

TWICE AMENDED
RESOLUTION #P.C. 061-2007

RECOMMENDATION TO REZONE PROPERTIES FROM BL-2 LAKESHORE
BUSINESS DISTRICT TO RM-2 MULTIPLE FAMILY RESIDENCE DISTRICT AND TO
RS-3 SURBAN RESIDENCE DISTRICT LOCATED IN THE NE ¼ OF SECTION 15
(TAX KEY NO. 2217.999.002 / S79 W15851 AUD MAR DRIVE).

WHEREAS, On April 20, 2007 a petition for rezoning was submitted by Steve and Laurie Oschmann to rezone properties from BL-2 Lakeshore Business District to RM-2 Multiple Family Residence District and to RS-3 Suburban Residence District located on Aud Mar Drive (Tax Key No. 2217.999.002), and

WHEREAS, On August 14, 2007, a new narrative and a yield plan, under the auspices of the RS-3 zoning, was submitted per Planning Commission request to show that their proposal will meet the nature of the surrounding neighborhood, thus meeting the intent of the Comprehensive Plan, and

WHEREAS, The new yield plan shows that a road (Laurie Court) could be established off of Aud-Mar Drive, which could support seven (7) new parcels under the RS-3 zoning and four of the parcels would have 60 feet of frontage on Bass Bay in this scenario and No accommodations were made for stormwater or a possible lake access under the yield plan, and

WHEREAS, The new narrative states that they are now requesting to leave their originally proposed layout the same, however, they wish to reduce the amount of total units to 6 with four condo units in the old restaurant structure and two single-family parcels, and

WHEREAS, A Public Hearing for the rezoning was scheduled before the Common Council on May 22, 2007, and

WHEREAS, As per the submitted concept plan, the RS-3 zoning will cover two new single family parcels while the RM-2 zoning will cover a parcel surrounding the existing Aud Mar structure, and

WHEREAS, The petitioner's wish to convert the current supper club structure into 6 single-family attached units of condominiums, and

WHEREAS, The site plan shows conformity with the RS-3 zoning for the single-family lots (Consistent with 15,000 square foot lots or greater) and the RM-2 zoning for the multiple family condo lot (Consistent with at least 10,000 square feet of land per unit), and

WHEREAS, The BL-2 district does allow a variety of commercial recreation opportunities such as restaurants and taverns (By conditional use grant), but also allows regular residential lots of a minimum of 15,000 square feet and 100 feet in width (Same as RS-3 zoning), and

WHEREAS, The existing Aud-Mar Supper Club has been allowed on the parcel by conditional use grant for many decades, and

WHEREAS, If the rezoning were approved, a Certified Survey Map, Building, Site, and Operation Plan, and a Condominium Plat would need to be submitted for Planning Commission approvals in the future, and

WHEREAS, The proposal shows conformity with the 2010 Plan density-wise as the plan calls for Medium Density Residential (1.5 – 3.99 units an acre) and the net density shown on the site plan comes to ~~2.5~~ **1.9** units an acre (Approximately 3.17 acres / ~~8~~ **6** units).

WHEREAS, The proposal is converting the site from a commercial use (Which is inconsistent with the 2010 Plan) to a residential use (Conforming in the 2010 Plan), and

WHEREAS, The proposal may meet the density requirement for the Comp Plan but determinations will need to be made if the proposal also meets the general intent of the 2010 Plan and the surrounding neighborhood area where the proposal is taking place, and

WHEREAS, Plan Commission previously recommended denial of a conceptual plan for this property as per PC Resolution #019-2006 on February 21, 2006 stating that a single family subdivision seemed to be the most appropriate for the area, although they also suggested that more information and a more concise submittal may aid their decision making in the future, and

THEREFORE BE IT RESOLVED, That the Plan Commission does hereby recommend approval to the Common Council for the rezoning from the BL-2 Lakeshore Business District to RM-2 Multiple Family Residence District and to RS-3 Suburban Residence District for properties located on Aud Mar Drive (Tax Key No. 2217.999.002).

BE IT FURTHER RESOLVED, That the property lines shown on the concept proposal map be altered so the number of units with access to Bass Bay be reduced to only the four condo units in the existing restaurant structure. This will eliminate the lake access to the single-family residence shown on the west side of the concept map.

BE IT FURTHER RESOLVED, That the rezoning be dependent on a Condominium Plat, Building, Site, and Operation Plan, and Certified Survey Map approvals matching the concept approved with the rezoning recommendation.

BE IT FURTHER RESOLVED, That a deed restriction, that cannot be changed without city approval, is approved with the BSO and Condo Plat and restricts the amount of condo units to four within the restaurant structure.

Plan Commission
City of Muskego

Adopted: September 4, 2007

Defeated:

Deferred: June 5, 2007, June 19, 2007, July 17, 2007
August 7, 2007

Introduced: June 5, 2007

ATTEST: Kellie Renk, Recording Secretary