

Village of Mukwonago
Notice of Meeting and Agenda

PLAN COMMISSION MEETING
Tuesday, February 9, 2021

Time: **6:30 pm**

Place: **Mukwonago Municipal Building, Board Room, 440 River Crest Ct, Mukwonago, WI 53149**

1. Call to Order

2. Roll Call

3. Comments from the Public

Please be advised, per Wisconsin Statute Sec. 19.84(2), information and comment will be received from the public by the Plan Commission. The Public Comment Session is granted to the public at the start of each Plan Commission meeting. The Public Comment Session shall last no longer than fifteen (15) minutes and individual presentations are limited to three (3) minutes per speaker. However, these time limits may be extended at the discretion of the Chief Presiding Officer. The Plan Commission may not respond to or have any discussion on information received during the public comment session unless it is placed upon the Agenda for a subsequent meeting. Public comments should be addressed to the Plan Commission as a body. Presentations shall not deal in personalities personal attacks on members of the Plan Commission, the applicant for any project or Village Employees. Comments shall not be used to engage others in a debate in this forum. All comments, questions and concerns should be presented in a respectful professional manner. Any questions to an individual member of the Plan Commission or Staff will be deemed out of order by the Presiding Officer.

4. Approval of Minutes

- 4.1 Approval of meeting minutes from November 10, 2020
[20201110 PlanCommissionMinutesdraft.pdf](#)

5. Public Hearings

All persons interested in making comments about any of the public hearing items will be heard. Formal petitions and written comments regarding any of the public hearing items may be submitted tonight. During the public hearing(s), if you wish to be heard, the Plan Commission asks that you begin by stating your name and address, speak for no more than three minutes and attempt to avoid duplication. Each person speaking at the public hearing must sign the Public Hearing Appearance sign-in sheet before speaking. The sign-in sheet is available on the table located at the back of the room.

- 5.1 Public Hearing Notice
[2021 Public hearing for CU .pdf](#)

6. New Business

Discussion and Possible Action on the Following Items

- 6.1 Discussion and possible action to approve **RESOLUTION 2021-05** a Resolution to approve Conditional Use for a request for a thrift store (secondhand store) for Circle of Friends Mission Thrift Shoppe Inc, Applicant; 851 Greenridge Center; Parcel MUKV 1970-988-005; Greenwald Family Limited Partnership, Owner.
[Staff Report - Circle of Friends - 851 GREENRIDGE CTR - MUKV1970988005.pdf](#)

[Zoning Map - Circle of Friends - 851 GREENRIDGE CTR - MUKV1970988005.pdf](#)
[Map5 NE Final - Circle of Friends - 851 GREENRIDGE CTR - MUKV1970988005.pdf](#)
[RESOLUTION 2021-05 - CU Circle of Friends - 851 GREENRIDGE CTR - MUKV1970988005.pdf](#)

- 6.2 Discussion and possible action to approve **RESOLUTION 2021-06** a Resolution to approve Site Plan and Architectural Review for Circle of Friends Mission Thrift Shoppe Inc, Applicant; 851 Greenridge Center; Parcel MUKV 1970-988-005; Greenwald Family Limited Partnership, Owner.
[RESOLUTION 2021-06 SPAR Circle of Friends - 851 Greenridge Ctr - MUKV1970988005.pdf](#)

7. Adjournment

Membership:

Jason Wamser, James Decker, Mark Penzkover, John Meiners, Fred Winchowky, Bob Harley, and John Fellows (Advisory)

It is possible that 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, 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 Municipal Clerk's Office, (262) 363-6420.

MINUTES OF THE PLAN COMMISSION MEETING

Tuesday, November 10, 2020

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
Ken Werner
Eric Brill
Mark Penzkover

Commissioners excused: Robert Harley
Jason Wamser

Also present: Tim Schwenke, Civitek Consulting
Linda Gourdoux, Deputy Clerk/Treasurer

Comments from the Public

Opened at 6:30 pm
No Comments
Closed at 6:31 pm

Minutes

Motion made by Decker/Penzkover to approve the minutes of the October 13, 2020 meeting, carried.

New Business

Recommendation to the Village Board on RESOLUTION 2020-60 a Resolution to approve monument sign at ProHealth Care facility, Owner; 240 Maple Ave; Parcel MUKV 2016-993-002.

Schwecke gave overview of project

Steve Ignarski; Prairie Sign gave overview of project

Motion made by Decker/Penzkover to approve RESOLUTION 2020-60 a Resolution to approve monument sign at ProHealth Care facility, Owner; 240 Maple Ave; Parcel MUKV 2016-993-002, carried

Adjournment

Meeting adjourned at 6:37 p.m.

Respectfully Submitted,
Linda Gourdoux
Deputy Clerk/Treasurer

**NOTICE OF PUBLIC HEARING BEFORE THE VILLAGE OF MUKWONAGO PLAN
COMMISSION TO CONSIDER A CONDITIONAL USE APPLICATION FOR A
THRIFT STORE LOCATED AT 851 GREENRIDGE CENTER**

Please take notice there will be a public hearing before the Village of Mukwonago Plan Commission in the Board Room of the Village Hall, 440 River Crest Court, Mukwonago, Waukesha and Walworth Counties, on Tuesday, February 9, 2021, commencing at 6:30 P.M. or soon thereafter to consider the following matter:

- REGARDING:** Consider a request for a thrift store (secondhand store) as a conditional use pursuant to Section 100-351 of the Village's Zoning Ordinance
- TAX KEY/LOCATION:** MUKV1970988005; 851 Greenridge Center (in the former Sentry store)
- APPLICANT:** Circle of Friends Mission Thrift Shoppe Inc, tenant; and Greenwald Family Limited Partnership, owner (Darwin Greenwald, agent)
- LEGAL DESCRIPTION:** PARCEL 2 CERT SURV 3677 VOL 28/128 PT NW1/4 SEC 25 T5N R18E DOC# 3660770

The meeting/public hearing may be held online via Zoom if so indicated on the meeting agenda.

The proposal may be viewed at Village Hall, 440 River Crest Court, Mukwonago, WI during business hours, or by contacting the village planner at (262) 363-6420 x. 2111, or at planner@villageofmukwonago.com.

All interested parties will be heard. Written comments will be accepted up to the time of the hearing. For more information, please contact the village planner at (262) 363-6420 x. 2111, or at planner@villageofmukwonago.com.

Diana Dykstra, Clerk-Treasurer

To be published: January 26 and February 2, 2021



PLANNING COMMISSION

February 9, 2021 at 6:30pm

Mukwonago, WI

SITE PLAN AND ARCHITECTURAL REVIEW AND CONDITIONAL USE PERMIT

831 Greenridge Ctr (tenant space) / 851 Greendridge Ctr (property address),

Parcel Number: MUKV1970988005

Case Summary

Parcel Data

Proposal:	Secondhand Store
Applicant:	Circle of Friends Thrift Shop (tenant), Greenwald Family Limited Partnership (property owner)
Request:	Site Plan and Architectural Review Conditional Use Permit for a Second Hand Store
Staff Recommendation:	Approve
Planning Commission Recommendation:	Pending

Parcel Characteristics / Conditions

Acreage:	8.2559
Current Use:	Vacant Retail Space
Proposed Use:	Secondhand Store
Reason for Request:	New Tenant
Land Use Classification:	Low Intensity Commercial / Business
Zoning Classification:	B-2 General Business District
Census Tract:	2039.02

Public Notice

A public hearing notice was published two times in the Waukesha Freeman, and letters were mailed to surrounding property owners. Public comment as of this date, staff has not received any comments or other communications regarding this proposal.

Site Plan and Architectural Review Request

Architectural Review	The applicant is proposing to make no exterior structural modifications to the building at this time.
Site Modifications	No Modifications proposed at this time
Utilities	No modification to utilities is planned

Stormwater Management	No modification to are planned or required.
Wetlands	None
Signage	Will be reviewed by Planning Commission at a future date. Preliminary plans are to reuse the previous Sentry Sign on the south side of the building. In addition, the applicant will be repairing the broken canvas awnings on the front of the building and signage will be applied to the canvas.
Parking	Meets or exceeds standards
Landscaping	Replacement of reviewed shrubs on south side of the building to occur Spring 2021.
Trash Enclosure	No modifications proposed
Fencing	No modifications proposed
Outdoor Lighting	No modifications proposed
Misc. Performance Standards	None

Conditional Use Request

About the Business:

Circle of Friends is a 501(c)3 non-profit organization. They opened their doors in September of 2004 and have been working for the community of Elkhorn ever since. Their primary intent is to be an asset to our community. The income generated goes directly back to charitable endeavors both locally and internationally. Whether that is helping to provide food and shelter for one of our neighbors in the community, or providing donations for disaster relief.

All workers are volunteers, which means every available hand is welcome.

How does Circle of Friends benefit the community? Donations=Shoppers=Helping Others

You give to us, we in turn give to the community. We work with many different government agencies, local schools, and a variety of community organizations.

Harmony with Village policies, ordinances, and programs

The applicant has stated "Our Purpose is to help folks in need of furniture, clothing, items that we will take in for donations. We will have county wide prom dress give always, toys for tots, winter clothing (coat) drives to help keep everyone warm."

Staff has reviewed all applicable polices, ordinances and programs and finds that the proposed use will be in harmony.

Specific Location within harmony with Village policies, ordinances and programs

The applicant has stated "We will employ people. We also will have our program people, which are folks 55 and older who will get paid from our government to help the subsidized there living to have a better life. We will have many volunteers, this is great for people wo what something to do and need socialization. We work with the schools, churches, and court system.

Staff has reviewed all applicable policies, ordinances and programs and finds that the proposed use will be in harmony at the specific location.

Potential Adverse Impact on surrounding:

The applicant has stated “We believe the neighborhood and whole are will love our store. Always nice product, always clean and friendly. We hopefully will be a go to place for all ages wither to donate, purchase or socialize just to see a smile.”

Staff has reviewed proposal, site plan, and believes that no adverse impact with regard to traffic, parking, public improvements public health, or safety, or general well fair will occur with this use.

Maintaining consistency within the environs of the property:

The applicant has stated “We will use the store for folks to shop and also for people to donate unused and gently used items. We will sell bale clothing to send to areas of need down south where bad weather has hit. We always try to keep our donated goods in our community and the unites states.

Staff has reviewed proposal, site plan, and believes that consistency with surrounding property’s will occur with the proposed use.

Adequate Services

The applicant has stated “We believe many will benefit from Circle of Friends”

Staff has reviewed proposal, as this property was developed as a grocery store there are adequate public services and infrastructure available for the proposed use.

Benefits of the use outweigh adverse impacts

The applicant has stated “We believe so”

Staff has reviewed proposal, the current site has been vacant for an extended period of time and a thriving retail facility would benefit the surrounding area.

Hours of Operation:

Hours of operation are planned for 10-7 Monday – Friday, 9-2 Saturday, and 11-5 on Sunday. Hours may be extended or modified seasonally as early as 7am and as late as 10pm

Conditional Use Process / Findings

Review procedures The Plan Commission holds the public hearing and makes a recommendation to the Village Board which makes the final decision.

Following the close of the public hearing, the Plan Commission may recommend (1) approval, (2) approval with conditions, or (3) denial.

If approval is recommended, the Plan Commission can recommend conditions deemed necessary to protect the public health, safety, and welfare. The Plan Commission, in passing on the matter, will need

to make the following determinations consistent with Section 100-354 of Mukwonago's zoning regulations:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the Village.
2. The uses, values and enjoyment of other property in the surrounding neighborhood that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the Comprehensive Plan.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
5. Adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.

In addition, the property owner / tenant has shown compliance with the requirements set forth in the Village's zoning regulations for the specified use.

The Village Board will carefully review the recommendation of the Plan Commission and concurs with the Plan Commission's findings set forth above, provided the conditional use is operated pursuant to the conditions of approval set forth in this order.

These findings are incorporated into the draft conditional use order which is attached.

The Plan Commission shall approve a conditional use application if the terms and conditions of the zoning regulations are met. However, in the event the terms and conditions of the ordinance are not consented to and complied with by the applicant, the Commission may deny the application. In addition, the Commission may deny the application or place conditions on it if substantial evidence, as defined in §62.23(7) Wis. Stats. is presented. That evidence must demonstrate the inability of the applicant to comply with or meet the conditions of the zoning regulations or that the conditions to be applied by the Plan Commission are necessary to protect the public health, safety or welfare of the community based upon the presentation of substantial evidence. Potential motion for approval Recommend to the Village Board approval of the project as a conditional use as set forth in the attached conditional use order as drafted, provided the Village Attorney approves the final form of the conditional use order.

Recommendation

Site Plan and Architectural Review

Staff recommends the Planning Commission Approve a resolution for the Site Plan and Architectural Review, as set forth in Resolution 2021-06

1. Prior to any land disturbing activity, the applicant must submit a complete and final set of plans to the Village planner. All Village department heads must verify in writing whether they have

approved the final plans within their purview. Any outstanding matters must be resolved to staff's satisfaction.

2. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
3. Prior to any land-disturbing activity, the applicant must reimburse the Village for any outstanding charges and establish an escrow account with the Village as may be required.
4. The applicant must obtain all required building permits within nine months of this date, and start construction within six months of the date of building permit issuance and continue in good faith to completion.
5. All work related to this project must comply with all project plans approved by the Village.
6. The developer must comply with all requirements related to impact fees imposed by the Village.
7. The developer shall comply with all parts of the Municipal Code as it relates to this project.
8. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the Zoning Administrator and the Supervisor of Inspections are authorized to approve minor modifications so long as the overall project elements remain unchanged. If they determine that the revision is substantial, the plans must be submitted to the Plan Commission for review and approval.
9. The applicant applies for and receiving approval for all new signage on the tenant location,
10. Repairing the landscaping bed and replacement of shrubs on the south side of the building/tenant space, prior to the end of Spring 2021.
11. Any future exterior modification to the tenant space (doors, windows, canopies, painting) shall require Site Plan and Architectural Review.
12. Any future modification to the site such as modification of parking, lighting, grading, retaining walls, fences, etc. shall require Site Plan and Architectural Review.

Conditional Use

Staff Recommends the Planning Commission recommend to the Village Board approval of a conditional use permit as set forth in Resolution 2021-05

To – Grant a Conditional Use permit for a Secondhand Store for Circle of Friends Thrift Shop subject to the following on going conditions deemed necessary to protect the health, safety, and welfare

1. **Ongoing conditions of approval.** The following conditions shall constitute an ongoing obligation:
 - a. The authorized use shall not be conducted in such a way so as to exceed on-site parking.
 - b. The authorized use shall not be conducted in such a way so as to violate fire-related building capacity standards established by the local fire department or the state of Wisconsin.
 - c. The authorized use shall not be conducted in such a way so as to constitute a public or private nuisance as determined by the Plan Commission.
 - d. Potable water and sanitation must be provided and maintained.
 - e. The Plan Commission may unilaterally amend an approved site plan/plan of operation by revising existing provisions or adding new provisions. Such amendment shall be limited in scope to address negative impacts the use is having on surrounding properties and/or the public health, safety, and welfare.
 - f. The use of the subject property shall at all times be in compliance with all applicable laws, rules, regulations or orders, and ordinances of the federal government, State

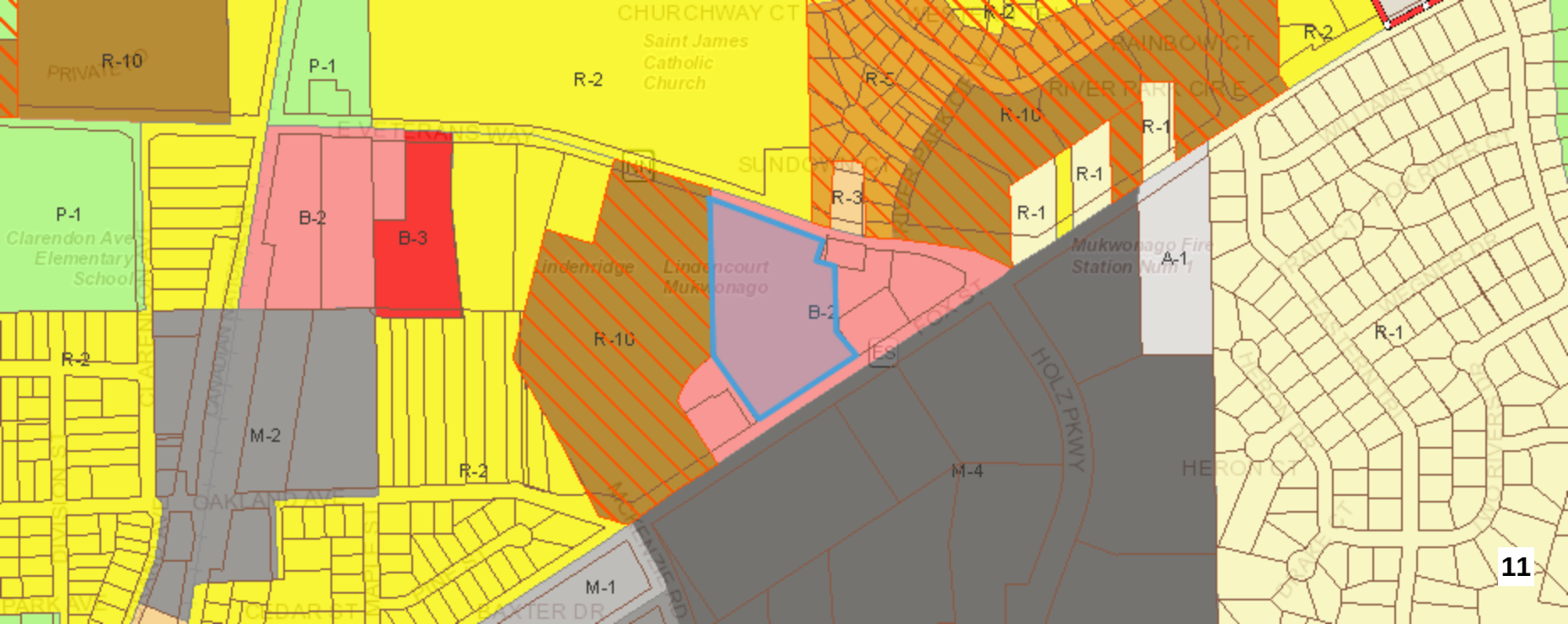
- of Wisconsin, Walworth County, and Village of Mukwonago.
- g. All buildings on the subject property shall comply with all applicable building requirements as may be adopted by the Village of Mukwonago or the state of Wisconsin.
 - h. The subject property must be in a clean and neat appearance as determined by the Plan Commission.
 - i. The property owner shall obtain and maintain all licenses for the operation of this facility, as may be required by the Village or the State of Wisconsin.
 - j. The Secondhand store shall operate between the hours of 7am and 10pm.
 - k. Drop off and collections locations shall be limited to
 - a. Drop offs within the store during posted operating hours,
 - b. At the rear of the building at the overhead door / man door location during posted operating hours.
 - l. Drop off items and collections shall not occur outside of posted operating hours. Signs shall be posted at the main entrance and rear door indicating that the dropping off of items outside of normal operating hours is prohibited.

and determining that the conditions are consistent with Section 100-354 of Mukwonago's zoning regulations:

- 1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the Village.
- 2. The uses, values and enjoyment of other property in the surrounding neighborhood that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- 3. The establishment of the conditional use will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the Comprehensive Plan.
- 4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
- 5. Adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.

Attachments

- 1. Maps
- 2. Resolution 2021-05 for approval of a Conditional Use
- 3. Resolution 2021-06 for approval of the Site Plan and Architectural Review





Map 5 - Northeast Key Area

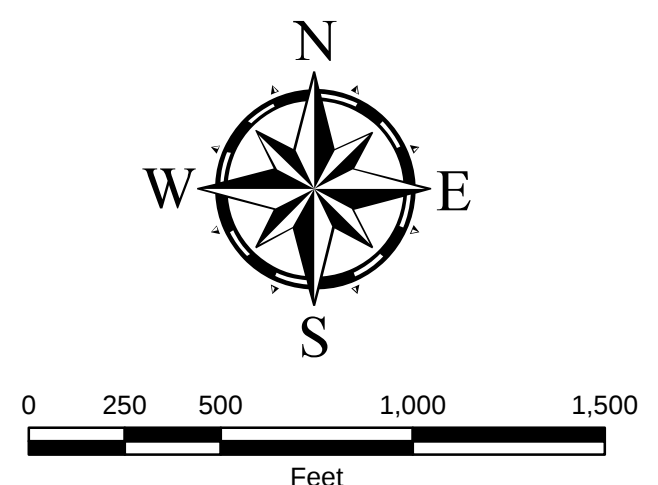
Recommended Land Use for 2035
Adopted November 29, 2016,
Ordinance No. 918

Village of Mukwonago Waukesha County, Walworth County

Legend

- Planning Area
- Key Area
- Ultimate Village Boundary
- Proposed Collector Streets
- Future STH 83 Access
- Primary Environmental Corridor
- Secondary Environmental Corridor
- Isolated Natural Area
- Agriculture / Large Lot Single Family - 37,500 Sq. Ft. ¹
- Small Lot Single Family - 10,000-12,000 Sq. Ft. ¹
- Medium Lot Single Family I - 25,000 Sq. Ft. ¹
- Medium Lot Single Family II - 15,000 Sq. Ft. ¹
- Historical Residential - 12,000 Sq. Ft. ¹
- Conservation Subdivision Design Overlay
- Executive Style Large Lot Single Family - 37,500 Sq. Ft. ¹
- Low Density Multi-Family Residential - 5 Units / Ac. ²
- Medium Density Multi-Family Residential - 10 Units / Ac. ²
- High Density Multi-Family Residential - 15 Units / Ac. ²
- Village Center / Downtown Overlay
- Business Mixed Use Overlay
- Low Intensity Commercial / Business
- High Intensity Commercial / Business
- Business Park
- Industrial
- Government and Institutional
- Open Space / Recreational
- Extractive Overlay
- Municipal Divisions
- Current Village Limits
- County Line

NOTE: Please see text for details
of each land use category.
1. Minimum lot size.
2. Maximum dwelling unit density/acre.



RESOLUTION 2020-05
Village of Mukwonago Order Granting a
Conditional
Use and Prescribing Conditions for a
Secondhand Store called Circle of Friends Thrift
Shop Located at 831 Greenridge Ctr (tenant space) 851
Greenridge Ctr (property address)

WHEREAS, GREENWALD FAMILY LIMITED PARTNERSHIP (hereinafter "property owner") owns the property located at 851 Greenridge Ctr (hereinafter "subject property") in the Village of Mukwonago, more particularly described as follows:

PARCEL 2 CERT SURV 3677 VOL 28/128 PT NW1/4 SEC 25 T5N R18E :: DOC# 3660770 ; and

WHEREAS, **and Circle of Friends Thrift Shop** (hereinafter "tenant") leases tenant space identified as 831 Greenridge Ctr the property located at 851 Greenridge Ctr (hereinafter "subject property") in the Village of Mukwonago, more particularly described as follows:

WHEREAS, the property owner has, consistent with the Village of Mukwonago's zoning regulations, submitted a conditional use application for a secondhand store; and

WHEREAS, **and Circle of Friends Thrift Shop** the tenant has, consistent with the Village of Mukwonago's zoning regulations, submitted a conditional use application for a secondhand store; and

WHEREAS, upon receipt of the petition submitted by the property owner/tenant, the Village Clerk properly referred such petition to the Plan Commission; and

WHEREAS, allowing for required public notice, the Plan Commission conducted a public hearing on February 9, 2021 to consider the petitioner's request; and

WHEREAS, members of the public in attendance were given ample opportunity to provide comment regarding the petitioner's request; and

WHEREAS, the Plan Commission passed a motion recommending to the Village Board that the conditional use be approved subject to certain conditions; and

WHEREAS, the Plan Commission, in passing on the matter, has made the following determinations consistent with Section 100-354 of Mukwonago's zoning regulations:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the Village.
2. The uses, values and enjoyment of other property in the surrounding neighborhood that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the Comprehensive Plan.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.

Return to:

Diana Dykstra, Clerk-Treasurer
Village of Mukwonago
440 River Crest Court
Mukwonago, WI 53149

Parcel Number: MUKV1970-988-005

5. Adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.

In addition, the property owner / tenant has shown compliance with the requirements set forth in the Village's zoning regulations for the specified use.

WHEREAS, the Village Board has carefully reviewed the recommendation of the Plan Commission and concurs with the Plan Commission's findings set forth above, provided the conditional use is operated pursuant to the conditions of approval set forth in this order.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

1. **Authorized uses.** Subject to the terms and conditions of this approval and the sections of the zoning code that apply, the property owner is authorized to operate a secondhand store as set forth herein and as specified in the Village's zoning code.
2. **Issuance of permit required.** The zoning administrator is authorized to issue the property owner a conditional use permit when all conditions enumerated in section 3 have been satisfied to his or her satisfaction. Such permit is the last approval before the property owner/tenant can begin to establish the use as authorized herein.
3. **Initial conditions of approval.** The following conditions shall be satisfied prior to the issuance of the conditional use permit:
 - a. The property owner must submit site/architectural plans to the Village for review and obtain approval of the same within 9 months of the date of this decision.
 - b. The property owner must accept the terms and conditions of this conditional use order in its entirety in writing within 6 months of the date of this decision. Prior to such expiration, the property owner may request an extension to this time period and the Village Clerk may approve an extension with good cause.
 - c. This order must be recorded against the subject property in the Waukesha County register of deeds office (only if subsections 3(a) through 3(b) have been satisfied).

In the event the requirements enumerated in subsections 3(a) and 3(b) above are not satisfied, this order shall automatically be null and void without any further action by the Village of Mukwonago on the aforementioned date.

4. **Ongoing conditions of approval.** The following conditions shall constitute an ongoing obligation:
 - a. The authorized use shall not be conducted in such a way so as to exceed on-site parking.
 - b. The authorized use shall not be conducted in such a way so as to violate fire-related building capacity standards established by the local fire department or the state of Wisconsin.
 - c. The authorized use shall not be conducted in such a way so as to constitute a public or private nuisance as determined by the Plan Commission.
 - d. Potable water and sanitation must be provided and maintained.
 - e. The Plan Commission may unilaterally amend an approved site plan/plan of operation by revising existing provisions or adding new provisions. Such amendment shall be limited in scope to address negative impacts the use is having on surrounding properties and/or the public health, safety, and welfare.

- f. The use of the subject property shall at all times be in compliance with all applicable laws, rules, regulations or orders, and ordinances of the federal government, State of Wisconsin, Walworth County, and Village of Mukwonago.
- g. All buildings on the subject property shall comply with all applicable building requirements as may be adopted by the Village of Mukwonago or the state of Wisconsin.
- h. The subject property must be in a clean and neat appearance as determined by the Plan Commission.
- i. The property owner shall obtain and maintain all licenses for the operation of this facility, as may be required by the Village or the State of Wisconsin.
- j. The Secondhand store shall operate between the hours of 7am and 10pm.
- k. Drop off and collections locations shall be limited to
 - a. Drop offs within the store during posted operating hours,
 - b. At the rear of the building at the overhead door / man door location during posted operating hours.
- l. Drop off items and collections shall not occur outside of posted operating hours. Signs shall be posted at the main entrance and rear door indicating that the dropping off of items outside of normal operating hours is prohibited.

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

8. **Inspection.** The property owner shall allow Village 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.

9. **Discontinuance.** Should the conditional use be discontinued in use for 365 consecutive days the use shall be terminated as set forth in the Village of Mukwonago's zoning regulations.

10. **Private rights.** This approval is given under the Village of Mukwonago's zoning regulations and is not to be 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 Village ordinance, or other local, state, or federal law.

13. **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.

14. **Heirs, successors, and assigns.** This conditional use order shall be binding upon the property owner and their heirs, successors, and assigns. Upon a change in ownership, the property owner shall notify the Village Clerk.

15. **Ongoing review.** This conditional use may be reviewed by the Plan Commission with notice to the property owner at any time upon complaint or upon Plan Commission initiative. If it is determined that the authorized use is no longer compatible, or that the provisions of this approval have not been complied with, the Village Board may revoke or amend this order after recommendation by the Plan Commission and holding of a public hearing.

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

17. **Violation.** Any violation of this order may be treated as a violation of Mukwonago's zoning regulations and each day of each violation of each condition herein shall be treated as a separate violation.

Approved this 17th day of February, 2021

BY THE VILLAGE BOARD OF THE VILLAGE OF MUKWONAGO

Fred Winchowky, Village President

Attest:

Diana Dykstra, Village Clerk

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

Personally came before me this ____ day of _____ 2020, the persons described above, Fred Winchowky, Village President, and Diana Dykstra, Village Clerk, to me known to be the persons who executed the foregoing instrument and to me known to be such Village President and Village Clerk of the Village of Mukwonago 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 Village Board from their meeting on the 16th day of September, 2020.

NOTARY PUBLIC

My Commission Expires:

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Acceptance by Property Owner

I, D.N. Greenwald, verify that I am an authorized agent for GREENWALD FAMILY LIMITED PARTNERSHIP and that GREENWALD FAMILY LIMITED PARTNERSHIP accepts the terms stated herein.

Dated this _____ day of _____, 2021

D.N. Greenwald, agent

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

Personally, came before me this ____ day of _____, 2021, the above-named person, Robert Chandler, to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC

My Commission Expires:

Acceptance by Tenant

I, Sherry Della Bianca Leka, verify that I am an authorized agent for Circle of Friends Thrift Shop and that Circle of Friends Thrift Shop accepts the terms stated herein.

Dated this _____ day of _____, 2021

Sherry Della Bianca Leka, agent

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

Personally, came before me this ____ day of _____, 2021, the above-named person, Robert Chandler, to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC

My Commission Expires:

RESOLUTION 2021-06

**RESOLUTION APPROVING SITE PLAN AND ARCHITECTURAL REVIEW
FOR A SECONDHAND STORE CALLED CRICLE OF FRIENDS THRIFT SHOP;
SHERRY DELLA BIANCA LEKA, APPLICANT
831 GREENRIDGE CTR; MUKV1970988005**

WHEREAS, pursuant to Section 100-601, and 100-153 of the Zoning Code, an application for a site plan and architectural review has been filed for the approval of a secondhand store, a conditional use within the B-2, General Business Commercial, which application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

WHEREAS, the application has been submitted by Sherry Della Bianca Leka, and

WHEREAS, a secondhand store in the B-2, General Business Commercial District in which the subject property is located, and

WHEREAS, the plan of operation and plans have been reviewed and recommended by the Village Plan Commission.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Mukwonago, Wisconsin hereby approves the site plan and architectural review for a secondhand store at 831 Greenridge Ctr, based upon the plan of operation and plans submitted to the Village.

NOW, THEREFORE, BE IT FURTHER RESOLVED this site plan and architectural review approval shall be subject to the following conditions:

1. Prior to any land disturbing activity, the applicant must submit a complete and final set of plans to the Village planner. All Village department heads must verify in writing whether they have approved the final plans within their purview. Any outstanding matters must be resolved to staff's satisfaction.
2. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
3. Prior to any land-disturbing activity, the applicant must reimburse the Village for any outstanding charges and establish an escrow account with the Village as may be required.
4. The applicant must obtain all required building permits within nine months of this date, and start construction within six months of the date of building permit issuance and continue in good faith to completion.
5. All work related to this project must comply with all project plans approved by the Village.
6. The developer must comply with all requirements related to impact fees imposed by the Village.
7. The developer shall comply with all parts of the Municipal Code as it relates to this project.
8. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the Zoning Administrator and the Supervisor of Inspections are authorized to approve minor modifications so long as the

overall project elements remain unchanged. If they determine that the revision is substantial, the plans must be submitted to the Plan Commission for review and approval.

9. The applicant applies for and receiving approval for all new signage on the tenant location,
10. Repairing the landscaping bed and replacement of shrubs on the south side of the building/ tenant space, prior to the end of Spring 2021.
11. Any future exterior modification to the tenant space (doors, windows, canopies, painting) shall require Site Plan and Architectural Review.
12. Any future modification to the site such as modification of parking, lighting, grading, retaining walls, fences, etc. shall require Site Plan and Architectural Review.

NOW, THEREFORE, BE IT FURTHER RESOLVED the applicant, upon the approval of this site plan and architectural review shall agree to accept the same in writing.

Passed and dated this 17th day of February 2021.

VILLAGE OF MUKWONAGO

By: _____
Fred Winchowky, Village President

Attest: _____
Diana Dykstra, Village Clerk-Treasurer