

**CITY OF MUSKEGO
PLAN COMMISSION MINUTES**

APPROVED

6:00 PM Tuesday April 6, 2010

Muskego City Hall, Muskego Room, W182 S8200 Racine Avenue

Mayor Johnson called the meeting to order at 7:00 PM.

Those present recited the Pledge of Allegiance.

PRESENT

Mayor Johnson, Ald. Fiedler, Commissioners Burke, Stinebaugh, Jacques, Noah and Director Muenkel, and Recording Secretary McMullen.

ABSENT

Commissioner Hulbert

Recording Secretary McMullen noted that the meeting was properly noticed on April 1, 2010 in accordance with the Open Meeting Law.

APPROVAL OF THE MINUTES OF THE MARCH 16, 2010 MEETING Commissioner Burke made a motion to approve the minutes of the March 16, 2010 meeting. Commissioner Jacques seconded. Upon a voice vote, motion to approve the minutes was ADOPTED unanimously.

OLD BUSINESS FOR CONSIDERATION

RESOLUTION #P.C. 011-2010 - Renewal of a Conditional Use Grant for the purpose of continued mining and processing of sand and gravel, and the extension of use of an asphalt plant for Payne & Dolan in the NE ¼ and SE ¼ of Section 13 (Crowbar Road). Director Muenkel explained he met with Clint Weninger, from Payne and Dolan, to discuss the bond amount. The current amount of the bond is \$150,000. The bond was originally established to grade the area around the lake once Payne and Dolan is done mining it. The original amount of the bond was \$20,000 back in 1963. Every 5-10 years the bond amount was raised until 1990 to the current amount of \$150,000. City and Payne and Dolan staff met and agreed to an amount of \$287,000. The amount is based on the following: 1 dozer and 2 scrapers would take about 10 weeks (50 hours/week) to grade the perimeter of the lake. The cost would be about \$175/hour equaling approximately \$262,000. An additional \$25,000 was added for seeding/restoration totaling the \$287,000. The Resolution includes wording that the reclamation bond should be reviewed by staff as reclamation plans change or every five years (next review being 2015). Ald. Fiedler made a motion to AMEND Resolution P.C. 011-2010 **as presented, including:**

BE IT FURHTER RESOLVED, That the reclamation bond be increased to \$287,000 and paid by Payne and Dolan by May 2010.

BE IT FURHTER RESOLVED, That the reclamation bond should be reviewed by staff as reclamation plan changes take place or every five years (next in 2015 annual review).

Commissioner Burke seconded. Upon a roll call vote, Resolution #P.C. 011-2010 is AMENDED unanimously. Upon a roll call vote, AMENDED Resolution #P.C. 011-2010 is ADOPTED unanimously.

RESOLUTION #P.C. 023-2010 – Approval of an Annual Review for Frey Auto located in the NE ¼ & SE ¼ of Section 34 (S107 W16311 Loomis Road / Tax Key Nos. 2296.996 & 2293.996.002). Director Muenkel explained this item was deferred at the last meeting to allow the property owner to come into compliance. Staff met with the property owner on March 29, 2010 and the property was in full compliance. Staff is recommending approval. Mayor Johnson

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expressed concern with having to revisit this issue every year. The City would like to see this property in compliance on a regular basis. Mr. Frey was present and explained he is trying to do more business to start up across the street. Upon a roll call vote, Resolution #P.C. 023-2010 is ADOPTED unanimously.

OLD BUSINESS SCHEDULED FOR DEFERRAL

None.

CONSENT BUSINESS

Mayor Johnson stated that Resolution #P.C. 040-2010 was withdrawn by the petitioner.

Commissioner Stinebaugh made a motion to ADOPT Resolutions #P.C. 034-2010 and Resolution #P.C. 039-2010 engross. Commissioner Jacques seconded. Upon a roll call vote, the motion passed unanimously.

RESOLUTION #P.C. 034-2010 – Approval of an amended Building, Site and Operation Plan for Waukesha County Parks and Land Use for restroom facilities in Muskego County Park located in the NW ¼ of Section 17 (Tax Key Nos. 2226.998, 2226.999, & 2225.999.016 / S83 W20370 Janesville Road – Muskego County Park). Resolution #P.C. 034-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 039-2010 – Recommendation to Common Council to amend Chapter 41 Comprehensive Plan Ordinance Section 41.06 and to amend the Park and Conservation Plan for the City of Muskego, 2007-2011. Resolution #P.C. 039-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 040-2010 – Approval of a 8'x12' greenhouse for the Jack Skok property located in the SE ¼ of Section 5 (Tax Key No. 2180.996 / W193 S6886 Hillendale Drive). Resolution #P.C. 040-2010 was WITHDRAWN by the petitioner.

NEW BUSINESS FOR CONSIDERATION

RESOLUTION #P.C. 033-2010 – Approval of an Amended Building, Site, and Operation Plan for the Muskego Gateway Entertainment Complex located in the SE ¼ of Section 5 (Tax Key No. 2180.994.001 / S67 W19491 Tans Drive). Commissioner Jacques made a motion to ADOPT Resolution #P.C. 033-2010. Commissioner Stinebaugh seconded. Director Muenkel explained in 2008 the owner of the Muskego Gateway Complex received approvals to install a patio or deck off the south side of the building for outdoor service. The petitioner never went forward with this plan and is now requesting an amended approval for the outdoor service area to be located on the west side of the building instead. There would not be a fence installed at this time, but as revenue is generated the owner would like to install a fence and landscaping. The petitioner would also have to go back to the Finance Committee in the next couple of weeks for amendments to the liquor license and for a dance hall license to allow outdoor music.

Ald. Schneider expressed concern with the patio being right along Racine Avenue and requested landscaping and fencing be required before approval is given. Ald. Schneider also stated he is concerned with the amount of future noise from the patio area. Commissioners Noah and Burke agreed there should be a plan of how the area will be set up and what it will look like. Ald. Fiedler noted that the petitioner stated as revenue is generated the landscaping and fencing will be added at some point. Ald. Fiedler suggested approving with a plan and timetable in place of when the fencing and landscaping will be added. Mayor Johnson stated he has concerns with this area being the gateway to the City and also has concerns with control with this being an open area. Commissioner Jacques made a motion to DEFER Resolution #P.C. 033-2010 until a

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more detailed plan is submitted. Ald. Fiedler seconded. Upon a roll call vote, Resolution #P.C. 033-2010 is DEFERRED unanimously.

RESOLUTION #P.C. 035-2010 - Recommendation to Common Council to rezone a property from ERS-3 (Existing Suburban Residence District) to DR-1 (Downtown Revival District) and also be granted a 2020 Comprehensive Plan Amendment from Medium Density Residential to Commercial for the Plumley property located in the SW ¼ of Section 9 (Tax Key No. 2195.991 / S76 W18180 Janesville Road). Commissioner Stinebaugh made a motion to ADOPT Resolution #P.C. 035-2010. Commissioner Jacques seconded. Director Muenkel explained the petitioner is requesting a rezoning from ERS-3 (Existing Suburban Residence District) to DR-1 (Downtown Revival District) for their property along Janesville Road. The DR-1 district was put in place for properties affected by the Janesville Road project that may have less space to build on. The DR-1 district allows parcels of 7,200 square feet in area and at least 60 feet in width, which this parcel conforms to. The DR-1 zoning would allow the existing use as a conforming use. At this time the current business use on the ERS-3 property is a legal non-conforming use. Because of the Janesville Road project and the significant restrictions on the property relating to use, the property owner wants to be a conforming use and is requesting this change. The 2020 Comprehensive Plan shows this area for medium density residential uses and the proposal is requesting commercial uses. All other business in this area were accounted for when the 2020 Plan was adopted last year. A public hearing was held on March 23, 2010 and only the petitioner's son in law spoke, who explained the request. The Mayor did receive one phone call from a neighbor who was concerned with future uses. Director Muenkel explained the DR-1 zoning allows commercial and office uses. Plan Commission approval would be needed if there were any site, building, or signage changes.

Commissioner Noah questioned what the significant restrictions on the property would be because the property is legal non-conforming, and if the zoning were changed, what would be the less significant restrictions. Director Muenkel explained that if the property is non-conforming and was to burn down, they could not re-build with the same use without the rezoning. Upon a roll call vote, Resolution 035-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 036-2010 – Approval of an amended landscape plan for Muskego Tire and Auto (Firestone) located in the NW ¼ of Section 10 (Janesville Road). Ald. Fiedler made a motion to ADOPT Resolution #P.C. 036-2010. Commissioner Stinebaugh seconded. Director Muenkel explained Muskego Tire and Auto received Plan Commission approval last summer and is open for business. The petitioner is requesting an amendment to the approved landscape plan to add a restored windmill in the northeast corner of the property. Plan Commission approval is required for items over 6 inches in height per the zoning ordinance. The windmill was originally located on the Basse duplex property on the north side of Janesville Road just east of Bay Lane Drive. The petitioner is having the windmill totally restored including powder coating to match the color scheme of the new Firestone building. The windmill will be outlined with lilac trees and other shrubs. Building permits will be required. The windmill is to be anchored to concrete posts and fully secured, and the first 16 feet of ladder will be removed for safety purposes. The windmill is approximately 48 feet tall and will be fully operational for decorative purposes and maintained in perpetuity. There is special oil lubrication to keep the windmill operating soundly. The Resolution states that the windmill must be maintained in the powder coated condition at all times and lubricated so as to not create abnormal noises. Staff recommends approval based on the windmill matching the color of the main structure and the City encourages buildings representing the communities agricultural past.

Keith Hammitt, owner of Muskego Tire and Auto, explained he purchased the windmill from the Basses' a year and a half ago. Mr. Hammitt stated he is planning on displaying a plaque at the base of the windmill honoring the Basse Farm from the early 1900s.

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Commissioner Noah stated he was concerned with the potential for noise from the windmill and questioned if it is possible to shut it down if there are complaints from the neighbors. Mr. Hammitt stated there are bolts and pins that can be used to stop the windmill. Mr. Hammitt further stated he did go to the neighbors, but there was no one home at the houses directly behind his property. The two neighbors to the east and the eight homes to the northwest thought it was a great idea and had no problems with it.

Ald. Fiedler made a motion to AMEND Resolution #P.C. 036-2010 to read: BE IT FURTHER RESOLVED, That the windmill must be maintained in the powder-coated condition at all times and lubricated so as to not create ~~abnormal~~ **excessive** noises. Commissioner Noah seconded. Upon a roll call vote, Resolution #P.C. 036-2010 was AMENDED unanimously.

Commissioner Jacques stated she was concerned with noise complaints and suggested adding an annual review for one year for noise complaints. Commissioner Jacques made a motion to TWICE AMEND Resolution #P.C. 036-2010 to read: **BE IT FURTHER RESOLVED, That an annual review will be required for noise concerns and will expire after one year if there are no issues.** Commissioner Burke seconded. Mayor Johnson explained he is confident that Mr. Hammitt will stop the windmill if there are complaints. Further, it is included in the Resolution that failure to comply will result in fines of \$100 per day. Upon a roll call vote, AMENDED Resolution 036-2010 was TWICE AMENDED 5-1, with Mayor Johnson voting no.

Upon a roll call vote, TWICE AMENDED Resolution #P.C. 036-2010 is ADOPTED unanimously.

RESOLUTION #P.C. 037-2010 – Approval of the selected firm for the design, fabrication, and installation of the Racine Avenue Gateway Sign. Commissioner Burke made a motion to ADOPT Resolution #P.C. 037-2010. Commissioner Stinebaugh seconded. Director Muenkel explained an RFP was sent out to sign companies in February for the design, fabrication and installation of the new gateway sign for the Racine Avenue Gateway. Twelve designs were evaluated by staff and nine of the designs have been forwarded to Planning Commission to make the final selection. Three of the designs didn't meet the RFP qualifications. Director Muenkel discussed the process for elimination and how the recommendation of Badger Sign #1 (Sign A) was selected. After discussion by the Commissioners, it was the consensus of the Plan Commission to show consistency and use the same sign in all the city gateways as currently exists in the Moorland Road Gateway. Plan Commission directed staff to re-bid the same sign as constructed on Moorland Road.

NEW BUSINESS PLACED ON FILE

RESOLUTION #P.C. 038-2010 – Recommendation to the Common Council for the Approval of a Lakefront Park Development Plan as per the recommendations of the 2020 Comprehensive Plan located in the SE ¼ and the SW ¼ of Section 9 (Janesville Road).

MISCELLANEOUS BUSINESS

Lakefront Development Plan – Director Muenkel explained at the next meeting a site plan will be coming forward for a recommendation to Council. The site plans will also be available to other committees and groups within the next month. Mayor Johnson noted that the focus of the Plan Commission should be the commercial aspect and the Park Board will concentrate on the park area.

ADJOURNMENT

Commissioner Jacques made a motion to adjourn at 6:55 PM. Commissioner Noah seconded. Upon a voice vote, motion carried. With no further business to come before the Commission, the meeting was adjourned.

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Respectfully submitted,

Kellie McMullen
Recording Secretary