

Village of Mukwonago
REGULAR PLAN COMMISSION MEETING
Notice of Meeting and Agenda
Tuesday, November 12, 2019

Time: **6:30 p.m.**

Place: **Mukwonago Municipal Building/Board Room, 440 River Crest Court**

1. Call to Order
2. Roll Call
3. Approval of minutes for the October 8, 2019 regular meeting
4. New Business
Discussion and Possible Action on the Following Items:
 - A. Recommendation to the Village Board for approval of a Partial Release of Vision Corner Easement on Certified Survey Map No. 9620; Hittman Parcel on Arrowhead Dr; Parcel No. MUKV 2015-997-010
 - B. Recommendation to the Village Board for approval of a Extraterritorial CSM Review for Sadowske property located at W398S10826 Shady Ln in the Town of Mukwonago; Parcel Nos. MUKT 2005-250 and MUKT 2005-248; Tyler Sadowske, applicant
 - C. Recommendation to the Village Board for approval of the Proposed Sign Ordinance Amendment for Section 64-24, Regarding Exempt Signage for Village Properties
 - D. Recommendation to the Village Board for approval of the Proposed Ordinance Amendment to specified areas in Sections 64 and 100, pertaining to removing references to the Design Sensitivity Area
5. Adjournment

It is possible that members of, and possibly 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 that, 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 Clerk's Office, 440 River Crest Court, (262) 363-6420, Option 4.

MINUTES OF THE PLAN COMMISSION MEETING

Tuesday, October 8, 2019

Call to Order

Chairman Winchowky called the meeting to order at 6:30 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

Roll Call

Commissioners present: Fred Winchowky, Chairman
Jim Decker
Joe Abruzzo
Robert Harley
John Meiners
Jason Wamser
Ken Werner

Also present: Ben Kohout, Planner/Zoning Administrator
Linda Gourdoux, Deputy Clerk/Treasurer

Minutes

Motion made by Decker/Abruzzo to approve the minutes of the September 10, 2019 regular meeting, carried.

Public Hearings

Public Hearing for a Conditional Use for an Indoor Performance Theater located at 114 Lake St; MUKV 1973-968; Patrick Hitt, Black Box Studio Theater Company, applicant

Public Hearing Open at 6:31 p.m.

No public comments.

Public Hearing closed at 6:32 p.m.

Public Hearing for a Conditional Use for a Religious Assembly Use (Church) located at 305 Eagle Lake Ave; MUKV 1974-922; Branches Church, applicant

Public Hearing Open at 6:33 p.m.

No public comments

Public Hearing closed at 6:33 p.m.

New Business

Recommendation to Village Board for Approval of a Conditional Use Permit for an Indoor Live Performance Theater use out of an existing photography studio building, located at 114 Lake St; MUKV 1973-968; Patrick Hitt, Black Box Studio Theater Company, applicant

Kohout gave overview of project

Hitt; applicant; gave overview of project

Motion by Decker/Meiners to Recommend to Village Board Approval of a Conditional Use Permit for an Indoor Live Performance Theater use out of an existing photography studio building, located at 114 Lake St; MUKV 1973-968; Patrick Hitt, Black Box Studio Theater Company, applicant, with the following conditions, carried.

1. Approval will be unique to the applicant and this proposal only.
2. Prior to final occupancy permit, the following shall occur:
 - a. A building permit and accompanying plan set required by the Village Standards for occupancy for theater use/assembly shall be applied for and approved by the Building Inspector.
 - b. The Fire Chief shall review said permit for compliance with all Fire Codes and occupancy shall furnish Building Inspector and applicant with findings.
3. A sign permit shall be applied for and approved by the Village of Mukwonago prior to being installed.
4. At least one Handicap stall shall be provided on the premises, in compliance with ADA recommendations, providing safe entrance into the structure, and shall be provided on the property within one month of approval date of the Village Board.
5. Parking agreement for shared parking with Citizens Bank or other nearby business within 500 feet can be submitted for Staff review prior to final occupancy to demonstrate compliance.

Recommendation to Village Board Approval for Approval of a Conditional Use Permit for a religious assembly use (church use) out of an existing storefront located at 305 Eagle Lake Ave; MUKV 1974-922; Reverend Karen Scheel, Branches Church, applicant

Kohout gave overview of project

Reverend Scheel gave overview of project

Motion by Decker/Meiners to approve a Conditional Use Permit for a religious assembly use (church use) out of an existing storefront located at 305 Eagle Lake Ave; MUKV 1974-922, with the following conditions, carried.

1. Approval will be unique to the applicant and this proposal only.
2. Prior to final occupancy permit, the following shall occur:
 - a. A building permit and accompanying plan set required by the Village Standards for occupancy for religious assembly shall be applied for and approved by the Building Inspector.
 - b. The Fire Chief shall review said permit for compliance with all Fire Codes and shall furnish Building Inspector and applicant with findings.
 - c. A sign permit shall be applied for and approved by the Village of Mukwonago.

Recommendation to the Village Board Approval of a Site Plan and Architectural Review of two proposed additional structures at 700 Swan Dr; MUKV 1970-998-017; Anthony Bassett, Bassett Holdings Group (Mukwonago Mini Storage), applicant

Kohout gave overview of project

Bassett, Bassett Holdings Group gave overview of project

Motion by Decker/Wamser to approve a Site Plan and Architectural Review of two proposed additional structures at 700 Swan Dr; MUKV 1970-998-017; Anthony Bassett, Bassett Holdings Group (Mukwonago Mini Storage), applicant, with the following conditions, carried

1. Site Plan and Architectural Review approval for the new two (2) proposed storage units, shall be subject to all plans and information submitted for the application by the applicant, Design Alliance Architects, dated August 7, 2019 and August 8, 2019, and revision dated September 26, 2019 and October 4, 2019 with all plans and information on file in the office of the Zoning Administrator. The plans may be further modified to conform to other conditions of approval; the building and floor plans may be modified with the approval of the Zoning Administrator and Supervisor of Inspections to conform to Building and Fire Safety Codes and all plans may be further modified to conform to Village design standards. However, the basic layout and design of the site shall remain unchanged.
2. Approval shall be valid for one (1) year from date of approval by the Village Board and will be unique to the applicant and this proposal only.
3. Prior to the start of any site construction or issuance of a building permit, whichever occurs first, the following shall occur:
 - a. All final site development plans shall be consistent with the plans noted in Condition No. 1 and all calculations verified or as modified.
 - b. Approval of the site construction and building plans by the Fire Chief, which may include, but are not limited to, Knox box and notification requirements, internal fire suppression, external fire department connection location and hydrant locations.
 - c. Approval of building plans by the Building Inspector after receipt of approval of building plans by the State of Wisconsin.
 - d. The Village Engineer, the Utilities Director and the Public Works Director shall approve all updated and revised site engineering and utility plans and documents, including a complete Erosion Control Plan, and Stormwater Management Plan. A previously approved Stormwater Management Plan may be re-approved by the Engineer, pending final review. A written statement of approval from the Village Engineer shall be sufficient to approve said document.
 - e. The Village Board shall approve a Stormwater Maintenance Agreement.
 - f. Approval of building plans shall include appropriate locations of the external mechanical equipment (if applicable) to be placed hidden from view from neighboring properties, as approved by the Zoning Administrator.
 - g. Approval of landscaping plans showing amended plantings to ensure Zoning standards are met, to be approved by the Zoning Administrator.
 - h. Approval of dumpster plan specifications to ensure Zoning standards are met, as approved by the Zoning Administrator.
 - i. A pre-construction meeting shall occur with Village Staff to ensure all applicable items mentioned above have been remedied.
4. Prior to temporary occupancy issuance, and if needed prior to final occupancy permit, the following shall occur:
 - a. Completion of all site grading in accordance with submitted and approved plans.
 - b. Completion of the storm water management basin for the overall development.
 - c. Completion of the building in accordance with approved plans and all applicable codes.
 - d. Completion of paving of driveways and parking lots, including parking space pavement markings and all other pavement markings.
5. Prior to final occupancy permit, which shall be issued no later than 120 days after any temporary occupancy permit, the following shall occur:
 - a. Completion of all items require in Condition No. 3.

- b. Installation of all Zoning Administrator approved site landscaping as shown on approved plans.

Recommendation to the Village Board for Approval of a CSM combining four parcels into one parcel at 915 Main St; MUKV 2009-965-001, MUKV 2010-977, MUKV 2009-965-002, MUKV 2010-978; Mikko Erkamaa, applicant (The Pointe Apartments)

Kohout gave overview of project

Motion by Decker/Abruzzo to approve a CSM combining four parcels into one parcel at 915 Main St; MUKV 2009-965-001, MUKV 2010-977, MUKV 2009-965-002, MUKV 2010-978; Mikko Erkamaa, applicant (The Pointe Apartments), with the following conditions, carried.

1. Upon approval, the Village Board President (also as Chair of Village Plan Commission) and Village Clerk shall sign the document.
2. Reference Pedestrian Path Easement listed on CSM shall be recorded within 30 days of approval of this CSM.

Recommendation to the Village Board for Extraterritorial Review (outside Village limits, and within 1.5 miles) of one lot Certified Survey Map to Combine two adjacent properties on East side of East Shore Dr in the Town of East Troy; Parcel #'s P ET 900008 and PMGH 00001

Kohout gave overview of project

Motion by Wamser/Werner to Village Board to approve the Extraterritorial Review (outside the Village limits, and within 1. Miles) of one lot Certified Survey Map to combine two adjacent properties on East side of East Shore Dr in the Town of East Troy; Parcel #'s P ET 900008 and PMGH 00001, with the following condition, carried

1. Prior to Village signature placement on the Certified Survey Map, the clerk's signature shall be listed as Diana Dykstra, Village Clerk-Treasurer.
2. Prior to Village signature placement on the Certified Survey Map, the Town of East Troy shall provide the Village Planner with documentation of Town approval.

Recommendation to the Village Board for Approval of a sign proposed for Village Property at Field Park

Kohout gave overview of project

Motion by Abruzzo/Wamser to approve a sign proposed for Village Property at Field Park, with conditions, carried; Harley against.

1. The final sign plans approved by the Public Works Director or designee shall resemble the Plans presented to the Plan Commission, provided any minor modifications to achieve proper mounting, or location, or for other minor changes to font type or sizes or similar or not exceeding the overall size allowances requested do not have to be reviewed by the Plan Commission or Village Board.

Adjournment

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,
Linda Gourdoux
Deputy Clerk/Treasurer

Village of
Mukwonago
Office of the Village Planner

440 River Crest Court, Mukwonago, Wisconsin 53149 Tel.(262) 363-6420x2111 –Fax (262) 363-6425 –planner@villageofmukwonago.com

Date: November 6, 2019
To: Fred Winchowky, Village President
Plan Commissioners
From: Ben Kohout, AICP; Village Planner
Subject: Hittman Property CSM – Amendment to Correct Vision Corner Easement on CSM No. 9620;
MUKV2015997010

Meeting: November 12, 2019 Plan Commission meeting

Property location: SE Corner of Intersection of State Highway 83 and Arrowhead Drive; Parcel No. MUKV2015997010.

Current zoning: B-3, Community Business District

General description: The owner of the property approached the Village Staff regarding seeking a reduction in the current recorded vision triangle on the property, as it was originally recorded on a CSM to the property from 2003. The current standard is for a 50 foot sight vision “triangle” to be enforced, as measured 50 feet back from the intersections of arterial roadway right of ways. In the case of the subject property, in 2003, an easement triangle was recorded, being measured from the recorded 50 foot setback (non-conforming and recorded on the CSM in 2003). This vision corner easement requirement can be found in Section 100-406 of the Village Code of Ordinances.

In researching this easement, Village Staff has concluded the minimum required easement for a vision corner at this intersection is permissible to be enforced from the intersection of the two right of ways for State Highway 83 and Arrowhead Drive. Staff has verified State standards have changed to permit for recording of easements via a CSM recording and Staff is seeking to grant the owner of the property this option, pending review and recommendation of the Plan Commission and ultimately the Village Board.

Staff is providing the Plan Commission a recordable instrument, which shall address the previous and existing vision corner easement and verbiage which shall permit the easement to be “reduced” to the current enforceable standards. This follows the procedures for consideration of amended easements on properties.

Staff has no concerns the current Ordinance provisions applied to this property, and finds no reason to support the more restrictive easement currently on the property.

Recommendation

Approval with the following Conditions.

1. Following adoption, the Village Attorney shall review and record any documents necessary to properly correct the vision corner easement as requested by the property owner on submitted CSM to the Village Hall Staff, dated October 10, 2019 from Chaput Land Surveys.

ALTA/NSPS LAND TITLE SURVEY

CLIENT

H2C Investments LLC

SITE ADDRESS

Arrowhead Drive, Village of Mukwonago, Waukesha County, Wisconsin.

LEGAL DESCRIPTION

Lot 2 of Certified Survey Map No. 9620, recorded in the office of the Register of Deeds for Waukesha County, Wisconsin on August 20, 2003, in Volume 88, page 218, as Document No. 3049054, being a division of Lot 2 of Certified Survey Map No. 6333, being part of the Northwest 1/4 of the Southwest 1/4 of Section 36, Township 5 North, Range 18 East, Village of Mukwonago, Waukesha County, Wisconsin.

TITLE COMMITMENT

This survey was prepared based on First American Title Insurance Company Commitment No. NCS-893844-MKE, effective date of March 6, 2018 which lists the following easements and/or restrictions from schedule B-I:

1, 2, 3, 5, 8, 10 & 13 visible evidence shown, if any.

4, 6, 7, 9, 17, 18 & 19 not survey related.

11. Utility Easement granted to The Milwaukee Electric Railway and Light Company recorded October 21, 1929, in Volume 223, page 45, as Document No. 169346. **Affects property, general in nature cannot be plotted.**

12. Sign Easement by and between Randall D. Warren and Christopher Shult and Thomas Berg a/k/a Thomas J. Berg recorded February 15, 1991, Reel 1276, Image 633, as Document No. 1634340. **Benefits property, shown.**

14. Utility Easement granted to Wisconsin Electric Power Company recorded January 28, 1992, Reel 1412, Image 774, as Document No. 1701070, also as shown on Certified Survey Map No. 9620. **Affects property by location, shown.**

15. Access restriction and notes as set forth on Certified Survey Map No. 6333. As corrected by Affidavit recorded February 6, 1991, Reel 1274, Image 576, as Document No. 1633085. **Affects property by location, shown.**

16. Cross access easement, access restrictions, highway setback line, vision corner easement, highway setback restriction, noise abatement, vision restriction as set forth on Certified Survey Map No. 9620. **Affects property by location, shown.**

TABLE "A" ITEMS

6(b). A zoning report has not been provided.

11. Utility lines are shown from visible surface evidence, municipal plans and from plans and markings provided by Diggers Hotline, the One-call Utility Marking System (Wisconsin Statute 182.0175), Ticket Number 20180701168. This survey represents the underground utilities that participated with the request and were marked on the time of the survey. Additional utilities may exist, but were non-responsive to the request.

16. There is no visible evidence of earth moving, building construction or building additions within recent months.

17. There are no changes in street right of way lines either completed or proposed, and available from the controlling jurisdiction. Observable evidence of recent street or sidewalk construction or repairs if any, is shown.

18. There was no delineated wetlands areas, apparent wetland areas based on vegetation is shown.

19. There are offsite easements or servitudes benefiting the survey property disclosed in furnished Title Commitment at the time of survey. As shown.

FLOOD NOTE

According to the flood insurance rate map of the County of Waukesha, Community Panel No. 55133C0427G, effective date of November 5, 2014, this site falls in Zone X (Areas determined to be outside the 0.2% annual chance floodplain).

MUNICIPAL ZONING

The zoning information noted below is taken from the municipal code ordinance. It does not reflect all zoning restrictions that may apply. It is not intended to be used in lieu of a comprehensive zoning report as stated in ALTA Table A item 6(a) nor to be relied on for site development purposes.

Municipal Code: Sec. 100-154

Site is zoned: B-3 (Community Business District)

Street yard setback: Lots over one acre: Eight percent of lot depth as greenspace.

Interior Side yard setback: Lots over one acre require greenspace equal to six percent of the average of street and rear lot lines in each side yard (12 percent total).

Rear yard setback: 50 feet, per ten feet of greenspace.

Maximum building height: 35 feet

BASIS OF BEARINGS

Bearings are referenced to the Certified Survey Map No. 9620 in which North line of the SW 1/4 bears N89°26'38"E.

Vertical datum is based on National Geodetic Vertical Datum of 1929.

LAND AREA

The Land Area of the subject property is 135,735 square feet or 3.1160 acres.

TO: H2C Investments LLC

Citizens Bank of Mukwonago, its successors and/or assigns
First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 8, 9, 11, 13, 14, 16, 17, 18, 19, 20 and 21 of Table A thereof. The field work was completed on February 16, 2018.

Date of Map: March 21, 2018

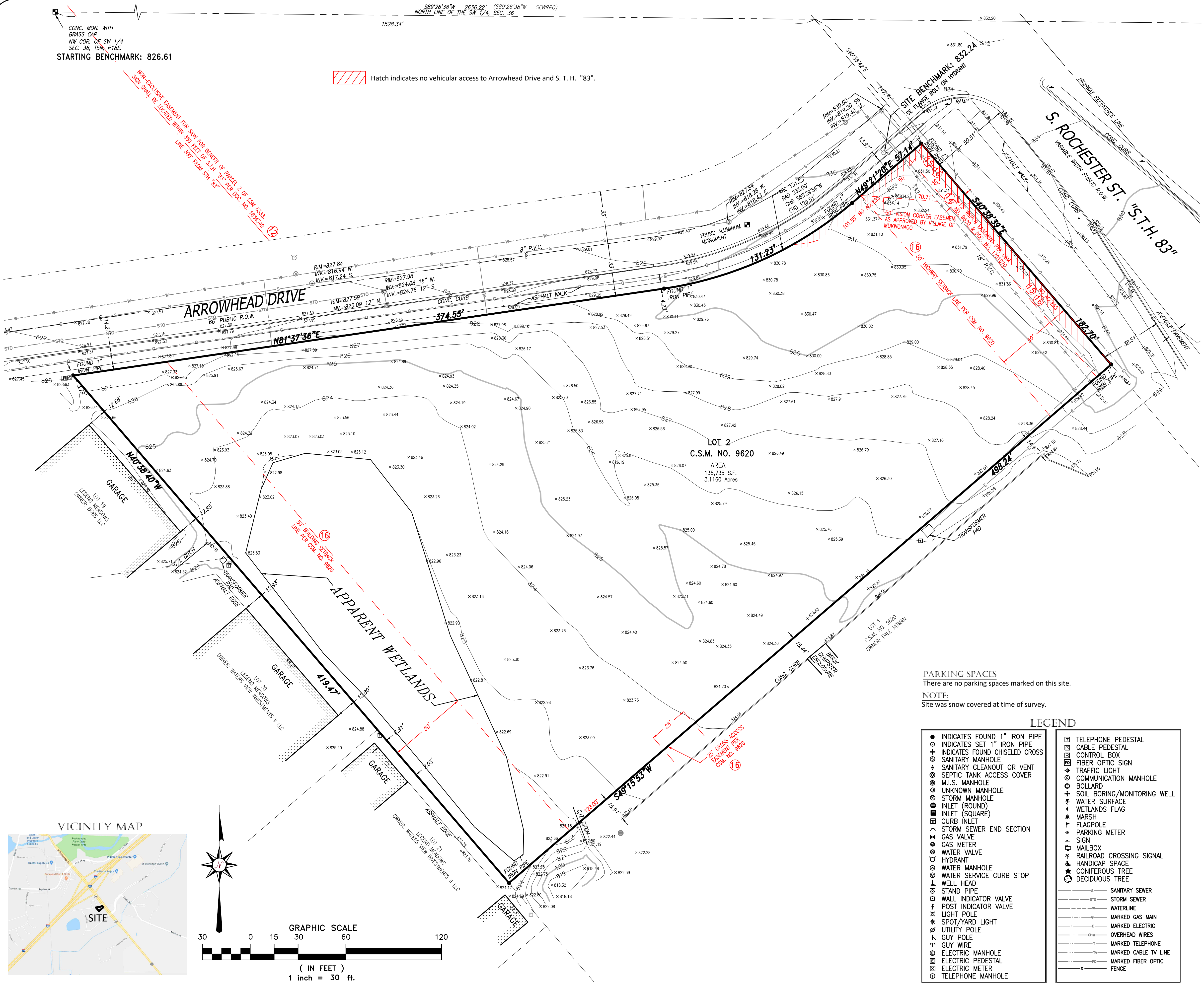
CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

Date	Revision description
3-28-18	Edit location of Item 12
10-10-19	VISION CORNER EASEMENT

This document is an instrument of professional service, and may be protected by the
surveyors work product doctrine or surveyor / client privilege. The information shown
hereon is intended solely for the use of the client and client directed third parties.
Drawing No. 2793-Far





Village of Mukwonago

AGENDA ITEM REQUEST FORM

Committee/Board:	Plan Commission/Village Board
Topic:	Release of Restriction on Certified Survey Map No. 9620
From:	Attorney Matthew R. Gralinski
Presenter:	
Date of Committee Action (if required):	
Date of Village Board Action (if required):	

Information

Subject: Partial Release of Vision Corner Easement on Certified Survey Map No. 9620
Hittman Parcel on Arrowhead Drive; Parcel No. MUKV2015997010

Rationale:

At the request of a developer, Village Staff have reviewed Certified Survey Map No. 9620 and the vision corner easement contained therein. After careful review, Staff has determined that an error was made when this vision corner easement was originally created on this Certified Survey Map. The vision corner easement as currently constituted, encumbers more area than required by applicable Village Code Sections. Given this error, the Developer has requested that the Village approve a partial release of the Village Corner Easement to only encumber what is required under the Village Code. The Developer has submitted a proposed new Vision corner easement in the form of a land survey, which is attached to the Proposed Resolution as Exhibit "B". Village Staff have reviewed the proposed Vision corner easement and have determined that the Developer's proposal complies with applicable Village Code Sections. Wis. Stats. Sec. 236.293 permits the release of a restriction on a Certified Survey Map by action of the Village Board. This Resolution authorizes the release of as much of the restriction as is needed to reduce the vision corner easement to the area proposed in Exhibit "B" to the Resolution. Wis. Stats. Sect. 236.295 requires the release of a restriction be documented by a correction instrument recorded with the Waukesha County Register of Deeds. A draft of that instrument, a Restriction Release, is attached hereto. Finally, attached hereto is a draft Resolution which releases the restriction on Certified Survey Map No. 9620.

Fiscal Impact (If any): None.

Requested Action by Committee/Board:

Approval of Resolution to Release the Restriction on Certified Survey Map No. 9620, related to the vision corner easement in the eastern portion of Lot 2.

**VILLAGE OF MUKWONAGO
WAUKESHA/WALWORTH COUNTIES**

RESOLUTION NO. _____

**RESOLUTION TO RELEASE RESTRICTION ON
CERTIFIED SURVEY MAP NO. 9620
PURSUANT TO WISCONSIN STATUTES SECTION 236.293**

WHEREAS, the Village Board of the Village of Mukwonago approved Certified Survey Map No. 9620 on August 5, 2003, which document was recorded with the Register of Deeds of Waukesha County on August 20, 2003, as Document No. 3049054; and

WHEREAS, said Certified Survey Map identifies a vision corner easement affecting the eastern portion of Lot 2; and

WHEREAS, H2C Commercial Real Estate Services, LLC, a potential developer of said site, ("Developer") submitted a request to the Village to approve a partial release of the vision corner easement affecting Lot 2; and

WHEREAS, Village staff carefully reviewed the vision corner easement in question as well applicable provisions of the Village Municipal Code and determined that the vision corner easement contained in Certified Survey Map No. 9620 encumbers more area than required by applicable Village code sections; and

WHEREAS, attached hereto and marked as Exhibit A is a land survey documenting the vision corner easement as currently shown on Certified Survey Map No. 9620; and

WHEREAS, attached hereto and marked as Exhibit B is a land survey documenting a proposed vision corner easement submitted to the Village by Developer; and

WHEREAS, Village staff have carefully reviewed the proposed vision corner easement evidenced in Exhibit B and have determined that said easement meets the requirements of the Village of Mukwonago Municipal Code including, but not limited to, those requirements found in Section 100-406 of the Mukwonago Municipal Code; and

WHEREAS, the Plan Commission of the Village of Mukwonago considered the above-described request for partial release at its meeting of _____, 2019 and recommended approval of said request; and

WHEREAS, Wisconsin Statute Section 236.293 permits the release of a restriction on a Certified Survey Map by action of the Village Board.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Mukwonago that the vision corner easement in the eastern portion on Lot 2 of Certified Survey Map No. 9620 is hereby reduced from the area demonstrated in Exhibit A to the area demonstrated in Exhibit B.

BE IT FURTHER RESOLVED that the Village President and Village Clerk are authorized to execute a partial release of restriction in accordance with this Resolution and to record the same with the Waukesha County Register of Deeds.

Adopted this _____ day of _____, 2019.

APPROVED:

Attestation:

Fred Winchowky, Village President

Diana Dykstra, Village Clerk/Treasurer

CERTIFICATION

I hereby certify that the foregoing Resolutions were duly adopted by the Village Board of the Village of Mukwonago at a legal meeting on the _____th day of _____, 2019.

Dated this _____ day of _____, 2019.

Diana Dykstra, Village Clerk/Treasurer

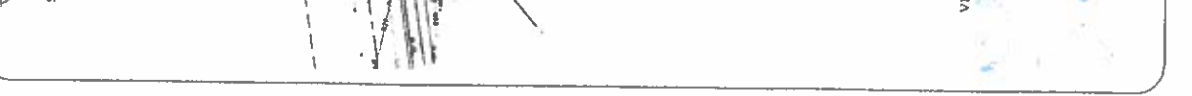
A detailed street map of the area around S. Rochester St. and S. 2nd St. The map shows a grid of streets with various landmarks and buildings. A red dot is marked on S. 2nd St. near the intersection with S. Rochester St. The map includes street names, building footprints, and a scale bar.

LEGEND

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Village of
Mukwonago
Office of the Village Planner

440 River Crest Court, Mukwonago, Wisconsin 53149 Tel.(262) 363-6420x2111 –Fax (262) 363-6425 –planner@villageofmukwonago.com

Date: November 6, 2019

To: Fred Winchowky, Village President
Plan Commissioners

From: Ben Kohout, AICP; Village Planner

Subject: Sadowske CSM – Town of Mukwonago/ Extraterritorial CSM Review; W298S10826 Shady Lane
MUKT2005250; MUKT2005248

Meeting: November 12, 2019 Plan Commission meeting

Property location: South side of Shady Lane, approximately 600 feet West of Phantom Woods Road and Shady Lane (Town of Mukwonago); Parcel Nos. _MUKT2005250; MUKT2005248.

Current zoning: Town of Mukwonago

General description: Mr. Tyler Sadowske is proposing to create a one-lot CSM out of his existing two parcels, all with frontage access to Shady Lane. The properties are along the south side of Shady Lane, about 1,200 feet north of County Highway ES (Main Street) and approximately 600 feet north of the Village corporate boundary, meaning that pursuant to state law the Village has an opportunity to review the CSM under extraterritorial plat review authority. The property is outside the ultimate Village boundary pursuant to the Town-Village boundary agreement.

The purpose of the CSM is to create a singular lot out of the two existing lots to accommodate a building addition to the north of the existing residence. A parallel review process is occurring with the Town of Mukwonago and Waukesha County Zoning offices.

Staff has no concerns with this request.

Recommendation

Approval with Conditions. State law allows the Village to review the CSM to ensure compliance with the Village Comprehensive Plan. The Village Comprehensive Plan designates the property as Medium Lot Single-Family I with lot sizes 25,000 square feet and above. Therefore, as the proposed CSM conforms to the comprehensive plan, I recommend approval with the following conditions:

1. Prior to Village signature placement on the CSM, the Town of Mukwonago shall provide the Village Planner with documentation of Town approval.

Town of Mukwonago

Extra Territorial CSM

Nov. 12, 2019 Plan Commission/ Nov. 20, 2019 Village Board

Sadowske – W298S10826 Shady Lane

Tax Key Nos: MUKT2005250 AND MUKT2005248



2017 Aerial Image – Village of Mukwonago with Subject property highlighted

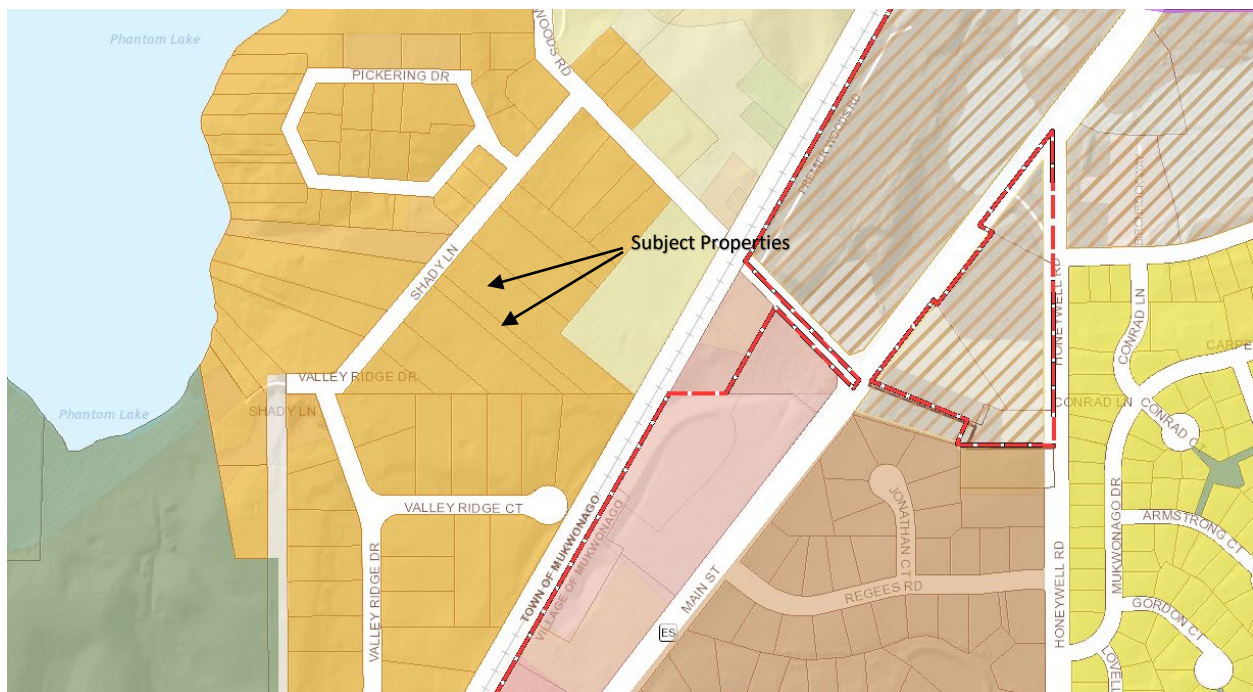
Town of Mukwonago

Extra Territorial CSM

Nov. 12, 2019 Plan Commission/ Nov. 20, 2019 Village Board

Sadowske – W298S10826 Shady Lane

Tax Key Nos: MUKT2005250 AND MUKT2005248

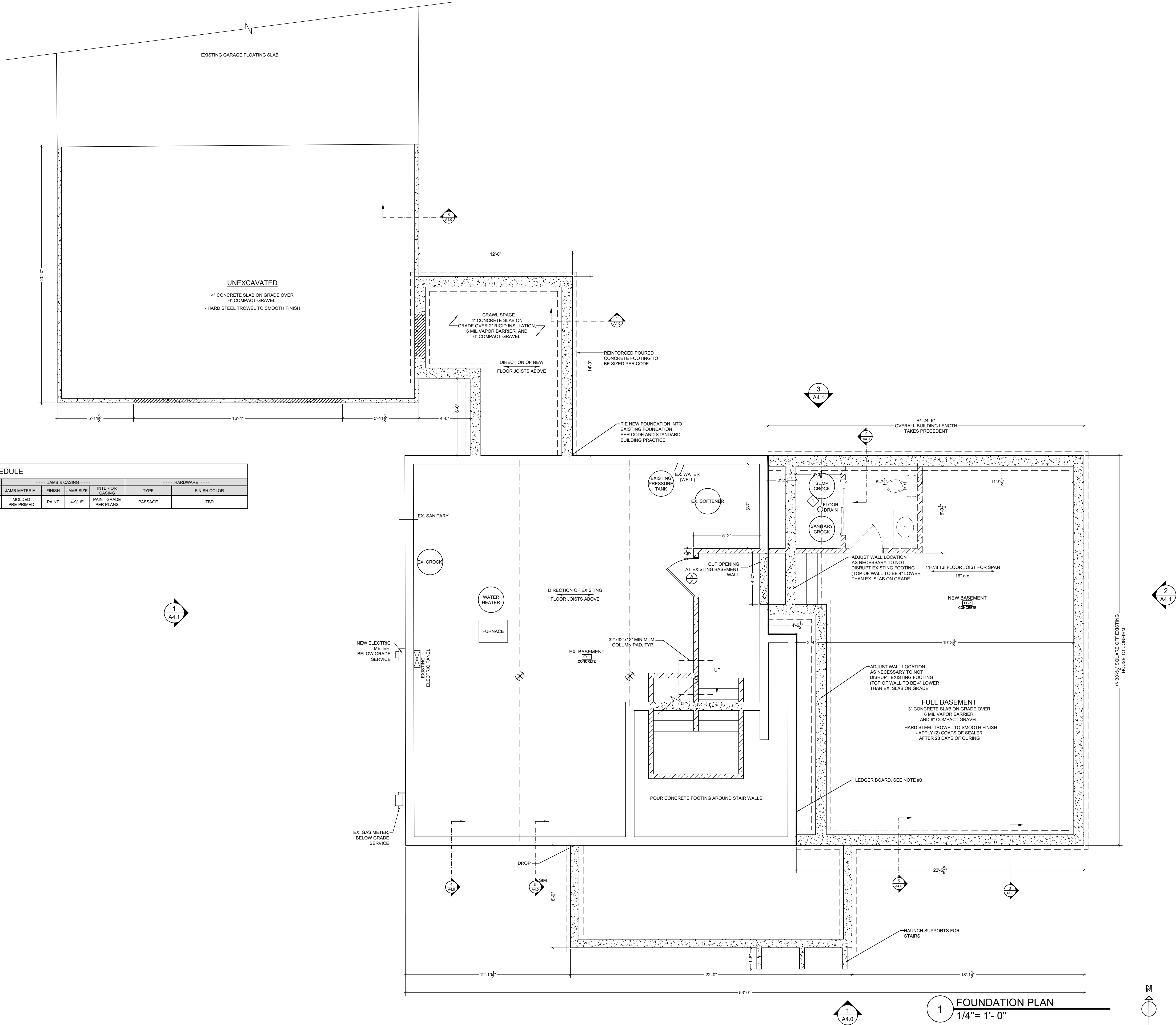


2035 Comp. Plan – Showing Properties as Medium Lot Single Family I – 25,000 s.f. min. lot size

WALL SYMBOLS KEY	
	NEW STUD WALL, 2x4 @ EXTERIOR AND 2x4 @ INTERIOR U.N.O.
	10" POURED FOUNDATION WALL AND POURED CONCRETE FOOTING, SIZE PER CODE
	INDICATES FUTURE STUD WALLS
	EXISTING STUD OR MASONRY WALL TO REMAIN

LOWER LEVEL / FOUNDATION CONSTRUCTION KEY NOTES:	
1)	ALL PLUMBING FIXTURES IN BASEMENT ARE TO BE ROUGHED-IN TO ALLOW FOR FUTURE INSTALLATION.
2)	INFILL AT EXISTING STAIR AND OTHER OPENINGS TO MATCH EXISTING FINISH FLOOR.
3)	NEW LEDGER BOARD AT EXISTING FOUNDATION TO LAG INTO EXISTING, NEW T.J. JOISTS TO HANG OFF LEDGER.
	INDICATES STRUCTURAL MEMBER SIZED BY LUMBER PROVIDER.

BASEMENT FLOOR DOOR SCHEDULE														
ROOM NAME	DOOR #	ROOM #	DOOR ----				---- JAMB & CASING ----				---- HARDWARE ----			
			TYPE	PANEL STYLE	HINGE SWING	SIZE - WxHxT	MATERIAL	FINISH	JAMB MATERIAL	FINISH	JAMB SIZE	INTERIOR CASING	TYPE	FINISH COLOR
EX. BASEMENT	A	1	PRE-HUNG PAINT GRADE, MAKE & MODEL TBD	TBD	RIGHT	2'-8" x 6'-8" x 1'-3/8"	MOLDED PRE-PRIMED	PANT	MOLDED PRE-PRIMED	PANT	4-9/16"	PANT GRADE PER PLANS	PASSAGE	TBD



1 FOUNDATION PLAN
1/4"= 1'- 0"

SADOWSKE RESIDENCE
W298 S10826
Mukwonago, WI

GENERAL CONTRACTOR: TYLER SADOWSKE
MOBILE: 414-488-5108

DRAWN BY: R.M.
OCT 12, 2019

A2.0

Village of Mukwonago
440 River Crest Ct
Mukwonago, WI 53149
Phone: (262) 363-6420
Fax: (262) 363-6425
www.villageofmukwonago.com

VILLAGE OF MUKWONAGO

EXTRATERRITORIAL REVIEW APPLICATION

Application Fee: \$200

Date Submitted: 11.5.19

Olivia Sadowske
262-719-
6751

TYPE OF SUBMITTAL

(Please check one)

- ☒ Certified Survey Map
☐ Preliminary Plat
☐ Final Plat
☐ Other: _____

CONTACTS

Zoning and Planning Department

Contact:

Phone: (262) 363-6420 ex 2111

Fax: (262) 363-6425

Email: planner@villageofmukwonago.com

GUIDELINES

The undersigned petition is to consider a request, as stated herein, for the specified parcel(s) of land and will be reviewed by the Plan Commission and Village Board of the Village of Mukwonago. The application packet must be filed with the Village Clerk at least 30 days prior to the meeting of the Planning Commission at which action is desired.

Materials listed below must be provided to the Village of Mukwonago in accordance with Village Municipal Code Chapter 45 Article IV and other pertinent sections of Village ordinances, WI Stats. 236.34, and, as necessary, to permit review that is consistent with proper planning practice. The Village will strive to accommodate reasonable requests for informal preliminary staff review, however the Village shall not place any items on the agenda for Plan Commission consideration until such time as the application is complete in accordance with all requirements specified on this and other attached application forms.

Mail completed applications to: Village Planner
ATTN: Extraterritorial Review
440 River Crest Ct
Mukwonago, WI 53149
Deliver to: Village Clerk's Office
440 River Crest Ct
Email to: planner@villageofmukwonago.com

Complete, accurate and specific information must be entered. Please Print.

APPLICANT INFORMATION (Full Legal Name)

Name: Tyler T Sadowske

Company: _____

Address: W298 S10826 Shady Lane City: Mukwonago State: WI Zip: 53149

Daytime Phone: 262-488-8108 Fax: _____

E-Mail: tyler.sadowske@sunbeltrentals.com

APPLICANT IS REPRESENTED BY (Full Legal Name)

Name: _____
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: _____ Fax: _____
E-Mail: _____

ARCHITECT

Name: Ryan Menghe
Company: RyNo Homes LLC
Address: W355 89310 Bennington Dr City: Eagle State: WI Zip: 53119
Daytime Phone: 414-758-5463 Fax: _____
E-Mail: rdmenghe@gmail.com

PROFESSIONAL ENGINEER

Name: N/A
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: _____ Fax: _____
E-Mail: _____

REGISTERED SURVEYOR

Name: Dennis C Sauer
Company: Metropolitan Survey Service, Inc.
Address: 9415 W. Forest Home Ave City: Hales Corners State: WI Zip: 53130
Daytime Phone: 414-529-5380 Fax: _____
E-Mail: _____

CONTRACTOR

Name: (Self performing)
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: _____ Fax: _____
E-Mail: _____

PROPERTY AND PROJECT INFORMATION

Property Owner (s) (if different from applicant): _____
Address: W298 S10826 Shady Lane City: Mukwonago State: WI Zip: 53149
Daytime Phone: 262-488-8108 Fax: _____
E-Mail: tyler.sadow ske@sunbeltrentals.com
Location/Address: W298 S10826 Shady Lane Mukwonago WI 53149
Present Zoning: ~~Residential~~ R-7 Tax Key No(s): Muk+ 2005 250, muk+2005 248
Name of Town Property is Located In: Mukwonago
Town Official Contact Name: Tim Schwecke
Town Official Phone #: 920-728-2814 Email: tim.schwecke@civitekconsulting.com
Present Use: residential Intended Use: residential

PROCEDURAL CHECKLIST FOR EXTRATERRITORIAL REVIEW AND APPROVAL

The application packet must be filed with the Village Clerk at least 30 days prior to the meeting of the Planning Commission at which action is desired.

Certified Survey Maps shall be prepared as provided in § 236.34 (1m) (c) Wis. Stats. and Article IV of the Land Division Ordinance. Submittals for review must include and be accompanied by the following:

BK Application:

- ☒ Completed application form including the procedural checklist.
- ☒ Application fee: \$200
- ☒ Agreement for Reimbursable Services (separate application).

Other Documents:

- ☒ Project Summary: Please attach a statement detailing the reasons and background for this request.
- ☐ A letter or other document stating the Town's approval of the submittal. TBD Nov. 2019 per Appl.
- ☒ **Electronic Submittals are required.** Email (or CD ROM) with all plans and submittal materials in Adobe PDF to planner@villageofmukwonago.com. - BK
- ☐ Any additional information as determined by Village staff

CERTIFICATION

Change:

\$0.00

Applicant hereby certifies that:

1. All of the above statements and other information provided are true to the best of his or her knowledge.
2. Affirms that no Village of Mukwonago elector has been paid for any action taken in the above referenced application.
3. None of the above referenced individuals has any financial interest in the zoning or construction in the above referenced property.
4. Applicant has read and understands all information provided and agrees to the terms and conditions of the resolution regarding all approvals are strictly followed.

VILLAGE OF MUKWONAGO
440 RIVER CREST CT
MUKWONAGO, WI 53149
Phone : (262) 363-6420

Received From: SADOWSKE OLIVIA/TYLER
Date: 11/05/2019 Time: 4:28:35 PM
Receipt: 38394 *** REPRINT ***
Cashier: rgallo

Applicant further understands the policies of the resolution regarding all approvals are strictly followed.

ETZ SUBMITAL FEE FOR CSM
W298 S10826 SHADY LN

rect to the best of his or
it in the above referenced
ining or construction in
ent. Conditions of the
ons of approval have been

By the execution of this application, applicant hereby certifies that the hours of 7:00 am to 7:00 pm daily for the purpose of the application are posted against trespassing pursuant to Section 94.03.

ITEM REFERENCE AMOUNT

(The applicant's signature must be from a Manager or a Corporation. A signed applicant's authorization letter may be provided in lieu of a signature if the property owner must sign this Application).

100.11 Zoning Review Fees
Zoning Review Fees \$200.00

SUB-TOTAL \$200.00

Total Tendered: \$200.00

Olivia M Sadowske
Signature - Property Owner

ORDER #:
e3a21ecd-2ee9-4f84-97fb-a03fc272537e
Credit Card Type Visa
CC Processing Fee \$6.50
VILLAGE HALL CREDIT CARD XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX537e
Grand Total: \$206.50

Olivia M Sadowske, Owner
Name & Title (PRINT)

11-5-19
Date

_____ Date

Tyler T Sadowske
Signature - Property Owner

_____ Signature - Applicant's Representative

Tyler T Sadowske, Owner
Name & Title (PRINT)

_____ Name & Title (PRINT)

11-5-19
Date

_____ Date

FOR OFFICE USE ONLY

Date Paid

11-5-19RS

Receipt #

38394

Plan Commission Date(s)

Nov. 12, 2019

Village Board Date(s)

Nov. 20, 2019Escrow Required? ☐ Yes ☒ NoBK

Escrow Amount

Plan Commission Disposition

Village Board Disposition

Rec'd Village Hall
11/5/19
BK

AGREEMENT FOR REIMBURSABLE SERVICES Petitioner/Applicant/Property Owner

The Applicant is required to provide the Village with an executed copy of this agreement as a prerequisite to the processing of the development application.

In accordance with Village of Mukwonago Municipal Code of Ordinances Section 70-15 Professionals' Fees, the Village may retain the services of professional consultants (including but not limited to planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in its review for all land division, site plan, conditional use, zoning, and other applications which require review. The Village reserves the right to charge for its actual cost for these services, as well as for staff time, publication costs, mileage, equipment used in the processing of this application.

The Property Owner additionally acknowledges that review fees which are applied to an Applicant, but not paid by such Applicant, may be charged by the Village as an assessment against the subject property as a special charge for current services provided the property per Wis. Stat Sec 66.0627.

According to the Village of Mukwonago Municipal Code, and depending on the size of the development, the Applicant may be required to deposit an amount into an escrow account with the Village before incurring any costs. In the event the undersigned(s) fails to replenish the escrow account within (72) hours of a request by the Village to do so, the undersigned(s) agree that the Village, following written notice shall have the right, in its sole discretion, to terminate providing of professional services concerning the review of the pending application/petition for the project or request. The pending application will not receive further consideration by the Village until the escrow account is replenished as required per VMMC 70.15.

Further, the Village shall have the right to refrain from taking any further action whatsoever with regards to the project or request and that the same shall remain in abeyance until the escrow or outstanding invoices are in good standing. The undersigned(s) agree that the Village may withhold any other action, legislative or ministerial, which may include the issuance of zoning permits, licenses, approval and/or execution of any development agreements, economic development agreements, economic incentive agreements, or recording of plats, approval of zoning actions, code amendments, contracts, or any other Village action for, on or upon the subject property, until the default is cured.

The undersigned(s) agree that they shall fully cooperate with the Village, its officials, staff and Professional Consultants with respect to the proposed project or request. The undersigned(s) acknowledge that the Village's Professional Consultants solely represent the Village and the Village's interest, and do not represent the undersigned in any manner.

Project Name:	Sadowske Construction / CSM
Project Type & Description:	Merging of parcels for addition on existing dwelling
Tax Key (s) involved:	Muk+2005250, Muk+2005248

Applicant Name:	Tyler Sadowske	Phone Number:	262-488-5108
Business Name:		FEIN#	
Mailing Address - (include City, State, Zip Code): W298510824 Shady Lane Mukwonago WI 53149			
Bill To: (If different)			
Billing Address (If different)			
E-mail Address: tyler.sadowske@sunbeltrentals.com			

Property Owner's Name (if different):	Property Owner's Phone Number:
Mailing Address - (include City, State, Zip Code):	

By signing this Agreement, the undersigned(s) acknowledge that they have read the foregoing paragraphs and fully understand and agree to comply with the terms set forth herein. Further, by signing below, each signatory warrants that he/she/it has been duly authorized by the applicant, its chief executive or governing body to do so..

The undersigned(s) agree that that they shall be jointly and severally liable for payment of fees referred to in this Agreement and Section 70-15 of the Village of Mukwonago Municipal Code of Ordinances.

Tyler Sadowske 11.5.19
Signature of Applicant (Date)

Signature of Property Owner (If different than applicant) (Date)

This Form shall be submitted to Village Clerk/Treasurer at below address or via email at: ddykstra@villageofmukwonago.com

(Rev 10/19)

Sadowske Construction

Project summary: Applicants plan to merge to existing parcels in to one. This will allow them to get a zoning permit from Waukesha County to do an addition to the existing dwelling on the property.

Village of
Mukwonago
Office of the Village Planner

440 River Crest Court, Mukwonago, Wisconsin 53149 -Tel. (262) 363-6420x2111-Fax (262) 363-6425 -planner@villageofmukwonago.com

Date: November 6, 2019
To: Fred Winchowky, Village President
Plan Commissioners
From: Ben Kohout, AICP; Village Planner
Subject: Review and Recommend on Proposed Sign Ordinance Amendment for 64-24

Meeting: November 12, 2019 Plan Commission meeting

Ordinance Amendment Overview

During the October 16 Village Board meeting, there was discussion at that meeting that the procedure for granting relief of sign ordinance provisions to the Village for proposed park signage would be to either have the Village seek a hardship under the current signage provisions, or to propose amendments to the code, which could effectively exempt the Village owned properties from following all of the specifications of signage for any Village Property.

Staff is bringing forth an ordinance amendment to effectively grant relief to the Village of following the sign ordinance provisions. Staff recognizes a need to set an example and also a need to provide for some flexibility with the current ordinance provisions. Staff thinks there should be some freedom in providing for opportunities for architectural elements or heights of signage for certain specific properties in the Village above the current sign provision standards of providing for 20 percent additional allowances, following review of the Plan Commission and decision by the Village Board. Architectural considerations may not be true for other commercial or industrial properties.

Staff recognizes the perception of avoiding the sign ordinance, and the attempt with the recent request at the October 2019 Village Board meeting for the Field Park sign example was to create a unique sign that serves to achieve architectural design to a prominent location and public facility that the public would receive a perceived benefit from. The Village Attorney has prepared a draft ordinance, and is being presented for consideration. Should the Plan Commission have questions or concerns over this topic, I will be available to hear those at the Commission meeting.

Action Sought

Recommendation from Plan Commission to Village Board.

Potential Motion

Approval with no conditions.

Attachments

1. Ordinance proposal to create Section 64-24, Regarding Exempt Signage for Village Properties.

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. ____

**ORDINANCE TO CREATE SECTION 64-24
OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE
REGARDING EXEMPT SIGNAGE**

SECTION I

Section 64-24 of the Municipal Code of the Village of Mukwonago is hereby created to read as follows:

Sec 64-24 – Exempt Signs

The following types of signs are exempted from all of the provisions of this Chapter:

- (1) Public signs erected by or under the order of or by permission of a governmental entity, provided that the governing body makes a finding that such sign does not adversely impact the public health, safety or welfare of the Village of Mukwonago and, in fact, will promote the public health, safety and welfare of the community.
- (2) Historical markers as recognized by local state or federal authorities.

SECTION II

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

SECTION III

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 IV

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 _____ day of _____, 2019.

APPROVED:

Fred Winchowky, Village President

Countersigned:

Diana Dykstra, Village Clerk/Treasurer

Village of
Mukwonago
Office of the Village Planner

440 River Crest Court, Mukwonago, Wisconsin 53149 -Tel. (262) 363-6420x2111-Fax (262) 363-6425 -planner@villageofmukwonago.com

Date: November 6, 2019
To: Fred Winchowky, Village President
Plan Commissioners
From: Ben Kohout, AICP; Village Planner
Subject: Review and Recommend on Proposed Ordinance Amendment pertaining to removing references to the Design Sensitivity Area

Meeting: November 12, 2019 Plan Commission meeting

Ordinance Amendment Overview

Over the duration over the last few years, I understand there were discussions pertaining to the removal of the "Design Sensitivity Area" (DSA). This followed discussions and deliberations regarding what the "historic areas" of the Village are, as defined by the actions of the Village Board and after hearing testimony from Village residents. The DSA was thought to be an area inclusive of highly valued properties which represent the history of Mukwonago and some properties being listed on the national register of historic properties, included in the "Grand and Pearl Historic District" and a desire to require all properties within this area to come forward to have any outside remodeling or additions to be reviewed by the Plan Commission and Village Board and receive permission to undertake the requested improvements, prior to building permit issuance. However, with many properties in the DSA not meeting the aforementioned criteria, it is now envisioned only properties either designated as "Historic" or within a "Historic District" would need to follow the aforementioned review process.

Also, the DSA was meant to have with it standards in order to be applied in the DSA. This did not occur. Following past discussions, the Village Attorney and previous Zoning Administrator approached the Village Board and received guidance to create a revised Ordinance which recognizes what are the historic districts in the Village and how to address them. The Attorney and Staff have drafted and reviewed the proposed Ordinance amendment which should serve to follow a review process for all properties identified as "historic" as defined by the proposal.

Action Sought

Recommendation from Plan Commission to Village Board.

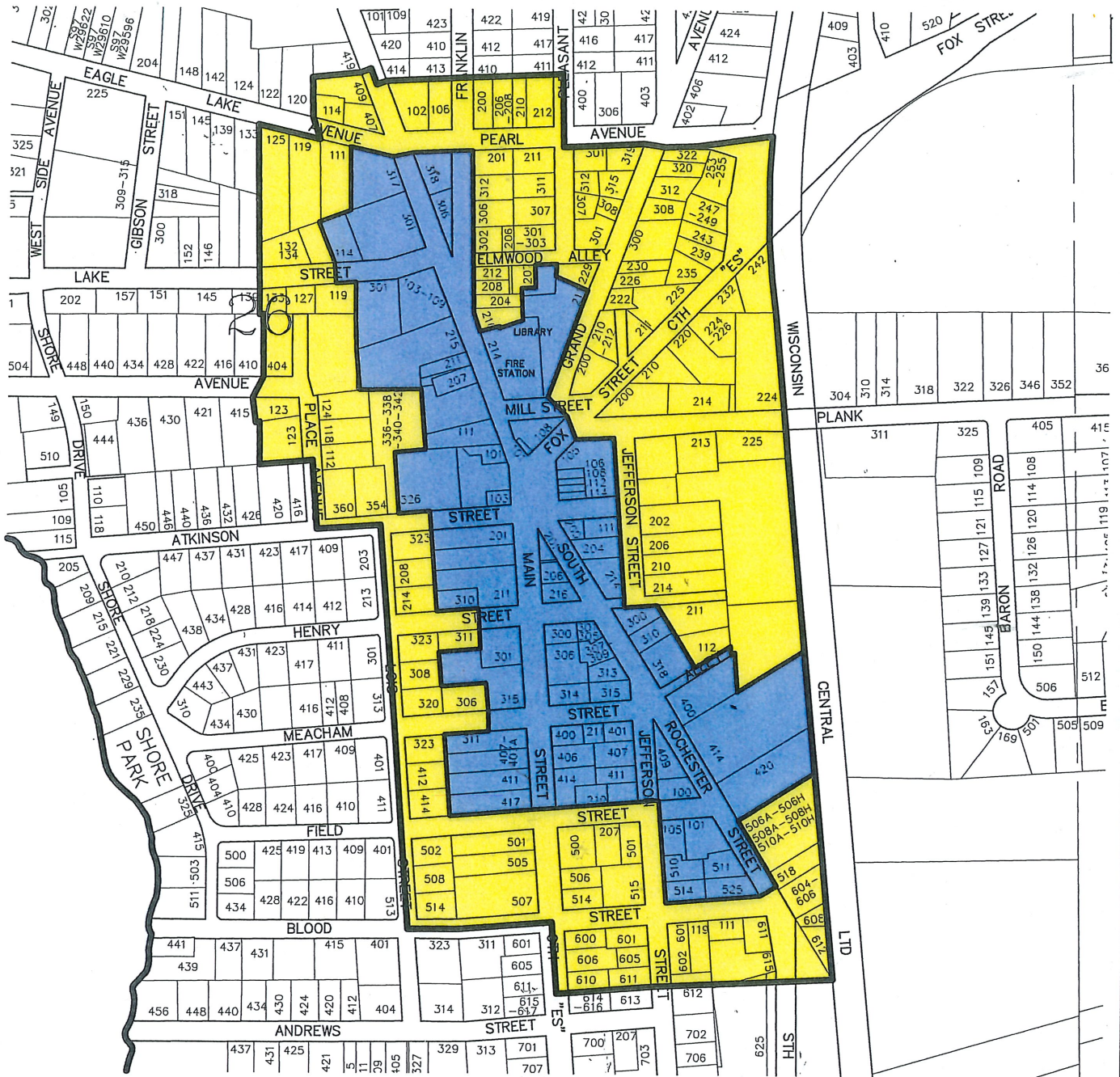
Potential Motion

Approval with no conditions.

Attachments

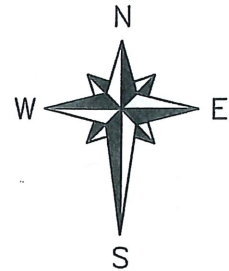
1. Ordinance proposal to amend certain specified sections found within Sections 64 and 100 pertaining to Design Sensitivity Area and its removal.

DESIGN SENSITIVITY AREA VILLAGE OF MUKWONAGO



LEGEND

- DESIGN SENSITIVITY AREA
- BUFFER



0 1 2 3 4 500 1000
SCALE IN FEET

DATE: OCTOBER 19, 2001

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. ____

**ORDINANCE TO AMEND VARIOUS SECTIONS OF THE
VILLAGE OF MUKWONAGO MUNICIPAL CODE
REGARDING REFERENCES TO THE “DESIGN SENSITIVITY AREA”**

SECTION I

WHEREAS, the Village of Mukwonago has adopted an Historic Preservation Ordinance, which included a Design Sensitivity Area; and

WHEREAS, the Village has not followed through with the creation of standards to be applied in the Design Sensitivity Area; and

WHEREAS, Village Board now believes that there is not a need for the Design Sensitivity Area within the Village Code.

SECTION II

Section 64-8 of the Municipal Code of the Village of Mukwonago is hereby amended to provide that the definition for “Village Center” shall be revised to delete the reference to “the Design Sensitivity Area”.

SECTION III

Section 100-29 of the Municipal Code of the Village of Mukwonago is hereby amended to modify the definition of the term “Landmark” as follows: “Any structure or improvement which has a special character or special historic interest or value as part of the community, state or nation and which has been designated as a landmark pursuant to the provisions of the Mukwonago Village Code.

SECTION IV

Section 100-306, A, (1) of the Municipal Code of the Village of Mukwonago is hereby repealed and recreated to read as follows:

“The Commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation after application of the criteria in Section 100-304 above. At least 10 days prior to such hearing, the Commission shall, by first class mail, notify the owners of record as listed in the Office of the Village Assessor, who are the owners of the property, in whole or in part, situated within 250 feet of the boundaries of the property affected. These owners shall have the right to confer with the Commission prior to final action by the Commission on the designation. Notice of such hearing shall be published as a Class I Legal Notice under Chapter 985 of the Wisconsin Statutes. The Commission shall also notify the following: Department of Public Works, Parks Division, Fire and Police Departments, Health Department, Building Inspector and Plan Commission. Each such Department may respond to the Historic Preservation Commission with its comments on the proposed designation or rescission.”

SECTION V

The last sentence of Subparagraph (a) of Section 100-308 of the Municipal Code of the Village of Mukwonago is hereby amended to read as follows:

“If an owner refuses permission for the enforcement officer for purposes of inspection, the inspection officer may obtain a Special Inspection Warrant to enter the premises pursuant to Wisconsin Statute Sec. 66.0119 and take any other reasonable measures in further enforcement of this article as permitted by law.”

SECTION VI

Section 100-601, B, (1)(e) of the Municipal Code of the Village of Mukwonago is hereby amended to read as follows:

“Any residential property which is designated under this Chapter as a historic building or site.”

SECTION VII

Section 100-601, C, (1), (b) of the Municipal Code of the Village of Mukwonago is hereby repealed.

SECTION VIII

Section 100-601, C, (1), (c) of the Municipal Code of the Village of Mukwonago is hereby amended to read as follows:

“Historic Preservation Committee. The Historic Preservation Committee shall recommend to the Plan Commission: approval, approval with conditions or denial of all site plans and architectural review applications within an historic district or affecting a historic property.”

SECTION IX

Section 100-601, C, (4), (f) of the Municipal Code of the Village of Mukwonago is hereby amended to remove the reference to the Economic Development Committee and instead shall refer to the Downtown Development Committee.

SECTION X

Section 100-601, C, (6) of the Municipal Code of the Village of Mukwonago is hereby amended to remove the reference to the Economic Development Committee and instead shall refer to the Downtown Development Committee.

SECTION XI

Section 100-601, D, of the Municipal Code of the Village of Mukwonago is hereby amended to remove the Site Plan and Architectural Review Process Flow Chart.

SECTION XII

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

SECTION XIII

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 XIV

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 _____ day of _____, 2019.

APPROVED:

Fred Winchowky, Village President

Countersigned:

Diana Dykstra, Village Clerk