



June 8, 2018

Fred Winchowky, Village President  
Village of Mukwonago  
440 River Crest Court  
Mukwonago, WI 53149

Re: Conditional Use and Site Plan/Architectural Review  
Fleury's Auto Body/1006 Main Street (CTH ES)

Dear President Winchowky and Members of the Plan Commission:

James Fleury on behalf of JLF Real Estate, LLC has submitted application for a new Conditional Use and Site Plan and Architectural Review to remove an existing building and construct a new building and addition at 1006 Main Street. The site is zoned B-2, General Business District. Auto body requires a Conditional Use in the B-2 district. The new building additions require Site Plan and Architectural Review.

According to my research, the site was originally developed when within the Town of Mukwonago. After annexation, the Village granted Conditional Use approval in 1984, for B & G Body Repair, for construction of second building on the site.

In 2003, Mr. Fleury purchased the business. At that time, the Plan Commission and Village Board approved changes to the building color scheme to its current condition and new signage. In addition, in conjunction with the widening of CTH ES, Mr. Fleury and the Village Board jointly approved an agreement that allowed relief from the required ten foot greenspace setback until other improvements occurred on the site.

**Current Conditions**

Currently the front building housing the office and shop areas is about 30 feet from the front property line. Behind the front building is a separate building of 6,142 square feet housing more auto body repair stations.

The area between Main Street and the front building is fully paved. South of, and in line with the front building, a chain link fence and gate allows access to the rear gravel area. The six foot tall chain link fence, topped with three strands of barbed wire, outlines the entire rear area.

**Proposal**

The existing front building will be removed and will be replaced by a new 4,000 square foot new building which will be attached to the rear 6,142 square foot building. The new building will house offices and three estimating bays. A 3,000 square foot addition will be constructed onto the south end of the rear building. According to Mr. Fleury, the additions will create efficiencies and allow all auto body repair work, especially painting, to occur indoors.

The front parking lot will be repaved and outlined with curb and gutter with the required ten foot greenspace setback. The new front parking area and the parking spaces identified at the rear of the site for employees



conform to the minimum parking requirement. A landscape plan has been submitted conforming to minimum requirements.

The front façade of the new front building will be covered by gray split face block and galvanized metal wall panels. While the metal wall panels are not allowed pursuant to the architectural design standards of the B-2 zoning district, the design matches existing conditions which have been well maintained. The applicant has been requested to present material samples to the Plan Commission.

Representatives of the applicant have been asked to address other minor matters to the Plan Commission, such as the dumpster location and designation of a spot at the rear of the site for placing auto parts and scrap in an organized manner. For your information, the zoning ordinance does not allow barbed wire to top fences within business zoning districts. The barbed wire topping existing fences can remain, but any new or relocated fencing cannot be topped with barbed wire.

### **Recommendation for Conditional Use**

I recommend approval of the Conditional Use to allow continued use of the facility as an auto body shop. The proposal conforms to minimum code requirements and is properly designed. I suggest the following findings of fact be included in the motion to approve the Conditional Use.

1. The proposed use is consistent with the intent of the B-2, General Business District.
2. The proposed use is consistent with the variety of auto related business uses along Main Street south of the Mukwonago River.
3. The proposed use is found to be not hazardous, harmful, offensive or adverse to environment or value of the neighborhood or community.
4. The proposed use is found to be properly designed.

I further recommend the following conditions be placed with approval of the Conditional Use.

1. The on-going operation of auto body shop shall be consistent with the written information and plans submitted by the applicant along with statements made at the public hearing by the applicant or by others on behalf of the applicant.
2. Any future expansion or changes to the plan of operation as presented shall gain a new or amended Conditional Use approval.
3. The property shall be always maintained in a clean and presentable condition. No debris shall accumulate on the site. Prior to the issuance of a building permit for the presented new building and addition, applicant shall designate one area on the site plan for the storage of scrap metal and used auto parts, as approved by the Zoning Administrator. All scrap metal and auto parts shall be stored only within the designated area, and shall be periodically removed from the site.
4. This Conditional Use approval shall not be transferred within the subject property to another Conditional Use category without submittal and approval for a new Conditional Use.
5. If this Conditional Use remains in good standing, this Conditional Use may be transferred ownership without gaining a new Conditional Use.



6. Prior to issuance of the first building permit for the use, applicant shall pay all required charges and fees to the Village. In addition, any other charges and fees accrued during construction shall be paid before to issuance of an occupancy permit.
7. Applicant and/or property owner shall be responsible for enforcement of all requirements of this Conditional Use approval. If not enforced by property owner, the property owner will be responsible for compliance and financial penalties as allowed by municipal code.

### **Recommendation for Site Plan and Architectural Review**

I recommend approval of Site Plan and Architectural Review with the conditions listed below if the Plan Commission agrees to the proposed architectural design. The site plan conforms to B-2 setbacks and parking requirements. I urge the Plan Commission to provide input regarding the location of mechanical equipment and exterior architectural design.

1. Site Plan and Architectural Review approval for the expansion of Fleury Auto Body shall be subject to all plans and information submitted for the application by the applicant, Raposa Design and Endpoint Solutions, with all plans and information on file in the office of the Zoning Administrator. The plans may be further modified to conform to other conditions of approval; the building and floor plans may be modified with the approval of the Zoning Administrator and Supervisor of Inspections to conform to Building and Fire Safety Codes and all plans may be further modified to conform to Village design standards. However, the basic layout and design of the site shall remain unchanged.
2. Prior to the start of any site construction or issuance of a building permit, whichever occurs first, the following shall occur:
  - a. All final site development plans shall be consistent with the plans noted in Condition No. 1 or as modified.
  - b. Approval of the site construction and building plans by the Fire Chief, which may include, but are not limited to, Knox Box and notification requirements, internal fire suppression, external fire department connection location and hydrant locations.
  - c. Approval of the site construction plans by the Utilities Director to protect existing utilities on and around the site.
  - d. Approval of building plans by the Building Inspector after receipt of approval of building plans by the State of Wisconsin.
  - e. The Supervisor of Inspection, the Utilities Director and the Public Works Director shall approve all site engineering and utility plans and documents, including a complete Erosion Control Plan.
  - f. Approval of building plans shall include appropriate locations of the external mechanical equipment to be placed hidden from view from neighboring properties, as approved by the Zoning Administrator.
3. Prior to temporary occupancy issuance, and if needed prior to final occupancy permit, the following shall occur:
  - a. Completion of all site grading in accordance with submitted and approved plans.
  - b. Completion of the building in accordance with approved plans and all applicable codes.
  - c. Completion of paving of driveways and parking lots, including parking space pavement markings and all other pavement markings.



4. Prior to final occupancy permit, which shall be issued no later than 120 days after any temporary occupancy permit, the following shall occur:
  - a. Completion of all items required in Condition No. 3.
  - b. Installation of all site landscaping as shown on approved plans.

It has been a pleasure assisting the Village with review and recommendation of this proposal. Should any questions arise, please feel free to contact me.

Sincerely,

Bruce S. Kaniewski, AICP  
Village Planner/Zoning Administrator



June 7, 2018

Fred Winchowky, Village President  
Village of Mukwonago  
440 River Crest Court  
Mukwonago, WI 53149

Re: Bielinski Homes Request for Planned Unit Development

Dear President Winchowky and Members of the Plan Commission:

Bielinski Homes, Inc. has submitted for Planned Unit Development (PUD) approval for the 48 unit condominium project as part of their development of the Chapman properties. This application is another step in a series of approvals Bielinski must achieve before starting construction. The first step was rezoning of the subject site to R-5, Low Density Multi-Family and the preliminary plat approved several months ago.

This is the first application under the new PUD standards adopted one year ago. The standards state a PUD is approved as a conditional use. Therefore, the Plan Commission is asked to conduct the public hearing to consider the conditional use, and then consider a recommendation to the Village Board.

As a reminder, the Village Zoning Ordinance definition of a PUD is as follows:

*“Planned Unit Development.* A Planned Unit Development (PUD) is an alternate zoning tool for developments that propose a creative and innovative solution with a layout that is not achievable by the standards of the underlying or base zoning district. The PUD is intended to permit developments that will be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the Village, while at the same time maintaining the land use density and other standards or use requirements set forth in the underlying or base zoning district.”

The stated regulatory intent of a PUD is as follows:

*“Regulatory Intent.* A Planned Unit Development Overlay District, as defined under Planned Unit Development in Section 100-29, is a regulatory process allowing modifications to a development plan to meet overall community land use goals and density criteria without being bound by exact development standards of an individual zoning district. The process provides a flexible regulatory framework designed to allow developers greater freedom, imagination and flexibility in the development of land while ensuring substantial compliance with the basic intent of the comprehensive plan and zoning code. In the Village of Mukwonago, a Planned Unit Development is an overlay district approved as a Conditional Use which does not appear on the municipal zoning map until a Planned Unit Development Overlay District is approved for the development site.”



### **The PUD Process**

The Village PUD process is like a preliminary plat and final plat of subdivision process. As with a preliminary plat, this first PUD review step is to consider the General Development Plan (GDP) including the zoning modifications requested by the applicant. The description of a GDP is as follows:

*“General Development Plan. The first stage is a general development plan which shows the entire property holding. The general development plan shows the general locations of buildings or building envelopes, common open spaces, parking and drive areas, principal landscape features and all public infrastructure planned for the entire unified development site. If the development is proposed to occur in phases, sequence of development should be indicated. It is recognized that general development plans are often submitted prior to the identification of the ultimate land user or the specific land uses.”*

If the GDP PUD gains conditional use approval, then a Detailed or Final Development Plan is (FDP) submitted. During this step, similar to a final plat, detailed design drawings which include a final storm water management plan are submitted for Plan Commission recommendation to the Village Board. The FDP step does not require a public hearing. I assume Bielinski will be jointly submitting the FDP with the Final Plat of Subdivision, since the submittal requirements are essentially the same.

### **The Proposal and Requested PUD Modifications**

As reviewed and discussed during the recent preliminary plat approval, Bielinski is proposing 24 structures of side-by-side condominium units for a total of 48 dwellings on 10.57 acres. The density of 4.5 dwelling units per acre is within the maximum allowed density of five dwelling units per acre pursuant to the base zoning district of R-5, Low Density Multi-Family.

The site is along the east end of the 64.5 acres Bielinski is proposing to subdivide and develop as single family and this condominium proposal. Access will be gained via the extension of Village collector right-of-way, Chapman Farms Boulevard from the east off Highway 83 which will connect to the extension of Fairwinds Boulevard from the south. Four of the side-by-side unit structures will be constructed south of Chapman Farms Boulevard, with the remaining 20 structures constructed north of the boulevard.

The two-bedroom condominium units will be one-story with basement and a two-car attached garage to each unit. The 1,412 square feet living area exceeds the minimum R-5 requirement of 1,200 square feet. The submitted plans show a structure height of 25 feet which is less than the R-5 maximum of 30 feet.

Preliminary plat approval included many conditions of approval to be addressed with the initial final plat or subsequent final plats. One such condition was the requirement that the north-south street providing access to the structures north of Chapman Farms Boulevard be platted and designed as a public street. Therefore, the site plan submitted with this PUD application provides a 60-foot-wide public street dedication. The 60-foot width as suggested by Village staff will required a PUD modification from the Village standard public right-of-way width of 66 feet. Black Bear Drive within The Glen of Mukwonago Condominiums is a 60-foot width public right-of-way. It is expected street parking will be limited to one side only, similar to Black Bear Drive.



For single family and two-family units, the zoning ordinance requires a minimum of two garaged parking spaces and two additional parking spaces per unit. Each unit will have two driveway parking spaces in front of the two-car attached garage. Please note the site plan identifies three extra parking spaces adjacent to the private cul-de-sac south of Chapman Farm Boulevard.

The requested modifications via the PUD are as follows (pursuant to R-5 standards adopted in 2017 for a complex of two-family buildings):

1. A minimum 25 foot street yard building setback instead of the required 35 feet (although the site plan shows building setbacks from the collector streets at or exceeding 35 feet).
2. A minimum 35 foot rear yard building setback instead of the required 50 feet.
3. A minimum 22 foot separation between buildings instead of the required 30 feet.
4. A minimum 438 square foot garage for one of the two attached garages within each structure (the second garage in each building exceeds the required minimum of 480 square feet).
5. A 60 foot public street right-of-way width instead of 66 foot wide as required by the Village Land Division Ordinance.
6. A minimum one foot distance from the outside edge of the private cul-de-sac to the nearest property line.

The request for modifications using the PUD process, especially setback modifications, is fairly typical for condominium proposals such as this. One size and one set of standards do not fit all situations. Setbacks within The Glen of Mukwonago Condominiums were modified under prior Village PUD criteria.

The following sections will address each requested modification.

### **Street Yard Setback**

The street yard setback is measured from the edge of the public right-of-way to the building, for either the front yard or the side yard abutting a street. One foot within the right-of-way will be a sidewalk. The important aspect of the street yard setback for condominiums with individual attached garages and driveway is to have a sufficient setback to allow a vehicle to park on the driveway without parking over the sidewalk. The requested 25 feet is sufficient.

Please note buildings 1 through 4 shown on the submitted site plan surrounding the cul-de-sac south of Chapman Farm Boulevard do not show the driveway depth because the cul-de-sac will be private. However, the driveway depths from the garage to the edge of pavement of the cul-de-sac all scale to more than 25 feet.

For buildings 5 through 24 with access from the public street, the street yard setbacks dimensioned on the site plan range from exactly 25 feet to 29.1 feet. The six buildings with a side along a public street have dimensioned street yard setbacks ranging from 35 to 90.7 feet.

### **Rear Yard Setback**

Of the 24 buildings, 13 are shown on the site plan having rear yard setbacks less than the required 50 feet. The shown rear yard setbacks of less than 50 feet range from 35.1 feet to 46.7 feet.





### **Building Separation**

As shown on the site plan, of the 21 buildings adjacent to each other, 16 of the minimum building separations are less than the required 30 feet. The dimensioned range of the separations is from 22.4 feet to 29 feet. The average of the building separations less than 30 feet is 25.5 feet. The median is 24.8/25.1 feet.

Of all requested modifications, the building separation was the only modification to which I received negative feedback from Village staff (albeit, not from all Village staff that reviewed the plans). When all residential district standards were amended in 2017, the reason a minimum of 30 foot building separation requirement was added to each multi-family district was to maintain a safe separation between buildings to prevent a fire from leap frogging from building to building and to provide an adequate area between buildings to fight a fire.

During their presentation to the Plan Commission, I will ask representatives of the applicant to justify the request to modify the minimum building separation distance. For your information, in the R-1 single family district the side yard setback of 15 feet for a one-story dwelling translates to a minimum of 30 feet between buildings (R-1 is the zoning district of new subdivisions past 20 years). In R-2, the side yard setback is 10 feet for a one-story dwelling (R-2 is the zoning district of the smaller, older single family lots surrounding downtown). Within the new R-3 small lot single family district (10,000 square foot lots), the side yard setback is 15 feet.

### **Garage Size**

The submitted floor plan for the proposed condominium units show attached garage sizes of 438 square feet and 483 square feet. Since the R-5 base zoning district places the proposal into the category of a complex of two-family dwellings, and because parking requirements of the zoning ordinance places single family and two-family together, I have determined the minimum size of a garage for a two-family unit must be the same as a single family dwelling: 480 square feet. Otherwise, multi-family (three or more dwelling units per building) requires a minimum of 200 square feet per each required garage parking stall.

### **Right-of-Way Width**

As noted earlier, Village staff agrees to a 60 foot public right-of-way width in lieu of the required 66 foot width of a local residential street. The narrower right-of-way will reduce the pavement width to 32 feet from the standard 36 feet (as required in Chapter 45, the Land Division Ordinance reference to the Village Construction Specifications). On-street parking will be limited to one side. The narrower width will hopefully assist with controlling speed and limit through traffic.

### **Private Cul-de-Sac Setback**

The zoning ordinance requires residential driveways to be a minimum of five feet from side property lines. The site plan shows the private cul-de-sac less than five feet from the adjoining property line of the proposed storm water pond on an outlot. Therefore, to cover all bases, I suggest a PUD modification be granted. I further suggest the future Storm Water Maintenance Agreement recognize the potential of snow plowing onto the outlot, so the matter of snow plowing onto the outlot does not become a point of contention between those responsible for storm water maintenance.





### **PUD Benefits**

As stated within the definition of a PUD, both the developer and the Village should benefit from the modifications allowed through the PUD. For example, the developer gains shorter utility length installations with the reduced street yard setbacks.

However, how does the Village benefit? One potential benefit is the provision of accessible open space surrounding the main wetland and main storm water management basins within the center of the adjacent single family area. During final plat and final PUD approval we will need to ensure residents of the condominiums are able to share in the use of the open space.

The Village also benefits through enhanced exterior design. Aspects of the exterior design are discussed below.

### **Landscaping**

The applicant has submitted a landscape plan for the overall site and a typical building foundation planting plan. Plantings are shown at street corners and along some, but not all, of the rear property lines. Behind buildings 10 through 13, the northwest corner of the site, a berm and a substantial landscape buffer is provided (mostly pine trees). Some plantings are shown behind buildings 5 through 9; however, no plantings are shown behind the remaining 15 buildings. Although the applicant will be required to plant street trees between the curb and sidewalk within the public right-of-way, there are no trees or other plantings shown behind the sidewalk.

The same berm and intense line of plantings must be provided behind the buildings along the entire east line of the project (remember, adjacent land to the east is zoned as B-3). Likewise, plantings must be provided within the rear yards of all buildings and within the front yards of all buildings. In addition, the applicant must address how they will landscape within the 35 foot wide temporary access easement along the northern edge of the site. For your information, applicant has also been informed the shown landscaping at street corners (vision corners) must be low level.

### **Building Design**

All 24 buildings will have the same exterior design. The prominent exterior design feature of the building is the front view 8/12 roof line covered by dimensional shingles. Exterior walls will be covered with horizontal vinyl lap siding. A small amount of wainscoting type stone veneer will be provided along the front and sides of the attached garage.

I suggest the Plan Commission consider reviewing the proposed building elevations with consideration of increasing the amount of stone veneer.

### **Other Considerations**

I received other Village staff comments about utility and fire hydrant locations. If this GDP is approved, those comments will be addressed during review of the FDP. Likewise, the final stormwater management plan along with details of other infrastructure will be reviewed with the FDP.



### **Criteria for Approval**

As the Plan Commission considers a recommendation to the Village Board, below is the criteria for approval as stated within the zoning ordinance standards for a PUD.

**“Criteria for Approval.** The intent of the PUD procedures is to enable the developer to have greater flexibility in planning for land uses and site design than would be permitted under standard zoning provisions. However, there are some general criteria that the Plan Commission will follow in reviewing and approving PUDs. Criteria for approval include:

- (a) A Planned Development may be allowed by the Plan Commission where natural features are determined to warrant preservation.
- (b) Existing mature vegetation and natural topography will be preserved to the greatest extent feasible.
- (c) The character and intensity of the proposed development must be compatible with existing and planned land uses on nearby and adjoining properties.
- (d) The proposed development must not result in diminishment of property values of adjoining or nearby properties.
- (e) Existing and planned street and highway improvements are adequate to handle the projected volumes of traffic generated by the proposed development.
- (f) There is adequate capacity in the public sanitary sewer and stormwater sewer system to handle projected demand.
- (g) The proposed circulation system and the design and layout of utilities have taken into account existing and potential streets and utility systems on adjoining parcels.
- (h) The extent of paving, drainage, patterns or topographic modifications will not disrupt natural drainage patterns on adjoining or nearby sites or otherwise result in environmental damage to downstream areas. “

### **Recommendation**

I support the requested PUD modifications as noted within the body of this report, but suggest the Plan Commission consider and discuss comments about building separation. However, at this time I cannot recommend approval because the presented landscape plan is insufficient.

If the applicant agrees to increase the amount of landscaping as previously referenced, and agrees to any enhancements to the building elevations as directed by the Plan Commission, then I recommend the following conditions of approval as a conditional use.

1. Approval of this Planned Unit Development General Development Plan for 48 condominium units within 24 buildings shall be subject to the submitted plans on file in the office of the Village Zoning Administrator, except enhanced landscaping and building elevations plans shall be submitted at the time for the Final Development Plan review.
2. Approval of this Planned Unit Development General Development Plan for 48 condominium units within 24 buildings shall be subject to the requested modifications as listed in the body of this report (the



modifications will be fully listed within the Conditional Use Resolution to be considered by the Village Board).

3. Approval of this Planned Unit Development General Development Plan for 48 condominium units within 24 buildings shall be subject to all applicable conditions of approval of the Chapman Farms Preliminary Plat of Subdivision, approved via Resolution No. 2018-024 by the Village Board on April 18, 2018.
4. Approval of this Planned Unit Development General Development Plan for 48 condominium units within 24 buildings shall be subject to the entire Final Development Plan submittal conformance to all applicable Village development ordinances, standards and policies, including but not limited to: a Storm Water Management Plan and Storm Water Maintenance Agreement and Homeowners Association Documents.

I appreciate the opportunity to assist the Village with review of this proposal. Should questions arise, please feel free to contact me at any time.

Sincerely,

Bruce S. Kaniewski, AICP  
Village Planner/Zoning Administrator