



Town of Mukwonago Waukesha County

W320 S8315 Beulah Road • Mukwonago, WI 53149

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

December 16, 2024

Julie A. Zitzler
S102W32605 CTH LO
MUKWONAGO, WI 53149

Subject: Conditional Use Permit – Formal Review Required
Permit No: CUP No. 2014-28
Permit Type: Commercial Parking
Original Issuance Date: 12/5/2014
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.

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

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:		

2. Supplemental Information required.		
<input type="checkbox"/> [13.12] Federal Firearms License Submit the following: <ul style="list-style-type: none"> Copy of application for Federal Firearms license. Copy of federal firearms license. 	<input type="checkbox"/> [13.08] Commercial Truck Parking Submit the following: <ul style="list-style-type: none"> Copy of application for CDL. Copy of CDL. 	<input checked="" type="checkbox"/> [13.07] Bus Parking Submit the following: <ul style="list-style-type: none"> Copy of application for CDL. Copy of CDL.
3. Applicant certification		
<ul style="list-style-type: none"> 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. 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. 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. 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. 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. 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. 		
<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 and Prescribing Conditions
for the Parking of a School Bus at S102
W32605 CTH LO

Document Number	Document Title
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Tax Parcels: MUKT 1987997005

WHEREAS, Julie A. Zitzler (hereinafter "property owner") currently owns property located at S102 W32605 CTH LO (hereinafter "subject property") in the Town of Mukwonago, more particularly described as follows:

SE1/4 SW1/4 SEC 29 T5N R18E EX CERT SURV 7229 EX
CERT SURV 7475 EX DOC# 3498337 DOC# 3656721; and

WHEREAS, the subject property is approximately 16.6 acres with 13.6 acres in town zoning and the remainder is under Waukesha County shoreland zoning jurisdiction; and

WHEREAS, the property owner has submitted an application to the Town of Mukwonago for the parking of a school bus on an area of the parcel that is under town zoning; and

WHEREAS, upon referral of the petition by the Town Clerk, the Town Plan Commission scheduled a joint public hearing for the Town Board and the Town Plan Commission as soon as practical; and

WHEREAS, upon publication of the required notice of public hearing and mailing of said notice of public hearing to all parties-in-interest, as required under Section 82-267 of the Municipal Code of the Town of Mukwonago, Wisconsin, the Town Plan Commission held a public hearing, as required by Section 82-21(2) and 82-267 of the Municipal Code of the Town of Mukwonago, on October 1, 2014; and

WHEREAS, members of the public in attendance were given ample opportunity to provide comment regarding the proposed conditional use; and

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

WHEREAS, the Plan Commission for the Town of Mukwonago makes the following findings related to this particular conditional use:

1. The subject property fronts on an arterial or collector as depicted on Waukesha County's highway width map.
2. There is sufficient area on the subject property so that the school bus can be turned around on the subject property.
3. There is at least one location on the subject property where the school bus could be parked that complies with the locational criteria described in s. 82-21(d)(12A)(f) of the zoning code.

WHEREAS, the Plan Commission for the Town of Mukwonago, in passing on the matter, has determined that the proposed conditional use will not be adverse to the public health, safety, or welfare; will not be in conflict with the spirit or intent of the Town of Mukwonago zoning code; and will not otherwise be detrimental to the community and particularly the surrounding neighborhood; and

WHEREAS, the Town Board for the Town of Mukwonago having carefully reviewed the recommendation of the Plan Commission for the Town of Mukwonago, having given the matter due consideration and having based its determination on the effect of granting of such conditional use permit, on the health, general welfare, safety,

Recording Area

Name and Return Address

Tim Schwecke, Town Planner
Civi Tek Consulting
135 Milton Street
Lake Mills, WI 53551

and economic prosperity of the Town and specifically of the immediate neighborhood in which said use will be located and having given due consideration into the municipal problems involved as well as the impact on surrounding properties as to noise, dust, smoke, odor, or other similar factors, hereby determines that the use will not violate the spirit or intent of the Municipal Code or the Comprehensive Plan of the Town of Mukwonago and will not be contrary to the public health, safety, or general welfare of the Town of Mukwonago and will not be hazardous, harmful, noxious, offensive, or a nuisance by reason of smoke, dust, odor, or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, as long as the conditional use is operated pursuant to the following conditions in strict compliance with the same.

NOW THEREFORE, it is hereby determined and ordered as follows:

1. **Authorized uses and buildings.** Subject to the terms and conditions of this approval, the property owner is permitted to park one school bus on the subject property.
2. **Issuance of permit required.** The town planner is authorized to issue a conditional use permit when all initial conditions enumerated in section 3 have been satisfied. Such permit must be issued before the use is established.
3. **Initial conditions of approval.** The following conditions shall be satisfied prior to the issuance of the conditional use permit:
 - a. The Waukesha County Board of Supervisors shall approve Ordinance 2014-O-16 as adopted by the Town of Mukwonago Town Board.
 - b. The property owner shall submit a site plan to the Plan Commission that shows where the bus is to be parked and obtain approval of the same.
 - c. The property owner shall 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 Clerk within 2 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.
 - d. This order shall be recorded against the subject property in the Waukesha County Register of Deeds office only if subsections 3(a), 3(b), and 3(c) have been satisfied.

In the event any of the above conditions are not satisfied within 9 months of the date of this approval, this order shall be null and void without any further action by the Town of Mukwonago.

4. **Ongoing conditions of approval.** The following conditions are an ongoing obligation:
 - a. The use of the subject property shall be used consistent with this order, the approved site plan, and any other required plan.
 - b. The school bus shall be licensed by the state of Wisconsin and be fully operational.
 - c. The school bus shall be turned around on the subject property so that it is not backed into the county road or backed into the driveway.
 - d. The school bus shall be parked in the area depicted on the approved site plan.

- e. The bus shall not be parked or stored on the subject property when school is not in session for four (4) or more days (e.g., over Christmas vacation or summer break).
- f. The buildings and grounds shall be maintained in a neat, attractive, and orderly manner. The subject property must comply with all rules and regulations of the Town of Mukwonago and the Mukwonago Fire Department.
- g. At all times the subject property shall be in full compliance with the provisions of Section 82-10 of the Town of Mukwonago zoning code, including any modifications or renumbering that may be made thereto in the future.
- h. At no time shall junk be stored anywhere on the subject property.
- i. The petitioner shall not bury, or allow to be buried, junk of any kind on the subject property.
- j. The petitioner shall not conduct any authorized activity in such a way that is hazardous, harmful, obnoxious, offensive, or a public or private nuisance as determined by the Town Plan Commission by reason of appearance, noise, dust, smoke, odor, or other similar factors.
- k. The petitioner must at all times be in compliance with all applicable laws, rules, regulations or orders, and ordinances of the federal government, State of Wisconsin, Waukesha County, and Town of Mukwonago.

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. **Land division or modification of property boundary lines.** The property owner shall not subdivide the subject property by any means or change the size and/or shape of any parcel of land subject to this order by any means without the approval of the Town Board. If the Town Board determines that a proposed land division or change in the property boundary lines 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 Town Plan Commission if the Town Plan Commission finds the amendment to be minor and consistent with the conditional use order and permit. Any change in any plan that the Town Plan Commission feels, in its sole discretion to be substantial, shall require a new approval and all procedures in place at the time must be followed.

8. **Inspection.** The property owner shall allow Town 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 and the plan of operation.

9. **Termination of approval.** Should the conditional use be abandoned in any manner or discontinued in use for 12 consecutive or 18 cumulative months during a 3-year period, or continued other than in strict compliance with the conditions of the original approval, or should the property owner be delinquent in payment of any monies due and owing to the Town, or should the change to 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 use shall be terminated by the action of the Town Plan Commission and Town Board pursuant to the enforcement provisions of the Municipal Code for the Town of

Mukwonago.

10. **Private rights.** This approval is given under the Town of Mukwonago'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.

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 Town Ordinance or other local, state, or federal law.

13. **General terms.** 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.

14. **Payment of charges.** Any unpaid bills owed to the Town by the property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described below); 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 thirty (30) days of billing by the Town, pursuant to section 66.0627, Wisconsin Statutes. 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.

15. **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.

16. **Terms.** This conditional use approval is issued to the property owner and is not transferrable to other persons or entities, or to another property.

17. **Ongoing review.** The conditional use permit shall be reviewed every two (2) years 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 Chapter 82 of the municipal code.

18. **Amendment.** The property owner may propose an amendment to this conditional use order at anytime by submitting a written petition to the Town Clerk, which shall be reviewed pursuant to the requirements in effect at the time of application.

19. **Violation.** Any violation of this order or any approved plan may be treated as an ordinance violation and each day of each violation of each condition herein shall be treated as a separate violation. In addition to the other remedies available, the Town of Mukwonago retains the right to correct the violation and the expense to correct a violation will be paid by the property owner as set forth in the ordinances of the Town.

20. **Fees and Expenses.** The property owner is required to 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

Town of Mukwonago Order Granting a Conditional Use
and Prescribing Conditions for the Parking of a School
Bus at S102 W32605 CTH LO

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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. Said payments shall be paid upon request of the Town. The Town Clerk's office shall provide the property owner with itemized invoices.

Approved this 1st day of October, 2014

BY THE TOWN BOARD OF THE TOWN OF MUKWONAGO:

David Dubey
Town Chair

Kathy Karalewitz
Town Administrator

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

Personally came before me this ____ day of _____, 2014, the persons described above, David Dubey, 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 1st day of October, 2014.

NOTARY PUBLIC

My Commission Expires:

The remainder of this page left intentionally blank.

Acceptance by Property Owner

I, Julie A. Zitzler, accept the terms stated herein.

Julie A. Zitzler

Date

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

Personally came before me this ____ day of _____, 2014, the above-named person, Julie A. Zitzler, to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC

My Commission Expires: