

**PLANNING COMMISSION MINUTES**  
Mayville City Hall, 15 S. School Street, Mayville, WI  
March 25, 2009

**1.) Call to Order and Roll Call.**

Meeting called to order at 7:00PM.

Members Present: Luce, Kahlhamer, Heron, Voss, Benter

Members Absent: Henkel, Engel

Others Present: Rick Torn, Bob Smith, Sue Smith, Gary Teichmiller, Dick Arndt, Don Thoma, Chad Graff, James Congdon, Vern Hilker

**2.) Approve Agenda.**

Motion by Voss seconded by Benter to approve the agenda.

Unanimously Carried

**3.) Approve the Minutes of the January 28, 2009 meeting.**

Motion by Kahlhamer seconded by Luce to approve the 1/28/09 minutes.

Unanimously Carried

**4.) Review conceptual plan / recommend proceeding with subdivision design, development agreement and zoning change request of Chad Graff, Tax Parcel 251-1216-2322-005. Request would change zoning from RB Single Family to RM Multi-family and RC Two-family.**

**(Property is located south of Breckenridge Street and west of Mary Street)**

Note that there was a copy of an e-mail to Don Thoma from Vern Hilker in the handout that outlined staff concerns and is attached as part of the minutes.

Chad Graff and Don Thoma of Accurate Surveying & Engineering were present to review the proposal with the Planning Commission.

Don Thoma presented their design 3A. The design in the Planning Commission packet was design 3 which had not yet deleted one of the 8 unit buildings which was done after their discussions with the Director of Public Works.

Mr. Thoma explained that the density they show is less than that required in the Zoning Ordinance, and he reviewed the setback, yard and lot size information. The zoning split line for the two zonings requested was reviewed as shown on the concept plan.

He reviewed the parking situation as well.

Gary Benter indicated he was concerned about the location of the storm water facility being so close to Breckenridge Street and what hazardous affect that may have on children frequenting the area especially since the TAG Center is so close. He also was concerned about the snow removal problems in the cul-de-sacs.

There was discussion regarding the density and the use of cul-de-sacs for multiple 8 family structures, and problems with snow removal.

Mr. Graff indicated that he is flexible with the building design and could change it to have parking at the ends of each building utilizing smaller driveway openings at the street. His concern now is to be able to get the same number of units on the property as shown in the 3A design. Separate parking lot areas may also be possible, but then green space would be eliminated.

He also indicated that the pond location may be able to be adjusted.

Don Thoma stated that he felt he has shown the pond size larger than the calculations will ultimately require, so there may be more room due to that as well.

The final design would still have to come back to the Commission.

Luce indicated that he felt the reduction to 6 – 8 unit buildings made it tolerable.

Other issues pointed out by staff and Commission members were:

- The property was a fill site years ago which may require some attention to getting adequate footing and foundation design work done for the proposed buildings.
- The Future Land Use Plan shows the area as single family
- The property is currently zoned single family and area residents may be objectionable to the rezoning.
- The sanitary sewer interceptor runs through this property and will be rebuilt as part of the construction with some cost sharing as agreed to by the Utility Commission.
- The property is located in TID #3, which would be a benefit to the City.
- If the rezoning is recommended to Council, a legal description on the zoning splits would be needed.

Hilker indicated that the critical thing at this point is to get a recommendation to the Council regarding the zoning change. Without the zoning change no further progress can be made on their design for the subdivision or on preparation of the required Development Agreement.

Motion by Luce seconded by Kahlhamer to recommend to Council that the requested zoning change from RB Single Family to a combination of RM Multiple Family and RC Two Family be approved as identified on the concept plan.

Unanimously Carried.

**5.) Mayville Engineering Corporation, 800 Horicon Street, Tax Parcel 251-1216-2324-034, site plan review and approval.**

**A.) Recommendation to the Zoning Board of Appeals to grant the parking variance on Ewald Street. The variance would allow parking perpendicular to the building that does not maintain an 8' setback from the right of way line, and extends over the right of way line. Reference Zoning Ord. 430-73.**

Rick Torn representing MEC was present to answer questions on the site plan.

The zoning review memo from the building inspector was part of the packet distributed and was reviewed.

The initially proposed parking at the southeast corner of the property off of Henninger Street was eliminated as a result of meeting with staff.

The driveway off of Bridge Street will serve an existing OH door and is used for occasional fork lift access. It is not determined to be a problem with blockage of Bridge Street for loading and unloading, therefore no variance is required.

Mr. Torn also said they are eliminating the parking on the south side of the building on Horicon Street, which eliminates the hazard of vehicles backing out onto Horicon Street. Hilker indicated that they have adjusted the parking off of Ewald Street to comply with the vision clearance triangle requirements of the ordinance, but that they do not maintain the required distance of 8 feet from public right of way with the off street parking which is the item requiring the variance. (Reference Municipal Code Section 430-73)

Benter indicated that the Ewald Street parking is a much better option than having the existing parking perpendicular to the building off of Horicon Street.

It was stated that if the variance was granted we should ask for a form of hold harmless agreement from MEC.

Motion by Kahlhamer seconded by Luce to recommend to the Board of Appeals that the Ewald Street variance to allow off street parking less than 8 feet from the street right of way be granted, provided that MEC provide to the City a hold harmless agreement relieving the City of liability in the event of a problem.

Aye: Kahlhamer, Luce, Heron, Voss

Nay: None

Abstain: Benter

Motion Carried.

**6.) Discuss/Approve change of street name, Mill Place to Michael Wendling Way, from stop and go lights to parking lot.**

Dick Arndt was present to describe the request to rename the street segment. He indicated that the Wendling foundation has provided scholarships, phone cards for those serving in overseas, and funding for costs for the name change etc. There is an annual golf outing to raise funds.

Luce stated his support for the request indicating that Mayville probably is a little behind with this sort of thing in comparison to memorials other communities have provided.

Kahlhamer stated that while certainly not taking anything away from the memory of Michael, he wondered whether this is more emotional than logical. There could be numerous requests for various individuals and he was concerned over slighting someone else. The war(s) is still going on as well.

Hilker indicated that he had stated concern at the Council committee meeting that the mapping companies could be affected, but that he had tried to bring up the EMS address on 3 different computer mapping companies and none was correct in showing the location, so he wasn't sure we should be concerned about them or the ability of various gps units available.

There was some brief discussion regarding naming streets in new subdivisions.

Motion by Luce seconded by Benter to recommend to Council that the portion of Mill Place from Main Street to the rear lot line of the Legion property be renamed as Michael Wendling Way.

Unanimously Carried.

**7.) Consider recommendation of City Attorney for an ordinance to amend section 430-135 of the Mayville Municipal Code regarding variances. The intent is to consider how the sliding scale density chart should be applied to Extraterritorial Land Division requests, or if variances can apply to the chart.**

The ordinance proposal as prepared by the City Attorney was reviewed.

Luce said that the ordinance involves more than we wanted. We wanted the ability to vary from the sliding scale density chart in the subdivision ordinance, not the ability to change virtually everything. It appears that the other governmental bodies (County and Township) ignored the ordinances they have.

Hilker said it was suggested to him by Sal Okon that we contact the League of Wisconsin Municipalities to get an opinion. If the Planning Commission wants that pursued we should do it through our City Attorney.

Mayor Heron indicated he understood why the Friends want the division but that we should not compromise our ordinances by allowing exceptions at every turn. He indicated that he personally did not want to see additional variance capability.

The Friends would have the ability to request an ordinance change or to utilize circuit court if they felt we have made an error.

Motion by Luce seconded by Kahlhamer to table until next meeting.

Discussion: No direction on what to ask for in terms of changes was agreed on, so Luce withdrew his motion and Kahlhamer withdrew his second. The issue was allowed to die with no recommendation on changes to the ordinance. The ordinance stands as is.

**8.) Adjournment**

Motion by Luce seconded by Kahlhamer to adjourn.

Meeting adjourned at 8:07 PM.

Vern Hilker  
Director of Public Works / Secretary to the Planning Commission