

CITY OF FRANKLIN
 PLAN COMMISSION MEETING*
 FRANKLIN CITY HALL COUNCIL CHAMBERS
 9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
 AGENDA
 THURSDAY, APRIL 7, 2016, 7:00 P.M.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of March 17, 2016.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **REZONING OF MILWAUKEE COUNTY OWNED PARKS.** Rezoning application by Milwaukee County for rezoning of 19 separate parcels, representing 8 different county parks consisting of: Franklin Park, Froemming Park, Grobschmidt Park, the Milwaukee County Sports Complex, Southwood Glen Park, Oakwood Golf Course, St. Martins (Robin Wood) Park and Whitnall Park, from current zoning to P-1 Park District (any parcel that is also currently zoned FW Floodway District and/or FC Floodplain Conservancy District will retain same zoning along with P-1 Park District zoning). Addresses, Zoning and Tax Key Nos. are as follows:

Taxkey Number	Address	Property Owner	Current Zoning	Proposed Zoning	Approximate Acreage	Legal Description
796 0106 000	O W FRANKLIN ST	MILWAUKEE COUNTY	VR	P-1	0.08	VILLAGE OF STMARTIN LOT 79 BLK 12
796 9997 002		MILWAUKEE COUNTY, PARK COMM	R-3	P-1	0.68	CERTIFIED SURVEY MAP NO 2120 SE 7 5 21 OUTLOT 1
747 9976 000		MILWAUKEE COUNTY	R-2, FW, C-1	P-1, FW	58.52	THAT PT OF SW 55 21 DESC IN VOL 1327 P 197 & VOL 2303 P 570 CONT 58.475 ACS
752 9996 000	10502 W RAWSON AVE	MILWAUKEE COUNTY, WHITNALL PARK	R-2, FW	P-1, FW	17.41	PT OF NW 8 5 21 LYING NELY OF OLD CEN LI OF HWY 100 & NWLY OF OLD CEN LI OF

						RAWSON AVE EXC HWY INTERCHANGE CONT 17.361 ACS
753 9997 000	O W RAWSON AVE	MILWAUKEE COUNTY, WHITNALL PARK	R-2	P-1	2.69	THAT PART OF NW QUAR OF NE 8 5 21 LYING NWLY OF N LI OF RAWSON AVE CONT 2.714 ACS
705 8999 003	O S WHITNALL EDGE RD	MILWAUKEE COUNTY, WHITNALL PARK	R-8	P-1	2.39	COM 2200.78 FT E OF SW COR OF NW 55 21TH NELY 322.69 FT 160FT & 287.57 FT TO E LI SD QUAR TH S 592.00 FT TH W 455.00 FT TO BEG
746 9999 000	6701 S 92 ND ST	MILWAUKEE COUNTY	R-2, FW	P-1, FW	157.14	SE 55 21 CONT 160 ACS
706 9999 000	9701 W COLLEGE AVE	MILWAUKEE COUNTY	P-1, R- 2, FW	P-1, FW	152.19	NE 5 5 21 CONT 152.19 ACS
937 9998 000	O W OAKWOOD RD	MILWAUKEE COUNTY	R-2, C- 1	P-1	99.03	E 100 ACS OF SW 29 5 21 CONT 100 ACS
893 9995 002		MILWAUKEE COUNTY	R-2, FW, C- 1	P-1, FW	40.07	S 40 ACRES OF E HALF OF NW QUAR SEC 29 5 21 CONT 40 ACS
936 9998 002		MILWAUKEE COUNTY	R-2, FW, C- 1	P-1, FW	24.53	N 1620.00 FT OF W HALF OF W HALF OF SE 29 5 21 CONT 24.579 ACS
929 9999 001	3600 W OAKWOOD RD	MILWAUKEE COUNTY	R-2, FW, C- 1	P-1, FW	154.164212	ALL OF SW 1/4 SEC 35-5-21 EXC S 300FT OF W 430FT & EXC RD
901 9999 000	O S 35 TH ST	MILWAUKEE COUNTY, PARK COMMISSION	R-3, C- 1, FC, FW	P-1, FC, FW	121.8	S 2000 FT OF NW 25 5 21 CONT 121.21 ACS
713 9999 001		MILWAUKEE COUNTY	R-6, FC, C- 1	P-1, FC	108.61	NW 15 21 EXC N 715FT & EXC ELY 40 FT FOR RD CONT

						109.741 ACS
712 8999 000		MILWAUKEE COUNTY	R-6, C- 1	P-1	30.25	THEE 1000 FT OF THAT PT OF NE 2 5 21 LYING S OF VIL OF GREEDALE LIMITS CONT 30.28 ACS
879 0020 000	3180 W HILLTOP LN	MILWAUKEE COUNTY	R-3	P-1	8.97	SOUTHWOOD EAST BLK 2 LOT 11
852 9999 001	8801 S 51 ST ST	MILWAUKEE COUNTY, PARK COMMISSION	A-1, FW, C- 1, R-8,	P-1, FW	113.52	COM AT THESE COR OF NW 23 5 21TH W TO SW COR SD QUAR N 2130 FT SELY 784.51 FT 800 FT 308.26 FT 599.55 FT & 230.87 FT ELY 65 FT TO ELI SD QUAR TH S ALG E LI SD QUAR 1533.57 TO BEG CONT 113.669 ACS
882 9987 001		MILWAUKEE COUNTY, PARK COMMISSION	A-1, FC, FW	P-1, FC, FW	33.1	COM NW COR OF S 35 ACS OF N 45 ACS OF W HALF OF SW 23 5 21TH E 980FT S 500 FT SWLY TO APT IN S LI OF SD 35 ACS & 575FT E OF W LI TH W 575 FTTH N ALG W LI TO BEG & THE N 10 ACS OF W HALF OF SW 23 5 21 CONT 32.939 ACS
883 9999 004	6000 W RYAN RD	MILWAUKEE COUNTY	A-1, FW, FC	P-1, FW, FC	96.629194	COM AT NE COR OF SE 22 5 21TH W ALG N LI SD QUAR SEC 1311.25 FT SWLY 1410.46 FT S 1320 FT E 1860 FT TO SE CORSE QUAR SEC TH E 40

						FT TO APT 40 FT E OF SW COR OF SW 23 5 21TH N 60.02 FT NWLY 178.58 FTTO APT IN THEE L1 OF SE 22 5 21TH N ALG SD LI TO BEG EXC S 60FT FORST & EXC PTS CONVEYED IN DOC 09122914 & 09508641
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2. **URBAN HEATING AND COOLING LLC HEATING, VENTILATION AND AIR-CONDITIONING CONTRACTING BUSINESS.** Special Use application by Urban Heating and Cooling LLC, to operate a heating, ventilation and air-conditioning contracting business (office, shop and equipment storage within the existing building) upon property zoned B-4 South 27th Street Mixed-Use Commercial District, located at 8437 South 27th Street; Tax Key No. 832-9941-000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **HOME DEPOT OUTDOOR SALES.** Temporary Use application by Home Depot USA, Inc., for outdoor seasonal trees, shrubs and landscape bagged goods sales, for property zoned Planned Development District No. 14 (Jewel-Osco/Home Depot) located at 6489 South 27th Street; Tax Key No. 714-9996-015.

E. **Adjournment**

*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

**Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

Next Regular Plan Commission Meeting: April 21, 2016

City of Franklin
Plan Commission Meeting
March 17, 2016
Minutes

unapproved

Call to Order and Roll Call

- A. Alderman Mark Dandrea called the March 17, 2016 Regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were City Engineer Glen Morrow, and Commissioners Kevin Haley, Scott Thinnies and Patricia Hogan. Excused were Commissioner David Fowler and Mayor Steve Olson. Also present were Principal Planner Nick Fuchs, Planning Manager Joel Dietl, Director of Economic Development Aaron Hertzberg, City Attorney Jesse Wesolowski, and Aldermen Dan Mayer and Doug Schmidt.

Approval of Minutes

Regular Meeting of February 4, 2016.

- B.
1. Commissioner Hogan moved and Commissioner Haley seconded approval of the February 4, 2016 minutes of the regular meeting of the Plan Commission as presented. On voice vote, all voted 'aye'. Motion carried (4-0-0).

Public Hearing Business Matters

DAVID DRAGER AND RHONDA DRAGER SINGLE-FAMILY RESIDENCE CONSTRUCTION

Natural Resource Features Special Exception and Certified Survey Map applications by David Drager and Rhonda Drager to permit removal of approximately 0.03 acres (1,307 square feet) of mature woodland grove (removal of 6 trees within a mature grove of 16 trees) and for division of an existing lot containing a residential building into 2 lots, to allow for construction of a single-family residence upon property located at 2925 West Acre Avenue, zoned R-3 Suburban/Estate Single-Family Residence District (Tax Key No. 832-9962-000).

- C
1. Planning Manager Joel Dietl presented the request by David and Rhonda Drager for Natural Resource Features Special Exception and Certified Survey Map applications to permit removal of approximately 0.03 acres (1,307 square feet) of mature woodland grove (removal of 6 trees within a mature grove of 16 trees) and for division of an existing lot containing a residential building into 2 lots, to allow for construction of a single-family residence.

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened at 7:05 p.m. and closed at 7:11 p.m.

City Engineer Morrow moved to recommend approval of the David Drager and Rhonda Drager Natural Resource Features Special Exception pursuant to the standards, findings and decision recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations. Seconded by Commissioner Thinnies. On voice vote, all voted 'aye'. Motion carried (4-0-0).

City Engineer Morrow moved to recommend approval of a resolution conditionally approving a 2 lot certified survey map, being that part of the southeast 1/4 of Section 13, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin. Seconded by Commissioner Thinnies. On voice vote, all voted 'aye'. Motion carried (4-0-0).

PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX) PROPOSED BASEBALL COMMONS (A SPORTS ANCHORED MIXED-USE DEVELOPMENT).

Planned Development District Amendment and Comprehensive Master Plan Amendment applications by Mike Zimmerman and Greg Marso, Zim-Mar Properties, LLC and John Dargle, Jr., Director, Milwaukee County, Department of Parks, to revise the District and to expand the District to encompass certain adjacent area lands to create the “Ballpark Commons” sports anchored Mixed-Use development, which proposed development also includes commercial, retail and residential uses, for the properties located at 7900 West Crystal Ridge Drive, and along West Rawson Avenue and West Loomis Road and West Old Loomis Road, including, but not limited to 8220, 8240, 8316 and 8490 West Old Loomis Road (not all of the properties subject to the applications currently have an address).

2. Planning Manager Joel Dietl presented the request by The Rock Sports Complex for Planned Development District Amendment and Comprehensive Master Plan Amendment applications by Mike Zimmerman and Greg Marso, Zim-Mar Properties, LLC and John Dargle, Jr., Director, Milwaukee County, Department of Parks, to revise the District and to expand the District to encompass certain adjacent area lands to create the “Ballpark Commons” sports anchored Mixed-Use development, which proposed development also includes commercial, retail and residential uses, for the properties located at 7900 West Crystal Ridge Drive, and along West Rawson Avenue and West Loomis Road and West Old Loomis Road, including, but not limited to 8220, 8240, 8316 and 8490 West Old Loomis Road.

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened at 7:54 p.m. and closed at 10:02 p.m.

Alderman Dandrea called a recess at 8:43 p.m. The meeting reconvened at 8:56 p.m.

Commissioner Thinnies moved to table the applications to the next regularly scheduled meeting. Motion failed due to a lack of a second.

Commissioner Haley moved to approve a resolution recommending the adoption of an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 future land use map use designations for properties located at approximately 7900 West Crystal Ridge Drive and along West Rawson Avenue and West Loomis Road and West Old Loomis Road, including, but not limited to 8220, 8240, 8316 and 8490 West Old Loomis Road, from Residential use

March 17, 2016

and Transportation use to Mixed Use (lands south of Rawson Avenue), and to reclassify certain existing road right of ways from Transportation use to Mixed Use north of Rawson Avenue with regard to the proposed Ballpark Commons sports anchored mixed use development, pursuant to Wis.stat. §66.1001(4)(b). Seconded by Commissioner Hogan. On voice vote, 4 voted 'aye' and 1 voted 'nay'. Motion carried (4-1-0).

Commissioner Haley moved to recommend approval of an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex) to revise the district and to expand the district to encompass certain adjacent area lands to create the "Ballpark Commons" sports anchored mixed use development. Seconded by Commissioner Hogan.

Commissioner Haley moved to amend the motion to include as conditions of approval staff's suggestions requiring that recommendations from the sound and lighting studies that apply to existing facilities or events be implemented within one year. Seconded by Commissioner Hogan. On voice vote, 4 voted 'aye' and 1 voted 'nay'. Motion amended (4-1-0).

On the main motion, moved by Commissioner Haley and Seconded by Commissioner Hogan, to recommend approval of an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex) to revise the district and to expand the district to encompass certain adjacent area lands to create the "Ballpark Commons" sports anchored mixed use development. On voice vote, 4 voted 'aye' and 1 voted 'nay'. Motion carried (4-1-0).

Business Matters
PLANNED DEVELOPMENT
DISTRICT NO. 13 (WAL-
MART/SAM'S WHOLESALE
CLUB) AND HOBBY LOBBY LAND
DIVISION

- D.**
- 1.** Planning Manager Dietl presented the request to amend Planned Development District No. 13 related to the proposed Condominium Plat and Certified Survey Map.

Commissioner Haley made a motion determining the proposed amendment to be a minor amendment. Seconded by Hogan. On voice vote, all voted 'aye'. Motion carried (4-0-0).

Commissioner Hogan moved to recommend approval of an ordinance to amend Section 15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to allow for zero foot interior property lines setbacks for building and parking lot setbacks, with a revision to the draft ordinance that the requirement for the cross-access easement to be obtained be replaced with a provision that cross-access must be maintained between and among the properties within PDD No. 13. Seconded by Commissioner Haley. On voice vote, all voted 'aye'. Motion carried (4-0-0).

Commissioner Hogan moved to recommend approval of a resolution conditionally approving a 2 lot Certified Survey Map, being Lot 1 of Certified Survey Map No. 6543, recorded on August 7, 1998, Reel 43667, Images 1756 to 1758 inclusive, as Document No. 7578744, as corrected by Affidavit of Correction recorded as Document No. 7724864, part of the Northeast 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 1, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. Seconded by Commissioner Haley. On voice vote, all voted 'aye'. Motion carried (4-0-0).

Commissioner Hogan moved to recommend approval of a resolution conditionally approving a Condominium Plat for 6803 Condominiums at 6803, 6805 and 6807 South 27th Street. Seconded by Commissioner Haley. On voice vote, all voted 'aye'. Motion carried (4-0-0).

Planning Manager Dietl explained that the Land Division Variance Application was no longer required as the land division was revised to provide additional lot width to the proposed Lot 1.

Adjournment

- E. Commissioner Hogan moved and Commissioner Thinnes seconded to adjourn the Plan Commission meeting of March 17, 2016 at 10:52 p.m. All voted 'aye'. Motion carried (4-0-0).



REPORT TO THE PLAN COMMISSION

Meeting of April 7, 2016

Rezoning

RECOMMENDATION: City Development Staff recommends approval of the Rezoning Application, subject to the conditions as noted in the attached draft ordinance.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Applicant, Owners (property), Current Zoning, Proposed Zoning, and Applicant Action Requested.

Introduction and Project Description:

On February 23, 2016, the applicant submitted a Rezoning Application to rezone 19 separate parcels, representing 8 different county parks consisting of: Franklin Park, Froemming Park, Grobschmidt Park, the Milwaukee County Sports Complex, Southwood Glen Park, Oakwood Golf Course, St. Martins (Robin Wood) Park, and Whitnall Park.

Below is a table listing the properties to be rezoned (taxkey and address), property owner, current and proposed zoning and the approximate acreage.

Table titled 'Milwaukee County Rezoning Application' with 6 columns: Taxkey Number, Address, Property Owner, Current Zoning, Proposed Zoning, and Approximate Acreage. It contains 4 rows of data.

		PARK			
753 9997 000	O W RAWSON AVE	MILWAUKEE COUNTY, WHITNALL PARK	R-2	P-1	2.69
705 8999 003	O S WHITNALL EDGE RD	MILWAUKEE COUNTY, WHITNALL PARK	R-8	P-1	2.39
746 9999 000	6701 S 92 ND ST	MILWAUKEE COUNTY	R-2, FW	P-1, FW	157.14
706 9999 000	9701 W COLLEGE AVE	MILWAUKEE COUNTY	P-1, R-2, FW	P-1, FW	152.19
937 9998 000	O W OAKWOOD RD	MILWAUKEE COUNTY	R-2, C-1	P-1	99.03
893 9995 002		MILWAUKEE COUNTY	R-2, FW, C-1	P-1, FW	40.07
936 9998 002		MILWAUKEE COUNTY	R-2, FW, C-1	P-1, FW	24.53
929 9999 001	3600 W OAKWOOD RD	MILWAUKEE COUNTY	R-2, FW, C-1	P-1, FW	154.164212
901 9999 000	O S 35 TH ST	MILWAUKEE COUNTY, PARK COMMISSION	R-3, C-1, FC, FW	P-1, FC, FW	121.8
713 9999 001		MILWAUKEE COUNTY	R-6, FC, C-1	P-1, FC	108.61
712 8999 000		MILWAUKEE COUNTY	R-6, C-1	P-1	30.25
879 0020 000	3180 W HILLTOP LN	MILWAUKEE COUNTY	R-3	P-1	8.97
852 9999 001	8801 S 51 ST ST	MILWAUKEE COUNTY, PARK COMMISSION	A-1, FW, C-1, R-8,	P-1, FW	113.52
882 9987 001		MILWAUKEE COUNTY, PARK COMMISSION	A-1, FC, FW	P-1, FC, FW	33.1
883 9999 004	6000 W RYAN RD	MILWAUKEE COUNTY	A-1, FW, FC	P-1, FW, FC	96.629194

Staff suggests that the applicant provide natural resource information per Section 15-9.0203G. of the Unified Development Ordinance and be required to place protected natural resource features within conservation easements. In lieu of completing a Natural Resource Protection Plan, staff suggests that entire properties may be placed within conservation easements utilizing best available natural resource information, such as WDNR and SEWRPC mapping. Staff is only suggesting submittal of a Natural Resource Protection Plan at this time as no development is

currently proposed. The applicant has been made aware that this will be a requirement upon any future development of these properties.

Consistency with the Comprehensive Master Plan

The proposed applications are consistent with the City of Franklin Comprehensive Master Plan. It can be noted that the Plan's Future Land Use Map identifies the subject area's future land use as a combination of one or all of the following uses: Recreational, Areas of Natural Resource Features or Water. One property, bearing Taxkey No. 796-9997-002 (0.68 acres), includes a small area designated as Residential. The property, however, is primarily designated as Areas of Natural Resource Features.

Staff Recommendation:

City Development Staff recommends approval of the Rezoning Application, subject to the conditions as noted in the attached draft ordinance.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 3-23-16]

ORDINANCE NO. 2016-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM VR VILLAGE RESIDENCE DISTRICT, R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, FW FLOODWAY DISTRICT, C-1 CONSERVANCY DISTRICT, R-8 GENERAL RESIDENCE DISTRICT, P-1 PARK DISTRICT, FC FLOODPLAIN CONSERVANCY DISTRICT, R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT, AND A-1 AGRICULTURAL DISTRICT TO P-1 PARK DISTRICT (ANY PARCELS CURRENTLY ZONED FW FLOODWAY DISTRICT AND/OR FC FLOODPLAIN CONSERVANCY DISTRICT WILL RETAIN SAME ZONING ALONG WITH P-1 PARK DISTRICT ZONING) (MILWAUKEE COUNTY, APPLICANT)

WHEREAS, Milwaukee County having petitioned for the rezoning of certain parcels of land from VR Village Residence District, R-3 Suburban/Estate Single-Family Residence District, R-2 Estate Single-Family Residence District, FW Floodway District, C-1 Conservancy District, R-8 General Residence District, P-1 Park District, FC Floodplain Conservancy District, R-6 Suburban Single-Family Residence District, and A-1 Agricultural District To P-1 Park District (any parcels currently zoned FW Floodway District and/or FC Floodplain Conservancy District will retain same zoning along with P-1 Park District zoning), such lands being located as listed in the “Milwaukee County Rezoning Application” table in Section 1 below; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 7th day of April, 2016, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the properties described below be changed from VR Village Residence District, R-3 Suburban/Estate

Single-Family Residence District, R-2 Estate Single-Family Residence District, FW Floodway District, C-1 Conservancy District, R-8 General Residence District, P-1 Park District, FC Floodplain Conservancy District, R-6 Suburban Single-Family Residence District, and A-1 Agricultural District To P-1 Park District (any parcels currently zoned FW Floodway District and/or FC Floodplain Conservancy District will retain same zoning along with P-1 Park District zoning):

Taxkey Number	Address	Property Owner	Current Zoning	Proposed Zoning	Approximate Acreage	Legal Description
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746 9999 000	6701 S 92 ND ST	MILWAUKEE COUNTY	R-2, FW	P-1, FW	157.14	SE 55 21 CONT 160 ACS
706 9999 000	9701 W COLLEGE AVE	MILWAUKEE COUNTY	P-1, R- 2, FW	P-1, FW	152.19	NE 5 5 21 CONT 152.19 ACS
937	O W	MILWAUKEE	R-2, C-	P-1	99.03	E 100 ACS OF SW

9998 000	OAKWOOD RD	COUNTY	1			29 5 21 CONT 100 ACS
893 9995 002		MILWAUKEE COUNTY	R-2, FW, C- 1	P-1, FW	40.07	S 40 ACRES OF E HALF OF NW QUAR SEC 29 5 21 CONT 40 ACS
936 9998 002		MILWAUKEE COUNTY	R-2, FW, C- 1	P-1, FW	24.53	N 1620.00 FT OF W HALF OF W HALF OF SE 29 5 21 CONT 24.579 ACS
929 9999 001	3600 W OAKWOOD RD	MILWAUKEE COUNTY	R-2, FW, C- 1	P-1, FW	154.164212	ALL OF SW 1/4 SEC 35-5-21 EXC S 300FT OF W 430FT & EXC RD
901 9999 000	0 S 35 TH ST	MILWAUKEE COUNTY, PARK COMMISSION	R-3, C- 1, FC, FW	P-1, FC, FW	121.8	S 2000 FT OF NW 25 5 21 CONT 121.21 ACS
713 9999 001		MILWAUKEE COUNTY	R-6, FC, C-1	P-1, FC	108.61	NW 15 21 EXC N 715FT & EXC ELY 40 FT FOR RD CONT 109.741 ACS
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882 9987 001		MILWAUKEE COUNTY, PARK COMMISSION	A-1, FC, FW	P-1, FC, FW	33.1	COM NW COR OF S 35 ACS OF N 45 ACS OF W HALF OF SW 23 5 21TH E 980FT S 500 FT SWLY TO APT IN S LI OF SD 35 ACS & 575FT E OF W LI TH W 575 FTTH N ALG W LI TO BEG & THE N 10 ACS OF W HALF OF SW 23 5 21

						CONT 32.939 ACS
883 9999 004	6000 W RYAN RD	MILWAUKEE COUNTY	A-1, FW, FC	P-1, FW, FC	96.629194	COM AT NE COR OF SE 22 5 21TH W ALG N LI SD QUAR SEC 1311.25 FT SWLY 1410.46 FT S 1320 FT E 1860 FT TO SE CORSE QUAR SEC TH E 40 FT TO APT 40 FT E OF SW COR OF SW 23 5 21TH N 60.02 FT NWLY 178.58 FT TO APT IN THEE L1 OF SE 22 5 21TH N ALG SD LI TO BEG EXC S 60FT FORST & EXC PTS CONVEYED IN DOC 09122914 & 09508641

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk
AYES _____ NOES _____ ABSENT _____

Planning Department
9229 West Loomis Road
Franklin, Wisconsin 53132
Email: generalplanning@franklinwi.gov

Franklin



City of Franklin

Phone: (414) 425-4024
Fax: (414) 427-7691
Web Site: www.franklinwi.gov

MAR 17 2016

Date of Application: 2/14/2015

City Development REZONING APPLICATION

Complete, accurate and specific information must be entered. *Please Print.*

Applicant (Full Legal Name[s]): Name: <u>Milwaukee County</u> Company: <u>Milwaukee County</u> Mailing Address: <u>901 N. 9th St.</u> City / State: <u>Milwaukee, WI</u> Zip: <u>53233</u> Phone: _____ Email Address: _____	Applicant is Represented by: (contact person)(Full Legal Name[s]) Name: <u>Teig Whaley-Smith</u> Company: <u>Milwaukee County</u> Mailing Address: <u>901 N. 9th St.</u> City / State: <u>Milwaukee, WI</u> Zip: <u>53233</u> Phone: _____ Email Address: <u>teig.whaley-smith@milwaukeecountywi.gov</u>
Project Property Information: Property Address: <u>Multiple Properties (See attached)</u> Property Owner(s): <u>Milwaukee County</u> Mailing Address: <u>901 N. 9th St</u> City / State: <u>Milwaukee, WI</u> Zip: <u>53233</u> Email Address: _____	Tax Key Nos: <u>Multiple Properties (See Attached)</u> Existing Zoning: <u>A-1, P-1, R-2, R-3, R-6, R-8, VR, FC & FW</u> Existing Use: <u>Recreational and Natural Areas</u> Proposed Use: <u>P-1 Recreational and Natural Areas</u> CMP Land Use Identification: <u>P-1 Recreational and Natural Areas</u>

*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

Rezoning submittals for review must include and be accompanied by the following:

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin: \$1,250 \$350 (One Parcel Residential)
- Legal Description for the subject property (WORD.doc or compatible format).
- Seven (7) complete collated sets of Application materials to include:
 - One (1) original and six (6) copies of a written Project Summary, including a general description of the proposed development of the property, proposal's intent, impacts, and consistency with the Comprehensive Master Plan.
 - Seven (7) folded copies of a Plot Plan, or Site Plan, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- Email (or CD ROM) with all plans/submittal materials.
- Additional Information as may be required.

- Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts.
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class II Public Hearing notice at Plan Commission.
- Rezoning requests require Plan Commission review and recommendation and Common Council approval.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Signature - Property Owner

Name & Title (PRINT)

Date: _____

Signature - Property Owner

Name & Title (PRINT)

Date: _____

Signature - Applicant

Name & Title (PRINT)

Date: _____

Signature - Applicant's Representative

Teig Whaley-Smith, Director - Dept. of Admin Services

Name & Title (PRINT)

Date: 2/15/16



Date: February 15, 2016
To: City of Franklin, Planning Commission
From: Teig Whaley-Smith, Milwaukee County
Subject: Milwaukee County Rezoning Application

Project Summary:

Milwaukee County is undergoing a review of the municipal zoning applied to all County owned Parks. During this review it has been discovered that zoning for a few parcels is inconsistent with their use as a park. This request is to change the zoning on the included list of parcels from their current zoning district to a Parks District. It should be noted that a few parcels also have FW Floodway District zoning. It is our intent that the FW Floodway District portions of the parcels remain FW, but that the balance become P-1 Parks. All uses of the proposed parcels will remain unchanged from their current use as parks.

Tax Key #

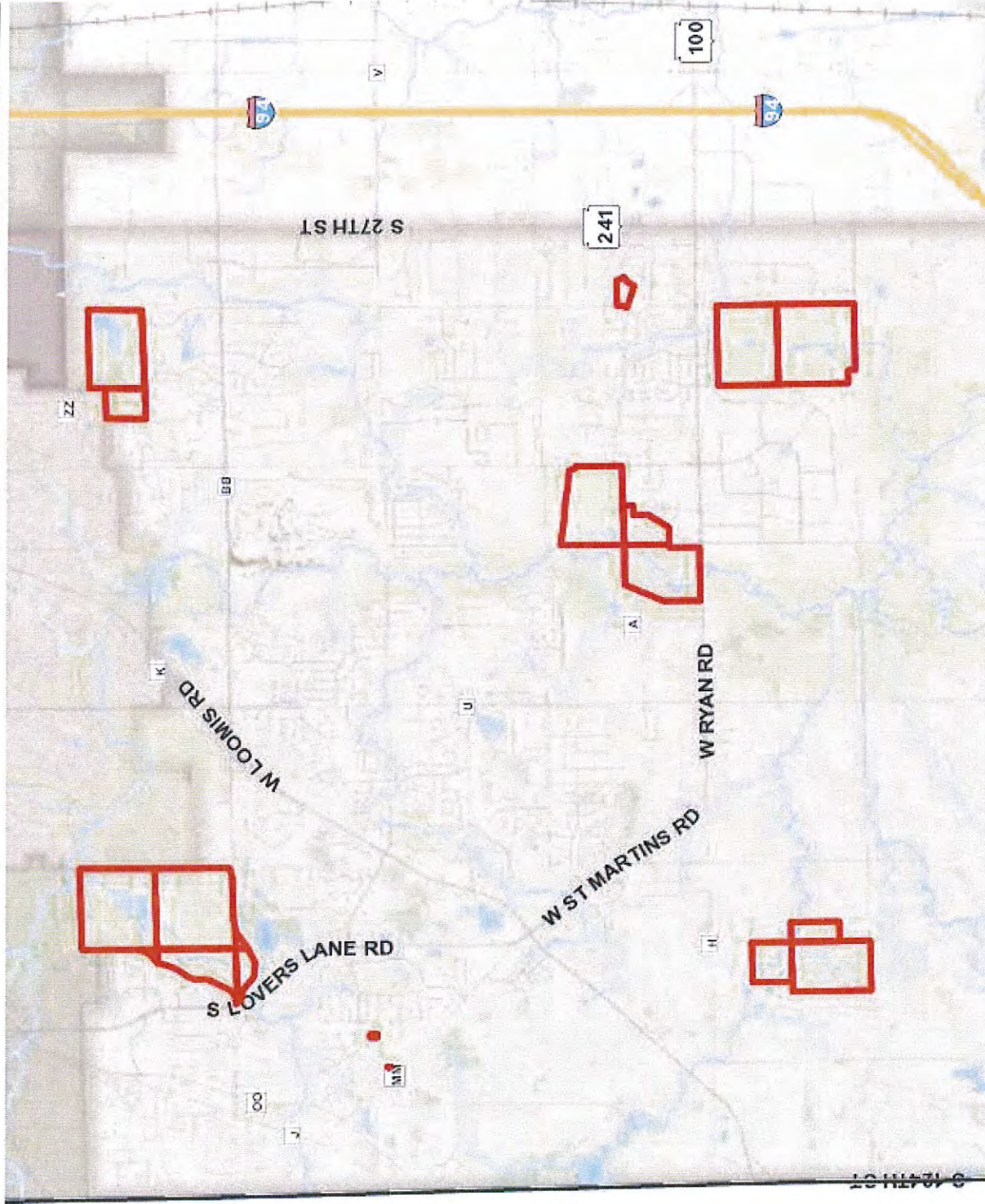
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7539997000	7058999003	7469999000	7069999000
9379998000	8939995002	9369998002	9299999001
9019999000	7139999001	7128999000	8790020000
8529999001	8829987001	8839999004	

Milwaukee County Zoning Application

Parcel Key #	<u>Park or Parkland Adjacent to or Part of:</u>	<u>Legal Description</u>
7960106000	St. Martins	VILLAGE OF ST MARTIN LOT 79 BLK 12
7969997002	St. Martins/Robin Wood Elementary	CERTIFIED SURVEY MAP NO 2120 SE 7 5 21 OUTLOT 1
7479976000	Whitnall Park	THAT PT OF SW 5 5 21 DESC IN VOL 1327 P 197 & VOL 2303 P 570 CONT 58.475 ACS
7529996000	Whitnall Park	PT OF NW 8 5 21 LYING NELY OF OLD CEN LI OF HWY 100 & NWLY OF OLD CEN LI OF RAWSON AVE EXC HWY INTERCHANGE CONT 17.361 ACS
7539997000	Whitnall Park	THAT PART OF NW QUAR OF NE 8 5 21 LYING NWLY OF N LI OF RAWSON AVE CONT 2.714 ACS
7058999003	Whitnall Park	COM 2200.78 FT E OF SW COR OF NW 5 5 21 TH NELY 322.69 FT 160 FT & 287.57 FT TO E LI SD QUAR TH S 592.00 FT TH W 455.00 FT TO BEG
7469999000	Whitnall Park	SE 5 5 21 CONT 160 ACS
7069999000	Whitnall Park	NE 5 5 21 CONT 152.19 ACS
9379998000	Franklin	E 100 ACS OF SW 29 5 21 CONT 100 ACS
8939995002	Franklin	S 40 ACRES OF E HALF OF NW QUAR SEC 29 5 21 CONT 40 ACS
9369998002	Franklin	N 1620.00 FT OF W HALF OF W HALF OF SE 29 5 21 CONT 24.579 ACS
9299999001	Oakwood Golf Course	ALL OF SW 1/4 SEC 35-5-21 EXC S 300 FT OF W 430 FT & EXC RD
9019999000	Oakwood Golf Course	S 2000 FT OF NW 25 5 21 CONT 121.21 ACS
7139999001	Grobschmidt	NW 1 5 21 EXC N 715 FT & EXC ELY 40 FT FOR RD CONT 109.741 ACS
7128999000	Grobschmidt	THE E 1000 FT OF THAT PT OF NE 2 5 21 LYING S OF VIL OF GREEDALE LIMITS CONT 30.28 ACS
8790020000	Southwood Glen	SOUTHWOOD EAST BLK 2 LOT 11
8529999001	Milwaukee County Sports Complex/Froemming	COM AT THE SE COR OF NW 23 5 21 TH W TO SW COR SD QUAR N 2130 FT SELY 784.51 FT 800 FT 308.26 FT 599.55 FT & 230.87 FT ELY 65 FT TO E LI SD QUAR TH S ALG E LI SD QUAR 1533.57 TO BEG CONT 113.669 ACS
8829987001	Milwaukee County Sports Complex	COM NW COR OF S 35 ACS OF N 45 ACS OF W HALF OF SW 23 5 21 TH E 980 FT S 500 FT SWLY TO A PT IN S LI OF SD 35 ACS & 575 FT E OF W LI TH W 575 FT TH N ALG W LI TO BEG & THE N 10 ACS OF W HALF OF SW 23 5 21 CONT 32.939 ACS
8839999004	Milwaukee County Sports Complex	COM AT NE COR OF SE 22 5 21 TH W ALG N LI SD QUAR SEC 1311.25 FT SWLY 1410.46 FT S 1320 FT E 1860 FT TO SE COR SE QUAR SEC TH E 40 FT TO A PT 40 FT E OF SW COR OF SW 23 5 21 TH N 60.02 FT NWLY 178.58 FT TO A PT IN THE E LI OF SE 22 5 21 TH N ALG SD LI TO BEG EXC S 60 FT FOR ST & EXC PTS CONVEYED IN DOC 09122914 & 09508641



MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



Legend

- County Boundary
- Streets
 - Primary
 - Secondary
 - Freeway
 - Primary Ramp
 - Freeway Ramp
 - A71
- Transportation Poly
- Bridge Structure
- Structure
- Structure Large Shadow
- Transportation Poly
 - <all other values>
 - Paved Road
 - Paved Airport Runway
 - Paved Driveway
 - Paved Parking
 - Paved Shoulder
 - Sidewalk
 - Unpaved Driveway
 - Unpaved Parking
 - Unpaved Shoulder
- Open Water Gradient
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 - High : 180
 - Low : 0
- Trees
- Tree Poly
- Recreational Features
 - Recreational: Athletic Fields-Courts
 - Recreational: Golf Course Related
 - Recreational: Bleachers
- Parks
- Other Parks
- County Boundary
- Streets
 - Primary
 - Secondary

1: 60,000

Notes
Franklin Municipal Overview

10,000 5,000 0 10,000 Feet

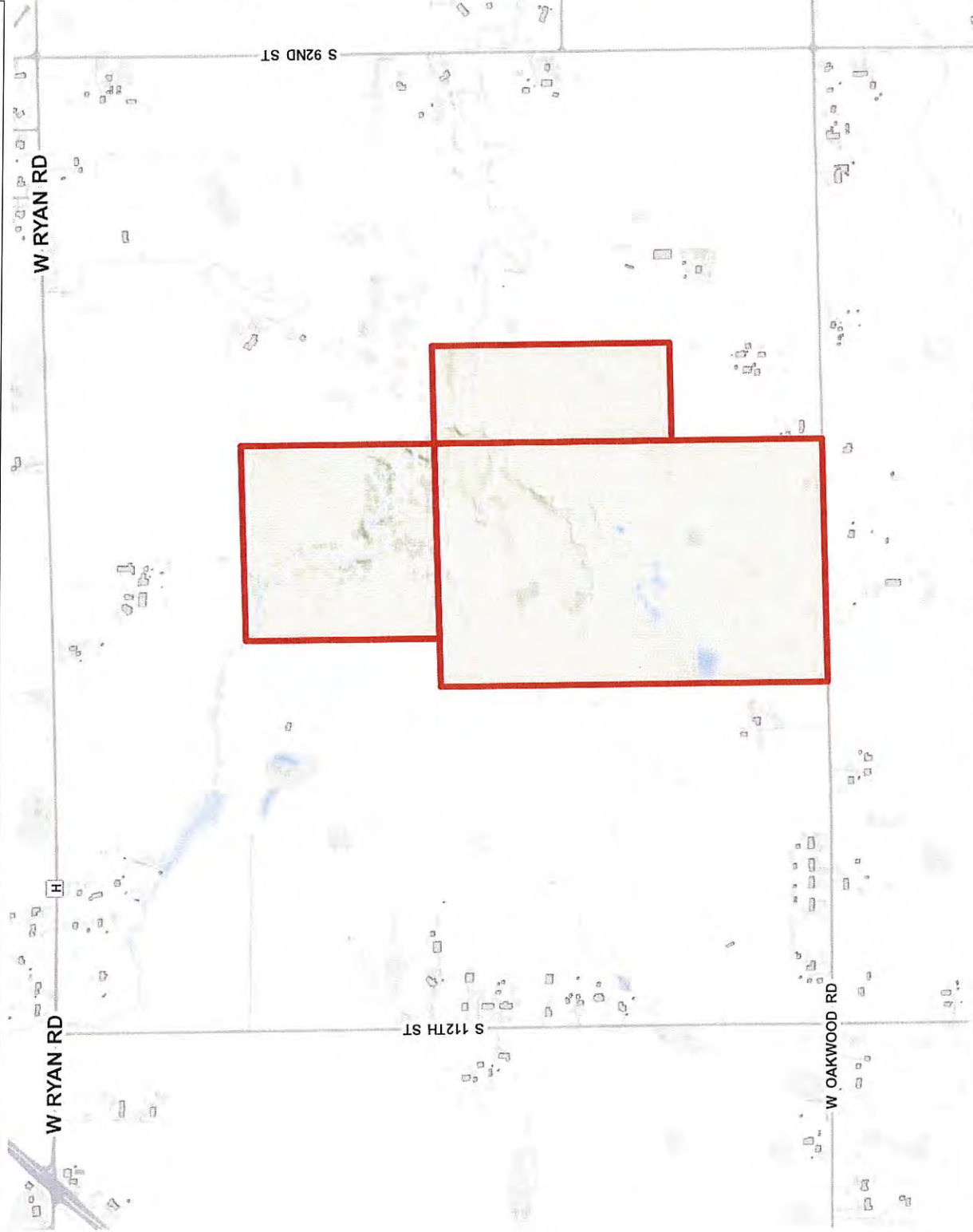
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MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



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NOTES
Franklin Park Overview

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2,000 0 1,000 2,000 Feet

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Franklin Park



2,000 1,000 0 1,000 2,000 Feet

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 - County Boundary

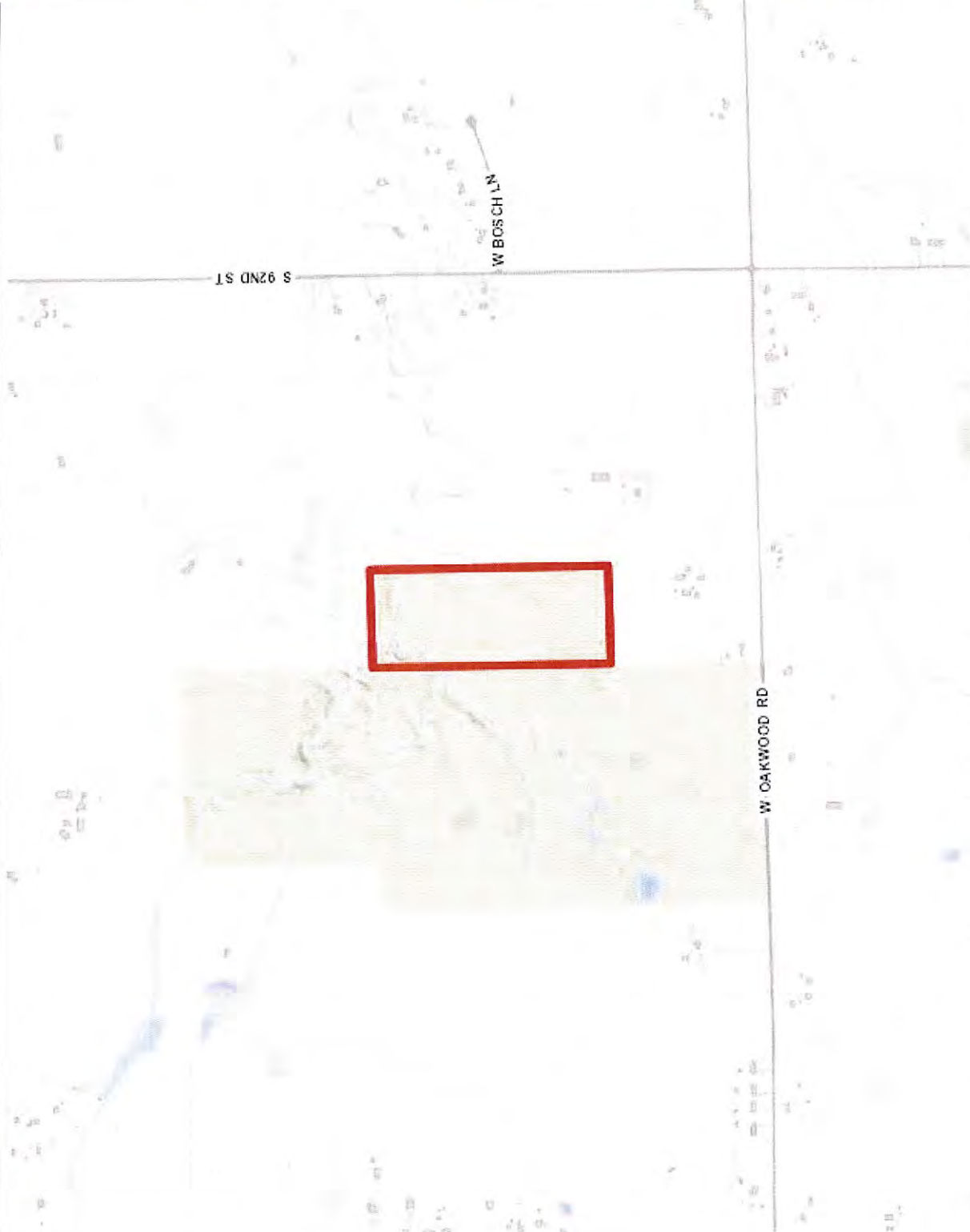
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Notes
Parcel #8939995002
40.07 Acres



Franklin Park



Legend

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Notes

Parcel #9369998002
24.53 Acres

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Franklin Park



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Notes

Parcel #9379998000
99.91 Acres

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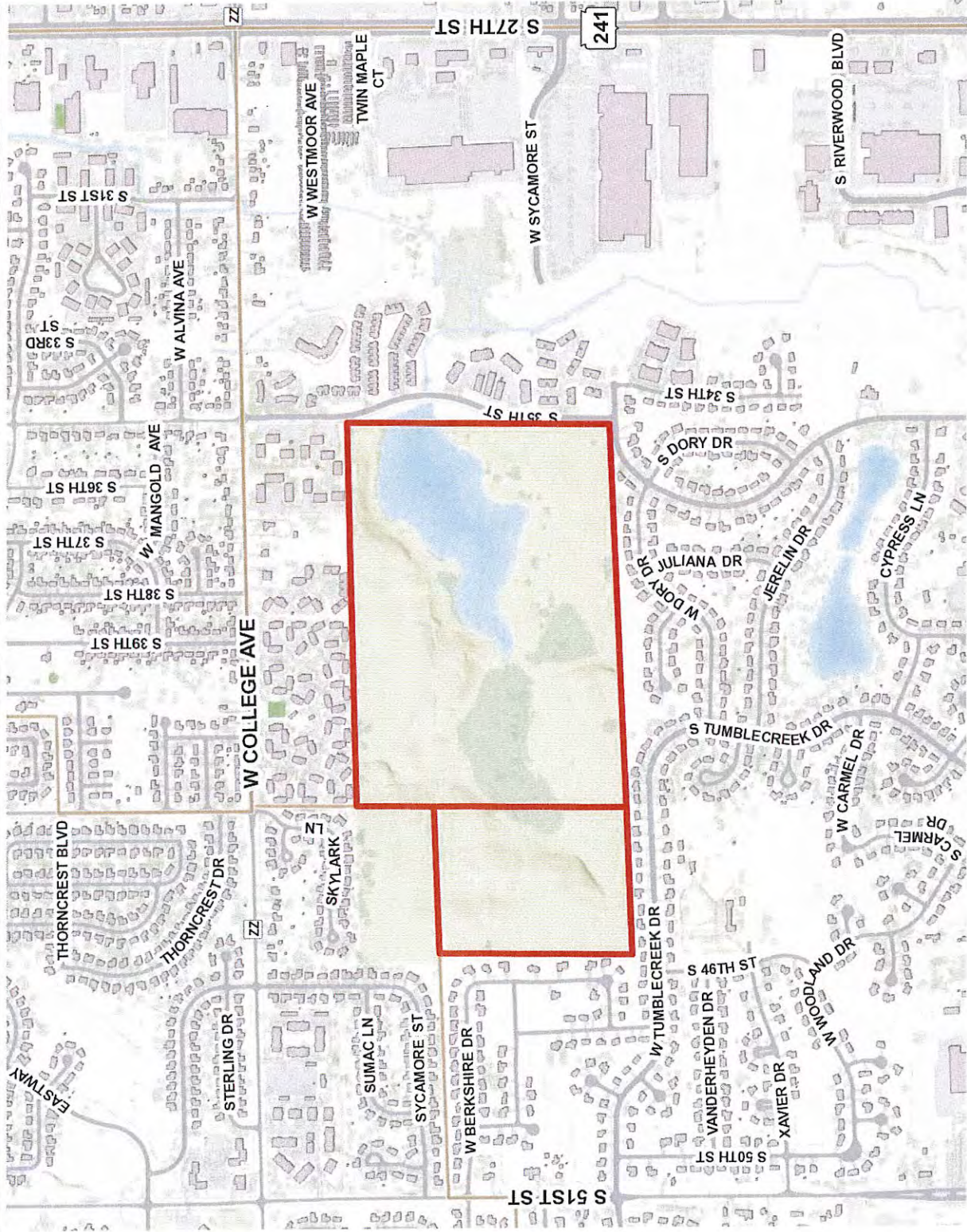
Legend

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Notes

Grobschmidt Overview



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Grobschmidt Park



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1: 12,000



Notes
Parcel #7128999000
30,245 Acres

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2,000 0 1,000 2,000 Feet
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Grobschmidt Park



Legend

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1:12,000



Notes

Parcel #7139999001
108.60 Acres

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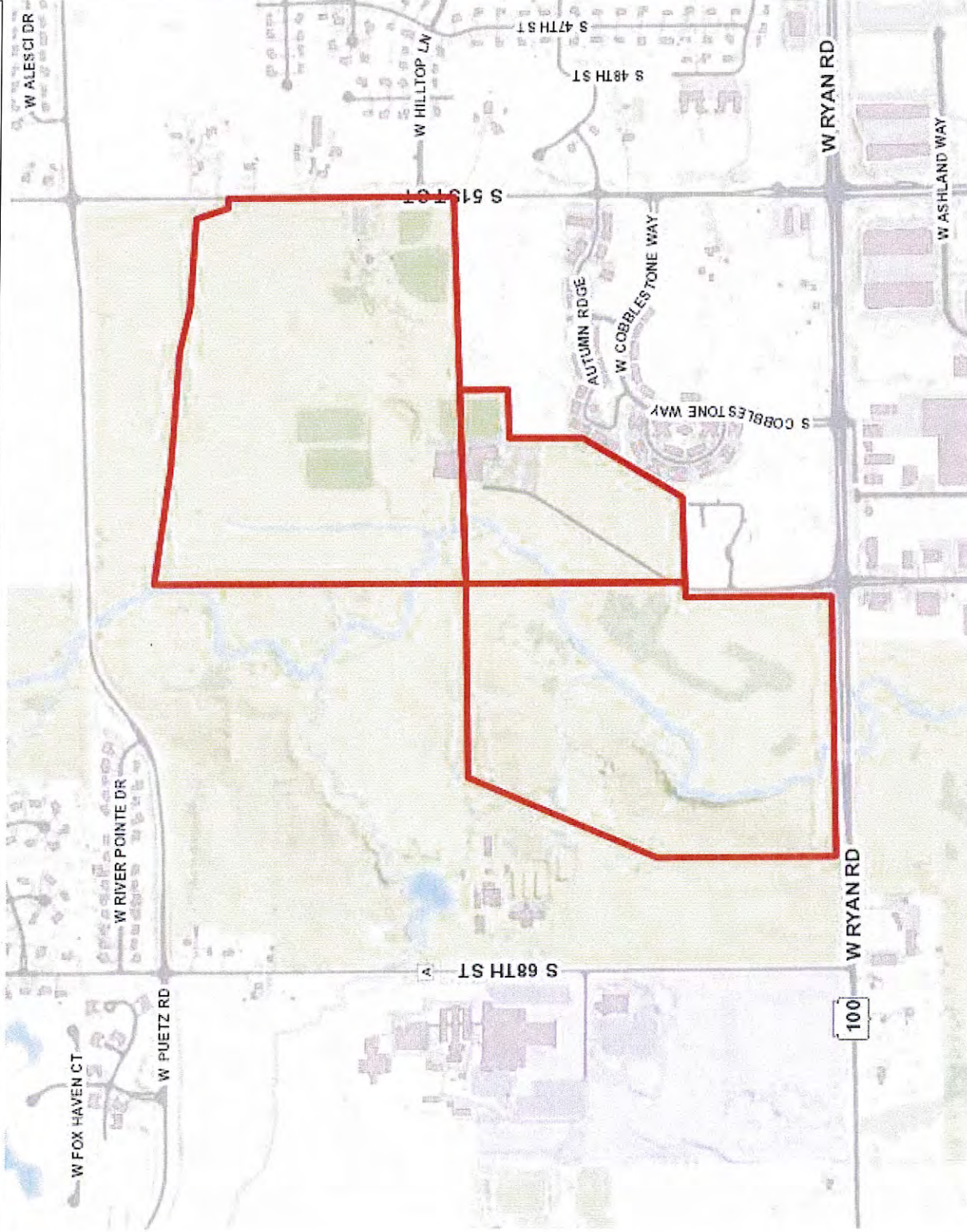


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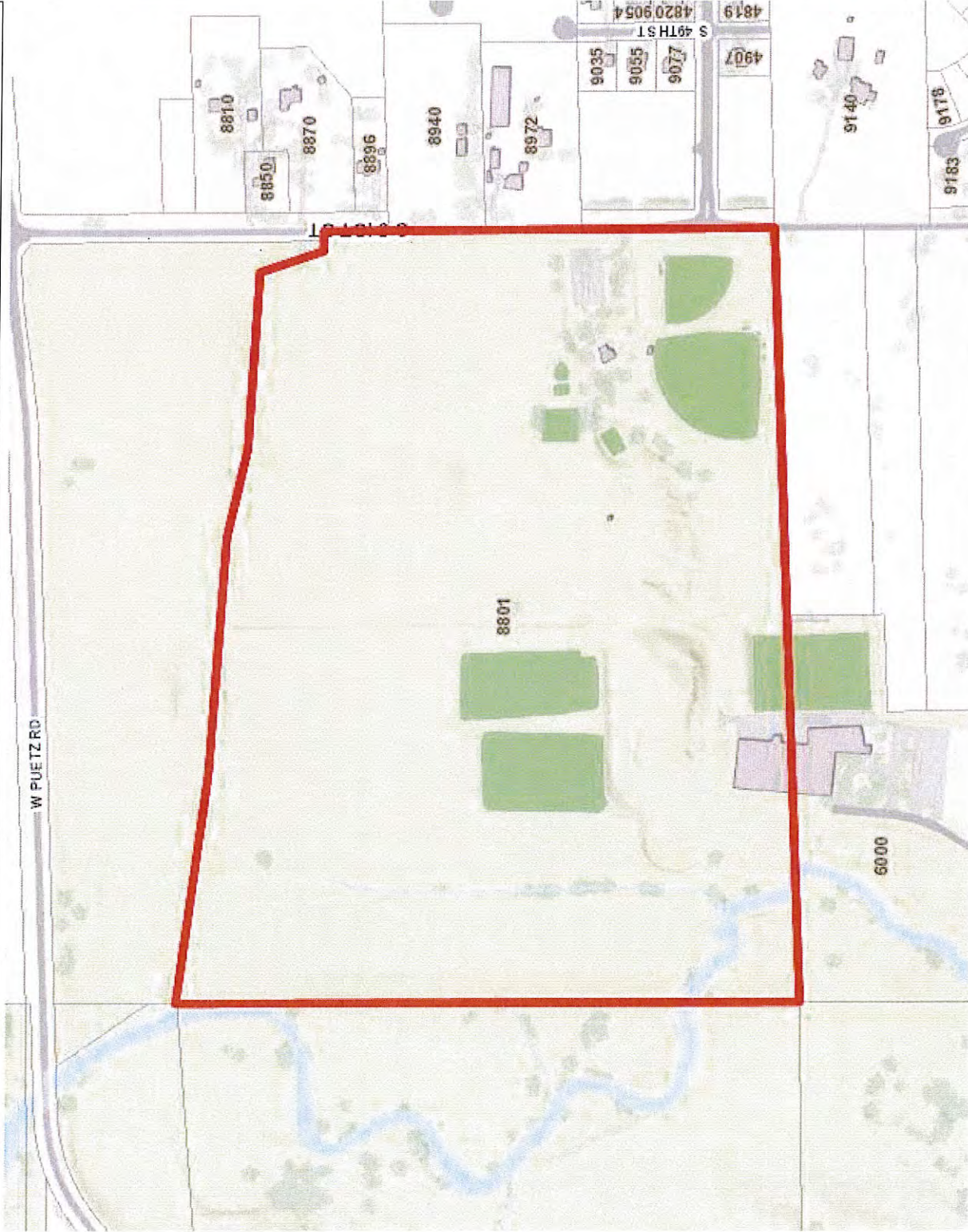
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Notes
Milw. County Sports Complex/ Froemming Overview



Froemming Park



- Legend**
- Tax Parcels
 - Plat of Survey
 - Subdivision Docs
 - Condo Docs
 - CSM Docs
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1: 6,000



Notes

Parcel #8529999001
16.90 Acres

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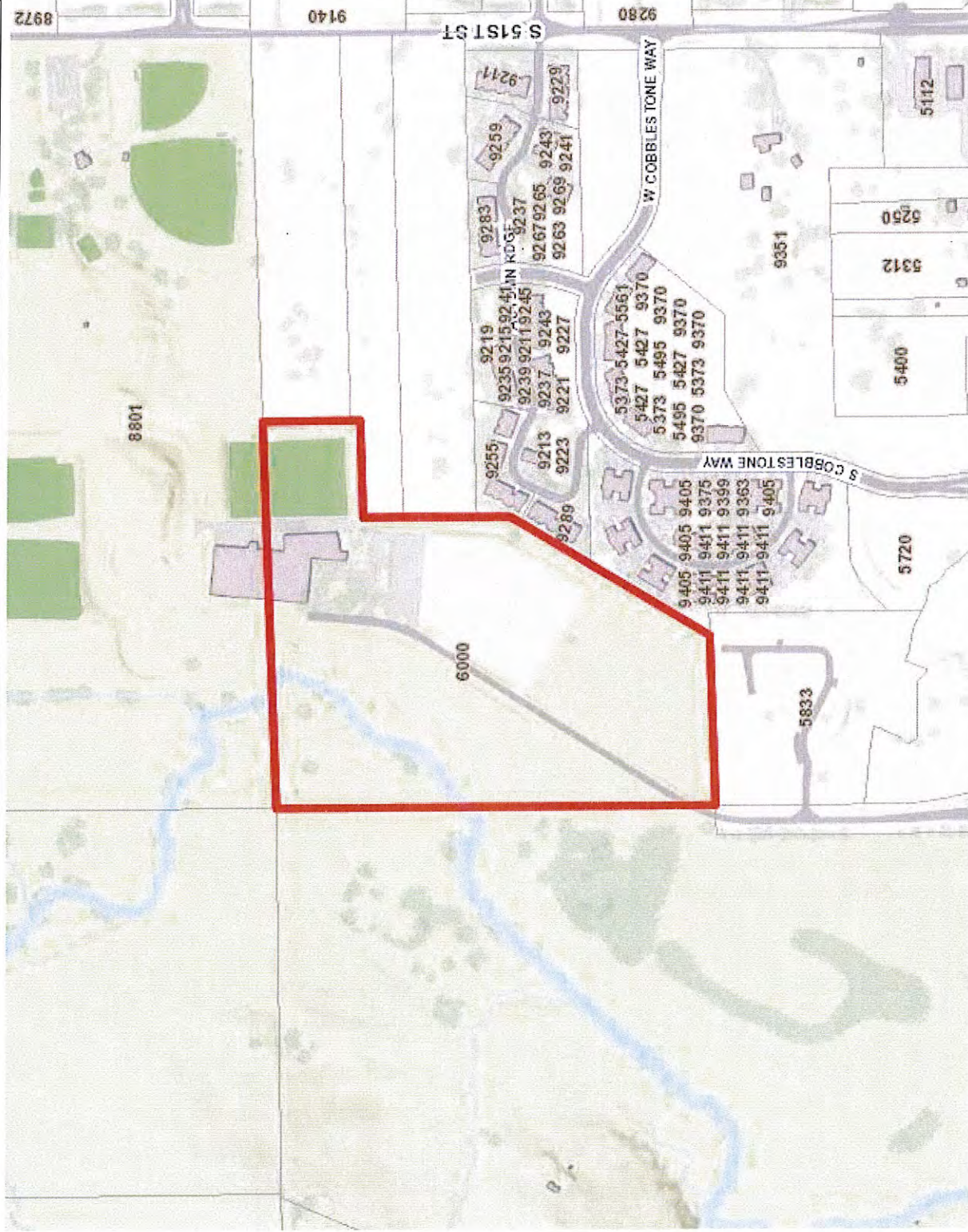
1,000 500 0 1,000 Feet

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Milw. County Sports Complex



- Legend**
- Tax Parcels
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Notes

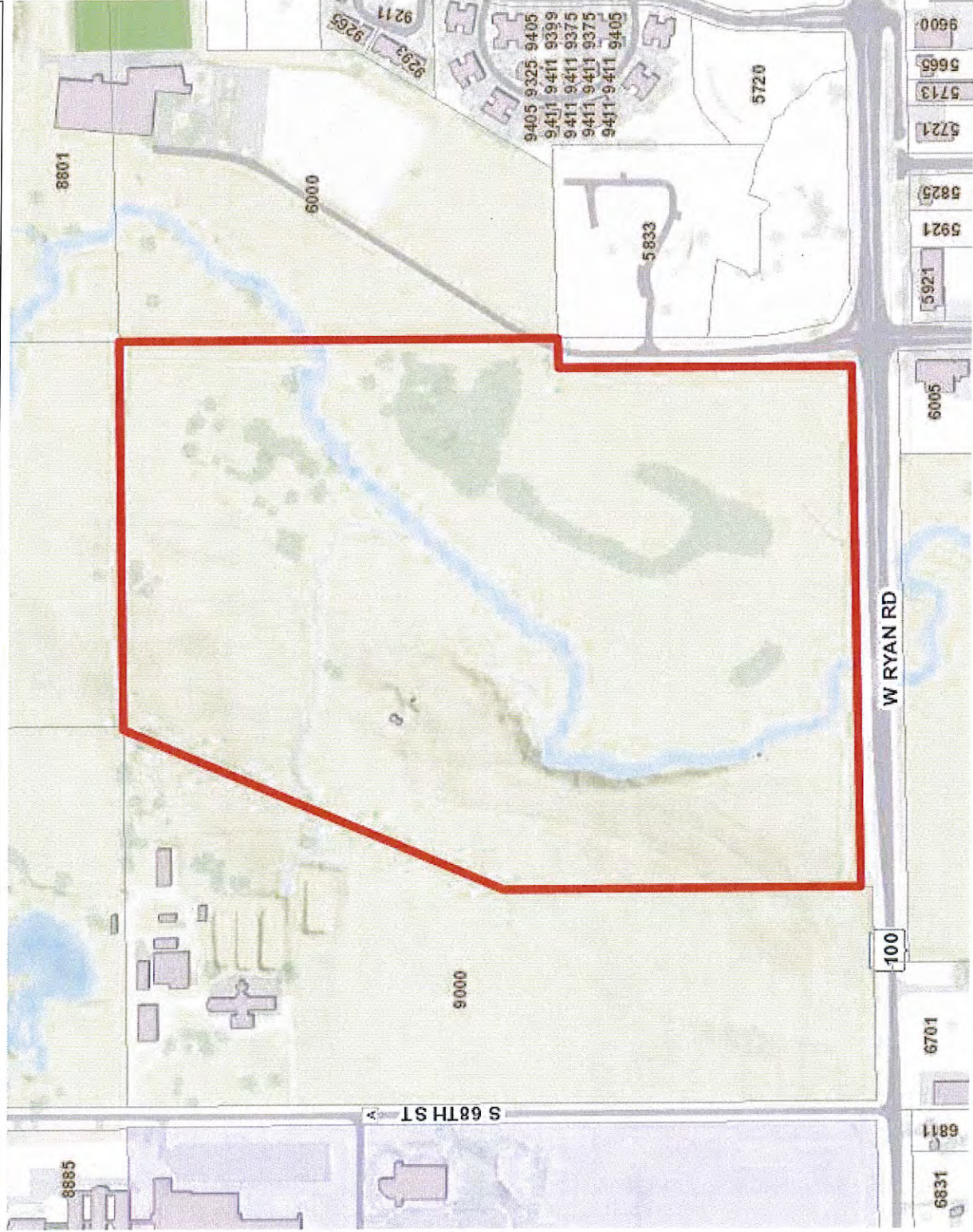
Parcel #8829987001
23.47 Acres

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Milw. County Sports Complex



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Notes
 Parcel #8839999004
 96.33 Acres

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MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



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Notes
Oakwood Overview



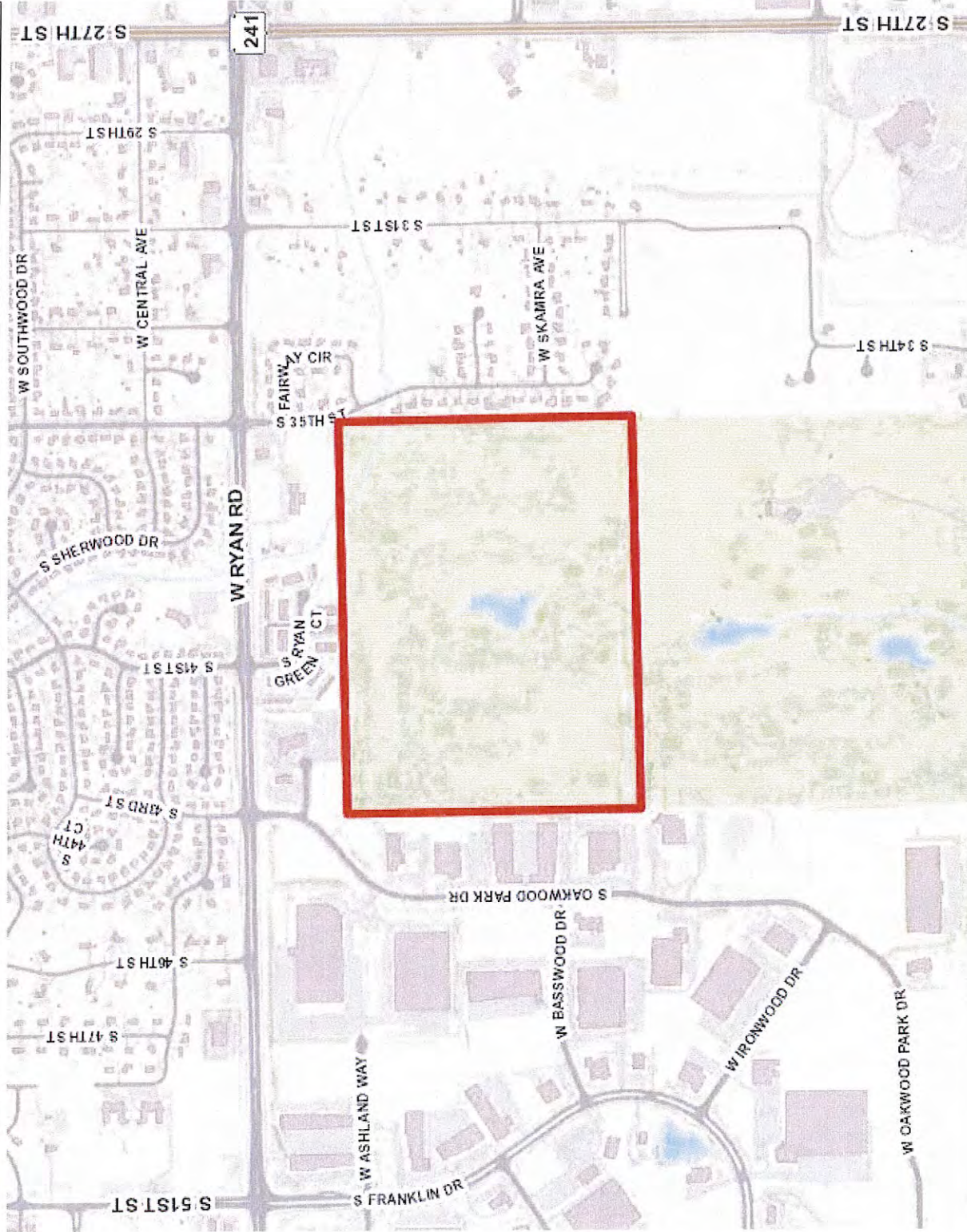
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Oakwood Park



Legend

- County Boundary
- City Limits Outline
- Streets
 - Primary
 - Secondary
 - Freeway
 - Primary Ramp
 - Freeway Ramp
 - AT1
- Transportation Poly
- Bridge Structure
- Structure
- Structure Large Shadow
- Transportation Poly
 - <all other values>
 - Paved Road
 - Paved Airport Runway
 - Paved Driveway
 - Paved Parking
 - Paved Shoulder
 - Sidewalk
 - Unpaved Driveway
 - Unpaved Parking
 - Unpaved Shoulder
- Open Water Gradient
- Open Water
- Stream
- Hillshade
 - High : 180
 - Low : 0
- Trees
- Tree Poly
- Recreational Features
 - Recreational: Athletic Fields-Courts
 - Recreational: Golf Course Related
- Parks
 - Recreational: Bleachers
- Other Parks
- City Limits Color
- County Boundary

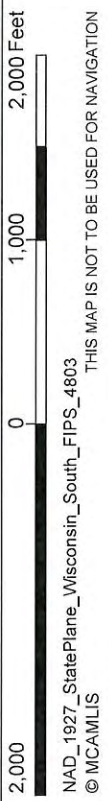
1: 12,000



Notes

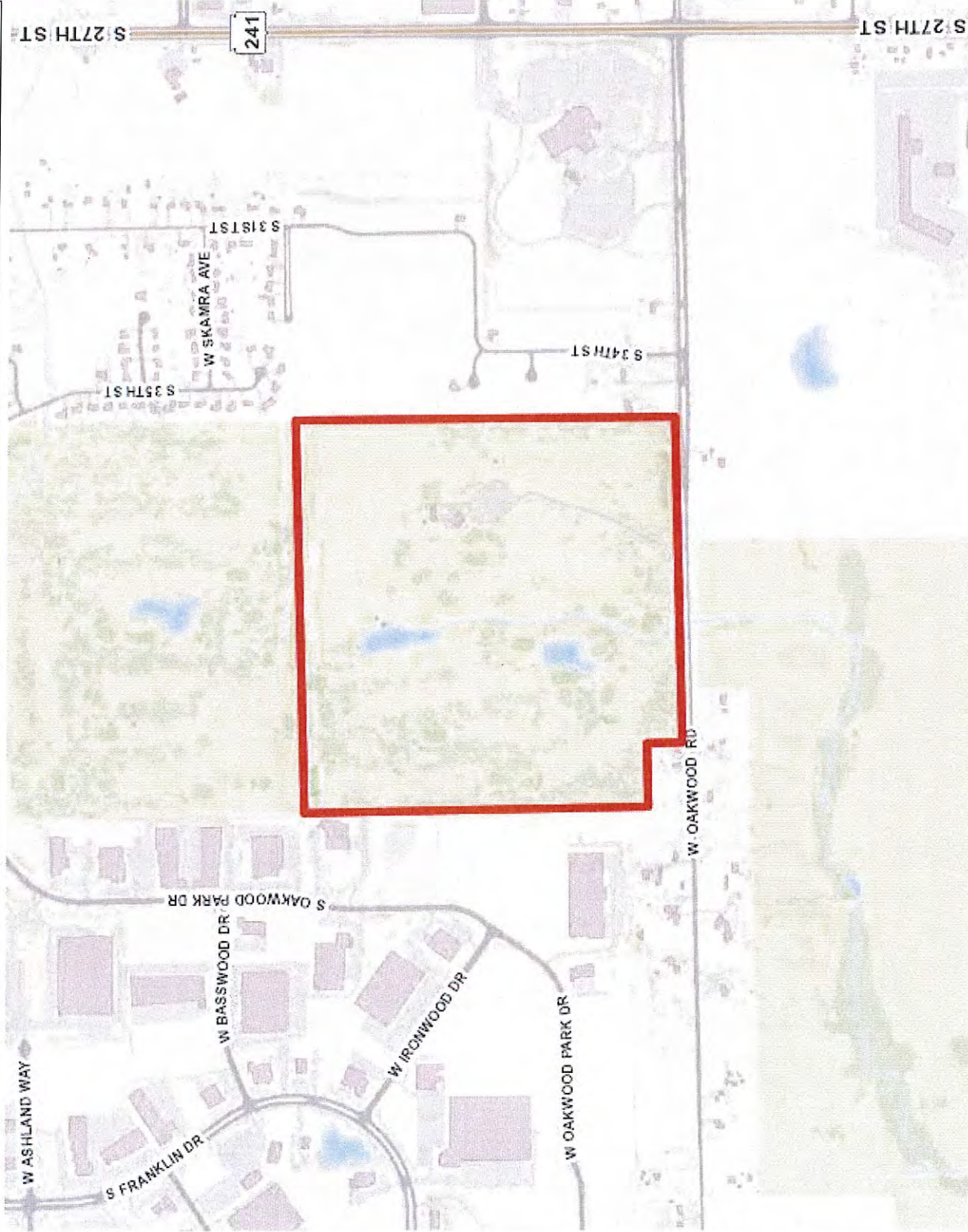
Parcel #9019999000
121.79 Acres

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Oakwood Park



Legend

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- Streets
 - Primary
 - Secondary
 - Freeway
 - Primary Ramp
 - Freeway Ramp
 - AT
- Transportation Poly
- Bridge Structure
- Structure
- Structure Large Shadow
- Transportation Poly
 - <all other values>
 - Paved Road
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- Tree Poly
- Recreational Features
 - Recreational: Athletic Fields-Courts
 - Recreational: Golf Course Related
 - Recreational: Bleachers
- Parks
- Other Parks
- City Limits Color
- County Boundary

1:12,000



Notes

Parcel #929999001
154.23 Acres

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2,000 0 1,000 2,000 Feet



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Southwood Glen



- Legend**
- Tax Parcels
 - Plat of Survey
 - Subdivision Docs
 - Condo Docs
 - CSM Docs
 - County Boundary
 - City Limits Outline
 - Streets
 - Primary
 - Secondary
 - Freeway
 - Primary Ramp
 - Freeway Ramp
 - A71
 - Railroad 8k
 - Transportation Poly
 - Bridge Structure
 - Structure
 - Structure Large Shadow
 - Transportation Poly
 - <all other values>
 - Paved Road
 - Paved Airport Runway
 - Paved Driveway
 - Paved Parking
 - Paved Shoulder
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 - Open Water Gradient
 - Open Water
 - Stream
 - Hillshade
 - High : 180
 - Low : 0
 - Trees
 - Tree Poly
 - Recreational Features

1:6,000



Notes
 Parcel #8790020000
 9.02 Acres

1,000 500 0 1,000 Feet
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MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



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- Legend**
- Tax Parcels
 - Plat of Survey
 - Foreclosure
 - Subdivision Docs
 - Condo Docs
 - CSM Docs
 - County Boundary
 - City Limits Outline
 - Streets
 - Primary
 - Secondary
 - Freeway
 - Primary Ramp
 - Freeway Ramp
 - A71
 - Railroad 8k
 - Transportation Poly
 - Bridge Structure
 - Structure
 - Structure Large Shadow
 - Transportation Poly
 - <all other values>
 - Paved Road
 - Paved Airport Runway
 - Paved Driveway
 - Paved Parking
 - Paved Shoulder
 - Sidewalk
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 - Unpaved Parking
 - Unpaved Shoulder
 - Open Water Gradient
 - Open Water
 - Stream
 - Hillshade
 - High : 180
 - Low : 0
 - Trees
 - Tree Poly

1:2,400



Notes
St. Martin Overview



St. Martins



- Legend**
- Tax Parcels
 - Plat of Survey
 - Foreclosure
 - Subdivision Docs
 - Condo Docs
 - CSM Docs
 - County Boundary
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 - Streets
 - Primary
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 - Unpaved Shoulder
 - Open Water Gradient
 - Open Water
 - Stream
 - Hillshade
 - High : 180
 - Low : 0
 - Trees
 - Tree Poly

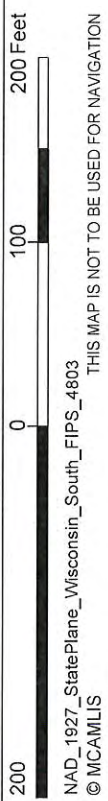
1: 1,200



Notes

Parcel #7960106000
.080 Acres

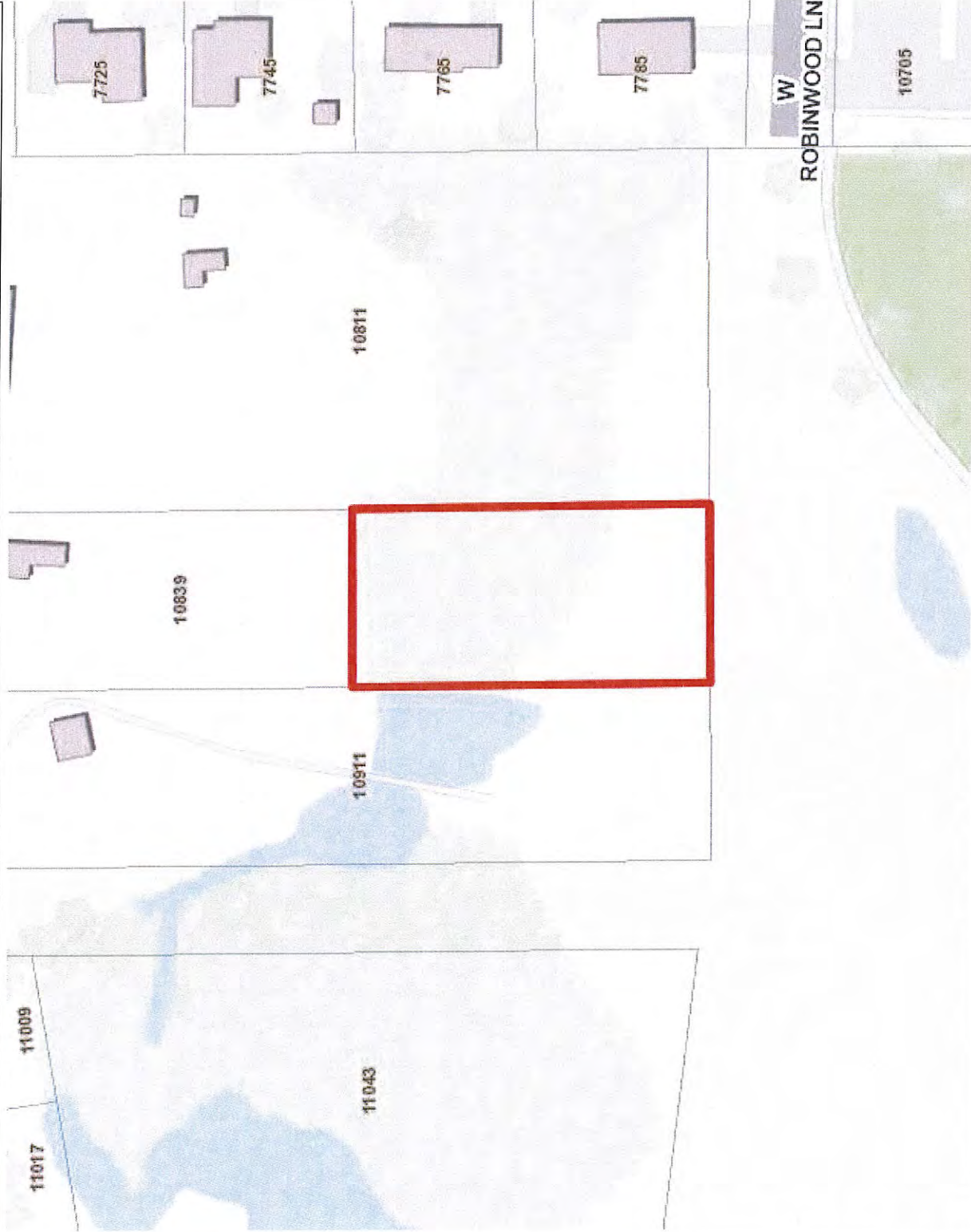
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St. Martins/Robinwood Elementary



- Legend**
- Tax Parcels
 - Plat of Survey
 - Foreclosure
 - Subdivision Docs
 - Condo Docs
 - CSM Docs
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 - Railroad 8k
 - Transportation Poly
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 - Structure
 - Structure Large Shadow
 - Transportation Poly
 - <all other values>
 - Paved Road
 - Paved Airport Runway
 - Paved Driveway
 - Paved Parking
 - Paved Shoulder
 - Sidewalk
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 - Open Water Gradient
 - Open Water
 - Stream
 - Hillshade
 - High : 180
 - Low : 0
 - Trees
 - Tree Poly

1:1,200



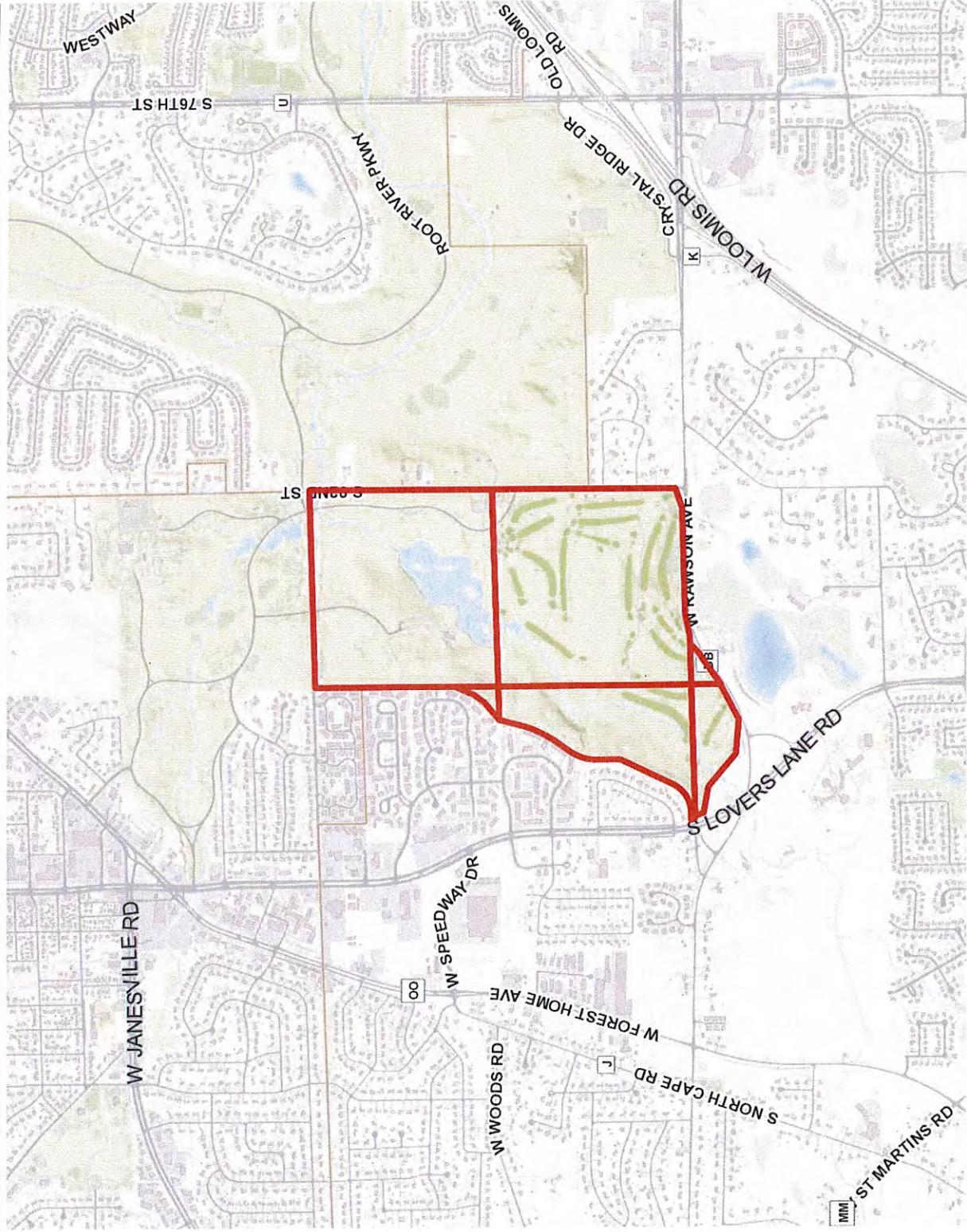
Notes
 Parcel #7969997002
 .68 Acres

200 Feet
 0 100 200 Feet
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MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



- Legend**
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 - Primary
 - Secondary
 - Freeway
 - Primary Ramp
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 - A71
 - Transportation Poly
 - Bridge Structure
 - Structure
 - Structure Large Shadow
 - Transportation Poly
 - <all other values>
 - Paved Road
 - Paved Airport Runway
 - Paved Driveaway
 - Paved Parking
 - Paved Shoulder
 - Sidewalk
 - Unpaved Driveaway
 - Unpaved Parking
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 - Open Water Gradient
 - Open Water
 - Stream
 - Hillshade
 - High : 180
 - Low : 0
 - Trees
 - Tree Poly
 - Recreational Features
 - Recreational: Athletic Fields-Courts
 - Recreational: Golf Course Related
 - Recreational: Bleachers
 - Parks
 - Other Parks
 - City Limits Color
 - County Boundary

1:24,000



Notes
Whitnall Park Overview

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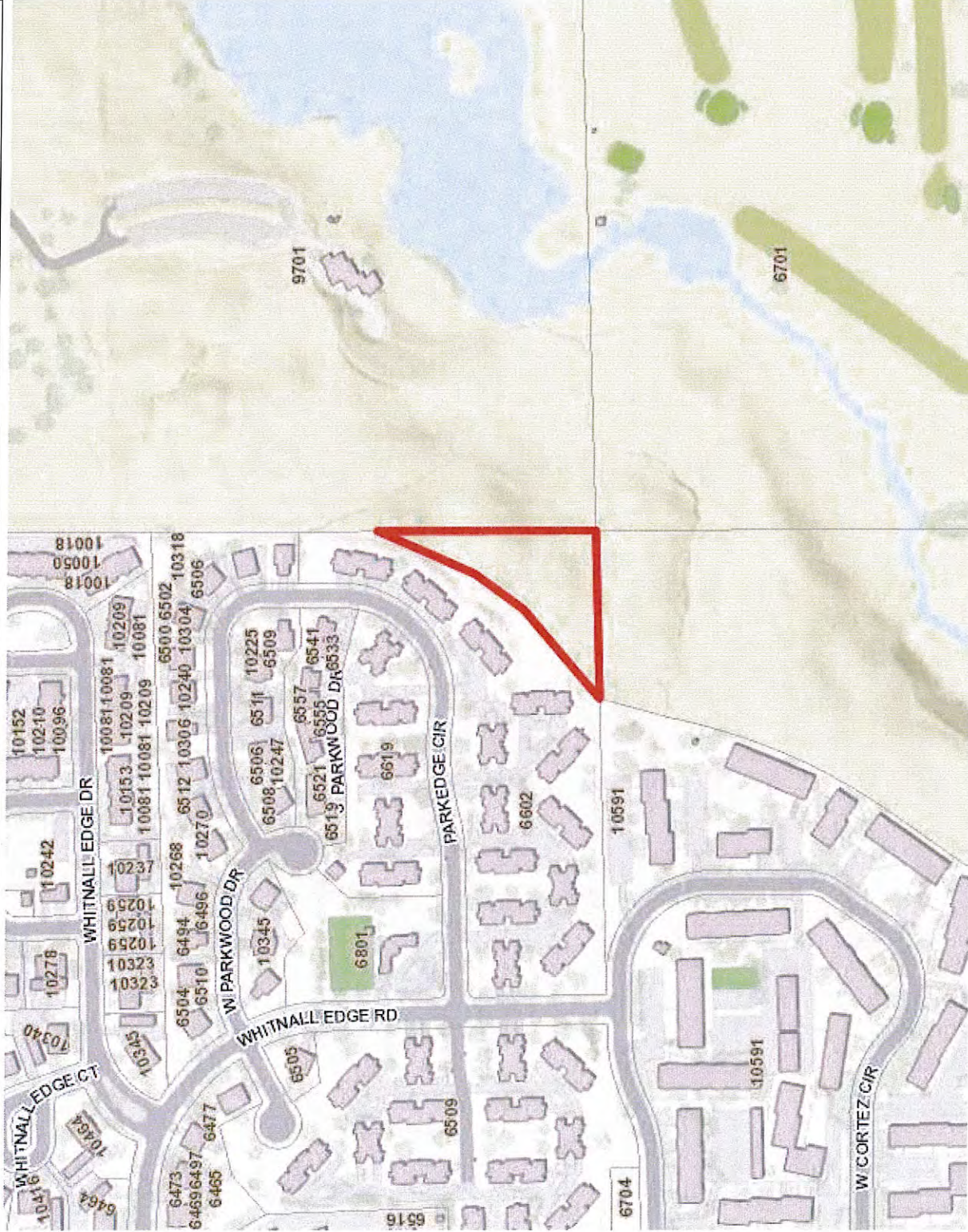
4,000 2,000 0 4,000 Feet

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Whitnall Park



- Legend**
- Tax Parcels
 - Plat of Survey
 - Subdivision Docs
 - Condo Docs
 - CSM Docs
 - County Boundary
 - City Limits Outline
 - Streets
 - Primary
 - Secondary
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 - A71
 - Railroad 8k
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 - Bridge Structure
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 - <all other values>
 - Paved Road
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 - Open Water Gradient
 - Open Water
 - Stream
 - Hillshade
 - High : 180
 - Low : 0
 - Trees
 - Tree Poly
 - Recreational Features

1:4,800



Notes
 Parcel #705899003
 2.39 Acres

800 0 400 800 Feet
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Whitnall Park



- Legend**
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 - Streets
 - Primary
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 - Freeway
 - Primary Ramp
 - Freeway Ramp
 - A71
 - Transportation Poly
 - Bridge Structure
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 - Structure Large Shadow
 - Transportation Poly
 - <all other values>
 - Paved Road
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 - Trees
 - Tree Poly
 - Recreational Features
 - Recreational: Athletic Fields-Courts
 - Recreational: Golf Course Related
 - Recreational: Bleachers
 - Parks
 - Other Parks
 - City Limits Color
 - County Boundary

1:12,000



Notes

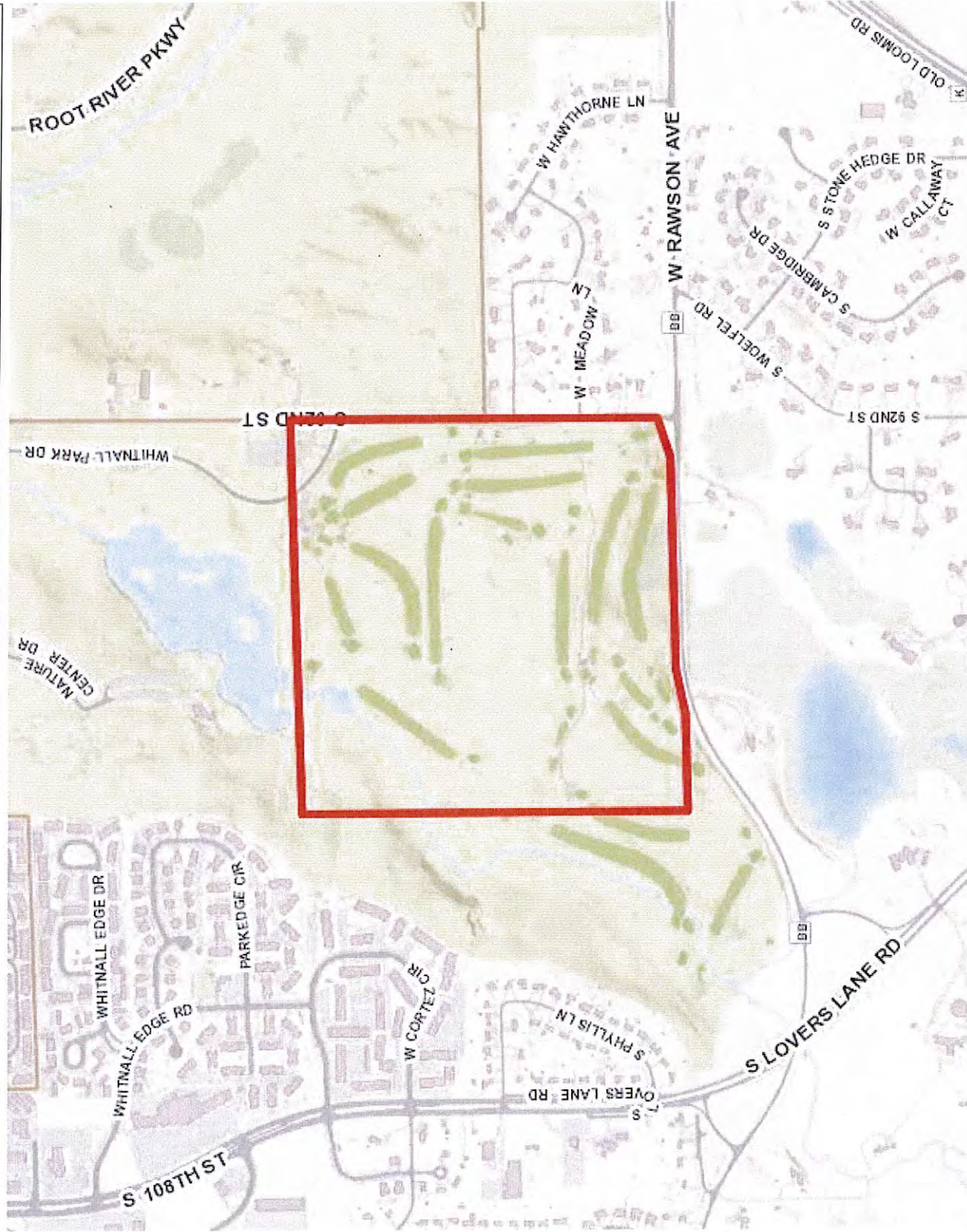
Parcel #7069999000
153.59 Acres

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Whitnall Park



Legend

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- Recreational Features
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 - Recreational: Golf Course Related
 - Recreational: Bleachers
- Parks
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- County Boundary

1:12,000



Notes

Parcel #746999000
159.12 Acres

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2,000 Feet

1,000

0

2,000

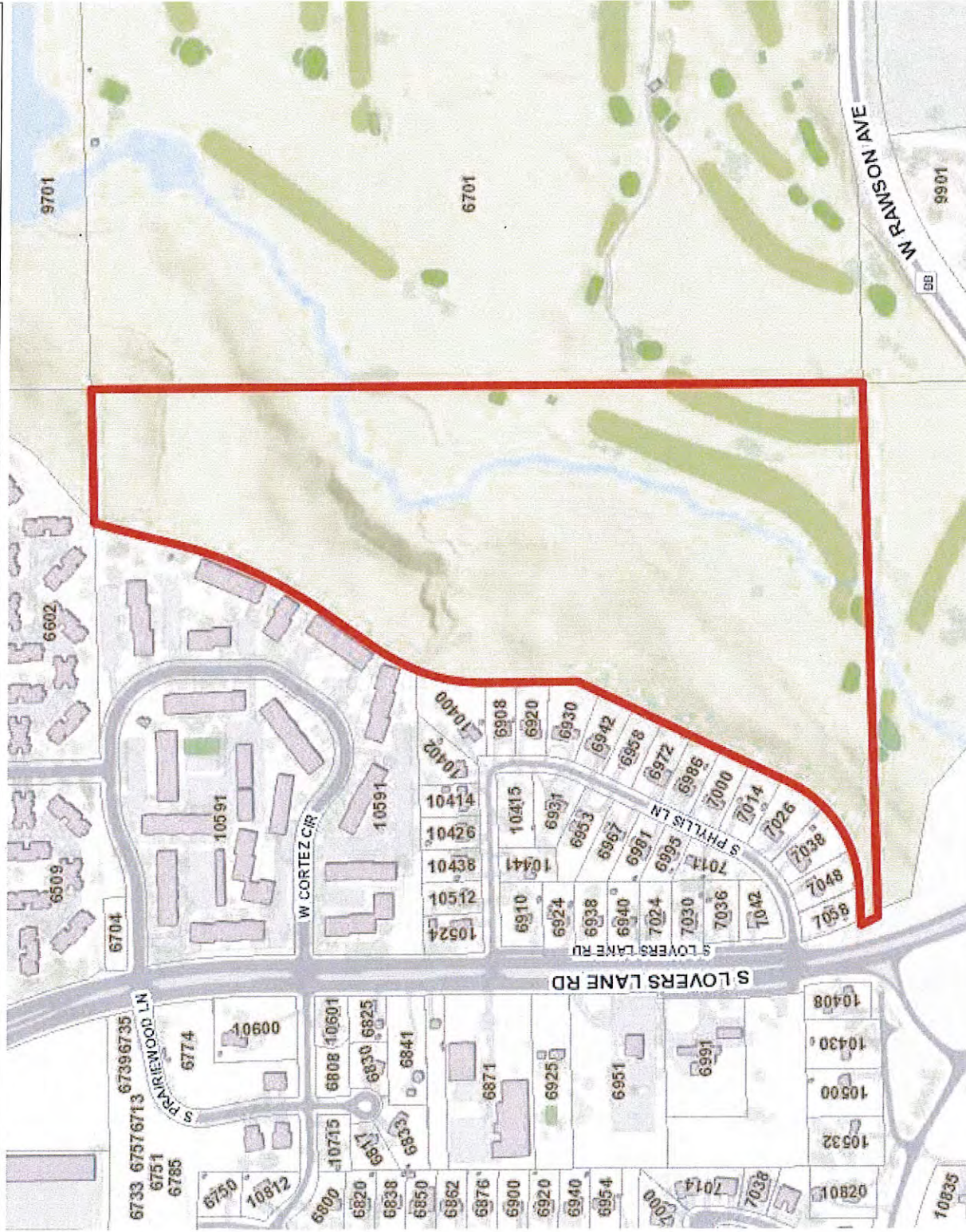
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Whitnall Park



Legend

- Tax Parcels
- Plat of Survey
- Subdivision Docs
- Condo Docs
- CSM Docs
- County Boundary
- City Limits Outline
- Streets
 - Primary
 - Secondary
 - Freeway
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- Bridge Structure
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- Open Water Gradient
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- Stream
- Hillshade
 - High : 180
 - Low : 0
- Trees
- Tree Poly
- Recreational Features

1:6,000



1,000 Feet



1,000

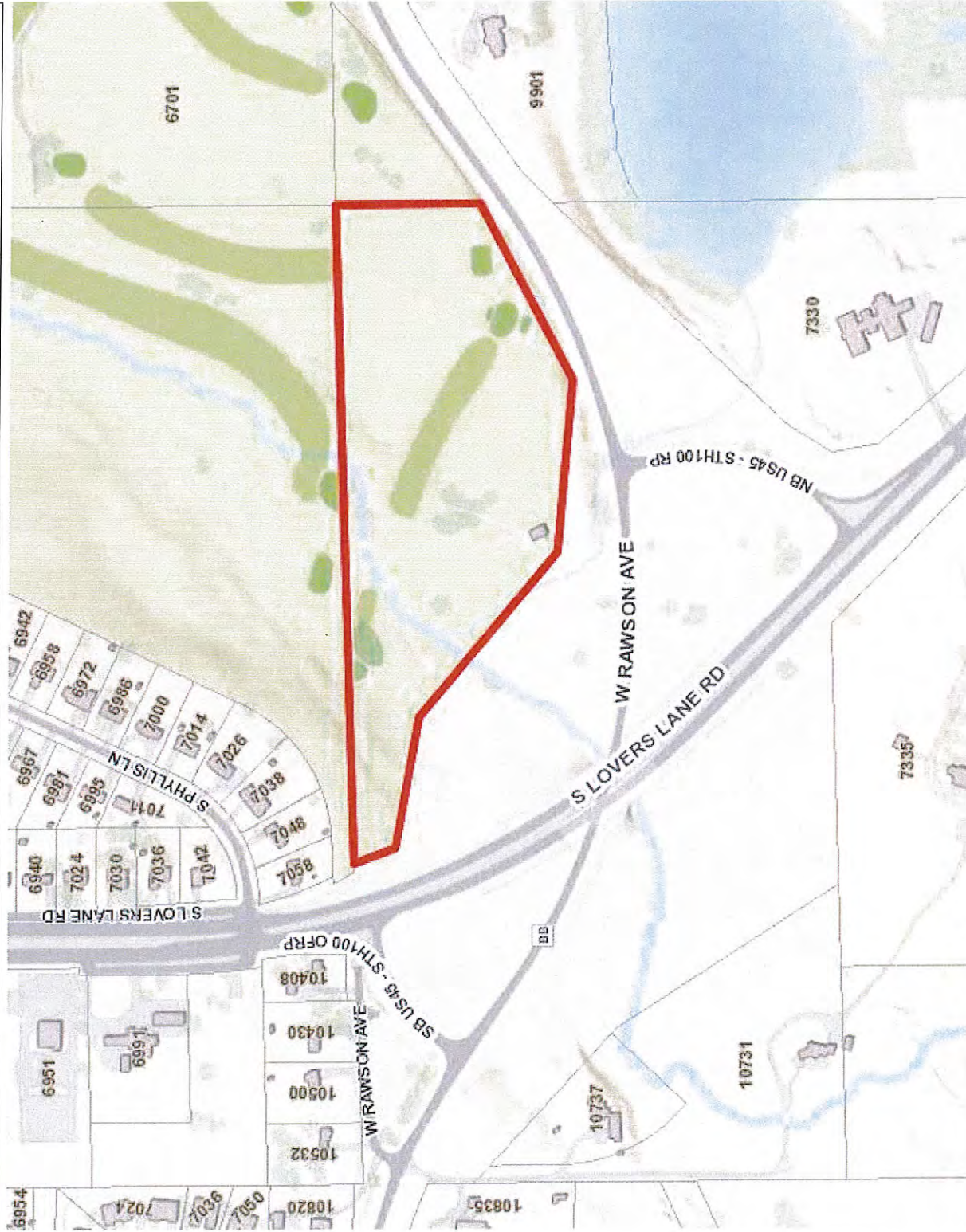
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Notes
Parcel #7479976000
58.52 Acres



Whitnall Park



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 - Open Water Gradient
 - Open Water
 - Stream
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 - High : 180
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 - Trees
 - Tree Poly
 - Recreational Features

1:4,800



Notes

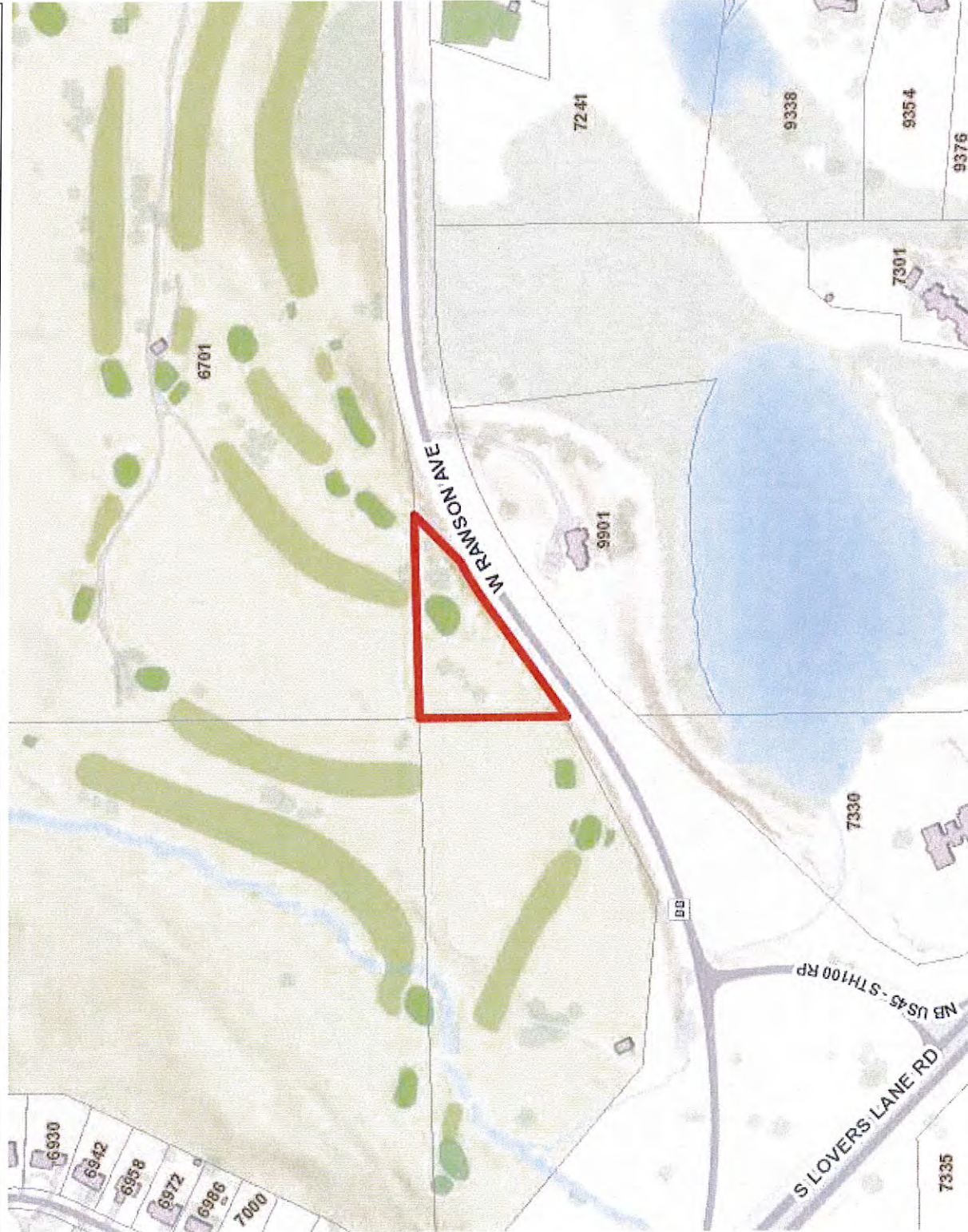
Parcel #7529996000
17.41 Acres

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Whitnall Park



Legend

- Tax Parcels
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1:4,800



Notes
 Parcel #7539997000
 2.69 Acres

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800 Feet

0 400 800

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**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of April 7, 2016****Special Use**

RECOMMENDATION: City Development Staff recommends approval of the proposed special use for a heating, ventilation and air-conditioning contracting business use upon property located at 8437 South 27th Street, subject to the conditions of approval in the attached draft resolution.

Project Name: Urban Heating and Cooling, LLC, Special Use

Project Address: 8437 South 27th Street

Applicant: Urban Heating and Cooling, LLC

Owners (property): Jeffrey S. and Steven K. Puschnig

Current Zoning: B-4 South 27th Street Mixed Use Commercial District

2025 Comprehensive Master Plan Mixed Use

Use of Surrounding Properties: Single-family residential (to the south and west); Toscana Italian restaurant (to the north) and vacant property in the city of Oak Creek (to the east)

Applicant Action Requested: Recommendation of approval for the proposed Special Use for Urban Heating and Cooling, LLC to operate at 8437 South 27th Street

BACKGROUND AND INTRODUCTION:

The Common Council granted Urban Heating and Cooling, LLC Special Use approval to operate at 8437 S. 27th Street on July 1, 2014 via Resolution No. 2014-7000. However, Mr. Sopa did not establish the Special Use by way of the issuance of an occupancy permit for such use within one year from the date of adoption of Resolution No. 2014-7000, thus rendering the approval null and void on July 1, 2015. Mr. Sopa is renegotiating to purchase the property and would once again like approval to locate his business there.

On February 25, 2016, Ryan Sopa submitted a new Special Use application on behalf of Urban Heating and Cooling, LLC requesting approval to operate a heating, ventilation and air-conditioning contracting business use within a vacant building located at 8437 South 27th Street. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 1711, Plumbing, heating, air-conditioning, which is allowable in the B-4 South 27th Street Mixed Use Commercial District as a Special Use.

PROJECT DESCRIPTION AND ANALYSIS:

The applicant is requesting Special Use approval to operate a heating, ventilation and air-conditioning contracting business use in an approximately 960 square foot existing building located at 8437 South 27th Street. Mr. Sopa is in negotiations to purchase this property from the current owners. The property is approximately 0.41 acres or 17,859 square feet. The applicant is

not proposing any additional landscaping, lighting or exterior changes to the building at this time.

According to the applicant, Urban Heating and Cooling will provide residential and commercial heating and cooling equipment services. The applicant indicates that the property will be utilized for office, shop, and equipment storage purposes. Proposed hours of operation for the business are Monday through Friday from 8:00 a.m. to 5:00 p.m. The applicant indicates that there are currently three employees, with a possibility for more in the future, that there will not be any storage or work conducted on equipment outdoors, and that the fenced in storage area will only be used for parking vehicles and storing waste/recycling containers.

The fenced in storage area as depicted on the site plan was not approved by the City. The fence was approved and issued a Building Permit on April 11, 2001; however, there is not a use approval on file to allow for outdoor storage. Furthermore, staff is not aware of any approvals to pave that portion of the site. Staff estimates the Landscape Surface Ratio of the site at approximately 15%, which does not comply with the B-4 Minimum Landscape Surface Ratio of 0.30. Staff recommends outdoor storage not be allowed onsite; the area depicted as "Fenced Storage Area" on the applicant's submitted site plan shall not be used for any purpose other than the placement and use of waste/recycling container(s) and parking of employee and company vehicles not exceeding 8,000 pounds Gross Vehicle Weight as required by the applicant's business use of the property, without the further approval of an amendment to the Site Plan approved under this Resolution.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) defines requirements for off-street parking. According to this section, a contractor shop is required to provide 1.0 space per 1,000 square feet of gross floor area (GFA), plus required parking for offices, or similar uses where those uses exceed 10 percent of GFA. If one applies this standard, then the proposed 960 square foot heating, ventilation and air-conditioning contracting business use would be required to provide a minimum of one (1) off-street parking space.

The subject building has a parking lot consisting of space for approximately six (6) total off-street parking stalls. However, the parking areas are currently not striped as required by the UDO. Therefore, Staff recommends the applicant mark off-street parking spaces with painted lines in accordance with Section 15-5.0202 of the Unified Development Ordinance, prior to issuance of an Occupancy Permit.

Furthermore, none of the off-street parking spaces on the property are marked as reserved for persons with disabilities as required by Section 15-5.0202(I)(3) of the (UDO). Therefore, Staff recommends the applicant mark the off-street parking space nearest the front entrance of the building with a sign reserving it for persons with disabilities in accordance with Section 15-5.0202(I)(3) of the Unified Development Ordinance and the Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities.

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant

has provided a written response to these standards within the project narrative, which is included in your packet.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed special use for a heating, ventilation and air-conditioning contracting business use upon property located at 8437 South 27th Street, subject to the conditions of approval in the attached draft resolution.

RESOLUTION NO. 2016-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE FOR A HEATING, VENTILATION AND
AIR-CONDITIONING CONTRACTING BUSINESS USE UPON PROPERTY
LOCATED AT 8437 SOUTH 27TH STREET
(URBAN HEATING AND COOLING LLC, APPLICANT)

WHEREAS, Urban Heating and Cooling LLC having petitioned the City of Franklin for the approval of a Special Use within a B-4 South 27th Street Mixed-Use Commercial District under Standard Industrial Classification Title No. 1711 “Plumbing, heating, air-conditioning”, to allow for a heating, ventilation and air-conditioning contracting business use upon property located at 8437 South 27th Street, bearing Tax Key No. 832-9941-000, more particularly described as follows:

Commence in the east line of the southeast 1/4, 963.50 feet south of the northeast corner of the southeast 1/4, thence west, 435.60 feet; thence south 50.00 feet; thence east 435.60 feet, thence north 50.00 feet to the point of commencement. Excepting the east 80.00 feet for street purposes; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of April, 2016, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Urban Heating and Cooling LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and

URBAN HEATING AND COOLING LLC – SPECIAL USE
RESOLUTION NO. 2016-_____

Page 2

restrictions:

1. That this Special Use is approved only for the use of the subject property by Urban Heating and Cooling LLC, successors and assigns, as a heating, ventilation and air-conditioning contracting business use, which shall be developed in substantial compliance with, and operated and maintained by Urban Heating and Cooling LLC, pursuant to those plans City file-stamped March 28, 2016 and annexed hereto and incorporated herein as Exhibit A.
2. Urban Heating and Cooling LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Urban Heating and Cooling LLC heating, ventilation and air-conditioning contracting business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Urban Heating and Cooling LLC, and the heating, ventilation and air-conditioning contracting business use for the property located at 8437 South 27th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. Outdoor storage shall not be allowed onsite; the area depicted as “Fenced Storage Area” on the applicant’s submitted site plan shall not be used for any purpose other than the placement and use of waste/recycling container(s) and parking of employee or company vehicles not exceeding 8,000 pounds Gross Vehicle Weight as required by the applicant’s business use of the property, without the further approval of an amendment to the Site Plan approved under this Resolution.
5. The applicant shall mark off-street parking spaces with painted lines in accordance with Section 15-5.0202 of the Unified Development Ordinance, prior to the issuance of an Occupancy Permit.
6. The applicant shall mark the off-street parking space nearest the front entrance of the building with a sign reserving it for persons with disabilities in accordance with Section 15-5.0202(I)3. of the Unified Development Ordinance and the Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities.
7. [other conditions, etc.]

URBAN HEATING AND COOLING LLC – SPECIAL USE
RESOLUTION NO. 2016-_____

Page 3

BE IT FURTHER RESOLVED, that in the event Urban Heating and Cooling LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

URBAN HEATING AND COOLING LLC – SPECIAL USE
RESOLUTION NO. 2016-_____

Page 4

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

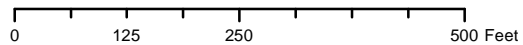
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

8437 S. 27 Street



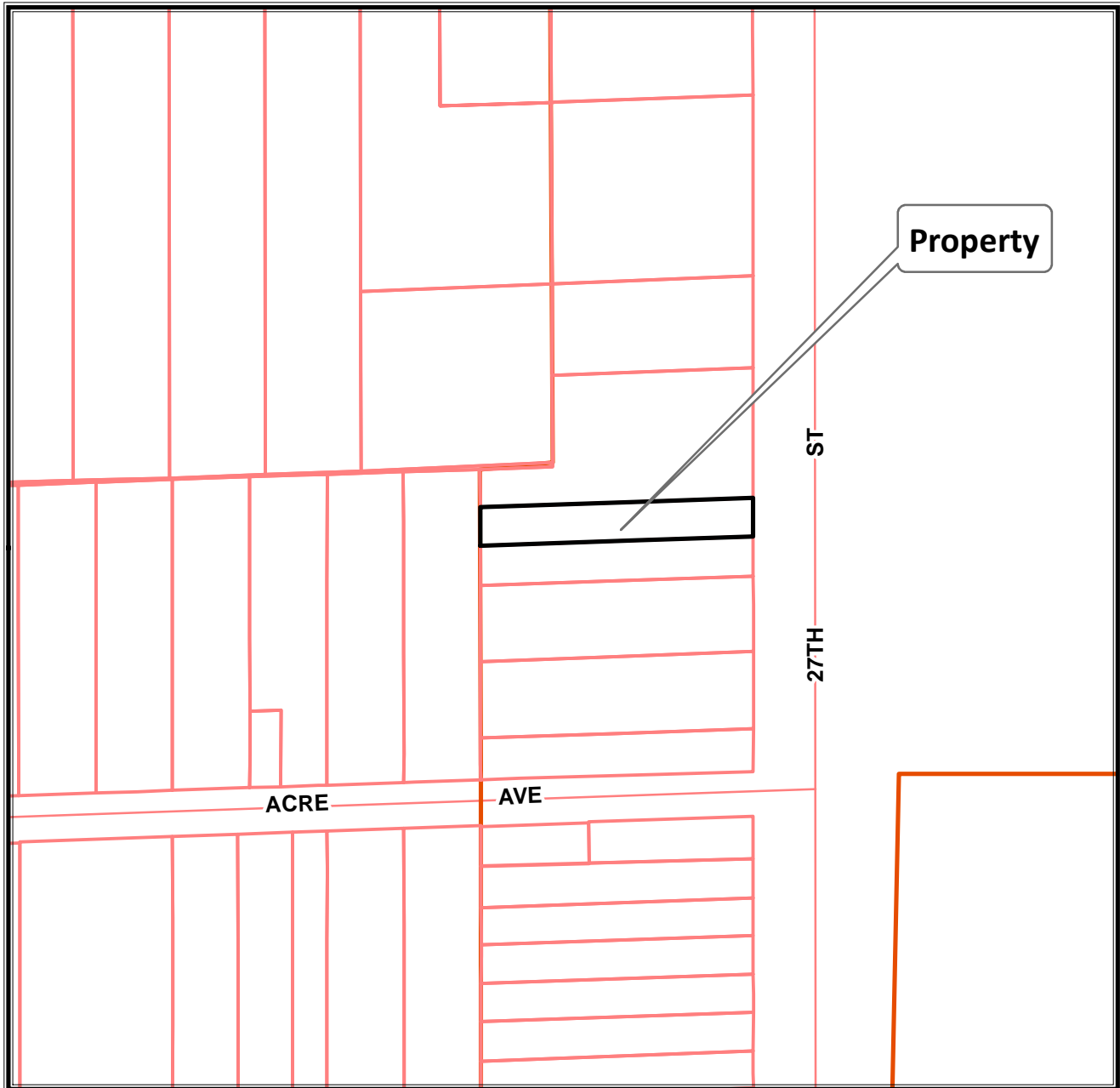
Planning Department
(414) 425-4024



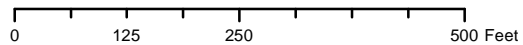
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



8437 S. 27 Street



Planning Department
(414) 425-4024



This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.





Franklin

MAR 28 2016

City Development

PO Box 320701 Franklin, WI 53132

March 28 2016

To whom it may concern-

My name is Ryan Sopa and I have contracted to purchase the property at 8437 S. 27th Street to house my HVAC business; Urban Heating and Cooling. I established this company in 2009 to service residential and commercial heating and cooling equipment in Franklin and the surrounding areas. The primary business use for this property will be as my office, main shop and equipment storage facility. I do not plan to make any immediate changes or alterations on the property and, at this time, the rear, fenced-in area will be used for parking vehicles and dumpster area. I do not intend to store, or work on equipment outdoors. My typical hours of operation will be approximately 8am to 4:30pm, Monday through Friday. I presently have three employees that will work out of the property. The traffic in and out of this location will be minimal and the current public facilities and services are more than adequate. The operation of my business will not interfere with any surrounding development, create any traffic congestion, nor cause any adverse impact on the area. I am a reputable businessman who fully intends to cooperate with the city regulations and be an asset to the community. Therefore, I respectfully request that my application for a special use permit be granted

Thank you,
Ryan Sopa

LEGAL DESCRIPTION:
 COMMENCE IN THE EAST LINE OF THE SOUTHEAST 1/4, 963.50 FEET SOUTH
 OF THE NORTHEAST CORNER OF THE SOUTHEAST 1/4, THENCE WEST, 435.60
 FEET; THENCE SOUTH 50.00 FEET; THENCE EAST 435.60 FEET, THENCE NORTH
 50.00 FEET TO THE POINT OF COMMENCEMENT. EXCEPTING THE EAST 80.00
 FEET FOR STREET PURPOSES.

EAST 1/4 CORNER
 SEC. 13-5-21



[DESC] ASY 305
 S 80.00' OF 305

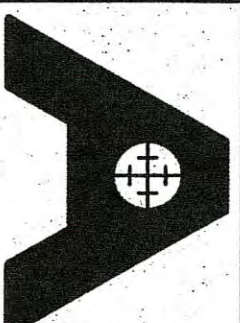
2. H.L.S

Franklin

MAR 28 2016

City Development

DRAWN BY:	PLB	REVISIONS:	DATE
CHECKED BY:	PLB	3-28-16	
PLOT SCALE:	1=40		
DATE:	05/07/2014		
JOB NO.:	2014034		
DWG. FILE:	JN2014054	CLIENT NO.	04666



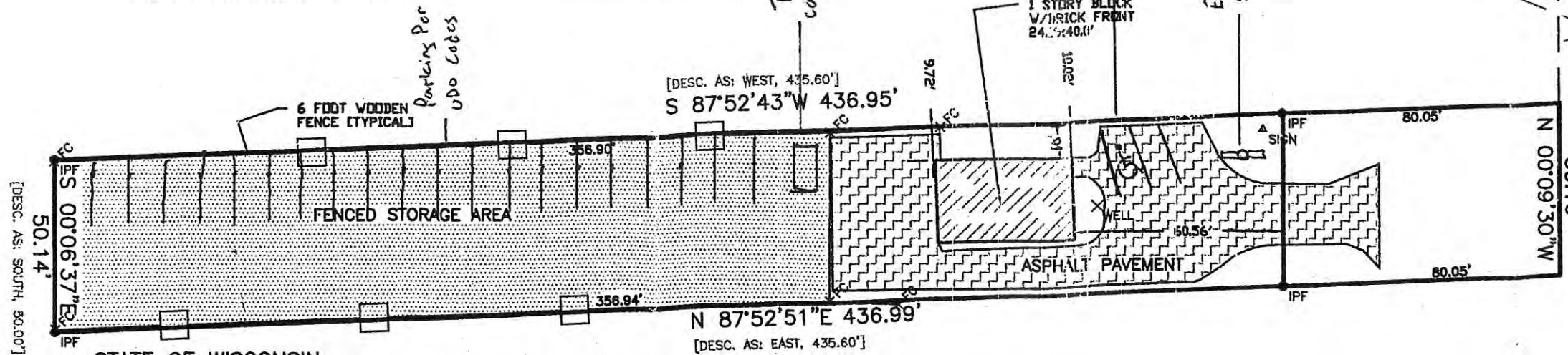
**AMERICAN
 SURVEYING
 COMPANY, INC**

12207 C.T.H. "K" FRANKSVILLE, WISCONSIN 5312
 TEL. (262) 835-4774 FAX: (262) 835-2379
 beaufordbailey@hotmail.com



NORTH

EAST LINE OF SE 1/4



NORTH, SOUTH 27TH STREET

R02

STATE OF WISCONSIN
COUNTY OF RACINE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURE AND DIMENSIONS OF ALL PRINCIPLE BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THEREOF WITHIN ONE (1) YEAR FROM THE DATE THEREOF.

DATED AT: NORTH CAPE, THIS 7TH DAY OF MAY, 2014.

Pete L. Bailey
 AMERICAN SURVEYING COMPANY, INC.
 PETE L. BAILEY, RLS NO. 1398
 RECERTIFIED this _____ day of _____, 2014.

LEGEND:

○ - DENOTES NO. 6 REBAR W/CAP SET

ALL BEARINGS ARE REFERENCED TO GRID NORTH, SOUTH ZONE OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM.

● - DENOTES IRON PIPE FOUND



CITY OF FRANKLIN

PROJECT: Urban Heating and Cooling

PLAT OF SURVEY/BOUNDARY SURVEY

PREPARED FOR: STEVEN K. PUSCHNIG

Sheet

1 of 1

850 +/- 5ft .41 Acres

 **CITY OF FRANKLIN** 

REPORT TO THE PLAN COMMISSION

Meeting of April 7, 2016

Temporary Use

RECOMMENDATION: City Development Staff recommends approval of the Temporary Use to allow The Home Depot to have outdoor seasonal sales of plant goods and commodity bagged goods from April 9, 2016 through July 8, 2016, upon property located at 6489 South 27th Street, subject to the conditions of approval in the attached resolution.

Project Name:	The Home Depot Temporary Use
Project Address:	6489 South 27th Street
Applicant:	Home Depot U.S.A., Inc.
Zoning:	Planned Development District No. 14
Use of Surrounding Properties:	Multi-Family Residential (north and west) Restaurants and Retail (east) Retail (south)
2025 Comprehensive Plan:	Commercial
Applicant Action Requested:	Approval of the Temporary Use for outdoor seasonal sales of plant goods and commodity bagged goods from April 9, 2016, through July 8, 2016, upon property located at 6489 South 27th Street.

BACKGROUND AND ANALYSIS:

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.

On March 19, 2015, the Plan Commission granted The Home Depot Temporary Use approval for outdoor seasonal plant sales, upon property located at 6489 South 27th Street. The Plan Commission also granted similar temporary use approvals in 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

The applicant has once again submitted an application for a temporary use in Planned Development District (PDD) No. 14 to allow for outdoor seasonal sales of plant goods, and landscape commodity bagged goods. All of the plant goods and commodity bagged goods will be placed within a fenced in corral measuring 120 feet long by 96 feet wide for a total area of 11,520 square feet. The fence will be metal and chain-link in style. The height of the fence will be eight feet which is in conformance with Section 15-3.0803 (C) (2) of the Unified Development Ordinance. The 11,520 square foot corral area is shown on the site plan attached to the letter of intent, City file-stamped March 9, 2016.

PDD No. 14 (Ordinance No. 99-1553) allows for a seasonal display area for outdoor live plant material within a 40,000 square foot area shown on "Exhibit A," with location to be approved on an annual basis by the Plan Commission. Staff finds the location of the proposed outdoor seasonal sales area, as

shown on the site plan, is consistent with the 40,000 square foot area shown on "Exhibit A" of Ordinance No. 99-1553.

Ordinance No. 2005-1858 provides for the administrative issuance of Temporary Use Permits by the Zoning Administrator and designees of the City Planning Department and to further specify the types of and conditions upon temporary uses, which may be permitted. Section 15-3.0804 (A)(4) states that, "Each individual outdoor sales event (up to 4 per year, per property) shall be no longer than 14 consecutive days; provided, however, that the total days of such temporary uses during a calendar year shall not exceed 30 calendar days. Owners must obtain a Temporary Use Permit for each such temporary outdoor sale before the use is permitted." The Home Depot has requested a temporary use lasting longer than 14 consecutive days (90 days total). Therefore, the Department of City Development has referred The Home Depot Temporary Use Application to the Plan Commission.

According to Section 15-3.0804(L) of the City of Franklin Unified Development Ordinance, "Each Temporary Use Permit shall specify the date upon which such use may commence and the date upon which such use shall expire; in no event, except as otherwise specifically and expressly set forth in this Section, shall any temporary use exceed 90 days in duration during any calendar year." The proposed outdoor seasonal tree and shrub sales event will start on April 9, 2016 and end on July 8, 2016, with a duration of exactly 90 days.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the Temporary Use to allow The Home Depot to have outdoor seasonal sales of plant goods and commodity bagged goods from April 9, 2016 through July 8, 2016, upon property located at 6489 South 27th Street, subject to the conditions of approval in the attached resolution.

RESOLUTION NO. 2016-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A TEMPORARY USE FOR OUTDOOR SEASONAL TREE
AND SHRUB SALES FOR PROPERTY LOCATED AT 6489 SOUTH 27TH STREET
(HOME DEPOT U.S.A., INC., APPLICANT)

WHEREAS, Home Depot U.S.A., Inc. (Home Depot 4907) having petitioned the City of Franklin for the approval of a Temporary Use to allow for seasonal sales (April 9, 2016 through July 8, 2016) in The Home Depot store parking lot, with a 7 foot 5 inch wide by 6 foot high black wire fence around a 96 foot wide x 120 foot deep area of plant goods and commodity bagged goods, upon property located at 6489 South 27th Street; and

WHEREAS, the Plan Commission having found that the proposed Temporary Use, subject to conditions, meets the standards set forth under §15-3.0804 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of Home Depot U.S.A., Inc. (Home Depot 4907) for the approval of a Temporary Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. The approval granted hereunder shall commence upon April 9, 2016 and terminate and expire on July 8, 2016.
2. All outdoor seasonal tree, shrub and commodity bagged goods sales shall take place within the 40,000 square foot area shown on "Exhibit A" of Ordinance No. 99-1553.
3. The approval granted hereunder is subject to verification by City Development Department staff that all the outdoor sales and display on The Home Depot's property are in conformance with Ordinance No. 99-1553.
4. [other conditions, etc.]

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2016.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2016.

HOME DEPOT U.S.A., INC. – TEMPORARY USE
RESOLUTION NO. 2016-_____

Page 2

APPROVED:

Stephen R. Olson, Chairman

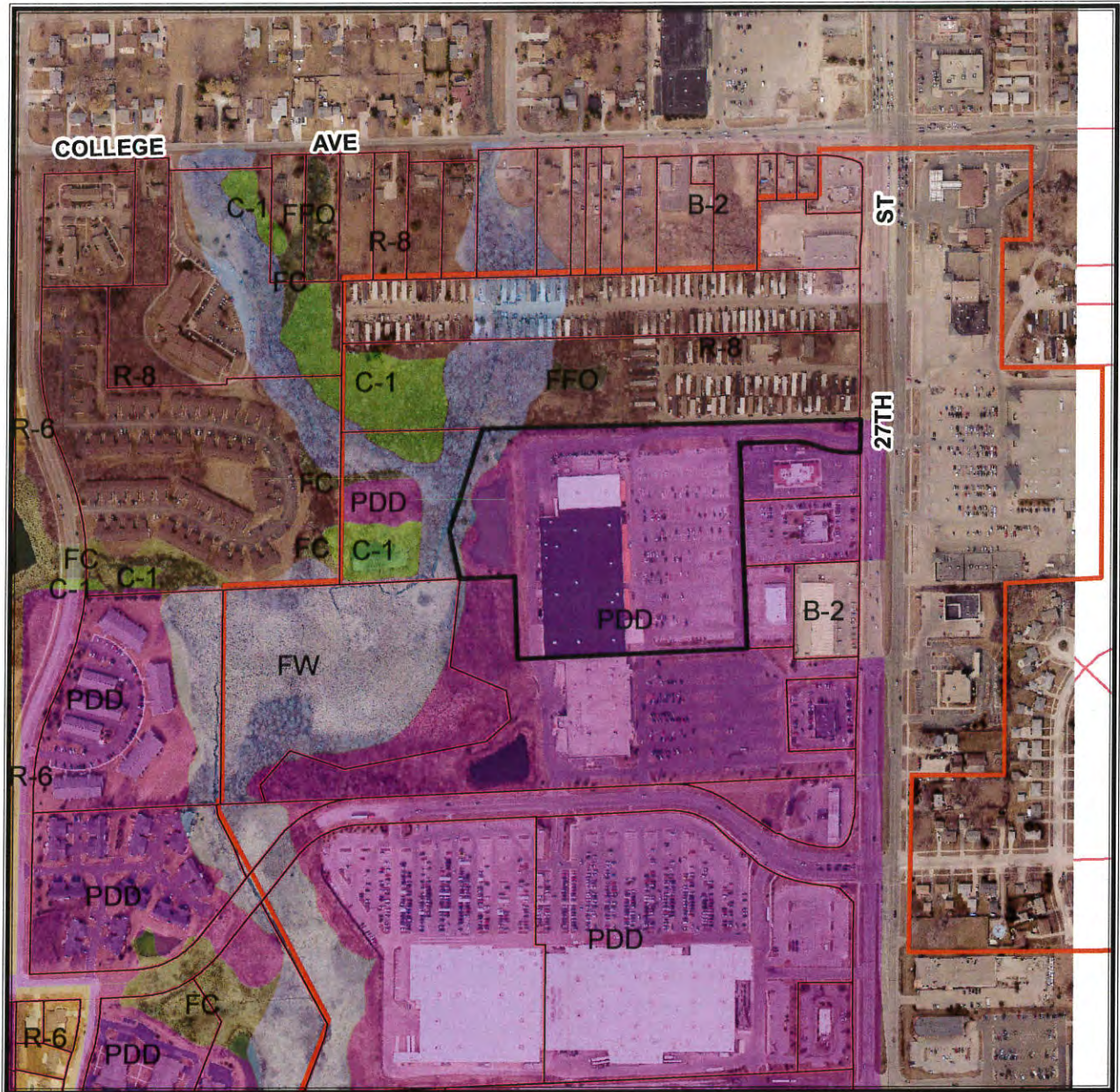
ATTEST:

Sandra L. Wesolowski, City Clerk

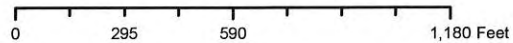
AYES _____ NOES _____ ABSENT _____



6489 S. 27 Street



Planning Department
(414) 425-4024

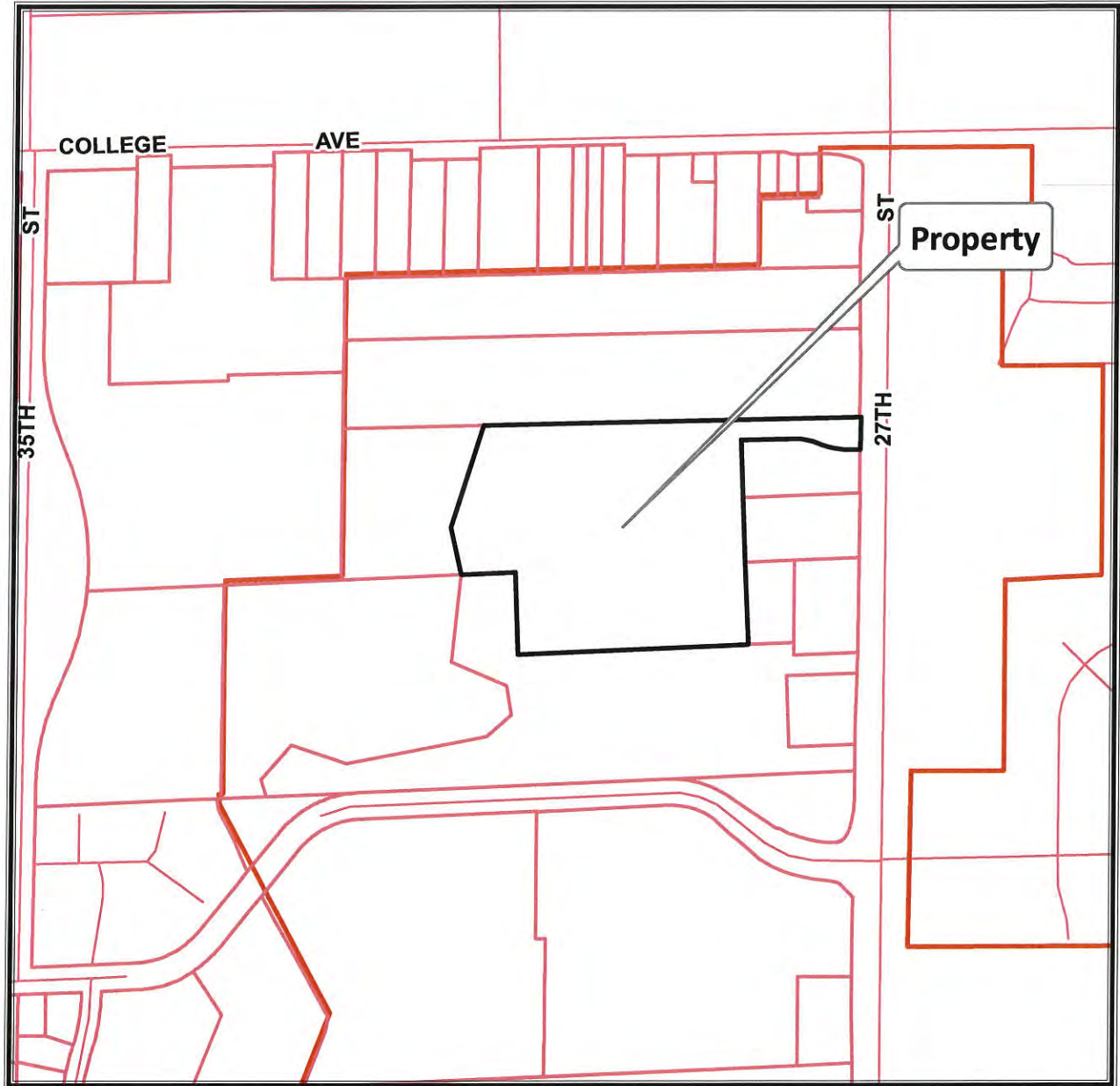


2016 Aerial Photo

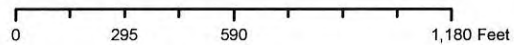
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6489 S. 27 Street



Planning Department
(414) 425-4024



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6489 S 27th St. • Franklin, WI 53132
(414)304-1024 • Fax: (414)304-3416

Franklin

MAR 25 2016

City Development

**Franklin Department of City Development
9229 West Loomis Road**

To Franklin Planning Department:

Enclosed is a temporary use application for our seasonal sales area in the parking lot of the Home Depot. The attached layout shows the exact area we are proposing to use. Listed below are the details as follows.

Date of Use: April 9st through July 8th

Location: Location of the temporary fenced in coral will be used for Retail sale of Trees, Shrubs, and landscape bagged goods. Placement of the coral will be set in the parking lot as noted On the site plan attached. The approximate size is 96 ft wide X 120 ft deep.

Fence Type: 7'5" long x 6' high black wire fence panels

Power Required: None

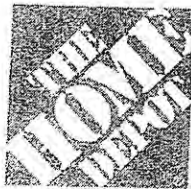
Hours of Operation: Hours of operation will be that of the store:
Monday – Saturday...6am – 10pm
Sunday 8am – 8pm

Sincerely,
Store Manager

Franklin Home Depot 4907
Franklin, WI 53132



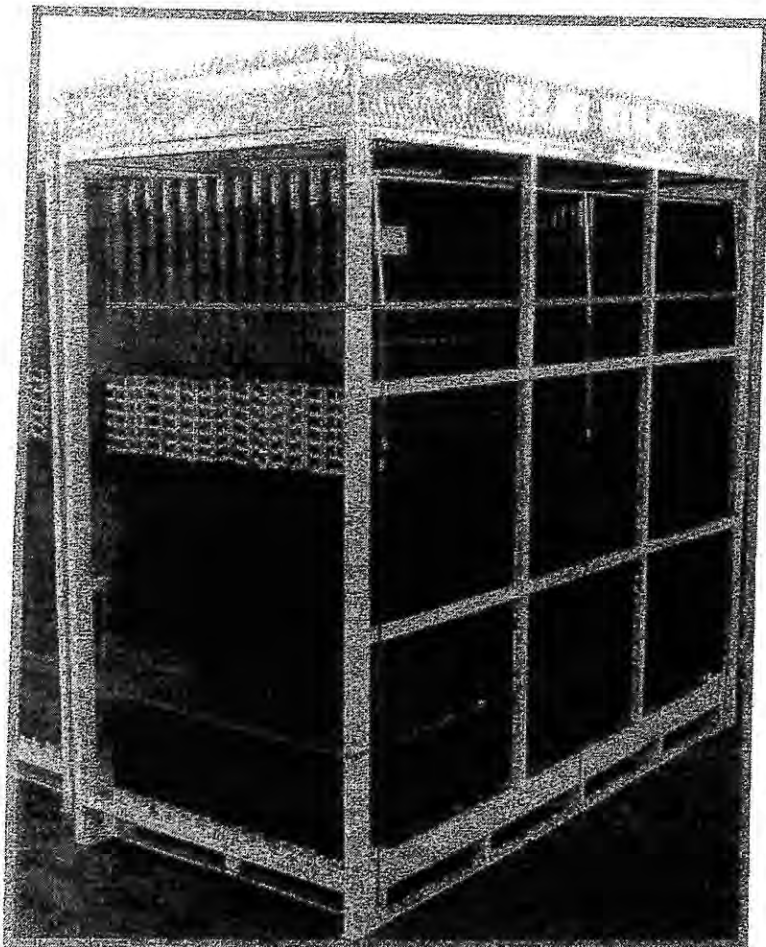
Proud Sponsor



SECURITY FENCE PROGRAM

SPRING 2010

Outdoor Asset Protection, Equipment Security



PERIMETER PATROL™

High Visibility Security Barricade
Fence System

Free-standing, heavy-duty steel panels
with 2-step powder coated finish

Self-contained secure pallet for storage
and transportation.

2" x 4" 8 gauge wire mesh panels are
welded at the frame center - no sharp
edges.

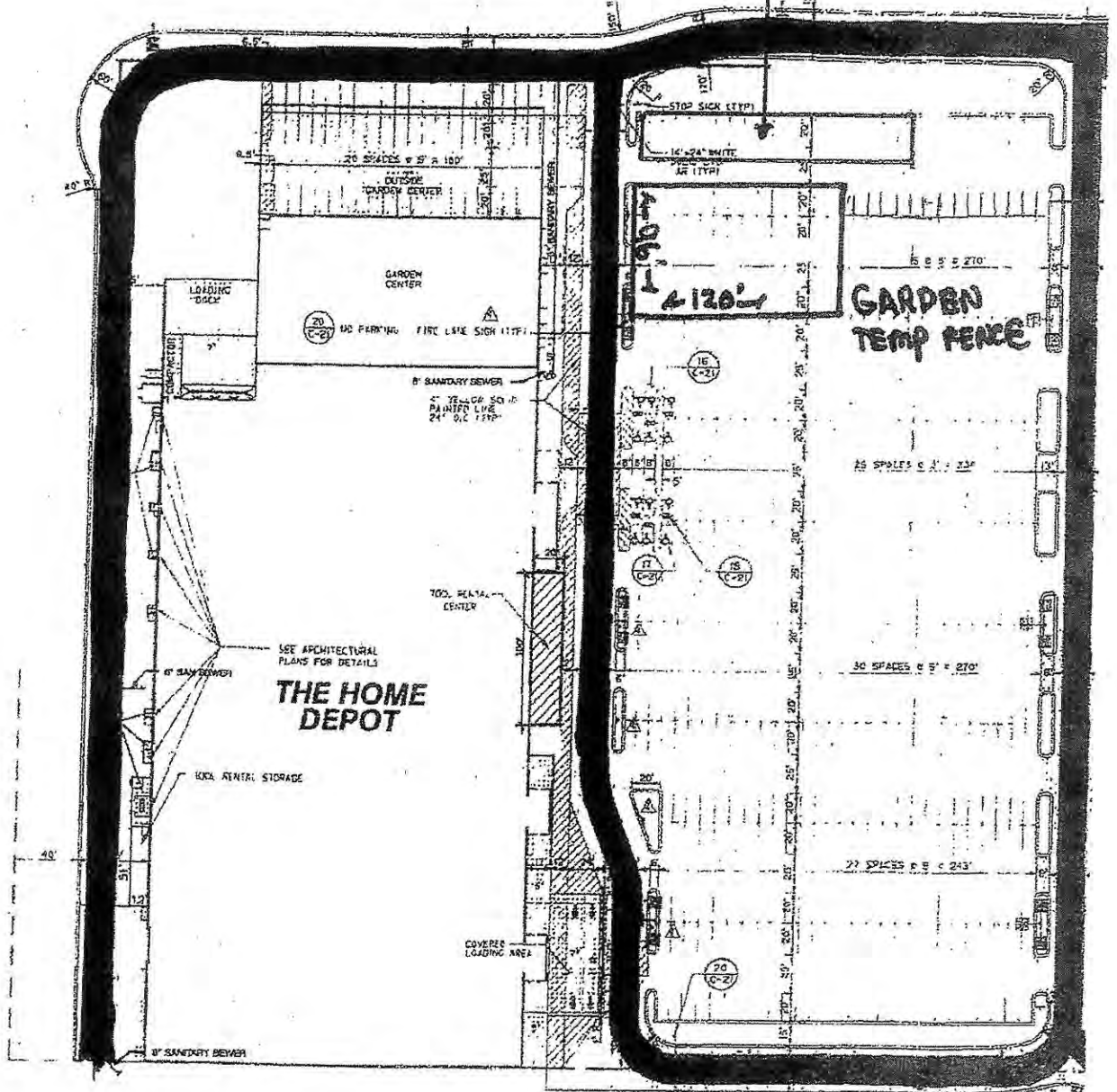
Outdoor asset protection, equipment
storage and security.

210 linear feet per pallet, with ground
bases and panel clamps.

Panel Dimensions: 7.5' Long x 6' High

SHED DISPLAY

CONSTRUCT NORTH-MOST DRIVE WALL



LEGEND

[Symbol]	HEAVY ASPHALT PAVEMENT	[Symbol]	24
[Symbol]		[Symbol]	24

