

ENROLLED ORDINANCE 178-101

APPROVE TOWN OF MUKWONAGO ORDINANCE NO. 2023-O-064 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ AND SE ¼ AND SW ¼ OF SECTION 22, T5N, R18E, TOWN OF MUKWONAGO, FROM THE SE SUBURBAN ESTATE DISTRICT TO THE P-1 PUBLIC DISTRICT (RZ140)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Mukwonago Town Board on October 4, 2023; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Town of Mukwonago Ordinance No. 2023-O-064 which amends the District Zoning Map for the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on November 30, 2020, to rezone from the SE Suburban Estate District to the P-1 Public District, certain lands located in part of the NE ¼ and SE ¼ and SW ¼ of Section 22 T5N, R18E, Town of Mukwonago, as more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference, is hereby approved.

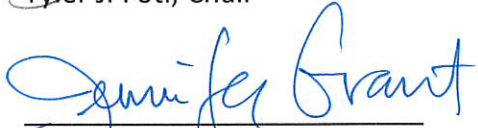
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Mukwonago.

APPROVE TOWN OF MUKWONAGO ORDINANCE NO. 2023-O-064 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ AND SE ¼ AND SW ¼ OF SECTION 22, T5N, R18E, TOWN OF MUKWONAGO, FROM THE SE SUBURBAN ESTATE DISTRICT TO THE P-1 PUBLIC DISTRICT (RZ140)

Presented by:
Land Use, Parks, and Environment Committee



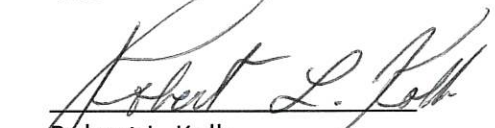
Tyler J. Foti, Chair



Jennifer Grant



Christine M. Howard



Robert L. Kolb



Brian Meier



Chris Mommaerts



Gary J. Szpara

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 3/29/24, Margaret Wartman
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

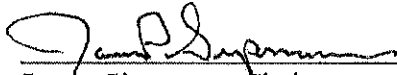
Date: 3/29/2024, Paul Farrow
Paul Farrow, County Executive

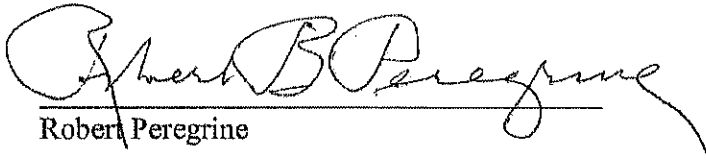
COMMISSION ACTION

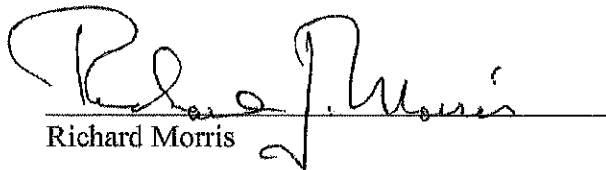
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Genesee Zoning Code, hereby recommends **approval** of **RZ140 (Wisconsin District of Wesleyan Church)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

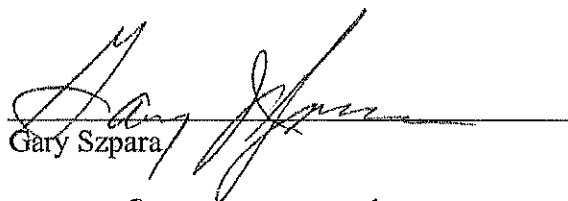
February 28, 2024

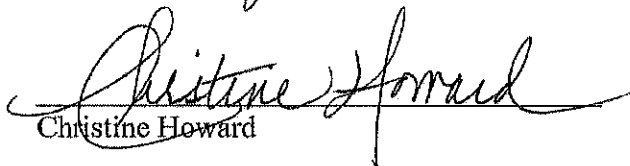

James Siepmann, Chairperson


Robert Peregrine


Richard Morris

Absent
William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: February 28, 2024

FILE NO.: RZ140

OWNER: Wisconsin District of Wesleyan Church
3040 Ivanrest Avenue SW
Grandville, MI 49418

APPLICANT: Attorney Joseph A. Abruzzo
111 E. Wisconsin Avenue, #1800
Milwaukee, WI 53202

TAX KEY NO.: MUKT 1959.993.003

LOCATION:
Part of the NE ¼ and SE ¼ of the SW ¼ of Section 22, T5N, R18E, Town of Mukwonago. More specifically, the property is located at S93 W30580 County Road NN containing approximately 6.2 acres.

EXISTING ZONING:
SE Suburban Estate (Town)

PROPOSED ZONING:
P-1 Public District (Town)

EXISTING USE(S):
Church

REQUESTED USE(S):
Church

PUBLIC HEARING DATE:
October 4, 2023

PUBLIC COMMENT:
None

TOWN PLAN COMMISSION ACTION:
On October 4, 2023, the Town of Mukwonago Plan Commission unanimously recommended approval of the rezone request, to the Town Board.

TOWN BOARD ACTION:
On October 4, 2023, the Mukwonago Town Board unanimously adopted the rezone ordinance.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF MUKWONAGO CDP:
The Comprehensive Development Plan for Waukesha County designates the property as Medium Density Residential, which incorporates the Village of Mukwonago extra-territorial plan designation

and the Town of Mukwonago Land Use Plan designates the property as Park, Public and School Lands category. The proposed rezone complies with both plans in that churches are frequently sited in rural and residential plan categories.

STAFF ANALYSIS:

The subject 6.2 acre property contains frontage on both CTH NN and CTH EE just west of the Village of Mukwonago boundary. The property contains a church set in the middle part of the property, a parsonage near CTH NN and an outbuilding near the west property line.

Churches are a conditional use pursuant to the current zoning designation of SE Suburban Estate District. The rezoning would make the church a permitted use which would alleviate the need for public hearings each time the church would seek to make a change to its site plan. Site plan details would still be reviewed by the town but the review period would be abbreviated. This request follows a 2023 amendment to the town's land use plan that similarly designated the property for institutional type use.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request.

The rezone will allow for a church to continue and for future applications to be streamlined as the church would no longer be subject to conditional use requirements.

Respectfully submitted,

Jason Fruth

Jason Fruth

Planning & Zoning Manager

Attachments: Town Ordinance No. 2023-0-64
Map

N:\PRKANDLU\Planning and Zoning\Rezones\PROJECT FILES\Mukwonago\RZ140 WI Dist of Wesleyan Church mukt\RZ140 WI Dist of Wesleyan Church Staff Report mkt.docx

ORDINANCE 2023-O-64

AN ORDINANCE TO AMEND CHAPTER 36 OF THE MUNICIPAL CODE

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled "Town Zoning;" and

WHEREAS, the Wesleyan Church submitted a petition to the Town to rezone their property located at S93W30580 CTH NN (MUKT1959993003) from S-E (Suburban Estates) to P-1 (Public); and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on October 4, 2023, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on October 4, 2023; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on October 4, 2023; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Mukwonago, Waukesha County, does hereby ordain as follows:

Section 1. Revise the zoning map by changing the zoning designation of the property located at S93W30580 CTH NN (MUKT1959993003) from S-E (Suburban Estates) to P-1 (Public).

Section 2. The conditional use order previously issued is terminated. All terms and conditions of previously reviewed site plans/plans of operation will remain unchanged.

Section 3. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 4. The Town of Mukwonago Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

Section 5. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

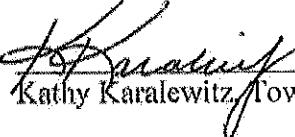
Adopted this 4th day of October 2023

TOWN OF MUKWONAGO



Peter Topczewski, Town Chair

ATTEST:

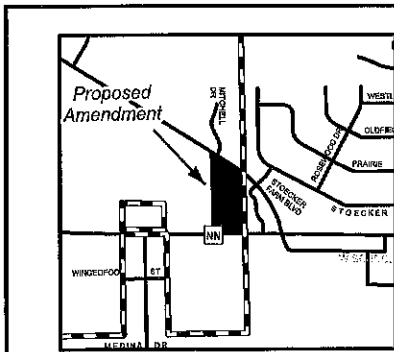
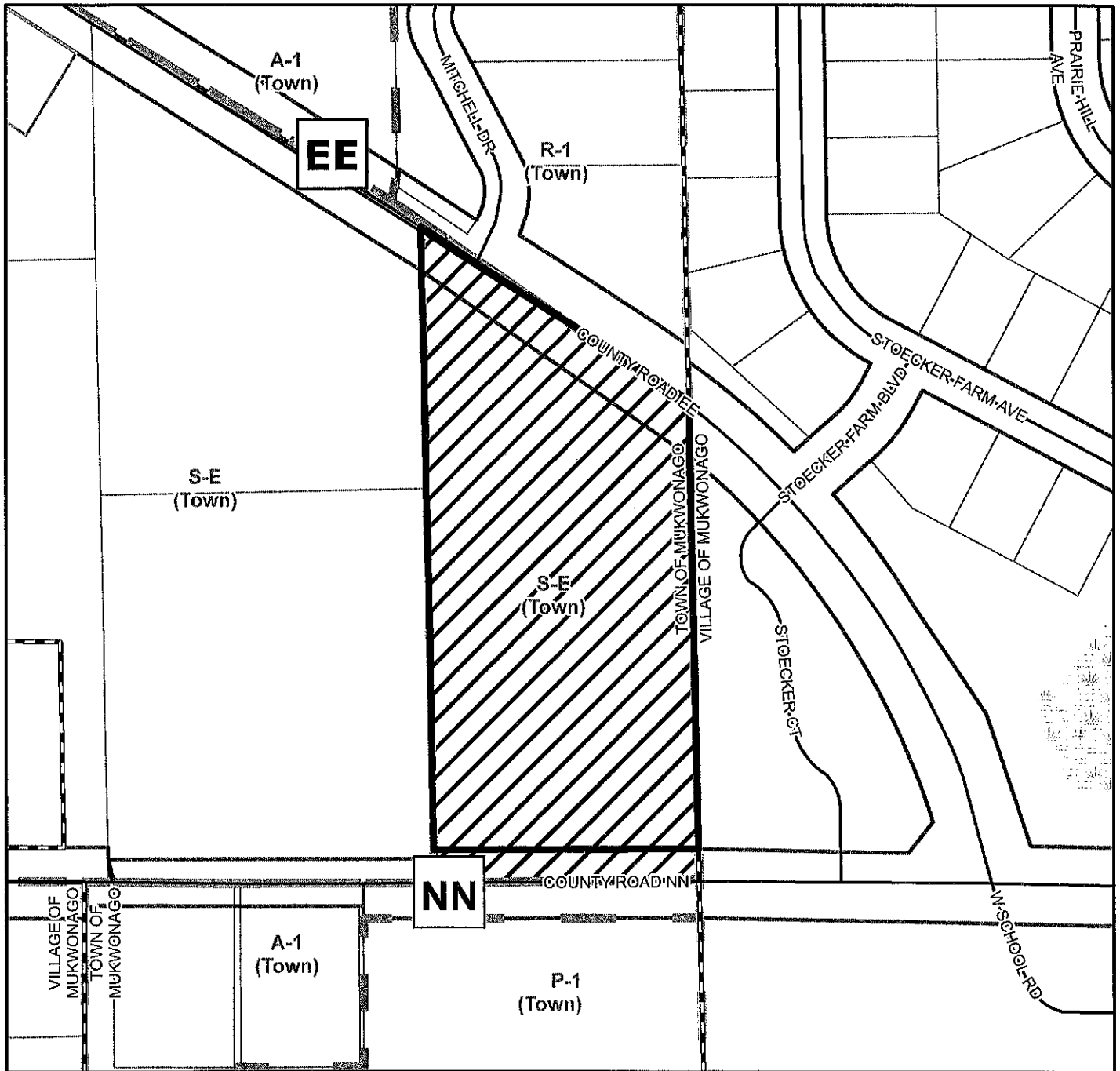



Kathy Karalewitz, Town Administrator

Published and/or posted this 23 day of October, 2023

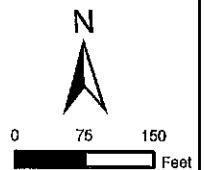
ZONING AMENDMENT

PART OF SECTION 22,
TOWN OF MUKWONAGO



 TOWN ZONING CHANGE FROM SE SUBURBAN ESTATE DISTRICT TO P-1 PUBLIC DISTRICT.

FILE.....RZ140
 DATE OF PLAN COMMISSION.....02/28/24
 AREA OF CHANGE.....6.2 ACRES
 TAX KEY NUMBER.....MUKT 1959.993.003



Prepared by the Waukesha County Department of Parks and Land Use

VOTE RESULTS >

22 YES 0 NO 0 ABSTAIN 3 ABSENT

Ordinance 178-O-103

Ordinance 178-O-103: Approve Town Of Mukwonago Ordinance No. 2023-O-064 Which Amends The District Zoning Code By Rezoning Certain Lands Located In Part Of The NE ¼ And SE ¼ And SW ¼ Of Section 22, T5N, R18E, TOWN OF MUKWONAGO, FROM THE SUBURBAN ESTATE DISTRICT TO THE P-1 PUBLIC DISTRICT (RZ140)

Passed By Majority Vote

D1 - Foti	M	AYE	D10 - Thieme	ABSENT	D19 - Enriquez	AYE
D2 - Weil		ABSENT	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris		AYE	D12 - Wolf	AYE	D21 - Gaughan	AYE
D4 - Batzko		AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant		ABSENT	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz		AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain		AYE	D16 - Crowley	AYE	D25 - Johnson	S AYE
D8 - Koremenos		AYE	D17 - Meier	AYE		
D9 - Heinrich		AYE	D18 - Nelson	AYE		

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