



# Town of Mukwonago Waukesha County

W320 S8315 Beulah Road • Mukwonago, WI 53149

Phone: (262) 363-4555 • Fax: (262) 363-8377

December 16, 2024

Robert Sund and Melissa Sund  
S100W31420 CTH LO  
MUKWONAGO, WI 53149

Subject: Conditional Use Permit – Formal Review Required  
Permit No: CUP No. 2022-05  
Permit Type: Commercial Parking  
Original Issuance Date: 3/2/2022  
Review Deadline Date: 2/5/2025  
Enclosures: Conditional Use Order, Formal Review Application Form.

Pursuant to Section 36-286 of the town zoning code, certain conditional use permits contain conditions that require a periodic review by the plan commission in order to determine conformance with the terms of the permit and its compatibility with the adjacent land uses.

This letter serves as a reminder that one of the ongoing conditions of the above referenced Conditional Use Permit requires a periodic formal review by the Town Plan Commission. The Town typically reviews these applications on an annual basis at its February Plan Commission and Town Board Meeting. The purpose of the review is to ensure that the use is still compatible with the adjacent land uses and to ensure the permit holder is in compliance with all terms and conditions of the permit. A copy of the permit with terms and conditions is enclosed.

To ensure that your permit remains in good standing and that you continue to enjoy the benefits and privileges associated with it, please take the following steps by the deadlines noted.

1. Complete the attached Formal Review Application Form.
2. Submit the form and any required documentation to the Town Clerk at the address noted at the top of the letter. Application and supporting materials must be received by the Town Clerk **no later than January 17, 2025.**
3. Attend the **February 5, 2025 (6:30pm)** or alternatively scheduled meeting of the Plan Commission and Town Board.

Upon receiving a complete application, the Town Planner will provide verification in writing of the date and time of the review by the Plan Commission.

Be advised that, if it is determined that the conditional use permit is no longer compatible, or that the provisions of the permit have not been complied with, the conditional use permit may be revoked or amended in accordance with the procedures set forth in Article 5 of the Town's zoning code.

Thank you for your prompt attention to this matter. We appreciate your cooperation and look forward to continuing to serve you. If you have any questions, I can be reached @ 262-204-2350 or [ben.greenberg@cedarcorp.com](mailto:ben.greenberg@cedarcorp.com).

Best regards,

Ben Greenberg  
Planner  
Town of Mukwonago



# Conditional Use - Request for Formal Review Town of Mukwonago

Version: August 29, 2024

Town of Mukwonago W320  
S8315 Beulah Road  
Mukwonago, WI 53149

**Overview:** Pursuant to Section 36-286 of the town zoning code, the conditions of approval of certain conditional use permits require a periodic review by the plan commission in order to determine conformance with the terms of the permit and its compatibility with the adjacent land uses. Failure to conduct such review shall not invalidate any subsequent review or any enforcement proceeding. If it is determined that the conditional use permit is no longer compatible, or that the provisions of the permit have not been complied with, the conditional use permit may be revoked or amended in accordance with the procedures set forth in Article 5 of the Town's zoning code.

**Governing regulations:** The procedures and standards governing the review of this application are found in Article 5 of the Town's zoning code (Chapter 36).

**General instructions:** Application materials should be submitted to the Town Clerk at the mailing address shown above. If you have any questions, do not hesitate to contact the Town Planner at (262) 204-2350 or via email at [ben.greenberg@cedarcorp.com](mailto:ben.greenberg@cedarcorp.com)

**Additional Information Needed:** See page two for additional submittal requirements.

1. **Applicant and agent information** Include the names of the agent, if any, that helped prepare this application including the supplemental information. Examples include surveyors, engineers, landscape architects, architects, planners, and attorneys.

Property Owner	Agent
Name	
Street address	
City, state, zip code	
Daytime telephone	
Email address	

1. Is the subject property currently in violation of the Town's zoning code?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
If yes please explain:		
2. Is the subject property in compliance with all terms and conditions of the conditional use permit.	<input type="checkbox"/> No	<input type="checkbox"/> Yes
If no please explain:		

<b>2. Supplemental Information required.</b>		
<input type="checkbox"/> [13.12] Federal Firearms License  Submit the following: <ul style="list-style-type: none"> <li>Copy of application for Federal Firearms license.</li> <li>Copy of federal firearms license.</li> </ul>	<input checked="" type="checkbox"/> [13.08] Commercial Truck Parking  Submit the following: <ul style="list-style-type: none"> <li>Copy of application for CDL.</li> <li>Copy of CDL.</li> </ul>	<input type="checkbox"/> [13.07] Bus Parking  Submit the following: <ul style="list-style-type: none"> <li>Copy of application for CDL.</li> <li>Copy of CDL.</li> </ul>
<b>3. Applicant certification</b>		
<ul style="list-style-type: none"> <li>I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.</li> <li>I understand that submission of this application authorizes town officials, Plan Commission members, Town Board members, employees, and other designated agents to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application <u>and</u> the property owner gives his or her permission to do so.</li> <li>I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.</li> <li>I understand that the Town Planner will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.</li> <li><b>Pursuant to Section 2-2 and 2-3 of the Town of Mukwonago Municipal Code, the Town Board has determined that whenever the services of the Town Attorney, Town Engineer, Town Planner, or any other of the Town's professional staff results in a charge to the Town for that professional's time and services and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service for the fees incurred by the Town to the property owner incurring those fees, even if the request is not approved. In addition, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved. Imposition of any fees, costs, or charges; however, is subject to the property owner's appeal rights as described in the Town's Municipal Code.</b>   <b>I have been advised that pursuant to the Town's Municipal Code, if the Town Attorney, Town Engineer, Town Planner, or any other Town professional provides services to the Town because of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town, even if the request is not approved. In addition, I have been advised that pursuant to said Municipal Code of the Town of Mukwonago, certain other fees, costs, and charges are my responsibility even if the request is not approved. By signing this application; however, I am not waiving my appeal rights that are described in the Town's Municipal Code.</b> </li> </ul>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Property Owner Signature(s):</div> <div style="width: 45%;">Date:</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; border-bottom: 1px solid black;"></div> <div style="width: 45%; border-bottom: 1px solid black;"></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; border-bottom: 1px solid black;"></div> <div style="width: 45%; border-bottom: 1px solid black;"></div> </div>		

**Town of Mukwonago Order Granting a Conditional Use Permit and Prescribing Conditions for Commercial Truck Parking for Property Located at S100W31420 CTH LO**

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WHEREAS, Robert G Sund and Melissa C Sund (hereinafter "property owner") own the property located at S100W31420 CTH LO (hereinafter "subject property") in the Town of Mukwonago, more particularly described as follows:

LOT 1 CSM #11906 VOL 120/205 RECORDED AS DOC #442001 PT SW1/4 OF NE1/4 & NW1/4 OF SE1/4 SEC 28 T5N R18E; and

WHEREAS, the property owner has submitted a conditional use application pursuant to the Town of Mukwonago's zoning code for commercial truck parking; and

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

WHEREAS, allowing for required public notice, the Plan Commission and Town Board conducted a joint public hearing on March 2, 2022 to consider the property owner's request; and

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

WHEREAS, the Plan Commission passed a motion recommending to the Town Board that the petition for conditional use be granted subject to certain terms and conditions; and

WHEREAS, the Plan Commission, in passing on the matter, has made the following determinations consistent with Section 36-285 of Town's zoning code:

1. Special conditions of approval are not required in this instance (Section 36-286).
2. The proposed project complies with the performance standards set forth in Article 6 of the zoning code.
3. The proposed project as presented complies with each of the development standards for commercial truck parking as set forth in Appendix B.
4. The proposed project complies with other applicable sections of the zoning code.
5. The proposed project complies all other applicable sections of the municipal code.
6. The proposed project is compatible with surrounding properties.

WHEREAS, the Town 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 have commercial truck parking as set forth herein and subject to the Town's zoning regulations. The use is limited to one semi-tractor and one trailer, but not a refrigerated unit.

**Drafted by and return to:**

Tim Schwecke, Town Planner  
Civi Tek Consulting  
610 S Ferry Drive  
Lake Mills, WI 53551

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**Parcel Number:** MUKT1981997004

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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 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 is required to accept the terms and conditions of this conditional use order in its entirety in writing. If the property owner does not sign this instrument and return it to the Town Administrator within 9 months of approval, this order is null and void. Prior to such expiration, the property owner may request an extension to this time period and the Town Board may approve an extension with good cause.
- b. This order must be recorded against the subject property in the Waukesha County register of deeds office (only if the above subsections have been satisfied).

In the event that any of the above conditions are not satisfied within 12 months of the date of this approval, this order shall be null and void without any further action by the Town of Mukwonago.

4. **Establishment of use:** Following issuance of the conditional use permit set forth in section 3 above, the use as authorized herein must be established within 9 months of such permit.

5. **Nature of approval.** This approval is personal to the property owner and is not transferrable to a subsequent property owner.

6. **Appeals.** An aggrieved person may appeal this approval to a court of competent jurisdiction. Any work done by the applicant as authorized by the approval is done at the applicant's risk.

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

- A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the plan commission for determination.
- B. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the Waukesha County of, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by town ordinance or other law.
- C. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the plan commission as being in compliance with all pertinent ordinances.
- D. All buildings and grounds shall be maintained in a neat, attractive and orderly way.
- E. The property shall comply with all rules and regulations of the Town of Mukwonago, including submission to routine inspections by the town staff.
- F. Prior to the execution of the conditional use permit, the applicant must obtain any and all approvals that must be obtained before the use may be established or the commencement of any land-disturbing activity related to the approved conditional use.

- G. Should the permitted conditional use be abandoned in any manner, or discontinued in use for 12 months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the town, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the plan commission, pursuant to the enforcement provisions of this conditional use order, and all applicable ordinances.
- H. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
- I. Unless this conditional use order expressly states otherwise, 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 plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the plan commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- J. As a condition precedent to the issuance of the conditional use permit, the owner of the subject property shall approve the issuance of this conditional use order upon the terms and conditions described herein in writing, and the petitioner is required to accept the terms and conditions of the same in its entirety in writing.
- K. Petitioner shall, on demand, reimburse the town for all costs and expenses of any type that the town incurs in connection with this application, including the cost of professional services incurred by the town (including engineering, legal, planning and other consulting fees) for the review and preparation of the necessary documents or attendance at meetings or other related professional services for this application, as well as for any actions the Town is required to take to enforce the conditions in this conditional approval due to a violation of these conditions.
- L. Any unpaid bills owed to the town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the town; shall be placed upon the tax roll for the subject property if not paid within 30 days of billing by the town, pursuant to s. 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the town, including possible cause for termination of this approval.
- M. The petitioner is obligated to file with the town clerk a current mailing address and current phone number at which the petitioner can be reached, which must be continually updated by the petitioner if such contact information should change, for the duration of this conditional use. If the petitioner fails to maintain such current contact information, the petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional use.
- N. Should any paragraph or phrase of this conditional use order be determined by a court to be 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.
- O. If any aspect of this conditional use order or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the plan commission.
- P. The property owner shall not change the size and/or shape of the subject property by any means without the approval of the town board. If the town 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.

- Q. This approval is given under the town's zoning code and is not to be, in any way, interpreted to abrogate any private rights other property owners may have pursuant to deed restrictions or restrictive covenants.
- R. If this conditional use terminates for any reason, the property owner is obligated to remove any improvements specifically related to the conditional use and which cannot be utilized for an approved use (i.e., a use permitted by right or a different conditional use as approved).
- S. The conditional use permit shall be reviewed by the Plan Commission every 2 years in order to determine conformance with the terms of the permit and its compatibility with the adjacent land uses. Failure to conduct such review shall not invalidate any subsequent review or any enforcement proceeding. If it is determined that the conditional use permit is no longer compatible, or that the provisions of the permit have not been complied with, the conditional use permit may be revoked or amended in accordance with the procedures set forth in Article 5 of the zoning code.

Passed this 2nd day of March, 2022

BY THE TOWN BOARD FOR THE TOWN OF MUKWONAGO

ATTEST:

\_\_\_\_\_  
Peter Topczewski, Town Chair

\_\_\_\_\_  
Kathy Karalewitz, Town Administrator

STATE OF WISCONSIN       )  
  ) SS  
COUNTY OF WAUKESHA    )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2022, the persons described above, Peter Topczewski, Town of Mukwonago Town Chair, and Kathy Karalewitz, Town of Mukwonago Town Administrator, to me known to be the persons who executed the foregoing instrument and to me known to be such Town Chair and Town Administrator of said municipal corporation 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 Town Board from their meeting on the 2nd day of March, 2022

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

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

Conditional use order for commercial truck parking  
for property located at S100W31420 CTH LO; Town  
of Mukwonago

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**Acceptance by Property Owner**

We, Robert G. Sund and Melissa C. Sund, accept the terms stated herein.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Robert G. Sund

\_\_\_\_\_  
Melissa C. Sund

STATE OF WISCONSIN        )  
  ) SS  
COUNTY OF WAUKESHA     )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2022, the above-named persons, Robert G. Sund and Melissa C. Sund, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

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

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