

**CITY OF MUSKEGO
PLAN COMMISSION MINUTES**

approved

6:00 PM Tuesday May 4, 2010

Muskego High School, Old Cafeteria, W183 S8750 Racine Avenue

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

Those present recited the Pledge of Allegiance.

PRESENT

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

ABSENT

Commissioners Hulbert and Jacques

Recording Secretary McMullen noted that the meeting was properly noticed on April 27, 2010 in accordance with the Open Meeting Law.

APPROVAL OF THE MINUTES OF THE APRIL 6, 2010 MEETING Commissioner Stinebaugh made a motion to approve the minutes of the April 6, 2010 meeting. Commissioner Burke seconded. Upon a voice vote, motion to approve the minutes was ADOPTED unanimously.

OLD 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). Director Muenkel explained this item was deferred last month because of concerns raised relating to landscaping/fencing. New details have been submitted that include the addition of a 4-foot high steel contemporary fence, two speakers, steel or wood furniture and no bar. Mr. Diamantopoulos was present and stated that he will be installing a black steel decorative fence with landscaping around it. The fence will be from wall to wall with the only access through the building. Mr. Diamantopoulos added that there will be tables and chairs on the patio for people to eat outside. Commissioner Stinebaugh made a motion to AMEND Resolution #P.C. 033-2010 **as presented and to add: BE IT FURTHER RESOLVED, That landscaping will be installed at the same time as the patio and fence, and a plan must be approved by the Community Development Department.** Commissioner Burke seconded. Upon a roll call vote, Resolution #P.C. 033-2010 was AMENDED unanimously. Upon a roll call vote, Amended Resolution #P.C. 033-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 037-2010 – Approval of the selected firm for the design, fabrication, and installation of the Racine Avenue Gateway Sign. Director Muenkel explained at the last meeting Plan Commission deferred this issue to re-issue the RFP so the sign design and fabrication matched the Moorland Road Sign. Badger Lighting and Signs was the low bid for \$12,569.26. Staff had discussions with a representative of Badger Signs and found that the quoted price is for the exact design, fabrication, and construction to match the Moorland Road sign. Staff recommends approval. Ald. Borgman made a motion to AMEND Resolution #P.C. 037-2010 **as presented.** Commissioner Noah seconded. Upon a roll call vote, Resolution #P.C. 037-2010 was AMENDED unanimously. Upon a roll call vote, Amended Resolution #P.C. 037-2010 was ADOPTED unanimously.

OLD BUSINESS SCHEDULED FOR DEFERRAL

None.

CONSENT BUSINESS

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Ald. Borgman made a motion to ADOPT Resolutions #P.C. 038-2010 and Resolution #P.C. 044-2010 engross. Commissioner Noah seconded. Upon a roll call vote, the motion passed unanimously.

RESOLUTION #P.C. 038-2010 – Approval of a Two Lot Certified Survey Map for the Starla property located in the SE 1/4 of Section 17 (Tax Key No. 2228.999.007 / W188 S8393 Mercury Drive). Resolution #P.C. 038-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 044-2010 – Approval of a Four Lot Certified Survey Map for the Borst property located in the NW 1/4 of Section 8 (Tax Key No. 2190.996 / Field Drive). Resolution #P.C. 044-2010 was ADOPTED unanimously.

NEW BUSINESS FOR CONSIDERATION

RESOLUTION #P.C. 041-2010 - Recommendation to Common Council to rezone the Drefahl property from RS-3 (Suburban Residence District) to DR-1 (Downtown Revival District) located in the SW ¼ of Section 9 (Tax Key No. 2195.058 / S77 W18512 Janesville Road). Commissioner Stinebaugh made a motion to ADOPT Resolution #041-2010. Commissioner Burke seconded. Director Muenkel explained the petitioner is requesting a rezoning from RS-3 Suburban Residence District to DR-1 Downtown Revival District to allow for the continued use of an existing business. The DR-1 District allows parcels of 7,200 square feet in area and 60 feet in width, which the parcel conforms to. The current use on the RS-3 property of single family residential is a legal use. The petitioners also operate a limited office use business out of the property. The DR-1 district conforms to the commercial business uses found in the 2020 Comp Plan and a rezoning will allow the expanded use of the office business. The DR-1 district will also allow other future commercial uses, with Plan Commission approvals. A public hearing is scheduled for May 11, 2010. Staff recommends approval. Upon a roll call vote, Resolution #P.C. 041-2010 is ADOPTED unanimously.

RESOLUTION #P.C. 042-2010 – Approval of a Building, Site, and Operation Plan for the sale of fireworks for Tim Ristow at the EJ Salentine property located in the NE ¼ of Section 2 (Tax Key No. 2165.973 / S66 W14444 Janesville Road). Commissioner Stinebaugh made a motion to ADOPT Resolution #P.C. 042-2010. Commissioner Noah seconded. Director Muenkel explained firework sales are proposed from June 12th through July 9th from 8am to 9pm. The landlord has submitted a letter indicating permission for this operation. A transient merchant license is required from the Clerk's Office. Temporary signage will be installed on the tent in the form of three 3' x 10' banners, and a storage container is proposed on the site. Upon a roll call vote, Resolution #P.C. 042-2010 is ADOPTED unanimously.

RESOLUTION #P.C. 043-2010 – Approval of an Amended Building, Site, and Operation Plan for Mug-Z Pub and Grille located in the SE ¼ of Section 5 (Tax Key No. 2180.971 / W194 S7060 Hillendale Drive). Ald. Borgman made a motion to ADOPT Resolution #P.C. 043-2010. Commissioner Stinebaugh seconded. Director Muenkel explained the proposal is for the construction of a wood deck off the east side of the building. The area will be used to accommodate patrons who smoke while having a drink. The owner will need to have their liquor license amended to include this area as part of their premise before the deck can be used. The resolution also includes the requirement of an annual review that will expire one year after the deck/outdoor area use has started. The resolution also requires that the missing doors to the dumpster enclosure be reinstalled before the deck can be used. Staff recommends approval.

Ald. Borgman explained he visited the neighboring properties and had concerns with the lack of screening to the neighbors to the east. There is a fence in the back of the parking lot, but it has

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pieces missing. Ald. Borgman suggested replacing the existing fence with a privacy fence to shield the neighbor's yard and block additional noise from the deck. Commissioner Noah suggested, due to the 6-foot difference in elevation, that a screening panel be placed around the deck itself. Mayor Johnson explained he didn't have any problems with allowing the smoking outside, but he does have concerns with allowing drinking on the deck, which would keep people outside longer. The neighbors to the east were present and they stated they are not concerned with smoking being allowed outside, however, they are concerned with cars parking in areas they shouldn't be parking in. The petitioner's stated they are willing to put up a fence from Wetland Drive to north corner and a screening panel around the deck. The petitioners stated the only access to the deck will be from inside the building. Commissioner Burke made a motion to AMEND Resolution #P.C. 043-2010 to add, **BE IT FURTHER RESOLVED, That a board on board type residential fencing be installed along the whole eastern perimeter of the parking lot and 6-foot panels be installed around the deck.** Commissioner Noah seconded. Upon a roll call, Resolution #P.C. 043-2010 was AMENDED unanimously. Upon a roll call vote, Amended Resolution #P.C. 043-2010 was ADOPTED unanimously.

NEW BUSINESS PLACED ON FILE

Docket #P.C. 045-2010 - Recommendation to Common Council to rezone the Thiele property from RS-1 (Suburban Residence District) to B-4 (Highway Business District) located in the SW ¼ of Section 17 (Tax Key No. 2227.991.002 / S83 W20342 Janesville Road).

Docket #P.C. 046-2010 - Recommendation to Common Council to rezone the Oman property from RSE (Suburban Estate District) to RC-3 (Country Residence District) located in the NW ¼ of Section 3 (Tax Key No. 2170.999 / S63 W16495 College Avenue).

MISCELLANEOUS BUSINESS

1. Bed & Breakfast Ordinance – Director Muenkel explained that under the current ordinance a bed and breakfast would have to following the same zoning as a hotel, which is a commercial district. Since a bed and breakfast could be located in the middle of an agricultural district, a commercial zoning would not make sense. Director Muenkel suggested rewriting the ordinance to make changes that would possibly include a conditional use grant. Commissioner Noah suggested looking at communities similar to Muskego like Delafield. Ald. Schaumberg explained she contacted the bed and breakfast in Hales Corners and they only needed to register the business with the County and pay the hotel tax. Ald. Borgman suggested that if there are 5 or less rooms they would not be required to pay the hotel tax.
2. Lakefront Planning – Director Muenkel stated the Public Information Meeting will follow Plan Commission at 7:00 PM.

ADJOURNMENT

Commissioner Burke made a motion to adjourn at 6:44 PM. Commissioner Noah seconded. Upon a voice vote, motion carried. With no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Kellie McMullen
Recording Secretary