

## MINUTES OF THE REGULAR PLAN COMMISSION MEETING Tuesday, January 9, 2018

### Call to Order

Chairman Fred Winchowky called the meeting to order at 6:30 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

### Roll Call

Commissioners present: Joe Abruzzo  
Jim Decker  
Robert Harley  
John Meiners  
Mark Penzkover  
Ken Werner  
Fred Winchowky, Chairman

Also present: Steven Braatz, Clerk-Treasurer  
Bruce Kaniewski, Planner/Zoning Administrator

### Minutes

Motion by Penzkover/Abruzzo to approve the minutes of the December 12, 2017 regular meeting carried.

### New Business

#### Chapman Farms Blvd. certified survey map

Pursuant to prior agreement with the Chapman Family, the Village of Mukwonago is the applicant for a two-lot Certified Survey Map (CSM). The division of the 11.6-acre site is west of the land previously owned by the Village and now under development by Anderson Commercial Group. The Comprehensive Plan designates the property for Low Intensity Commercial/Business. During 2017 the Village rezoned the site to B-3, Community Business District, consistent with zoning of the properties to the east. The B-3 zoning district allows a minimum lot size of 40,000 square feet and a minimum lot width of 150 feet. The CSM extends the Chapman Farm Boulevard right-of-way 355 feet. Proposed Lot 1 on the north side of the right-of-way is 4.56 acres and proposed Lot 2 on the south side of the right-of-way is 6.37 acres. Proposed Lot 2 is designed to be potentially divided into smaller lots or remain at 6.37 acres. When a land division creates new right-of-way, the Village Land Division Ordinance requires submittal of plans to construct the new street. Village staff has been informed by representatives of the Chapman Family their contract with a purchaser of property to the west includes a provision the purchaser will construct the 355 feet length of street.

Motion by Penzkover/Decker to recommend the Village Board grant an exception, as allowed by Section 45-22 of the Land Division Ordinance, to delay construction of the street. Staff is directed to prepare a Developer's Agreement to require construction of the street and compliance with Village storm water and erosion control regulations before any further land division or land development occurs within Lots 1 and 2 of this CSM. This approval is based on the following findings:

1. Exceptional Circumstances. As the applicant, the Village of Mukwonago is not in the position to construct the extended street; however, the property owner understands their

responsibility to follow through with constructing the extended street in accordance with Village specifications.

2. Preservation of Property Rights. Delaying construction of the extended street follows the same process which delayed construction of the initial length of Chapman Farms Boulevard and its intersection with STH 83 until land development was imminent on the lots within the Certified Survey Map that dedicated the right-of-way or that completion of the street is needed for another purpose.
3. Absence of Detriment. The exception will not be detrimental to adjacent property given the fact the subject property owner owns the property to the west which will eventually benefit from the extended street.

Motion by Decker/Werner to recommend the Village Board approve the certified survey map requested by Village of Mukwonago for the property located south and west of Chapman Farms Blvd., known as MUKV1962996002, subject to the following conditions:

1. Prior to recording of the CSM, any technical corrections to the CSM shall be accepted by Village staff.
2. Prior to recording of the CSM, a Developer's Agreement shall be approved by the Village Board and signed by the representative of the property owner and Village officials. The Developer's Agreement shall include, but not be limited to, the following provisions:
  - a. Prior to any further land division of the subject CSM or any type of land disturbance or development (other than current tilling of the site for farming purposes) within any of the divided lots, the extension of Chapman Farms Boulevard shall be constructed by the property owner or assigns in accordance with Village of Mukwonago specifications.
  - b. Construction of the extension of Chapman Farms Boulevard or any type of land disturbance or development (other than current tilling of the site for farming purposes) within any of the divided lots shall be subject to the Village Storm Water and Erosion Control regulations.

### **Fairwinds North conceptual subdivision review**

Bielinski Homes requests a concept review of a preliminary proposal to construct 48 condominium units and 86 single-family homes on 64 acres of the Chapman family property. If Fairwinds Boulevard were extended exactly northward, the Village Comprehensive Plan designates the area for Low Density Multi-Family (maximum of five dwelling units per acre). The area is currently zoned as R-10, Medium Density Multi-Family Residential. The remainder of the proposed development site is planned for Medium Lot Single Family II with a minimum lot size of 15,000 square feet. The existing zoning of R-1, Single Family Medium Lot Residential District matches the plan designation. The proposal leaves about 21 acres of the original 85.5 acres to be retained by the Chapman family.

Plan Commission is supportive of the proposal. Commission would like staff to review the roundabout, lighting, and private vs. public street for the condominium section of the development. The next steps require the following approvals:

1. Rezone of the proposed multi-family area from current R-10 to R-5, Low Density Multi-Family Residential.
2. Preliminary Plat of Subdivision for the entire site and then applicant will most likely request subsequent Final Plat of Subdivisions within phases of the preliminary plat.

**Chapter 64, Sign Code, amendments**

Chapter 64 of the Municipal Code, known as the sign code, allows business logos to be part of wall signs and other sign types only with the business name, and limits the size of the logo to 50% of the total sign area. Recently, applications have been received for wall signs with only the business logo. Weidl, Harley and Kaniewski recommend the Village Board with Plan Commission consider amending the sign code to allow logo-only signs because there are many businesses readily recognizable only by their logo. Kaniewski has begun reviewing the sign code and drafting amendments to allow logo only signs. In addition, a review of the sign code should also be done due to the 2015 U.S. Supreme Court ruling in the case of Reed et. al., v. Town of Gilbert, AZ. The ruling sets limits upon controlling sign content. Plan Commission concurs with continuing to work on the matter. A detailed proposed amendment will return at a future meeting.

**Adjournment**

Meeting adjourned at 7:33 p.m.

Respectfully Submitted,

Steven Braatz, Jr.  
Clerk-Treasurer

DRAFT