditional use may be reviewed by the Plan Commission with notice to the property owner at any time upon complaint or upon Plan Commission initiative. If it is determined that the authorized use is no longer compatible, or that the provisions of this approval have not been complied with, the Village Board may revoke or amend this order after recommendation by the Plan Commission and holding of a public hearing.

16. **Amendment.** The property owner may propose an amendment to this conditional use order at anytime by submitting a written petition to the Village Clerk, which shall be reviewed pursuant to the requirements in effect at the time of application.

17. **Violation.** Any violation of this order may be treated as a violation of Mukwonago's zoning regulations and each day of each violation of each condition herein shall be treated as a separate violation.

Approved this 8th day of March, 2024

BY THE VILLAGE BOARD OF THE VILLAGE OF MUKWONAGO

Fred Winchowky, Village President

Attest:

Diana Dykstra, Village Clerk

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

Personally came before me this ____ day of _____ 2024, the persons described above, Fred Winchowky, Village President, and Diana Dykstra, Village Clerk, to me known to be the persons who executed the foregoing instrument and to me known to be such Village President and Village Clerk of the Village of Mukwonago and acknowledged that they executed the foregoing instrument as such officers of said municipal corporation by its authority and pursuant to the authorization by the Village Board from their meeting on the 8th day of March, 2024.

NOTARY PUBLIC

My Commission Expires:

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Acceptance by Tenant

I, Timothy & Kristina Thelen, the undersigned accept the terms stated herein.

Dated this _____ day of _____, 2024

Timothy Thelen

Kristina Thelen

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

Personally, came before me this _____ day of _____, 2024, the above-named persons, Timothy and Kristina Thelen, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC

My Commission Expires:

RESOLUTION 2023-30

Village of Mukwonago Order Granting a Conditional Use and Prescribing Conditions

WHEREAS, Timothy and Kristina Thelen of Freedom Flamingo, LLC (hereinafter "lessee") lease the property located at 560 Bay View Rd (hereinafter "subject property") in the Village of Mukwonago, more particularly described as follows:

PARCEL 1 CERT SURV 6616 VOL 55/91 REC AS DOC# 1687997 PT NE1/4 & NW1/4 SEC 35 T5N R18E: DOC# 4254854; and

WHEREAS, the lessee has, consistent with the Village of Mukwonago's zoning code, submitted a conditional use application for a Hall – Freedom Flamingo LLC, occupant; and

WHEREAS, upon receipt of the petition submitted by the property owner/operator, the Village Clerk properly referred such petition to the Plan Commission; and

WHEREAS, allowing for required public notice, the Plan Commission conducted a public hearing on July 11, 2023 to consider the petitioner's request; and

WHEREAS, members of the public in attendance were given ample opportunity to provide comment regarding the petitioner's request; and

WHEREAS, the Plan Commission passed a motion recommending to the Village Board that the conditional use be approved subject to certain conditions; and

WHEREAS, the Plan Commission, in passing on the matter, has made the following determinations consistent with Section CODE of Mukwonago's zoning code:

1. The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
2. The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
3. The proposed conditional use, in its proposed location and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use would maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public

4730086

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

July 26, 2023 03:57 PM
James R Behrend
Register of Deeds

5 PGS
TOTAL FEE:\$30.00
TRANS FEE:\$0.00

Book Page -



Return to:

Diana Dykstra, Village Clerk
Village of Mukwonago
440 River Crest Ct
Mukwonago, WI 53149

Parcel Number: MUKV 2010-978-017

agencies serving the subject property.

6. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

In addition, the petitioner has shown compliance with the requirements set forth in the Village's zoning code for the specified use.

WHEREAS, the Village Board has carefully reviewed the recommendation of the Plan Commission and concurs with the Plan Commission's findings set forth above, provided the conditional use is operated pursuant to the conditions of approval set forth in this order.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

1. **Authorized uses.** Subject to the terms and conditions of this approval and the sections of the zoning code that apply, the property owner/tenant are authorized to operate a contractor shop/showroom as set forth herein and as specified in the Village's zoning code. This approval is strictly limited to the existing building on the subject property.
2. **Issuance of permit required.** The Zoning Administrator is authorized to issue the property owner/tenant a conditional use permit when all conditions enumerated in section 3 have been satisfied to his or her satisfaction. Such permit is the last approval before the property owner can begin to establish the use as authorized herein.
3. **Initial conditions of approval.** The following conditions shall be satisfied prior to the issuance of the conditional use permit:
 - a. The building inspector shall inspect the building and ensure that it complies with all applicable building codes.
 - b. The property owner is required to accept the terms and conditions of this conditional use order in its entirety in writing. If the property owner and the tenant do not sign this instrument and return it to the Village Administrator within 4 months of approval, this order is null and void. Prior to such expiration, the property owner may request an extension to this time period and the Village Administrator may approve an extension with good cause.
 - c. This order must be recorded against the subject property in the Waukesha County register of deeds office (only if subsections 3(a) through 3(b) have been satisfied).

In the event that any of the above conditions are not satisfied within 9 months of the date of this approval, this order shall be null and void without any further action by the Village of Mukwonago.

4. **Ongoing conditions of approval.** The following conditions shall constitute an ongoing obligation:
 - a. No changes to the site.
 - b. All activities contained indoors.
 - c. No alcohol on premise without proper licensing.
 - d. The hours of operation shall be 9am-8pm.
5. **Expansion or changes.** The conditional use hereby authorized shall be confined to the subject property without extension or expansion. Any expansion or change in use shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.
6. **Modification of property boundary lines.** The property owner shall not change the size and/or shape of the subject property by any means without the approval of the Village Board. If the Village Board determines that a proposed change is substantial with regard to the overall size of the parcel and/or configuration, such

change shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

7. **Plans and related matters.** Unless otherwise expressly stated herein, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the amendment to be minor and consistent with the conditional use order and permit. Any change in any plan that the Plan Commission feels, in its sole discretion to be substantial, shall require a new approval and all procedures in place at the time must be followed.

8. **Inspection.** The property owner shall allow Village of Mukwonago staff, officials, and other authorized agents to inspect the subject property, at any reasonable time and for any proper purpose related to compliance with this conditional use order.

9. **Discontinuance.** Should the conditional use be discontinued in use for 365 consecutive days the use shall be terminated as set forth in the Village of Mukwonago's zoning regulations.

10. **Private rights.** This approval is given under the Village of Mukwonago's zoning regulations and is not to be interpreted to abrogate any private rights other property owners may have pursuant to deed restrictions or restrictive covenants.

11. **Interpretation.** If any aspect of this conditional use order is in conflict with any other aspect of the conditional use order, the more restrictive provisions shall be controlling, as determined by the Plan Commission.

12. **Other permits.** This order shall not be deemed to constitute a building permit, or constitute any other license or permit required by Village ordinance, or other local, state, or federal law.

13. **Severability.** In the event a court of competent jurisdiction determines that a paragraph or phrase of this conditional use order is unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use order and the remainder shall continue in full force and effect.

14. **Heirs, successors, and assigns.** This conditional use order shall be binding upon the property owner and their heirs, successors, and assigns. Upon a change in ownership, the property owner shall notify the Village Clerk or if the owner leases the space to another tenant.

15. **Ongoing review.** This conditional use may be reviewed by the Plan Commission with notice to the property owner at any time upon complaint or upon Plan Commission initiative. If it is determined that the authorized use is no longer compatible, or that the provisions of this approval have not been complied with, the Village Board may revoke or amend this order after recommendation by the Plan Commission and holding of a public hearing.

16. **Amendment.** The property owner may propose an amendment to this conditional use order at anytime by submitting a written petition to the Village Clerk, which shall be reviewed pursuant to the requirements in effect at the time of application.

17. **Violation.** Any violation of this order may be treated as a violation of Mukwonago's zoning regulations and each day of each violation of each condition herein shall be treated as a separate violation.

Approved this 19th day of July, 2023

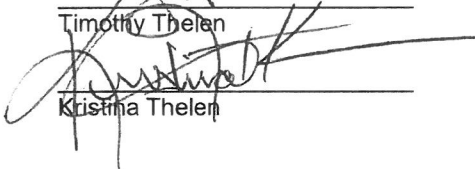
Acceptance by Lessee

I, Timothy & Kristina Thelen, the undersigned accept the terms stated herein.

Dated this 20 day of July, 2023



Timothy Thelen

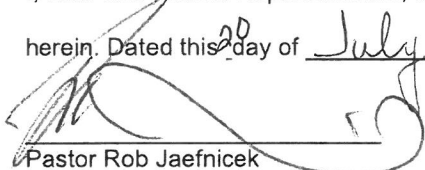


Kristina Thelen

Acceptance by Property Owner

I, LifePoint Church Representative, the undersigned accept the terms stated

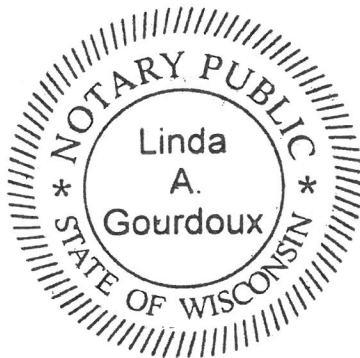
herein. Dated this 20 day of July, 2023



Pastor Rob Jaefnicek

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

Personally, came before me this 20 day of July, 2023, the above-named persons, Timothy and Kristina Thelen, to me known to be the persons who executed the foregoing instrument and acknowledged the same.



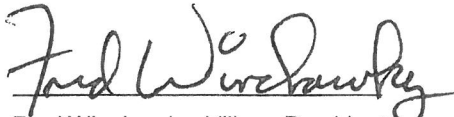


NOTARY PUBLIC

May 28, 2025
My Commission Expires:

Drafted by Erin Scharf, Community Planner/Zoning Administrator, at the direction of the Mukwonago Village Board.

BY THE VILLAGE BOARD OF THE VILLAGE OF MUKWONAGO


Fred Winchowky, Village President

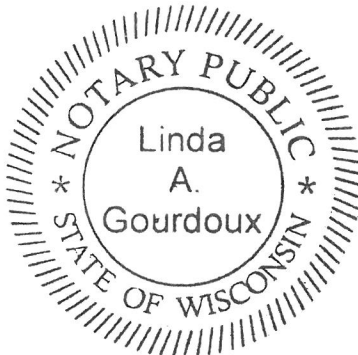


Attest:


Diana Dykstra, Village Clerk

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

Personally came before me this 19 day of July 2023, the persons described above, Fred Winchowky, Village President, and Diana Dykstra, Village Clerk, to me known to be the persons who executed the foregoing instrument and to me known to be such Village President and Village Clerk of the Village of Mukwonago and acknowledged that they executed the foregoing instrument as such officers of said municipal corporation by its authority and pursuant to the authorization by the Village Board from their meeting on the 19th day of July, 2023.




NOTARY PUBLIC

May 28, 2025
My Commission Expires:

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