

To: Mayor Ament and Members of the Common Council

From: DCD Staff and the City Attorney's office

Re: New Journey Development

Date: December 29, 2025

This memo is provided in response to concerns expressed by residents concerning the New Journey development which is proposed for construction on a property at the intersection of I 43 and Moorland Rd. The proposed use would be operated under the auspices of the Milwaukee Rescue Mission, which identifies itself as a religious organization and would provide for a chapel as well as in person treatment of persons with alcohol or drug addictions. The patients would be voluntary participants who are governed by the requirements of this state licensed facility.

We understand that residents may be surprised and concerned when they first learn about a project like this. Under Wisconsin law and the City's zoning code, the city regulates land use. In its application of state laws and local zoning codes, the city cannot make assumptions about the people who may utilize this facility or speculate about their future behavior. According to the applicant the participants must be committed to recovery and no longer be using drugs or alcohol. Those who would participate in ongoing substance abuse or the sale of such products would not be able to continue to participate in their programming.

This proposed facility is located in the M-1 zoning district. In the use table for the M-1 district found in section 275-35 of the city code, religious institutions including community scale churches are considered to be permitted uses in that district. The definition of a community scale church is found in section 275-70 and notes the following:

CHURCH (COMMUNITY-SCALE) — A place of gathering for religious observance, ministry, and fellowship and related social events and may include classrooms for periodic religious instruction, and administrative offices. These facilities are identified as those with a total building footprint greater than 15,000 square feet or which have accessory uses, which include, but are not limited to, uses such as banquet facilities, day school, day-care facilities, retail stores, restaurant, workout centers/club, gymnasium, health care facilities, assisted-living facilities, library, and cafe. Community-scale churches shall be a conditional use in all agricultural, commercial, office and institutional districts, a principal use in the industrial district and shall be prohibited in all residential districts.

Because this facility is considered to be a religious institution under Sec 275-70 which allows for accessory uses such as health care facilities it is a permitted use in the M-1 zoning district. As a result, a public hearing was not required, and the city does not have discretion to deny the use based on fear or speculative perceived impacts. Zoning decisions must be based on adopted

standards and factual records, and the city is legally required to apply those standards consistently. It is also required to adhere to federal laws such as the Americans with Disabilities Act (ADA), Fair Housing Act (FHA) and Religious Land Use and Institutionalized Person Act (RLUIPA), all of which prohibit a municipality from making zoning and land use decisions on discriminatory bases. Alcohol or other drug abuse are considered to be protected classes under the Americans with Disabilities Act (ADA) and Fair Housing Act and so we cannot make zoning decisions to preclude the presence of such persons or treatment facilities intended to minister to them, simply because of their disability so long as they are engaged in recovery as is being proposed here. We also are precluded from unfairly burdening the exercise of religion including programs such as this operated by churches under the religious land use and institutionalized person act RLUIPA.

In this case, the program is structured, is voluntary, is supervised 24/7, and has demonstrated minimal public safety impacts at its existing location. The city will continue to ensure compliance with all approved plans and regulatory requirements.

The New Journey facility was approved as a permitted use following staff review, City Attorney review, and Plan Commission approval. Zoning law regulates land use – not speculation about people or their behavior. The only remaining step is a technical land-division review, which does not revisit the approved use. The Common Council is required to approve this land division unless there is a technical deficiency under the statute that would justify such action.

We hope that this information has been helpful. It is important that the city adheres to its codes and the requirements placed on it under federal law. We have concluded that the approval of this application will satisfy these objectives.

Web Links:

- 1) Plan Commission (PC) Agenda and PC Packet
[Plan Commission Meeting • CITY OF NEW BERLIN MEETING & AGENDA PORTAL • CivicClerk](#)
- 2) Project Webpage and Applicant Materials
[Milwaukee Rescue Mission - New Journey | New Berlin, WI - Official Website](#)