

Village of Mukwonago
Notice of Meeting and Agenda

PLAN COMMISSION MEETING
Tuesday, July 13, 2021

Time: **6:30 pm**

Place: **Mukwonago Municipal Building, Board Room, 440 River Crest Ct, Mukwonago, WI 53149**

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 June 8, 2021 minutes.
[20210608 PlanCommissionMinutesdraft.pdf](#)

5. 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.

- 5.1 Public Hearing to consider a request for a Tavern and Outdoor Seating with Food and Drink Service, with a permitted or conditional use pursuant to Section 100-351, 100-152(F)(2) and 100-157 of the Village's Zoning Ordinance.
[Public Hearing Notice PC -CU - 326 Atkinson Street.pdf](#)
- 5.2 Public Hearing to consider the proposed amendment of the boundaries and Project Plan for Tax Incremental District No. 5.
[TIF Plan PH Notice.pdf](#)
[Draft Project Plan v1 2021.7.6.pdf](#)

6. New Business

Discussion and Possible Action on the Following Items

- 6.1 Discussion and possible recommendation to the Village Board **RESOLUTION 2021-61** for Tavern and Outdoor Seating with Food and Drink Service for Jeffery Royal Jay (Jay's Lanes Inc.), applicant; 326 Atkinson Street, Parcel Number: MUKV 1976-098.
[Staff Report - CU-SPAR - 326 Atkinson Street - MUKV1976098.pdf](#)
[RESOLUTION 2021-61 - CU - 326 Atkinson Street - MUKV1976098.pdf](#)
- 6.2 Discussion and possible recommendation to Village Board **RESOLUTION 2021-62** for Site Plan and Architectural Review for outdoor dining Jeffery Royal Jay (Jay's Lanes, Inc.), applicant; 326 Atkinson St; Parcel MUKV 1976-098.
[RESOLUTION 2021-62 - SPAR - 326 Atkinson Street - MUKV1976098.pdf](#)
- 6.3 Discussion and possible recommendation to Village Board **RESOLUTION 2021-59** to approve a Site Plan and Architectural Review for a garage addition; American Legion, applicant; 627 E Veterans Way; Parcel MUKV 1964-991-001.
[Staff Report - SPAR- American Legion Post 627 E Veterans Way.pdf](#)
[RESOLUTION 2021-59 - SPAR - 627 E VETERNANS WAY.pdf](#)
- 6.4 Discussion and possible recommendation to Village Board **RESOLUTION 2021-58** to approve a 2-Lot Certified Survey Map drafted on 6-11-2021 by Kevin A. Slottke subject to documentation of Town Board approval. Scott and Courtney Babinat, applicant; Parcel MUKT 2005-102-001, MUKT 2005-143-003, and MUKT 2005-143-002.
[Staff Report - ETR CSM -Babinat - SMUKT2005143003, 205143002 205102001.pdf](#)
[RESOLUTION 2021-58 - ETR CSM -Babinat.pdf](#)
- 6.5 Discussion and possible recommendation to the Village Board on **Ordinance 996** to Amend the District Zoning Map of the Village of Mukwonago on behalf of the Village of Mukwonago, applicant; for property owned by Wendell Shultz and Daniel Schultz Parcel Number: #VM 00018 and #VM 00017A.
[Staff Report - Shultz - Rezoning - VM 00018 and VM 00017A.pdf](#)
[ORDINANCE 996-Amend Zoning Map-Shultz - Rezoning - VM 00018 and VM 00017A.pdf](#)
[Ordinance Exhibit A.pdf](#)
[Ordinance Exhibit B.pdf](#)
- 6.6 Consideration and possible action on "Resolution Designating Proposed Amended Boundaries and Approving a Project Plan Amendment for Tax Incremental District No. 5, Village of Mukwonago, Wisconsin".
[Draft Project Plan v1 2021.7.6.pdf](#)
[PC Resolution - Amendment.pdf](#)
- 6.7 Discussion and update regarding Articles 1-4 and Article 5 of the draft Zoning and Sign Code rewrite.
[Memo #2 - Articles 1-4 Draft.pdf](#)

[Memo #3 - Article 5 Draft.pdf](#)

6.8 Discussion and update regarding concepts regarding for the Sign Code rewrite.

[Memo #4.pdf](#)

7. Adjournment

Membership:

Jason Wamser, James Decker, Mark Penzkover, Karl Kettner, Fred Winchowky, Tim Rutenbeck, and John Fellows (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.

MINUTES OF THE PLAN COMMISSION MEETING

Tuesday, June 8, 2021

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
Eric Brill
Mark Penzkover
Karl Kettner

Commissioners excused: Robert Harley

Also present: John Fellows, Village Planner
Linda Gourdoux, Deputy Clerk/Treasurer

Comments from the Public

Opened at 6:31 pm

David Boebel; 815 Parkview Ln; Spoke against parking and access points on Main St for Espresso Love

Debbie Kuske; 157 Lake St; Spoke against new dumpster enclosure at 309/315 Gibson St

Closed at 6:38 pm

Minutes

Motion made by Decker/Brill to approve the minutes of the May 11, 2021 meeting, carried.

Public Hearings

Public Hearing to consider a request for a Car Wash, with a permitted or Conditional Use as a conditional use Carl Goede, Rivers Edge Car Wash, applicant; 809 S Rochester St; Parcel MUKV 2009-978-004.

Opened at 6:38 pm

Carl Goede, owner/applicant, spoke on his request being in response to COVID and limiting access to who is inside cars.

Closed at 6:41 pm

New Business

Discussion and possible recommendation to Village Board RESOLUTION 2021- 53 to approve a Conditional Use for 809 S Rochester Street, for Carl Goede / Rivers Edge Car Wash; Parcel MUKV 2009-978-004.

Fellows gave overview of project

Motion made by Decker/Penzkover to approve **RESOLUTION 2021-53** a Resolution to approve Conditional Use for 809 S Rochester Street, for Carl Goede / Rivers Edge Car Wash; Parcel MUKV 2009-978-004, carried

Discussion and possible recommendation of RESOLUTION 2021-54 for Site Plan and Architectural Review for Car Wash; Carl Goede/Rivers Edge Care Wash, applicant; 809 S Rochester St; Parcel MUKV 2009-978-004.

Fellows gave overview of project

Carl Goede presented a petition containing 241 signatures in favor of his changes.

Motion by Decker/Brill to approve **RESOLUTION 2021-54** a Resolution to approve Site Plan and Architectural Review for Car Wash; Carl Goede/Rivers Edge Care Wash, applicant; 809 S Rochester St; Parcel MUKV 2009-978-004, carried

Discussion and possible recommendation to Village Board on RESOLUTION 2021-48 for Site Plan and Architectural Review for Village of Mukwonago, applicant; 1111 Fox Street; Parcel MUKV 1969-989.

Fellows gave overview of project

Motion by Decker/Kettner to approve **RESOLUTION 2021-48** a Resolution to approve Site Plan and Architectural Review for Village of Mukwonago, applicant; 1111 Fox Street; Parcel MUKV 1969-989, carried.

Discussion and possible recommendation to Village Board RESOLUTION 2021- 47 to approve a land division for a two lot Certified Survey Map (CSM), 322 Plank Road, for Ryan Jansen / Ryan's Buying; Parcel MUKV 1976-998.

Fellows gave overview of project.

Motion by Decker/Penzkover to approve **RESOLUTION 2021-47** a Resolution to approve a land division for a two lot Certified Survey Map (CSM), 322 Plank Road, for Ryan Jansen / Ryan's Buying; Parcel MUKV 1976-998, carried

Discussion and possible recommendation to Village Board RESOLUTION 2021- 51 to approve a Site Plan and Architectural Review, 301 Main Street, for David A. and Tracy A. Stockwell / Espresso Love Coffee; Parcel MUKV 1976-128.

Fellows gave overview of project

Motion by Decker/Brill to approve **RESOLUTION 2021-51** a Resolution to approve Site Plan and Architectural Review, 301 Main Street, for David A. and Tracy A. Stockwell / Espresso Love Coffee; Parcel MUKV 1976-128, carried

Roll Call: "Yes" Commissioner Brill, Decker, Kettner, Wamser, Winchowky; "Abstain" Commissioner Penzkover

Discussion and possible recommendation to Village Board RESOLUTION 2021- 49 to approve a Site Plan and Architectural Review (Lighting), LOT 2 CERT SURV 9620 at Arrowhead Drive, for Goodwill Industries; Parcel MUKV2015-997-010.

Fellows gave overview of project

Deckow gave presentation on light options

Koehnke, attorney, gave overview of light options

Tellez gave overview of light options

Motion by Decker/Penzkover to approve **RESOLUTION 2021-49** a Resolution to approve Site Plan and Architectural Review (Lighting), LOT 2 CERT SURV 9620 at Arrowhead

Drive, for Goodwill Industries; Parcel MUKV2015-997-010, carried with the condition of #11 being updated with the approved lighting pole, straight arm and bell light housing.

Discussion and possible recommendation to Village Board RESOLUTION 2021-52 to approve Site Plan and Architectural Review for IMPACT MUKWONAGO LLC, applicant; 309 and 315 Gibson St; Parcel MUKV 1976-128.

Fellows gave overview of project

Motion by Decker/Penzkover to approve RESOLUTION 2021-52 a Resolution to approve Site Plan and Architectural Review for IMPACT MUKWONAGO LLC, applicant; 309 and 315 Gibson St; Parcel MUKV 1976-128, carried

Roll Call: "Yes" Commissioner Brill, Decker, Penzkover, Wamser; "No" Commissioner Kettner, Winchowky

Adjournment

Meeting adjourned at 7:28 p.m.

Respectfully Submitted,
Linda Gourdoux
Deputy Clerk/Treasurer

**NOTICE OF PUBLIC HEARING BEFORE THE VILLAGE OF MUKWONAGO
PLAN COMMISSION TO CONSIDER A CONDITIONAL USE APPLICATION FOR
A TAVERN AND OUTDOOR SEATING WITH FOOD AND DRINK SERVICE AT
326 ATKINSON STREET, PARCEL MUKV 1976-098.**

Please take notice there will be a public hearing before the Village of Mukwonago Plan Commission in the Board Room of the Village Hall, 440 River Crest Court, Mukwonago, Waukesha and Walworth Counties, on Tuesday, July 13th, 2021, commencing at 6:30 P.M. or soon thereafter to consider the following matter:

REGARDING: Consider a request for A Tavern and Outdoor Seating with Food and Drink Service, with a permitted or conditional use as a conditional use pursuant to Section 100-351, 100-152(F)(2) and 100-157 of the Village's Zoning Ordinance

TAX KEY/LOCATION: MUKV1976098; 326 Atkinson Street

APPLICANT: Jay's Lanes Inc.

LEGAL DESCRIPTION: PT LOT 7 BLK 7 ORIGINAL PLAT EX VOL 326/305 ALSO
PARCEL 1 CERT SURV 21/345 R282/1158

The meeting/public hearing may be held online via Zoom if so information will be indicated on the meeting agenda.

The proposal may be viewed at Village Hall, 440 River Crest Court, Mukwonago, WI during business hours, or by contacting John Fellows, AICP, Village Planner at (262) 363-6420 x. 2111, or at planner@villageofmukwonago.com.

All interested parties will be heard. Written comments will be accepted up to the time of the hearing. For more information, please contact the village planner at (262) 363-6420 x. 2111, or at jfellows@villageofmukwonago.com.

Diana Dykstra, Clerk-Treasurer

To be published: June 22nd & June 29th, 2021.

NOTICE OF PUBLIC HEARING AND JOINT REVIEW BOARD MEETING IN THE VILLAGE OF MUKWONAGO, WISCONSIN

Notice is Hereby Given that the Village of Mukwonago will hold an organizational Joint Review Board meeting on July 13, 2021 at 1:00 p.m.

The purpose of this meeting is to organize a Joint Review Board for purposes of considering the proposed amendment of the boundaries and Project Plan for Tax Incremental District No. 5 (the "District").

The purpose of the meeting is to also to review the annual reports and the performance and status of each Tax Incremental District governed by the Joint Review Board as required by Wis. Stat. § 66.1105(4m)(f).

Notice is Hereby Given that the Plan Commission of the Village of Mukwonago will hold a public hearing on July 13, 2021 at 6:30 p.m. for the purpose of providing the community a reasonable opportunity to comment upon the proposed amendment of the boundaries and Project Plan of the District.

The meeting will be held at the Mukwonago Village Hall, located at 440 River Crest Ct.

The proposed amendment is to add additional territory to the existing District's boundaries, and to amend the Project Plan to update and/or provide for the undertaking of additional expenditures. The proposed boundaries to be added to the original District boundary would be within an area generally described as detailed on the map inset.

The amendments to the proposed additional and updated projects costs of approximately \$68 million above the originally projected project total of \$12.5 million. Additional project costs may include, but are not limited to: property acquisition for development, property acquisition for conservancy, acquisition of rights-of-way, acquisition of easements, relocation costs, environmental audits and remediation, demolition, site grading, sanitary sewer system improvements, water system improvements, stormwater management system improvements, electric service, gas service, communications infrastructure, street improvements, streetscaping and landscaping, revolving loan/grant program, rail spur, cash grants to owners, lessees or developers of land located within the district (development incentives), professional and organizational services, administrative costs, and finance costs. The proposed costs include projects within the proposed boundary and within a ½ mile radius of the proposed boundary of the District.



All interested parties will be given a reasonable opportunity to express their views on the proposed amendment of the District, the proposed projects and amended boundaries of the District, and the proposed Project Plan thereof. A copy of the Project Plan, including a description of the proposed amended boundaries, will be available for viewing in the offices of the Village Clerk at the Mukwonago Village Hall, located at 440 River Crest Ct. AND (<https://villageofmukwonago.com/government/agendas-minutes>), during normal business hours and will be provided upon request.

The meeting is open to the public. Copies of the annual reports will be available for viewing in the offices of the Village Clerk at the Mukwonago Village Hall, located at 440 River Crest Ct., (<https://villageofmukwonago.com/>), during normal business hours and will be provided upon request.

Such hearing shall be public and citizens and interested parties shall then be heard. This hearing may be adjourned from time to time.

By Order of the Village of Mukwonago, Wisconsin

July 6, 2021

DRAFT Project Plan Amendment
Tax Incremental District No. 5

Village of Mukwonago, Wisconsin

Organizational Joint Review Board Meeting Held:	July 13, 2021
Public Hearing Held:	July 13, 2021
Approval by Plan Commission:	July 13, 2021
Adoption by Village Board:	July 21, 2021
Approval by the Joint Review Board:	TBD

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SECTION 1:

Executive Summary

Description of District

Tax Incremental District (“TID”) No. 5 (“District”) is a 116.65-acre Industrial District created on February 28, 2018. The District was created to:

- Facilitate the development of a new Village industrial park on a parcel that was previously agricultural land (Sugden site).
- Help build industrial capacity within the Village after filling the previously existing industrial park.

Purpose of Amendment

The purpose of this amendment, referred to hereafter as the Plan, the Amendment, or the Plan Amendment, is to:

- Add territory to the District as permitted under Wis. Stat. § 66.1105(4)(h)2. This is the first of four permitted territory amendments available to the District. The added territory will serve to expand the Village industrial park created in the initial phases of TID #5.
- Amend the categories, locations or costs of project costs to be made as permitted under Wis. Stat. § 66.1105(4)(h)1. (“Project”).

Estimated Total Project Cost Expenditures

The Village anticipates making total expenditures of approximately \$80 million (“Project Costs”) to undertake the projects listed in this Project Plan (“Plan”). The original project plan included expenditures of \$11.2 million. The new estimated amount includes an adjustment for costs related to Phases I and II along with an additional \$48 million for Phase III. Project Costs include an estimated \$10 million in land acquisition costs, \$12 million infrastructure costs and related debt service.

Incremental Valuation

The Village projects that new land and improvements value of approximately \$137 million will result from the Project (\$47 million related to Phases I and II, and \$90 million related to Phase III). Creation of this additional value will be made possible by the Project Costs made within the District. A table detailing assumptions as to the development timing and associated values is included in the Economic Feasibility Study located within this Plan.

Expected Termination of District

Based on the Economic Feasibility Study located within Section 9 of this Plan, the Village anticipates that the District will generate sufficient tax increment to pay all Project Costs within 18 of its allowable 20 years.

Summary of Findings

As required by Wis. Stat. § 66.1105, and as documented in this Plan and the exhibits contained and referenced herein, the following findings are made:

1. That “but for” the creation of this District, the development projected to occur as detailed in this Plan: 1) would not occur; or 2) would not occur in the manner, at the values, or within the timeframe desired by the Village. In reaching this determination, the Village has considered:

The substantial investment needed to provide the public infrastructure necessary to allow for development within the District. Absent the use of tax incremental financing, the Village is unable to fully fund this program of infrastructure improvements.

2. The economic benefits of the District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements. In making this determination, the Village has considered the following information:

That the Developer(s) is likely to purchase goods and services from local suppliers in construction of the Project, and induced effects of employee households spending locally for goods and services from retailers, restaurants and service companies.

3. The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions. As required by Wis. Stat. § 66.1105(4)(i)4., a calculation of the share of projected tax increments estimated to be paid by the owners of property in the overlying taxing jurisdictions has been prepared and can be found in this Plan. However, because the Project would not occur without the use of tax incremental financing, these tax increments would not be paid but for creation of the District. Accordingly, the Village finds that the benefits expected to be realized as set forth in this Plan outweigh the value of the tax increments to be invested in the Project.

4. Not less than 50% by area of the real property within the District, as amended, is suitable for industrial sites as defined by Wis. Stat. § 66.1101 and has been zoned for industrial use. Any real property within the District that was found suitable for industrial sites and was zoned for industrial use at the

time of creation of the District or at the time of this Plan Amendment will remain zoned for industrial use for the life of the District.

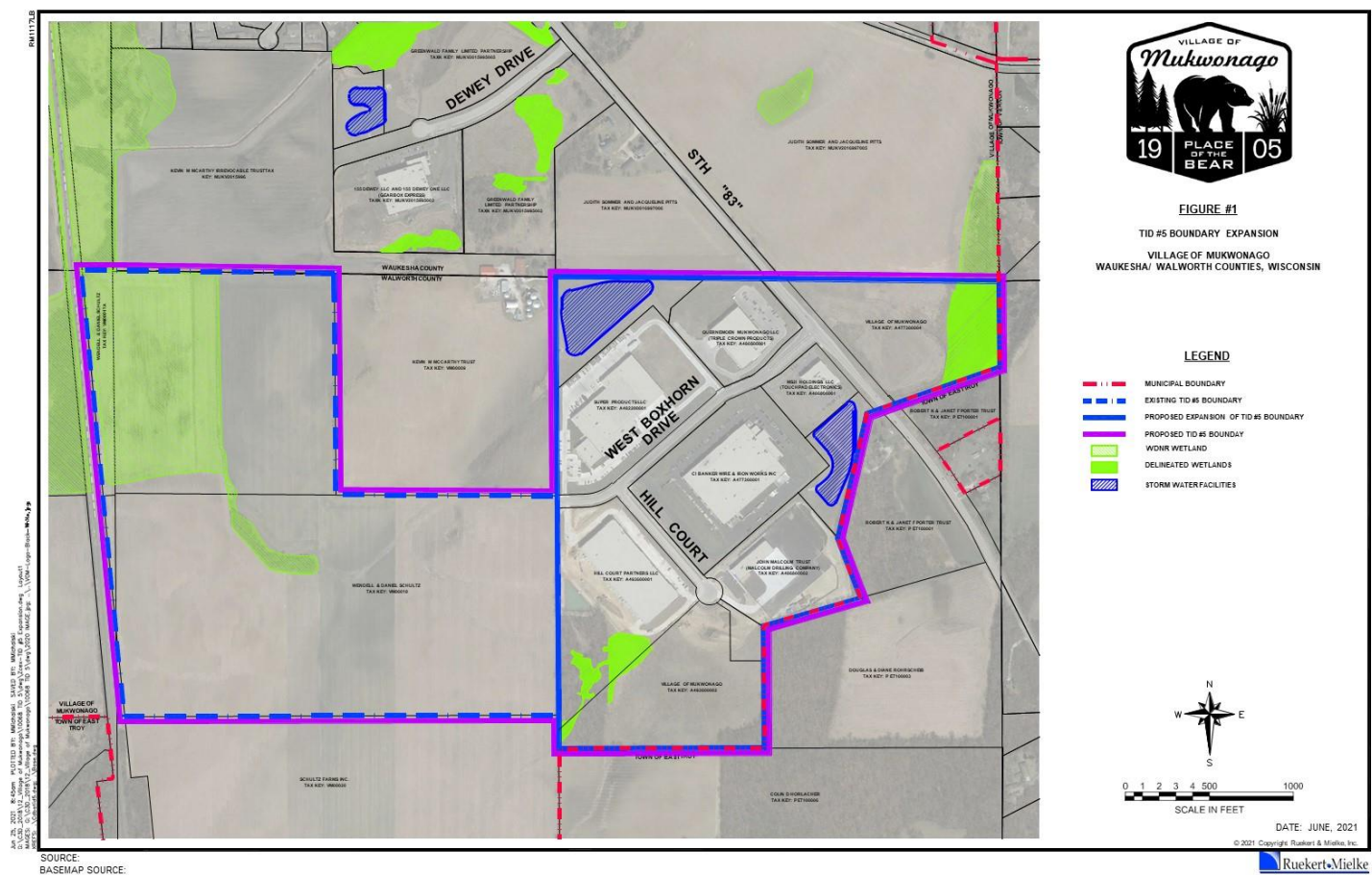
5. Based on the foregoing finding, the District remains designated as an industrial district.
6. That Project Costs relate directly to promoting industrial development in the District, consistent with the purpose for which the District is created.
7. Improvements to be made in the District are likely to significantly enhance the value of substantially all of the other real property in the District.
8. The equalized value of taxable property within the territory to be added to the District, plus the incremental value of all existing tax incremental districts within the Village does not exceed 12% of the total equalized value of taxable property within the Village.
9. The Plan for the District is feasible and is in conformity with the Master Plan of the Village.
10. The Village estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wis. Stat. § 66.1105(5)(b).
11. That there are no parcels to be included within the District that were annexed by the Village within the preceding three-year period.

SECTION 2:

Preliminary Map of Original District Boundary and Territory to be Added

Map Found on Following Page.

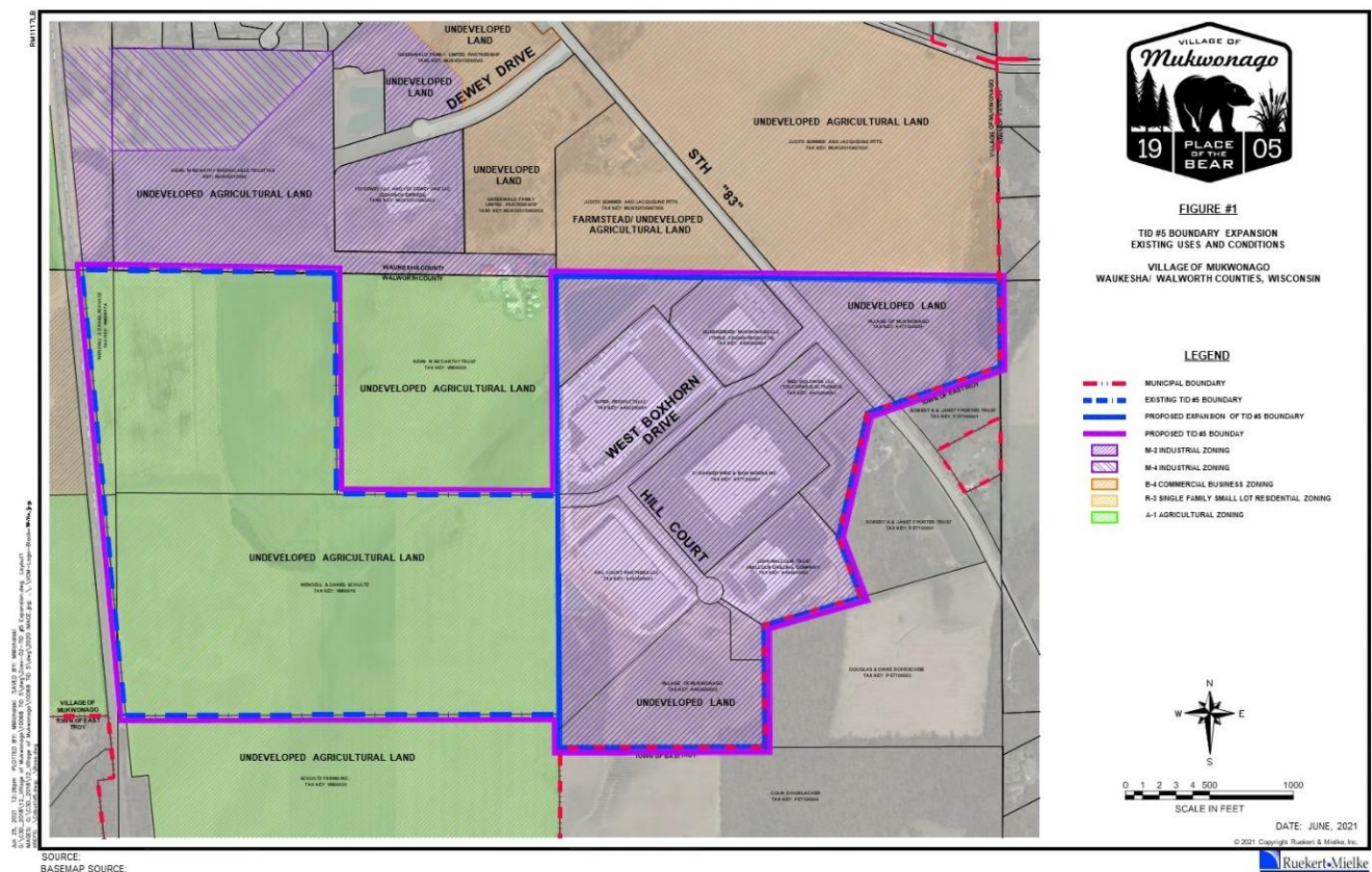
To the extent District boundaries include wetlands identified on a map prepared under Wis. Stat. § 23.32, the wetlands are excluded from the District.



SECTION 3:

Map Showing Existing Uses and Conditions Within the Territory to be Added

Map Found on Following Page.



SECTION 4:

Preliminary Identification of Parcels to be Added

Village of Mukwonago, Wisconsin														
Tax Increment District #5														
Base Property Information														
Property Information					Assessment Information				Equalized Value					District Classification
Map Ref #	Parcel Number	Street Address	Owner	Acreage	Land	Imp	PP	Total	Equalized Value Ratio	Land	Imp	PP	Total	Industrial (Zoned and Suitable)
	VM 00017A		Wendell and Daniel Schultz	4.58	1,100	0	0	1,100	89.21%	1,233	0	0	1,233	4.58
	VM 00018		Wendell and Daniel Schultz	119.76	29,100	0	0	29,100	89.21%	32,621	0	0	32,621	119.76
			Total Acreage	124.34	30,200	0	0	30,200		33,854	0	0		124.34
													Existing TID Base Value	315,200
													Estimated Base Value	349,054

The above values are as of January 1, 2020. Actual base value certification of the territory will be based on January 1, 2021 assessed values.

SECTION 5: Equalized Value Test

The following calculations demonstrate that the Village expects to be in compliance with Wis. Stat. § 66.1105(4)(gm)4.c., which requires that the equalized value of the taxable property proposed to be added to the District, plus the value increment of all existing tax incremental districts, does not exceed 12% of the total equalized value of taxable property within the Village.

The equalized value of the increment of existing tax incremental districts within the Village, plus the value of the territory proposed to be added to the District, totals \$94,451,654. This value is less than the maximum of \$119,159,388 in equalized value that is permitted for the Village.

Village of Mukwonago, Wisconsin	
Tax Increment District #5	
Valuation Test Compliance Calculation	
District Creation Date	2/28/2018
	Valuation Data Currently Available 2020
Total EV (TID In)	992,994,900
12% Test	119,159,388
Increment of Existing TIDs	
TID #3	53,159,900
TID #4	4,776,800
TID #5	36,165,900
Total Existing Increment	94,102,600
Projected Base of Amended District	349,054
Total Value Subject to 12% Test	94,451,654
Compliance	PASS

SECTION 6:

Statement Listing the Kind, Number and Location of All Proposed Public Works or Improvements Within the District

Project Costs are any expenditure made, estimated to be made, or monetary obligations incurred or estimated to be incurred as outlined in this Plan. Project Costs will be diminished by any income, special assessments or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received in connection with the implementation of the Plan. If Project Costs incurred benefit territory outside the District, a proportionate share of the cost is not a Project Cost. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to change after planning, design and construction is completed.

With all Project Costs, the costs of engineering, design, survey, inspection, materials, construction, restoring property to its original condition, apparatus necessary for public works, legal and other consultant fees, testing, environmental studies, permits, updating ordinances and plans, judgments or claims for damages and other expenses are included as Project Costs. The map found in Section 7 of this Plan along with the Detailed List of Project Costs found in Section 8 provide additional information as to the kind, number and location of potential Project Costs.

The “Statement of Kind, Number and Location of Proposed Public Works and Other Projects” set forth in the original District Project Plan approved on February 28, 2018 is amended to add the following Project Costs that the Village has made, expects to make, or may need to make, in conjunction with the implementation of the District’s Plan or this Plan Amendment.

Property, Right-of-Way and Easement Acquisition

Property Acquisition for Development

To promote and facilitate development the Village may acquire property within the District. The cost of property acquired, and any costs associated with the transaction, are eligible Project Costs. Following acquisition, other Project Costs within the categories detailed in this Section may be incurred to make the property suitable for development. Any revenue received by the Village from the sale of property acquired pursuant to the execution of this Plan will be used to reduce the total project costs of the District. If total Project Costs incurred by the Village to acquire property and make it suitable for

development exceed the revenues or other consideration received from the sale or lease of that property, the net amount shall be considered “real property assembly costs” as defined in Wis. Stat. § 66.1105(2)(f)1.c., and subject to recovery as an eligible Project Cost.

Property Acquisition for Conservancy

To promote the objectives of this Plan, the Village may acquire property within the District that it will designate for conservancy. These conservancy objectives include: preserving historic resources or sensitive natural features; protection of scenic and historic views; maintaining habitat for wildlife; maintaining adequate open space; reduction of erosion and sedimentation by preserving existing vegetation; and providing adequate areas for management of stormwater. The cost of property acquired for conservancy, and any costs associated with the transaction, are eligible Project Costs.

Acquisition of Rights-of-Way

The Village may need to acquire property to allow for installation of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the Village to identify, negotiate and acquire rights-of-way are eligible Project Costs.

Acquisition of Easements

The Village may need to acquire temporary or permanent easements to allow for installation and maintenance of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the Village to identify, negotiate and acquire easement rights are eligible Project Costs.

Relocation Costs

If relocation expenses are incurred in conjunction with the acquisition of property, those expenses are eligible Project Costs. These costs may include but are not limited to: preparation of a relocation plan; allocations of staff time; legal fees; publication of notices; obtaining appraisals; and payment of relocation benefits as required by Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

Site Preparation Activities

Environmental Audits and Remediation

If it becomes necessary to evaluate any land or improvement within the District, any cost incurred by the Village related to environmental audits, testing, and remediation are eligible Project Costs.

Demolition

To make sites suitable for development, the Village may incur costs related to demolition and removal of structures or other land improvements, to include abandonment of wells or other existing utility services.

Site Grading

Land within the District may require grading to make it suitable for development, to provide access, and to control stormwater runoff. The Village may need to remove and dispose of excess material, or bring in fill material to provide for proper site elevations. Expenses incurred by the Village for site grading are eligible Project Costs.

Utilities

Sanitary Sewer System Improvements

To allow development to occur, the Village may need to construct, alter, rebuild or expand sanitary sewer infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: collection mains; manholes and cleanouts; service laterals; force mains; interceptor sewers; pumping stations; lift stations; wastewater treatment facilities; and all related appurtenances. To the extent sanitary sewer projects undertaken within the District provide direct benefit to land outside of the District, the Village will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the Village construct, alter, rebuild or expand sanitary sewer infrastructure located outside of the District. That portion of the costs of sanitary sewer system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs. The improvements to the wastewater treatment facilities, although not within the ½ mile radius, is an eligible project cost under Wis. Stat. § 66.1105(2)(f)1 k.

Water System Improvements

To allow development to occur, the Village may need to construct, alter, rebuild or expand water system infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: distribution mains; manholes and valves; hydrants; service laterals; pumping stations; wells; water treatment facilities; storage tanks and reservoirs; and all related appurtenances. To the extent water system projects undertaken within the District provide direct benefit to land outside of the District, the Village will

make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the Village construct, alter, rebuild or expand water system infrastructure located outside of the District. That portion of the costs of water system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Stormwater Management System Improvements

Development within the District will cause stormwater runoff. To manage this stormwater runoff, the Village may need to construct, alter, rebuild or expand stormwater management infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: stormwater collection mains; inlets, manholes and valves; service laterals; ditches; culvert pipes; box culverts; bridges; stabilization of stream and river banks; and infiltration, filtration and detention Best Management Practices (BMP's). To the extent stormwater management system projects undertaken within the District provide direct benefit to land outside of the District, the Village will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the Village construct, alter, rebuild or expand stormwater management infrastructure located outside of the District. That portion of the costs of stormwater management system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Electric Service

To create sites suitable for development, the Village may incur costs to provide, relocate or upgrade electric services. Relocation may require abandonment and removal of existing poles or towers, installation of new poles or towers, or burying of overhead electric lines. Costs incurred by the Village to undertake this work are eligible Project Costs.

Gas Service

To create sites suitable for development, the Village may incur costs to provide, relocate or upgrade gas mains and services. Costs incurred by the Village to undertake this work are eligible Project Costs.

Communications Infrastructure

To create sites suitable for development, the Village may incur costs to provide, relocate or upgrade infrastructure required for voice and data communications, including, but not limited to: telephone lines, cable lines and fiber optic cable. Costs incurred by the Village to undertake this work are eligible Project Costs.

Streets and Streetscape

Street Improvements

To allow development to occur, the Village may need to construct or reconstruct streets, highways, alleys, access drives and parking areas. Eligible Project Costs include, but are not limited to: excavation; removal or placement of fill; construction of road base; asphalt or concrete paving or repaving; installation of curb and gutter; installation of sidewalks and bicycle lanes; installation of culverts, box culverts and bridges; rail crossings and signals; utility relocation, to include burying overhead utility lines; street lighting; installation of traffic control signage and traffic signals; pavement marking; right-of-way restoration; installation of retaining walls; and installation of fences, berms, and landscaping.

Streetscaping and Landscaping

To attract development consistent with the objectives of this Plan, the Village may install amenities to enhance development sites, rights-of-way and other public spaces. These amenities include but are not limited to: landscaping; lighting of streets, sidewalks, parking areas and public areas; installation of planters, benches, clocks, tree rings, trash receptacles and similar items; and installation of brick or other decorative walks, terraces and street crossings. These and any other similar amenities installed by the Village are eligible Project Costs.

Community Development

Cash Grants (Development Incentives)

The Village may enter into agreements with property owners, lessees, or developers of land located within the District for sharing costs to encourage the desired kind of improvements and assure tax base is generated sufficient to recover Project Costs. No cash grants will be provided until the Village executes a developer agreement with the recipient of the cash grant. Any payments of cash grants made by the Village are eligible Project Costs.

The Village of Mukwonago does not currently have a Community Development or Redevelopment Authority. However, if at any future time one is created, as provided for in Wis. Stat. § 66.1105(2)(f)1.h and Wis. Stat. § 66.1333(13), the Village may provide funds to its CDA to be used for

administration, planning operations, and capital costs, including but not limited to real property acquisition, related to the purposes for which it was established in furtherance of any redevelopment or urban renewal project. Funds provided to the CDA for this purpose are eligible Project Costs.

Revolving Loan/Grant Program (Development Incentives)

The Village of Mukwonago does not currently have a Community Development or Redevelopment Authority. However, if at any future time one is created, in order to encourage private development consistent with the objectives of this Plan, the Village, through its CDA, may provide loans or grants to eligible property owners in the District. Eligible improvements will be those that are likely to improve the value of the property, enhance the visual appearance of the property and surrounding area, correct safety deficiencies, or as otherwise specified by the CDA in the program manual. Any funds returned to the CDA from the repayment of loans made are not considered revenues to the District and will not be used to offset District Project Costs. Instead, these funds may be placed into a revolving fund and will continue to be used for the program purposes stated above. Any funds provided to the CDA for purposes of implementing this program are considered eligible Project Costs.

Miscellaneous

Rail Spur

To allow for development, the Village may incur costs for installation of a rail spur or other railway improvements to serve development sites located within the District.

Projects Outside the Tax Increment District

Pursuant to Wis. Stat. § 66.1105(2)(f)1.n, the Village may undertake projects within territory located within one-half mile of the boundary of the District provided that: 1) the project area is located within the Village's corporate boundaries; and 2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible project costs and may include any project cost that would otherwise be eligible if undertaken within the District. The Village intends to make the following project cost expenditures outside the District:

- Improvements to State Highway 83, including new signalization and resurfacing. Estimated costs are \$2,100,247.

Professional Service and Organizational Costs

The costs of professional services rendered, and other costs incurred, in relation to the creation, administration and termination of the District, and the undertaking of the projects contained within this Plan, are eligible Project Costs. Professional services include but are not limited to: architectural; environmental; planning; engineering; legal; audit; financial; and the costs of informing the public with respect to the creation of the District and the implementation of the Plan.

Administrative Costs

The Village may charge to the District as eligible Project Costs reasonable allocations of administrative costs, including, but not limited to, employee salaries. Costs allocated will bear a direct connection to the time spent by Village employees relating to the implementation of the Plan.

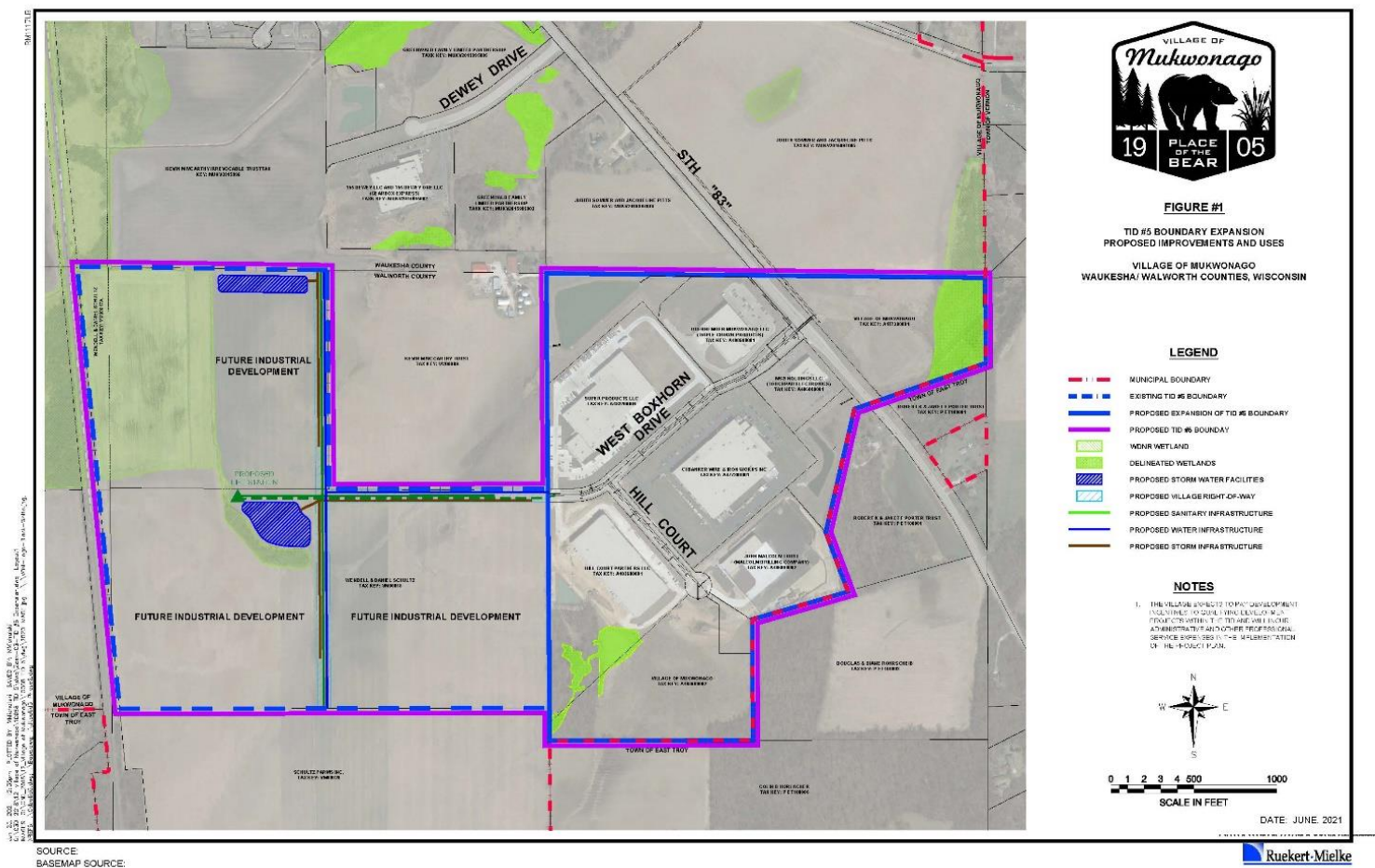
Financing Costs

Interest expense, debt issuance expenses, redemption premiums, and any other fees and costs incurred in conjunction with obtaining financing for projects undertaken under this Plan are eligible Project Costs.

SECTION 7:

Map Showing Proposed Improvements and Uses Within the Territory to be Added

Map Found on Following Page.



SECTION 8:

Detailed List of Estimated Project Costs

The following list identifies the Project Costs that the Village has made, expects to make, or may need to make in conjunction with the implementation of the District's Plan or this Plan Amendment. All projects identified and related costs reflect the best estimates available as of the date of preparation of this Plan Amendment. All costs are preliminary estimates and may increase or decrease. Certain Project Costs listed may become unnecessary, and other Project Costs not currently identified may need to be made. (Section 6 details the general categories of eligible Project Costs). Changes in Project Cost totals or the types of Project Costs to be incurred will not require that this Plan be amended. This Plan is not meant to be a budget nor an appropriation of funds for specific Project Costs, but a framework within which to manage Project Costs.

Village of Mukwonago, Wisconsin				
Tax Increment District #5				
Estimated Project List				
Project ID	Project Name/Type	Phase I 2021-2023	Phase II 2023-2025	Total (Note 1)
1	Land Acquisition	9,025,000		9,025,000
2	Water & Sewer Infrastructure		12,000,000	12,000,000
3	Administrative & Professional Services	125,000	90,000	215,000
4	Highway 83 Improvements	2,100,247		2,100,247
5				0
Total Projects		<u>11,250,247</u>	<u>12,090,000</u>	<u>23,340,247</u>
Notes:				
Note 1 Project costs are estimates and are subject to modification				

SECTION 9:

Economic Feasibility Study, Description of the Methods of Financing Estimated Project Costs and the Time When Related Costs or Monetary Obligations are to be Incurred

This Section includes an updated forecast of the valuation increases expected within the District, the associated tax increment collections, a summary of how remaining Project Costs would be financed, and a projected cash flow demonstrating that the District remains economically feasible.

Key Assumptions

The Project Costs the Village plans to make are expected to create \$90 million in incremental value by 2025. Estimated valuations and timing for construction of the Project are included in **Table 1**. Assuming the Village's current equalized TID Interim tax rate of \$18.95 per thousand of equalized value, and no economic appreciation or depreciation, the Project would generate \$40.6 million in incremental tax revenue over the 20-year term of the District as shown in **Table 2**.

Village of Mukwonago, Wisconsin

Tax Increment District #5

Development Assumptions

Construction Year		Actual	Phase III Development	Annual Total	Construction Year	
1	2018	12,641,400		12,641,400	2018	1
2	2019	23,524,500		23,524,500	2019	2
3	2020	2,250,000		2,250,000	2020	3
4	2021	8,500,000		8,500,000	2021	4
5	2022			0	2022	5
6	2023		30,000,000	30,000,000	2023	6
7	2024		30,000,000	30,000,000	2024	7
8	2025		30,000,000	30,000,000	2025	8
9	2026			0	2026	9
10	2027			0	2027	10
11	2028			0	2028	11
12	2029			0	2029	12
13	2030			0	2030	13
14	2031			0	2031	14
15	2032			0	2032	15
16	2033			0	2033	16
17	2034			0	2034	17
18	2035			0	2035	18
19	2036			0	2036	19
20	2037			0	2037	20
Totals		46,915,900	90,000,000	136,915,900		

Notes:

Phase III development values are based on future development of 120 acres at approximately \$750k/acre; this value is similar to what the existing TID #5 development has realized.

Table 1 – Development Assumptions

Village of Mukwonago, Wisconsin

Tax Increment District #5

Tax Increment Projection Worksheet

Type of District	Industrial	Base Value	315,200	Apply to Base Value
District Creation Date	February 28, 2018	Appreciation Factor	0.00%	
Valuation Date	Jan 1, 2018	Base Tax Rate	\$19.44	
Max Life (Years)	20	Rate Adjustment Factor		
Expenditure Period/Termination	15 2/28/2033			
Revenue Periods/Final Year	20 2039			
Extension Eligibility/Years	Yes 3	Tax Exempt Discount Rate	1.20%	
Eligible Recipient District	No	Taxable Discount Rate	2.70%	

Construction		Valuation Year	Inflation Increment	Total Increment	Revenue Year	Tax Rate	Tax Increment	Tax Exempt NPV	Taxable NPV
Year	Value Added							Calculation	Calculation
1	2018	12,641,400	2019	0	12,641,400	2020	\$19.44	245,749	237,110
2	2019	23,524,500	2020	0	36,165,900	2021	\$18.95	685,344	890,521
3	2020	2,250,000	2021	0	38,415,900	2022	\$18.95	727,981	1,576,353
4	2021	8,500,000	2022	0	46,915,900	2023	\$18.95	889,056	2,404,002
5	2022	0	2023	0	46,915,900	2024	\$18.95	889,056	3,221,837
6	2023	30,000,000	2024	0	76,915,900	2025	\$18.95	1,457,556	4,546,731
7	2024	30,000,000	2025	0	106,915,900	2026	\$18.95	2,026,056	6,366,545
8	2025	30,000,000	2026	0	136,915,900	2027	\$18.95	2,594,556	8,669,354
9	2026	0	2027	0	136,915,900	2028	\$18.95	2,594,556	10,944,857
10	2027	0	2028	0	136,915,900	2029	\$18.95	2,594,556	13,193,378
11	2028	0	2029	0	136,915,900	2030	\$18.95	2,594,556	15,415,237
12	2029	0	2030	0	136,915,900	2031	\$18.95	2,594,556	17,610,750
13	2030	0	2031	0	136,915,900	2032	\$18.95	2,594,556	19,780,228
14	2031	0	2032	0	136,915,900	2033	\$18.95	2,594,556	21,923,982
15	2032	0	2033	0	136,915,900	2034	\$18.95	2,594,556	24,042,316
16	2033	0	2034	0	136,915,900	2035	\$18.95	2,594,556	26,135,531
17	2034	0	2035	0	136,915,900	2036	\$18.95	2,594,556	28,203,926
18	2035	0	2036	0	136,915,900	2037	\$18.95	2,594,556	30,247,794
19	2036	0	2037	0	136,915,900	2038	\$18.95	2,594,556	32,267,426
20	2037	0	2038	0	136,915,900	2039	\$18.95	2,594,556	34,263,110
Totals		136,915,900		0	Future Value of Increment		40,650,031		

Notes:

Actual results will vary depending on development, inflation of overall tax rates.

NPV calculations represent estimated amount of funds that could be borrowed (including project cost, capitalized interest and issuance costs).

Table 2 – Tax Increment Projection Worksheet

Financing and Implementation

The Village will use existing TID increment cash to fund projects as appropriate and feasible. To finance major project costs within this Project Plan, the Village will utilize General Obligation debt in compliance with IRS code and state statute. Table 3. provides a summary of the District's financing plan.

Based on the Project Cost expenditures as included within the cash flow exhibit (Table 4), the District is projected to accumulate sufficient funds by the year 2035 to pay off all Project cost liabilities and obligations. The projected closure is based on the various assumptions noted in this Plan and will vary dependent on actual Project Costs incurred and the actual amount of tax increments collected.

Village of Mukwonago, Wisconsin			
Tax Increment District #5			
Estimated Financing Plan			
	G.O. Bond 2022		G.O. Bond 2023
Projects			
Phase I	9,025,000		
Phase II			12,000,000
Total Project Funds	9,025,000		12,000,000
Estimated Cost of Issuance	170,850		216,100
Total Financing Required	9,366,700		12,432,200
Estimated Interest	0.10%	(4,513)	0.10%
Assumed spend down (months)	6		6
Rounding		(2,188)	(6,200)
Net Issue Size	9,360,000		12,420,000
Notes:			

Table 3 – Financing Plan

Village of Mukwonago, Wisconsin

Tax Increment District #5

Cash Flow Projection

Year	Projected Revenues					Expenditures													Balances			Year End					
	Tax Increments	Interest Earnings/ (Cost)	Other Revenue (Spec. Assess., Impact Fees, Premium)	Debt Proceeds	Total Revenues	GO Notes, 2019 1,860,000 Dated Date: 03/01/19		GO Refunding Bonds, 2021 7,700,000 Est. Dated Date: 09/01/21		GO Refunding Bonds, 2021 4,225,000 Est. Dated Date:		Taxable GO Bonds (Land Acq) 10,000,000 Dated Date: 09/01/22			Tax Exempt GO Bonds (Infrastructure) 12,000,000 Dated Date: 09/01/23			Phase I & II Capital Outlay			Existing Debt Expense		Total Expenditures	Annual	Cumulative	Principal Outstanding	
						Principal	Interest	Principal	Interest	Principal	Interest	Principal	Est. Rate	Interest	Principal	Est. Rate	Interest	Phase III	Admin.								
2018		77,559	296,185	11,925,000	12,298,744													9,185,260		52,082	476,145	9,713,487	2,585,257	2,585,257		2018	
2019		80,483	1,473,874	1,860,000	3,414,357													1,818,558		40,958	465,444	2,324,960	1,089,397	3,674,654	1,793,966	2019	
2020	245,749	17,872			263,621													21,499		40,299	571,300	633,098	(369,477)	3,305,177	1,727,930	2020	
2021	685,344	33,052			718,396	66,036	51,811		210,838	0	0							245,000		50,000		623,685	94,711	3,399,887	13,586,894	2021	
2022	727,981	33,999	400,000	10,000,000	11,161,980	66,036	50,489	385,000	157,950	0	105,625								9,025,500	45,000		9,835,600	1,326,380	4,726,268	13,135,858	2022	
2023	889,056	47,263		4,500,000	17,436,319	66,036	49,169	390,000	150,200	264,063	89,121	460,000	3.00%	300,000				2,100,247	8,000,000	40,000		11,908,836	5,527,483	10,253,750	12,415,759	2023	
2024	889,056	102,538			991,594	110,059	47,270	400,000	142,300	264,063	83,180	475,000	3.00%	286,200	620,000	2.50%	300,000		4,000,000		35,000		6,763,072	(5,771,478)	4,482,273	11,641,637	2024
2025	1,457,556	44,823	245,776		1,748,155	110,059	44,725	410,000	134,200	264,063	77,238	490,000	3.00%	271,950	635,000	2.50%	284,500				20,000		2,741,735	(993,580)	3,488,692	10,857,515	2025
2026	2,026,056	34,887			2,060,943	242,130	40,392	415,000	125,950	264,063	71,297	500,000	3.00%	257,250	650,000	2.50%	268,625				10,000		2,844,707	(783,764)	2,704,929	9,936,322	2026
2027	2,594,556	27,049			2,621,606	462,249	30,431	425,000	117,550	264,063	65,355	515,000	3.00%	242,250	665,000	2.50%	252,375				5,000		3,044,273	(422,668)	2,282,261	8,785,010	2027
2028	2,594,556	22,823			2,617,379	671,361	11,749	435,000	108,950	264,063	59,414	535,000	3.00%	226,800	685,000	2.50%	235,750			5,000		3,238,087	(620,708)	1,661,553	7,414,586	2028	
2029	2,594,556	16,616	110,000		2,721,172			440,000	100,200	264,063	53,473	550,000	3.00%	210,750	700,000	2.50%	218,625			5,000		2,542,111	179,061	1,840,614	6,710,523	2029	
2030	2,594,556	18,406	110,000		2,722,962			450,000	91,300	264,063	47,531	565,000	3.00%	194,250	720,000	2.50%	201,125			5,000		2,538,269	184,693	2,025,307	5,996,460	2030	
2031	2,594,556	20,253	110,000		2,724,809			460,000	82,200	264,062	41,590	580,000	3.00%	177,300	735,000	2.50%	183,125			5,000		2,528,277	196,533	2,221,840	5,272,398	2031	
2032	2,594,556	22,218	110,000		2,726,775			470,000	72,900	264,062	35,648	600,000	3.00%	159,900	755,000	2.50%	164,750			5,000		2,527,260	199,514	2,421,354	4,538,336	2032	
2033	2,594,556	24,214	110,000		2,728,770			480,000	63,400	264,062	42,910	620,000	3.00%	141,900	775,000	2.50%	145,875			5,000		2,538,147	190,623	2,611,977	3,794,274	2033	
2034	2,594,556	26,120	110,000		2,730,676			485,000	53,750	264,062	34,328	635,000	3.00%	123,300	790,000	2.50%	126,500			5,000		2,516,940	213,736	2,825,713	3,045,212	2034	
2035	2,594,556	28,257	110,000		2,732,813			495,000	43,950	264,062	25,746	655,000	3.00%	104,250	810,000	2.50%	106,750			5,000		2,509,758	223,055	3,048,769	2,286,150	2035	
2036	2,594,556	30,488	110,000		2,735,044			505,000	32,688	264,062	17,164	675,000	3.00%	84,600	835,000	2.50%	86,500			5,000		2,505,014	230,030	3,278,799	1,517,088	2036	
2037	2,594,556	32,788	110,000		2,737,344			520,000	19,875	264,062	8,582	695,000	3.00%	64,350	855,000	2.50%	65,625			5,000		2,497,494	239,850	3,518,649	733,026	2037	
2038	2,594,556	35,186	110,000		2,739,743			535,000	6,688	264,062	0	715,000	3.00%	43,500	875,000	2.50%	44,250			5,000		2,488,500	251,243	3,769,892		2038	
2039	2,594,556	37,699			2,632,255							735,000	3.00%	22,050	895,000	2.50%	22,375			5,000		1,679,425	952,830	4,722,722		2039	
Total	40,650,031	814,591	3,515,835	35,785,000	85,265,457	1,793,966	326,036	7,700,000	1,714,889	4,225,000	858,202	10,000,000		2,910,600	12,000,000		2,706,750	13,370,564	21,025,500	398,339	1,512,889	80,542,735			Total		
Notes:																							PROJECTED TID CLOSURE				

Table 4 – Cash Flow

SECTION 10:

Annexed Property

A tax incremental district cannot include annexed territory unless at least three years have elapsed since the annexation, or certain other requirements are met. None of the territory proposed to be added to the District was annexed during the past three years.

SECTION 11:

Estimate of Property to be Devoted to Retail Business

Pursuant to Wis. Stat. § 66.1105(5)(b), the Village estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period.

SECTION 12:

Proposed Changes of Zoning Ordinances, Master Plan, Map, Building Codes and Village Ordinances

Zoning Ordinances

The proposed Plan Amendment is in general conformance with the Village's current zoning ordinances. Individual properties may require rezoning at the time of development. Land within the District zoned industrial at the time of District creation will remain in a zoning classification suitable for industrial sites for the life of the District.

Master (Comprehensive) Plan and Map

The proposed Plan Amendment is in general conformance with the Village's Comprehensive Plan identifying the area as appropriate for industrial development.

Building Codes and Ordinances

Development within the District will be required to conform to State Building Codes and will be subject to the Village's permitting and inspection procedures. The proposed Plan Amendment conforms to all relevant State and local ordinances, plans, and codes. No changes to the existing regulations are proposed or needed.

SECTION 13:

Statement of the Proposed Method for the Relocation of any Persons to be Displaced

Should the continued implementation of this Plan require relocation of individuals or business operations, relocations will be handled in compliance with Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

SECTION 14:

How Amendment of the Tax Incremental District Promotes the Orderly Development of the Village

Plan Amendment promotes the orderly development of the Village by creating new industrial sites. Through use of tax increment financing, the Village can attract new investment that results in increased tax base. Development will occur in an orderly fashion in accordance with approved plans so that the Projects will be compatible with adjacent land uses. Development of new uses in the District will add to the tax base and will generate positive secondary impacts in the community such as increased employment opportunities and the potential for future growth for business vendors, retail suppliers and residential builders.

SECTION 15:

List of Estimated Non-Project Costs

Non-project costs are public works projects which only partly benefit the District. Costs incurred that do not benefit the District may not be paid with tax increments. Examples of non-project costs are:

- A public improvement made within the District that also benefits property outside the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- A public improvement made outside the District that only partially benefits property within the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

SECTION 16:
Legal Opinion Advising Whether the Plan is
Complete and Complies with Wis. Stat. §
66.1105(4)(f)

INSERT SIGNED LEGAL OPINION

SAMPLE

Village President
Village of Mukwonago
440 River Crest Ct
Mukwonago, Wisconsin 53149

RE: Project Plan Amendment for Tax Incremental District No. 5

Dear Village President:

Wisconsin Statute 66.1105(4)(f) requires that a project plan for a tax incremental financing district include an opinion provided by the Village Attorney advising as to whether the plan is complete and complies with Wisconsin Statute 66.1105. As Village Attorney for the Village of Mukwonago, I have been asked to review the above-referenced project plan amendment for compliance with the applicable statutory requirements. Based upon my review, in my opinion, the amended Project Plan for the Village of Mukwonago Tax Incremental District No. 5 is complete and complies with the provisions of Wisconsin Statute 66.1105.

Sincerely,

Village Attorney

SECTION 17:

Calculation of the Share of Projected Tax Increments Estimated to be Paid by the Owners of Property in the Overlying Taxing Jurisdictions

The following projection is provided to meet the requirements of Wis. Stat. § 66.1105(4)(i)4.

Estimated portion of taxes that owners of taxable property in each taxing jurisdiction overlaying district would pay by jurisdiction.						
Statement of Taxes Data Year:		2020	Percentage			
Walworth County		88,380	29.73%			
Village of Mukwonago		174,442	58.67%			
Mukwonago School District		13,015	4.38%			
Gateway Technical College		21,465	7.22%			
Total		297,302				
Revenue Year	Walworth County	Village of Mukwonago	Mukwonago School District	Gateway Technical College	Total	Revenue Year
2020	73,055	144,193	10,758	17,743	245,749	2020
2021	203,736	402,125	30,002	49,481	685,344	2021
2022	216,411	427,142	31,869	52,559	727,981	2022
2023	264,294	521,653	38,920	64,189	889,056	2023
2024	264,294	521,653	38,920	64,189	889,056	2024
2025	433,295	855,220	63,808	105,234	1,457,556	2025
2026	602,296	1,188,787	88,695	146,279	2,026,056	2026
2027	771,297	1,522,354	113,582	187,324	2,594,556	2027
2028	771,297	1,522,354	113,582	187,324	2,594,556	2028
2029	771,297	1,522,354	113,582	187,324	2,594,556	2029
2030	771,297	1,522,354	113,582	187,324	2,594,556	2030
2031	771,297	1,522,354	113,582	187,324	2,594,556	2031
2032	771,297	1,522,354	113,582	187,324	2,594,556	2032
2033	771,297	1,522,354	113,582	187,324	2,594,556	2033
2034	771,297	1,522,354	113,582	187,324	2,594,556	2034
2035	771,297	1,522,354	113,582	187,324	2,594,556	2035
2036	771,297	1,522,354	113,582	187,324	2,594,556	2036
2037	771,297	1,522,354	113,582	187,324	2,594,556	2037
2038	771,297	1,522,354	113,582	187,324	2,594,556	2038
2039	771,297	1,522,354	113,582	187,324	2,594,556	2039
	12,084,240	23,851,370	1,779,538	2,934,883	40,650,031	
Notes:						
The projection shown above is provided to meet the requirements of Wisconsin Statute 66.1105(4)(i)4.						



PLANNING COMMISSION

July 13, 2021 at 6:30pm

Mukwonago, WI

SITE PLAN AND ARCHITECTURAL REVIEW AND CONDITIONAL USE PERMIT

326 Atkinson Street

Parcel Number: MUKV 1976-098

Case Summary

Parcel Data

Proposal:	Patio at front of building for outdoor relaxation and dining.
Applicant:	Jeffery Royal Jay (Jay's Lanes Inc.)
Request:	Site Plan and Architectural Review Conditional Use Permit for outdoor dining
Staff Recommendation:	Approve with Conditions

Parcel Characteristics / Conditions

Acreage:	0.9123
Current Use:	Bowling Alley
Proposed Use:	Bowling Alley with Outdoor Dining Area
Reason for Request:	Site modifications
Land Use Classification:	Low Intensity Commercial / Business
Zoning Classification:	B-2 General Business / Village Center Overlay
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 Request

Architectural/ Site Review

Site Modifications

The applicant is proposing to add an outdoor patio area to the east of the main entry on Atkinson Street. The patio is planned to be made of concrete. It will be 13 feet in depth and 33 feet in length. Currently this area contains grass and landscaping. The concrete will extend from the face of the building to the public sidewalk.

Utilities	No modifications at this time.
Stormwater Management	No modifications at this time.
Wetlands	None
Signage	No modifications at this time.
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	No concerns
Building Inspection	No concerns
Planning	No concerns

Conditional Use Request

Harmony with Village policies, ordinances, and programs

To Improve the curbside, appear of the business, right not nothing grow there. AN outdoor patio with outdoor seating will look much nicer. Maybe bring more people to the downtown area which is needed. Customer can enjoy the downtown area while sitting outside and relacing with a beverage or a bite to eat.

Specific Location within harmony with Village polices, ordinances and programs

The outdoor seating may bring more people to the downtown area and can enjoy the benefits and used o the establishment. May create more foot traffic, which will benefit all business.

Potential Adverse Impact on surrounding:

No. IT is only going to e a 500 ft square patio right next to the building. A wooded lot is across the street and parking lots on either side. The patio will have a fence around it. As of right now we have people outside there smoking with no complaints. With a patio present, it ill be more comfortable to all smokers and nonsmokers.

Maintaining consistency within the environs of the property:

It will lead to customers Enjoying their time at the business more due to the comfort level. That again hopefully leads to more people present Downton. A goal we all hope to achieve.

Adequate Services

It will be fine. Right next to the building with a fence around it. We will still have the sidewalk out front. So, the patio will be quite a way from the road. They will be confined to the outdoor area seating when present.

Benefits of the use outweigh adverse impacts.

I see no adverse impacts. Like I said, we have had people outside standing and smoking ever since the smoking ban was put in place, whit no complaints we have been in business quite a while with very few complaints I do not see that changing.

Hours of Operation:

Earliest 8:00am to the latest of 12:00am. Normally hours are noon to 11pm

Conditional Use Process / Findings

Review procedures the Plan Commission holds the public hearing and makes a recommendation to the Village Board which makes the final decision.

Following the close of the public hearing, the Plan Commission may recommend (1) approval, (2) approval with conditions, or (3) denial.

If approval is recommended, the Plan Commission can recommend conditions deemed necessary to protect the public health, safety, and welfare. The Plan Commission, in passing on the matter, will need to make the following determinations 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.

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

The Village Board will carefully review 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.

These findings are incorporated into the draft conditional use order which is attached.

The Plan Commission shall approve a conditional use application if the terms and conditions of the zoning regulations are met. However, in the event the terms and conditions of the ordinance are not consented to and complied with by the applicant, the Commission may deny the application. In addition, the Commission may deny the application or place conditions on it if substantial evidence, as defined in §62.23(7) Wis. Stats. is presented. That evidence must demonstrate the inability of the applicant to comply with or meet the conditions of the zoning regulations 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. Potential motion for approval Recommend to the Village Board approval of the project as a conditional use as set forth in the attached conditional use order as drafted, provided the Village Attorney approves the final form of the conditional use order.

Recommendation

Site Plan and Architectural Review

Staff recommends the Planning Commission Approve a resolution for the Site Plan and Architectural Review, as set forth in the attached resolution.

1. Prior to any land disturbing activity, the applicant must submit a complete and final set of plans to the Village planner. All Village department heads must verify in writing whether they have approved the final plans within their purview. Any outstanding matters must be resolved to staff's satisfaction.
2. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
3. Prior to any land-disturbing activity, the applicant must reimburse the Village for any outstanding charges and establish an escrow account with the Village as may be required.
4. The applicant must obtain all required building permits within nine months of this date, and start construction within six months of the date of building permit issuance and continue in good faith to completion.
5. All work related to this project must comply with all project plans approved by the Village.
6. The developer must comply with all requirements related to impact fees imposed by the Village.
7. The developer shall comply with all parts of the Municipal Code as it relates to this project.
8. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the Zoning Administrator and the Supervisor of Inspections are authorized to approve minor modifications so long as the overall project elements remain unchanged. If they determine that the revision is substantial, the plans must be submitted to the Plan Commission for review and approval.
9. The patio area shall be maintained in a clean state at all times, including cigarette debris, food and trash, etc.
10. Cigarette containers for butts shall be provided to assure a clean patio area.
11. Patio furniture design and style shall be simple in design, durable, and shall be approved by the Community Planner prior to purchase or installation to assure that it complements the vision of the village center area.
12. Patio fencing design and style shall be simple in design, durable, and shall be approved by the Community Planner prior to purchase or installation to assure that it complements the vision of the village center area a black or dark colored fence shall be chosen.
13. If umbrellas are to be used at tables, they shall all be matching with regard to design and style, a variety of colors is acceptable. Advertising on the umbrellas is not permitted.
14. Patio Furniture shall be maintained and when worn out replaced.

15. Patio furniture shall either be used during winter months or if stacked the items shall be stored in an area not visible for the public street.
16. Any future modification to the site such as modification of building, parking, lighting, grading, retaining walls, fences, etc. shall require Site Plan and Architectural Review.

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 permit for an outdoor dining area 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:
 - a. The patio area shall be surrounded by a fence. Such fence design and style shall be approved by the community planner. Any change to the fence shall require reapproval by the community planner.
 - b. Outdoor food and drink service shall be contained to the patio area.
 - c. Signage shall be applied for and approved by the Village prior to installation.
 - d. Outdoor storage shall be located at the side or rear of the building and not within the patio area.
 - e. The hours of the patio area shall not occur prior to 8am or later than 12 midnight.

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. Maps
2. Plans
3. Resolution for approval of a Conditional Use
4. Resolution for approval of the Site Plan and Architectural Review



Village of Mukwonago GIS
326 Atkinson St - Aerial

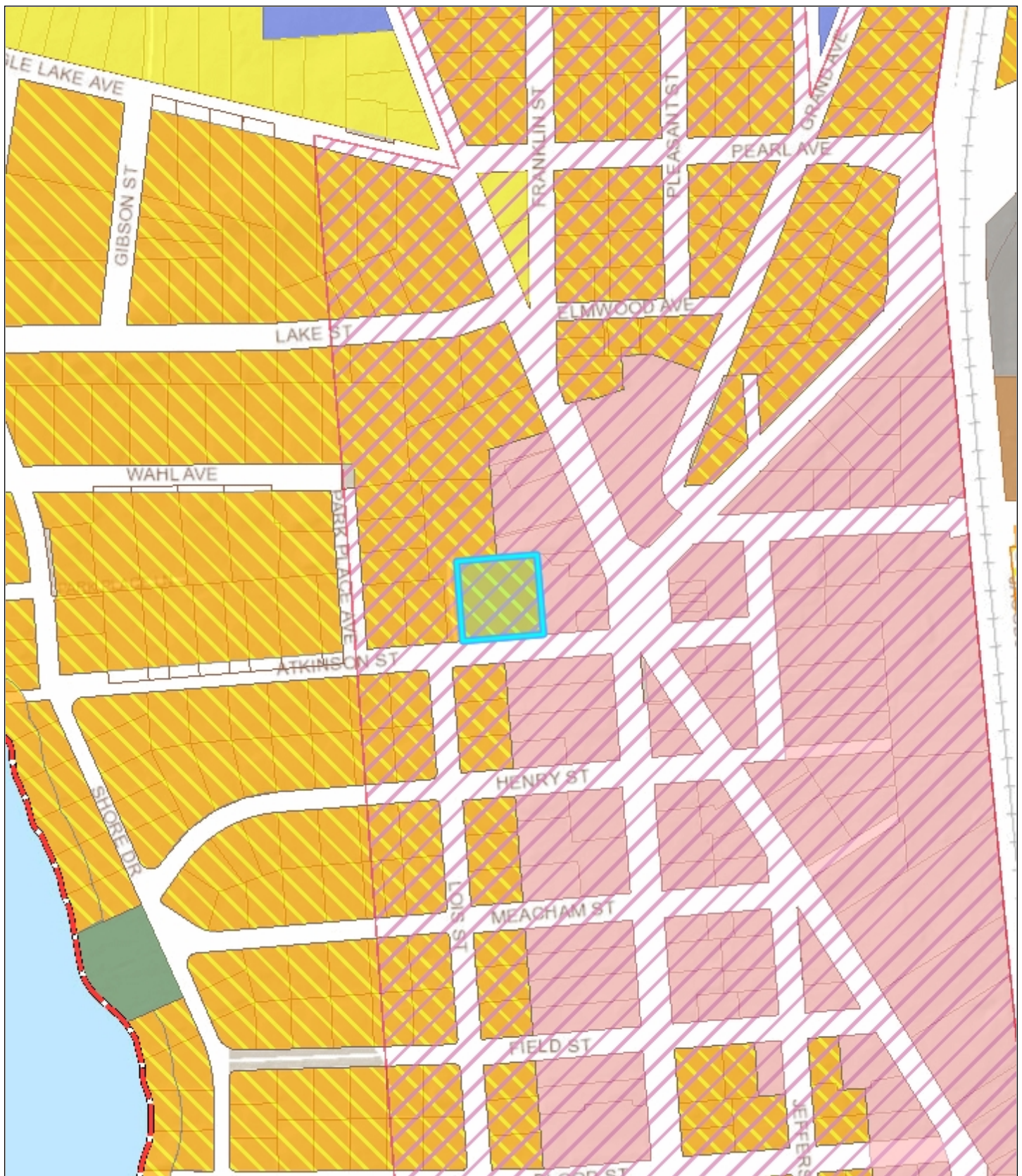
DISCLAIMER: The Village of Mukwonago does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 200'

VILLAGE OF MUKWONAGO
440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 6/2/2021



Village of Mukwonago GIS
326 Atkinson St - Land Use

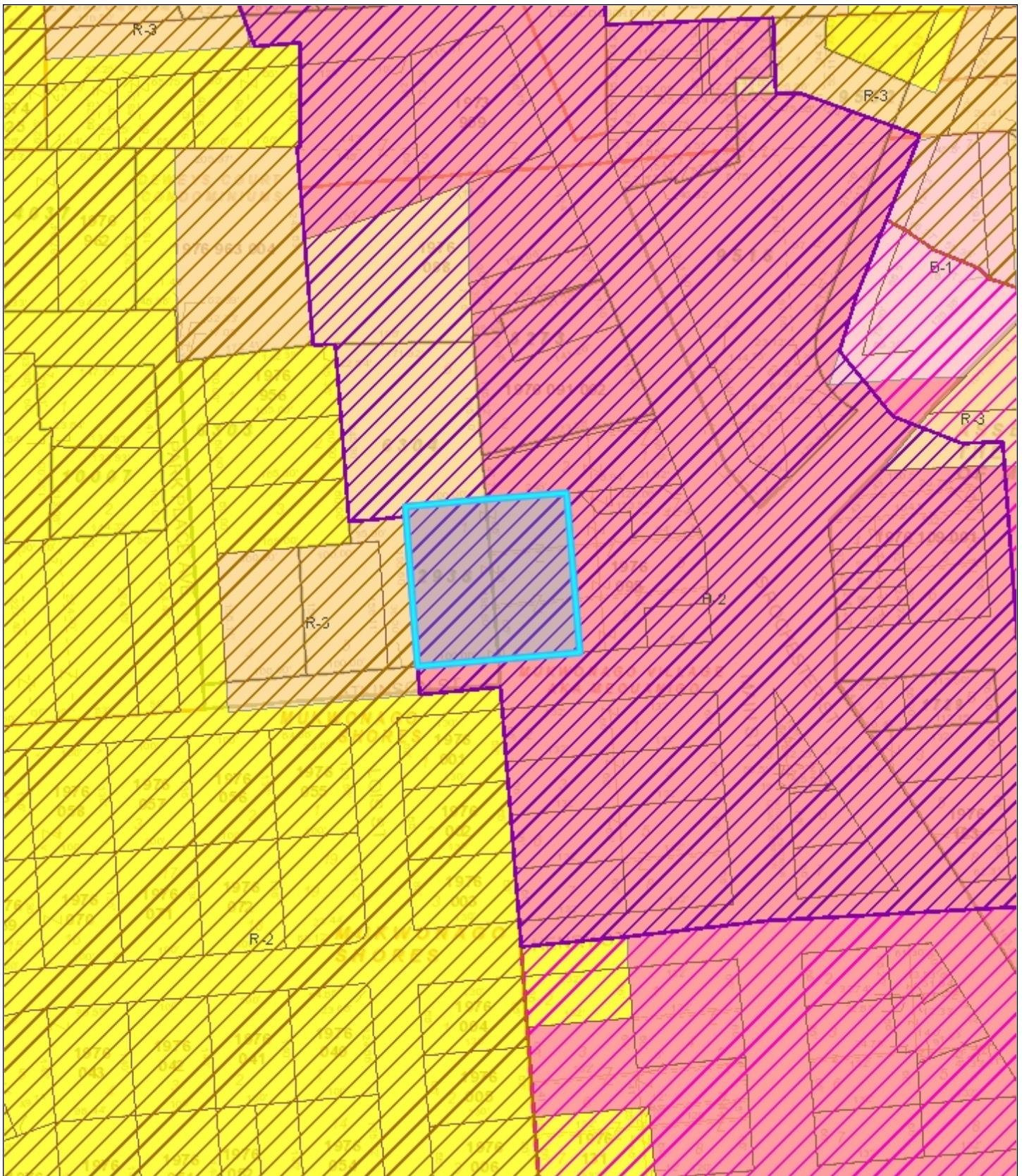
DISCLAIMER: The Village of Mukwonago does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 333'

VILLAGE OF MUKWONAGO
440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 6/2/2021



Village of Mukwonago GIS 326 Atkinson St - Zoning

DISCLAIMER: The Village of Mukwonago does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 167'

VILLAGE OF MUKWONAGO
440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 6/2/2021

JAY'S LAWES OUTDOOR PATIO ADDN 1/4 INCH = 1 FOOT

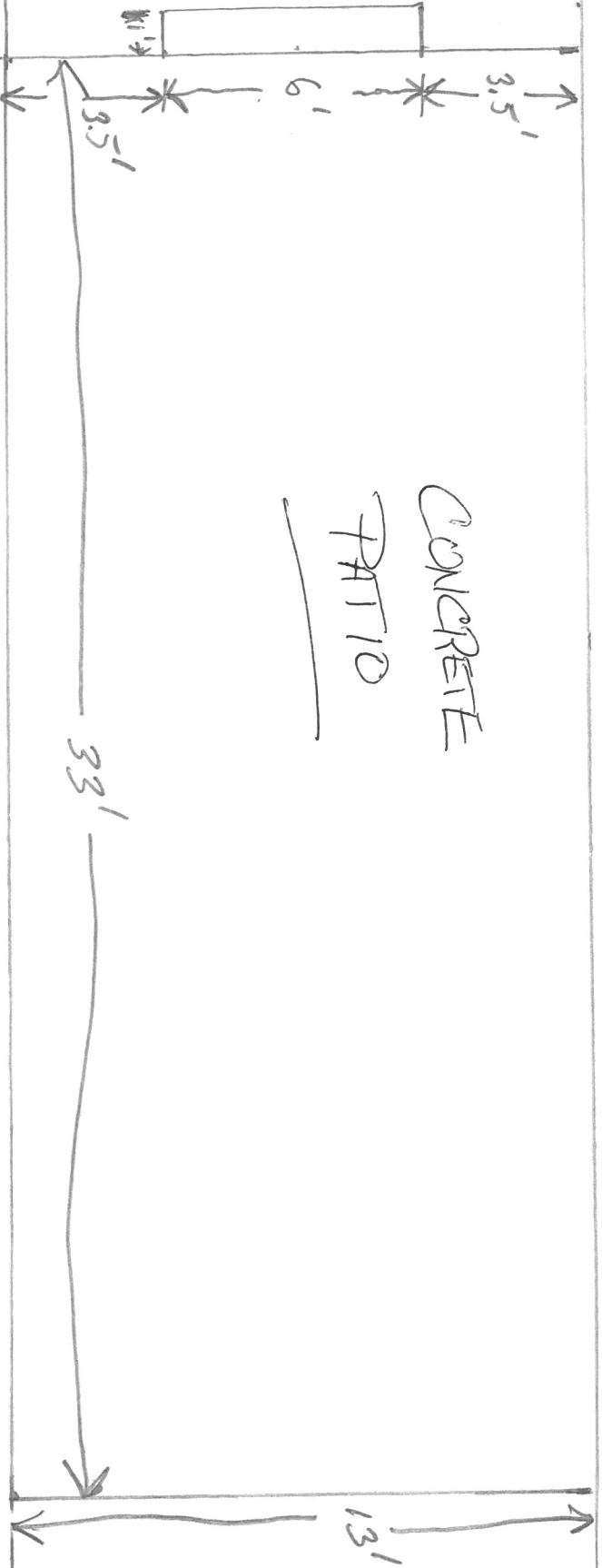
MAIN

ENTRANCE

EXISTING BUILDING

UL

SIDE WALK



CONCRETE

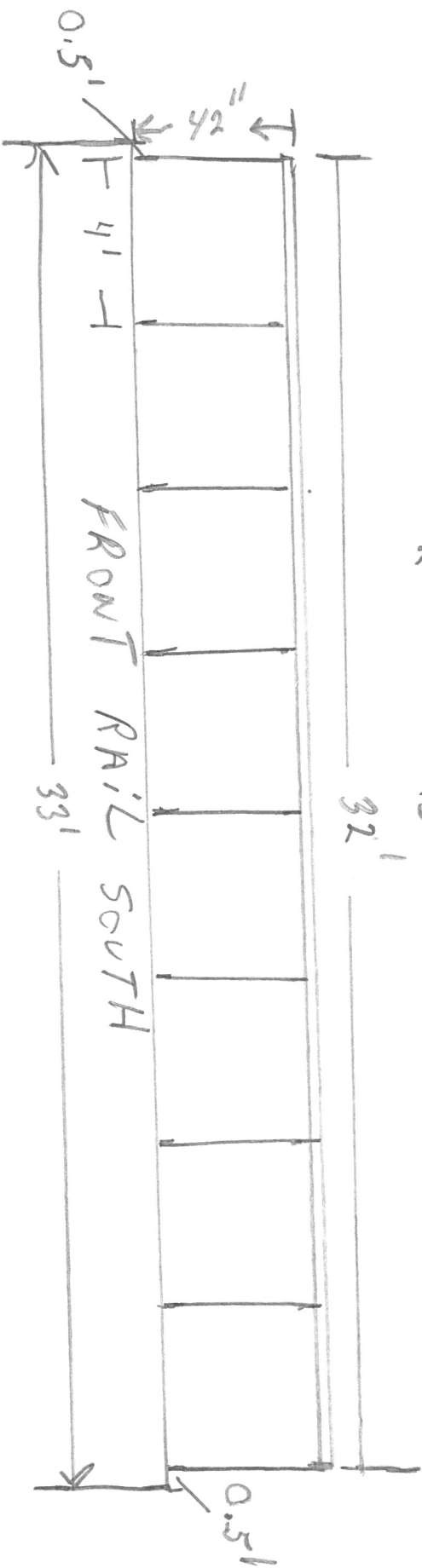
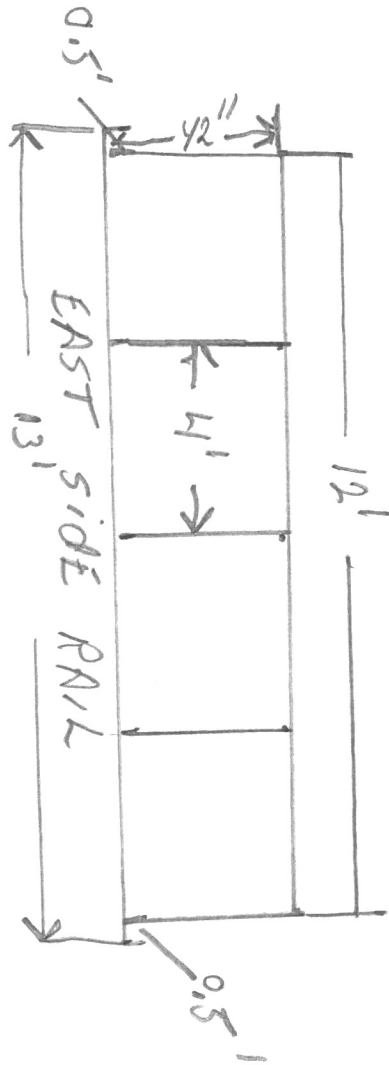
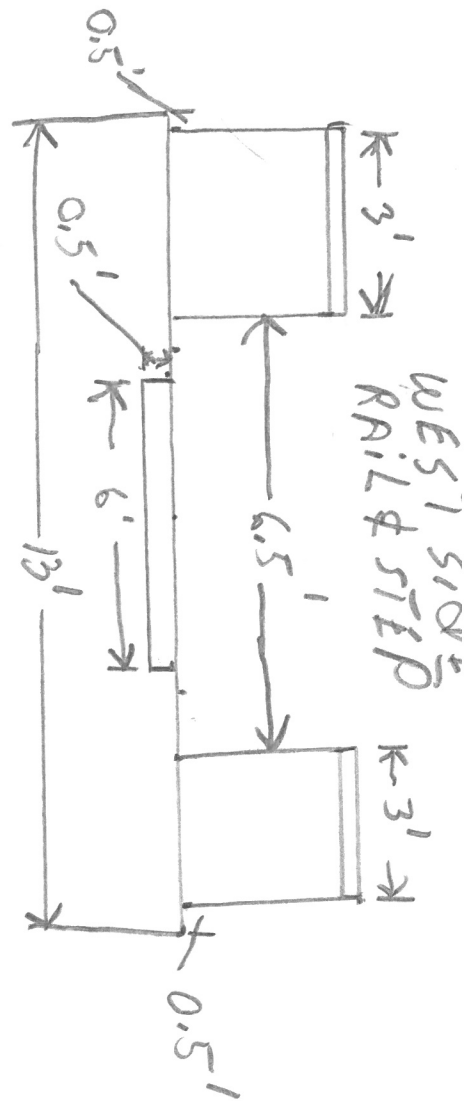
PATIO

SIDE WALK

GRASS

Road

1/4 inch = 1 foot



RESOLUTION 2021-61

Village of Mukwonago Order Granting a Conditional Use and Prescribing Conditions for outdoor dining for Jeffery Royal Jay (Jay's Lanes Inc) for 326 Atkinson Street, Mukwonago, WI

WHEREAS, **Jeffery Royal Jay (Jay's Lanes Inc)** (hereinafter "property owner") owns the property identified as 326 Atkinson Street, (hereinafter "subject property") in the Village of Mukwonago, more particularly described as follows:

PT LOT 7 BLK 7 ORIGINAL PLAT EX VOL 326/305 ALSO PARCEL 1 CERT SURV 21/345 R282/1158

WHEREAS, the property owner has, consistent with the Village of Mukwonago's zoning regulations, submitted a conditional use application for an outdoor dining area per Section 100-153 (f) (2), and

WHEREAS, upon receipt of the petition submitted by the property owner and future purchaser, 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 13, 2021 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 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.

In addition, the property owner and future purchaser has shown compliance with the requirements set forth in the Village's zoning regulations for the specified use.

Return to:

Diana Dykstra, Clerk-Treasurer
Village of Mukwonago
440 River Crest Court
Mukwonago, WI 53149

Parcel Number: MUKV 2009-998-004

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 is authorized to add additional landscaping to the site, a retaining wall, and vacuum stalls.
2. **Issuance of permit required.** The zoning administrator is authorized to issue the property owner 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/tenant 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 property owner must submit site/architectural plans to the Village for review and obtain approval of the same within 9 months of the date of this decision.
 - b. The property owner must accept the terms and conditions of this conditional use order in its entirety in writing within 6 months of the date of this decision. Prior to such expiration, the property owner may request an extension to this time period and the Village Clerk 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 the requirements enumerated in subsections 3(a) and 3(b) above are not satisfied, this order shall automatically be null and void without any further action by the Village of Mukwonago on the aforementioned date.

4. **Ongoing conditions of approval.** The following conditions shall constitute an ongoing obligation:
 - a. The patio area shall be surrounded by a fence. Such fence design and style shall be approved by the community planner. Any change to the fence shall require reapproval by the community planner.
 - b. Outdoor food and drink service shall be contained to the patio area.
 - c. Signage shall be applied for and approved by the Village prior to installation.
 - d. Outdoor storage shall be located at the side or rear of the building and not within the patio area.
 - e. The hours of the patio area shall not occur prior to 8am or later than 12 midnight.
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 conditional use 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.

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.

18. **Acceptance.** GRANTEES hereby accept the said Conditional Use Grant and covenant strictly to comply with all the terms and conditions thereof. GRANTEES acknowledge that, in accordance with the provisions of the Zoning Code, failure to comply with any conditions of the Conditional Use Grant is cause for the termination of said Grant by the Village. GRANTEES also acknowledge that approval of the Conditional Use Grant allows the appropriate Village officials to conduct reasonable and routine inspections of the property. This Covenant shall run with the land and shall be binding on the GRANTEES and all persons claiming any estate or interest in the Premises by, through or under the GRANTEES, as long as the said Premises are used as described in the Conditional Use Grant

Approved this 21st day of July, 2021

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 _____ 2021, 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 21th day of July, 2021.

NOTARY PUBLIC

My Commission Expires:

The remainder of this page left intentionally blank.

Acceptance by Property Owner

I, Jeffery Royal Jay verify that I am an authorized agent for Jay's Lanes Inc accepts the terms stated herein.

Dated this _____ day of _____, 2021

Jeffery Royal Jay, agent

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

Personally, came before me this _____ day of _____, 2021, the above-named person, Jeffery Royal Jay to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC

My Commission Expires:

Drafted by John S. Fellows, AICP, Planner, at the direction of the Mukwonago Village Board.

RESOLUTION 2021- 62

**RESOLUTION APPROVING SITE PLAN AND ARCHITECTURAL REVIEW
FOR JAY'S LANES, APPLICANT
at 326 Atkinson Street
Parcel Number: MUKV 1976-098**

WHEREAS, pursuant to Section and 100-601, and 100-153 of the Zoning Code, an application for a site plan and architectural review has been filed for the approval for an outdoor dining area, which application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

WHEREAS, the application has been submitted by the JAY'S LANES

WHEREAS, outdoor dining areas are allowed with a conditional use within the B-2/ Village Center Multi-Purpose Overlay 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 outdoor dining area at **326 Atkinson Street**, 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. Prior to any land disturbing activity, the applicant must submit a complete and final set of plans to the Village planner. All Village department heads must verify in writing whether they have approved the final plans within their purview. Any outstanding matters must be resolved to staff's satisfaction.
2. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
3. Prior to any land-disturbing activity, the applicant must reimburse the Village for any outstanding charges and establish an escrow account with the Village as may be required.
4. The applicant must obtain all required building permits within nine months of this date, and start construction within six months of the date of building permit issuance and continue in good faith to completion.
5. All work related to this project must comply with all project plans approved by the Village.
6. The developer must comply with all requirements related to impact fees imposed by the Village.
7. The developer shall comply with all parts of the Municipal Code as it relates to this project.
8. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the Zoning Administrator and the Supervisor of Inspections are authorized to approve minor modifications so long as the overall project elements remain unchanged. If they determine that the revision is substantial, the plans must be submitted to the Plan Commission for review and approval.

Village of Mukwonago
Walworth and Waukesha Counties, State of Wisconsin

9. The patio area shall be maintained in a clean state at all times, including cigarette debris, food and trash, etc.
10. Cigarette containers for butts shall be provided to assure a clean patio area.
11. Patio furniture design and style shall be simple in design, durable, and shall be approved by the Community Planner prior to purchase or installation to assure that it complements the vision of the village center area.
12. Patio fencing design and style shall be simple in design, durable, and shall be approved by the Community Planner prior to purchase or installation to assure that it complements the vision of the village center area a black or dark colored fence shall be chosen.
13. If umbrellas are to be used at tables, they shall all be matching with regard to design and style, a variety of colors is acceptable. Advertising on the umbrellas is not permitted.
14. Patio Furniture shall be maintained and when worn out replaced.
15. Patio furniture shall either be used during winter months or if stacked the items shall be stored in an area not visible for the public street.
16. Any future modification to the site such as modification of building, parking, lighting, grading, retaining walls, fences, etc. shall require Site Plan and Architectural Review.

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 21st day of July 2021.

VILLAGE OF MUKWONAGO

By: _____
Fred Winchowky, Village President

Attest: _____
Diana Dykstra, Village Clerk-Treasurer



PLANNING COMMISSION

July 13, 2021 at 6:30pm
Mukwonago, WI

SITE PLAN AND ARCHITECTURAL REVIEW AND CONDITIONAL USE PERMIT

627 E VETERANS WAY
Parcel Number: MUKV1964-991-001

Case Summary

Parcel Data

Proposal:	Garage Addition
Applicant:	American Legion Post 375
Request:	Site Plan Review
Staff Recommendation:	Approve with Conditions

Parcel Characteristics / Conditions

Acreage:	3.4926
Current Use:	American Legion Post
Proposed Use:	American Legion Post
Reason for Request:	New Construction – Garage Addition
Land Use Classification:	Low Intensity Commercial
Zoning Classification:	B-2 Neighborhood Business District
Census Tract:	2039.02

Site Plan and Architectural Review Request

Site Review	The applicant is requesting to build a 20 x 22 ft addition to the exiting garage to allow for more storage on the property. The garage addition will match the existing garage with regard to proportion, materials and colors.
--------------------	---

Staff Review

Engineering	No Concerns
Public Works	No Concerns
Utilities	No Concerns
Police	No Concerns
Fire	No Concerns
Building Inspection	No Concerns
Planning	No Concerns

Recommendation

Site Plan and Architectural Review

Staff recommends the Planning Commission Approve a resolution for the Site Plan and Architectural Review, as set forth in the attached resolution.

1. Prior to any land disturbing activity, the applicant must submit a complete and final set of plans to the Village. All Village department heads must verify in writing whether they have approved the final plans within their purview. Any outstanding matters must be resolved to staff's satisfaction.
2. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
3. Prior to any land-disturbing activity, the applicant must reimburse the Village for any outstanding charges and establish an escrow account with the Village as may be required.
4. The applicant must obtain all required building permits within nine months of this date, and start construction within six months of the date of building permit issuance and continue in good faith to completion.
5. All work related to this project must comply with all project plans approved by the Village.
6. The Applicant / Property Owner must comply with all requirements related to impact fees imposed by the Village.
7. The Applicant / Property Owner shall comply with all parts of the Municipal Code as it relates to this project.
8. The Applicant / Property Owner shall comply with comments from Ruekert-Mielke letters regarding stormwater and utilities. Final Plans shall be submitted, reviewed, and approved by Ruekert-Mielke prior to the pre-construction meeting.
9. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the Zoning Administrator and the Supervisor of Inspections are authorized to approve minor modifications so long as the overall project elements remain unchanged. If they determine that the revision is substantial, the plans must be submitted to the Plan Commission for review and approval.
10. Any future modification to the site such as modification of buildings, parking, lighting, grading, retaining walls, fences, etc. shall require Site Plan and Architectural Review.

Attachments

1. Maps
2. Plans
3. Resolution



Village of Mukwonago GIS
627 Veterans Way - Aerial

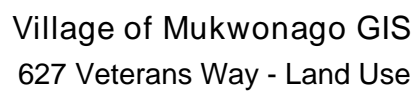
DISCLAIMER: The Village of Mukwonago does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 333 '

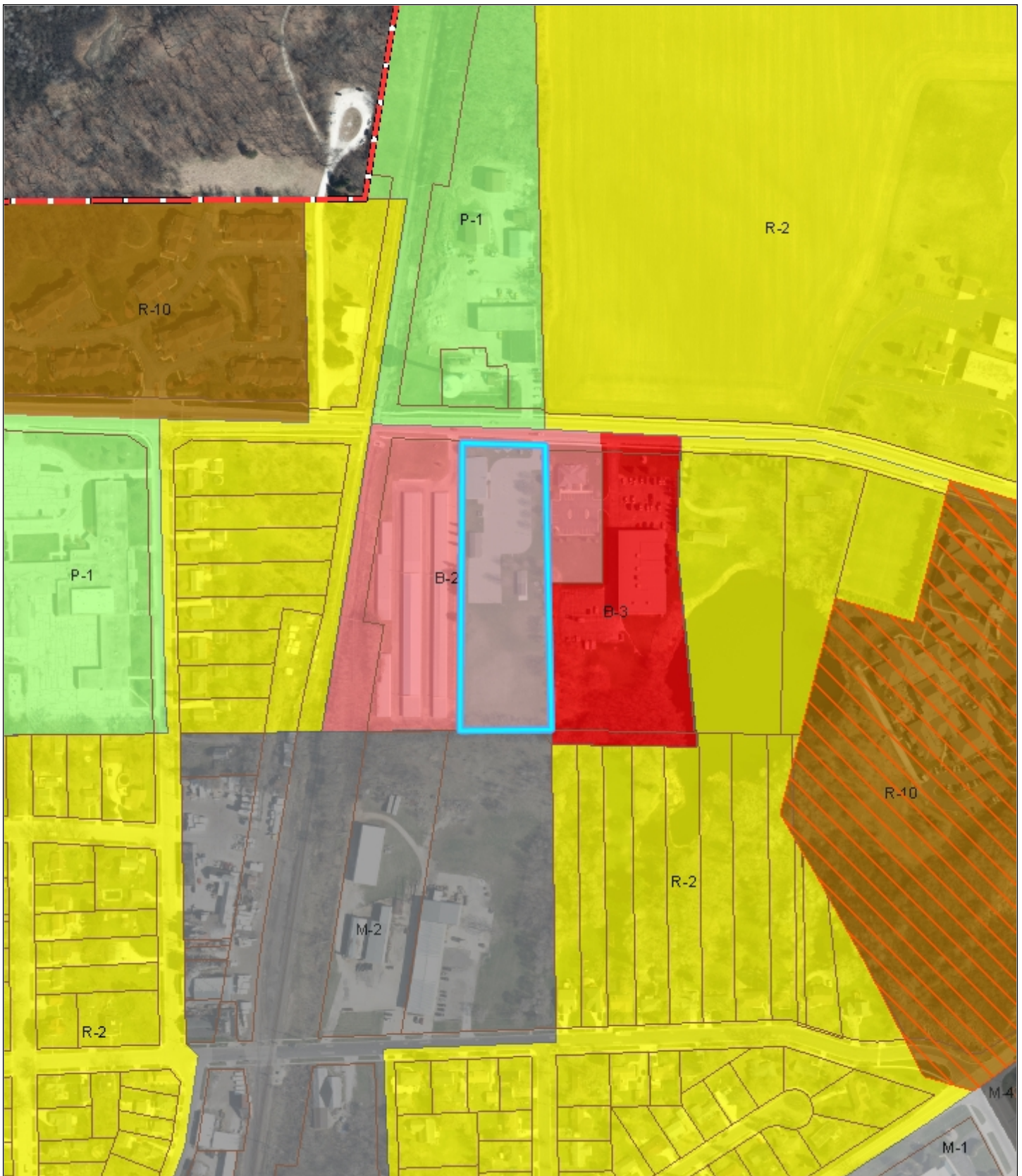
VILLAGE OF MUKWONAGO
440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 6/2/2021



VILLAGE OF MUKWONAGO
440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

63



Village of Mukwonago GIS
627 Veterans Way - Zoning

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SCALE: 1" = 333'

VILLAGE OF MUKWONAGO
440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

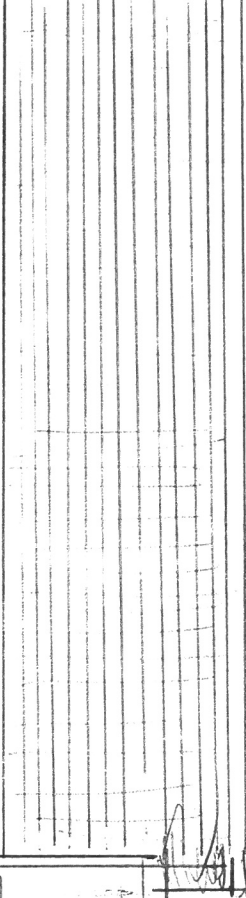
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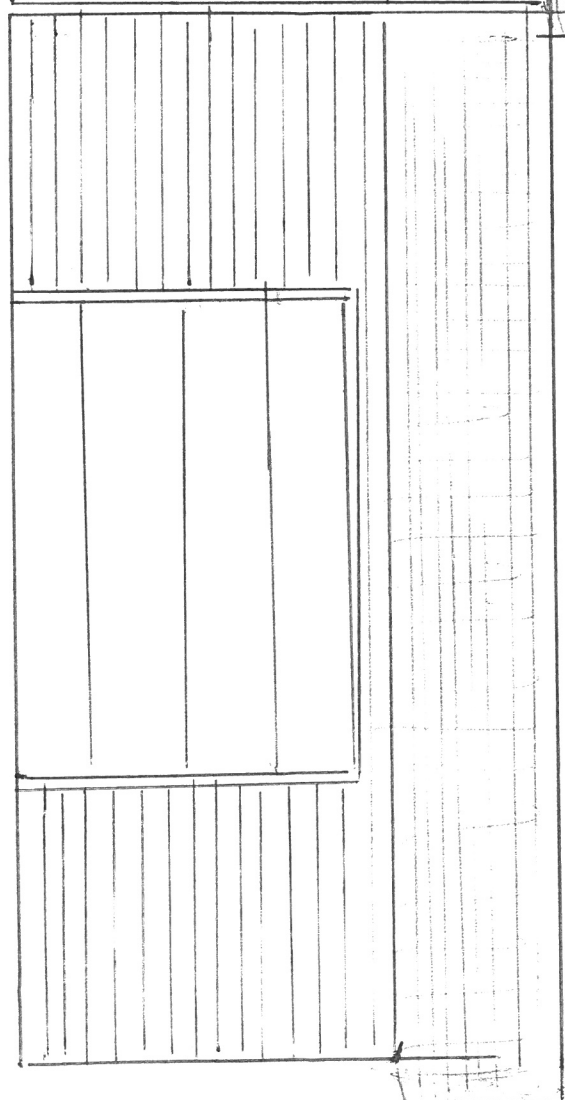




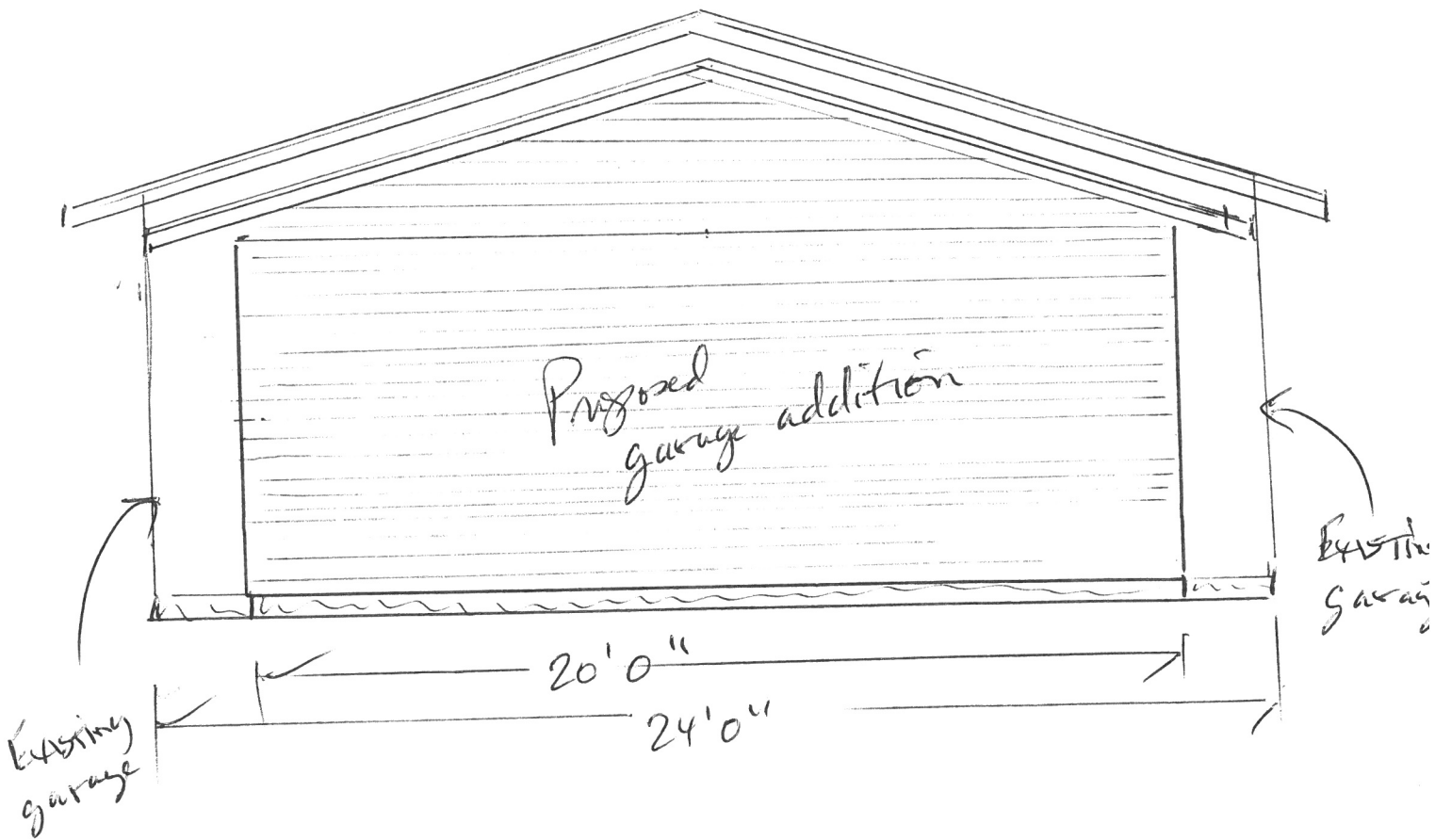


EXISTING Garage

East Elevation

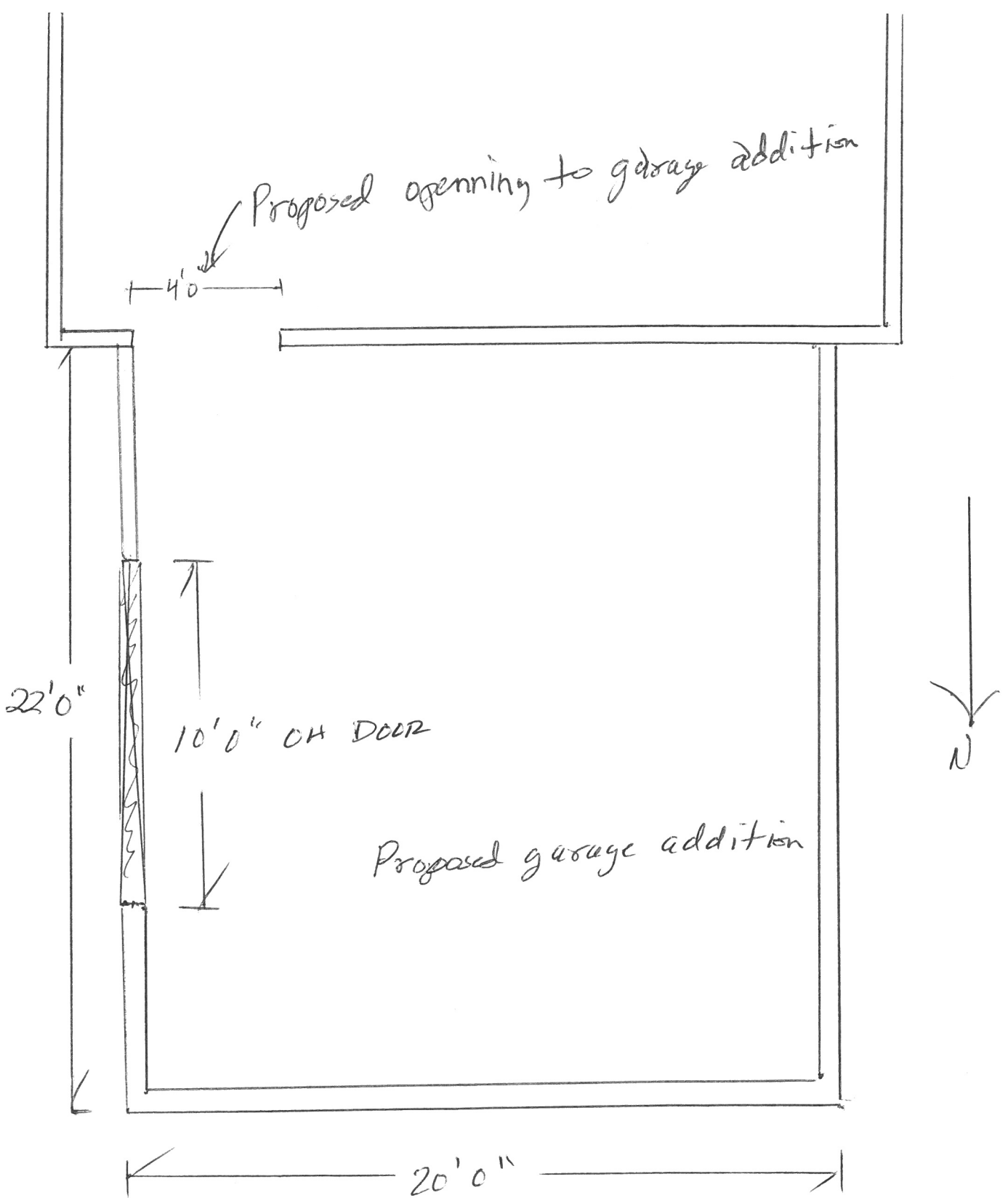


Proposed Garage addition

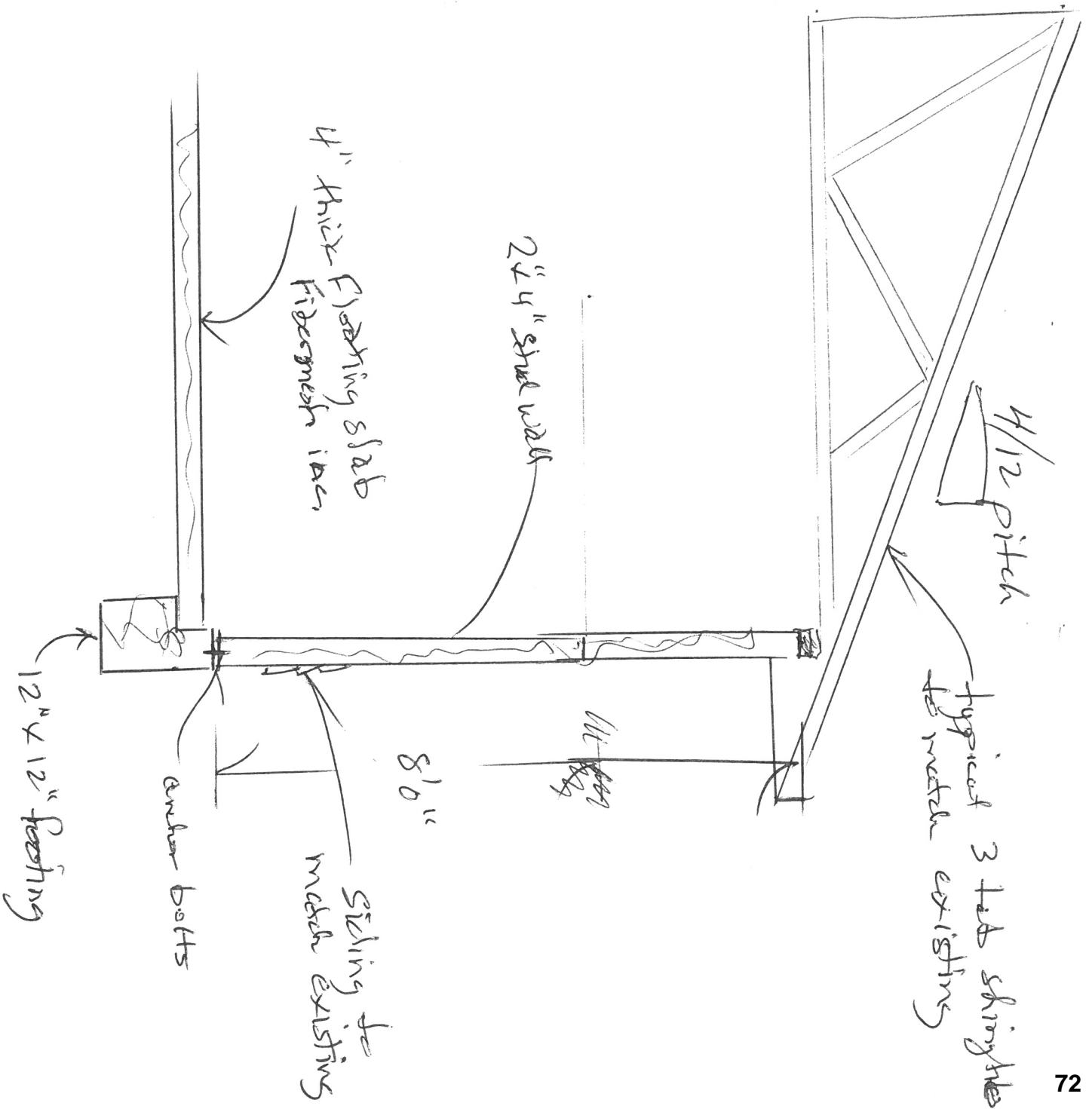


North Elevation

$$\frac{1}{4}'' = 1'0''$$



Scale: $\frac{1}{4}" = 1'0"$



RESOLUTION 2021- 59

**RESOLUTION APPROVING SITE PLAN AND ARCHITECTURAL REVIEW
FOR THE AMERICAN LEGION, APPLICANT
at 627 E VETERNANS WAY
Parcel Number: MUKV 1964-991-001**

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 for a garage addition, which application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

WHEREAS, the application has been submitted by the AMERICAN LEGION

WHEREAS, accessory structures are permitted within the B-2 Neighborhood Business 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 structures at 627 E Veterans Way, 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. Prior to any land disturbing activity, the applicant must submit a complete and final set of plans to the Village. All Village department heads must verify in writing whether they have approved the final plans within their purview. Any outstanding matters must be resolved to staff's satisfaction.
2. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
3. Prior to any land-disturbing activity, the applicant must reimburse the Village for any outstanding charges and establish an escrow account with the Village as may be required.
4. The applicant must obtain all required building permits within nine months of this date and start construction within six months of the date of building permit issuance and continue in good faith to completion.
5. All work related to this project must comply with all project plans approved by the Village.
6. The Applicant / Property Owner must comply with all requirements related to impact fees imposed by the Village.
7. The Applicant / Property Owner shall comply with all parts of the Municipal Code as it relates to this project.

8. The Applicant / Property Owner shall comply with comments from Ruekert-Mielke letters regarding stormwater and utilities. Final Plans shall be submitted, reviewed, and approved by Ruekert-Mielke prior to the pre-construction meeting.
9. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the Zoning Administrator and the Supervisor of Inspections are authorized to approve minor modifications so long as the overall project elements remain unchanged. If they determine that the revision is substantial, the plans must be submitted to the Plan Commission for review and approval.
10. Any future modification to the site such as modification of buildings, parking, lighting, grading, retaining walls, fences, etc. shall require Site Plan and Architectural Review.

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 21th day of July 2021.

VILLAGE OF MUKWONAGO

By: _____
Fred Winchowky, Village President

Attest: _____
Diana Dykstra, Village Clerk-Treasurer



PLANNING COMMISSION

July 7, 2021 at 6:30pm

Mukwonago, WI

Extraterritorial CSM Review

Lake View Drive, Town of Mukwonago

Parcel Number: MUKT2005102001, MUKT2005143002, MUKT2005143003

Case Summary

Parcel Data

Proposal:	Extraterritorial CSM Review
Applicant:	Scott James Babinat
Request:	Request approval of an extraterritorial CSM
Staff Recommendation:	Approve with Conditions

Parcel Characteristics / Conditions

Acreage:	Lot 1 - 7.55 Acres, Lot 2 - 7.55 Acres
Current Use:	Vacant Land
Proposed Use:	Lot 1 Single Family House, Lot 2 Agricultural with future sale for Single Family House
Village Ultimate Boundary:	The parcel is within the Village Boundary Agreement Area
Reason for Request:	Combination of three lots into two equally sized lots
Land Use Classification:	Planned for Historic Residential – 12,000 sf lots.

Project Summary

The purpose of this project is to combine (3) lots Tax keys MUKT2005102001, MUKT2005143003, and MUKT2005143002 and split into (2) equal approx 7.55 acre parcels. The proposed northern parcel lot #1 would include a future residence on the southeastern corner of the property with the balance to remain agricultural farmland. The proposed southern property lot #2 would remain agricultural farmland for future possible sale.

Staff Review

Engineering	No issues.
Public Works	No issues.
Utilities	No issues.
Police	No issues.

Fire	No issues.
Building Inspection	No issues.
Planning	No issues.

Recommendation

Approval with Conditions. State law allows the Village to review the CSM to ensure compliance with the Village Comprehensive Plan. The Village Comprehensive Plan designates the property as within the ultimate Village Boundary. As the lots sized of each property will be over 7 acres and the village comprehensive plans calls for 3.6 lots per acre there should not be any issues in the future for division of this land to conform to the comprehensive plan. Therefore, as the proposed CSM conforms to the comprehensive plan, staff recommends approval with the following condition:

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.
4. Prior to Village signature placement on the CSM, the Town of Mukwonago shall provide the Village Planner with documentation of Town approval.
5. The CSM shall have placed upon signature lines for the Village President and Village Clerk for Plan Commission and Village Board Approvals and subsequent signatures prior to recording.

Attachments

1. Maps
2. CSM
3. Resolution



Village of Mukwonago GIS Aerial Photograph

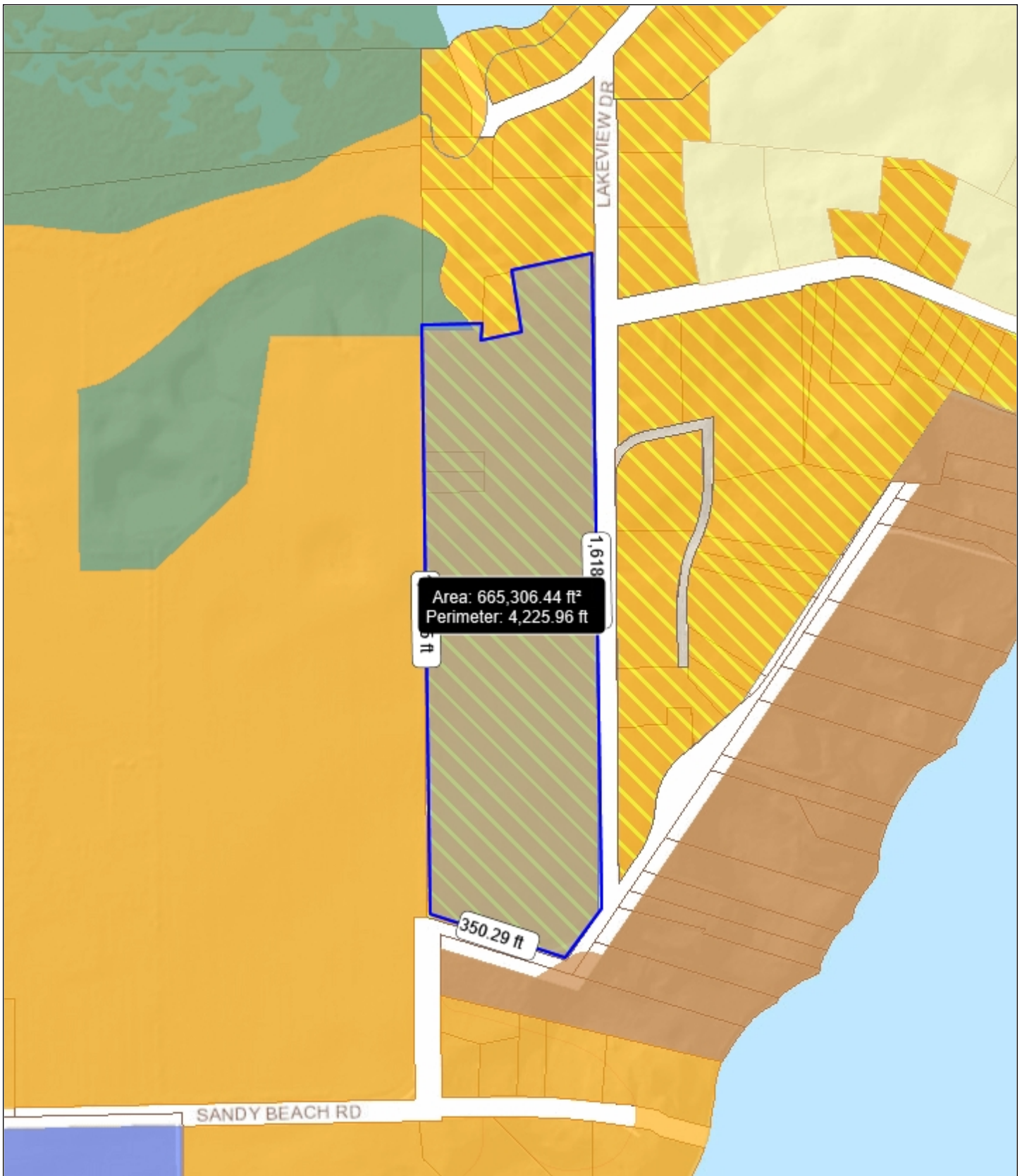
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SCALE: 1" = 333'

VILLAGE OF MUKWONAGO
440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 6/24/2021



Village of Mukwonago GIS Land Use Map

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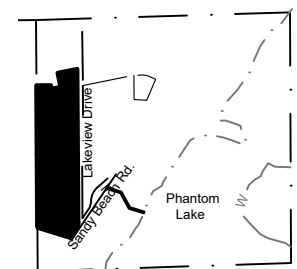
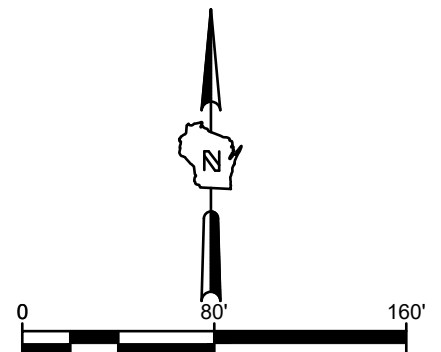
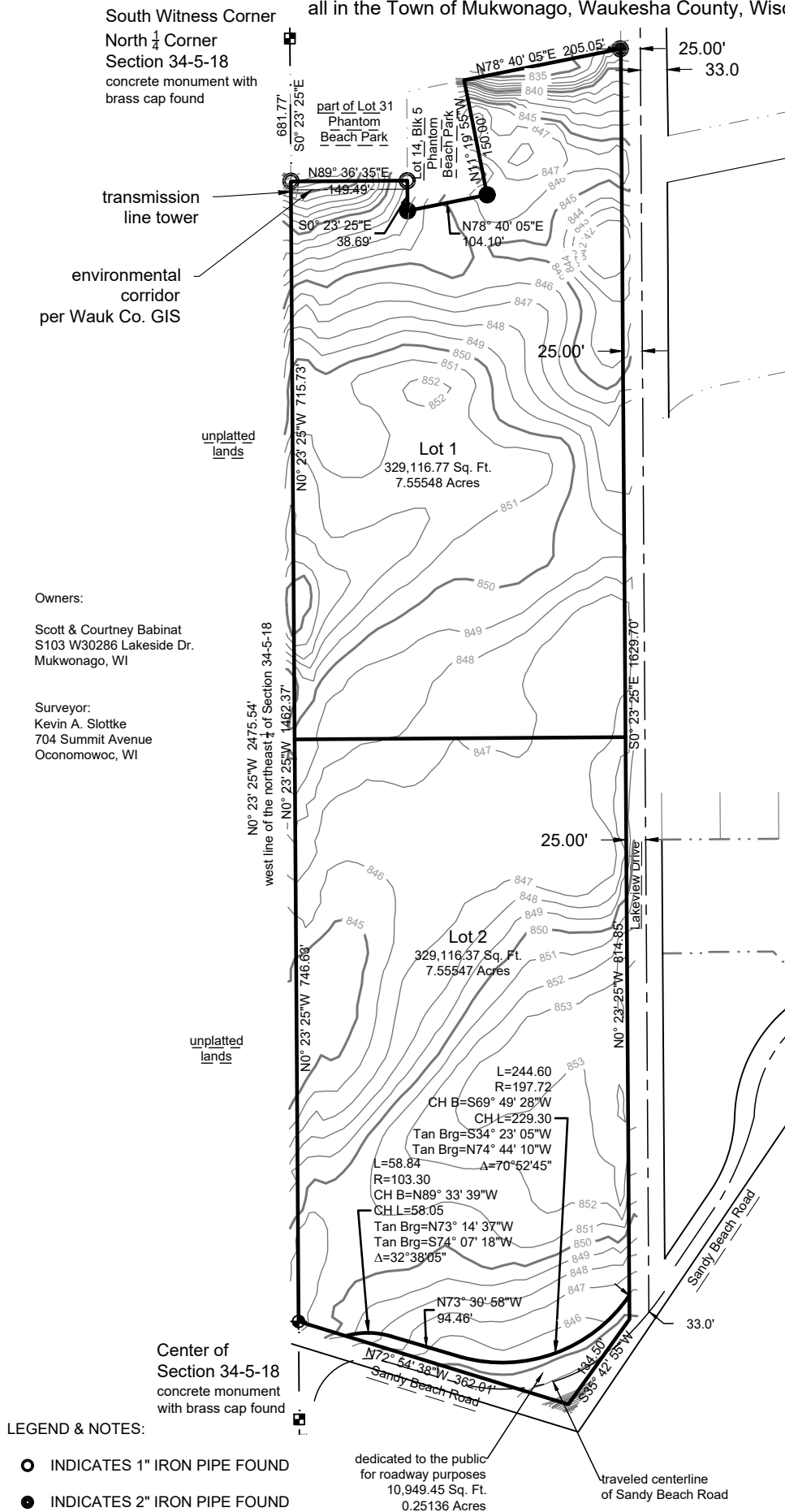
SCALE: 1" = 333'

VILLAGE OF MUKWONAGO
440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 6/24/2021

CERTIFIED SURVEY MAP NO. _____

A redivision of Lots 10-13 and part of Lot 9, in Block 5, and Lots 1 to 21 and part of Lot 33, in Block 6, and Lots 1 to 30 and part of Lot 21, in Block 7, together with vacated portions of Phantom Beach Drive and Lakeview Drive, in Phantom Beach Park, being a subdivision in Sections 27 and 34, Township 5 North, Range 18 East, and Lots 8 to 30 and part of Lots 6 and 7, in Block 12, in Third Addition to Phantom Beach Park, in the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Fractional Section 34, Township 5 North, Range 18 East, South Witness Corner all in the Town of Mukwonago, Waukesha County, Wisconsin.



Vicinity Map
NE $\frac{1}{4}$ of Sec. 34-5-18
1" = 2000'

Owner:
Scott Babinat
S103 W30286 Lakeside Dr
Mukwonago, WI 53149

LEGEND & NOTES:

- INDICATES 1" IRON PIPE FOUND
- ◐ INDICATES 2" 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. This certified survey map is located within a State Designated Groundwater Management Area.

CERTIFIED SURVEY MAP NO. _____

A redivision of Lots 10-13 and part of Lot 9, in Block 5, and Lots 1 to 21 and part of Lot 33, in Block 6, and Lots 1 to 30 and part of Lot 21 in Block 7, together with vacated portions of Phantom Beach Drive and Lakeview Drive, in Phantom Beach Park, being a subdivision in Sections 27 and 34, Township 5 North, Range 18 East, and Lots 8 to 30 and part of Lots 6 and 7, in Block 12, in Third Addition to Phantom Beach Park, in the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Fractional Section 34, Township 5 North, Range 18 East, all in the Town of Mukwonago, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN) SS
MILWAUKEE COUNTY)

I, Kevin A. Slottke, Professional Land Surveyor, hereby certify that I have surveyed, divided, mapped and dedicated a redivision of Lots 10-13 and part of Lot 9, in Block 5, and Lots 1 to 21 and part of Lot 33, in Block 6, and Lots 1 to 30 and part of Lot 21, in Block 7, together with vacated portions of Phantom Beach Drive and Lakeview Drive, in Phantom Beach Park, being a subdivision in Sections 27 and 34, Township 5 North, Range 18 East, and Lots 8 to 30 and part of Lots 6 and 7, in Block 12, in Third Addition to Phantom Beach Park, in the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Fractional Section 34, Township 5 North, Range 18 East, all in the Town of Mukwonago, Waukesha County, 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" E along the west line of said Northeast $\frac{1}{4}$, 681.77 feet; thence N 89°36'35" E, 149.49 feet; thence S 00°23'25" E, 38.69 feet; thence N 78°40'05" E, 104.10 feet; thence N 11°19'55" W, 150.00 feet to the north line of Phantom Beach Park; thence N 78°40'05" E (recorded as N 79° E), along said north line 205.05 feet to the west right of way line of Lakeview Drive; thence S 00°23'25" E (recorded as South), 1629.70 feet to the east corner of Lot 30 of Block 12 in Third Addition to Phantom Beach Park; thence S 35°42'55" W, 134.50 feet to the south corner of said Lot 30; thence N 72°54'38" W along the south line of said Lot 30 and also the south line of Phantom Beach Park (recorded as N 72°30' W), 362.01 to the west line of Phantom Beach Park also being west line of said Northeast $\frac{1}{4}$; thence N 00°23'25" W (recorded as North) along said west line, 1462.37 feet to the point of beginning.

Containing 669,182.60 Square Feet (15.36232 Acres), more or less

That I have made the survey, land division, and map by the direction of Scott and Courtney Babinat, 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, The Village of Mukwonago and the Town of Mukwonago in surveying, dividing, mapping and dedicating the same.

Kevin A. Slottke, PLS 2503 June 11, 2021

OWNER'S CERTIFICATE

Scott Babinat and Courtney Babinat, 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, Village of Mukwonago Land Division Ordinance, and the Town of Mukwonago Code of Ordinances.

Witness the hand and seal of said owners, this day of , 2021

Scott Babinat

Courtney Babinat

State of Wisconsin) _____)ss
County) _____

Personally came before me this _____ day of _____, 2021, Scott Babinat and Courtney Babinat, to me known to be the persons who executed the foregoing instrument

(SEAL) Notary public, State of Wisconsin

my commission expires _____.

CERTIFIED SURVEY MAP NO. _____

A redivision of Lots 10-13 and part of Lot 9, in Block 5, and Lots 1 to 21 and part of Lot 33, in Block 6, and Lots 1 to 30 and part of Lot 21, in Block 7, together with vacated portions of Phantom Beach Drive and Lakeview Drive, in Phantom Beach Park, being a subdivision in Sections 27 and 34, Township 5 North, Range 18 East, and Lots 8 to 30 and part of Lots 6 and 7, in Block 12, in Third Addition to Phantom Beach Park, in the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Fractional Section 34, Township 5 North, Range 18 East, all in the Town of Mukwonago, Waukesha County, Wisconsin.

TOWN OF MUKWONAGO BOARD APPROVAL

Resolved that the Certified Survey Map of Scott Babinat and Courtney Babinat, owners of said lands, being a part 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 _____, 2021

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 _____, 2021

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 _____, 2021

Fred Winchowky, Village President

Waukesha County
Certified Survey Map Data Sheet & Submittal Form

Owner Name _____

Surveyor Name _____

Owner Address _____

Surveyor Company _____

Surveyor Phone No. _____

Owner Phone No. _____

E-mail Address _____

Email Address _____

Town _____

Section _____

Property Address _____

Tax Key No. _____

REASON FOR CSM: _____

Please submit 3 copies of the CSM and 1 electronic version to pod@waukeshacounty.gov
The enclosed submittal checklist must be completed prior to CSM review.

For Office Use Only:

FORMAL SUBMITTAL				SIGNATURE SUBMITTAL		
Date Received	90 day Due Date	Date of Approval	Date of Denial	Date Received	Date of Approval	Date of Denial

File No. _____ Review Fee: _____ Date Paid: _____ Receipt Number: _____

Notes:

Cross references to other files (RZ, CU (esp. a PUD), BOA, WCDP amendment, etc.):

CSM SUBMITTAL CHECKLIST

PLEASE CHECK THE APPROPRIATE BOX

YES NO NA

Is the Certified Survey Map **to scale**, signed, sealed, and dated by the Surveyor with the same revision dates on all pages?

Do you have a copy of the CSM Land Division Review Checklist indicating that all appropriate items have been completed by the Surveyor?

Has the local municipality (Town) been contacted regarding their CSM submittal process?

Do any villages or cities have extraterritorial review authority? If so, have they been contacted regarding their CSM submittal process?

Are there any utilities required? If so, plan accordingly and communicate with the utilities **early** in the process. Existing and proposed easements must be identified on the CSM.

Does the property contain wetlands that have been field verified? If yes, please submit a copy of the report and indicate the source and date of the delineation on the CSM. Written documentation of DNR concurrence shall also be submitted.

Does the property contain Primary Environmental Corridor, Secondary Environmental Corridor, or Isolated Natural Resource Area that have been field verified? If yes, please submit a copy of the report and indicate the source and date of the delineation on the CSM.

Does the property contain floodplain? Please indicate the elevation, boundary, source, and whether the boundary was field delineated.

Has the Waukesha County Department of Public Works or the State Department of Transportation completed a review of the proposed highway accesses, *if applicable*?

Is the property to be served by a private sewage system? If so, has the Waukesha County Environmental Health Division been contacted for review of all lots proposed to be served by septic systems? A soil test must be completed on every new lot created to ensure septic suitability, unless the lot will be served by sewer.

If there are any existing septic systems or wells, have you completed a Preliminary Site Evaluation (PSE) form or submitted abandonment reports to EHD?

Has the Waukesha County Land Resources Division completed a review to determine if a Stormwater Permit is required? A Stormwater Permit is required if you create 3 new lots; disturb 1 acre or more of land; propose at least ½ acre of new impervious surface; or propose a road that will serve more than 2 homes. A County Stormwater Permit is not required in the Towns of Eagle or Brookfield; please coordinate with Eagle and Brookfield directly regarding stormwater management.

The County has 90 days to review the CSM per Chapter 236 Wisconsin State Statutes.

Please contact the Planning and Zoning Division at (262) 548-7790 or go to www.waukeshacounty.gov/planningandzoning to determine review fees.

Village of Mukwonago
440 River Crest Ct
Mukwonago, WI 53149
Phone: (262) 363-6420
Fax: (262) 363-6425
www.villageofmukwonago.com

VILLAGE OF MUKWONAGO

EXTRATERRITORIAL REVIEW APPLICATION

Application Fee: \$200

Date Submitted: 6-14-21

TYPE OF SUBMITTAL

(Please check one)

- ☒ Certified Survey Map
☐ Preliminary Plat
☐ Final Plat
☐ Other: _____

CONTACTS

Zoning and Planning Department

Contact:

Phone: (262) 363-6420 ex 2111

Fax: (262) 363-6425

Email: planner@villageofmukwonago.com

GUIDELINES

The undersigned petition is to consider a request, as stated herein, for the specified parcel(s) of land and will be reviewed by the Plan Commission and Village Board of the Village of Mukwonago. The application packet must be filed with the Village Clerk **at least 30 days prior** to the meeting of the Planning Commission at which action is desired.

Materials listed below must be provided to the Village of Mukwonago in accordance with Village Municipal Code Chapter 45 Article IV and other pertinent sections of Village ordinances, WI Stats. 236.34, and, as necessary, to permit review that is consistent with proper planning practice. The Village will strive to accommodate reasonable requests for informal preliminary staff review, however the Village shall not place any items on the agenda for Plan Commission consideration until such time as the application is complete in accordance with all requirements specified on this and other attached application forms.

Mail completed applications to: Village Planner
ATTN: Extraterritorial Review
440 River Crest Ct
Mukwonago, WI 53149
Deliver to: Village Clerk's Office
440 River Crest Ct
Email to: planner@villageofmukwonago.com

Complete, accurate and specific information must be entered. Please Print.

APPLICANT INFORMATION (Full Legal Name)

Name: Scott James Rabinat
Company: _____
Address: 5103 W 30286 Lakeside dr City: Mukwonago State: WI Zip: 53149
Daytime Phone: 262 389 9699 Fax: _____
E-Mail: Scott@ex1glass.com

APPLICANT IS REPRESENTED BY (Full Legal Name)

Name: _____
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: _____ Fax: _____
E-Mail: _____

ARCHITECT

Name: _____
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: _____ Fax: _____
E-Mail: _____

PROFESSIONAL ENGINEER

Name: _____
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: _____ Fax: _____
E-Mail: _____

REGISTERED SURVEYOR

Name: Kevin A. Slotke
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: 414-217-0001 Fax: _____
E-Mail: Kevin.slotke@gmail.com

CONTRACTOR

Name: _____
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: _____ Fax: _____
E-Mail: _____

PROPERTY AND PROJECT INFORMATION

Property Owner (s) (if different from applicant): Same as applicant
Address: " City: " State: " Zip: "
Daytime Phone: 262 389 9699 Fax: _____
E-Mail: Scott@exlglass.com
Location/Address: "Lakeview dr" Not Assigned
Present Zoning: A-1 Tax Key No(s): MukT2005102001, MukT2005143003, MukT2005143002
Name of Town Property is Located In: Town of Mukwonago
Town Official Contact Name: Tim Schwecke
Town Official Phone #: 920 728 2814 Email: tim.schwecke@clvitekconsulting.com
Present Use: Agriculture Intended Use: Residence / Agriculture

PROCEDURAL CHECKLIST FOR EXTRATERRITORIAL REVIEW AND APPROVAL

The application packet must be filed with the Village Clerk at least 30 days prior to the meeting of the Planning Commission at which action is desired.

Certified Survey Maps shall be prepared as provided in § 236.34 (1m) (c) Wis. Stats. and Article IV of the Land Division Ordinance. Submittals for review must include and be accompanied by the following:

Application:

- ☐ Completed application form including the procedural checklist.
- ☐ Application fee: \$200
- ☐ Agreement for Reimbursable Services (separate application).

Other Documents:

- ☐ Project Summary: Please attach a statement detailing the reasons and background for this request.
- ☐ A letter or other document stating the Town's approval of the submittal.
- ☐ **Electronic Submittals are required.** Email (or CD ROM) with all plans and submittal materials in Adobe PDF to planner@villageofmukwonago.com.
- ☐ Any additional information as determined by Village staff

CERTIFICATION

Applicant hereby certifies that:

1. All of the above statements and other information submitted as part of this application are true and correct to the best of his or her knowledge.
2. Affirms that no Village of Mukwonago elected or appointed official or employee has a proprietary interest in the above referenced property for which this applications being filed (except as stated below under "Exceptions").
3. None of the above referenced individuals has been promised or given any contract for consultation, planning or construction in relation to this project (except as stated below under "Exceptions").
4. Applicant has read and understands all information in this packet.

Applicant further understands the policies of the Village regarding change of zonings and property development. Conditions of the resolution regarding all approvals are strictly followed. Certificates of Occupancy are not given until all conditions of approval have been met

By the execution of this application, applicant hereby authorizes the Village of Mukwonago or its agents to enter upon the property during the hours of 7:00 am to 7:00 pm daily for the purpose of inspection. Applicant grants this authorization to enter even if this land has been posted against trespassing pursuant to Section 943.13 WI Stats.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Scott Babinat
Signature - Property Owner

Scott Babinat
Name & Title (PRINT)

6-14-21
Date

Signature - Property Owner

Name & Title (PRINT)

Date

Scott Babinat
Signature - Applicant

Scott Babinat
Name & Title (PRINT)

6-14-21
Date

Signature – Applicant's Representative

Name & Title (PRINT)

Date

FOR OFFICE USE ONLY	
Date Paid	Receipt #
Plan Commission Date(s)	Village Board Date(s)
Escrow Required? <input type="checkbox"/> Yes <input type="checkbox"/> No	Escrow Amount
Plan Commission Disposition	
Village Board Disposition	

RESOLUTION 2021-58

**RESOLUTION APPROVING THE EXTRATERRITORIAL REVIEW OF A TWO-LOT
CERTIFIED SURVEY MAP WITHIN THE TOWN OF MUKWONAGO
TAX KEY MUKT2005-102-001, MUKT2005-143-002, MUKT2005-143-003**

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 numbers of **MUKT 2005-102-001, MUKT 2005-143-002, MUKT 2005-143-003**, 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 Scott James Babinat, and

WHEREAS, the subject property, located along Lakeview Dr 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, the subject property, is located within the ultimate village boundary.

WHEREAS, a 2-Lot Certified Survey Map creating s 2-lot CSM out of the existing three parcels, 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, 2021 prepared by Kevin A Slotke, 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.
4. Prior to Village signature placement on the CSM, the Town of Mukwonago shall provide the Village Planner with documentation of Town approval.
5. The CSM shall have placed upon signature lines for the Village President and Village Clerk for Plan Commission and Village Board Approvals and subsequent signatures prior to recording.

Passed and dated this 19th day of August 2021.

Village of Mukwonago

By: _____
Fred Winchowky, Village President

Attest: _____
Diana A Dykstra, Village Clerk-Treasurer



PLANNING COMMISSION

July 13, 2021 at 6:30pm

Mukwonago, WI

Zoning Map Amendment

Parcel Number: #VM 00018 and #VM 00017A

Case Summary

Parcel Data

Proposal:	<u>Zoning Map Amendment:</u> Consideration to a Zoning District Boundary Change (a/k/a Rezoning) from A-1 Agricultural District to M-4 Medium/ Heavy Industrial District.
Applicant:	VILLAGE OF MUKWONAGO
Owner:	WENDELL SCHULTZ and DANIEL SCHULTZ
Request:	Rezoning Request
Staff Recommendation:	Approve with Conditions

Parcel Characteristics / Conditions

Acreage:	119.76 and 4.58 acres
Current Use:	Agricultural
Proposed Use:	Agricultural – Future Industrial
Reason for Request:	Expansion of TID #5 Boundary
Current: Land Use Classification:	Industrial
Proposed: Land Use Classification:	No Change
Current: Zoning Classification:	A-1 Agricultural
Proposed: Zoning Classification:	M-4 Medium/ Heavy Industrial District.
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 Information

Site	Two properties are being considered for rezoning one being 119.76 and 4.58 acres
Utilities	All utilities will be underground, sewer and water will need to be extended at the time of development.
Stormwater Management	At the time of development a regional system will need to be designed and installed.
Wetlands	Unknown – a survey will need to be conducted at some point in the future prior to preparation of any development plans beyond agricultural uses.
Primary Environmental Corridor	Unknown – a survey will need to be conducted at some point in the future prior to preparation of any development plans beyond agricultural uses.
Easements	Unknown at this time.

Rezoning Request

The Village is requesting, and the property owner is in agreement to rezone the property to M-4 Limited Industrial District from A-1 Agricultural. The Villages Comprehensive Plan calls for these lands to be industrial in the future and the property owner is preparing for retirement and the Village is considering expansion of TID #5.

Upon review staff supports the request based upon compliance with the Comprehensive Plan.

Staff Review

Engineering	No Concerns at this time.
Public Works	No Concerns at this time.
Utilities	No Concerns at this time.
Police	No Concerns at this time.
Fire	No Concerns at this time.
Building Inspection	No Concerns at this time.
Planning	No Concerns at this time.

Recommendation

Staff recommends that the Planning Commission recommend to the Village Board approval of a zoning map amendment and approve the attached ordinance.

Attachments

1. Maps
2. Ordinance - XX for Zoning Map Amendment



Village of Mukwonago GIS Aerial Map

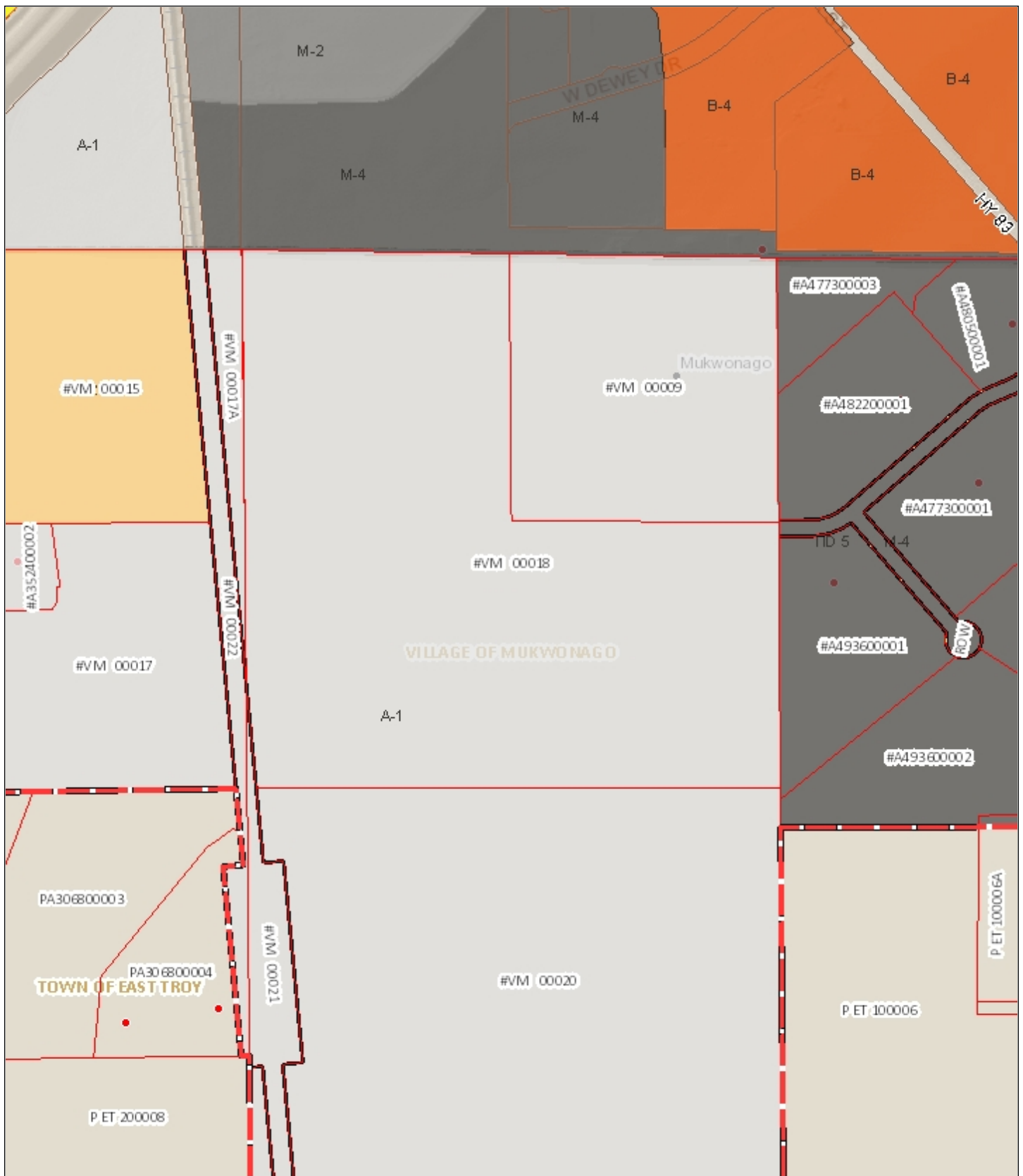
DISCLAIMER: The Village of Mukwonago does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 667'

VILLAGE OF MUKWONAGO
440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 6/25/2021



Village of Mukwonago GIS Zoning

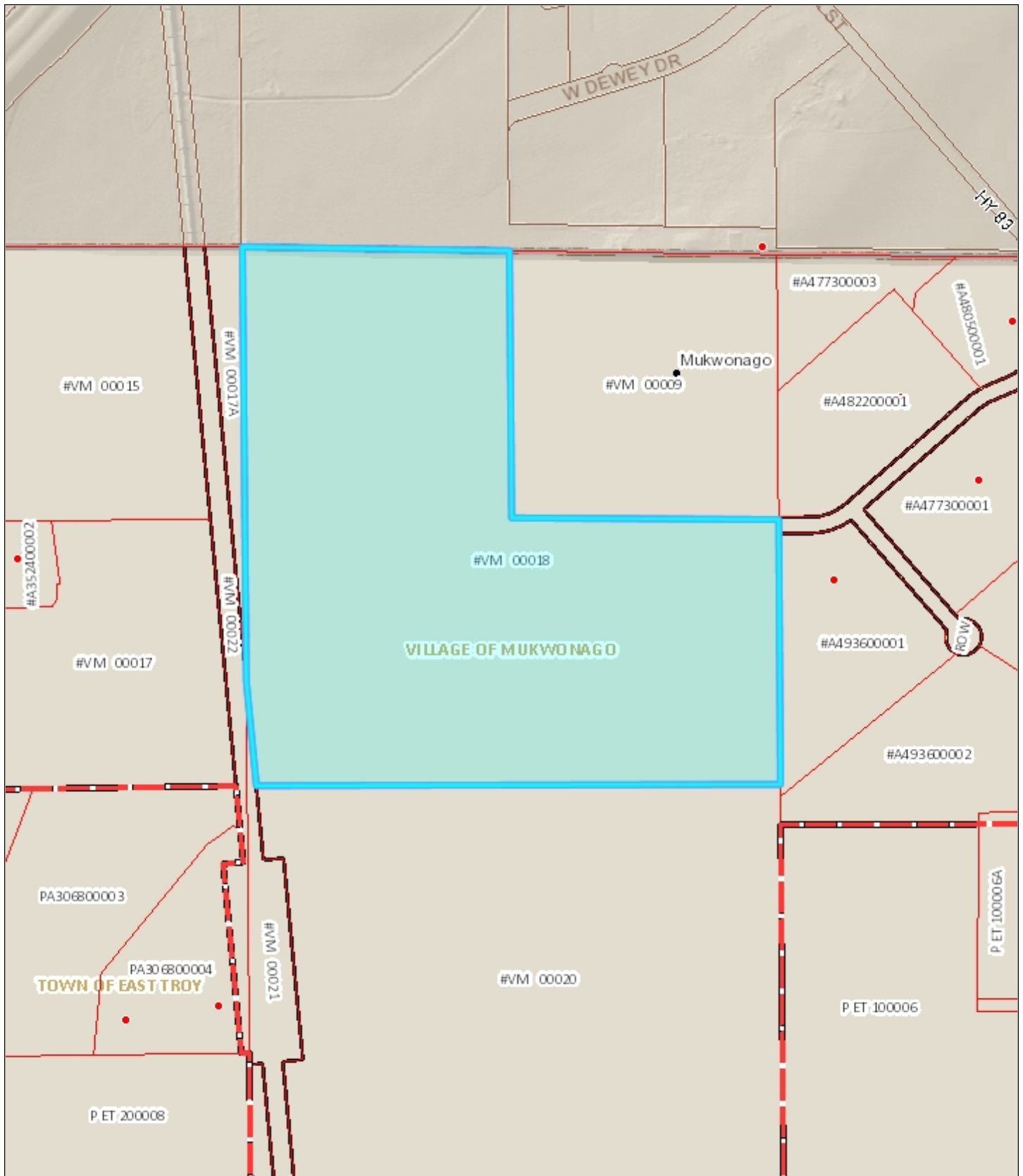
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Village of Mukwonago GIS
Rezoning Exhibit A - #VM 00018

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Village of Mukwonago GIS

Rezoning Exhibit B - #VM 00017A

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VILLAGE OF MUKWONAGO

440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 6/25/2021

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. 996

**AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF
THE VILLAGE OF MUKWONAGO ON BEHALF OF THE VILLAGE
OF MUKWONAGO (ENDELL SCHULTZ AND DANIEL SCHULTZ)
FOR PROPERTY AT PARCEL NUMBER: #VM 00018 AND #VM 00017A**

THE VILLAGE BOARD of the Village of Mukwonago, Waukesha and Walworth Counties, Wisconsin, do ordain as follows:

SECTION I. Pursuant to the provision of Section 100.856 of the Municipal Code of the Village of Mukwonago, having received the recommendation of the Village Plan Commission, and after a public hearing duly called and held on the 21st day of July, 2021, the following legally described property is amended on the Village of Mukwonago Zoning District Map from A-1 Agricultural to M-4 Medium/ Heavy Industrial District.

S 1/2 OF NW FR 1/4 & NW 1/4 OF NW FR 1/4 SEC 1 T4N R18E. 120.34 A VILLAGE OF MUKWONAGO ANNEXED TO VILLAGE UNDER DOC. #446047 OMITTS P ET 1-5

And

PT NE1/4 SEC 2 T4N R18E DESC AS EASTERLY OF THE WESTERLY RIGHT OF WAY LINE OF RAILROAD COMMONLY KNOWN AS SOO LINE RAILROAD OR WIS CENTRAL LTD RAILROAD; ALSO EXC #VM-2.

#VM 00018 and #VM 00017A

SECTION II: The above referenced legal descriptions is graphically provided within attached Exhibit A and B.

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

SECTION IV. Severability. If any portion of this Ordinance is invalid or unconstitutional, or the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION V. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

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**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

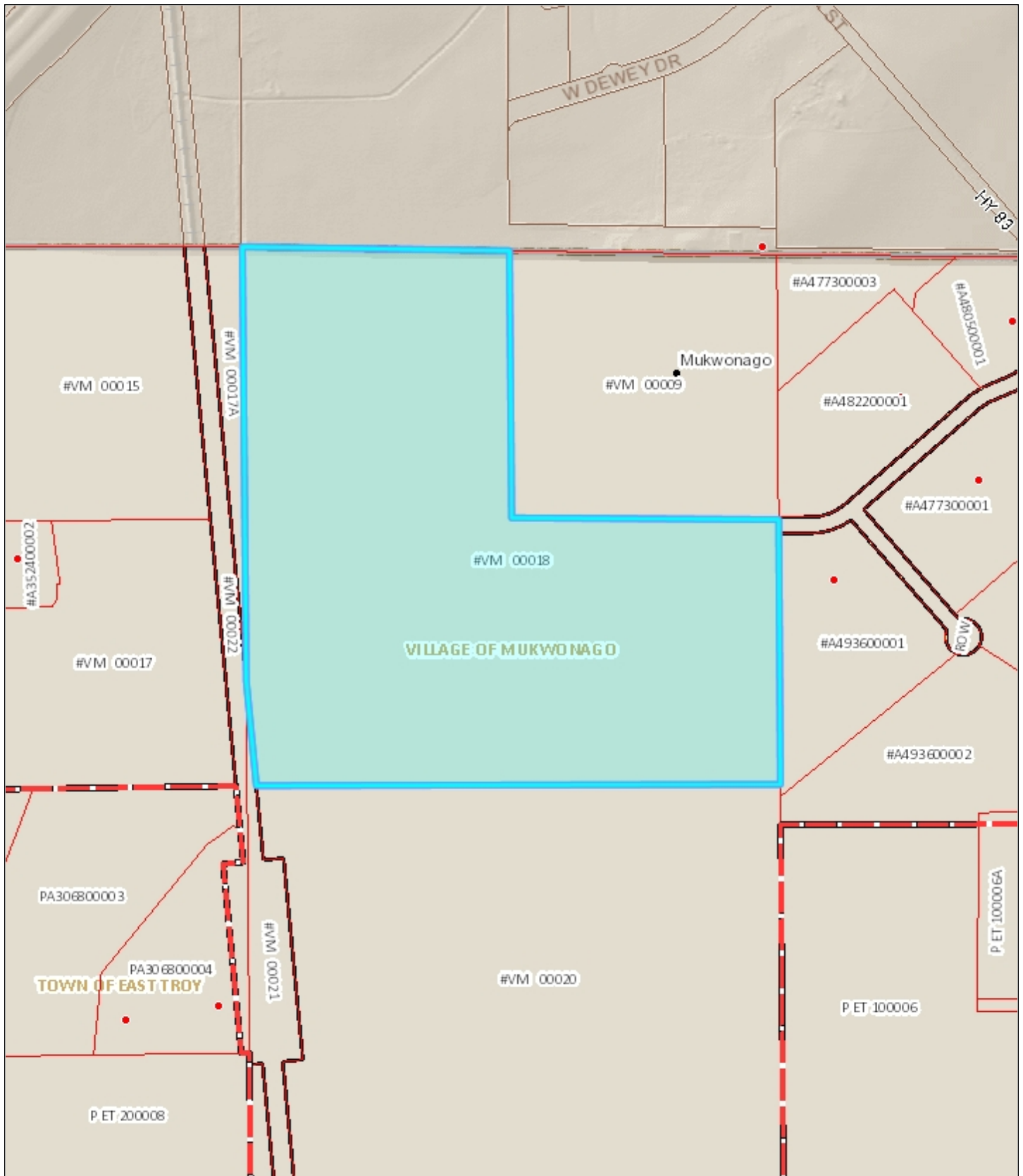
PASSED AND ADOPTED by the Village Board this _____ day of _____, 2021.

APPROVED:

Fred Winchowky, Village President

Countersigned:

Diana Dykstra, Village Clerk/Treasurer



Village of Mukwonago GIS **Rezoning Exhibit A - #VM 00018**

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VILLAGE OF MUKWONAGO

440 River Crest Court
 PO Box 206
 Mukwonago, WI 53149
 262-363-6420

Print Date: 6/25/2021

Village of Mukwonago GIS

Rezoning Exhibit B - #VM 00017A

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VILLAGE OF MUKWONAGO

440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 6/25/2021

July 6, 2021

DRAFT Project Plan Amendment
Tax Incremental District No. 5

Village of Mukwonago, Wisconsin

Organizational Joint Review Board Meeting Held:	July 13, 2021
Public Hearing Held:	July 13, 2021
Approval by Plan Commission:	July 13, 2021
Adoption by Village Board:	July 21, 2021
Approval by the Joint Review Board:	TBD

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SECTION 1:

Executive Summary

Description of District

Tax Incremental District (“TID”) No. 5 (“District”) is a 116.65-acre Industrial District created on February 28, 2018. The District was created to:

- Facilitate the development of a new Village industrial park on a parcel that was previously agricultural land (Sugden site).
- Help build industrial capacity within the Village after filling the previously existing industrial park.

Purpose of Amendment

The purpose of this amendment, referred to hereafter as the Plan, the Amendment, or the Plan Amendment, is to:

- Add territory to the District as permitted under Wis. Stat. § 66.1105(4)(h)2. This is the first of four permitted territory amendments available to the District. The added territory will serve to expand the Village industrial park created in the initial phases of TID #5.
- Amend the categories, locations or costs of project costs to be made as permitted under Wis. Stat. § 66.1105(4)(h)1. (“Project”).

Estimated Total Project Cost Expenditures

The Village anticipates making total expenditures of approximately \$80 million (“Project Costs”) to undertake the projects listed in this Project Plan (“Plan”). The original project plan included expenditures of \$11.2 million. The new estimated amount includes an adjustment for costs related to Phases I and II along with an additional \$48 million for Phase III. Project Costs include an estimated \$10 million in land acquisition costs, \$12 million infrastructure costs and related debt service.

Incremental Valuation

The Village projects that new land and improvements value of approximately \$137 million will result from the Project (\$47 million related to Phases I and II, and \$90 million related to Phase III). Creation of this additional value will be made possible by the Project Costs made within the District. A table detailing assumptions as to the development timing and associated values is included in the Economic Feasibility Study located within this Plan.

Expected Termination of District

Based on the Economic Feasibility Study located within Section 9 of this Plan, the Village anticipates that the District will generate sufficient tax increment to pay all Project Costs within 18 of its allowable 20 years.

Summary of Findings

As required by Wis. Stat. § 66.1105, and as documented in this Plan and the exhibits contained and referenced herein, the following findings are made:

1. That “but for” the creation of this District, the development projected to occur as detailed in this Plan: 1) would not occur; or 2) would not occur in the manner, at the values, or within the timeframe desired by the Village. In reaching this determination, the Village has considered:

The substantial investment needed to provide the public infrastructure necessary to allow for development within the District. Absent the use of tax incremental financing, the Village is unable to fully fund this program of infrastructure improvements.

2. The economic benefits of the District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements. In making this determination, the Village has considered the following information:

That the Developer(s) is likely to purchase goods and services from local suppliers in construction of the Project, and induced effects of employee households spending locally for goods and services from retailers, restaurants and service companies.

3. The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions. As required by Wis. Stat. § 66.1105(4)(i)4., a calculation of the share of projected tax increments estimated to be paid by the owners of property in the overlying taxing jurisdictions has been prepared and can be found in this Plan. However, because the Project would not occur without the use of tax incremental financing, these tax increments would not be paid but for creation of the District. Accordingly, the Village finds that the benefits expected to be realized as set forth in this Plan outweigh the value of the tax increments to be invested in the Project.
4. Not less than 50% by area of the real property within the District, as amended, is suitable for industrial sites as defined by Wis. Stat. § 66.1101 and has been zoned for industrial use. Any real property within the District that was found suitable for industrial sites and was zoned for industrial use at the

time of creation of the District or at the time of this Plan Amendment will remain zoned for industrial use for the life of the District.

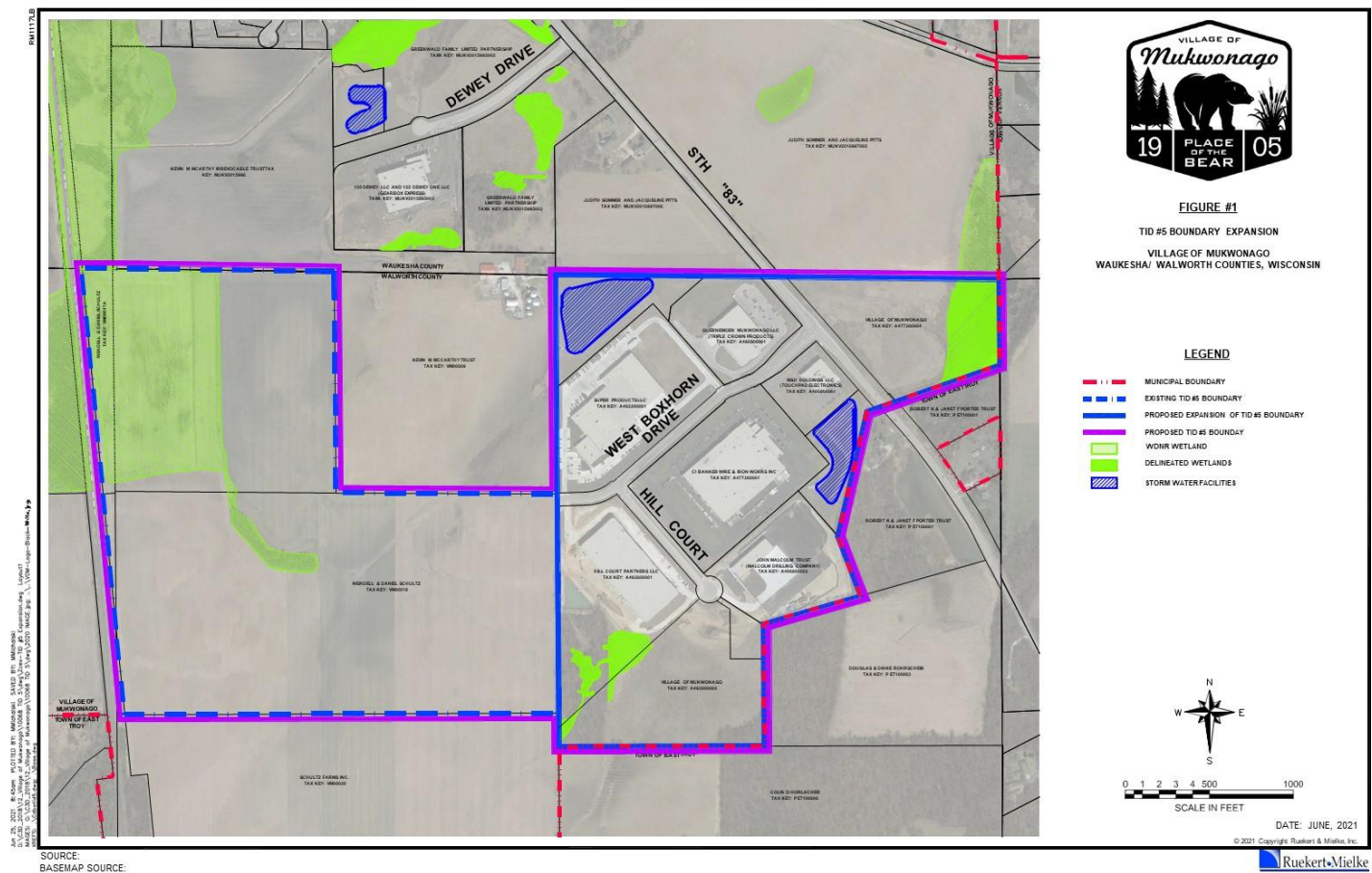
5. Based on the foregoing finding, the District remains designated as an industrial district.
6. That Project Costs relate directly to promoting industrial development in the District, consistent with the purpose for which the District is created.
7. Improvements to be made in the District are likely to significantly enhance the value of substantially all of the other real property in the District.
8. The equalized value of taxable property within the territory to be added to the District, plus the incremental value of all existing tax incremental districts within the Village does not exceed 12% of the total equalized value of taxable property within the Village.
9. The Plan for the District is feasible and is in conformity with the Master Plan of the Village.
10. The Village estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wis. Stat. § 66.1105(5)(b).
11. That there are no parcels to be included within the District that were annexed by the Village within the preceding three-year period.

SECTION 2:

Preliminary Map of Original District Boundary and Territory to be Added

Map Found on Following Page.

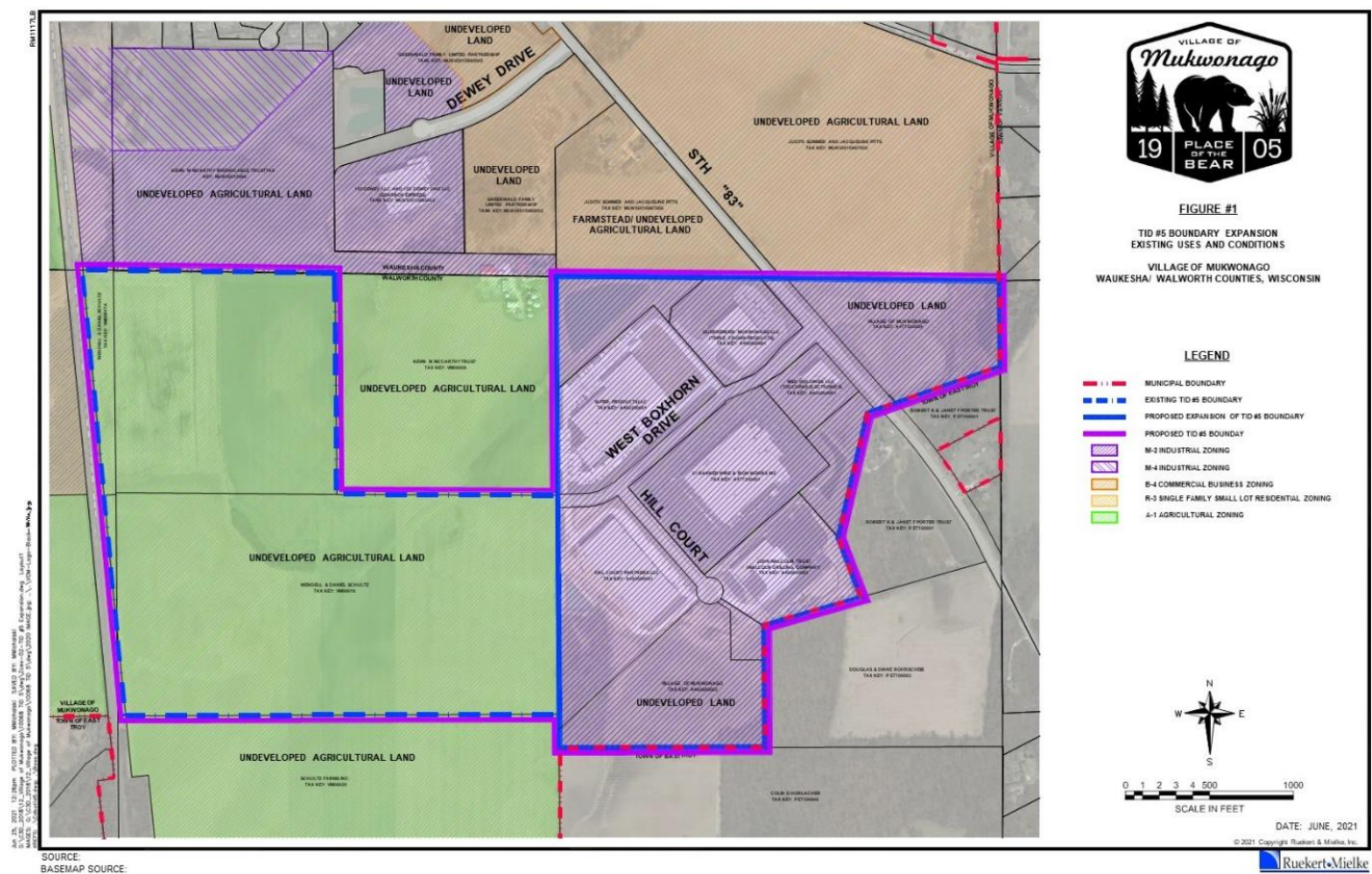
To the extent District boundaries include wetlands identified on a map prepared under Wis. Stat. § 23.32, the wetlands are excluded from the District.



SECTION 3:

Map Showing Existing Uses and Conditions Within the Territory to be Added

Map Found on Following Page.



SECTION 4:

Preliminary Identification of Parcels to be Added

Village of Mukwonago, Wisconsin														
Tax Increment District #5														
Base Property Information														
Property Information					Assessment Information				Equalized Value					District Classification
Map Ref #	Parcel Number	Street Address	Owner	Acreage	Land	Imp	PP	Total	Equalized Value Ratio	Land	Imp	PP	Total	Industrial (Zoned and Suitable)
	VM 00017A		Wendell and Daniel Schultz	4.58	1,100	0	0	1,100	89.21%	1,233	0	0	1,233	4.58
	VM 00018		Wendell and Daniel Schultz	119.76	29,100	0	0	29,100	89.21%	32,621	0	0	32,621	119.76
			Total Acreage	124.34	30,200	0	0	30,200		33,854	0	0		124.34
													Existing TID Base Value	315,200
													Estimated Base Value	349,054

The above values are as of January 1, 2020. Actual base value certification of the territory will be based on January 1, 2021 assessed values.

SECTION 5:

Equalized Value Test

The following calculations demonstrate that the Village expects to be in compliance with Wis. Stat. § 66.1105(4)(gm)4.c., which requires that the equalized value of the taxable property proposed to be added to the District, plus the value increment of all existing tax incremental districts, does not exceed 12% of the total equalized value of taxable property within the Village.

The equalized value of the increment of existing tax incremental districts within the Village, plus the value of the territory proposed to be added to the District, totals \$94,451,654. This value is less than the maximum of \$119,159,388 in equalized value that is permitted for the Village.

Village of Mukwonago, Wisconsin	
Tax Increment District #5	
Valuation Test Compliance Calculation	
District Creation Date	2/28/2018
	Valuation Data Currently Available 2020
Total EV (TID In)	992,994,900
12% Test	119,159,388
Increment of Existing TIDs	
TID #3	53,159,900
TID #4	4,776,800
TID #5	36,165,900
Total Existing Increment	94,102,600
Projected Base of Amended District	349,054
Total Value Subject to 12% Test	94,451,654
Compliance	PASS

SECTION 6:

Statement Listing the Kind, Number and Location of All Proposed Public Works or Improvements Within the District

Project Costs are any expenditure made, estimated to be made, or monetary obligations incurred or estimated to be incurred as outlined in this Plan. Project Costs will be diminished by any income, special assessments or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received in connection with the implementation of the Plan. If Project Costs incurred benefit territory outside the District, a proportionate share of the cost is not a Project Cost. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to change after planning, design and construction is completed.

With all Project Costs, the costs of engineering, design, survey, inspection, materials, construction, restoring property to its original condition, apparatus necessary for public works, legal and other consultant fees, testing, environmental studies, permits, updating ordinances and plans, judgments or claims for damages and other expenses are included as Project Costs. The map found in Section 7 of this Plan along with the Detailed List of Project Costs found in Section 8 provide additional information as to the kind, number and location of potential Project Costs.

The “Statement of Kind, Number and Location of Proposed Public Works and Other Projects” set forth in the original District Project Plan approved on February 28, 2018 is amended to add the following Project Costs that the Village has made, expects to make, or may need to make, in conjunction with the implementation of the District’s Plan or this Plan Amendment.

Property, Right-of-Way and Easement Acquisition

Property Acquisition for Development

To promote and facilitate development the Village may acquire property within the District. The cost of property acquired, and any costs associated with the transaction, are eligible Project Costs. Following acquisition, other Project Costs within the categories detailed in this Section may be incurred to make the property suitable for development. Any revenue received by the Village from the sale of property acquired pursuant to the execution of this Plan will be used to reduce the total project costs of the District. If total Project Costs incurred by the Village to acquire property and make it suitable for

development exceed the revenues or other consideration received from the sale or lease of that property, the net amount shall be considered “real property assembly costs” as defined in Wis. Stat. § 66.1105(2)(f)1.c., and subject to recovery as an eligible Project Cost.

Property Acquisition for Conservancy

To promote the objectives of this Plan, the Village may acquire property within the District that it will designate for conservancy. These conservancy objectives include: preserving historic resources or sensitive natural features; protection of scenic and historic views; maintaining habitat for wildlife; maintaining adequate open space; reduction of erosion and sedimentation by preserving existing vegetation; and providing adequate areas for management of stormwater. The cost of property acquired for conservancy, and any costs associated with the transaction, are eligible Project Costs.

Acquisition of Rights-of-Way

The Village may need to acquire property to allow for installation of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the Village to identify, negotiate and acquire rights-of-way are eligible Project Costs.

Acquisition of Easements

The Village may need to acquire temporary or permanent easements to allow for installation and maintenance of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the Village to identify, negotiate and acquire easement rights are eligible Project Costs.

Relocation Costs

If relocation expenses are incurred in conjunction with the acquisition of property, those expenses are eligible Project Costs. These costs may include but are not limited to: preparation of a relocation plan; allocations of staff time; legal fees; publication of notices; obtaining appraisals; and payment of relocation benefits as required by Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

Site Preparation Activities

Environmental Audits and Remediation

If it becomes necessary to evaluate any land or improvement within the District, any cost incurred by the Village related to environmental audits, testing, and remediation are eligible Project Costs.

Demolition

To make sites suitable for development, the Village may incur costs related to demolition and removal of structures or other land improvements, to include abandonment of wells or other existing utility services.

Site Grading

Land within the District may require grading to make it suitable for development, to provide access, and to control stormwater runoff. The Village may need to remove and dispose of excess material, or bring in fill material to provide for proper site elevations. Expenses incurred by the Village for site grading are eligible Project Costs.

Utilities

Sanitary Sewer System Improvements

To allow development to occur, the Village may need to construct, alter, rebuild or expand sanitary sewer infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: collection mains; manholes and cleanouts; service laterals; force mains; interceptor sewers; pumping stations; lift stations; wastewater treatment facilities; and all related appurtenances. To the extent sanitary sewer projects undertaken within the District provide direct benefit to land outside of the District, the Village will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the Village construct, alter, rebuild or expand sanitary sewer infrastructure located outside of the District. That portion of the costs of sanitary sewer system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs. The improvements to the wastewater treatment facilities, although not within the ½ mile radius, is an eligible project cost under Wis. Stat. § 66.1105(2)(f)1 k.

Water System Improvements

To allow development to occur, the Village may need to construct, alter, rebuild or expand water system infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: distribution mains; manholes and valves; hydrants; service laterals; pumping stations; wells; water treatment facilities; storage tanks and reservoirs; and all related appurtenances. To the extent water system projects undertaken within the District provide direct benefit to land outside of the District, the Village will

make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the Village construct, alter, rebuild or expand water system infrastructure located outside of the District. That portion of the costs of water system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Stormwater Management System Improvements

Development within the District will cause stormwater runoff. To manage this stormwater runoff, the Village may need to construct, alter, rebuild or expand stormwater management infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: stormwater collection mains; inlets, manholes and valves; service laterals; ditches; culvert pipes; box culverts; bridges; stabilization of stream and river banks; and infiltration, filtration and detention Best Management Practices (BMP's). To the extent stormwater management system projects undertaken within the District provide direct benefit to land outside of the District, the Village will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the Village construct, alter, rebuild or expand stormwater management infrastructure located outside of the District. That portion of the costs of stormwater management system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Electric Service

To create sites suitable for development, the Village may incur costs to provide, relocate or upgrade electric services. Relocation may require abandonment and removal of existing poles or towers, installation of new poles or towers, or burying of overhead electric lines. Costs incurred by the Village to undertake this work are eligible Project Costs.

Gas Service

To create sites suitable for development, the Village may incur costs to provide, relocate or upgrade gas mains and services. Costs incurred by the Village to undertake this work are eligible Project Costs.

Communications Infrastructure

To create sites suitable for development, the Village may incur costs to provide, relocate or upgrade infrastructure required for voice and data communications, including, but not limited to: telephone lines, cable lines and fiber optic cable. Costs incurred by the Village to undertake this work are eligible Project Costs.

Streets and Streetscape

Street Improvements

To allow development to occur, the Village may need to construct or reconstruct streets, highways, alleys, access drives and parking areas. Eligible Project Costs include, but are not limited to: excavation; removal or placement of fill; construction of road base; asphalt or concrete paving or repaving; installation of curb and gutter; installation of sidewalks and bicycle lanes; installation of culverts, box culverts and bridges; rail crossings and signals; utility relocation, to include burying overhead utility lines; street lighting; installation of traffic control signage and traffic signals; pavement marking; right-of-way restoration; installation of retaining walls; and installation of fences, berms, and landscaping.

Streetscaping and Landscaping

To attract development consistent with the objectives of this Plan, the Village may install amenities to enhance development sites, rights-of-way and other public spaces. These amenities include but are not limited to: landscaping; lighting of streets, sidewalks, parking areas and public areas; installation of planters, benches, clocks, tree rings, trash receptacles and similar items; and installation of brick or other decorative walks, terraces and street crossings. These and any other similar amenities installed by the Village are eligible Project Costs.

Community Development

Cash Grants (Development Incentives)

The Village may enter into agreements with property owners, lessees, or developers of land located within the District for sharing costs to encourage the desired kind of improvements and assure tax base is generated sufficient to recover Project Costs. No cash grants will be provided until the Village executes a developer agreement with the recipient of the cash grant. Any payments of cash grants made by the Village are eligible Project Costs.

The Village of Mukwonago does not currently have a Community Development or Redevelopment Authority. However, if at any future time one is created, as provided for in Wis. Stat. § 66.1105(2)(f)1.h and Wis. Stat. § 66.1333(13), the Village may provide funds to its CDA to be used for

administration, planning operations, and capital costs, including but not limited to real property acquisition, related to the purposes for which it was established in furtherance of any redevelopment or urban renewal project. Funds provided to the CDA for this purpose are eligible Project Costs.

Revolving Loan/Grant Program (Development Incentives)

The Village of Mukwonago does not currently have a Community Development or Redevelopment Authority. However, if at any future time one is created, in order to encourage private development consistent with the objectives of this Plan, the Village, through its CDA, may provide loans or grants to eligible property owners in the District. Eligible improvements will be those that are likely to improve the value of the property, enhance the visual appearance of the property and surrounding area, correct safety deficiencies, or as otherwise specified by the CDA in the program manual. Any funds returned to the CDA from the repayment of loans made are not considered revenues to the District and will not be used to offset District Project Costs. Instead, these funds may be placed into a revolving fund and will continue to be used for the program purposes stated above. Any funds provided to the CDA for purposes of implementing this program are considered eligible Project Costs.

Miscellaneous

Rail Spur

To allow for development, the Village may incur costs for installation of a rail spur or other railway improvements to serve development sites located within the District.

Projects Outside the Tax Increment District

Pursuant to Wis. Stat. § 66.1105(2)(f)1.n, the Village may undertake projects within territory located within one-half mile of the boundary of the District provided that: 1) the project area is located within the Village's corporate boundaries; and 2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible project costs and may include any project cost that would otherwise be eligible if undertaken within the District. The Village intends to make the following project cost expenditures outside the District:

- Improvements to State Highway 83, including new signalization and resurfacing. Estimated costs are \$2,100,247.

Professional Service and Organizational Costs

The costs of professional services rendered, and other costs incurred, in relation to the creation, administration and termination of the District, and the undertaking of the projects contained within this Plan, are eligible Project Costs. Professional services include but are not limited to: architectural; environmental; planning; engineering; legal; audit; financial; and the costs of informing the public with respect to the creation of the District and the implementation of the Plan.

Administrative Costs

The Village may charge to the District as eligible Project Costs reasonable allocations of administrative costs, including, but not limited to, employee salaries. Costs allocated will bear a direct connection to the time spent by Village employees relating to the implementation of the Plan.

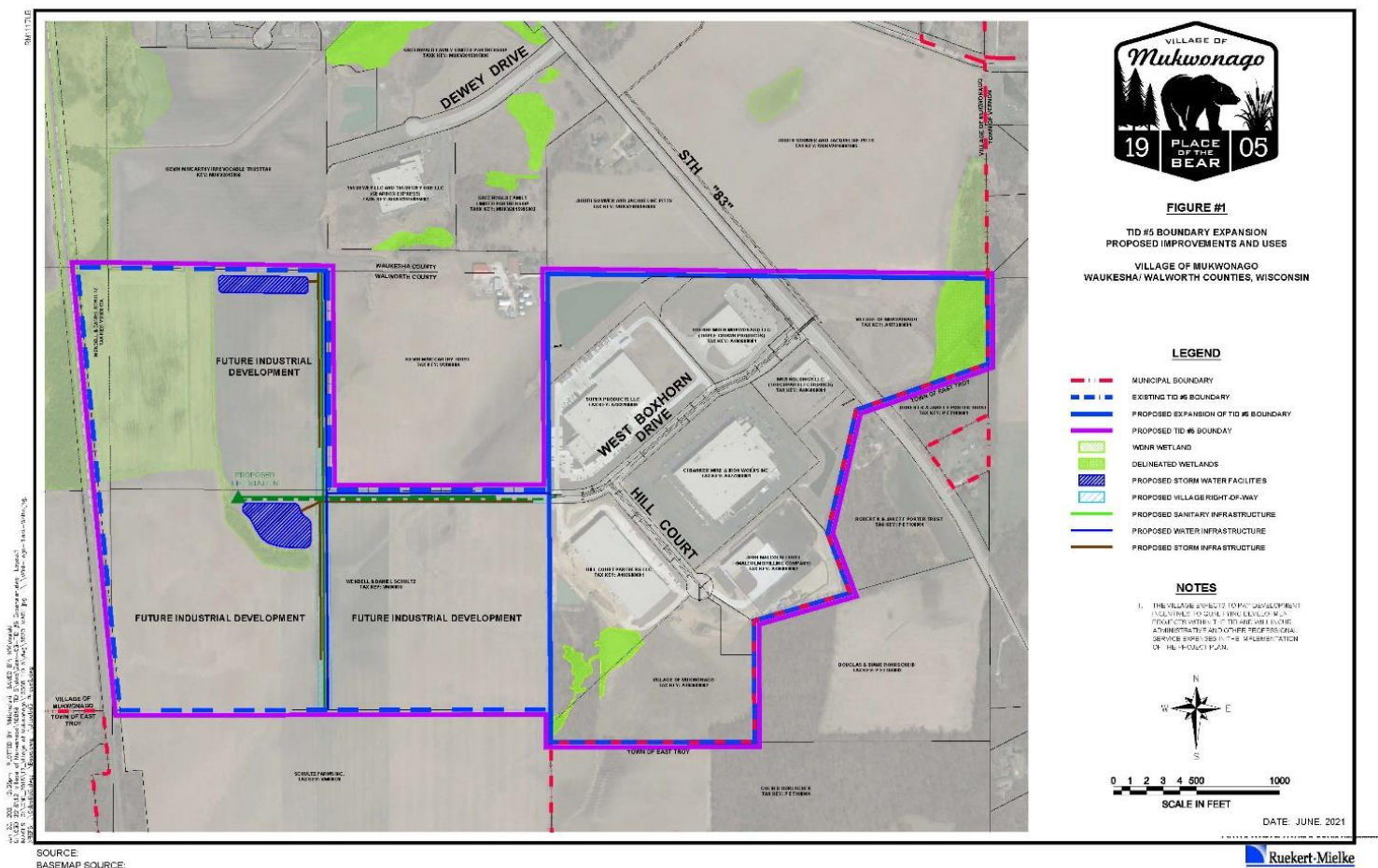
Financing Costs

Interest expense, debt issuance expenses, redemption premiums, and any other fees and costs incurred in conjunction with obtaining financing for projects undertaken under this Plan are eligible Project Costs.

SECTION 7:

Map Showing Proposed Improvements and Uses Within the Territory to be Added

Map Found on Following Page.



SECTION 8:

Detailed List of Estimated Project Costs

The following list identifies the Project Costs that the Village has made, expects to make, or may need to make in conjunction with the implementation of the District's Plan or this Plan Amendment. All projects identified and related costs reflect the best estimates available as of the date of preparation of this Plan Amendment. All costs are preliminary estimates and may increase or decrease. Certain Project Costs listed may become unnecessary, and other Project Costs not currently identified may need to be made. (Section 6 details the general categories of eligible Project Costs). Changes in Project Cost totals or the types of Project Costs to be incurred will not require that this Plan be amended. This Plan is not meant to be a budget nor an appropriation of funds for specific Project Costs, but a framework within which to manage Project Costs.

Village of Mukwonago, Wisconsin				
Tax Increment District #5				
Estimated Project List				
Project ID	Project Name/Type	Phase I 2021-2023	Phase II 2023-2025	Total (Note 1)
1	Land Acquisition	9,025,000		9,025,000
2	Water & Sewer Infrastructure		12,000,000	12,000,000
3	Administrative & Professional Services	125,000	90,000	215,000
4	Highway 83 Improvements	2,100,247		2,100,247
5				0
Total Projects		<u>11,250,247</u>	<u>12,090,000</u>	<u>23,340,247</u>
Notes:				
Note 1 Project costs are estimates and are subject to modification				

SECTION 9:

Economic Feasibility Study, Description of the Methods of Financing Estimated Project Costs and the Time When Related Costs or Monetary Obligations are to be Incurred

This Section includes an updated forecast of the valuation increases expected within the District, the associated tax increment collections, a summary of how remaining Project Costs would be financed, and a projected cash flow demonstrating that the District remains economically feasible.

Key Assumptions

The Project Costs the Village plans to make are expected to create \$90 million in incremental value by 2025. Estimated valuations and timing for construction of the Project are included in **Table 1**. Assuming the Village's current equalized TID Interim tax rate of \$18.95 per thousand of equalized value, and no economic appreciation or depreciation, the Project would generate \$40.6 million in incremental tax revenue over the 20-year term of the District as shown in **Table 2**.

Village of Mukwonago, Wisconsin

Tax Increment District #5

Development Assumptions

Construction Year		Actual	Phase III Development	Annual Total	Construction Year	
1	2018	12,641,400		12,641,400	2018	1
2	2019	23,524,500		23,524,500	2019	2
3	2020	2,250,000		2,250,000	2020	3
4	2021	8,500,000		8,500,000	2021	4
5	2022			0	2022	5
6	2023		30,000,000	30,000,000	2023	6
7	2024		30,000,000	30,000,000	2024	7
8	2025		30,000,000	30,000,000	2025	8
9	2026			0	2026	9
10	2027			0	2027	10
11	2028			0	2028	11
12	2029			0	2029	12
13	2030			0	2030	13
14	2031			0	2031	14
15	2032			0	2032	15
16	2033			0	2033	16
17	2034			0	2034	17
18	2035			0	2035	18
19	2036			0	2036	19
20	2037			0	2037	20
Totals		46,915,900	90,000,000	136,915,900		

Notes:

Phase III development values are based on future development of 120 acres at approximately \$750k/acre; this value is similar to what the existing TID #5 development has realized.

Table 1 – Development Assumptions

Village of Mukwonago, Wisconsin

Tax Increment District #5

Tax Increment Projection Worksheet

Type of District	Industrial	Base Value	315,200	Apply to Base Value
District Creation Date	February 28, 2018	Appreciation Factor	0.00%	
Valuation Date	Jan 1, 2018	Base Tax Rate	\$19.44	
Max Life (Years)	20	Rate Adjustment Factor		
Expenditure Period/Termination	15 2/28/2033	Tax Exempt Discount Rate	1.20%	
Revenue Periods/Final Year	20 2039	Taxable Discount Rate	2.70%	
Extension Eligibility/Years	Yes 3			
Eligible Recipient District	No			

Construction		Valuation Year	Inflation Increment	Total Increment	Revenue Year	Tax Rate	Tax Increment	Tax Exempt NPV	Taxable NPV
Year	Value Added							Calculation	Calculation
1	2018	12,641,400	2019	0	12,641,400	2020	\$19.44	245,749	237,110
2	2019	23,524,500	2020	0	36,165,900	2021	\$18.95	685,344	890,521
3	2020	2,250,000	2021	0	38,415,900	2022	\$18.95	727,981	1,576,353
4	2021	8,500,000	2022	0	46,915,900	2023	\$18.95	889,056	2,404,002
5	2022	0	2023	0	46,915,900	2024	\$18.95	889,056	3,221,837
6	2023	30,000,000	2024	0	76,915,900	2025	\$18.95	1,457,556	4,546,731
7	2024	30,000,000	2025	0	106,915,900	2026	\$18.95	2,026,056	6,366,545
8	2025	30,000,000	2026	0	136,915,900	2027	\$18.95	2,594,556	8,669,354
9	2026	0	2027	0	136,915,900	2028	\$18.95	2,594,556	10,944,857
10	2027	0	2028	0	136,915,900	2029	\$18.95	2,594,556	13,193,378
11	2028	0	2029	0	136,915,900	2030	\$18.95	2,594,556	15,415,237
12	2029	0	2030	0	136,915,900	2031	\$18.95	2,594,556	17,610,750
13	2030	0	2031	0	136,915,900	2032	\$18.95	2,594,556	19,780,228
14	2031	0	2032	0	136,915,900	2033	\$18.95	2,594,556	21,923,982
15	2032	0	2033	0	136,915,900	2034	\$18.95	2,594,556	24,042,316
16	2033	0	2034	0	136,915,900	2035	\$18.95	2,594,556	26,135,531
17	2034	0	2035	0	136,915,900	2036	\$18.95	2,594,556	28,203,926
18	2035	0	2036	0	136,915,900	2037	\$18.95	2,594,556	30,247,794
19	2036	0	2037	0	136,915,900	2038	\$18.95	2,594,556	32,267,426
20	2037	0	2038	0	136,915,900	2039	\$18.95	2,594,556	34,263,110
Totals		136,915,900		0	Future Value of Increment		40,650,031		

Notes:

Actual results will vary depending on development, inflation of overall tax rates.

NPV calculations represent estimated amount of funds that could be borrowed (including project cost, capitalized interest and issuance costs).

Table 2 – Tax Increment Projection Worksheet

Financing and Implementation

The Village will use existing TID increment cash to fund projects as appropriate and feasible. To finance major project costs within this Project Plan, the Village will utilize General Obligation debt in compliance with IRS code and state statute. Table 3. provides a summary of the District's financing plan.

Based on the Project Cost expenditures as included within the cash flow exhibit (Table 4), the District is projected to accumulate sufficient funds by the year 2035 to pay off all Project cost liabilities and obligations. The projected closure is based on the various assumptions noted in this Plan and will vary dependent on actual Project Costs incurred and the actual amount of tax increments collected.

Village of Mukwonago, Wisconsin			
Tax Increment District #5			
Estimated Financing Plan			
	G.O. Bond 2022		G.O. Bond 2023
Projects			
Phase I	9,025,000		
Phase II			12,000,000
Total Project Funds	9,025,000		12,000,000
Estimated Cost of Issuance	170,850		216,100
Total Financing Required	9,366,700		12,432,200
Estimated Interest	0.10%	(4,513)	0.10%
Assumed spend down (months)	6		6
Rounding		(2,188)	(6,200)
Net Issue Size	9,360,000		12,420,000
Notes:			

Table 3 – Financing Plan

Village of Mukwonago, Wisconsin

Tax Increment District #5

Cash Flow Projection

Year	Projected Revenues					Expenditures													Balances			Year End				
	Tax Increments	Interest Earnings/ (Cost)	Other Revenue (Spec. Assess., Impact Fees, Premium)	Debt Proceeds	Total Revenues	GO Notes, 2019 1,860,000 Dated Date: 03/01/19		GO Refunding Bonds, 2021 7,700,000 Est. Dated Date: 09/01/21		GO Refunding Bonds, 2021 4,225,000 Est. Dated Date:		Taxable GO Bonds (Land Acq) 10,000,000 Dated Date: 09/01/22			Tax Exempt GO Bonds (Infrastructure) 12,000,000 Dated Date: 09/01/23			Phase I & II Capital Outlay		Existing Debt Expense	Total Expenditures		Annual	Cumulative	Principal Outstanding	
						Principal	Interest	Principal	Interest	Principal	Interest	Principal	Est. Rate	Interest	Principal	Est. Rate	Interest	Phase III	Admin.							
2018		77,559	296,185	11,925,000	12,298,744													9,185,260		52,082	476,145	9,713,487	2,585,257	2,585,257		2018
2019		80,483	1,473,874	1,860,000	3,414,357													1,818,558		40,958	465,444	2,324,960	1,089,397	3,674,654	1,793,966	2019
2020	245,749	17,872			263,621													21,499		40,299	571,300	633,098	(369,477)	3,305,177	1,727,930	2020
2021	685,344	33,052			718,396	66,036	51,811		210,838	0	0							245,000		50,000		623,685	94,711	3,399,887	13,586,894	2021
2022	727,981	33,999	400,000	10,000,000	11,161,980	66,036	50,489	385,000	157,950	0	105,625								9,025,500	45,000		9,835,600	1,326,380	4,726,268	13,135,858	2022
2023	889,056	47,263		4,500,000	17,436,319	66,036	49,169	390,000	150,200	264,063	89,121	460,000	3.00%	300,000				2,100,247	8,000,000	40,000		11,908,836	5,527,483	10,253,750	12,415,759	2023
2024	889,056	102,538			991,594	110,059	47,270	400,000	142,300	264,063	83,180	475,000	3.00%	286,200	620,000	2.50%	300,000		4,000,000		35,000	6,763,072	(5,771,478)	4,482,273	11,641,637	2024
2025	1,457,556	44,823	245,776		1,748,155	110,059	44,725	410,000	134,200	264,063	77,238	490,000	3.00%	271,950	635,000	2.50%	284,500				20,000	2,741,735	(993,580)	3,488,692	10,857,515	2025
2026	2,026,056	34,887			2,060,943	242,130	40,392	415,000	125,950	264,063	71,297	500,000	3.00%	257,250	650,000	2.50%	268,625				10,000	2,844,707	(783,764)	2,704,929	9,936,322	2026
2027	2,594,556	27,049			2,621,606	462,249	30,431	425,000	117,550	264,063	65,355	515,000	3.00%	242,250	665,000	2.50%	252,375				5,000	3,044,273	(422,668)	2,282,261	8,785,010	2027
2028	2,594,556	22,823			2,617,379	671,361	11,749	435,000	108,950	264,063	59,414	535,000	3.00%	226,800	685,000	2.50%	235,750			5,000		3,238,087	(620,708)	1,661,553	7,414,586	2028
2029	2,594,556	16,616	110,000		2,721,172			440,000	100,200	264,063	53,473	550,000	3.00%	210,750	700,000	2.50%	218,625			5,000		2,542,111	179,061	1,840,614	6,710,523	2029
2030	2,594,556	18,406	110,000		2,722,962			450,000	91,300	264,063	47,531	565,000	3.00%	194,250	720,000	2.50%	201,125			5,000		2,538,269	184,693	2,025,307	5,996,460	2030
2031	2,594,556	20,253	110,000		2,724,809			460,000	82,200	264,062	41,590	580,000	3.00%	177,300	735,000	2.50%	183,125			5,000		2,528,277	196,533	2,221,840	5,272,398	2031
2032	2,594,556	22,218	110,000		2,726,775			470,000	72,900	264,062	35,648	600,000	3.00%	159,900	755,000	2.50%	164,750			5,000		2,527,260	199,514	2,421,354	4,538,336	2032
2033	2,594,556	24,214	110,000		2,728,770			480,000	63,400	264,062	42,910	620,000	3.00%	141,900	775,000	2.50%	145,875			5,000		2,538,147	190,623	2,611,977	3,794,274	2033
2034	2,594,556	26,120	110,000		2,730,676			485,000	53,750	264,062	34,328	635,000	3.00%	123,300	790,000	2.50%	126,500			5,000		2,516,940	213,736	2,825,713	3,045,212	2034
2035	2,594,556	28,257	110,000		2,732,813			495,000	43,950	264,062	25,746	655,000	3.00%	104,250	810,000	2.50%	106,750			5,000		2,509,758	223,055	3,048,769	2,286,150	2035
2036	2,594,556	30,488	110,000		2,735,044			505,000	32,688	264,062	17,164	675,000	3.00%	84,600	835,000	2.50%	86,500			5,000		2,505,014	230,030	3,278,799	1,517,088	2036
2037	2,594,556	32,788	110,000		2,737,344			520,000	19,875	264,062	8,582	695,000	3.00%	64,350	855,000	2.50%	65,625			5,000		2,497,494	239,850	3,518,649	733,026	2037
2038	2,594,556	35,186	110,000		2,739,743			535,000	6,688	264,062	0	715,000	3.00%	43,500	875,000	2.50%	44,250			5,000		2,488,500	251,243	3,769,892		2038
2039	2,594,556	37,699			2,632,255							735,000	3.00%	22,050	895,000	2.50%	22,375			5,000		1,679,425	952,830	4,722,722		2039
Total	40,650,031	814,591	3,515,835	35,785,000	85,265,457	1,793,966	326,036	7,700,000	1,714,889	4,225,000	858,202	10,000,000		2,910,600	12,000,000		2,706,750	13,370,564	21,025,500	398,339	1,512,889	80,542,735			Total	
Notes:																						PROJECTED TID CLOSURE				

Table 4 – Cash Flow

SECTION 10:

Annexed Property

A tax incremental district cannot include annexed territory unless at least three years have elapsed since the annexation, or certain other requirements are met. None of the territory proposed to be added to the District was annexed during the past three years.

SECTION 11:

Estimate of Property to be Devoted to Retail Business

Pursuant to Wis. Stat. § 66.1105(5)(b), the Village estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period.

SECTION 12:

Proposed Changes of Zoning Ordinances, Master Plan, Map, Building Codes and Village Ordinances

Zoning Ordinances

The proposed Plan Amendment is in general conformance with the Village's current zoning ordinances. Individual properties may require rezoning at the time of development. Land within the District zoned industrial at the time of District creation will remain in a zoning classification suitable for industrial sites for the life of the District.

Master (Comprehensive) Plan and Map

The proposed Plan Amendment is in general conformance with the Village's Comprehensive Plan identifying the area as appropriate for industrial development.

Building Codes and Ordinances

Development within the District will be required to conform to State Building Codes and will be subject to the Village's permitting and inspection procedures. The proposed Plan Amendment conforms to all relevant State and local ordinances, plans, and codes. No changes to the existing regulations are proposed or needed.

SECTION 13:

Statement of the Proposed Method for the Relocation of any Persons to be Displaced

Should the continued implementation of this Plan require relocation of individuals or business operations, relocations will be handled in compliance with Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

SECTION 14:

How Amendment of the Tax Incremental District Promotes the Orderly Development of the Village

Plan Amendment promotes the orderly development of the Village by creating new industrial sites. Through use of tax increment financing, the Village can attract new investment that results in increased tax base. Development will occur in an orderly fashion in accordance with approved plans so that the Projects will be compatible with adjacent land uses. Development of new uses in the District will add to the tax base and will generate positive secondary impacts in the community such as increased employment opportunities and the potential for future growth for business vendors, retail suppliers and residential builders.

SECTION 15:

List of Estimated Non-Project Costs

Non-project costs are public works projects which only partly benefit the District. Costs incurred that do not benefit the District may not be paid with tax increments. Examples of non-project costs are:

- A public improvement made within the District that also benefits property outside the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- A public improvement made outside the District that only partially benefits property within the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

SECTION 16:
Legal Opinion Advising Whether the Plan is
Complete and Complies with Wis. Stat. §
66.1105(4)(f)

INSERT SIGNED LEGAL OPINION

SAMPLE

Village President
Village of Mukwonago
440 River Crest Ct
Mukwonago, Wisconsin 53149

RE: Project Plan Amendment for Tax Incremental District No. 5

Dear Village President:

Wisconsin Statute 66.1105(4)(f) requires that a project plan for a tax incremental financing district include an opinion provided by the Village Attorney advising as to whether the plan is complete and complies with Wisconsin Statute 66.1105. As Village Attorney for the Village of Mukwonago, I have been asked to review the above-referenced project plan amendment for compliance with the applicable statutory requirements. Based upon my review, in my opinion, the amended Project Plan for the Village of Mukwonago Tax Incremental District No. 5 is complete and complies with the provisions of Wisconsin Statute 66.1105.

Sincerely,

Village Attorney

SECTION 17:

Calculation of the Share of Projected Tax Increments Estimated to be Paid by the Owners of Property in the Overlying Taxing Jurisdictions

The following projection is provided to meet the requirements of Wis. Stat. § 66.1105(4)(i)4.

Estimated portion of taxes that owners of taxable property in each taxing jurisdiction overlaying district would pay by jurisdiction.						
Statement of Taxes Data Year:			2020	Percentage		
Walworth County			88,380	29.73%		
Village of Mukwonago			174,442	58.67%		
Mukwonago School District			13,015	4.38%		
Gateway Technical College			21,465	7.22%		
Total			297,302			
Revenue Year	Walworth County	Village of Mukwonago	Mukwonago School District	Gateway Technical College	Total	Revenue Year
2020	73,055	144,193	10,758	17,743	245,749	2020
2021	203,736	402,125	30,002	49,481	685,344	2021
2022	216,411	427,142	31,869	52,559	727,981	2022
2023	264,294	521,653	38,920	64,189	889,056	2023
2024	264,294	521,653	38,920	64,189	889,056	2024
2025	433,295	855,220	63,808	105,234	1,457,556	2025
2026	602,296	1,188,787	88,695	146,279	2,026,056	2026
2027	771,297	1,522,354	113,582	187,324	2,594,556	2027
2028	771,297	1,522,354	113,582	187,324	2,594,556	2028
2029	771,297	1,522,354	113,582	187,324	2,594,556	2029
2030	771,297	1,522,354	113,582	187,324	2,594,556	2030
2031	771,297	1,522,354	113,582	187,324	2,594,556	2031
2032	771,297	1,522,354	113,582	187,324	2,594,556	2032
2033	771,297	1,522,354	113,582	187,324	2,594,556	2033
2034	771,297	1,522,354	113,582	187,324	2,594,556	2034
2035	771,297	1,522,354	113,582	187,324	2,594,556	2035
2036	771,297	1,522,354	113,582	187,324	2,594,556	2036
2037	771,297	1,522,354	113,582	187,324	2,594,556	2037
2038	771,297	1,522,354	113,582	187,324	2,594,556	2038
2039	771,297	1,522,354	113,582	187,324	2,594,556	2039
	12,084,240	23,851,370	1,779,538	2,934,883	40,650,031	
Notes:						
The projection shown above is provided to meet the requirements of Wisconsin Statute 66.1105(4)(i)4.						

RESOLUTION NO. _____

**RESOLUTION DESIGNATING PROPOSED AMENDED BOUNDARIES
AND APPROVING A PROJECT PLAN AMENDMENT
FOR TAX INCREMENTAL DISTRICT NO. 5,
VILLAGE OF MUKWONAGO, WISCONSIN**

WHEREAS, the Village of Mukwonago (the "Village") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the Village; and

WHEREAS, Tax Incremental District No. 5 (the "District") was created by the Village on February 28, 2018 as an industrial district; and

WHEREAS, the Village now desires to amend the Project Plan and boundaries of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will:

- a. Add territory to the District as permitted under Wisconsin Statutes Section 66.1005(4)(h)2.
- b. Amend the categories, locations or costs of project costs to be made as permitted under Wisconsin Statutes Section 66.1005(4)(h)1.

WHEREAS, an amended Project Plan for the District (the "Amendment") has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and Village ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the amendment of the district promotes the orderly development of the Village;
- k. An opinion of the Village Attorney or of an attorney retained by the Village advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Walworth County, the Mukwonago Area School District, and the Gateway Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on July 13, 2021 held a public hearing concerning the proposed amendment to the Project Plan and boundaries of the District, providing interested parties a reasonable opportunity to express their views thereon.

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the Village of Mukwonago that:

1. It recommends to the Village Board that the boundaries of Tax Incremental District No. 5 be amended as designated in Exhibit A of this Resolution.
2. It approves and adopts the amended Project Plan for the District, attached as Exhibit B, and recommends its approval to the Village Board.
3. Amendment of the Project Plan and Boundaries of the District promotes orderly development in the Village.

Adopted this _____ day of _____, 2021

Plan Commission Chair

Secretary of the Plan Commission

**LEGAL BOUNDARY DESCRIPTION
OR
MAP OF
TAX INCREMENTAL DISTRICT NO. 5
VILLAGE OF MUKWONAGO**

THIS CAN BE FOUND IN THE PROJECT PLAN

PROJECT PLAN

THIS WILL BE HANDED OUT SEPARATELY

Date: July 5, 2021

To: Village of Mukwonago Plan Commission
John Fellows, Community Planner

From: Tim Schwecke, AICP

Subject: Village of Mukwonago Zoning/Sign Code Rewrite
Memo #2



We have completed the first draft of the first four articles of the zoning code. It is attached for your review and comment.

As you'll recall we reviewed a number of policy changes at your meeting on April 13, 2021, some of those are addressed in these four articles. Aside from those, there are a number of key points to highlight.

- Staff is recommending the notification distance for public hearing mailings remain at 250 feet. (Section 102.233) We previously discussed increasing that distance to 300 feet.
- Staff is recommending the composition of the Plan Commission be modified slightly by referencing "two village Trustees" as opposed to specifying the "trustee who also chairs the public works committee" and the "trustee who also serves as the chair of the health and recreation committee."

The Table of contents is also attached by way of reference.

Attachments:

1. Table of contents, dated April 6, 2021
2. Articles 1 through 4, dated July 2, 2021

Article

1. General Provisions

2. Interpretation, Construction, and Definitions

3. Administrative Bodies

Division 1 – Plan Commission

Division 2 – Board of Zoning and Building Appeals

Division 3 – Historic Preservation Commission

Division 4 – Zoning Administrator

4. General Procedural Requirements

Division 1 – Generally

Division 2 – Notice Requirements

Division 3 – Public Hearings

Division 4 – Site Visits

Division 5 – Financial Guarantees

5. Specific Procedural Requirements

Division 1 – Code Amendment

Division 2 – Planned Development District

Division 3 – Conditional Use

Division 4 – Wireless Telecommunication Facility

Division 5 – Site Plan and Plan of Operation

Division 6 – Architectural Review

Division 7 – Special Exception

Division 8 – Registration of a Nonconforming Use

Division 9 – Conversion of a Nonconforming Use

Division 10 – Expansion of a Nonconforming Building

Division 11 – Certificate of Historic Appropriateness

Division 12 – Zoning Permit

Division 13 – Floodplain Permit

Division 14 – Designation of Historic District

Division 15 – Designation of Historic Structures and
Historic Sites

Division 16 – Termination of Approval

Division 17 – Code Interpretation

Division 18 – Administrative Appeal

Division 19 – Variance

6. Zoning Districts and Land Use

Division 1 – General Provisions

Division 2 – Zoning Districts and Zoning Map

Division 3 – Allowable Land Use

7. Use and Development Standards

Division 1 – Dimensional and Related Standards

Division 2 – General Standards

Division 3 – Environmental and Engineering Standards

Division 4 – Performance Standards

Division 5 – Site Design Standards

Division 6 – Architectural Standards

Division 7 – Standards for Historic Sites and Historic
Buildings

8. Building Types

9. Alternative Development Options

Division 1 – Conventional Planned Unit Development

Division 2 – Conservation Subdivision

Division 3 – Cottage Housing

Division 4 – Adaptive Reuse (Infill Development)

10. Specific Planned Development Districts

11. Historic Preservation Overlay District

12. Floodplain Overlay District

Division 1 – General Provisions

Division 2 – Maps and Districts

Division 3 – General Provisions Applicable to all
Floodplain Districts

Division 4 – Floodway District

Division 5 – Floodfringe District

Division 6 – General Floodplain District

Division 7 – Flood Storage District

Division 8 – Administration

Division 7 – Nonconformities

13. Well Head Protection Overlay District

14. Shoreland-Wetland Overlay District

15. Shoreland Overlay District

16. Fencing

17. Landscaping and Buffers

18. Parking, Loading and Access

19. Outdoor Lighting

20. Nonconformities

21. Reasonable Accommodations

22. Enforcement

Appendix

A. Land Use Table

B. Land Uses

C. Zoning Districts and Dimensional Standards

D. Building Type Illustrations

E. General Definitions

F. Mapping Requirement

CHAPTER 102 ZONING

ARTICLE 1 GENERAL PROVISIONS

102.01 Title

This chapter shall be known as "Zoning" and may be referred to herein as "this chapter" or the "Village's zoning regulations."

102.02 Authority

This chapter is adopted under the authority granted under § 60.62, 61.35, and 62.23, Wis. Stats., as amended, and other provisions referenced in other parts of this chapter.

102.03 Jurisdiction

This chapter applies to the area within the corporate limits of the Village of Mukwonago, the boundary of which may change over time through annexations and detachments.^[1]

Editorial notes:

[1] An annexation removes land from a town and adds it to a city or village. A detachment removes land from a city or village and adds it to a town or to another city or village.

102.04 Legislative findings

- A. **General findings.** The Village Board makes the following legislative findings:
- (1) The Village Board adopted a comprehensive plan pursuant to § 66.1001, Wis. Stats., and has made various amendments since then.
 - (2) This chapter is intended to be consistent with the overall intent of the Village's comprehensive plan, as may be amended.
- B. **Other findings.** Other legislative findings are included in various articles, divisions, and sections of this chapter as may be appropriate.

102.05 Purpose

- A. **General purpose.** This chapter promotes the public health, safety, and welfare and is intended to:
- (1) implement the goals, objectives, and policies of the Village's comprehensive plan to the greatest extent practicable;
 - (2) encourage the most appropriate use of land throughout the Village;
 - (3) conserve the value of buildings;
 - (4) establish clear and consistent standards, regulations, and procedures for the review of proposed development as may be regulated by this chapter; and
 - (5) establish minimum standards for the use or development of land within the Village.
- B. **Specific purposes.** Consistent with § 62.23(7), Wis. Stats., this chapter is also intended to:
- (1) secure safety from fire, panic, and other dangers;
 - (2) promote health and general welfare;
 - (3) provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;

- (4) encourage the protection of groundwater resources;
 - (5) prevent the overcrowding of land;
 - (6) avoid undue concentration of population;
 - (7) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
 - (8) preserve burial sites, as defined in § 157.70(1)(b), Wis. Stats.
- C. **Other purposes.** Other purposes may be included in various articles, divisions, and sections as may be appropriate.

102.06 Re-enactment and repeal

This chapter carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters which the Village Board adopted under authority of state law prior to the effective date of this chapter. This chapter is not intended to repeal those regulations in their entirety, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there under are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter. If a provision in the regulations which were in effect on the date this chapter became effective is not specifically carried forward in this chapter, such provision is repealed. As to the effect of this section on existing land uses refer to Article 15.

102.07 Compliance

- A. **Generally.** Except as specifically provided, the provisions of this chapter apply to all development within the Village of Mukwonago. No development shall be undertaken without the prior authorizations required by this chapter and other applicable rules and regulations of the Village of Mukwonago.
- B. **Exception for a previously granted permit or other approval.** If a permit or other approval has been previously granted and the authorized work, in whole or in part, is no longer allowed under the current zoning regulations, the holder of the permit is authorized to establish the use or undertake the authorized work within one year of the date of the approval. If the authorized work does not commence within that time period and continue in good faith to completion, such permit or other approval shall lapse and be null and void without any further action by the Village.
- C. **Exception for the establishment of a use, structure, or building not requiring authorization.** If prior to the adoption of this chapter, or amendment thereto, a lawful land use, structure, or building is actively being established that did not require a permit or other approval under the zoning regulations in effect at that time, said work may continue to completion even when such land use, structure, or building (1) now requires a permit or other authorization under this chapter, (2) is being developed contrary to this chapter, or (3) is otherwise prohibited under this chapter. If such work does not continue in good faith to completion, any work must thereafter conform to this chapter.

102.08 Liability

The Village of Mukwonago and its officials, agencies, employees, agents, and assigns are not liable for any flood damage, sanitation problems, structural damage, or other damages or loss of property value that may occur as a result of reliance upon and conformance with this chapter.

102.09 Severability

- A. If any section, clause, provision, or portion of this chapter is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected by such ruling.

- B. If any application of this chapter to a particular structure or parcel is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not apply to any other structure or parcel not specifically included in the ruling.

102.10 Relationship of this chapter to other regulations

In addition to meeting the requirements contained in this chapter, development must comply with all applicable regulations of federal and state agencies. In all cases, the strictest of the applicable provisions apply.

102.11 Relationship of this chapter to private agreements

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any easement, covenant, deed restriction, or other private agreement governing land development. However, when this chapter imposes a greater restriction than the aforementioned, the provisions of this chapter apply.

102.12 Additional local regulations

In addition to meeting the regulations contained in this chapter, development must comply with all applicable regulations in the municipal code, including the following and any amendments thereto:

- (1) Chapter 6 – Alcohol Beverages
- (2) Chapter 10 – Amusements and Entertainments
- (3) Chapter 14 – Animals
- (4) Chapter 18 – Buildings and Building Regulations
- (5) Chapter 22 – Businesses
- (6) Chapter 34 – Environment
- (7) Chapter 38 – Fire Prevention, Protection, and Control Code
- (8) Chapter 44 – Impact Fees
- (9) Chapter 45 – Land Division
- (10) Chapter 50 – Mobile Homes and Trailers
- (11) Chapter 62 – Planning
- (12) Chapter 106 – Sign Code

In all cases, the strictest of the applicable provisions shall apply.

102.13 No defense to nuisance action

Compliance with the standards and requirements in this chapter does not constitute an absolute defense to an action to abate a public or private nuisance.

102.14 Applicability to public entities

This chapter applies to all publicly-owned land to the fullest extent allowed by state and federal law. When a public entity undertakes any development that is exempted by state or federal law from this chapter, in whole or in part, it is strongly encouraged to meet the provisions of this chapter.

102.15 Relief from other provisions

Nothing in these provisions shall relieve any person from satisfying any condition or requirement associated with a previous approval issued under this chapter, or any local, state, or federal law or requirement.

102.16 Applicability to projects under the purview of the Public Service Commission

This chapter applies to projects under the purview of the Wisconsin Public Service Commission (PSC) to the fullest extent allowed by state law.^[1] The Plan Commission and/or the Village Board may submit a written request to the PSC outlining those standards and/or requirements of this chapter that the PSC should impose as conditions of project approval, if approval is to be granted.

Editorial notes:

[1] See § 196.491(3)(i), Wis. Stats., and also American Transmission Co., LLC v. Dane County, 2009 WI App. 126

102.17 Repeal of conflicting provisions

All other ordinances or parts of ordinances of the Village that are inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are repealed.

102.18 Copyright protection

This chapter contains images that are copyright protected and are denoted as such. All such images are used with permission of the copyright holder for the exclusive purposes of this chapter. Any images subject to copyright protection may be reproduced as part of this chapter and are subject to the open records law of Wisconsin, but may not be used in other works without the permission of the copyright holder.

102.19 through 102.49 Reserved

ARTICLE 2 INTERPRETATION, CONSTRUCTION AND DEFINITIONS

102.50 General rules

- A. **Generally.** In the interpretation and application of this chapter, all provisions shall be liberally construed in favor of the Village so the true intent and meaning of this chapter is carried out as set forth in § 102.05.
- B. **Minimum requirements.** The interpretation and application of any provision of this chapter shall be held to be the minimum requirement adopted for the promotion of the public health, safety, and general welfare and not be deemed a limitation or repeal of any other power granted by state statute.

102.51 Interpretation

In the event a question arises concerning any provision or the application of any provision of this chapter, interpretations shall be issued consistent with Article 5.

102.52 Delegation of authority

If a provision in this chapter states that an elected official, department supervisor, or some other employee is to perform some act, such individual may designate, delegate, or authorize a subordinate to perform the act unless state law or the provision clearly specifies otherwise.

102.53 Internal conflicts

More specific provisions of this chapter shall be followed in lieu of more general provisions unless the context otherwise requires. Additionally, the most restrictive provisions shall apply.

102.54 Website

The Village may create and maintain a website to share the key aspects of this chapter, including the zoning map, in an interactive platform. If there is any discrepancy between such website and this chapter, this chapter controls.

102.55 Use of graphics, illustrations, headings, references, and editorial notes

- A. **Purpose.** Graphics, illustrations, headings, references, statutory citations, and editorial notes are included to improve the readability of this chapter and increase reader comprehension. Specifically, graphics and illustrations are included to help the reader visualize the meaning of the text. Headings and subheadings generally state the content of that section and are intended to help the reader quickly find information. References are included when the section is related to a state or local law or another section in this chapter. These are included to help the reader understand the relationship among various provisions. Editorial notes are included to supplement and/or further clarify a sentence or provision but are not part of this chapter.
- B. **Interpretation.** A graphic, illustration, heading, reference, statutory citation, or commentary note shall not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.
- C. **Effect of deficiency.** Because the text controls, no provision shall be held invalid by reason of any deficiency in any graphic, illustration, heading, reference, statutory citation, or editorial note.

102.56 Reference to state and federal law

If a provision in this chapter references a specific state or federal law, such reference shall be interpreted to mean the most current version of the referenced section at the time the reference is applied. If a referenced section is repealed and replaced by another section with comparable subject matter, the replacement

section shall control. If a referenced section is repealed and not replaced, the repealed section shall control if it is determined by the village attorney that the Village has the authority to apply the repealed language.

102.57 Interpretation of boundaries and designations for zoning districts

A. **Boundary line interpretations.** Interpretations regarding boundaries of zoning districts shall be made in accordance with the following rules:

- (1) **Political boundaries.** Boundaries shown as following, or approximately following, any political boundary shall be construed as following such line.
- (2) **Section lines.** Boundaries shown as following, or approximately following, a section line, half-section line, or quarter-section line shall be construed as following such line.
- (3) **Centerlines.** Boundaries shown as following, or approximately following, any railroad, alley, road, street, highway, or similar feature shall be construed as following the centerline of such feature.
- (4) **Property lines.** Boundaries shown as following, or approximately following, any platted lot line or other property line shall be construed as following such line. In the event adjoining property owners transfer land as allowed by state law and both of the original lots were in different zoning districts, the zoning district boundary line can only be changed with a revision of the zoning map as set forth in Article 5.
- (5) **Natural boundaries.** Boundaries shown as following, or approximately following, any natural feature such as a stream, river, other bodies of water, or topographical features, such as a watershed boundary, shall be construed as following such natural feature as verified by field inspection when necessary.

In the event there is a question as to the location of a zoning district boundary, the Plan Commission shall review such matter at a regular or special meeting and render a decision.

B. **Street abandonment.** In the event a public road, street, or alley is officially vacated or abandoned, the zoning provisions applicable to the land to which it reverted shall apply to such vacated or abandoned road, street, or alley, unless otherwise provided by Village action.

102.58 General rules of interpretation

In the construction of this chapter, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of this chapter:

- (1) **Gender.** Words of the masculine gender include the feminine and neuter, and vice versa.
- (2) **Singular and plural words.** Words in the singular include the plural and words in the plural include the singular.
- (3) **Tense.** Words in the present tense include the past and future tense, and the future tense includes the present tense.
- (4) **"Must", "shall" and "will".** The words "must", "shall" and "will" imply a mandatory condition.
- (5) **"May" or "should".** The words "may" and "should" imply a permissive condition.
- (6) **"Includes" or "including".** The words "includes" or "including" do not limit a provision to the specific example(s) listed, but are intended to extend their meaning to all other instances or circumstances of like kind or character.
- (7) **"Such as".** The phrase "such as" does not limit a provision to the specific example(s) listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (8) **Conjunctions.** When used at the end of a series, the word "and" indicates that all listed items apply. When the word "or" is used at the end of a series, it indicates that one or more of the listed items apply.

102.59 Computation of time

When a time period is specified in this chapter, the first day of the period shall be the first day after the event that triggered the time clock to start. If the last day of the time period is a Saturday, Sunday, or a legal holiday recognized by the state of Wisconsin, that day is excluded and the time period is extended to the next business day.

102.60 Land use descriptions

For the purpose of chapter, land uses that are permissible in one or more of the zoning districts are described as set forth in Appendix B. For organizational purposes, similar land uses are grouped together to form a series. The first 16 series are for principal land uses, accessory land uses are found in Series 17, and temporary land uses are found in Series 18.

102.61 General definitions

- A. **Words and phrases not defined.** Unless specifically defined in this section, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- B. **Words and phrases defined.** For the purpose of this chapter, certain words and phrases are defined in Appendix E and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

102.62 through 102.99 Reserved

- DRAFT July 2, 2021 -

ARTICLE 3 ADMINISTRATIVE BODIES

DIVISION 1 PLAN COMMISSION

102.100 Establishment

A Plan Commission is established pursuant to §§ 62.23(1), 61.35, Wis. Stats., to undertake the responsibilities as defined in this chapter and as allowed by state law.

102.101 Authority

- A. **Generally.** The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote the proper planning for the Village of Mukwonago, whether enumerated in this section or not.^[1]
- B. **Right to enter property.** The Plan Commission, along with its individual members and authorized agents, may enter upon land which is the subject of a pending application it has authority to act on as set forth in § 102.203.^[2]
- C. **Staff.** The Plan Commission may employ, or contract for the services of, such professional planning technicians and staff as are considered necessary for the discharge of the duties and responsibilities of the commission, provided such expense does not exceed the appropriation that may be made for the commission by the Village Board for such purpose.^[3]
- D. **Comprehensive plan.** The Plan Commission may by resolution recommend to the Village Board the adoption of or amendment to a comprehensive plan.^[4]
- E. **Development review.** The Plan Commission shall render decisions and recommendations relating to development applications required by this chapter.
- F. **Amendments to this code.** The Plan Commission may recommend amendments to this chapter it deems advisable.
- G. **Official map.** The Plan Commission may recommend amendments to the Village's official map adopted pursuant to §§ 62.23(6), 61.35 Wis. Stats.^[5]

Editorial notes:

[1] See §§ 62.23(4), 61.35 Wis. Stats.

[2] See §§ 62.23(4), 61.35 Wis. Stats.

[3] See §§ 62.23(1)(e), 61.35 Wis. Stats.

[4] See §§ 62.23(2), 61.35 Wis. Stats.

[5] Commentary: An official map depicts existing and planned public infrastructure and facilities, including planned streets.

102.102 Composition and appointment of members

- A. **Number and appointment.** The Plan Commission shall consist of 7 regular members as follows: the village president, two village trustees, and four citizen members.
- B. **Terms.** Each citizen member of the Plan Commission shall be appointed to a 3-year term.^[1] The term of a village trustee shall coincide with his or her appointment to the above-mentioned committee. The term of the village president shall coincide with his or her elected term.
- C. **Considerations in making citizen appointments.** Citizen members of the Plan Commission must be residents of the Village of Mukwonago and shall be persons of recognized experience and qualifications.^[2] To the extent possible, citizen members should represent different experiences and qualifications. A village employee shall not serve on the commission.
- D. **Conditions for removal.** A citizen member shall be removed from the Plan Commission and the member's office declared vacant when the member moves outside of the village. If the village president or a village trustee serving on the commission resigns or is removed from his or her office, or his or her term expires, his or her term on the commission shall automatically terminate.

- E. **Others.** The village clerk shall serve as secretary to the Plan Commission. The village planner and zoning administrator shall serve as staff liaison to the commission. The commission may seek the advice of the village attorney, building inspector, director of public works, director of utilities, or other staff member as deemed appropriate.

Editorial notes:

[1] See §§ 62.23(1)(d), 61.35 Wis. Stats.

[2] See §§ 62.23(1)(a), 61.35 Wis. Stats.

102.103 Officers

The village president shall serve as the chairperson of the Plan Commission. In the event the village president is not in attendance, the village clerk will call the meeting to order after which the members will elect a chairperson for the duration of the meeting.

102.104 Commission procedures

The Plan Commission may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other village regulations, and state law and be filed in the office of the village clerk.^[1] The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Plan Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the commission may adopt.

Editorial notes:

[1] See §§ 62.23(2), 61.35 Wis. Stats.

102.105 Meetings

Meetings of the Plan Commission are open to the public unless conducted in close session as authorized by state law. All meetings, except site visits described in Article 4, shall be conducted in the village hall or in such other public place as may be selected by the commission.

102.106 Schedule of meetings

The Plan Commission shall establish a meeting schedule. Other meetings may be held at the call of the chairperson of the commission and at such other times as the commission may determine.

102.107 Voting and quorum

- A. **Requirements for quorum.** A quorum of the Plan Commission consists of 4 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.
- B. **Requirements for voting.** Unless otherwise prescribed by state law, a decision of the Plan Commission must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- C. **Disqualification or voluntary abstention.** A member of the Plan Commission must abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19 Wis. Stats., or any ethics code as may be adopted by the village; (4) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (5) another law precludes participation. If a member abstains or is disqualified, he or she may participate in the meeting as a member of the public.

102.108 Official oath

Citizen members of the Plan Commission must take the official oath as required by § 19.01, Wis. Stats. The village clerk shall keep a copy of such oaths.

102.109 through 102.119 Reserved**DIVISION 2
HISTORIC PRESERVATION COMMISSION****102.120 Establishment**

A Historic Preservation Commission is established to undertake the responsibilities as defined in this chapter and as allowed by state law.

102.121 Authority

- A. **Historic districts.** The Historic Preservation Commission shall have the power to recommend designation of historic districts consistent with the requirements in Article 5.
- B. **Historic structures and sites.** The Historic Preservation Commission shall have the power to designate historic structures and sites consistent with the requirements in Article 5.
- C. **Certification of appropriateness.** The Historic Preservation Commission shall have the power to act on requests for work related to a historic structure or site consistent with the requirements in Article 5.
- D. **Recognition of historic districts, structures, and sites.** The Historic Preservation Commission may establish a plaques program to recognize the designation of a historic district, structure, or site. The plaque shall state the accepted name of the historic property, the date of its construction of significance, and other information deemed proper by the commission. Such plaque should be placed as to be easily visible to passing pedestrians.
- E. **Funding.** The Historic Preservation Commission may receive and solicit funds for the purpose of historic preservation in the Village. Such funds shall be placed in a special Village account, managed by the village treasurer, for such purpose.
- F. **Amendments to this code.** The Historic Preservation Commission may recommend amendments to this chapter it deems advisable.

102.122 General duties

- A. **Education and outreach.** The Historic Preservation Commission should inform village residents about the historical heritage of the Village and the need and desirability of having a historic preservation program in the Village, including how it enhances the quality of life.
- B. **Cooperation.** The Historic Preservation Commission may cooperate with the State of Wisconsin historic preservation officer and the state historic preservation review board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the state register of historic places.

102.123 Composition and appointment of members

- A. **Number and appointment.** The Historic Preservation Commission shall consist of 7 members, one of which may be a Village Board member. The other members are citizen members as appointed by the village president, subject to confirmation by the Village Board.
- B. **Terms.** Citizen members on the Historic Preservation Commission shall be appointed to staggered 3-year terms. The term of a village trustee shall be for one year and can be reappointed for consecutive terms without limitation.

- C. **Considerations in making citizen appointments.** Citizen members must reside in the Village of Mukwonago. A village employee shall not serve on the commission. Each member shall have a demonstrated interest in historic preservation. To the extent possible, citizen members should include a person with land within a historic district, a registered architect, a historian, and a licensed real estate broker.
- D. **Vacancies.** Vacancies on the Historic Preservation Commission shall be filled for the unexpired term of any member whose term becomes vacant.
- E. **Conditions for removal.** A citizen member shall be removed from the Historic Preservation Commission and the member's office declared vacant when the member moves outside of the village. If the village president or a village trustee serving on the commission resigns or is removed from his or her office, or his or her term expires, his or her term on the commission shall automatically terminate.

102.124 Officers

The village president shall designate a village trustee to be the chairperson of the Historic Preservation Commission. The commission may designate other such officers deemed necessary. If the chairperson is absent for a meeting, the village clerk shall call the meeting to order and the commission shall appoint a chair for that meeting.

102.125 Commission procedures

The Historic Preservation Commission may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other village regulations, and state law and be filed in the office of the village clerk. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Plan Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the commission may adopt.

102.126 Meetings

Meetings of the Historic Preservation Commission are open to the public unless conducted in closed session as authorized by state law. All meetings, except site visits, shall be conducted in the village hall or in such other public place as may be selected by the commission.

102.127 Schedule of meetings

The Historic Preservation Commission shall establish a meeting schedule. Other meetings may be held at the call of the chairperson of the commission and at such other times as the commission may determine.

102.128 Voting and quorum

- A. **Requirements for quorum.** A quorum of the Historic Preservation Commission consists of 4 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.
- B. **Requirements for voting.** Unless otherwise specifically stated, a decision of the Historic Preservation Commission must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- C. **Disqualification or voluntary abstention.** A member of the Historic Preservation Commission must abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19 Wis. Stats., or any ethics code as may be adopted by the village; (4) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (5) another law precludes participation. If a member abstains or is disqualified, he or she may participate in the meeting as a member of the public.

102.129 Official oath

Citizen members of the Historic Preservation Commission must take the official oath as required by § 19.01, Wis. Stats. The village clerk shall keep a copy of such oaths.

102.130 through 102.149 Reserved

DIVISION 3 BOARD OF ZONING AND BUILDING APPEALS

102.150 Establishment

A Board of Zoning and Building Appeals is established pursuant to §§ 62.23(7)(e), 61.35 Wis. Stats., to undertake the responsibilities as defined in this chapter and as allowed by state law.

102.151 Authority

- A. **Administrative appeals.** The Board of Zoning and Building Appeals shall hear and decide administrative appeals consistent with the requirements in Article 5 where it is alleged that the zoning administrator or building inspector erred in the administration of the zoning code. In exercising these powers, the board may compel the administrative official to act as required or reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination being appealed and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.
- B. **Variances.** The Board of Zoning and Building Appeals shall hear and decide variances consistent with the requirements in Article 5.
- C. **Right to enter.** The Board of Zoning and Building Appeals, its individual members, employees, and authorized agents, may enter upon land which is the subject of a pending application as set forth in § 102.203.
- D. **Amendments to this code.** The Board of Zoning and Building Appeals may recommend amendments to this chapter it deems advisable.

102.152 Authority of chairperson

The chairperson of the Board of Zoning and Building Appeals or acting chairperson may administer oaths and compel the attendance of witnesses.^[1] The chairperson may request the attendance of the zoning administrator and the building inspector.

Editorial notes:

[1] See §§ 62.23(7)(e)(3), 61.35 Wis. Stats.

102.153 Composition and appointment of members

- A. **Number and appointment.** The Board of Zoning and Building Appeals shall consist of 5 regular members as appointed by the village president, subject to confirmation by the Village Board.^[1]
- B. **Alternates.** The village president, subject to confirmation by the Village Board, shall appoint 2 alternates to the Board of Zoning and Building Appeals for staggered 3-year terms and annually appoint one of them as the first alternate and the other as the second alternate.^[2]
- C. **Terms.** Each regular member on the Board of Zoning and Building Appeals shall be appointed to hold office for a period of 3 years.
- D. **Considerations in making appointments.** Regular members and alternate members of the Board of Zoning and Building Appeals must reside in the Village of Mukwonago. A village employee shall not serve as a regular member or as an alternate.

- E. **Vacancies.** Vacancies on the Board of Zoning and Building Appeals shall be filled for the unexpired term of any member or alternate whose term becomes vacant.
- F. **Removal.** The village president may remove a regular member or an alternate from the Zoning Board of Appeals.

Editorial notes:

[1] See §§ 62.23(7)(e)(2), 61.35 Wis. Stats.

[2] See §§ 62.23(7)(e)(2), 61.35 Wis. Stats.

102.154 Officers

The village president shall designate one regular member to be the chairperson of the Board of Zoning and Building Appeals, subject to the approval of the Village Board. The board may designate other such officers deemed necessary. If the chairperson is absent for a meeting, the village clerk shall call the meeting to order and the board shall appoint a chair for that meeting.

102.155 Board procedures

The Board of Zoning and Building Appeals may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other village regulations, and state law and be filed in the office of the village clerk. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Plan Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the commission may adopt.

102.156 Meetings

Meetings of the Board of Zoning and Building Appeals are open to the public unless conducted in closed session as authorized by state law.^[1] Meetings, except for site visits, shall be conducted in the village hall or in such other public place as may be selected by the board.

Editorial notes:

[1] See §§ 62.23(7)(e)(3), 61.35 Wis. Stats.

102.157 Schedule of meetings

The Board of Zoning and Building Appeals shall establish a schedule of meetings. Other meeting may be held at the call of the chairperson and at such other times as the board may determine.

102.158 Voting and quorum

- A. **Requirements for quorum.** A quorum consists of 3 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.
- B. **Requirements for voting.** A decision of the Board of Zoning and Building Appeals shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.^[1]
- C. **Disqualification or voluntary abstention.** A member of the Board of Zoning and Building Appeals must abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19. Wis. Stats., or any ethics code as may be adopted by the village, (4) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (5) another law precludes participation. If a member abstains or is disqualified, he or she may participate in the meeting as a member of the public.
- D. **Voting by alternates.** The first alternate may vote only when one of the regular members of the Board of Zoning and Building Appeals is absent or is not able to vote on a pending matter. The second alternate may vote only when the first alternate is absent or is not able to vote or when more than one regular member is absent or is not able to vote.^[2]

Editorial notes:

[1] See §§ 62.23(7)(e)(3m), 61.35 Wis. Stats.

[2] See §§ 62.23(7)(e)(2), 61.35 Wis. Stats.

102.159 Official oath

Members of the Board of Zoning and Building Appeals must take the official oath as required by § 19.01, Wis. Stats. The village clerk shall keep a copy of such oaths.

102.160 through 102.169 Reserved

DIVISION 4 ZONING ADMINISTRATOR

102.170 Establishment

The position of zoning administrator is established to undertake the responsibilities as defined in this chapter and state law.

102.171 Authority

The zoning administrator shall administer, supervise, and enforce the provisions of this chapter and in furtherance of those duties shall have the authority to:

- (1) meet with applicants to advise them of the requirements of this chapter;
- (2) issue administrative permits;
- (3) revoke or modify any administratively-issued permit or interpretation with reasonable cause;
- (4) keep a written record of permits issued, interpretations made, inspections, work approved, enforcement activities, and other similar official actions;
- (5) prepare staff reports consistent with this chapter and make recommendations as may be required or deemed appropriate;
- (6) work with the village clerk in the preparation of meeting agendas for the Plan Commission and Board of Zoning and Building Appeals;
- (7) develop, amend, and utilize application forms, checklists, and other forms he or she deems appropriate to administer the development review processes set forth in this chapter;
- (8) recommend amendments to this chapter and to other chapters of the municipal code of the Village of Mukwonago relating to land use and development;
- (9) undertake enforcement proceedings as may be requested;
- (10) notify the regional office of the Wisconsin Department of Natural Resources of any violations of the floodplain regulations;
- (11) inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred; and
- (12) undertake any other activity not enumerated in this section but necessary to administer and enforce this chapter or any other section of the municipal code of the Village of Mukwonago as may be appropriate.

102.172 Conflict of interest

The zoning administrator shall not perform work on a proposed or approved development project in which he or she has a direct financial interest in the outcome of the matter at issue or otherwise has a conflict of interest.

102.173 through 102.199 Reserved

ARTICLE 4 GENERAL PROCEDURAL REQUIREMENTS

DIVISION 1 GENERALLY

102.200 Legislative findings

The Village Board makes the following legislative findings:

- (1) Development review procedures should be easily understood and well-structured, and only involve those steps and requirements that are needed to properly review the application. Excessive procedural requirements add unnecessary costs to development projects.
- (2) The general public, property owners in the area, and affected agencies have a right to know about proposed development projects and have meaningful participation in the review process to the extent allowed or required by this chapter.
- (3) Enforcing the rules and regulations contained in this chapter is an important function of government.

102.201 Purpose

The development review requirements and procedures in this chapter are intended to:

- (1) provide efficient and timely review of applications and ensure fairness and due process,
- (2) ensure that applications are reviewed consistently by establishing criteria in making recommendations and final decisions, and
- (3) ensure complete and timely compliance.

102.202 Authority to file an application

Unless otherwise specified in this chapter, the owner of the property or a person having the power of attorney for the property owner must sign the application submitted for review. A person signing an application under the authority of a power of attorney must include a copy of the power of attorney with the application.

102.203 Permission to enter subject property

Submission of an application as may be required in this chapter authorizes village officials and employees, or other designated agents to enter the subject property to verify information in the application and to conduct other site investigations as may be necessary to review the application. This does not authorize any individual to enter any building on the subject property in the absence of the property owner or his or her authorized agent. Failure to allow access to the subject property is sufficient grounds to deny the application.

102.204 Burden of proof

- A. **During application review process.** During the application review process, the applicant has the burden of proof to show that the application should be approved based on the decision criteria relating to that application.
- B. **During appeal of an administrative decision.** During an administrative appeal proceeding, the petitioner has the burden of proof to show that such decision is not consistent with this chapter.
- C. **During enforcement proceedings.** During an enforcement proceeding, the zoning administrator or administrative unit taking enforcement action has the burden of proof to show that the action or development is in violation of this chapter.

102.205 Effect of an outstanding violation

If the zoning administrator determines that a parcel is in violation of this chapter, no permit or approval of any kind shall be granted under this chapter that would benefit such parcel, except to correct the violation or as may be required by state law.

102.206 Effect of an outstanding obligation

No permit or approval of any kind shall be granted under this chapter that would benefit a parcel for which taxes, assessments, special assessments, or other required payments are delinquent and unpaid.

102.207 Concurrent review

To the extent possible, a development project requiring multiple reviews should be done concurrently. When one approval is a condition precedent to approval of another application, the approvals must be issued in the requisite order.

102.208 Application fees and other charges

- A. **Assessment of fees.** From time to time, the Village Board may by resolution establish application fees and other charges it deems necessary in the administration of this chapter.
- B. **After the fact fees.** The Village Board may establish an "after-the-fact" fee for any procedure it deems appropriate. Payment of such fees does not release the applicant from full compliance with this chapter nor from prosecution for a violation of this chapter.
- C. **Timing for payment.** Application fees must be paid at the time the application is submitted for review.
- D. **Refunds.** Application fees are nonrefundable, except when village staff accepts the payment in error.

102.209 Charge back of professional service fees

An applicant must comply with § 70.15 of the Municipal Code with regard to professional service fees.

102.210 Non-confidentiality of submitted information

All written information that an applicant submits during a pre-submittal meeting or at any point in the review process is considered part of the public record subject to disclosure under state and local law.

102.211 Nature of staff comments

Any statements and recommendations that are made by the zoning administrator, village staff and officials, and other representatives prior to or during the application review process are not binding on the decision-making body responsible for making the final decision.

102.212 Withdrawal of application

- A. **Timing of withdrawal.** An applicant may withdraw an application anytime after submittal, but prior to a final decision.
- B. **Effect of withdrawal.** A request to withdraw an application terminates the review process and no decision shall be rendered.
- C. **Retention of application materials.** A withdrawn application and related review documents should be kept as a permanent public record.

102.213 Appeals

If a development project is approved under this chapter, the applicant may, upon receipt of the decision notice and satisfaction of all precedent conditions of approval, commence the work as authorized under the approval with the understanding that an aggrieved person may file an appeal with the appropriate review body. Prior to the end of the appeal period, all such work proceeds at the risk of the applicant. Similarly, any work that is done while an appeal is pending is done at the risk of the applicant.

102.214 Revocation or modification of an approval

If a development project is approved under this chapter, the review authority granting final approval may revoke or modify an approval if it is determined that information in the application or otherwise provided by the applicant or the applicant's agent was incomplete, false, misleading, or inaccurate and such information would have altered its decision to approve the application or the conditions of approval which were or were not imposed.

102.215 Application review schedule

- A. **Authority.** The zoning administrator shall from time to time prepare a schedule establishing deadlines for submitting the various types of applications.
- B. **Publication of schedule.** The zoning administrator shall make the current review schedule available to the public and may post it on the Village's website.

102.216 Application forms

The zoning administrator shall prepare application forms and may amend them from time to time.

102.217 Other approvals

It is the responsibility of those undertaking development projects within the Village to obtain all applicable permits and other approvals as may be required by the Village of Mukwonago, Walworth County, Waukesha County, and federal and state authorities as may be required.

102.218 Building permit

A building permit for the construction of a new building or the expansion of an existing building shall not be issued until such time as a zoning permit has been issued or a written determination is made that one is not required.

102.219 through 102.229 Reserved**DIVISION 2
NOTICE REQUIREMENTS****102.230 Generally**

The type of notice that is given for each of the various procedures outlined in this article is dictated by the nature of the decision. Administrative decisions, such as a zoning permit, involve very little discretion. Either the proposed development meets the standards in this chapter or it does not. In contrast, there are other decisions that involve more discretion and judgment based on particular circumstances. The review of a conditional use application, for example, involves discretion on the part of those involved in making recommendations and a final determination whether the application should be approved or not. As a general rule, notice for an application is not given for administrative decisions. More notice is given when a proposed action could potentially affect other parties, including nearby property owners, other governmental bodies, and the general public. This division describes the different types of notice and related requirements.

102.231 Cost to provide notice

The Village pays the costs related to the provision of notice required under this division, unless otherwise specified in the adopted fee schedule.

102.232 Public notice

- A. **Generally.** When required, the official responsible for processing the application shall place public notice in the official newspaper as set forth in this section.
- B. **Time requirements.** A class 1 notice must be published one time at least 7 days before the meeting or hearing. A class 2 notice must be published once each week for 2 consecutive weeks, the last one occurring at least 7 days before the meeting or hearing.^[1]
- C. **Content.** The notice shall include the information listed in Exhibit 4-1.

Editorial notes:

[1] See §§ 985.01(1m) and 985.07, Wis. Stats.

102.233 Property owner notice

- A. **Generally.** When required, the zoning administrator must mail a notice to property owners within 250 feet of the subject property involved in the application as set forth in this section. In the event an outlot associated with a certified survey map or subdivision is located within the 250-foot area and lot owners within the certified survey map or subdivision have a property interest in the outlot, each of those property owners must also receive the notice.
- B. **Additional notice.** When the applicant also owns the land adjoining the subject property involved in the application, the administrator must mail a notice to those property owners within 250 feet of such property.
- C. **Time requirements.** The notice must be mailed by regular mail at least 10 business days prior to the date of the meeting at which the matter will be considered.
- D. **Content.** The notice must include the information listed in Exhibit 4-1.
- E. **Source of names and addresses.** The names and addresses of property owners are those listed on the tax records maintained by Walworth County or Waukesha County.
- F. **Failure to receive notice.** The failure of a person to receive notice as described in this section does not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.
- G. **Affidavit of mailing.** The person sending the notices should prepare an affidavit of mailing to certify that notice was provided as described in this section. Such affidavit must be kept as a public record.

102.234 Distribution list notice ^[1]

- A. **Establishment of distribution list.** The village clerk shall maintain a list of persons who submit a written request to receive notice of any proposed regulation or amendment thereof that may affect the allowable use of the person's property.
- B. **When notice is required.** The body conducting the public hearing shall send a notice, which contains a copy of the proposed regulation or amendment, to each person on the distribution list whose property, the allowable use of which may be affected by the proposed regulation or amendment.
- C. **Method of distribution of notices.** The notice shall be by mail or in any reasonable form that is agreed to by the person and the village clerk.
- D. **Establishment of charges.** The Village Board may from time to time adopt a resolution establishing a processing fee that shall be charged to each person on the list who is sent a notice. The amount of such fee shall not exceed the approximate cost of providing the notice to the person.
- E. **Effect of failure to send notice.** An ordinance or amendment shall take effect if the body conducting the meeting fails to send the notice as required by this section.

Editorial notes:

[1] See § 62.23(7)(d)(4), Wis. Stats. (§ 61.35, Wis. Stats.)

102.235 Meeting agenda notice

When required, the body responsible for acting on the application must place the item on its meeting agenda.

102.236 Content of required notice

Notices must include the information listed in Exhibit 4-1.

Exhibit 4-1. Content of notice

	Public Notice (§ 102.232)	Property Owner Notice (§ 102.233)	Distribution List Notice (§ 102.234)
Applicant name	X	X	X
Subject property address or other description by which the public can locate the subject property	X	X	X
Nature of the application	X	X	X
A description of the proposed project	X	X	X
Name of body or official who will consider the application	X	X	X
Date, time and location of the public hearing	X	X	X
Location where the public can view the application	X	X	X
The criteria that will be used to evaluate the proposal	X	X	-
General location map (or available from the village clerk during normal office hours)	X	X	-

Key: An "X" means that the indicated information is required; a dash "-" means that the indicated information is not required

1. If the proposed amendment would have the effect of changing the allowable use of any property, the notice must include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the village clerk.

102.237 through 102.249 Reserved

DIVISION 3 PUBLIC HEARINGS

102.250 Legislative findings

The Village Board makes the following legislative findings relating to public hearings:

- (1) Public hearings should be conducted in an orderly, timely, and efficient manner.
- (2) Public input is important and should be encouraged.

102.251 General requirements

- A. Meetings to be public.** All public hearings shall be conducted in the village hall or in such other public place as may be selected by the body conducting the hearing.
- B. Notice of meetings.** Notice of public hearings shall be given as provided for in Division 2 of this article.
- C. Presiding officer for joint meeting.** In the event the public hearing involves both the Plan Commission and the Village Board, the village president shall be the presiding officer.

102.252 General procedure

The presiding officer conducting the public hearing may follow the following procedure listed in this section as a general guideline. For matters of little complexity or controversy, the presiding officer may adjust the procedures as appropriate.

1. Announce the purpose and subject of the public hearing.
2. Determine whether public notice as required by this chapter has been provided. If notice has not been provided, the hearing shall be postponed until such time as proper notice has been provided.
3. Ask if any member of the body conducting the public hearing has a conflict of interest in regard to the matter being discussed and excuse those who do.
4. Ask if any member of the body conducting the public hearing believes another member has a conflict of interest in regard to the matter being discussed. If so, and following a discussion of the alleged conflict of interest, the members (except the member with the alleged conflict) shall determine by vote whether a reasonable person may conclude that the member has a conflict of interest and should be removed from the pending decision.
5. Ask the applicant to describe the proposal.
6. Ask the staff to present a staff report, if required.
7. Allow members of the body conducting the public hearing to direct questions to the applicant and staff, if present.
8. Ask for statements from the public.
9. Read aloud written comments which were submitted when the individual submitting the comments is not in attendance.
10. Call for discussion of the members of the body conducting the public hearing during which time they may ask questions of a member of the public, the applicant, and the staff, if present.
11. Ask the applicant if he or she wishes to (1) respond to any comment made by an individual during the proceeding, (2) submit additional information, (3) amend the application, or (4) request a continuance.
12. Announce that the body will not accept any additional comment from the applicant or any member of the public once the public hearing is closed.
13. Ask for a motion and second to close the public hearing.

102.253 Continuances

- A. **Prior to start of public hearing.** In the event the applicant or the applicant's agent is not present for the public hearing, the body conducting the public hearing may authorize a continuance.
- B. **During a public hearing.** Prior to the close of the public hearing, the applicant may request a continuance and the body conducting the public hearing may agree to the continuance upon a showing of good cause. Likewise, the body conducting the public hearing may ask the applicant for a continuance, but the applicant is not required to grant such request. If the applicant does not grant a continuance, the body shall act on the information at its disposal.
- C. **Effect.** A continuance stops the time clock, if any, for making a decision.
- D. **Notice requirements.** A public hearing may be continued to a later date without again providing public notice, provided the location, date, and time for the continued hearing are announced at the time of the continuance.

102.254 Public comment

- A. **Time limitations on public comment.** The presiding officer may impose a time limit on members of the public who wish to address the body conducting the public hearing to assure completion of the agenda in a timely manner. Under no circumstance shall such time limit be less than 3 minutes.

- B. **Written comment.** Prior to the close of the public hearing, members of the public may submit written comments to the body conducting the public hearing. Such documents must be retained and made part of the public record for the proceeding. If a person submits written comments, a member of the reviewing authority should read the comments into the record and for the benefit of all attending.

102.255 through 102.269 Reserved

DIVISION 4 SITE VISITS

102.270 Authorization

The Historic Preservation Commission, Board of Zoning and Building Appeals, Plan Commission, and Village Board may conduct a site visit to inspect a property as it relates to a pending development application.

102.271 Open meeting requirements

A site visit is a public meeting and must comply with Wisconsin's open meeting requirements and the requirements of the Americans with Disabilities Act (ADA). Any person who would like to attend a site visit should notify the village clerk in advance of the date. The village clerk will follow established procedures in complying with such request.

102.272 Rules of conduct

- A. **Participation.** To ensure everyone hears what is being said during a site visit, participants should stay together as they tour the subject property.
- B. **Comments.** No recommendations can be offered, and no decisions can be made during a site visit.
- C. **Quorum required.** A site visit must be attended by a quorum of the review authority.
- D. **Overview of site visit.** When the review authority reconvenes their meeting or public hearing, the presiding officer should initiate a discussion of the members to document the major points that were discussed and/or observations made on the site visit.

102.273 Site visit during a public hearing

If a site visit is conducted as part of a public hearing, discussion is strictly limited to points of clarification, such as (1) the location of features (e.g., property boundary lines), (2) placement of proposed improvements, (3) features to be retained or removed as part of the proposed project, and the like. The merits of the proposal must not be discussed during the site visit.

102.274 Site visit not part of a public hearing

If a site visit is not part of a public hearing, the petitioner and Plan Commission members may engage in a general discussion related to the pending application. Such discussion should however be limited to what is observed during the tour as it relates to the proposed project.

102.275 through 102.279 Reserved

DIVISION 5 FINANCIAL GUARANTEES

102.280 Performance bond

For the purpose of this chapter, a performance bond is not an acceptable financial guarantee.

102.281 Letter of credit

- A. **Form.** The letter of credit must be irrevocable and in a form acceptable to the village attorney.
- B. **Amount.** The amount of the letter of credit shall conform to the amount established in this chapter. If an amount is not specified in this chapter, the Village Board shall establish the amount.
- C. **Acceptance required.** A letter of credit is not accepted by the Village until formal action by the Village Board upon the recommendation of the village attorney.
- D. **Minimum requirements for issuer.** The bank, savings and loan, or other financial institution issuing the letter of credit must be authorized to do business in the state of Wisconsin and have a financial standing acceptable to the village attorney.
- E. **Obligation of private party.** The provision of a letter of credit does not remove the burden of performing the work the letter of credit is intended to guarantee.

102.282 Cash deposit

- A. **Generally.** If a cash deposit is provided under this chapter, the Village is not obligated to pay interest thereon. Any such cash deposit shall remain in the custody of the village treasurer.
- B. **Amount.** The amount of the cash deposit shall conform to the amount established in this chapter. If an amount is not specified in this chapter, the Village Board shall establish the amount.
- C. **Acceptance required.** A cash bond is not accepted by the Village until formal action by the Village Board.
- D. **Obligation of private party.** The provision of a cash deposit does not remove the burden of performing the work the cash deposit is intended to guarantee.
- E. **Administrative fee.** When a cash deposit is offered as a financial guarantee, the Village may charge a fee for the additional work required of the village clerk and village treasurer to monitor and handle the cash deposit. The amount of such fee shall be set by the Village Board from time-to-time by resolution.

102.283 Insufficient funds

If the Village exercises its right to use a financial guarantee and the cost of performing the authorized work exceeds the amount of the financial guarantee, the Village must send a bill to the property owner for the outstanding balance. If the property owner does not pay such costs within 30 days after billing, such costs constitute a special charge under § 66.0628, Wis. Stats., or as otherwise authorized by state law.

102.284 through 102.299 Reserved

Date: July 7, 2021



To: Village of Mukwonago Plan Commission
John Fellows, Community Planner

From: Tim Schwecke, AICP

Subject: Village of Mukwonago Zoning/Sign Code Rewrite
Memo #3

Article 5 of the zoning code will include all of the procedures that are used in administering the regulations. Before beginning the task of drafting this part of the code, we want to review the basic elements of each.

In this regard, please find attached is a summary table. Procedures are listed in first column. The remaining columns identify what kind of notice is required, if any; who conducts the public hearing, if required; and who is involved in the review process and their roles.

As a first step, let's review the new procedures that are being recommended (#7, 10, 11, 13) along with recommended changes to existing procedures (#12 and 14).

Attachments:

1. Summary of Notice and Review Authority, dated June 30, 2021

		Type of Notice				Public Hearing	Type of Involvement in Review Process				
		Class II Public Notice s. 102.232	Property Owner Notice s. 102.233	Distribution List Notice s. 102.234	Meeting Agenda s. 102.235		Zoning Administrator	Plan Commission	Village Board	Zoning Board of Appeals	Court of Competent Jurisdiction
1. Code amendment – citizen-initiated map amendment	Existing process	X	X	X	X	Plan Commission	SR	R	D	-	CA
Code amendment – village-initiated map amendment	Existing process	X	-	X	X	Plan Commission	SR	R	D	-	CA
Code amendment – citizen or village-initiated text amendment	Existing process	X	-	X	X	Plan Commission	SR	R	D	-	CA
2. Planned development district	Existing process	X	X	-	X	Plan Commission	SR	R	D	-	CA
3. Conditional use	Existing process	X	X	-	X	Plan Commission	SR	R	D	-	CA
4. Wireless telecommunication facility (new tower & Class 1 collocation)	Existing process	X	X	-	X	Plan Commission	SR	R	D	-	CA
Wireless telecommunication facility (Class 2 collocation)	Existing process	-	-	-	-	-	D	-	-	LA	CA
5. Site plan (SPAR)	Existing process	-	-	-	X	-	SR	R	D	-	CA
6. Architectural review (SPAR)	Existing process	-	-	-	X	-	SR	R	D	-	CA
7. Special exception	New process	-	-	-	X	-	SR	R	D	-	CA
8. Zoning permit	Existing process	-	-	-	-	-	D	-	-	LA	CA
9. Floodplain permit	Existing process	-	-	-	-	-	D	-	-	LA	CA
10. Termination of use - voluntary	New process	X	X	-	X	-	SR	-	D	-	CA
Termination of use - involuntary	New process	X	X	-	X	Plan Commission	SR	R	D	-	CA
11. Registration of a nonconforming use	New process	X	X	-	X	-	SR	R	D	-	CA
12. Conversion of a nonconforming use	Existing process	X	X	-	X	Appeals Board	SR	-	-	D	CA
	Recommended	X	X	-	X	Plan Commission	SR	R	D	-	CA
13. Expansion of a nonconforming building	New process	-	-	-	X	-	SR	R	D	-	CA
14. Code interpretation	Existing process	-	-	-	X	-	SR	-	-	D	CA
	Recommended	-	-	-	-	-	D	LA	-	-	CA
15. Administrative appeal	Existing process	X	-	-	X	Appeals Board	SR	-	-	D	CA
16. Variance	Existing process	X	X	-	X	Appeals Board	SR	-	-	D	CA

Key for Type of Public Notice

X – that type of notice is required; a dash "-" means that type of notice is not required

Key for Type of Involvement

SR – staff report; R – recommendation; D – final decision; LA – local appeal; CA – court appeal

Date: July 7, 2021

To: Village of Mukwonago Plan Commission
John Fellows, Community Planner

From: Tim Schwecke, AICP

Subject: Village of Mukwonago Zoning/Sign Code Rewrite
Memo #4



We have begun working on the sign code and want to review a number of points before we get too far along. Some of these are informational, while others are policy choices that warrant discussion.

1. **Compliance with court rulings** As set forth in a number of court rulings, sign regulations must be content neutral. The village's current code does not meet that requirement. The basic premise is pretty simple – if you need to read what's on the sign to determine what regulations apply, those regulations are not content neutral. For example, the current code includes standards for company logos. Under federal law, it is not possible to do so. Such references in the code need to be removed.
2. **Complexity.** By all accounts, the existing sign code is far too complex. As a guiding principle, we will try to simplify the code so that sign companies and property owners can understand what is allowed and where without having staff provide a written interpretation prior to the sign being designed.
3. **Sign districts.** The current sign regulations are based on zoning districts. As an alternative, we believe the new sign code should be based on sign districts which depict larger commercial corridors/areas. That way, we can focus on the character of the different commercial corridors/areas independent of how the properties are zoned for business purposes. As of yet, the sign districts have not been defined. Therefore, it may be a little difficult to envision what is specifically being contemplated. A draft map will be presented at a later date for review and comment.
4. **Sign area.** The size of signs should be based upon the environment that the sign is located in rather than the size of the property.
5. **Permit reviews.** Under the new code, the scope of review is going to be limited to content-neutral standards such as sign type, sign area, height, and type of lighting. Given this new paradigm, there is little room for discretionary decision making. If the sign meets the basic standards, it gets approved. Under the current code, some signs are reviewed by the Plan Commission. Let's discuss whether all signs should be reviewed administratively, much like a building permit.

As with the zoning code work, drafting of the sign code along with the map is an iterative process. Nothing is set in stone until we get to the point of finalizing the proposed draft ordinance. Even at that point, the proposed code can be revised based on public input.

As we continue working on the new sign code, there will likely be additional issues that need to be discussed. In short, this drafting effort is a work in progress until its done. Similarly, if there is an issue you would like to add for discussion, let us know.