

**CITY OF MUSKEGO
PLAN COMMISSION MINUTES**

approved

6:00 PM Tuesday June 1, 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. Borgman, Commissioners Burke, Stinebaugh, Hulbert, Jacques, and Noah and Director Muenkel and Recording Secretary McMullen.

ABSENT

None.

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 MAY 4, 2010 MEETING Commissioner Burke made a motion to approve the minutes of the May 4, 2010 meeting. Commissioner Stinebaugh seconded. Upon a voice vote, motion to approve the minutes was ADOPTED unanimously.

OLD BUSINESS FOR CONSIDERATION

None.

OLD BUSINESS SCHEDULED FOR DEFERRAL

None.

CONSENT BUSINESS

Ald. Borgman made a motion to ADOPT Resolutions #P.C. 047-2010, 051-2010, 053-2010, 054-2010 and 056-2010 engross. Commissioner Stinebaugh seconded. Upon a roll call vote, the motion passed unanimously

RESOLUTION #P.C. 047-2010 – Approval of an Annual Review for the sale of fireworks for Lynn Sorce at the Piggly Wiggly property located in the SE ¼ of Section 8 (Tax Key No. 2192.973 / W189 S7847 Racine Avenue). Resolution #P.C. 047-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 051-2010 - Recommendation to Common Council to amend Chapter 14 Floodplain Zoning Ordinance Section 1.5. Resolution #P.C. 051-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 053-2010 – Approval of an 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. 053-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 054-2010 – Approval of an amended Building, Site and Operation Plan for Creekside Properties II for Lot 1 in Northfield Green located in the SE ¼ of Section 3 (Tax Key No. 2172.011 / S70 W15621-23 Princeton Drive). Resolution #P.C. 054-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 056-2010 – Approval of an amended Building, Site and Operation Plan for EJ Salentine located in the NE ¼ of Section 2 (Tax Key Nos. 2165.973 / S66 W1444 W. Janesville Road). Resolution #P.C. 056-2010 was ADOPTED unanimously.

NEW BUSINESS FOR CONSIDERATION

RESOLUTION #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). Commissioner Stinebaugh made a motion to ADOPT Resolution #P.C. 045-2010. Ald. Borgman seconded. Director Muenkel explained the B-4 District allows parcels of 20,000 square feet in area and at least 100 feet in width, which the parcel conforms to. The 2020 Comprehensive Plan depicts the area for medium density residential uses and is requested to be changed to commercial uses. The petitioner would like the property to be consistent with the commercial use of the pet store and hardware store to the west, and because it is located along a main arterial of Janesville Road, and the current shape of the property doesn't best necessitate residential uses. A public hearing was held before the Council on May 25, 2010 and three people spoke. The following are their comments:

- The speed limit be reduced in this area, especially if a commercial use comes in.
- Against the rezoning – lives on Pasadena and was told no other commercial uses would exist here.
- In favor of the rezoning, but noted that connection to sewer for a future commercial use should be scrutinized as upgrades to the City's system may be required.

Director Muenkel added that Building, Site, and Operation Plan approvals would still be required by Plan Commission for future businesses.

Commissioner Hulbert questioned how many square feet the property is. Mrs. Thiele was present and stated the property is approximately two acres and it would stay as one property. Director Muenkel added there is ample room for a building pad on the property. Commissioner Hulbert questioned how this would affect the property zoned RS-2 to the south. Director Muenkel explained there has been requests made in the past for higher density for the property to the southwest. Upon a roll call vote, Resolution #P.C. 045-2010 was ADOPTED unanimously.

RESOLUTION #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). Commissioner Jacques made a motion to ADOPT Resolution #P.C. 046-2010. Commissioner Burke seconded. Director Muenkel explained the RC-3 District allows parcels of 40,000 square feet in area and at least 150 feet in width, which the current parcel conforms to. The 2020 Comprehensive Plan identifies this area as Low Density Residential, which does not need to be amended.

The petitioner would like to split their current lot into two lots. The current RSE zoning is similar to the proposed RC-3 zoning as they both allow 40,000 square feet parcels. The RSE zoning requires parcels to be 80,000 square feet when unsewered. This area is not sewerred at this time. The petitioner would still like to be allowed the acre-sized lots since one acres lots conform to the Comprehensive Plan under the low density residential requirement.

A public hearing was held on May 25, 2010. Below are the comments received:

- Why not leave the zoning as is since it appears to be the same.
- Would Oak Hill Drive be extended from Martin Drive to the south

Director Muenkel explained this parcel does not come near to touching the parcels extending north of Oak Hill Drive. There are also many environmental issues and it would take multiple property owners for Oak Hill Trail to be extended. If sewer ever was to be extended there would still be acre sized lots. Staff is recommending approval as it meets the Comprehensive Plan requirements.

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Ald. Borgman spoke against the rezoning and stated the current zoning is the proper zoning for properties that do not have sewer. Unsewered properties should be developed as larger lots.

Commissioner Hulbert questioned how this property would fit in with the surrounding properties. Director Muenkel explained the width at the roadway would be 150 feet. The properties to the east are about 1.5 acres and less than 150 feet in width. The properties to the west are either comparable to the request or less conforming. The properties in this area are under the RSE zoning but are legal nonconforming.

Mayor Johnson explained he has concerns with one acre parcels on a mound system. However, the lot is proposed to be 2 acres and it is larger than the neighboring lots.

Mr. Oman stated a house will be setback 500-600 feet because of the wetlands. The driveway will be shared. Mr. Oman gave his word that the property will be 2 acres. Mayor Johnson stated he would support the request based on the properties being 2 acres.

Director Muenkel explained at the time of the CSM the proposal would have to fit within the neighborhood and could be denied based on that.

Upon a roll call vote, Resolution #P.C. 046-2010 was ADOPTED 6-1, with Ald. Borgman voting no.

RESOLUTION #P.C. 048-2010 - Recommendation to Common Council to rezone the Muskego Commerce Center East, LLC property from BP-1 (Business and Office Park Support) and BP-3 (Business Park) to B-3 (General Business) located in the NE ¼ of Section 3 (Tax Key No. 2169.999.002 / Commerce Parkway). Commissioner Stinebaugh made a motion to ADOPT Resolution #P.C. 048-2010. Commissioner Hulbert seconded. Director Muenkel explained this rezoning relates to the following Resolutions for a CSM and Building, Site, and Operation Plan approval for a new Ace Hardware in the Moorland Commerce Center East along Moorland Road. A public hearing for the rezoning is scheduled before the Council on June 8, 2010.

The proposal is to rezone a portion of the BP-1 Business and Office Park Support District along Moorland Road to B-3 General Business District, and also to rezone a portion of the BP-3 Business Park District to the east to B-3 General Business District. The reason for the request is to align the same zoning as what was allowed for the Wal-Mart to the south and align commercial supporting uses with the Wal-Mart commercial use, an entrance off of Commerce Center Parkway can be shared, and the west facades of the commercial buildings will align. By reducing the BP-3 district provides for more of a chance to have a smaller building footprint for a future business structure to the east.

Director Muenkel suggested instead of rezoning the entire area to just rezone to B-3 the portion for Ace Hardware at this time as a full Building, Site and Operation Plan has been submitted for and meets the goals of the area. The rest of the Commerce Center East going out to Moorland Road could remain BP-1 until future Building, Site, and Operation Plans are submitted.

The current BP-1 district allows retail establishments over 20,000 square feet by conditional use grant and the B-3 district would allow retail establishments over 20,000 square feet by right. Because a full Building, Site and Operation Plan has been submitted and the size of the building proposed is only 21,000 square feet, with the minor changes to the zoning, staff recommends approval.

Ald. Borgman explained each time a rezoning is done it gets farther and farther away from what the City originally wanted. While Ald. Borgman stated he likes the plan and Ace Hardware is a great company, but he is concerned with the amount of times this area has been rezoned.

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Ald. Harenda, alderman of this district, explained the residents are concerned with retail business. Allowing B-3 zoning takes all restrictions away. The residents want consistency. The original TID was created to provide quality jobs. Retail brings more traffic while a business park would bring 9 am –5 pm type jobs. Ald. Harenda stated he is not in favor of the revised plan in theory or intent.

Suzi Link, W172 S7297 Lannon Drive

- Not what TID area was created to attract
- This is premature – asked to make a decision before public hearing. Plan Commission should hold a special meeting.
- Reminded of a Commissioner's comment that residents in the area should be owed an apology for the piece-meal rezoning

Paul Oman, S63 W16495 College Avenue

- Lived in the City for 25 years and the business park is a great thing
- Elliott's is a wonderful place and fits in well

Mayor Johnson explained when the Wal-Mart was approved the area went from commercial to retail and nothing is being changed from that. The only difference in the BP-1 and B-3 zoning is the requirement for the Conditional Use Grant on retail over 20,000 square feet. The proposed building is only 1,000 square feet over this requirement. A public hearing will still be held and it was only because of a timing issue that Plan Commission met on this item first. The rest of the area to the east will be business park uses not commercial still. There is no reason not to allow this.

Commissioner Hulbert stated this development will reduce the time period of the TID just as Wal-mart will. Commissioner Hulbert agreed that retail should not go beyond this point to the east. Commissioner Hulbert stated he supports the rezoning.

Commissioner Noah questioned with the location being so close to Wal-Mart how does their business plan fit in. Matt Elliott was present and explained they also have a location across from the Wal-Mart in Pewaukee and Wal-Mart brings in traffic. Mr. Elliott further explained they feel they have better paint and plumbing departments, more nuts and bolts, offer repair services, cut pipes, and have qualified people to help. They do carry some of the same products as Wal-Mart but only a small percentage and they go deeper into the hardware store aspect than Wal-Mart would.

Ald. Harenda added that the residents expressed their concerns through him and may or may not attend the public hearing. Upon a roll call vote, Resolution #048-2010 is ADOPTED unanimously.

RESOLUTION #P.C. 049-2010 - Approval of a Three Lot Certified Survey Map for the Muskego Commerce Center East, LLC property located in the NE ¼ of Section 3 (Tax Key No. 2169.999.002 / Commerce Parkway). Commissioner Burke made a motion to ADOPT Resolution #049-2010. Commissioner Stinebaugh seconded. Director Muenkel explained the CSM is setup to define proposed lot 2 for the new Ace Hardware site, lot 1 for future commercial, lot 3 for stand alone business park use, and lot 4 for commercial business or a residential parcel. The petitioners are looking to reduce the amount of BP-3 zoned areas further east and will result in lot 3 being approximately 3.73 acres for a smaller stand-alone business structure. The Resolution is worded that this CSM approval is depended on Council approval of the rezoning or the CSM will have to be reconfigured to meet the current zoning requirements. Upon a roll call vote, Resolution #P.C. 049-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 050-2010 - Approval of a Building, Site, and Operation Plan for the Elliott's Ace Hardware located in the NE ¼ of Section 3 (Tax Key No. 2169.999.002 / Commerce Parkway). Commissioner Stinebaugh made a motion to ADOPT Resolution #P.C. 050-2010. Commissioner Burke seconded. Director Muenkel explained the structure is built with four sided architecture with masonry materials throughout, over the 50% masonry requirement in the City's General Design Guide. The materials include almond colored E.I.F.S, 8" split face/smooth face block, 4" burgundy brick and decorative limestone veneer. Standing Seam metal roofs and insulated/spandrel glass elements are also found. Staff doesn't see many changes are needed, but recommends the following as part of the Resolution:

- The addition of two or more stone veneer pillars, found around the outdoor storage area, around the front façade gate to the outdoor storage area.
- The east façade should have more consistent architecture with the southern and western facades with the addition of at least five of the stone veneer pillars consistently spread out.
- The northwest and northeast corners of the structure are recommended to be "endcapped" with the stone veneer pillars similar to the southwest/southeast corners.

The outdoor storage area will house any outdoor storage of materials. Half the outdoor storage area will be covered. There is a landscape block tiered display area proposed in front of the gate to the outdoor storage area.

A landscape plan has been submitted. The City Forester is reviewing the plan. Modifications may be necessary. The resolution is drafted to require more trees all along the western and eastern property lines, staggered like street trees. Additional future landscape islands are also required along the western parking lot every 10 or so parking stalls once a future access point to the west is known.

The Resolution is written that no mechanical unit noises directly associated from Ace shall exceed 50db at anytime from the surrounding property lines.

Staff is recommending approval contingent on the rezoning approval by Council.

Commissioner Noah expressed concern with the use of the E.I.F.S. material along the front façade and suggested a masonry type project. Commissioner Noah added that everything else looks nice and the garden center could even remain E.I.F.S., but to just change the front façade. Commissioner Burke agreed since Wal-Mart was held to a higher standard and would like alternatives to be considered. The Commissioners agreed that staff could approve the type of material used in place of the E.I.F.S.

The petitioner questioned a couple of the requirements of the Resolution. The Resolution states more trees must be added along the east elevation, which would cover up the masonry and decorative fencing detail. Director Muenkel explained additional landscaping is required because the east side of the building will be in the view of future businesses. Commissioner Noah added that was also required of the other retailer in the area. The petitioner also questioned the delivery hours listed in the Resolution. Ace gets their biggest delivery on Tuesdays at 6:00 am and the Resolution stated that deliveries will not be allowed before 7 am.

Commissioner Noah made a motion to AMEND Resolution #050-2010 to change: **BE IT FURTHER RESOLVED That deliveries will not be allowed before 7 am or after 5 pm except Tuesday before 6 am or after 5 pm AND no deliveries will occur on Sundays.** And to add: **BE IT FURTHER RESOLVED, That the E.I.F.S. material on the front façade be replaced with a material approved by staff.** Commissioner Burke seconded. Upon a roll call vote,

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Resolution #P.C. 050-2010 was AMENDED unanimously. Upon a roll call vote, AMENDED Resolution #P.C. 050-2010 was ADOPTED unanimously.

RESOLUTION #P.C. 055-2010 – Approval of an amended Building, Site and Operation Plan for Alpine Lanes Avalanche Grill located in the NW ¼ of Section 16 (Tax Key No. 2221.009 / S80 W18700 Apollo Drive). Ald. Borgman made a motion to ADOPT Resolution #P.C. 055-2010. Commissioner Noah seconded. Director Muenkel explained the petitioner is requesting to add 600 square feet of dining room/bar space off the southeast corner of the building. These improvements will include a complete renovation of the interior restaurant and bar space. The addition will also include a new covered main entry on the east side of the building and a new and enlarged south entry. A new deck/patio of 400 square feet in size is also being added outside of the southeast corner of the building. The entire southern and eastern facades will contain a band of cultured stone and the upper portions of the walls will contain simulated log siding. Along the east side of the building will be five wood columns set on tapered stone pedestals. These pedestals will be added around the outside of the deck area also. The railings for the deck area will be a composite material. New windows will be added along the south and east facades. The existing roof and addition will be shingled with dimensional asphalt shingles. The northern façade will keep the existing CMU on the lower portion of the wall and the upper portion of the wall will have the same simulated log siding. The existing CMU must be freshly painted to match the new features. The petitioners have also said they will be painting the western façade to match the rest of the building. Dumpsters and other miscellaneous refuse containers will need to be screened with an enclosure approved by the Planning Department. The enclosure should be board on board fencing or something similar. Landscape details have not been provided, but will need to be submitted and approved prior to the issuance of building permits. Staff recommends approval.

Mayor Johnson expressed concern with access from the southern entryway directly to the outside deck area. Jason Burback stated the door leading out to the deck area could be moved so customers would have to walk through the bar area for access to the deck.

Mayor Johnson questioned if there will still be block on the bottom of the northern façade. The owner explained because the volleyball courts are on this side the block will remain and will be painted. Commissioner Noah suggested bringing the log siding down to the same level as the other sides. The owner was agreeable. Commissioner Noah made a motion to AMEND Resolution #P.C. 055-2010 to include:

BE IT FURTHER RESOLVED, That the simulated log siding will be extended down on the northern façade to the normal banding of cultured stone on the other facades.

BE IT FURTHER RESOLVED, That the west façade will be painted the same color as the rest of the building.

BE IT FURTHER RESOLVED, That the door to the outside deck will be relocated to inside the bar area. Commissioner Jacques seconded. Upon a roll call vote, Resolution #P.C. 055-2010 was AMENDED unanimously. Upon a roll call vote AMENDED Resolution #P.C. 055-2010 was ADOPTED unanimously.

NEW BUSINESS PLACED ON FILE

DOCKET #P.C. 052-2010 - Recommendation to Common Council to rezone a property from RS-2 (Suburban Residence) to B-2 (Local Service Center) and also be granted a 2020 Comprehensive Plan Amendment from Medium Density Residential to Commercial for the Casey property located in the NW ¼ of Section 4 (Tax Key No. 2174.991 / S63 W18603 Martin Drive).

MISCELLANEOUS BUSINESS

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Bed & Breakfast Ordinance – Director Muenkel reviewed a draft ordinance with the Commissioners. This draft will go to Council for approval. A few items discussed were:

- The Bed and Breakfasts of five units or less and summer housing rentals would be exempt from the hotel tax.
- A Building, Site, and Operation Plan will be required.
- The limit of stay is 14 days.

Director Muenkel explained a CUG will regulate this type of use and an annual review could be possible.

Lakefront Planning – Committee of the Whole will meet on June 8th to review comments and determine what direction they will take.

ADJOURNMENT

Commissioner Hulbert made a motion to adjourn at 7:39 PM. Commissioner Stinebaugh 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