

TWICE AMENDED

AMENDED

RESOLUTION #P.C. 076-2007

RECOMMENDATION TO COUNCIL FOR ADJUSTMENT OF ZONING LINES FOR PROPERTIES ZONED B-4 HIGHWAY BUSINESS DISTRICT, RM-1 MULTIPLE FAMILY DISTRICT, AND A-1 AGRICULTURAL DISTRICT LOCATED IN THE W ½ OF SECTION 25 AND THE E ½ OF SECTION 26 (TAX KEY NOS. 2259.997, 2264.999, 2261.978.001 / LOOMIS ROAD).

WHEREAS, On May 29, 2007 a petition for rezoning was submitted by Burke Properties to readjust the zoning lines for properties zoned B-4 (Highway Business District), RM-1 (Multiple Family Residence District), and A-1 (Agricultural District) located on North Cape Road (Tax Key No. 2241.999), and

WHEREAS, On July 31, 2007 an updated petition for rezoning was submitted by Burke Properties as per Plan Commission direction from the July 17th meeting, and

WHEREAS, On September 12, 2007 an updated petition for rezoning was submitted by Burke Properties, and

WHEREAS, A Public Hearing for the rezoning has been scheduled before the Common Council on July 10, 2007, and

WHEREAS, A Public Hearing for the updated rezoning proposal, as submitted September 12, 2007, has been scheduled before the Common Council on October 9, 2007, and

WHEREAS, The zoning districts of B-4, RM-1, and A-1 currently exist and the petitioners wish to readjust the placement of the lines on the Official Zoning Map, and

WHEREAS, The RM-1 Multiple Family District allows 1 unit per 5,000 square feet of land area and the B-4 Highway Business District allows a multitude of commercial uses and the rezoning is requested for a future Multiple Family and Commercial development known as the Muirfield Development, and

~~WHEREAS, The proposed concept map shows 175 units of multi-family condominiums within 39 structures (twenty 4-unit structures and nineteen 5-unit structures), and~~

~~WHEREAS, The proposed concept map shows 60,000 square feet of future commercial development (one 5,000 square foot structure, two 11,000 square foot structures, and one 33,000 square foot structure), and~~

~~WHEREAS, The readjustment of the zoning lines would reduce the amount of acreage zoned B-4 and the developers have demonstrated on the submittal that not all the lands are good for commercial uses due to access and environmental constraints, and~~

~~WHEREAS, The readjustment of the zoning lines would increase the amount of acreage zoned RM-1, however, the developers have requested 175 total units within this zoning area and the 175 units is far less than what may be allowed under the gross or net acreage, and~~

WHEREAS, The resubmittal shows a comparable amount of RM-1 and B-4 zoned acreage to that which exists, and

WHEREAS, The RM-1 zoned area is intended for multi-family condominiums with the amount of future units to be determined by the amount allowed per net area (Amount of

units allowed will equal one per 5,000 square feet of net acreage) (With wetlands, stormwater area, and roadways land removed from this equation), and

WHEREAS, The B-4 zoned area is intended for future commercial purposes, and

WHEREAS, Non-substantial change hearings/approvals may be required if a future development submittal is different than what is approved as part of this submittal, and

WHEREAS, The 2010 Comprehensive Plan currently depicts the property for high-density residential (>4 units an acre) and commercial uses, and this proposal is consistent with this goal, however, the lines of the commercial and high density uses need readjustment as part of this approval, and

WHEREAS, The Conservation Plan shows portions of this area in the Low Management Category and future Conservation Commission review may be needed, and

WHEREAS, The development would be serviced by public sanitary sewer and water, and

WHEREAS, Stormwater will be provided in the ponds shown on the concept.

THEREFORE BE IT RESOLVED, That the Plan Commission does hereby recommend approval to the Common Council to readjust the zoning lines for properties zoned B-4 (Highway Business District), RM-1 (Multiple Family Residence District), and A-1 (Agricultural District) located on North Cape Road (Tax Key No. 2241.999) **as per the July 31st September 12th, 2007 submittal.**

BE IT FURTHER RESOLVED, That all future commercial and multi family developments must receive Planning Commission approval for Building, Site, and Operation Plans as how they meet the design guides for the area.

~~BE IT FURTHER RESOLVED, That a formal development submittal proposed for this area must substantially conform to the conceptual development proposed with the rezoning proposal as the rezoning request is approved based on the assumptions proposed and the Planning Commission is acting on the proposed rezoning in how the conceptual proposal meets the Comprehensive Plan and the nature of the area.~~

BE IT FURTHER RESOLVED, That the Planning Commission recommends approval of the readjustment of the Comprehensive Plan Map lines as part of this approval.

Plan Commission
City of Muskego

Adopted: October 16, 2007

Defeated: August 7, 2007 (brought back for reconsideration September 4, 2007)

Deferred: July 17, 2007, September 4, 2007, October 2, 2007

Introduced: July 17, 2007

ATTEST: Kellie Renk, Recording Secretary