

Staff Report

Date: May 29, 2025

To: Town of Mukwonago Town Board

From: Ben Greenberg, AICP, Town Planner

Subject: Potential termination of Conditional Use approval 2014-28, granted to Julie Zitzler for School Bus Parking on the property located at S102W32605 CTH LO (MUKT1987997005)

Application: 2025-20 <https://s.zoninghub.com/ETF2MRBIM5>

Meeting: June 4, 2025 Plan Commission and Town Board meeting

Upon petition, the Town Board approved conditional use 2014-28, in 2014, for School Bus Parking at the subject property located at S102W32605 CTH LO. That approval was subject to several terms and conditions which were incorporated into a conditional use order, recorded with the County Register of Deeds as Doc. No. 4113309, on December 14, 2014.

One condition required a periodic review of the conditional use by the Plan Commission. In letters sent by the Town on December 15, 2024, and January 17, 2025, the permit holder was notified about specific action required on their part to meet the periodic review requirements of the Plan Commission as established in the conditional use order. Specifically, the permit holder was required to complete and submit an application to the Town by February 26, 2025 and was required to attend the March 5, 2025, Plan Commission meeting. To date, the required application has not been received; in addition, the permit holder failed to attend the March 5, 2025 Plan Commission meeting as mandated in the letter.

Therefore, pursuant to Section 36-362(c) the Town has initiated an involuntary termination of the conditional use due to a failure to comply with all conditions of approval.

Public notice: As required, a Class II notice was published in the Waukesha Freeman on May 21, 2025 and May 28, 2025. A certified letter (attached) was mailed to the property owner via Certified Mail on April 17, 2025.

Decision: After the public hearing has been closed, the town board shall either approve or deny the request to terminate. The town board may render its decision at the same meeting the public hearing is conducted or at a subsequent meeting, but no later than 40 days after the public hearing.

Basis of Decision: The Town Board in making its decision shall consider the following factors:

- (1) The nature of those buildings or other structures, if any, on the subject property that relate to the use and the extent to which they are or are not otherwise permitted in the district in which the subject property is located;
- (2) Effects of the existing use on surrounding properties, including detriment to the full and complete use of such properties and potential for concerns related to possible nuisances;
- (3) Effects of the existing use on the normal and orderly development and improvement of the surrounding properties for those uses permitted in the zoning district in which they are located; and
- (4) Any other factor that relates to the purposes of this chapter as set forth in section 36-5 or as allowed by state law.

Possible Town Board motions:

1. Approve the termination of conditional use 2014-28, subject to the following conditions:
 - (1) The Town Board directs the Zoning Administrator to draft a decision notice to include the following:

- a) A statement that the specified use is terminated,
 - b) A description of the land use being terminated,
 - c) The reasons for the decision noted by the Town Board based on the decision criteria listed in this division,
 - d) Requirements for the removal of any building or other structure, if any, on the subject property that are related to the terminated use and that are not otherwise permitted in the zoning district in which the subject property is located,
 - e) A statement that the decision may be appealed as provided for in this division,
 - f) Other information the town board or zoning administrator deems appropriate,
 - g) The signature of the zoning administrator on behalf of the town board, and
 - h) The date of the decision.
- (2) The Zoning Administrator shall draft a conditional use termination order in a form approved by the Town Attorney.
- (3) The property owner shall sign the termination order within three (3) months of this date, and
- (4) the termination order is recorded at the Waukesha County register of deeds office if conditions 1-3 are satisfied.

2. Deny the termination of conditional use 2014-28, subject to the following conditions:

[1] The Town Board directs the Zoning Administrator to draft a decision notice to include the following:

- a) A statement that the specified use continues to be an approved use,
- b) A description of the land use,
- c) The reasons for the decision by the Town Board based on the decision criteria listed in this division,
- d) A statement that the decision may be appealed as provided for in this division,
- e) Other information the town board or zoning administrator deems appropriate,
- f) The signature of the zoning administrator on behalf of the town board, and
- g) The date of the decision.

Attachments:

1. Termination notification



Town of Mukwonago Waukesha County

W320 S8315 Beulah Road • Mukwonago, WI 53149

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

April 15, 2025

Julie A. Zitzler
S102W32605 CTH LO
MUKWONAGO, WI 53149

Subject: INITIATION OF PROCESS TO TERMINATE CONDITIONAL USE ORDER

Permit No: CUP No. 2014-28

Permit Type: Commercial Parking

Original Issuance Date: 12/5/2014

Enclosures: Conditional Use Order.

Dear Ms. Zitzler:

On December 15, 2024, a letter was sent to you, reminding you of the requirement for formal review of your permit by the Town Plan Commission. That letter requested your cooperation by completing and returning an application for formal review by January 17, 2025, as well as attending the February 5, 2025, Town Plan Commission meeting.

Since you did not respond to my first request, a second letter was sent on February 10, 2025, requesting your cooperation by completing and returning an application for formal review by February 26, 2025, as well as attending the March 5, 2025, Town Plan Commission meeting.

Pursuant to Section 36-362(c) of the town zoning code, I have initiated the process to terminate the above noted Conditional Use Permit due to a failure to comply with the permit requirements for periodic Plan Commission review.

As required by Section 36-363 of the town zoning code, you are hereby notified that the Town Plan commission and Town Board will hold a joint public hearing at its June 4, 2025, meeting to consider termination of the above referenced conditional use approval.

If you have any questions, feel free to contact me at 262-204-2350 or ben.greenberg@cedarcorp.com

Best regards,

Ben Greenberg
Planner and Zoning Administrator
Town of Mukwonago

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

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

MUKT

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,

4113309

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

December 04, 2014 01:39 PM
James R Behrend
Register of Deeds

6 PGS
TOTAL FEE: \$30.00
TRANS FEE: \$0.00

Book Page -



Recording Area

Name and Return Address

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

Due
to
MUKT

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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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.

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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- 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

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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

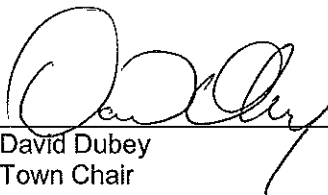
Town of Mukwonago Order Granting a Conditional Use
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Bus at S102 W32605 CTH LO

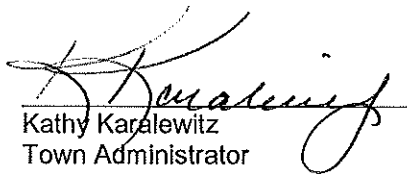
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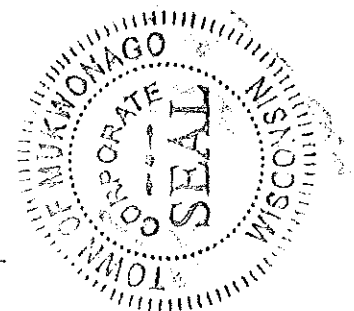
Incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of the necessary documents or attendance at meetings or other related professional services for this application, as well as for any actions the Town is required to take to enforce the 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:

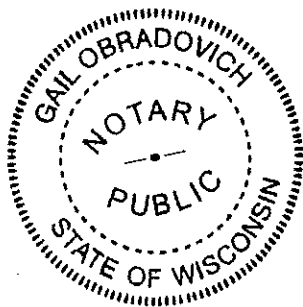

David Dubey
Town Chair


Kathy Karalewitz
Town Administrator



STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

Personally came before me this 12 day of November, 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

10-28-2018
My Commission Expires:

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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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Acceptance by Property Owner

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

Julie A. Zitzler
Julie A. Zitzler

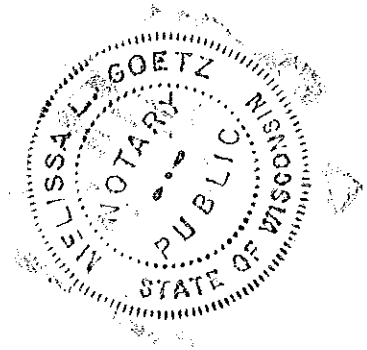
10/9/14
Date

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

Personally came before me this 9th day of October, 2014, the above-named person, Julie A. Zitzler, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Michelle L. Goetz
NOTARY PUBLIC

10-12-2018
My Commission Expires:





Town of Mukwonago
Waukesha County

W320 S8315 Beulah Road
Mukwonago, WI 53149
Phone (262)363-4555 Fax (262)363-8377

AFFIDAVIT OF MAILING

STATE OF WISCONSIN

WAUKESHA COUNTY

The undersigned, Kathy Karalewitz, the Administrator Clerk/Treasurer, Town of Mukwonago, being duly sworn, states on the *17th day of April*, 2025 she forwarded or caused to be forwarded to each of the property owners listed and attached hereto, a notice of Termination of their conditional use. Envelopes were deposited, in a U.S. Mail Depository in Mukwonago, Wis., prepaid for First Class handling, which bore each of the attached sender's name and address.

The attached addresses are believed to be the last known addresses of these individuals.


(Signature)

Subscribed to and sworn before me on this

17th day of *April* 2025

Gail Obradovich

*



Notary Public, State of Wisconsin

My commission expires October 28, 2026

BT

Town of Mukwonago
Waukesha County

W320 S8315 Beulah Road, Mukwonago, WI 53149

April 15, 2025

Julie A. Zitzler
S102W32605 CTH LO
MUKWONAGO, WI 53149

BT

Town of Mukwonago
Waukesha County

W320 S8315 Beulah Road, Mukwonago, WI 53149

April 15, 2025

Shaun W Levinson
S76W31675 Arbor Drive
MUKWONAGO, WI 53149

April 15, 2025

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

Subject: INITIATION OF PROCESS TO TERMINATE CONDITIONAL