

Village of Mukwonago
Notice of Meeting and Agenda

PLAN COMMISSION MEETING
Tuesday, November 15, 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 from October 11, 2022.
[20221011 PlanCommissionMinutesdraft.pdf](#)

5. New Business

Discussion and Possible Action on the Following Items

- 5.1 Discussion and possible recommendation approval to the Village Board **ORDINANCE 1011** for proposed revisions to Section 100-251 of the zoning code and the rezoning of the property at 560 Bay View Rd from B-2 (General Business) to P-1 (Public and Semipublic) as drafted or as amended.
[Code revisions - Staff report for November 15 2022.pdf](#)
[Cover letter.pdf](#)
[ORDINANCE 1011 - 560 Bay View Rd Rezoning.pdf](#)
- 5.2 Discussion and approval of **PC-RESOLUTION 2022-21** for Site Plan and Architectural Review of building addition for Walmart, applicant; 250 E Wolf Run; Parcel MUKV 2013-994-001.
[Staff report for November 15 2022.pdf](#)
[Application materials \(2\).pdf](#)
[PC-RESOLUTION 2022-21 - SPAR Walmart.pdf](#)

- 5.3 Discussion and possible recommendation to Village Board on **ORDINANCE 1012** to amend Chapter 100 regarding Popup Vendor Venues as a Planned Development District. (If the Plan Commission is agreeable to the potential zoning code amendment, a motion can be made recommending the change to the Village Board. The Village Board will then conduct the public hearing allowing for proper public notice.)

[Staff report for November 15 2022.pdf](#)

[ORDINANCE 1008 \(Chpt 100 Pop Up Venue\) Signed.pdf](#)

[ORDINANCE 1012 Popup Vendor Amendment.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 SPECIAL PLAN COMMISSION MEETING

Tuesday, October 11, 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
Jason Wamser
Eric Brill
Tim Rutenbeck
Karl Kettner
John Meiners

Commissioners excused: Mark Penzkover

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

Comments from the Public

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

Approval of Minutes

Motion by Meiners/Brill to approve minutes from September 13, 2022 regular meeting from October 4, 2022 special meeting, unanimously carried.

New Business

Discussion and possible recommendation to the Village Board for RESOLUTION 2022-61 approving a three-lot certified survey for a property located at W309S9200 CTH I in the Town of Mukwonago, Larry Litwin, owner.

Schwecke gave overview of project

Motion by Meiners/Brill to recommend to the Village Board for RESOLUTION 2022-61 approving a three-lot certified survey for a property located at W309S9200 CTH I in the Town of Mukwonago, Larry Litwin, owner, unanimously carried.

Discussion and possible approval of PC-RESOLUTION 2022-18 to approve Amendment of the Village Comprehensive Plan with regard to the classification of the property located at 560 Bay View Rd; Parcel MUKV 2010-978-017. (If approved, the Village Board to conduct a public hearing and take final action.).

Schwecke gave overview of project

Karthhausser, MASD, gave overview of project

Motion by Meiners/Brill to approve of PC-RESOLUTION 2022-18 an Amendment of the Village Comprehensive Plan with regard to the classification of the property located at 560 Bay

View Rd; Parcel MUKV 2010-978-017. (If approved, the Village Board to conduct a public hearing and take final action.), unanimously carried.

Discussion and possible approval of PC-RESOLUTION 2022-19 for Site Plan and Architectural Review for canopy over the main entrance of the American Legion Post 375, applicant; 627 E Veterans Way; Parcel MUKV 1964-991-001.

Schwecke gave overview of project

George Mielke, American Legion, gave overview of project

Motion by Meiners/Brill to approve PC-RESOLUTION 2022-19 for Site Plan and Architectural Review for canopy over the main entrance of the American Legion Post 375, applicant; 627 E Veterans Way; Parcel MUKV 1964-991-001, with the addition of having engineering done (with stamped plans) on the canopy and having the Building Inspector review, unanimously carried.

Discussion and possible approval of PC-RESOLUTION 2022-20 to amend site plan to show two additional parking spaces Downing Properties LLC, applicant; 507 Main St; Parcel MUKV 1976-164-002.

Schwecke gave overview of project

Motion by Meiners/Rutenbeck to approve PC-RESOLUTION 2022-20 to amend site plan to show two additional parking spaces Downing Properties LLC, applicant; 507 Main St; Parcel MUKV 1976-164-002, unanimously carried.

Adjournment

Meeting adjourned at 6:55 p.m.

Respectfully Submitted,
Linda Gourdoux, WCMC
Deputy Clerk/Treasurer



PLANNING COMMISSION

November 15, 2022, at 6:30 pm
Mukwonago, WI

ZONING CODE AMENDMENTS

Project Summary

Request:	Text amendment and rezoning
Applicant:	Mukwonago Area School District
Application number:	2022-61
Location:	560 Bay View Road (for rezoning)
Parcel number:	MUKV2010978017
Acreage:	1.0581 acres
Current Use:	Commercial building
Zoning Classification:	B-2 General Business district

Planning Staff Review

Text amendment Section 100-251 of the Village's zoning code allows schools in the P-1 district as a conditional use, provided the school is located on a parcel that is more than 2 acres and buildings are at least 50 feet from any lot line.

The Mukwonago Area School District has submitted a petition to modify that part of the code to allow low-enrollment schools (less than 50 on-site students) on parcels less than 2 acres without the 50-foot setback.

By way of context there is no minimum lot size in the P-1 district or minimum building setback requirements.

Rezoning A second part of the School District's petition is to rezone the property at 560 Bay View Road from B-2 to P-1.

If the Plan Commission recommends approval, the Village Board will conduct a formal public hearing to accept public input on both parts of the School District's request.

Potential Plan Commission Motion:

Recommend approval of the proposed revisions to Section 100-251 of the zoning code and the rezoning of the property at 560 Bay View Road from B-2 (General Business) to P-1 (Public and Semipublic) as set forth in Ordinance 2022-1011 (as drafted OR as amended).

Attachments

1. Cover letter from MASD
2. Draft Ordinance 2022-1011



Mukwonago Area School District

Building Better Schools Together

DATE: October 6, 2022

TO: Village of Mukwonago & Planning Commission

FR: Tom Karthausser, Director of Business Services

RE: Zoning District Change Application

To Whom This May Concern:

We are interested in purchasing the property at 560 Bay View Road. The property is currently zone as B2. We are requesting that it be zoned as P1 for use an educational facility. We would like to house an offsite educational program here, as well as our 18-21-year-old program. Our offsite program is currently housed at St. James Catholic Church, and previously, was housed at the Lillian Rose building. Our 18-21 year-old program is currently housed at Mukwonago High School. The 18-21 year-old program is intended to help our intellectually disabled students develop independent living skills, and this would be best accomplished away from a traditionally school setting.

In addition to the zoning change request, we would like for the Village to amend the text of the zoning code to remove the two-acre minimum lot size for schools in the P1 district.

Please contact me at 262-363-6300 ext. 24102 if you have further questions or at karthto@masd.k12.wi.us. I am willing to attend any meeting to answer questions that Commission members or Village Board members may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Karthausser'.

Tom Karthausser
Director of Business Services
Mukwonago Ara School District

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. 1011

**ORDINANCE TO AMEND CHAPTER 100 OF THE VILLAGE OF MUKWONAGO
MUNICIPAL CODE REGARDING THE PUBLIC AND SEMIPUBLIC DISTRICT AND THE
ZONING CLASSIFICATION OF THE PROPERTY LOCATED AT 560 BAY VIEW ROAD**

- Draft October 24, 2022 -

SECTION 1

Repeal and recreate section 100-251, which relates to the Public and Semipublic District, to read as revised below.

§ 100-251 Regulations.

- (a) Permitted uses. Parks, arboretums, playgrounds, fishing, wading, swimming, beaches, skating, sledding, sustained yield forestry, wildlife preserves, soil and water conservation, water measurement and water control facilities, golf courses and cemeteries, churches and other places of worship.
- (b) Conditional uses.
 - (1) All structures.
 - (2) Airports (provided that the site area is greater than 20 acres).
 - (3) Governmental and cultural uses (such as fire and police stations, municipal buildings, community centers, libraries, and public emergency shelters).
 - (4) Colleges, universities, hospitals, and museums ~~and public and private schools~~ (provided that the site area is more than two acres and that all principal structures and uses are greater than 50 feet from any lot line).
 - (5) Recreational uses such as archery ranges, camps, driving ranges, marinas, music halls, pools, riding academies, sports fields, stadiums, and zoological or botanical gardens, provided that the lot area for all uses listed in this paragraph are not less than three acres and all structures are not less than 50 feet from any district boundary.
 - (6) Elementary, middle, and high schools (K-12) provided that any school with more than 50 on-site students must be located on a parcel that is more than 2 acres and principal buildings must be at least 50 feet from any lot line.

SECTION 2

Amend the zoning map by changing the classification of the parcel located at 560 Bay View Road (MUKV2010978017) from B-2 (General Business) to P-1 (Public and Semipublic).

SECTION 3

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

SECTION 4

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 21st day of December, 2022.

APPROVED:

Fred Winchowky, Village President

Countersigned:

Diana Dykstra, Village Clerk/Treasurer



PLANNING COMMISSION

November 15, 2022, at 6:30 pm
Mukwonago, WI

SPAR AMENDMENT FOR BUILDING ADDITION FOR WALMART LOCATED AT 250 WOLF RUN

Project Summary

Request:	Addition to existing building
Applicant:	Walmart
Application number:	2022-62
Location:	205 Wolf Run
Parcel number:	MUKV2013994001
Acreage:	21.4 acres
Current Use:	Retail
Zoning Classification:	B-4 Business Commercial Design district

Planning Staff Review

The petitioner is proposing a building addition (7,622 sf) on the north east corner of the existing building to accommodate an expanded pickup service.



Stormwater The addition will not require any changes to any stormwater management facilities because no additional impervious surface is being added.

Setbacks The building addition complies with all setback requirements, including 40 feet on the side.

Exterior materials The Plan Commission recently approved a new façade design for the entire store. The exterior materials on the addition will follow that design.

Parking The expansion will remove a number of existing parking spaces. However, the remaining number is more than sufficient.

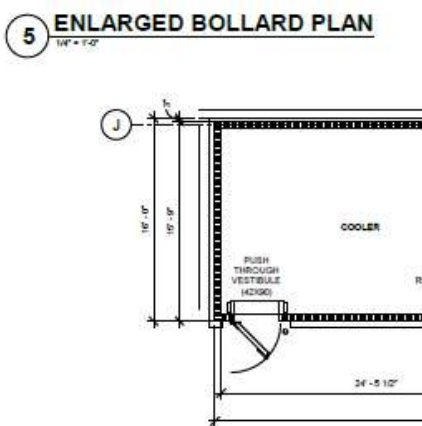
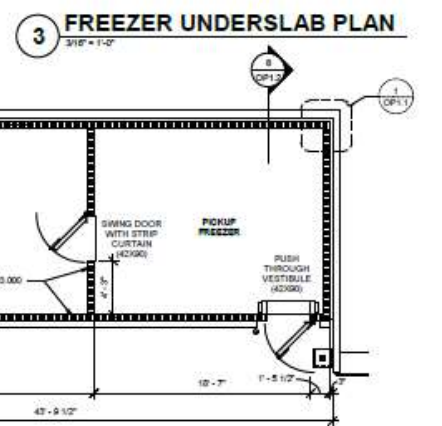
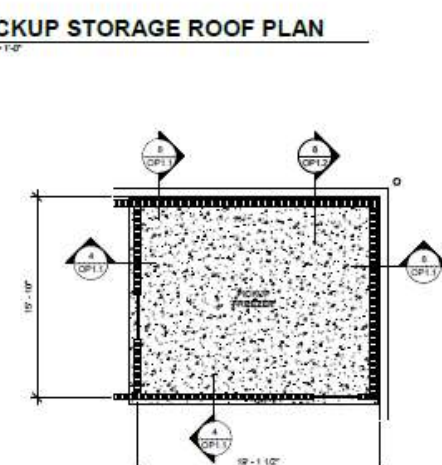
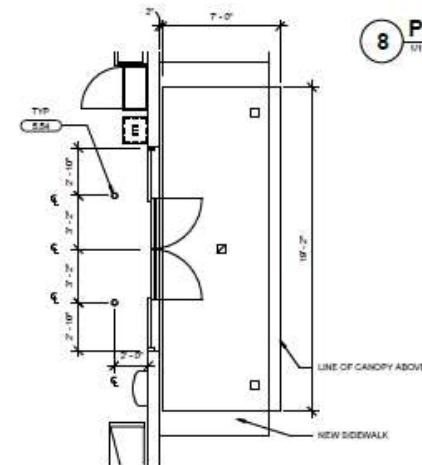
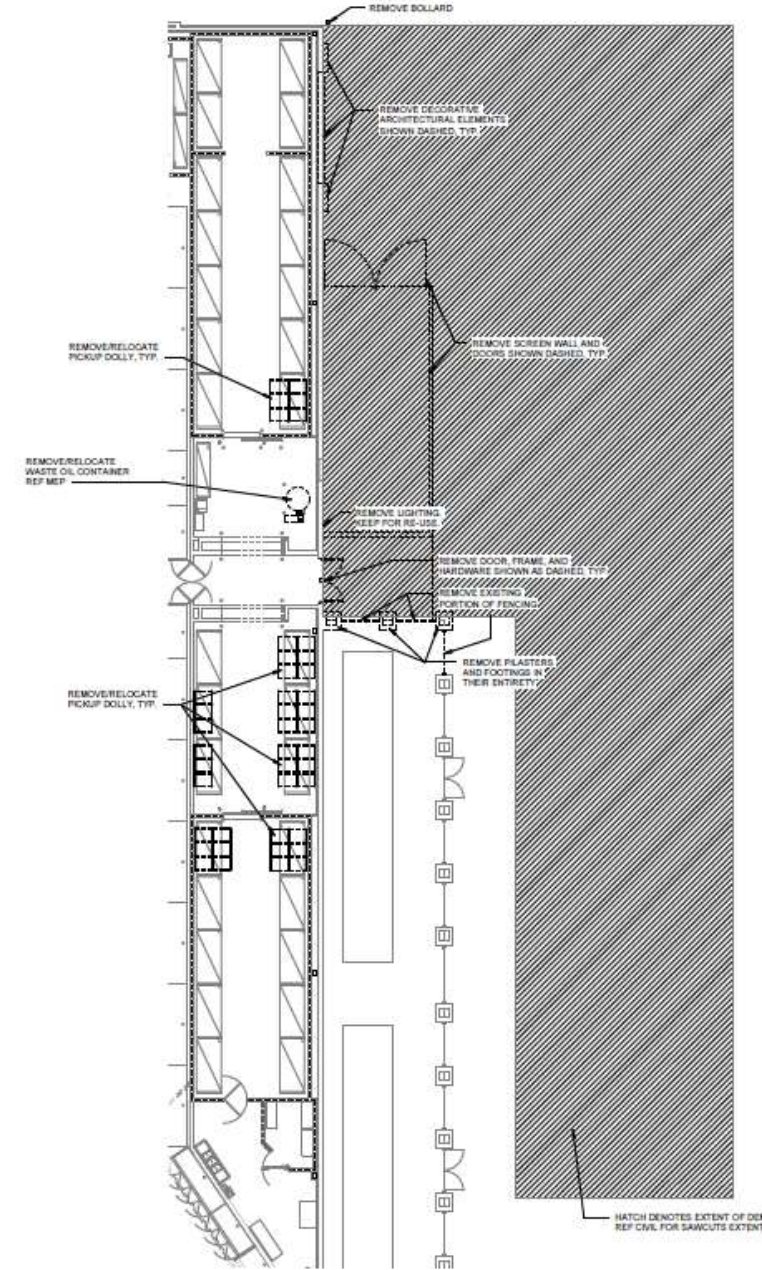
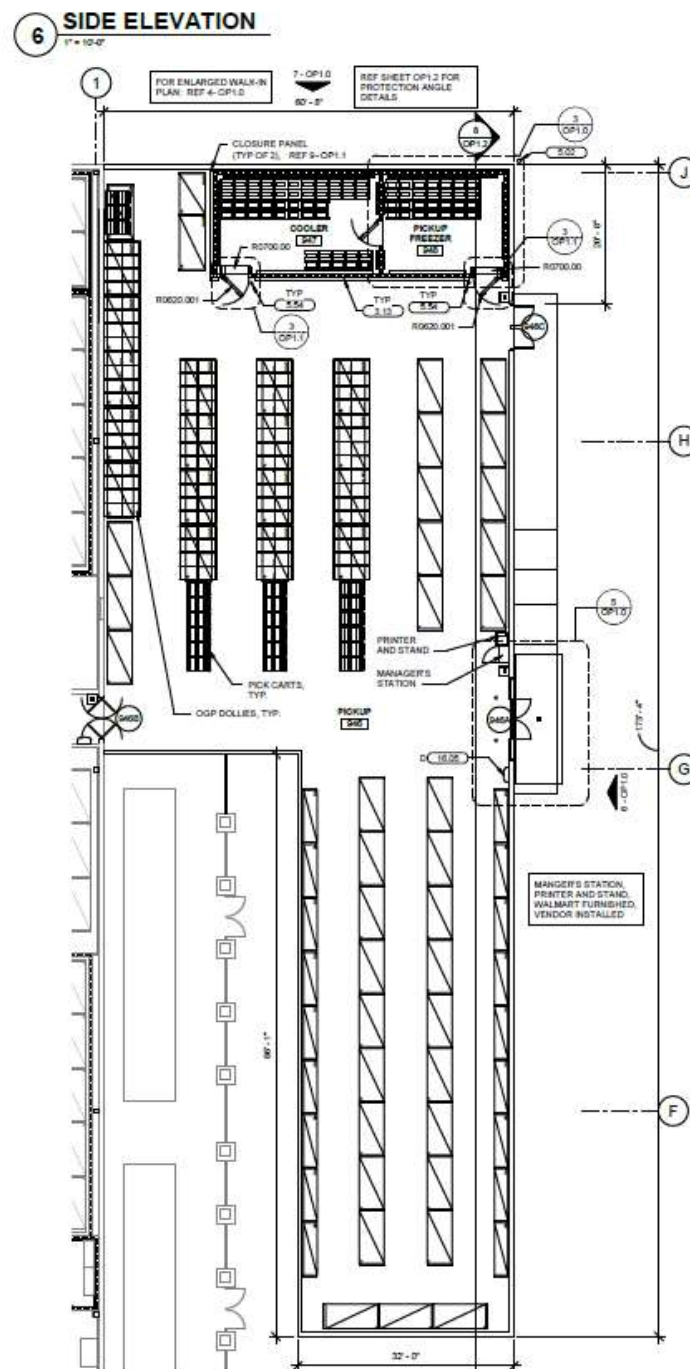
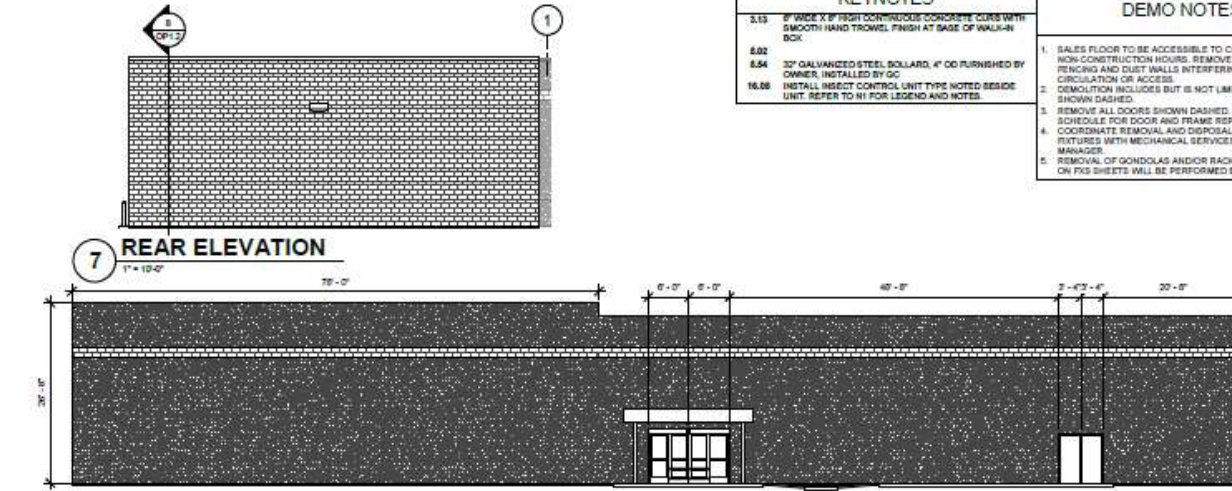
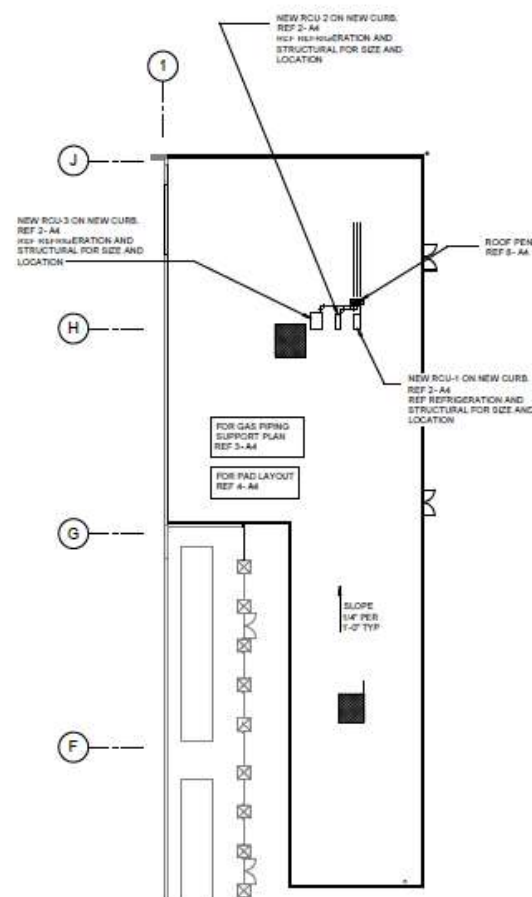
Outdoor lighting Aside from building mounted lights there are not changes to outdoor lighting.

Potential Plan Commission Motion:

Approve the building addition for Walmart as set forth in Plan Commission Resolution 2022-21 as drafted (**OR** as amended)

Attachments

1. Application materials
2. Draft Plan Commission resolution 2022-21



PLAN COMMISSION RESOLUTION 2022-21

RESOLUTION APPROVING AN AMENDMENT OF THE SITE PLAN FOR WALMART LOCATED AT 250 E WOLF RUN, PARCEL MUKV2013994001

WHEREAS, pursuant to Section 100-601, and 100-153 of the Zoning Code, Walmart has submitted an application to the Village to amend the site plan for the subject property at 250 E Wolf Run for an addition of 7,622 square feet to the existing building; and

WHEREAS, the Village Plan Commission reviewed the proposed project consistent with the requirements in the zoning code at their meeting on November 15, 2022; and

NOW, THEREFORE, BE IT RESOLVED the Plan Commission of the Village of Mukwonago, Wisconsin hereby approves the proposed building addition as proposed subject to the following conditions:

1. **Expiration.** The developer must obtain all required building permits within 9 months of the date of this approval and start construction with 6 months of the date of building permit issuance and continue in good faith to completion. The zoning administrator may allow a one-time extension of 12 months provided the developer submits the request in writing before the above-mentioned time periods and the project still complies with all applicable zoning requirements.
2. **Strict compliance.** All work performed, improvements constructed, and use of the property shall be according to the submitted application materials, the municipal code, and all other applicable ordinances, regulations, and permits.
3. **Minor modifications.** The zoning administrator is authorized to approve minor modifications to exterior building plans and/or to the site plan and related plans during the initial development phase so long as the overall project elements remain unchanged. If the administrator determines that the proposed revisions as submitted by the developer are not minor modifications, the proposed changes must be submitted to the Plan Commission for review.
4. **Developer responsibility.** While the Village has reviewed various plans related to this project, the developer and the developer's agents are ultimately responsible for the thoroughness and accuracy of all plans and specifications and compliance with all state and local codes, ordinances, and procedures. Modifications to approved plans may be required should errors or changed conditions be found at a future date.
5. **Impact fees.** Prior to issuance of a building permit, the developer must pay all impact fees imposed by the Village as set forth in Resolution 2021-99. The amount of the impact fees for police and fire protection is based on the size of the building (in square feet). The amount for sewer, sewer connection, and water is based on anticipated usage as measured in Residential Equivalent Units (REUs). The resolution with the fee schedule is available from the Village building inspector and is posted on the Village's website.
6. **Erosion control plan.** Prior to any land-disturbing activity, the developer must submit an erosion control plan to the Village engineer and obtain approval of the same.
7. **Prior approvals.** All other aspects of any prior approvals, remain unchanged.

Passed and dated this 15th day of November 2022.

VILLAGE OF MUKWONAGO PLAN COMMISSION

By: _____
Fred Winchowky, Chairman/Village President

Attest: _____
Linda Gourdoux, Deputy Village Clerk



PLANNING COMMISSION

November 15, 2022, at 6:30 pm

Mukwonago, WI

Date: November 9, 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 recommended approval of an ordinance amendment regarding popup venues and the Village Board approved it as Ordinance 1008 (attached).

A minor modification to that ordinance is required to accommodate a popup venue project being proposed by Brad Zojork.

The draft ordinance with those revisions is attached for your consideration.

If the Commission is agreeable to the potential zoning code amendment, 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. Ordinance 1008
2. Draft ordinance

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. 1008

**AN ORDINANCE TO AMEND CHAPTER 100 OF THE VILLAGE OF MUKWONAGO
MUNICIPAL CODE REGARDING POPUP VENDOR VENUES AS A PLANNED
DEVELOPMENT DISTRICT**

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

SECTION I

SECTION 1. Create Article XV of the zoning code as set forth in Exhibit 1.

SECTION II

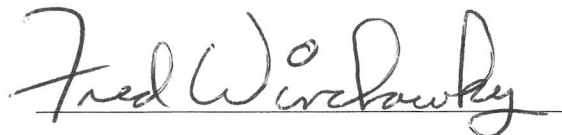
All Ordinances or parts of Ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

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, 21st day of September 2022.

APPROVED:



Fred Winchowky, Village President

Countersigned:



Diana Dykstra, Village Clerk/Treasurer



Exhibit 1.

ARTICLE XV POPUV VENDOR VENUE

100-910 Generally

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. 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 are typically supplied by the site operator. Typical vendors include restaurants, taverns, retail, and limited personal services (barber, manicurist, and the like). Vendors specially excluded include tattoo shops and body piercing.

100-911 Application and review procedure

A popup vendor venue is reviewed as a planned development district as set forth in this chapter.

100-912 Where allowed

A popup vendor venue is only allowed in the B-2 zoning district. Given the potential off-site impacts, a popup vendor venue shall not abut a residential property.

100-913 General design requirements

In the design of a popup vendor venue the following design principles must be satisfied:

- (1) The placement of the individual buildings must be well coordinated so as to create an inviting and accessible space.
- (2) In addition to any other required landscaping required by the zoning code, the buildings need to be well landscaped along the rear of the building or otherwise screened if visible from the public right-of-way.
- (3) The venue must include one or more common areas with seating and similar amenities where patrons may gather and socialize.
- (4) Outdoor lighting is allowed subject to review and approval of the Plan Commission as set forth in the final development plan.
- (5) The site operator must provide trash collection and restroom facilities for all of the vendors and their patrons.
- (6) The venue may from time-to-time host live music, provided ample parking is available, and the details are reviewed and approved by the Plan Commission.
- (7) Buildings shall be oriented in a pattern that is compatible with the development pattern in the surrounding area.
- (8) The project shall accommodate emergency vehicles to the satisfaction of the Village of Mukwonago fire chief.
- (9) The project shall include an internal network of pedestrian paths.
- (10) Low-impact stormwater techniques should be incorporated into the project to the extent feasible.

100-914 Parking

Parking standards are established in the final development plan depending on the proposed mix of vendors.

100-915 Lot coverage

Impervious surfaces within the project site shall not exceed 60 percent. Patios, pedestrian walks, and other similar surfaces that are an integral part of the open space areas are not be counted in impervious surface calculations.

100-916 Screening

Screening, such as landscaping, decorative fencing, or berms, shall be provided around the perimeter of a popup vendor venue to the extent deemed appropriate by the Plan Commission to ensure the project fits in with the character of the area.

100-917 Amendment

Once a popup vendor venue is approved as a planned development district, such district may be amended as set forth in this chapter.

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. 1012

**AN ORDINANCE TO AMEND CHAPTER 100 OF THE VILLAGE OF MUKWONAGO MUNICIPAL
CODE REGARDING POPUP VENDOR VENUES AS A PLANNED DEVELOPMENT DISTRICT**

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

SECTION I

SECTION 1. Repeal and recreate Section 100-911 of the zoning code to read as revised below.

100-911 Application and review procedure

A popup vendor venue is reviewed as a planned development district as set forth in this chapter, except as modified in this section. There is no minimum lot size for a popup vendor venue, the architectural standards in the base zoning do not apply, and a developer agreement may be required, but is not mandatory.

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, 21st day of December 2022.

APPROVED:

Fred Winchowky, Village President

Countersigned:

Diana Dykstra, Village Clerk/Treasurer