

**AGENDA - FINAL**  
**WAUKESHA COUNTY PARK AND PLANNING COMMISSION – Regular Meeting**  
**Thursday, February 20, 2025 1:00 P.M. Room AC 255/259**  
**Administration Center, 515 W. Moreland Blvd., Waukesha, WI 53188**

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**CALL TO ORDER**  
**CORRESPONDENCE**  
**MEETING APPROVAL**  
**MINUTES**  
**PUBLIC COMMENT**

Approval of the January 16, 2025, Minutes

**REZONE**

- **RZ156 (Town of Mukwonago Board) Town of Mukwonago, Sections 3, 7, 8 and 9**  
Various properties located in Sections 3, 7, 8 and 9, T5N, R18E, Town of Mukwonago.  
Request: Comprehensive map amendments to the Town of Mukwonago Zoning Map.

**CONDITIONAL USE AND PLAN OF OPERATION**

- **CU124 (Ben Conde) Town of Delafield, Section 26**  
Lot 24, Kettle Park, part of the NE ¼ of Section 26, T7N, R18E, Town of Delafield. More specifically, the property is located at N10 W29211 Cathedral Court.  
Request: Conditional Use approval for the construction of an in-law unit.
- **SP265 (Ben Conde) Town of Delafield, Section 26**  
Lot 24, Kettle Park, part of the NE ¼ of Section 26, T7N, R18E, Town of Delafield. More specifically, the property is located at N10 W29211 Cathedral Court.  
Request: Site Plan/Plan of Operation approval for the construction of an in-law unit.

**ADJOURNMENT**

*Robert Peregrine*  

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**Robert Peregrine, Chairperson**

**Park and Planning Commission**  
Thursday, February 20, 2025

*(The Staff Reports and Recommendations for the issues listed above are available upon request. For questions regarding this agenda, please call (262) 548-7790).*

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

**DATE:** February 20, 2025  
**FILE NO.:** RZ156  
**APPLICANT:** Town of Mukwonago Board  
W320 S8315 Beulah Road  
Mukwonago, WI 53149  
**TAX KEY NO:** Multiple- areawide change

**LOCATION:**  
Various properties located in Sections 3, 7, 8 and 9, T5N, R18E, Town of Mukwonago.

**PUBLIC HEARING DATE:** April 3, 2024

**PUBLIC COMMENT:** None

**TOWN PLAN COMMISSION ACTION:**

On April 3, 2024, the Town of Mukwonago Plan Commission unanimously recommended to approve the map amendments.

**TOWN BOARD ACTION:**

On April 3, 2024, the Mukwonago Town Board unanimously approved Ordinance No. 2024-0-66

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF MUKWONAGO CDP:**

The proposed maps are consistent with plan recommendations in assigning properties to appropriate “as used” zoning categories.

**STAFF ANALYSIS:**

The Town of Mukwonago is proposing comprehensive amendments to the Town Zoning Map in response to revised floodplain boundaries that changed the town’s zoning jurisdictional boundaries. New FEMA floodplain mapping was adopted by Waukesha County in late 2023 and the county’s shoreland zoning maps for each of the towns were updated at that time. Since that time, most of the towns in the county have been working to make similar updates to their town zoning maps which govern the areas outside of floodplains and shoreland areas. In some instances, floodplain boundaries have reduced in area along waterways which also reduced county floodplain/shoreland jurisdiction. Therefore, the town is now proposing to establish town zoning in those areas that were formerly subject to county shoreland/floodland jurisdiction.

The lands affected by the changes are quite limited. The largest area affected is a wetland complex to the southwest of Spring Lake. The FEMA floodplain in this area was previously unstudied and the new studied boundaries reduced the floodplain area. However, the same area is entirely wetland, so it will remain in a protective C-1 Conservancy zoning category. Other parcels affected are generally located east or southeast of Willow Springs Lake. The proposed town zoning parallels the manner in which the previous county zoning designated the land and matches the town zoning that already exists on the balance of the affected parcels.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The proposed map changes establish appropriate zoning for parcels that are no longer part of the regulatory floodplain. In accordance with plan recommendations, the lands will be zoned as used and proposed zoning categories match the adjacent zoning categories. These updates ensure that the town’s zoning maps are consistent with recently adopted FEMA floodplain maps and that there are no un-zoned gaps between areas of town zoning and county shoreland zoning.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning & Zoning Manager

Attachment: Town Ordinance No. 2024-0-66

STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE 2024-O-66

**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 Plan Commission at their meeting on February 7, 2024, recommended various revisions to the zoning code/map as set forth herein; and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on April 3, 2024, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on April 3, 2024; and

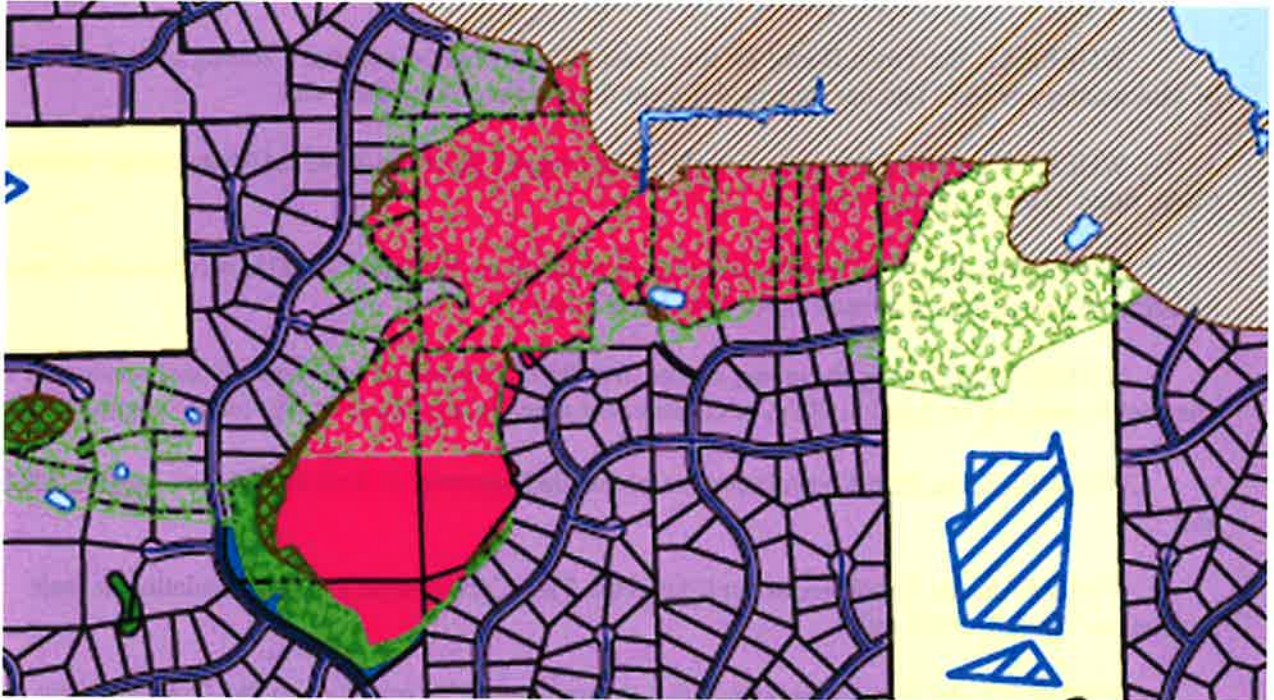
WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on April 3, 2024; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in s. 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Town Board for passage and adoption; and

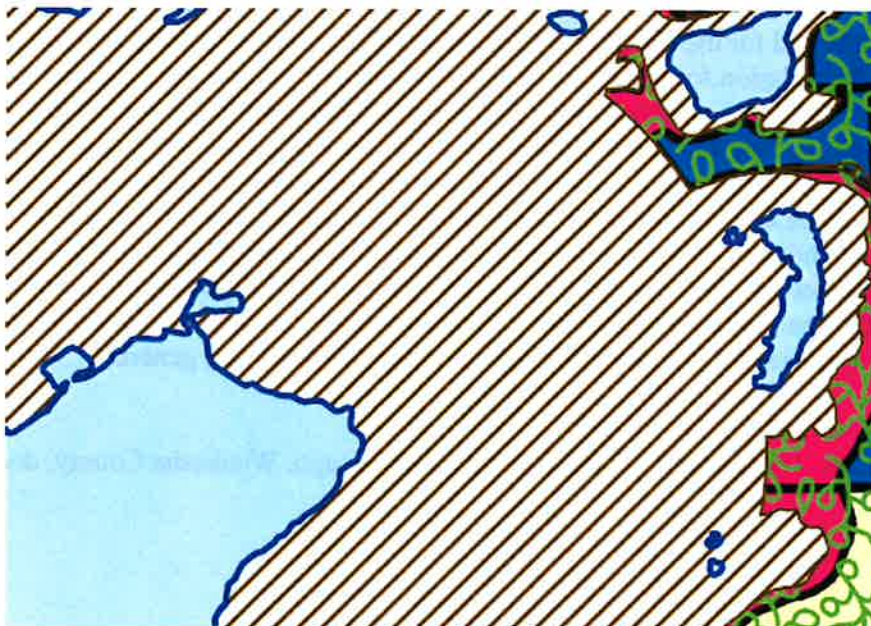
WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based 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:

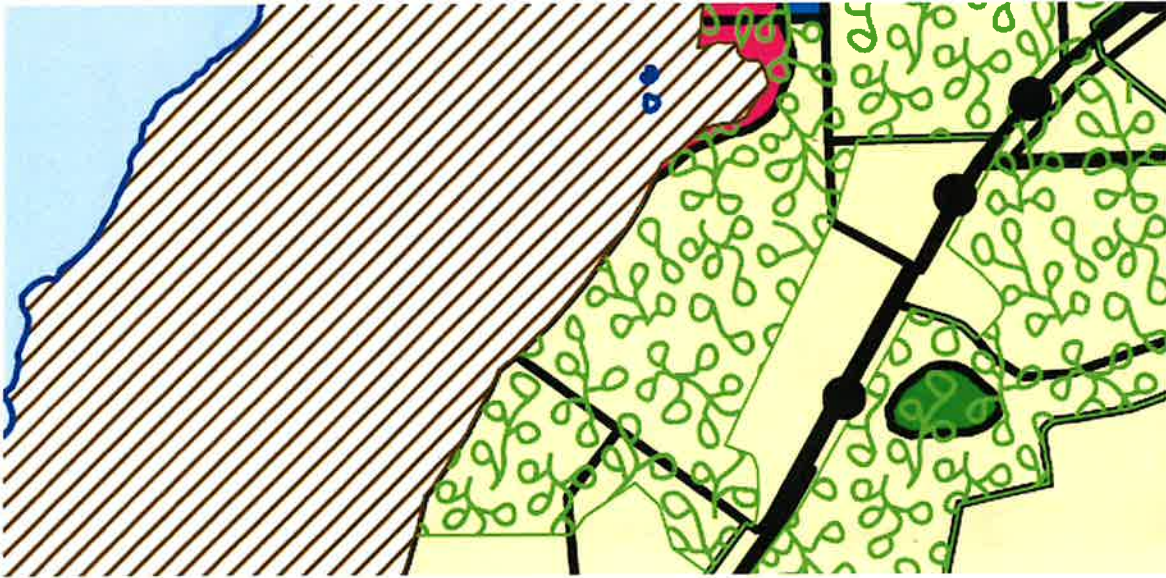
**Section 1.** Revise the zoning map to classify the area of the various lots shown in pink (below) to Conservancy (C-1) with Environmental Corridor (EC) overlay in those areas as indicated.



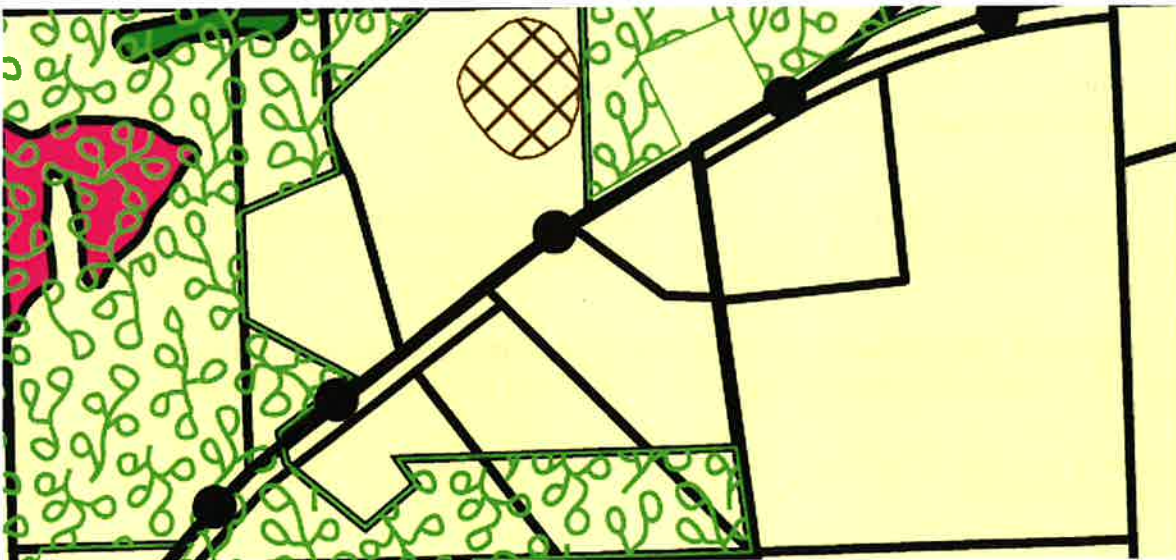
**Section 2.** Revise the zoning map to classify the area of parcel MUKT1882992006 shown in pink (below) to Public (P-1) with the Environmental Corridor (EC) overlay in those areas as indicated.



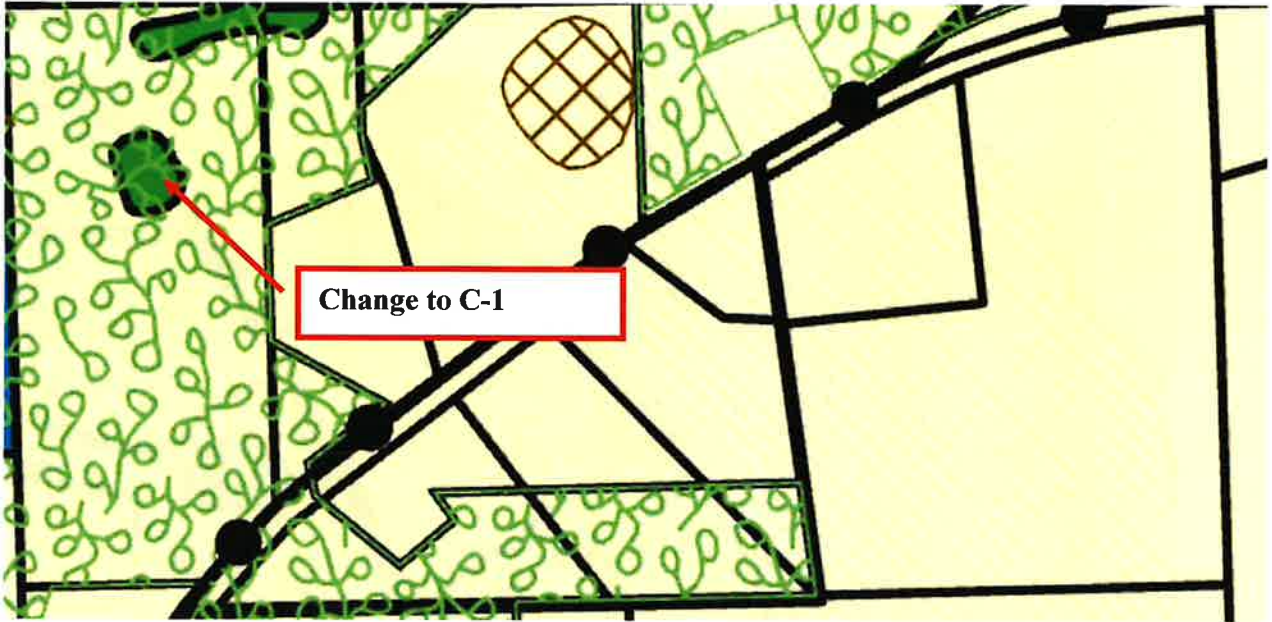
**Section 3.** Revise the zoning map to classify the area of parcel MUKT1883996004 shown in pink (below) to Agriculture (A-1) with the Environmental Corridor (EC) overlay in those areas as indicated.



**Section 4.** Revise the zoning map to classify the area of parcel MUKT1883998 shown in pink (below) to Agriculture (A-1) with the Environmental Corridor (EC) overlay in those areas as indicated.



**Section 5.** Revise the zoning map to further classify the area of parcel MUKT1883998 as Conservancy (C-1) in those areas as indicated below with the Environmental Corridor (EC) overlay.



**Section 6.** 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 7.** 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 8.** 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 by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 3rd day of April 2024

TOWN OF MUKWONAGO


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Ordinance 2024-O-66

Page 5

  
\_\_\_\_\_  
Peter Topczewski, Town Chair

ATTEST:

  
\_\_\_\_\_  
Katly Karalewitz, Town Administrator

Published and/or posted this 16 day of January, 2024<sup>5</sup>



**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**CONDITIONAL USE AND SITE PLAN/PLAN OF OPERATION**

**DATE:** February 20, 2025

**FILE NO:** CU124 and SP265

**OWNER:** Ben Conde  
N10 W29211 Cathedral Court  
Waukesha, WI 53188

**PETITIONER:** Matthew Widmann  
Precise Construction  
1925 North Oak Grove Road  
Oconomowoc, WI 53066

**TAX KEY NO.:** DELT 0821.024

**LOCATION:**

The subject property is described as Lot 24, Kettle Park, part of the NE ¼ of Section 26, T7N, R18E, Town of Delafield. More specifically, the property is located at the Cathedral Court address cited above containing approximately 1.9 acres.

**ZONING CLASSIFICATION:**

A-4 Country Estate and DSO Delafield Shoreland Overlay Districts.

**EXISTING LAND USE:**

Residential.

**REQUEST:**

Conditional Use for construction of an in-law unit (See Exhibits A-B for survey and building plans).

**PUBLIC HEARING DATE:** February 4, 2025

**PUBLIC REACTION:**

There was no public reaction at the public hearing.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCDP) AND THE TOWN OF DELAFIELD LAND USE PLAN:**

The County and Town CDP designates the subject property in the Suburban Density Residential (SDR I) category (1.5-2.9 acres per dwelling unit).

**TOWN PLAN COMMISSION ACTION:**

At its meeting on February 4, 2025, the Town of Delafield Plan Commission unanimously recommended to the Waukesha County Park and Planning Commission approval of the request.

**STAFF ANALYSIS:**

The Conditional Use request pertains to an in-law addition proposed on a 1.9-acre lot on Cathedral Court in the Kettle Park subdivision. The property is southwest of the intersection of the Interstate 94 and County Trunk Highway G (Elmhurst Road) overpass and west of Elmhurst Park. The subject property is heavily wooded along the back and side lot lines. The front of the home is substantially screened from the Cathedral Court right-of-way.

Pending approval of the Conditional Use, the applicant would install a kitchenette in a 794 square foot home addition intended for the owner's mother. The Planning and Zoning Division previously issued a Zoning Permit for this addition with the stipulation that a kitchenette not be added until and unless a Conditional Use Permit is issued for an in-law unit. The in-law unit would accommodate the owner's needs to create space for a mother with health challenges.

The pre-addition home has a building footprint of 1,740 square feet with a 516 square foot attached garage. The existing property is well screened by foliage on all sides, with significant vegetative screening toward the road.

The approved Zoning Permit allows for the 794 square foot addition with one bedroom, one bathroom, a living room, private and common entrances, and a walkout deck overlooking the backyard. Below the proposed in-law unit, the Zoning Permit approved 794 square feet of basement space connected to the primary residence with a walkout to the backyard. In the event the in-law unit is not occupied as an in-law unit, it will be used as a new master bedroom by the homeowners.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division staff recommends **approval** of the Conditional Use request subject to the following conditions. The basis for the recommendation is as follows:

- The proposed in-law unit will continue the architectural scheme of the primary residence.
- The proposed in-law unit addition is compatible with the surrounding neighborhood and maintains appearance as a single-family residence.
- The proposed in-law unit will be well-screened from neighbors by existing foliage.
- The applicant proposes only one in-law unit and is below the 1,000 square foot maximum, consistent with the Shoreland Protection Ordinance.

**Recommended Conditions:**

1. A Deed Restriction shall be filed in the Waukesha County Register of Deeds office stipulating that the in-law unit is to be occupied by persons related by blood or marriage to the family occupying the principal unit and that the Conditional Use is not transferable without formal approval of the Town of Delafield Plan Commission and the Waukesha County Planning and Zoning Division without necessity of a public hearing and that the unit will be used as intended and not rented. The restriction shall also state that an interior door between the living units shall be maintained. A copy of the recorded document shall be presented to the County **prior to the issuance of any permits.**
2. The maximum living area of the in-law unit shall not exceed one thousand (1,000) square feet, shall not contain more than two (2) bedrooms, and one (1) additional parking space shall be

provided for the in-law unit on the property. The structure shall appear to be a single-family residence and shall not appear to be a duplex.

3. Architecture of the Residence shall be compatible with the adjacent residential neighborhood and shall appear to be a single-family residence. All other zoning district requirements for the principal living unit shall be complied with. A common entrance to the Residence and In-law Unit shall be designed into the Structure so that a separate front entrance, off of the common entrance, is available and the Structure does not appear to be a duplex.
4. The Conditional Use approval is limited to the Petitioner for the property located at N10 W29211 Cathedral Court, Waukesha, Wisconsin, to construct a one-story in-law unit with plans, documents, and specifications presented to the Waukesha County Planning and Zoning Division on December 12, 2024. The use is generally described as an in-law unit.
5. Subject to the applicant allowing the subject property to be available for inspection by the Town of Delafield and Waukesha County officials at any reasonable time and upon reasonable notice.
6. The Town Building Inspector shall inspect the entire premises to determine compliance with all applicable building codes and any compliance violations shall be corrected to the Building Inspector's satisfaction, **prior to the issuance of an Occupancy Permit.**
7. The Conditional Use Permit (CUP) shall be issued within one year from the date of the final approval or the approval of this CUP shall be null and void, unless an extension is granted by the Town of Delafield Plan Commission.
8. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the municipality or County, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the Conditional Use may be terminated by action of the Town Plan Commission and the Waukesha County Park and Planning Commission, pursuant to the enforcement provisions of this Conditional Use Permit, and all applicable ordinances.
9. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

If approved as recommended, the petitioners will have an in-law unit use to provide family with an adequate living unit while not adversely affecting adjacent property owners or jeopardizing the integrity of the Waukesha County Zoning Code, and otherwise complies with the Town and County Comprehensive Development Plans.

Respectfully submitted,

*Ken Smith*

Ken Smith  
Senior Land Use Specialist Planner

Enclosure:   Exhibit A – Survey/Site Plan  
                  Exhibit B – Proposed Building Plan

N:\PRKANDLU\Planning And Zoning\Conditional Uses\PROJECT FILES\Delafield\CU124 Conde\Staff Report\_Exhibits\_Decision Letter\CU124 Conde Staff Report.Docx

## PLAT OF SURVEY

LOT 24 IN KETTLE PARK, PART OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 7 NORTH,  
RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

### LEGEND

- FOUND 1" IRON PIPE OR NOTED
- ⊙ WELL
- ⊙ SEPTIC VENT
- ⊙ SEPTIC CLEANOUT
- ⊙ CMCP CULVERT
- ⊙ TV PED
- ⊙ ELECTRIC PED
- (R) RECORD DIMENSION
- S STEPS

### NOTES:

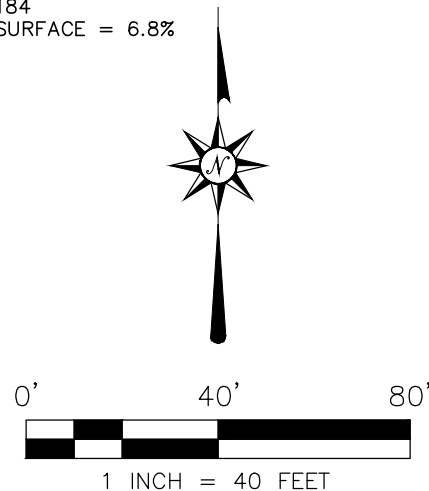
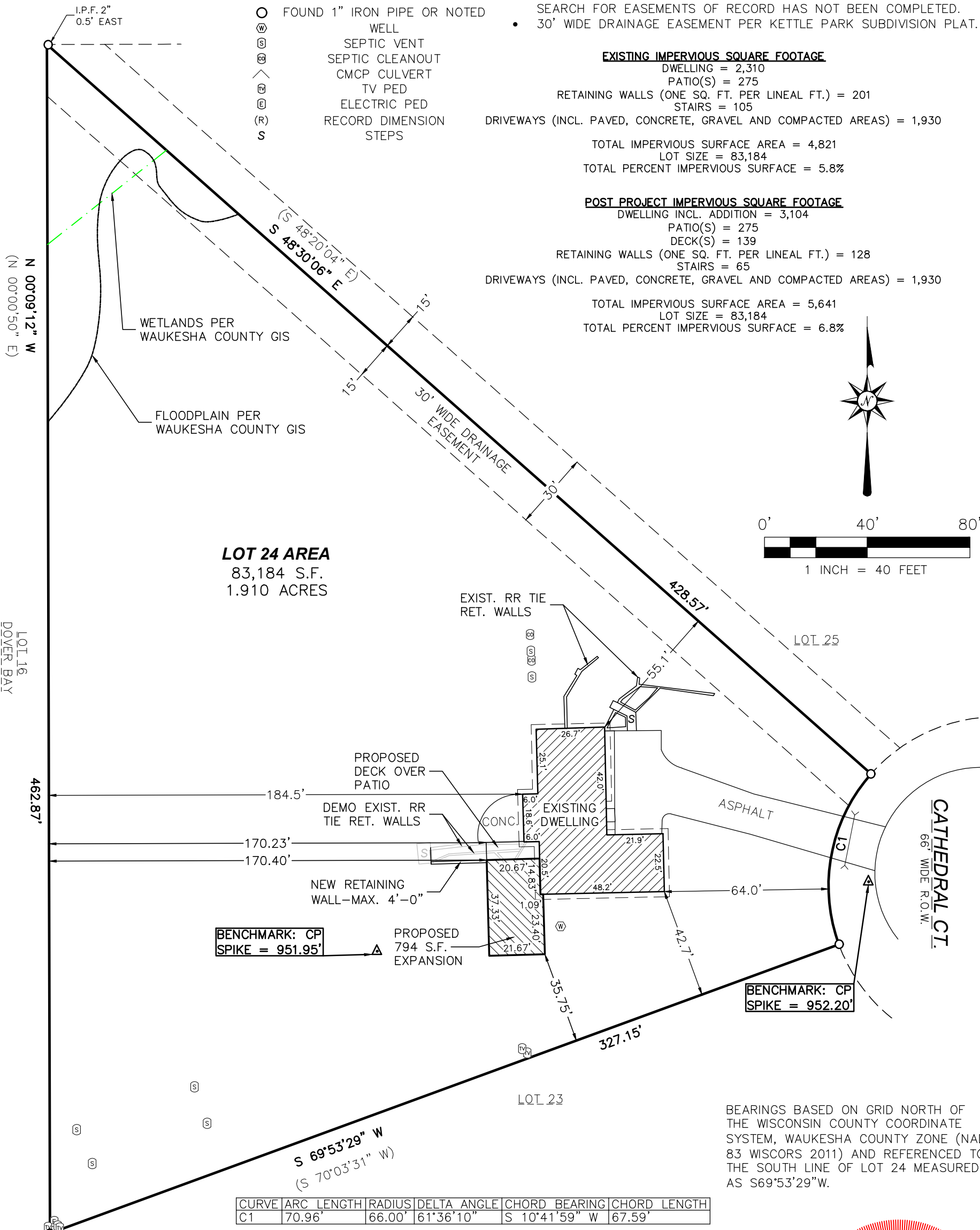
- A TITLE COMMITMENT HAS NOT BEEN PROVIDED. AN ADDITIONAL SEARCH FOR EASEMENTS OF RECORD HAS NOT BEEN COMPLETED.
- 30' WIDE DRAINAGE EASEMENT PER KETTLE PARK SUBDIVISION PLAT.

### EXISTING IMPERVIOUS SQUARE FOOTAGE

DWELLING = 2,310  
PATIO(S) = 275  
RETAINING WALLS (ONE SQ. FT. PER LINEAL FT.) = 201  
STAIRS = 105  
DRIVEWAYS (INCL. PAVED, CONCRETE, GRAVEL AND COMPACTED AREAS) = 1,930  
TOTAL IMPERVIOUS SURFACE AREA = 4,821  
LOT SIZE = 83,184  
TOTAL PERCENT IMPERVIOUS SURFACE = 5.8%

### POST PROJECT IMPERVIOUS SQUARE FOOTAGE

DWELLING INCL. ADDITION = 3,104  
PATIO(S) = 275  
DECK(S) = 139  
RETAINING WALLS (ONE SQ. FT. PER LINEAL FT.) = 128  
STAIRS = 65  
DRIVEWAYS (INCL. PAVED, CONCRETE, GRAVEL AND COMPACTED AREAS) = 1,930  
TOTAL IMPERVIOUS SURFACE AREA = 5,641  
LOT SIZE = 83,184  
TOTAL PERCENT IMPERVIOUS SURFACE = 6.8%



### SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

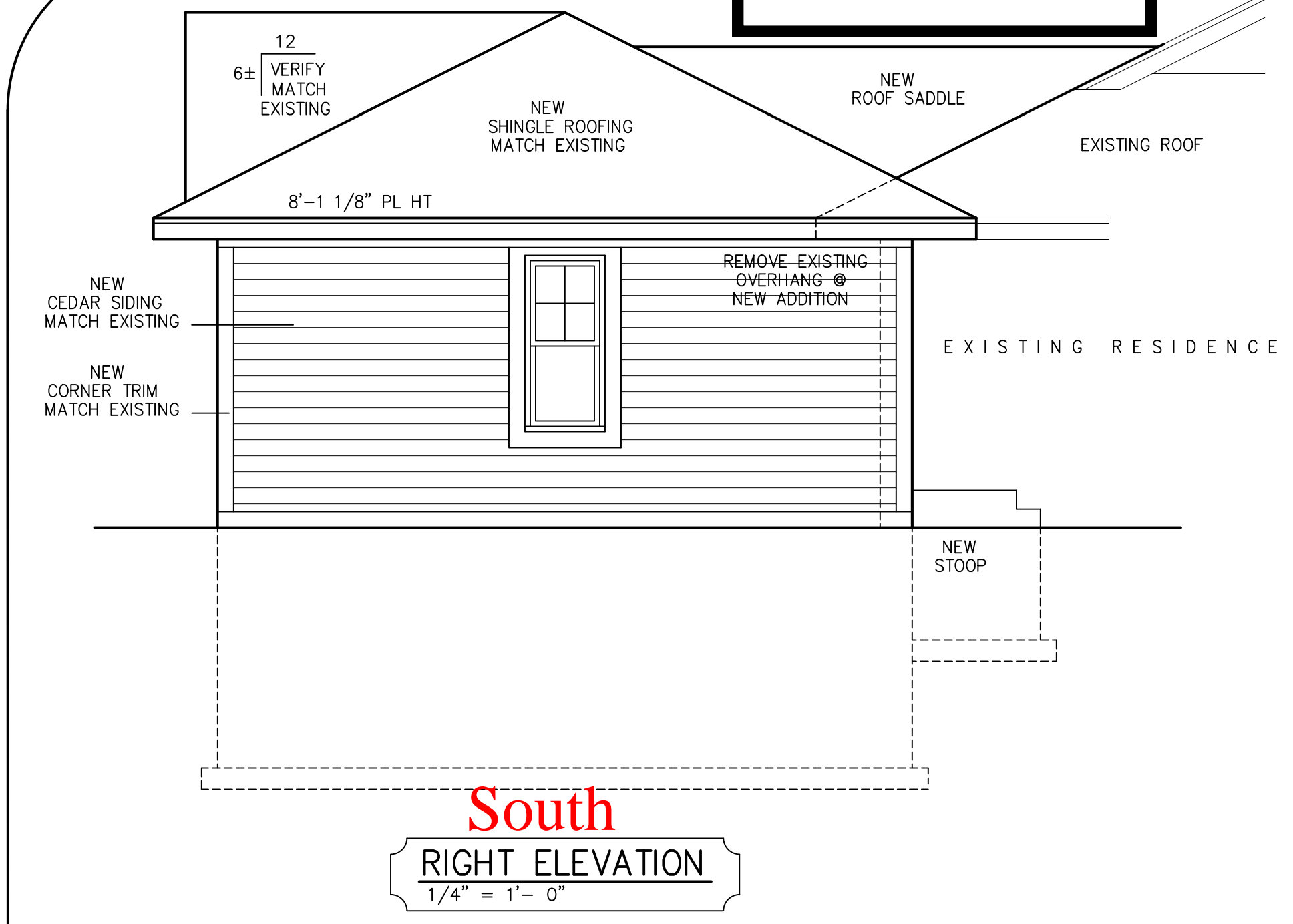
SIGNED: MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR S-2771



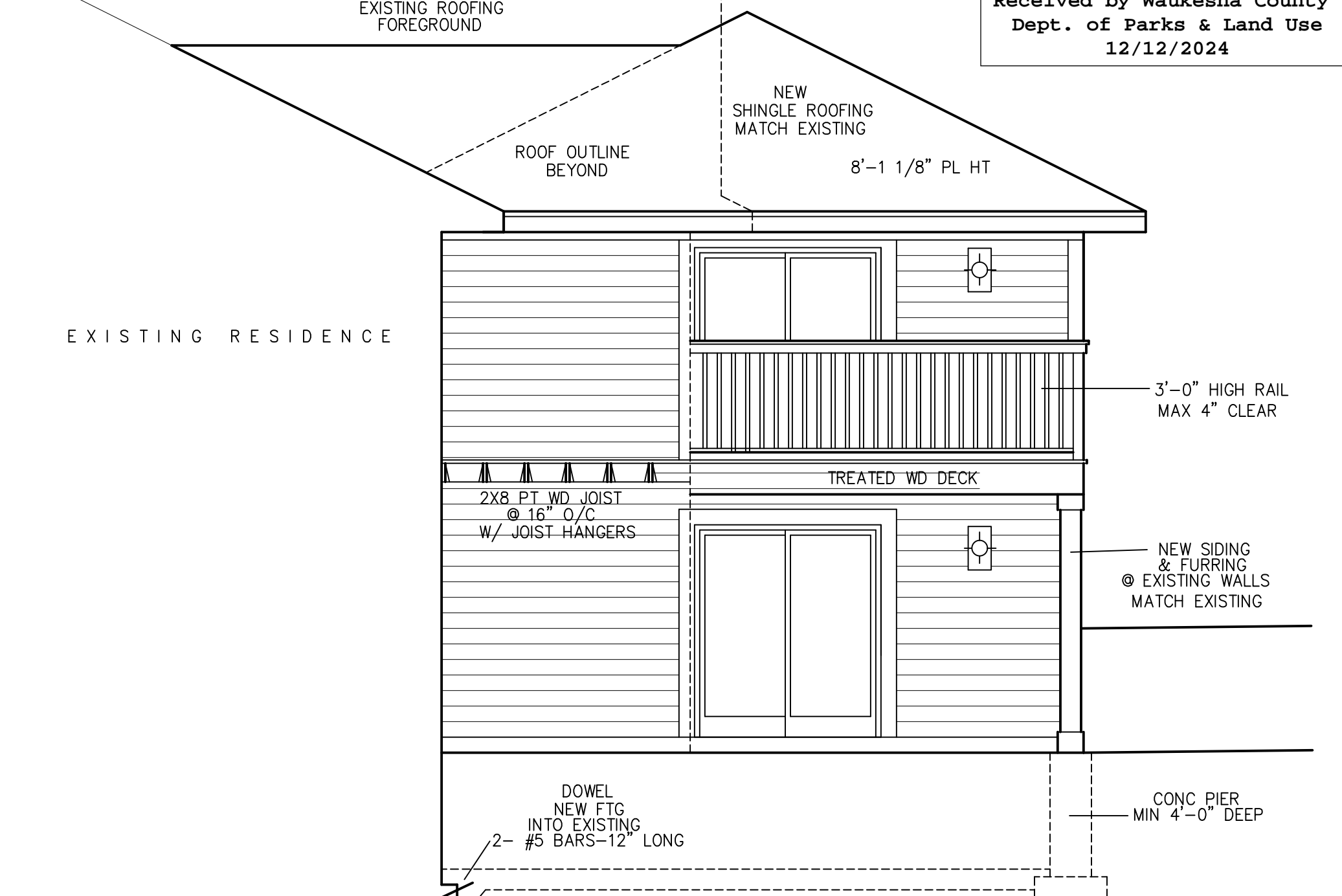
SHEET 1 OF 1	DATE 11/14/2024	CLIENT PRECISE CONSTRUCTION	LOCATION N10W29211 CATHEDRAL CT. WAUKESHA, WISCONSIN TAX KEY:DELTO821024	REV. ADDED IMPERV CALCS (12/11/2024) JBK	<p>LAND SURVEYING • LAND PLANNING 111 W. 2ND STREET OCCONOMOWOC, WI 53066 WWW.LANDTECHWI.COM (262) 367-7599</p>
	JOB NO. 24224	PROJECT CONDE		REV.	
	DRAWING 24224_SURVEY.DWG	LAYOUT PERMIT SURVEY		REV.	
		DRAWN BY JBK	CHECKED BY MTO	REV.	

# EXHIBIT B

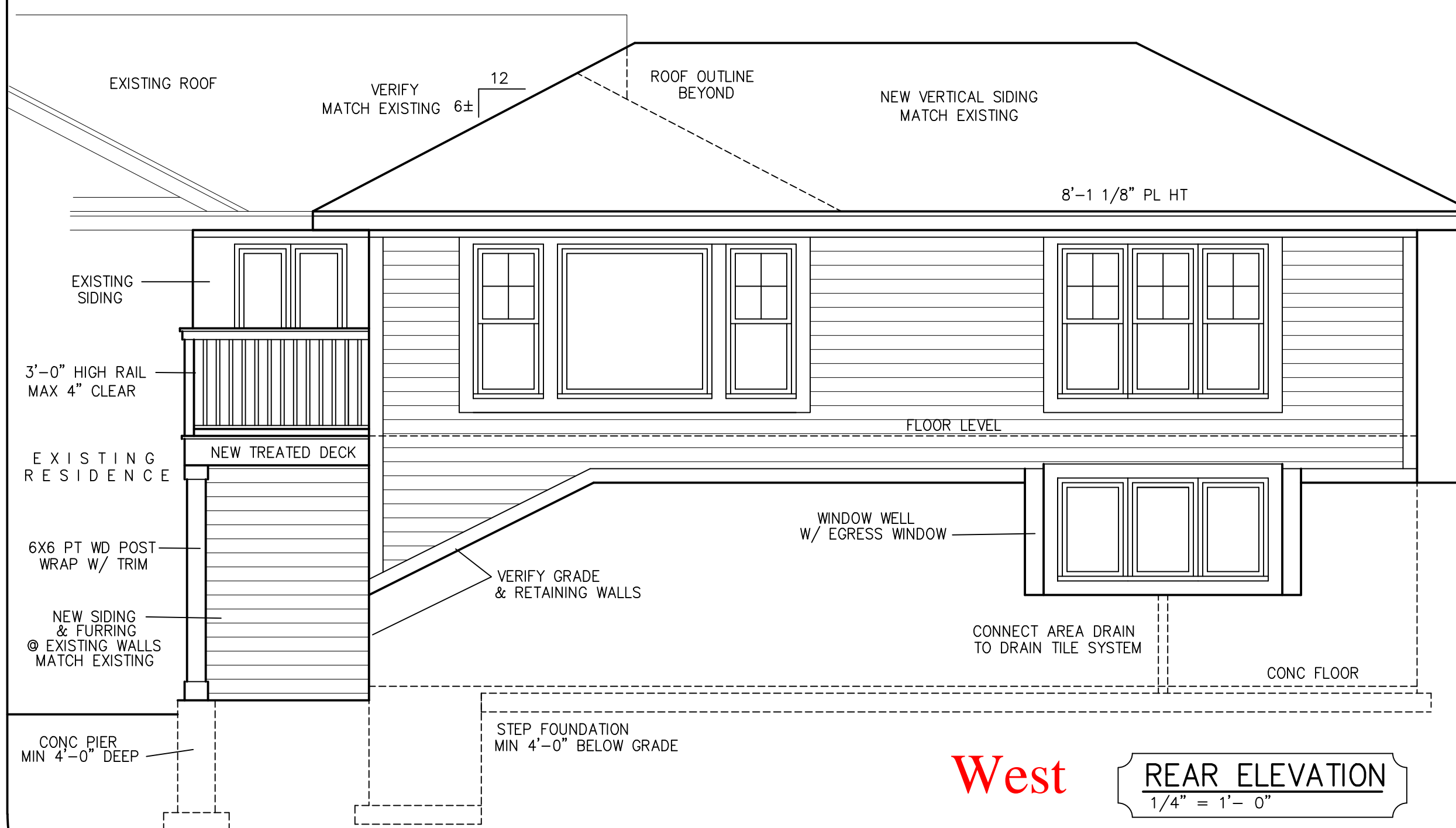
Received by Waukesha County  
Dept. of Parks & Land Use  
12/12/2024



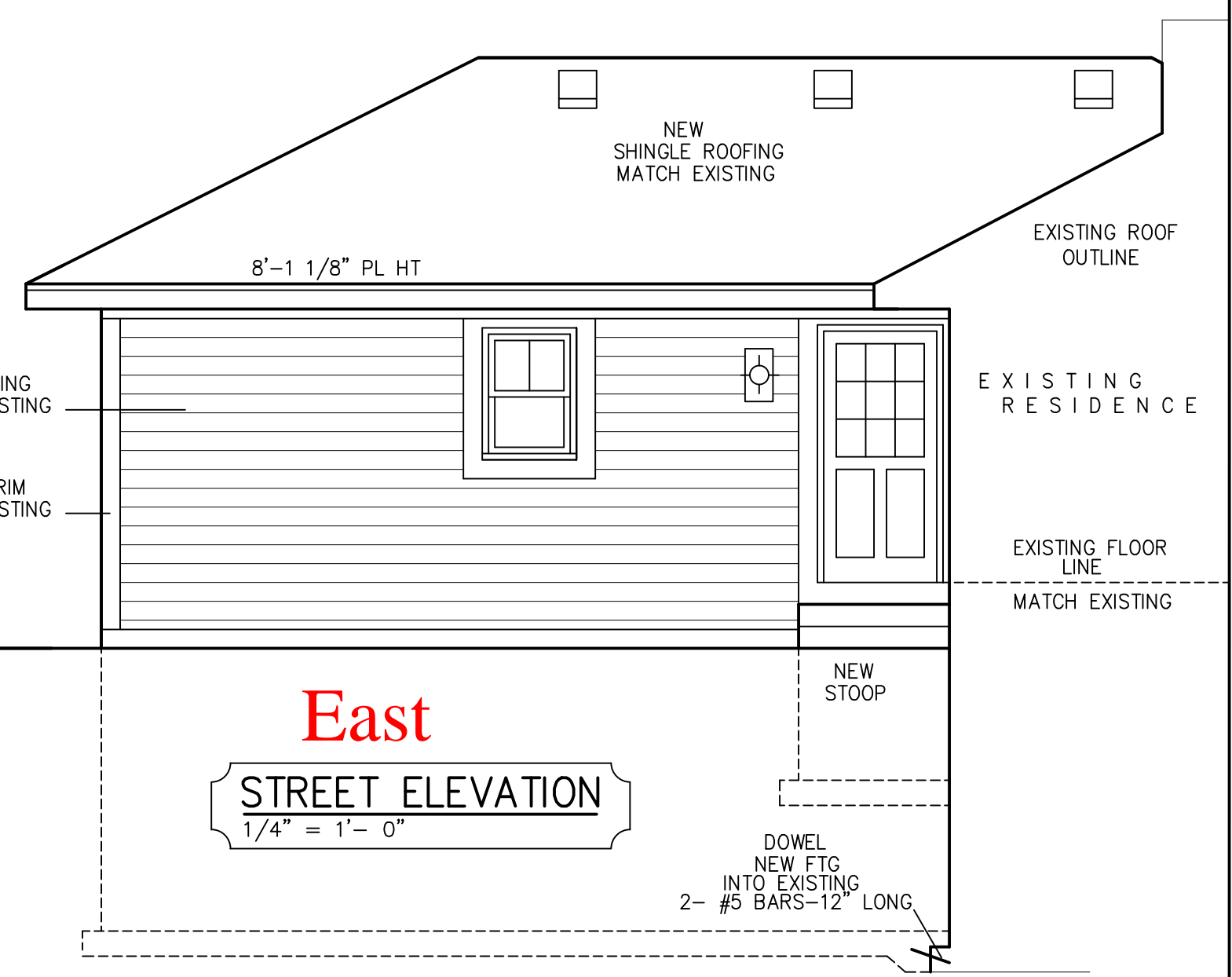
**South**  
**RIGHT ELEVATION**  
1/4" = 1'-0"



**LEFT ELEVATION** **North**  
1/4" = 1'-0"



**West**  
**REAR ELEVATION**  
1/4" = 1'-0"



**East**  
**STREET ELEVATION**  
1/4" = 1'-0"

**NOTE:**  
BUILDER TO VERIFY  
ALL DIMENSIONS &  
ALL EXISTING CONDITIONS

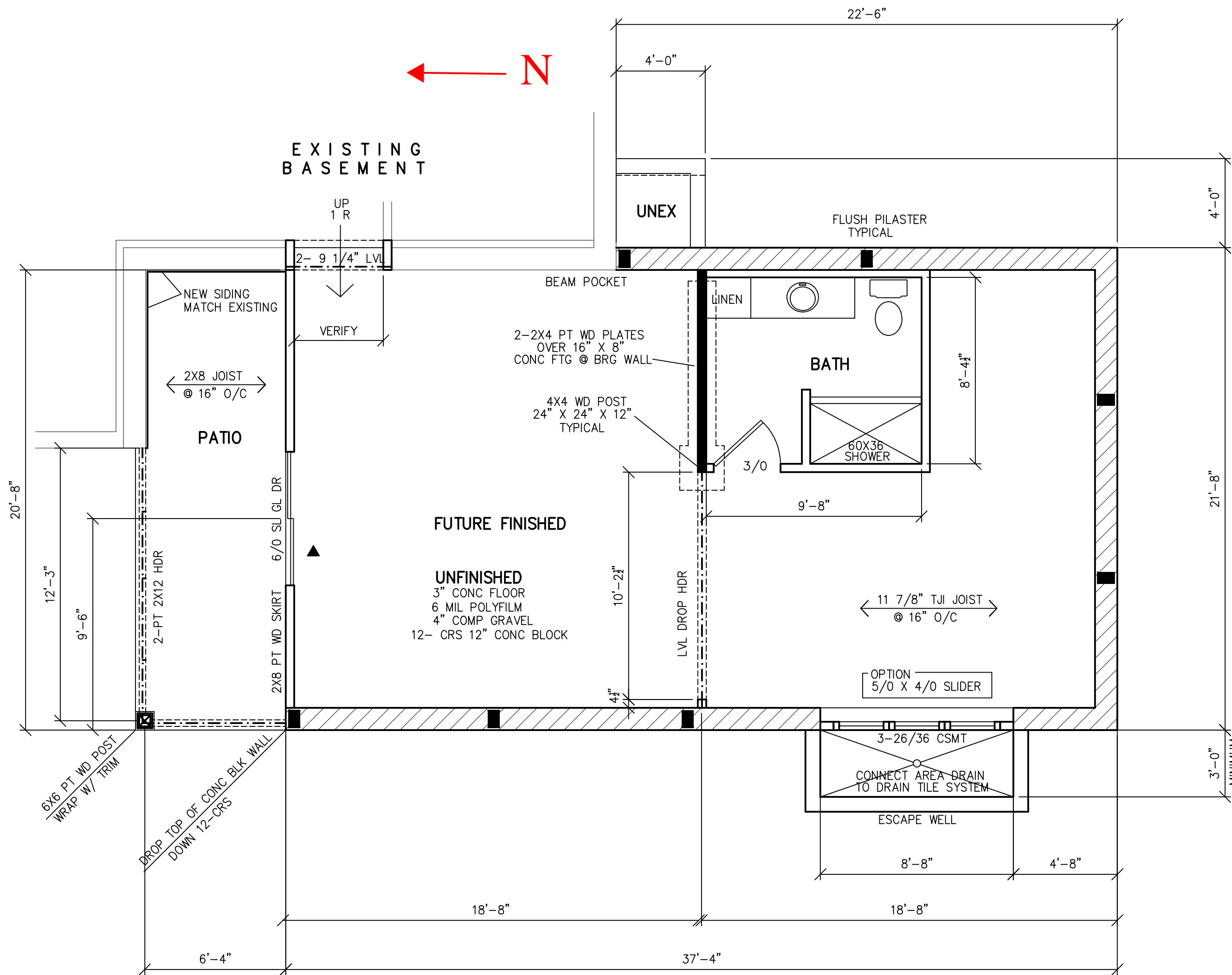
DATE: 14 NOV, 2024	BUILDER	<b>PRECISE CONSTRUCTION, LLC</b> MATHIEW WIDMANN - OWNER PHONE: 414-507-0886 EMAIL - PRECISELLC@HOTMAIL.COM
	ADDITION	<b>CONDE RESIDENCE</b> N10 W29211 CATHEDRAL CT. WAUKESHA, WISCONSIN

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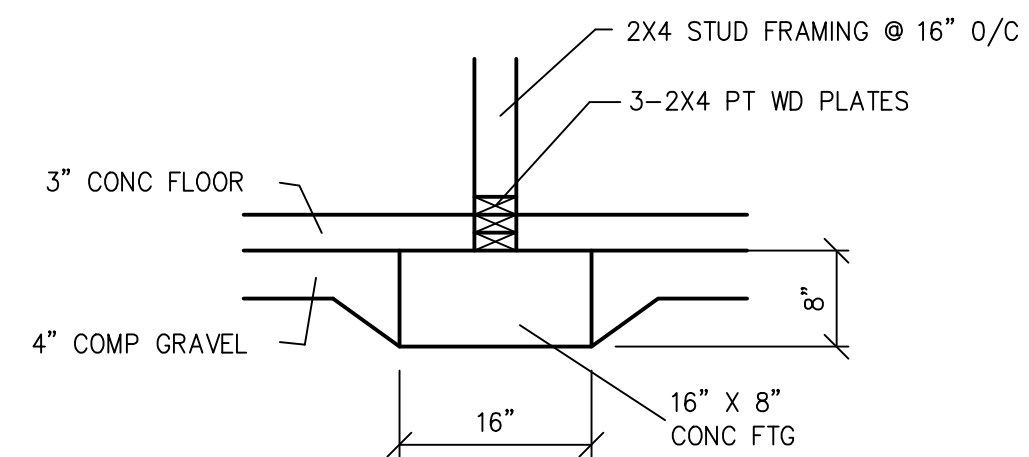
FEDERAL COPYRIGHT PROTECTION EXTENDS TO ORIGINAL AND MODIFIED DERIVATIVE PLANS. IS APPLICABLE TO INTENTIONAL AND UNINTENTIONAL INFRINGEMENTS, AND PROVIDES FOR SPECIFIC STATUTORY DAMAGES, BOTH CIVIL AND CRIMINAL

THESE PLANS ARE THE PROPERTY OF PRECISE CONSTRUCTION LLC AND MAY NOT BE REPRODUCED OR USED WITHOUT THE EXPRESSED PERMISSION OF PRECISE CONSTRUCTION LLC

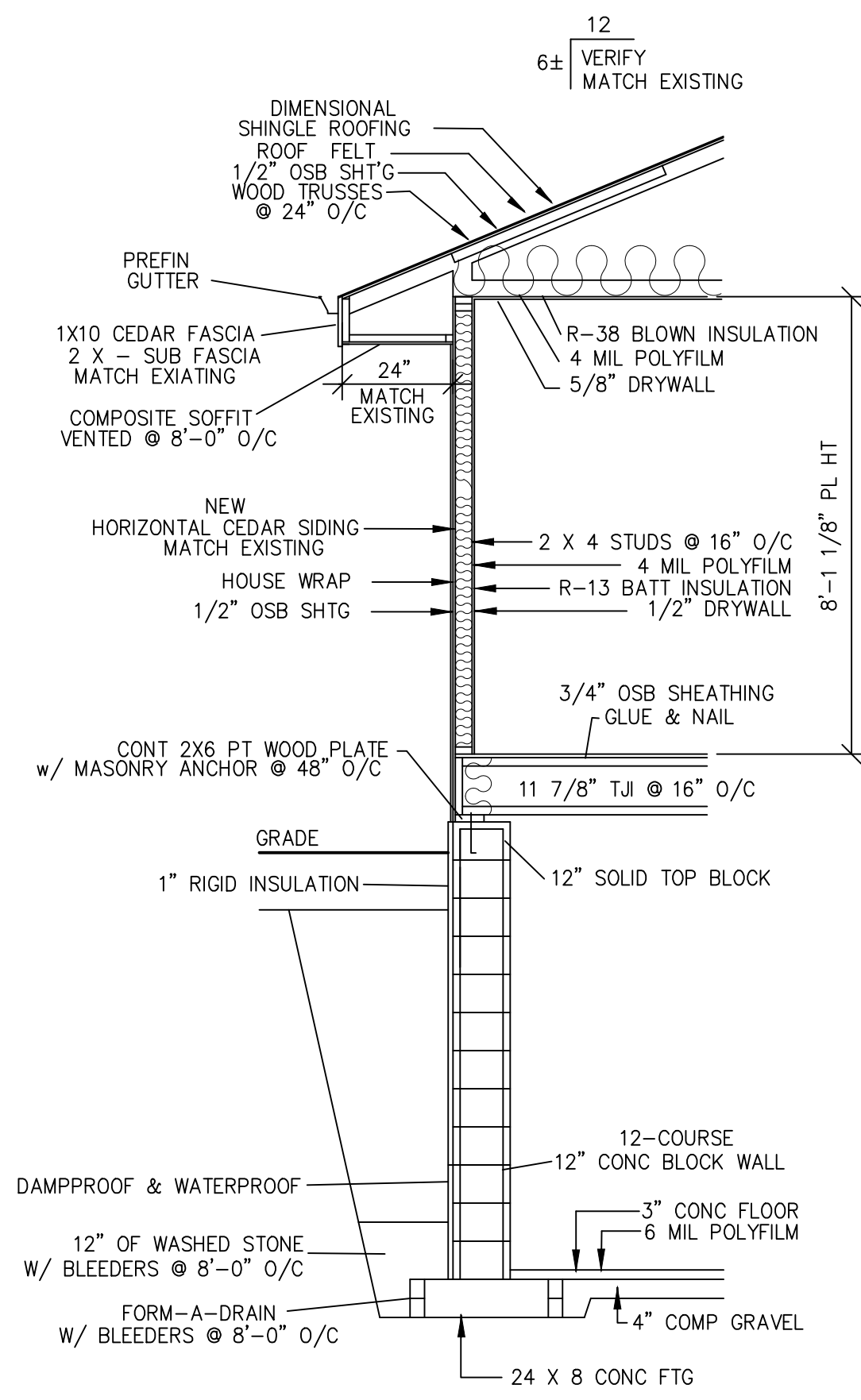
Received by Waukesha County  
 Dept. of Parks & Land Use  
 12/12/2024



**BASEMENT PLAN**  
 1/4" = 1'-0"



**FOOTING DETAIL**  
 3/4" = 1'-0" @ BEARING WALL



**SECTION**  
 3/8" = 1'-0"

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 DERIVATIVE PLANS. IS APPLICABLE TO INTENTIONAL AND UNINTENTIONAL  
 INFRINGEMENTS, AND PROVIDES FOR SPECIFIC STATUTORY DAMAGES,  
 BOTH CIVIL AND CRIMINAL

**NOTE:**  
 BUILDER TO VERIFY  
 ALL DIMENSIONS &  
 ALL EXISTING CONDITIONS

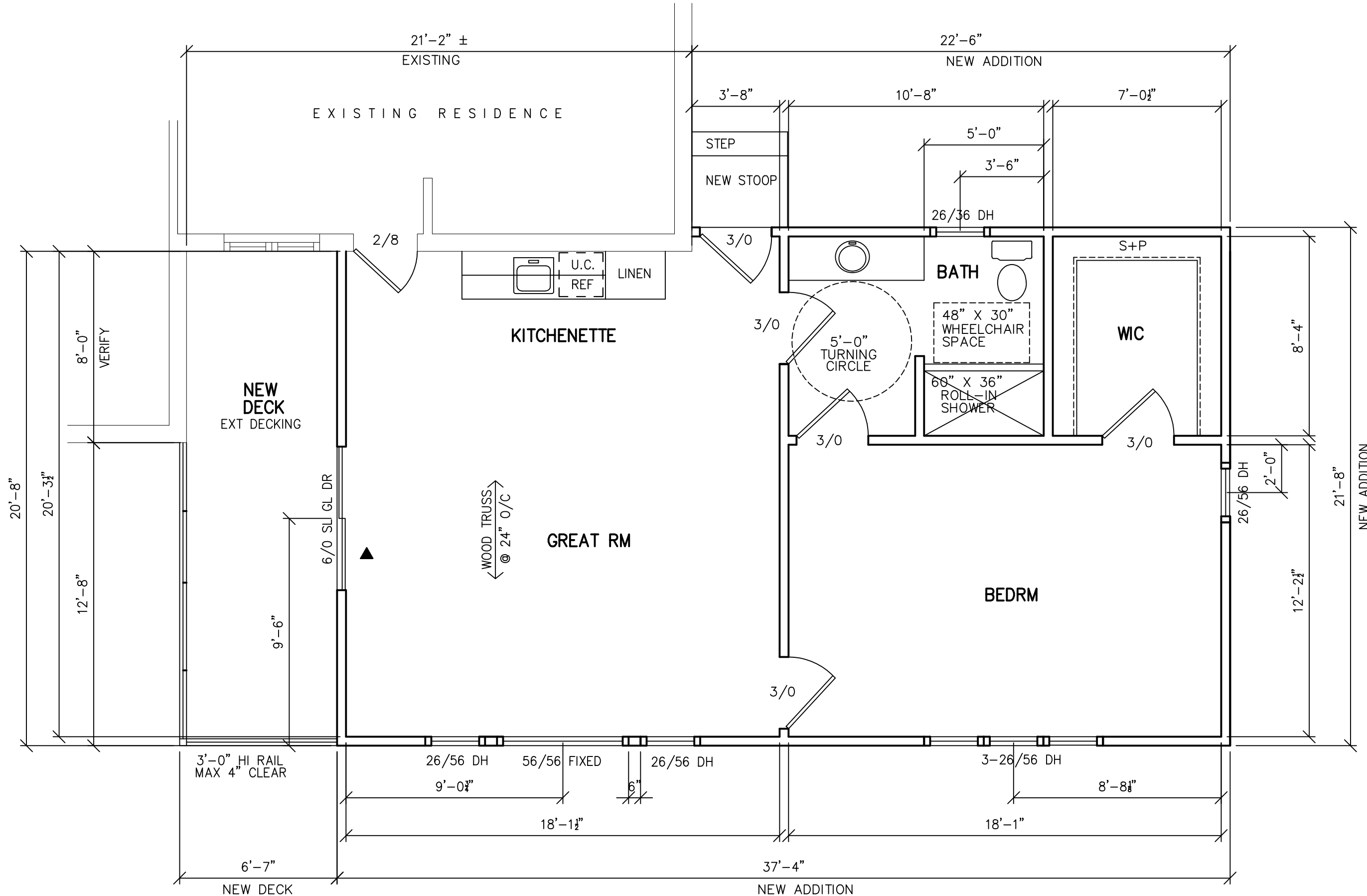
DATE: 14 NOV, 2024

**PRECISE CONSTRUCTION, LLC**  
 BUILDER  
 MATHEW WIDMANN - OWNER  
 PHONE: 414-507-0886  
 EMAIL - PRECISELLC@HOTMAIL.COM

**CONDE RESIDENCE**  
 ADDITION  
 N10 W29211 CATHEDRAL CT.  
 WAUKESHA, WISCONSIN

SHEET 2

Received by Waukesha County  
 Dept. of Parks & Land Use  
 12/12/2024



**FLOOR PLAN**  
 1/4" = 1'- 0" 794 SF

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 THESE PLANS ARE THE PROPERTY OF PRECISE CONSTRUCTION LLC AND MAY NOT BE REPRODUCED OR USED WITHOUT THE EXPRESSED PERMISSION OF PRECISE CONSTRUCTION LLC  
 FEDERAL COPYRIGHT PROTECTION EXTENDS TO ORIGINAL AND MODIFIED DERIVATIVE PLANS, IS APPLICABLE TO INTENTIONAL AND UNINTENTIONAL INFRINGEMENTS, AND PROVIDES FOR SPECIFIC STATUTORY DAMAGES, BOTH CIVIL AND CRIMINAL

DATE: 14 NOV, 2024	<b>BUILDER</b>	<b>PRECISE CONSTRUCTION, LLC</b> MATHEW WIDMANN - OWNER PHONE: 414-507-0886 EMAIL - PRECISELLC@HOTMAIL.COM
	<b>ADDITION</b>	<b>CONDE RESIDENCE</b> N10 W29211 CATHEDRAL CT. WAUKESHA, WISCONSIN

**NOTE:**  
 BUILDER TO VERIFY  
 ALL DIMENSIONS &  
 ALL EXISTING CONDITIONS