

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

**PLAN COMMISSION MEETING**  
**Wednesday, February 21, 2024**

Time: **5:30 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. Public Hearings**

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

- 4.1 Public Hearing for a Comprehensive Plan 2035 Amendment request for the future land use of a property from Low Intensity Commercial/Business with a Business Mixed Use Overlay to Government and Institutional, located at 917-919 Main St (MUKV 2009-964), submitted by Mukwonago Area School District (future owner).

[Comp Plan Amend 917-919 Main St - PH Notice \(007\).pdf](#)

- 4.2 Public Hearing for a Rezoning request for the property located at 917-919 Main St (MUKV 2009-964), from B-2 General Business District to P-1 Public and Semipublic District by applicant (Mukwonago Area School District, future owner).

[Rezoning-CU 917-919 Main St - PH Notice \(002\).pdf](#)

- 4.3 Public Hearing for a Conditional Use request for a School located at 917-919 Main St (MUKV 2009-964), by Mukwonago Area School District (applicant/future owner).

[Rezoning-CU 917-919 Main St - PH Notice \(002\).pdf](#)

**5. New Business**

*Discussion and Possible Action on the Following Items*

- 5.1 Discussion and possible recommendation to the Village Board to approve **ORDINANCE 1028** for the request to Amend the 2035 Comprehensive Plan for the future land use of a property located at 917-919 Main St (MUKV 2009-964), from Low Intensity Commercial/Business with a Business Mixed Use Overlay to Government and Institutional, submitted by Mukwonago Area School District (future owner).

[Staff\\_-\\_MASD\\_-\\_Comp\\_Plan\\_-\\_917-919\\_Main\\_St.pdf](#)

[ORDINANCE 1028 - 917-919\\_Main\\_St\\_Com\\_Plan\\_Amend.pdf](#)

- 5.2 Discussion and possible recommendation to the Village Board to approve **ORDINANCE 1029** for the request to rezone the property located at 917-919 Main St; Parcel MUKV 2009-964; from B-2 General Business District to P-1 Public and Semipublic District, submitted by Mukwonago Area School District (future owner).

[Staff\\_-\\_MASD\\_-\\_Rezone\\_-\\_917-919\\_Main\\_St.pdf](#)

[917-919\\_Main\\_St\\_-\\_Owner\\_Acknowledgement.pdf](#)

[ORDINANCE 1029 - 917-919\\_Main\\_St\\_Rezoning.pdf](#)

- 5.3 Discussion and possible recommendation to the Village Board to approve **RESOLUTION 2024-06** for the Conditional Use request for a school at the property located at 917-919 Main St (MUKV2009964), submitted by Mukwonago Area School District (future owner).

[Staff\\_-\\_MASD\\_-\\_CU\\_-\\_917-919\\_Main\\_St.pdf](#)

[RESOLUTION 2024-06 - CU\\_-\\_MASD.pdf](#)

## 6. Adjournment

### ***Membership:***

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

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

**NOTICE OF PUBLIC HEARINGS**  
**VILLAGE OF MUKWONAGO PLAN COMMISSION**

The Village of Mukwonago Plan Commission will conduct a public hearing on Wednesday, February 21, 2024, for the following:

Comprehensive Plan 2035 Amendment for the future land use of a property from Low Intensity Commercial/Business with a Business Mixed Use Overlay to Government and Institutional, located at 917-919 Main St (MUKV2009964), submitted by Mukwonago Area School District (future owner).

The meeting will be held in the Board Room of the Village Hall located at 440 River Crest Court, Mukwonago, Waukesha and Walworth counties. The meeting starts at 5:30 pm and the public hearings will be conducted in the order listed on the meeting agenda.

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

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

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

VILLAGE OF MUKWONAGO  
Diana Dykstra, Clerk-Treasurer

Legal notice to be published in the *Waukesha Freeman* on January 18, 2024.

**NOTICE OF PUBLIC HEARINGS**  
**VILLAGE OF MUKWONAGO PLAN COMMISSION**

The Village of Mukwonago Plan Commission will conduct a public hearing on Wednesday, February 21, 2024, for each of the following:

1. Rezoning for the property located at 917-919 Main St (MUKV2009964), from B-2 General Business District to P-1 Public and Semipublic District by applicant (Mukwonago Area School District, future owner).
2. Conditional Use for a School located at 917-919 Main St (MUKV2009964), by Mukwonago Area School District (applicant/future owner).

The meeting will be held in the Board Room of the Village Hall located at 440 River Crest Court, Mukwonago, Waukesha and Walworth counties. The meeting starts at 5:30 pm and the public hearings will be conducted in the order listed on the meeting agenda.

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

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VILLAGE OF MUKWONAGO  
Diana Dykstra, Clerk-Treasurer

Legal notice to be published in the *Waukesha Freeman* on January 31 and February 7, 2024.

**NOTICE OF PUBLIC HEARINGS**  
**VILLAGE OF MUKWONAGO PLAN COMMISSION**

The Village of Mukwonago Plan Commission will conduct a public hearing on Wednesday, February 21, 2024, for each of the following:

1. Rezoning for the property located at 917-919 Main St (MUKV2009964), from B-2 General Business District to P-1 Public and Semipublic District by applicant (Mukwonago Area School District, future owner).
2. Conditional Use for a School located at 917-919 Main St (MUKV2009964), by Mukwonago Area School District (applicant/future owner).

The meeting will be held in the Board Room of the Village Hall located at 440 River Crest Court, Mukwonago, Waukesha and Walworth counties. The meeting starts at 5:30 pm and the public hearings will be conducted in the order listed on the meeting agenda.

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

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

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VILLAGE OF MUKWONAGO  
Diana Dykstra, Clerk-Treasurer

Legal notice to be published in the *Waukesha Freeman* on January 31 and February 7, 2024.





**VILLAGE OF MUKWONAGO  
WAUKESHA AND WALWORTH COUNTIES**

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**ORDINANCE NO. 1028**

**ORDINANCE AMENDING THE “COMPREHENSIVE PLAN 2035” FOR THE  
VILLAGE OF MUKWONAGO**

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**WHEREAS**, the Village Board is authorized by state law to adopt a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2), Wis. Stats.; and

**WHEREAS**, the Village Board, upon recommendation of the Village Plan Commission, adopted a comprehensive plan on October 6, 2009; and

**WHEREAS**, the Village Board is authorized to amend the adopted comprehensive plan from time to time, upon recommendation of the Village Plan Commission; and

**WHEREAS**, the Village Board adopted a public participation plan that describes the way in which Village residents and other interested parties can participate in the revision of the adopted comprehensive plan; and

**WHEREAS**, the Mukwonago Area School District (MASD) submitted a petition to the Village to amend the future land use map (Map 8) of the adopted comprehensive plan by changing the classification of the property at 917-919 Main St (MUKV2009964) from Low Intensity Commercial/Business with a Business Mixed Use Overlay to Government and Institutional; and

**WHEREAS**, the petitioner’s request constitutes a minor amendment as set forth in the adopted public participation plan; and

**WHEREAS**, the Village Plan Commission at their meeting on February 21, 2024 determined that additional opportunities for public participation (aside from the public hearing to be conducted by the Village Board) are not needed for this minor amendment owing to the limited nature of the request; and

**WHEREAS**, the Village Plan Commission reviewed the petitioner’s request at their meeting on February 21, 2024, and found it to be a desirable change and recommend approval of the same; and

**WHEREAS**, the Village Plan Commission determined that the adopted comprehensive plan, with the proposed amendment, contains all required elements as required in Section 66.1001 (2) of Wisconsin Statutes.

**NOW, THEREFORE, BE IT RESOLVED**, the Village of Mukwonago Village Board does ordain as follows:

**SECTION 1**

The designation of the property located at 917-919 Main St (MUKV2009964) on the future land use map (Map 8) is changed from Low Intensity Commercial/Business with a Business Mixed Use Overlay to Government and Institutional, and the Mukwonago Area School District shall provide proof of ownership within 2 months of this approval in order for the ordinance to be in effect.

**SECTION 2**

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

**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.

**PASSED AND ADOPTED** by the Village Board this 21st day of February, 2024.

APPROVED:

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Fred Winchowky, Village President

Countersigned:

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Diana Dykstra, Village Clerk/Treasurer





## PLANNING COMMISSION

February 21, 2024, at 5:30 pm  
Mukwonago, WI

### ZONING MAP AMENDMENT MUKV2009964

#### Project Summary

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Request:	Rezoning
Applicant:	Mukwonago Area School District
Location:	917-919 Main St
Acreage:	.72 acres
Current Zoning:	B-2 General Business District
Future Zoning Request:	P-1 Public and Semipublic District

#### Planning Staff Review

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The applicant is petitioning to rezone the parcel MUKV2009964 from B-2 General Business District to P-1 Public and Semipublic District. The request to amend the zoning is to accommodate a future conditional use request to operate the School's S.O.A.R. program at this location.

#### Recommendation:

Recommend approval to the Village Board for the proposed rezoning of parcel MUKV2009964 from B-2 General Business District to P-1 Public and Semipublic District as set forth in Ordinance 2024-xx (as drafted OR as amended).



#### Attachments

1. Draft Ordinance 2024-xx

## Erin Scharf

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**From:** tdeppe@woodburyfinancial.net  
**Sent:** Monday, January 8, 2024 10:36 AM  
**To:** Erin Scharf  
**Cc:** 'Tom Karthausser'  
**Subject:** 919-917 Main Street

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Erin.

Please accept this email as acknowledgement that I would like to proceed with the rezoning of my property. Please attach this email to the Schools District's application.

Thank you.

**Tom Deppe**

Investment Advisor Representative

**HD Financial**

919 Main Street

Mukwonago, WI 53149

Office: (262) 363-4000

Website: [www.hdfinancial.net](http://www.hdfinancial.net)



*Securities and Investment Advisor Services offered through Woodbury Financial Services, Inc., member FINRA/SIPC and Registered Investment Advisor. Insurance Services offered through HD Financial not affiliated with Woodbury Financial Services, Inc. The information contained in this email is intended only for the use of the addressee. If you are not the intended recipient, any use, copying, disclosure, dissemination or distribution is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return email, delete this communication and destroy all copies and attachments. Please do not submit any securities buy or sell order instructions by voicemail, email, or fax.*

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**VILLAGE OF MUKWONAGO  
WAUKESHA AND WALWORTH COUNTIES**

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**ORDINANCE NO. 1029**

**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 917-919 MAIN STREET**

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**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 917-919 Main St (MUKV2009964) from B-2 (General Business) to P-1 (Public and Semipublic), provided a conditional use application for a school is submitted to the Village and the Mukwonago Area School District shall provide proof of ownership within 2 months of this approval in order for the ordinance to be in effect.

**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 21<sup>st</sup> day of February, 2024.

APPROVED:

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Fred Winchowky, Village President

Countersigned:

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Diana Dykstra, Village Clerk/Treasurer



**PLANNING COMMISSION**  
February 21, 2024 at 5:30pm  
Mukwonago, WI

**CONDITIONAL USE PERMIT**

917-919 Main St, Mukwonago, WI  
Parcel Number: MUKV 2009964

**Case Summary**

**Parcel Data**

Proposal:	School
Applicant:	Mukwonago Area School District (MASD)
Request:	Conditional Use Permit for a School
Staff Recommendation:	Approve with Conditions

**Parcel Characteristics / Conditions**

Acreage:	0.72
Current Use:	Business/Commercial
Proposed Use:	Institutional
Reason for Request:	New School Site
Land Use Classification:	Government/Institutional (if Comp Plan Amend passes)
Zoning Classification:	P-1 Public and Semipublic (if Rezoning Passes)
Census Tract:	2039.02

**Public Notice**

A public hearing notice was published two times in the Waukesha Freeman, and letters were mailed to surrounding property owners within 250ft and surrounding municipalities within 1000ft. 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 Mukwonago Area School District (MASD) is looking for a new site for their S.O.A.R program. They are currently leasing a space but have an offer to purchase on the property located at 917-919 Main St, so that they can have a permanent home for the program.

There will be no exterior modifications at this time. The applicant is aware that the building will require a fire suppression system due to the change in use.

**Utilities**

No modifications at this time.

**Stormwater Management**

No modifications at this time.



**Potential Adverse Impact on surrounding:**

*There will be no adverse impact on surrounding uses.*

**Maintaining consistency within the environs of the property:**

*The structure will remain as it stands today on the site.*

**Adequate Services:**

*The proposed use provides a location for the S.O.A.R. program to continue as part of the MASD's vision and mission.*

**Benefits of the use outweigh adverse impacts:**

*There are no adverse impacts anticipated.*

**Hours of Operation:**

- 1) *The school will operate during normal school district hours: 7am-4pm*

**Conditional Use Process / Findings**

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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**

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#### **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 a school with 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. Hours of operation of the school shall not exceed the adopted hours of operation: 7am-4pm.
  - b. The capacity of the school shall not exceed 50 students.
  - c. Any modifications to the site, buildings, site improvements may require the conditional use application being updated.

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

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1. Draft Resolution for CU

**RESOLUTION 2024-06**

**Village of Mukwonago Order Granting a Conditional  
Use and Prescribing Conditions for a school, 917-919  
Main St, Mukwonago, WI**

WHEREAS, MUKWONAGO AREA SCHOOL DISTRICT (hereinafter "future property owner") has an offer to purchase on the property identified as 917-919 Main St, (hereinafter "subject property") in the Village of Mukwonago, more particularly described as follows:

PARCEL A CSM #1801 VOL 12/209 REC AS DOC# 844378 PT N1/2 SEC 35 T5N R18E :: DOC #4362443

WHEREAS, the future property owner has, consistent with the Village of Mukwonago's zoning regulations, submitted a conditional use application for a school per Section 100-251, 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 February 21, 2024, to consider the petitioner's request; and

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

WHEREAS, the Plan Commission passed a motion recommending to the Village Board that the conditional use 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 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 2009-964

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 a new structure within a park (garage).

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 Mukwonago Area School District must provide documentation of ownership.
- b. 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. Hours of operation of the school shall not exceed the adopted hours of operation: 7am-4pm.
- b. The capacity of the school shall not exceed 50 students.
- c. Any modifications to the site, buildings, site improvements may require the conditional use application being updated.

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 February, 2024.

BY THE VILLAGE BOARD OF THE VILLAGE OF MUKWONAGO

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Fred Winchowky, Village President

Attest:

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Diana Dykstra, Village Clerk-Treasurer

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

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

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NOTARY PUBLIC

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My Commission Expires:

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**Acceptance by Future Property Owner**

I, \_\_\_\_\_ verify that I am an authorized agent for MUKWONAGO AREA SCHOOL DISTRICT accepts the terms stated herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
\_\_\_\_\_, agent

STATE OF WISCONSIN, WAUKESHA

Personally, came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the above-named person, \_\_\_\_\_ to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
My Commission Expires:

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