

Village of Mukwonago
Notice of Meeting and Agenda

PLAN COMMISSION MEETING
Tuesday, July 12, 2022

Time: **6:30 pm**

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

1. Call to Order

2. Roll Call

3. Comments from the Public

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

4. Approval of Minutes

- 4.1 Approval of minutes for June 14, 2022 regular meeting.
[20220614 PlanCommissionMinutesdraft.pdf](#)

5. New Business

Discussion and Possible Action on the Following Items

- 5.1 Discussion and possible approval of **PC RESOLUTION 2022-08** for reasonable use accommodation under the Americans with Disabilities Act (ADA) with regard to setback requirements for a vertical wheelchair lift. Richard and Laura Witte, applicants; 501 Franklin St ; Parcel MUKV 1973-152.
[501 Franklin St Staff report for July 12 2022.pdf](#)
[PC-RESOLUTION 2022-08 - 501 Franklin St ADA requirements.pdf](#)
- 5.2 Discussion and possible approval for **PC RESOLUTION 2022-09** to amend site plan to designate an outdoor service area at Boss Pizza and Chicken. Darwin Greenwald, owner; Kris Ganske, applicant; 1015 E Veterans Way; Parcel MUKV 1970-988-008.
[Boss Pizza Staff report for July 12 2022.pdf](#)
[PC-RESOLUTION 2022-09 - Boss Pizza.pdf](#)
- 5.3 Potential zoning code revisions relating to popup venues.
[Staff report for July 12 2022 for popup venue.pdf](#)

- 5.4 Potential ordinance change, **ORDINANCE 1007** relating to maximum building height in various residential districts.

[Staff report for bldg height.pdf](#)

[ORDINANCE 1007 -Revise Building Height.pdf](#)

6. Adjournment

Membership:

Eric Brill, Karl Kettner, John Meiners, Mark Penzkover, Tim Rutenbeck, Jason Wamser, Fred Winchowky, and Village Planner Tim Schwecke (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 14, 2022

Call to Order

President 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
John Meiners
Jason Wamser
Mark Penzkover
Tim Rutenbeck
Karl Kettner
Eric Brill

Commissioners excused:

Also present: Fred Schnook, Village Administrator
Tim Schwecke, Village Planner
Linda Gourdoux, Deputy Clerk/Treasurer

Comments from the Public

Opened at 6:30 pm
No Comments from the public.
Closed at 6:31 pm

Minutes

Motion made by Meiners/Brill to approve the minutes of the May 10, 2022 meeting, carried.

Public Hearing

Public Hearing for input regarding a conditional use for a church located in a multitenant building located at 400 Bay View Rd; Parcel MUKV 2009-958-001; B&B Investment Properties, owner; LifePoint Church, tenant.
Robert Jadrnicek, Pastor, spoke of the need for more space
Closed at 6:34 pm

New Business

Discussion and possible recommendation to Village Board for RESOLUTION 2022-37 to establish a church as a conditional use in an existing multi-tenant building. B&B Investment Properties LLC, owner; LifePoint Church, tenant; 400 Bay View Rd; Parcel MUKV 2009-958-001.

Schwecke gave overview of project

Motion by Meiners/Brill to approve RESOLUTION 2022-37 to establish a church as a conditional use in an existing multi-tenant building. B&B Investment Properties LLC, owner;

LifePoint Church, tenant; 400 Bay View Rd; Parcel MUKV 2009-958-001, carried with wording changes requested by Planner Schwecke

Discussion and possible recommendation to Village Board for RESOLUTION 2022-30 for a monument subdivision sign located in the public right-of-way for Chapman Farms subdivision. Bielinski Homes, Inc. (John Donovan, agent), applicant.

Schwecke gave overview of project

John Donovan, Bielinski agent, gave overview of project

Motion by Meiners/Kettner to approve RESOLUTION 2022-30 for a monument subdivision sign located in the public right-of-way for Chapman Farms subdivision. **Bielinski Homes, Inc. (John Donovan, agent), applicant, carried**

Roll Call: Yes; Brill, Kettner, Meiners, Rutenbeck, Winchowky. Excused; Penzkover. Abstain; Wamser.

Discussion and possible recommendation to the Village Board for RESOLUTION 2022-31 for a conditional use for a drive-through lane for a coffee shop; and Discussion and possible recommendation to the Village Board for PC RESOLUTION 2022-07 for site plan and architectural review of a coffee shop for Jentzsch-Barrette Properties (Ulrich Jentzsch, agent), applicant; 827 S Rochester St; Parcel MUKV 2009-978-003.

Schwecke gave overview of project

Pete Barrette, gave overview of project

Motion Meiners/Kettner to approve RESOLUTION 2022-31 for a conditional use for a drive-through lane for a coffee shop for Jentzsch-Barrette Properties (Ulrich Jentzsch, agent), applicant; 827 S Rochester St; Parcel MUKV 2009-978-003, carried with the stipulation that street view of the signage be provided.

Roll Call: Yes; Kettner, Meiners, Rutenbeck, Winchowky: No; Brill, Wamser: Excused; Penzkover

Motion Meiners/Brill to approve PC RESOLUTION 2022-07 for site plan and architectural review of a coffee shop for Jentzsch-Barrette Properties (Ulrich Jentzsch, agent), applicant; 827 S Rochester St; Parcel MUKV 2009-978-003, carried with stipulation that air conditioning units be placed on building roof.

Roll Call: Yes; Brill, Kettner, Meiners, Rutenbeck, Winchowky. No; Wamser. Excused; Penzkover

Discussion and possible recommendation to the Village Board for RESOLUTION 2022-38 for the Final Development Plan for Phase 1 of Maple Centre PUD.

Winchowky acknowledged receipt of a letter from Attorney Cincotta

Schwecke gave overview of project

Paul, Cardinal Engineering, gave overview of project

Motion Meiners/Kettner to approve RESOLUTION 2022-38 for the Final Development Plan for Phase 1 of Maple Centre PUD, carried, with the changes: 260 units not 274; and adding item #12 to include emergency vehicle turning movement.

Adjournment

Meeting adjourned at 7:21 p.m.

Respectfully Submitted,
Linda Gourdoux, WCMC
Deputy Clerk/Treasurer

DRAFT



PLANNING COMMISSION

July 12, 2022, at 6:30 pm
Mukwonago, WI

REASONABLE ACCOMMODATION REQUEST FOR PROPERTY LOCATED AT 501 FRANKLIN STREET

Project Summary

Request:	Reasonable accommodation under the Americans with Disability Act (ADA) with regard to setback requirements for a vertical wheelchair lift
Applicant:	Richard and Laura Witte
Application number:	2022-42
Location:	501 Franklin Street
Parcel number:	MUKV1973152
Acreage:	0.3184 acres
Current Use:	Single-family residential
Zoning Classification:	R-2 - Single-Family Historical Lot Residential Zoning District



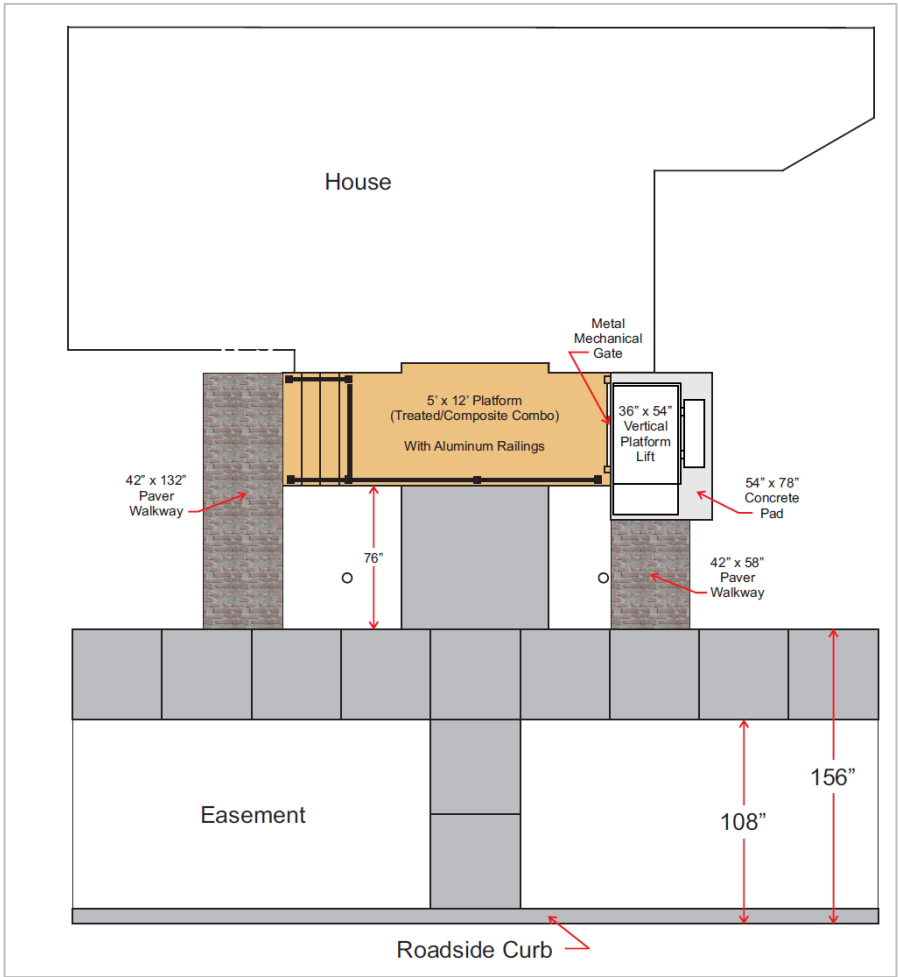
The petitioner's own the property at 501 Franklin Street and need to install a vertical wheelchair lift and have submitted a petition requesting approval for a setback that is less than what is otherwise required in the R-2 district. The request is being made pursuant the Americans with Disability Act (ADA).

The federal government has adopted various laws with respect to various rights afforded persons with disabilities. Some of these laws, most notably the Fair Housing Act and the Americans with Disabilities Act, affect how local zoning rules and regulations are administered by municipalities. Under the Fair Housing Act, reasonable accommodations must be made in some circumstances so that a person with a disability has an equal opportunity to use and enjoy a dwelling unit. Also, under Title II of the Americans with Disabilities Act, reasonable accommodations must be made in some circumstances to avoid discrimination as provided in the act. A person therefore has the right to request a modification of local zoning rules. However, if a local municipality can demonstrate that a requested modification would fundamentally alter the nature of its service, program, or activity (such as zoning requirements) it is not required to grant the modification.

The R-2 District requires a 25-foot setback. The current building does not meet that standard. Below is a street view of the house with the entrance to be modified to accommodate a set of stairs and a vertical wheelchair lift.



Proposed Project



Potential Plan Commission Motion:

Approve the project as a reasonable accommodation as set forth in Plan Commission Resolution 2022-08 (as drafted OR as amended).

Attachments

1. Draft Plan Commission Resolution 2022-08

VILLAGE OF MUKWONAGO PLAN COMMISSION RESOLUTION 2022-08

**RESOLUTION APPROVING AN ENCROACHMENT INTO THE SETBACK
FOR PROPERTY LOCATED AT 501 FRANKLIN STREET
(PARCEL NUMBER MUKV 1973-152)**

WHEREAS, Richard and Laura Witte own the property at 501 Franklin Street and need to install a vertical wheelchair lift to provide access to the existing residence; and

WHEREAS, the proposed lift and other related improvements as depicted in Exhibit A (attached hereto) are located within the setback established for the R-2 zoning district; and

WHEREAS, the property owner is requesting authorization to encroach into the setback as a reasonable accommodation under the Americans with Disability Act and other federal laws; and

WHEREAS, the Village Plan Commission reviewed the petitioner's request at their meeting on July 12, 2022 and determined that the requested encroachment is warranted in this set of circumstances and constitutes a reasonable accommodation; and

NOW, THEREFORE, BE IT RESOLVED, the Plan Commission of the Village of Mukwonago, approves the proposed work as a reasonable accommodation subject to the following conditions:

1. Should the need for the vertical lift cease to exist, the vertical lift and associated concrete pad and paver walkway must be removed within 120 days of such cessation.
2. The property owner must obtain all necessary permits from the Village's building inspector.
3. The proposed work as authorized herein must commence within 6 months of this date and continue in good faith to completion. If the work does not commence within the aforementioned time period, this approval is null and void without any further action by the Plan Commission.

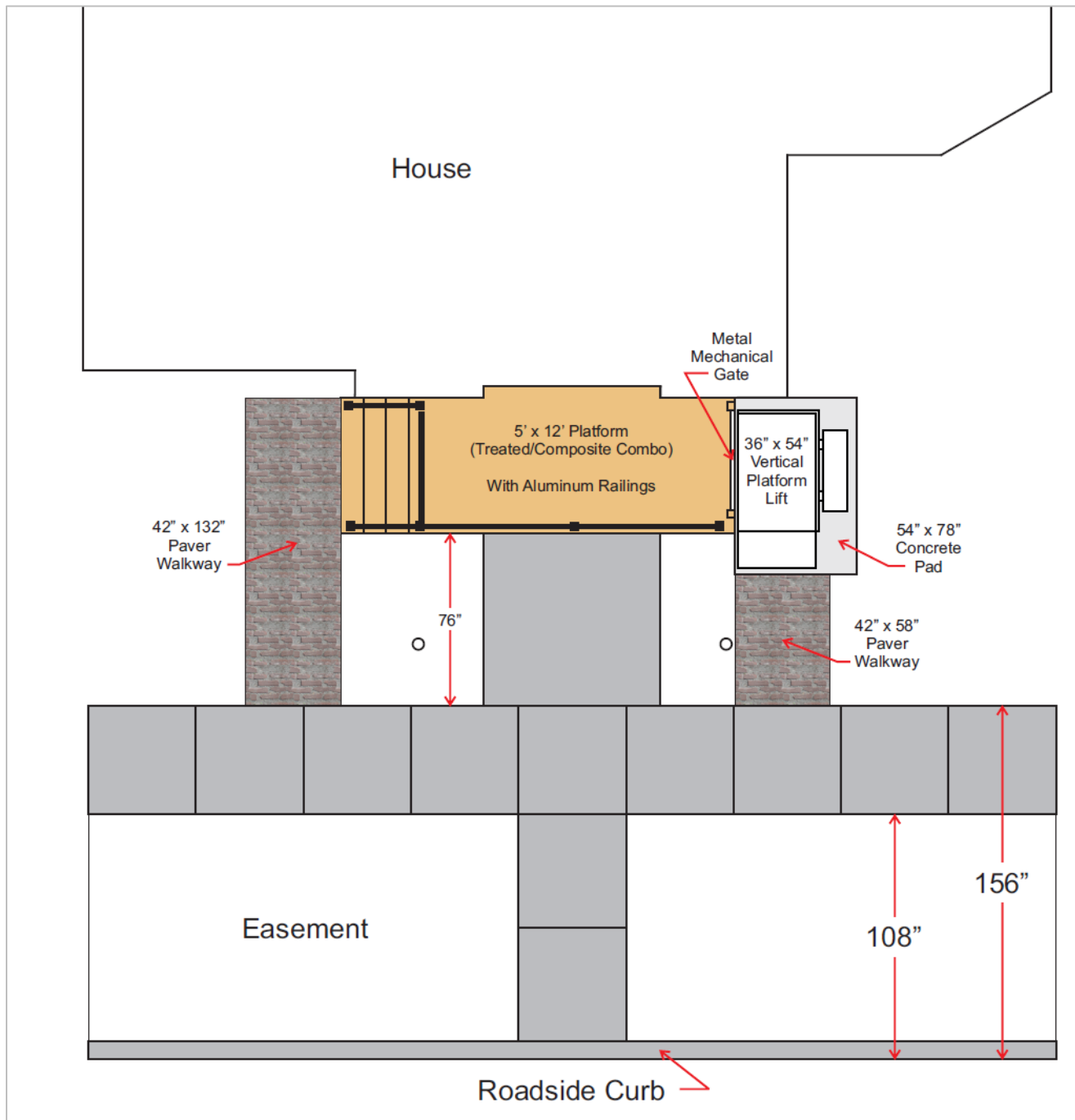
Passed and dated this 12th day of July 2022

VILLAGE OF MUKWONAGO PLAN COMMISSION

By: _____
Fred Winchowky, Chairman/Village President

Attest: _____
Linda Gourdoux, Deputy Village Clerk

Exhibit A – Proposed Chairlift and Related Work





PLANNING COMMISSION

July 12, 2022, at 6:30 pm

Mukwonago, WI

SITE PLAN AND ARCHITECTURAL REVIEW FOR BOSS' PIZZA AND CHICKEN

Project Summary

Request:	Amend site plan to designate an outdoor service area Boss' Pizza and Chicken
Applicant:	Darwin E Greenwald, property owner Boss' Pizza and Chicken (Kris Ganske, operator)
Application number:	2022-43
Location:	1015 E Veterans Way
Parcel number:	MUKV1970988008
Acreage:	0.8891 acres
Current Use:	Restaurant
Zoning Classification:	B-2 General Business district



Planning Staff Review

The petitioner is proposing an outdoor seating area next to the existing building in the northwest corner (Photo A). The service area is about 430 square feet. Although the application materials show 6 tables with a total of 24 seats, the area will likely be able to accommodate more people.

The area will be enclosed with a solid fence consisting of vertical half logs attached to horizontal supports. Photo B shows the uninstalled panels. The fence design must allow one or more open access points as determined by the Village's building inspector for safe ingress/egress.

The petitioner is proposing string lights for outdoor lighting. The petitioner is also proposing to use the outdoor area for live music (jazz/Christian/light rock, as described by the petitioner).

The outdoor area will be open as follows:

- Mondays through Fridays would range from 5:00-9:30 pm

- Saturday and Sundays could possibly be between 12:00-9:30 pm

If the business owner wants to also serve alcohol in this area, the liquor license issued by the Village must be revised to reflect the service area.

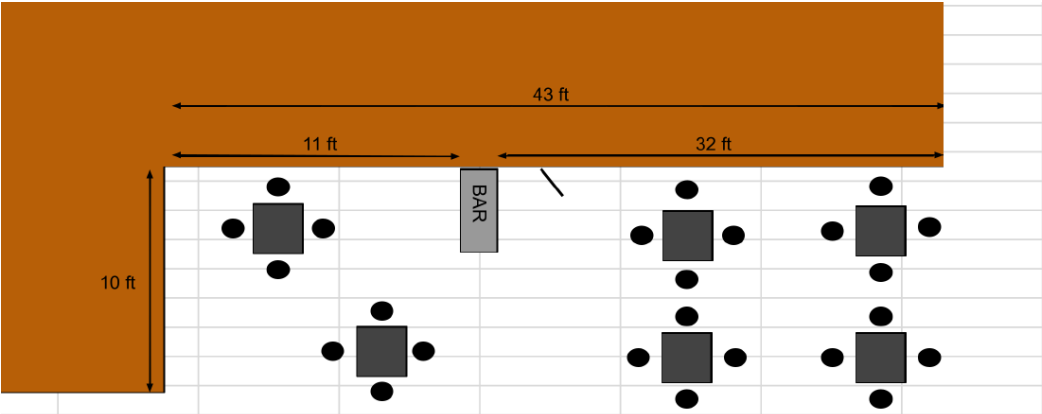
Photo A



Photo B



Potential Table layout



Department Review

Engineering No concerns at this time

Public Works No concerns at this time

Utilities No concerns at this time

Fire Department The striping for parking spaces on the north side should be removed to allow one-way access. Appropriate traffic flow signage will be required.

Police Department No concerns at this time

Building Inspection The fence must be designed to allow proper ingress/egress through the exterior door.

Potential Plan Commission Motion:

Approve the project as set forth in Plan Commission Resolution 2022-07 (as drafted OR as amended).

Attachments

1. Draft Plan Commission resolution 2022-09

VILLAGE OF MUKWONAGO PLAN COMMISSION RESOLUTION 2022-09

**RESOLUTION APPROVING A SITE PLAN AMENDMENT FOR BOSS' PIZZA AND CHICKEN
LOCATED AT 1015 E VETERANS WAY (PARCEL NUMBER MUKV 1970-988-008)**

WHEREAS, Darwin Greenwald owns the property located at 1015 E Veterans Way and Kris Ganske operates Boss' Pizza and Chicken at that location; and

WHEREAS, pursuant to Section 100-601, and 100-153 of the Zoning Code, the property owner and business operator have submitted an application to the Village to amend the site plan for the subject property to accommodate an outdoor seating area of 430 square feet; and

WHEREAS, the Village Plan Commission reviewed the petitioner's request at their meeting on July 12, 2022; and

NOW, THEREFORE, BE IT RESOLVED, the Plan Commission of the Village of Mukwonago, approves the site plan amendment for the outdoor seating area subject to the following conditions:

1. The proposed work as authorized herein must commence within 6 months of this date and continue in good faith to completion. If the work does not commence within the aforementioned time period, this approval is null and void without any further action by the Plan Commission.
2. Live music is allowed in the outdoor seating area but shall comply with any noise restrictions as may be adopted by the Village.
3. The outdoor area may be used from 12:00 pm to 9:30 pm.
4. All work related to this project must comply with all project plans approved by the Village.
5. 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.
6. The property owner must obtain all necessary permits from the Village's building inspector and address any requirements related to ingress/egress through the seating area.
7. The property owner must remove the striping of the parking spaces to allow one-way travel on the north side of the outdoor seating area. Traffic control signs must be installed reflecting the one-way traffic flow.
8. All other aspects of any prior approvals remain unchanged.

Passed and dated this 12th day of July 2022

VILLAGE OF MUKWONAGO PLAN COMMISSION

By: _____

Fred Winchowky, Chairman/Village President

Attest: _____

Linda Gourdoux, Deputy Village Clerk



PLANNING COMMISSION

July 12, 2022, at 6:30 pm

Mukwonago, WI

Date: July 6, 2022

To: Village of Mukwonago Plan Commission

From: Tim Schwecke, Interim Village Planner

Subject: Potential zoning code revisions relating to popup venues

The Plan Commission previously heard a presentation by Bradley Zajork regarding a unique development proposal for a specific property in the Village. As discussed at that time, it was noted that the current zoning code does not allow the use as proposed.

Staff was directed to look into ways the project could be accommodated by amending the text of the zoning code. Below is a description of the use and a preliminary list of relevant development standards. As envisioned, this use would only be allowed in the B-2 district as a conditional use. If the use proves successful, it could be allowed in other commercial and/or industrial zoning districts.

Please find attached various illustrations supplied by Bradley. These are included here to refresh your memory about the proposed use. A site plan is included for a specific property, but that is for informational purposes only. If the Plan Commission recommends and the Village Board amends the zoning text, the project will be reviewed as a conditional use at that time.

Again, the Village's zoning code needs to be amended to accommodate this type of use. At this point, we need to understand the level of support for the general idea, and if generally acceptable, we can continue working on more of the details for your review and consideration.

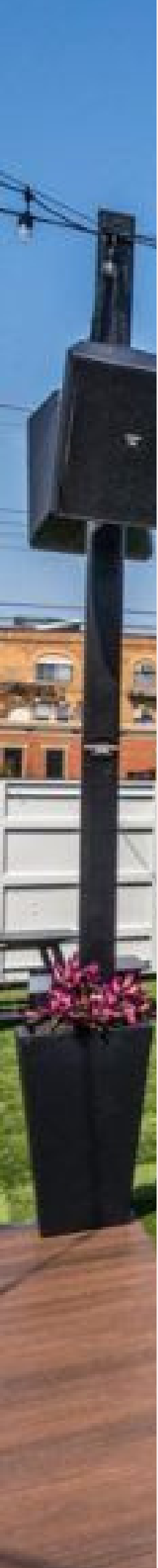
Draft Provisions for the Zoning Code Amendment

Description: A Popup Vendor Venue is a place where multiple vendors offer their goods from various buildings, including shipping containers and food trucks, which are located on a single parcel in a preplanned and coordinated manner. Such vendor units may be temporary or semi-permanent. A vendor unit may be in a single independent building or the units may be connected to other units by interior connections or exterior walkways. The vendor units may be supplied by the site operator or by the vendor. Typical vendors include restaurants, taverns, retail, and limited personal services (barber, manicurist, and the like). Vendors specially excluded include tattoo shops and body piercing.

Where Allowed A popup vendor venue is allowed as a conditional use in the B-2 zoning district.

Development Requirements

1. The placement of the individual buildings must be well coordinated so as to create an inviting and accessible space.
2. Given the unique nature of this use, buildings do not need to meet the building design standards for the B-2 district.
3. As part of the conditional use review, parking standards are established depending on the proposed mix of vendors.
4. The venue must include one or more common areas with seating and similar amenities where patrons may gather and socialize.
5. Outdoor lighting is allowed subject to review by the Plan Commission.
6. The site operator must provide trash collection and restroom facilities for all of the vendors and their patrons.
7. Prior to the approval of this use, the site operator must submit a detailed site plan and plan of operation for the entire venue to the Plan Commission and obtain approval of the same.
8. The venue may from time-to-time host live music, provided ample parking is available, and the details are included in an approved site plan and plan of operation.
9. Given the potential off-site impacts, this use may not abut a residential property.
10. _____
11. _____



THE BLOCK

Bradley Zajork



BACKGROUND CONCEPT

- *Small business owner for almost 10 years*
- *Found passion for small business and community*



FUNCTIONAL FLEXABLE ECONOMICAL

- *Traditional Building for all the traditional needs*
- *Shipping containers used for pop up and Food Truck style Micro Businesses*



WHO IS DOING THIS?

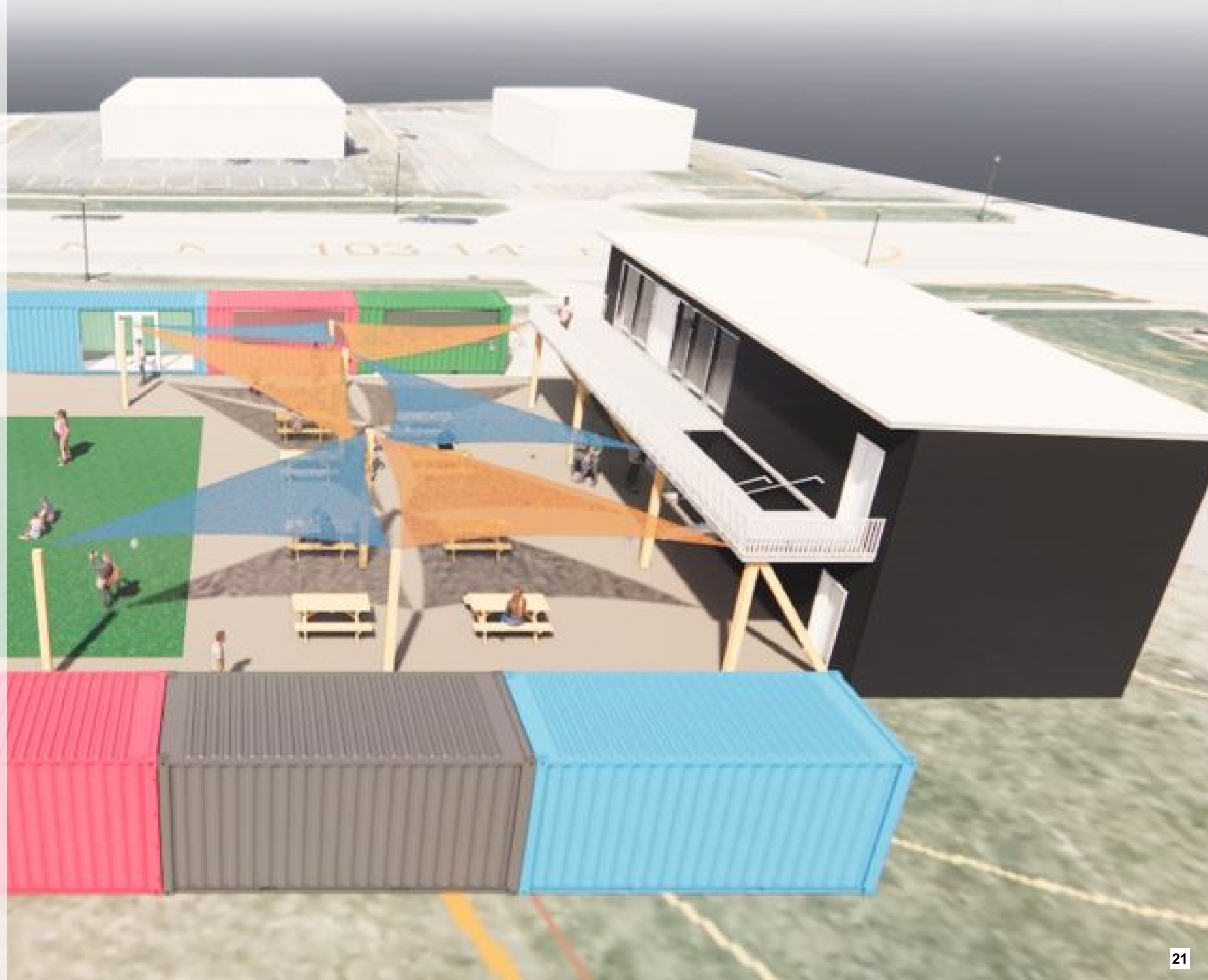
- Waukesha
 - The Tap Yard
- Milwaukee
 - Zocalo Food Park
- Brown Deer
 - The Brick Yard Oasis
- Milwaukee
 - The Dock at Bradford Beach



Mukwonago's

THE BLOCK

WHERE FRIENDS
MEET AND
COMMUNITIES GROW















PLANNING COMMISSION

July 12, 2022, at 6:30 pm

Mukwonago, WI

Date: July 6, 2022

To: Village of Mukwonago Plan Commission

From: Tim Schwecke, Interim Village Planner

Subject: Potential zoning code revisions relating to building height in various residential zoning districts

The building inspectors are suggesting that the maximum height of principal buildings in various residential zoning districts be increased to 35 feet, recognizing that 9-foot walls are becoming more common.

The proposed change will affect just the zoning districts enumerated in the draft ordinance which is attached for the Commission's consideration.

If the Commission is agreeable to the potential change, a motion can be made recommending the change to the Village Board. The Board will then conduct the public hearing allowing for proper public notice.

Attachments

1. Draft ordinance

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. [REDACTED]

**ORDINANCE TO AMEND CHAPTER 100 OF THE VILLAGE OF
MUKWONAGO MUNICIPAL CODE REGARDING MAXIMUM HEIGHT OF
PRINCIPAL BUILDINGS IN VARIOUS RESIDENTIAL ZONING DISTRICTS**

- Draft July 5, 2022 -

SECTION 1. Revise Subsection 100-101 (a)(4) by changing the maximum building height for principal buildings in the R-1 zoning district from 30 feet to 35 feet.

SECTION 2. Revise Subsection 100-102 (a)(4) by changing the maximum building height for principal buildings in the R-2 zoning district from 30 feet to 35 feet.

SECTION 3. Revise Subsection 100-103 (a)(4) by changing the maximum building height for principal buildings in the R-3 zoning district from 30 feet to 35 feet.

SECTION 4. Revise Subsection 100-105 (a)(4) by changing the maximum building height for principal buildings (one two-family on a single lot) in the R-5 zoning district from “Two-stories to not exceed a total of 30 feet” to “Two-stories to not exceed a total of 35 feet”.

SECTION 5. Revise Subsection 100-105 (a)(4) by changing the maximum building height for principal buildings (complex of two-family buildings on a single lot) in the R-5 zoning district from “Two-stories to not exceed a total of 30 feet” to “Two-stories to not exceed a total of 35 feet”.

SECTION 6. Revise Subsection 100-107 (a)(4) by changing the maximum building height for principal buildings in the R-7 zoning district from 30 feet to 35 feet.

SECTION 7. Revise Subsection 100-108 (a)(4) by changing the maximum building height for principal buildings in the R-8 zoning district from 30 feet to 35 feet.

PASSED AND ADOPTED by the Village Board this [REDACTED] day of [REDACTED], 2022.

APPROVED:

Fred Winchowky, Village President

Countersigned:

Diana Dykstra, Village Clerk/Treasurer

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. 1007

**ORDINANCE TO AMEND CHAPTER 100 OF THE VILLAGE OF MUKWONAGO
MUNICIPAL CODE REGARDING MAXIMUM HEIGHT OF PRINCIPAL BUILDINGS IN
VARIOUS RESIDENTIAL ZONING DISTRICTS**

The Village Board of the Village of Mukwonago, Waukesha/Walworth Counties,
Wisconsin do ordain as follows:

SECTION I

SECTION 1. Revise Subsection 100-101 (a)(4) by changing the maximum building height for principal buildings in the R-1 zoning district from 30 feet to 35 feet.

SECTION 2. Revise Subsection 100-102 (a)(4) by changing the maximum building height for principal buildings in the R-2 zoning district from 30 feet to 35 feet.

SECTION 3. Revise Subsection 100-103 (a)(4) by changing the maximum building height for principal buildings in the R-3 zoning district from 30 feet to 35 feet.

SECTION 4. Revise Subsection 100-105 (a)(4) by changing the maximum building height for principal buildings (one two-family on a single lot) in the R-5 zoning district from “Two-stories to not exceed a total of 30 feet” to “Two-stories to not exceed a total of 35 feet”.

SECTION 5. Revise Subsection 100-105 (a)(4) by changing the maximum building height for principal buildings (complex of two-family buildings on a single lot) in the R-5 zoning district from “Two-stories to not exceed a total of 30 feet” to “Two-stories to not exceed a total of 35 feet”.

SECTION 6. Revise Subsection 100-107 (a)(4) by changing the maximum building height for principal buildings in the R-7 zoning district from 30 feet to 35 feet.

SECTION 7. Revise Subsection 100-108 (a)(4) by changing the maximum building height for principal buildings in the R-8 zoning district from 30 feet to 35 feet.

SECTION II

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

SECTION III

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

PASSED AND ADOPTED by the Village Board this, 20th day of July 2022.

APPROVED:

Fred Winchowky, Village President

Countersigned:

Diana Dykstra, Village Clerk/Treasurer