

**Waukesha County Department of Parks and Land Use**  
**Planning and Zoning Division**  
515 W. Moreland Blvd., Room AC230  
Waukesha, WI 53188  
(262) 548-7790

**CONDITIONAL USE PERMIT AND SITE PLAN & PLAN OF OPERATION PERMIT**

**TOWN:** Mukwonago **SECTION:** 34      **TAX KEY NOs:** MUKT 2007.988.002, MUKT 2007.988.003 & MUKT 2007.999.001

**FILE NO.:** SCU-0143D and PO-15-MUKT-02

This permit certifies that under the Waukesha County Shoreland and Floodland Protection Ordinance, the property described below may be used or occupied as indicated:

**PERMIT ISSUED TO:**      Midwest Bible Church  
3469 North Cicero  
Chicago, IL 60041

**LEGAL DESCRIPTION:**

Lot 1, Certified Survey Map No. 11509, Volume 114, Page 301, located in the SE ¼ and SW ¼ of Section 34, T5N, R18E, Town of Mukwonago. More specifically, the property is located on the east side of C.T.H. "I" south of Sandy Beach Rd. and north of the Walworth/Waukesha County line.

**USE(S) ALLOWED:**

Conditional Use and Site Plan and Plan of Operation for operating an overnight bible camp with expanded programs and activities, which includes a proposed indoor rock climbing facility.

**CONDITIONS OF PERMIT:**

1. Authorized uses and buildings. Subject to the terms and conditions of this approval, a recreational camp is permitted to include the following:
  - a. meeting/recreation buildings
  - b. dining hall
  - c. chapel
  - d. dormitories and cabins
  - e. staff housing (6 buildings maximum)
  - f. nature center
  - g. maintenance buildings
  - h. administrative offices
  - i. barns and stables for permitted animals
  - j. keeping of horses, but not more than 25
  - k. keeping of other animals, but not more than 15 head
  - l. camping in tents in designated areas, but not more than 20 sites, or a maximum of 80 people, whichever is less

- m. outdoor activities including paintball, soccer, baseball, kickball, dodge ball, basketball, disc golf, volleyball, tether ball, archery, ropes course, giant swing, zip line, hay rides, horseshoes, Ga-Ga ball, horseback riding, bon fires, water-related activities on Phantom Lake, tobogganing, tubing/sledding, broomball on Phantom Lake, and outdoor education; and
- n. special events, subject to prior approval of specified events as set forth in Section 5 below. The maximum number of overnight campers and staff shall not exceed 315 at any one time. The aforementioned limit does not include those attending an authorized special event.

Existing and future structures are enumerated in the approved site plan/plan of operation on file in the Waukesha County Planning and Zoning Division Office. Upon petition, the Town Plan Commission and Waukesha County Planning and Zoning Division Staff may allow minor deviations with respect to the actual location as well as minor deviations with respect to the actual area for each of the components listed in the site plan/plan of operation. Minor deviations to area may be allowed provided the total area is not increased by more than 5 percent. As a condition of such approval, the Town Plan Commission and the Waukesha County Planning and Zoning Division may require the property owner to submit an application to amend the site plan/plan of operation and obtain approval of the same.

The Town Plan Commission may authorize a structure or activity not listed in this section upon a determination that (i) such structure/activity is a minor structure/activity, (ii) it is compatible with the operation of a recreation camp, and (iii) it is not injurious to surrounding properties. As a condition of such approval, the Town Plan Commission may require the property owner to submit an application to amend the site plan/plan of operation and obtain approval of the same.

- 2. Repeal of prior approvals. When a Conditional Use Permit is issued as set forth in Section 2 of this order, all prior conditional use approvals shall be null and void along with any related permits and/or approvals given there under.
- 3. The approved Site Plan/Plan of Operation (PO-15-MUKT-02), received by the Waukesha County Planning and Zoning Division on January 4, 2017 must be complied with.
- 4. The approved Outdoor Lighting Plan, received by the Waukesha County Planning and Zoning Division on January 4, 2017 must be complied with.
- 5. The approved Signage Plan, received by the Waukesha County Planning and Zoning Division on January 4, 2017 must be complied with.
- 6. The approved Off-street Parking Plan, received by the Waukesha County Planning and Zoning Division on January 4, 2017 must be complied with.
- 7. The approved Landscaping Plan, received by the Waukesha County Planning and Zoning Division on January 4, 2017 must be complied with.
- 8. The approved Water Usage Plan, received by the Waukesha County Planning and Zoning Division on January 4, 2017 must be complied with.

9. 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, the approved plan of operation, and any other required plan.
  - b. No Building Permit for new construction shall be issued for the subject property without prior approval of the Town Plan Commission. The Plan Commission must receive building elevations along with a description and/or samples of exterior building materials.
  - c. Zoning Permits from the Waukesha County Planning and Zoning Division are required for any proposed structures within the jurisdictional boundary of the Waukesha County Shoreland and Floodland Protection Ordinance.
  - d. For any special event, where more than 400 people are anticipated, the event must be specifically authorized by the Town Board upon recommendation of the Plan Commission. This requirement is intended to allow consideration of traffic concerns, effects on neighboring property, and other factors related to the public health, safety, and welfare.
  - e. All special events shall end no later than the times as defined below in Section 9 (f), unless otherwise authorized by the Town Plan Commission.
  - f. All outdoor activities, including any degree of noise which can be detected on the perimeter boundary of the subject property, must be completed by 10:30 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday, and by 11:30 p.m. on Friday and Saturday.
  - g. Snowmobiles may be operated by staff to maintain the subject property. All other snowmobile activity is strictly prohibited.
  - h. All-terrain vehicles (ATVs) may be operated by staff to maintain the subject property. All other ATV activity is strictly prohibited.
  - i. Upon written request, the property owner shall submit a manure management plan to the Town of Mukwonago and obtain approval of the same.
  - j. The buildings and grounds shall be maintained in a neat, attractive, and orderly manner.
  - k. The subject property must comply with all rules and regulations of the Town of Mukwonago and the Mukwonago Fire Department.
  - l. 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.
  - m. At no time shall junk be stored anywhere on the subject property.
  - n. The petitioner shall not bury, or allow to be buried, junk of any kind on the subject property.

- o. The petitioner shall not conduct any authorized activity in such a way that exceeds on-site parking as depicted in the approved site plan/plan of operation.
  - p. The petitioner shall not conduct any authorized activity in such a way that violates fire-related building capacity standards established by the local fire department or the State of Wisconsin.
  - q. 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.
  - r. The petitioner shall provide and maintain potable water and sanitation as may be required by the Town of Mukwonago or the Waukesha County Division of Environmental Health to serve the authorized use.
  - s. The Town Plan Commission reserves the right to amend an approved Site Plan or Plan of Operation at any time by revising existing provisions or adding new provisions. Such amendment shall be limited in scope to address negative impacts the permitted use is having on surrounding properties and/or the public health, safety, and welfare.
  - t. 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.
6. 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.
7. According to the Waukesha County Department of Public Works, the existing driveway access on C.T.H. "T" does not meet the standard sight distance requirements. Since this driveway has been "grandfathered" in and there is no other location along the frontage of C.T.H. "T" that would meet our sight distance requirements, the Public Works Department will allow the driveway to remain as is. However, there shall be a "no access restriction" along the remaining frontage of C.T.H. "T" due to the lack of sight distance. Also, any further development of this property that would increase the traffic use may result in the need to vacate the current access drive and alternative access may need to be provided via Sandy Beach Road.
8. 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 and Waukesha County. 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.

9. 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.
10. Inspection. The property owner shall allow Town of Mukwonago as well as Waukesha County staff, officials, and other authorized agents to inspect the subject property upon reasonable notice, at any reasonable time and for any proper purpose related to compliance with this conditional use order and the site plan and plan of operation.
11. 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. For the purpose of this section, a use shall not be deemed to be discontinued during periods in which it is normally inactive.
12. Removal of Structures. The Town Board reserves the right to require that the property owner remove any structure approved by this order or amendment thereto, if the recreational camp ceases to operate as provided under Section 10 above, upon a written determination, following a public hearing, that the structures are not likely to be used for a use as authorized by the Town's zoning regulations. This provision shall run with the land whether this conditional use remains in effect or not.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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 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 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. ***(This condition shall be enforceable by the Town of Mukwonago only)***

18. 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.
19. Terms. This conditional use order is granted to the property owner and shall automatically terminate upon any sale of the subject property. The new owners of the subject property, if they would like to continue with the operation, have the right to apply for a new conditional use
20. Ongoing review. This conditional use may be reviewed by the Town Plan Commission and the Waukesha County Park and Planning Commission at any time upon complaint or upon Town Plan Commission initiative.
21. Amendment. The property owner may propose an amendment to this conditional use order at any time by submitting a written petition to the Town Clerk and Waukesha County, which shall be reviewed pursuant to the requirements in effect at the time of application.
22. 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. ***(This condition shall be enforceable by the Town of Mukwonago only)***
23. 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 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. ***(This condition shall be enforceable by the Town of Mukwonago only)***
24. Mooring of Boats. The only boats that will be allowed to be moored on the site are those owned by the camp and two boats owned and used by owner of said boats, who reside on the premises on a year-round basis.
25. The Manure Management Plan dated November 7, 2016 and approved by the Waukesha County Land Resources Division shall be complied with.

26. The Emergency Access Plan approved by the Mukwonago Fire Department and received by the Waukesha County Planning and Zoning Division on November 7, 2016 shall be complied with.
27. Staff Ratio. Petitioner shall at all times maintain a ratio of at least one staff person (whether full-time, part-time, paid or volunteer) for every ten camp participants on the Subject Property.
28. Recreational Vehicles. There shall be no recreational vehicles parked outdoors on the Subject Property, unless specifically permitted by the Town Plan Commission. In the event that the Town Plan Commission grants approval for the parking of recreational vehicles, the parking location shall be screened from the view of neighboring properties, and the landscaping plan shall be amended to show the screening, subject to the approval of the Town Plan Commission.
29. Any future uses and improvements must comply with the Waukesha County Stormwater Management and Erosion Control Ordinance.

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**SPPO PERMIT NO.: 1339**

**CU PERMIT NO.: 1578**

**DATE ISSUED: 1-31-17**

**TERMINATION DATE: N/A**

**FILE** \_\_\_\_\_

**TOWN** \_\_\_\_\_

**APPLICANT** \_\_\_\_\_

**SIGNATURE OF ZONING ADMINISTRATOR:** *Ben Grenberg, Senior Land Use Specialist*

The use/occupancy of the property shall be carried out as approved, and all applicable ordinances and/or codes of the state, county, and town shall be complied with in carrying out the use/occupancy as approved. If any changes or deviations are made from the original approval, a revised permit is required. Failure to comply with the permit as issued will result in the revocation of the permit and/or other penalties.