

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, AUGUST 20, 2015, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of August 6, 2015.

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

1. **MISSION HILLS APARTMENTS.** Special Use Amendment application by Franklin Mission Hills, LLC to revise the parking ratio to 129 underground spaces and 344 surface parking spaces, for a total of 473 parking spaces and to revise the number of swimming pools from 2 pools to 1 pool within the apartment development located at 7711-7759 and 7811-7859 South Scepter Drive, zoned R-8 Multiple-Family Residence District and C-1 Conservancy District; Tax Key Nos. 795-0134-000 and 795-9999-002. **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. **CREATIVE HOMES, INC. LAND DIVISION.** Certified Survey Map application by Creative Homes, Inc., for division of an existing lot into 4 single-family lots, for property zoned R-6 Suburban Single-Family Residence District located at 8011 South 76th Street; Tax Key No. 803-9980-001.

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: September 3, 2015

City of Franklin
Plan Commission Meeting
August 6, 2015
Minutes

unapproved

Call to Order and Roll Call

- A. Mayor Steve Olson called the August 6, 2015 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 Alderman Mark Dandrea and Commissioners David Fowler, Kevin Haley, Scott Thinner and City Engineer Glen Morrow. Commissioner Patricia Hogan was excused. Also present were City Attorney Jesse Wesolowski, Planning Manager Joel Dietl and Senior Planner Nick Fuchs. In attendance was Alderwoman Janet Evans.

Approval of Minutes

Regular Meeting of July 23, 2015.

- B.
1. Commissioner Fowler moved and Commissioner Haley seconded approval of the July 23, 2015 minutes of the Regular meeting of the Plan Commission as presented. On voice vote, all voted 'aye'. Motion carried.

Public Hearing Business Matters

CERTIFIED SURVEY MAP RECORDING TIMEFRAME UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT. Application by the City of Franklin to amend the Unified Development Ordinance text at Section 15-7.0705 and Section 15-9.0309G.2. to allow a Certified Survey Map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes.

- C.
1. Planning Manager Dietl presented the request for text amendment to the City of Franklin Unified Development Ordinance to be consistent with the timeframes outlined by Wisconsin State Statutes for the recording of Certified Survey Maps after Common Council approval.

Senior Planner Fuchs read the Official Notice of Public Hearing for the request for Unified Development Ordinance text amendment by the City of Franklin in to the record. The Public Hearing was opened at 7:03 p.m. and closed at 7:03 p.m.

Commissioner Fowler moved to recommend approval of an ordinance to amend the Unified Development Ordinance text to amend Section 15-7.0705 and Section 15-9.0309G.2. to allow a Certified Survey Map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes. Commissioner Haley seconded the motion. On voice vote, all voted 'aye'. Motion carried.

GENERAL OFFICE USE UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT. Application by the City of Franklin to amend the Unified

2. Planning Manager Dietl presented the request for text amendment to the City of Franklin Unified Development Ordinance to create a general office use category as a permitted use in all non-residential

Item C.2. continued

Development Ordinance to create a "General Office" use category in SECTION 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS under the category of "OTHER USES NOT CLASSIFIED UNDER SIC CODE" and to define such use category in Section 15-11.0103 SPECIFIC WORDS AND PHRASES.

zoning districts and recommend striking legal nonconforming use language.

Senior Planner Fuchs read the Official Notice of Public Hearing for the request for Unified Development Ordinance text amendment by the City of Franklin in to the record. The Public Hearing was opened at 7:11 p.m. and closed at 7:11 p.m.

Commissioner Fowler moved to recommend approval of an ordinance to amend the Unified Development Ordinance to create a "General Office" use category in Section 15-3.0603 Table of Permitted and Special Uses in All Nonresidential Zoning Districts under the category of "Other Uses Not Classified under SIC Code" and to define such use category in Section 15-11.0103 Specific Words and Phrases, with the definition to include a square foot limit of +/- 1,000 square feet (final amount to be recommended to Common Council by staff) for office relocation within an existing building area. Seconded by Alderman Dandrea. On voice vote, all voted 'aye'. Motion carried.

SOUTHBROOK CHURCH EXPANSION. Natural Resource Features Special Exception application by Southbrook Church, Inc. to permit filling within approximately 2,770 square feet (0.064 acres) of wetland; grading, paving and planting turf grass within approximately 11,326 square feet (0.26 acres) of wetland buffer and wetland setback; and grading and paving within approximately 14,810 square feet (0.34 acres) of mature woodlands and approximately 17,424 square feet (0.40 acres) of wetland setback; on the Southbrook Church property, located at 11010 West St. Martins Road, zoned I-1 Institutional District (Tax Key Nos. 799-9967-003, 799-9967-004, 799-9967-005, 799-9967-006 and 799-9967-007); for the purposes of the current and future development of the Church, the installation of a fire lane and to provide for a trail on the property that the City plans to develop.

3. Planning Manager Dietl presented the application by Southbrook Church, Inc. for a Natural Resource Special Exception to allow for filling of wetland; grading, paving and planting of turf grass within a wetland buffer and wetland setback; and grading and paving within mature woodlands and wetland setback for the current and future development of the Church, the installation of a fire land and to provide for a trail on the property located at 11010 West St. Martins Road.

Senior Planner Fuchs read the official notice of Public Hearing for the Natural Resource Special Exception in to the record. The Public Hearing was opened at 7:22 p.m. and closed at 7:26 p.m.

Commissioner Fowler motioned to recommend approval of the Southbrook Church, Inc. (David Hampson, Building committee/Property Owner) Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of any Environmental Commission recommendations. Seconded by Alderman Dandrea. On voice vote, all voted 'aye'. Motion carried.

STARFIRE SYSTEMS, INC. PARKING LOT. Natural Resource

4. Planning Manager Dietl presented the application by Malek Family Limited Partnership for a Natural

Item C.4. continued

Special Exception application for Starfire Systems, Inc. (Malek Family Limited Partnership, owner), to permit grading and paving within approximately 1,292.92 square feet (0.032 acres) of wetland buffer and 2,352.2 square feet (0.054 acres) of wetland setback and onsite mitigation for the wetland buffer and wetland setback at a ratio of 1.5:1, for property located at 9825 South 54th Street, such property being zoned Planned Development District Number 18, in the Franklin Business Park, (Tax Key No. 899-0044-000), to allow for the installation of a parking lot for Starfire Systems, Inc.

Resource Special Exception to allow for grading and paving with a wetland buffer and wetland setback and onsite mitigation for the wetland buffer and wetland setback for Starfire Systems, Inc. located at 9825 South 54th Street.

Senior Planner Fuchs read the official notice of Public Hearing for the Natural Resource Special Exception in to the record. The Public Hearing was opened at 7:39 p.m. and closed at 7:39 p.m.

Alderman Dandrea motioned to recommend approval of the Starfire Systems, Inc. (Malek Family Limited Partnership, Owner) Natural Resource Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of the Community Development Authority recommendations. Motion died due to lack of a second.

Commissioner Fowler moved to recommend denial of the Starfire Systems, Inc. Natural Resource Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of the Community Development Authority recommendations. Seconded by Commissioner Thinner. Motion withdrawn.

Commissioner Morrow moved to suspend the regular order of business to allow the applicant, Mr. Darrel Malek, to speak. Seconded by Commissioner Fowler. All voted 'aye', motion carried.

Alderman Dandrea moved to return to regular order of business. Seconded by Commissioner Fowler. All voted 'aye', motion carried.

Commissioner Morrow motioned to recommend approval of the Starfire Systems, Inc. (Malek Family Limited Partnership, Owner) Natural Resource Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission with the conditions that the pavement used for the parking area be of pervious surface, include curb and gutter, a 10 foot width of natural plantings, voluntary buckthorn removal, and revision of the plans accordingly, and Common Council consideration of the Community Development Authority recommendations. Alderman Dandrea seconded the motion. All voted 'aye', motion carried.

Business Matters**RAWSON PUB BAR/RESTAURANT WITH OUTDOOR ENTERTAINMENT/CONCERTS.**

Rezoning and Special Use applications [continued from July 23, 2015 Plan Commission meeting] by Steven D. Schweitzer (property owner) (property currently zoned M-2 General Industrial District; application pending for rezoning to B-2 General Business District; drinking places require Special Use approval in the B-2 District), to allow for a bar/restaurant with outdoor entertainment/concerts business use, with applications-related site development to include construction of a building addition for a kitchen on the southeast corner of the existing Rawson Pub building, the addition of a shed at the south end of the pub parking lot and installation of a dumpster enclosure, upon property located at 5621 West Rawson Avenue; Tax Key No. 758-9990-000.

PLEASANT VIEW ELEMENTARY SCHOOL BASKETBALL COURT ADDITION/RELOCATION.

Landscape Plan submitted by Franklin Public Schools for the review and approval of the Plan commission and Common Council as required by the Natural Resource Special Exception approval by the Common Council on July 21, 2015, for property located at 4601 West Marquette Avenue, such property being zoned I-1 Institutional District (Tax Key No. 788-9980-000).

Adjournment**D.**

1. Planning Manager Dietl updated the Commissioners regarding the application by Steven D. Schweitzer for Rezoning from M-2 General Industrial District to B-2 General Business District to bring the establishment into compliance with current zoning code, and application for Special Use approval to allow for a bar/restaurant with outdoor entertainment/concerts business use, with site development to include construction of a building addition for a kitchen on the southeast corner of the existing Rawson Pub building, the addition of a shed at the south end of the pub parking lot and installation of a dumpster enclosure.

Commissioner Morrow made a motion to recommend approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a certain parcel of land from M-2 General Industrial District to B-2 General Business District [located at 5621 West Rawson Avenue]. Seconded by Commissioner Haley. On voice vote, all voted 'aye'. Motion carried to table the item.

Commissioner Fowler made a motion to recommend approval of a resolution imposing conditions and restrictions for the approval of a Special Use to allow for a bar/restaurant with outdoor entertainment/concerts business use upon property located at 5621 West Rawson Avenue. Seconded by Commissioner Haley. On voice vote, all voted 'aye'. Motion carried.

2. Planning Manager Dietl presented the Landscape Plan for Pleasant View Elementary School, 4601 West Marquette Avenue, as submitted by Franklin Public Schools and as required by the Natural Resource Special Exception approval by the Common Council on July 21, 2015.

Commissioner Haley moved, and Commissioner Thinnes seconded to recommend approval of the Landscape Plan as presented by Franklin Public Schools for Pleasant View Elementary School, subject to the applicant's compliance with anticipated Common Council president plant list and Department of City Development review and review of location. On voice vote, all voted 'aye'. Motion carried.

E.

Commissioner Morrow moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of August 6, 2015 at 8:27 p.m. All voted 'aye'; motion carried.



REPORT TO THE PLAN COMMISSION

Meeting of August 20, 2015

Special Use

RECOMMENDATION: Department of City Development staff recommends approval of the Special Use Amendment Application to revise the parking spaces and swimming pool quantity upon the Mission Hills Apartments property located at 7711-7759 and 7811-7859 South Scepter Drive, subject to the conditions of approval in the attached draft resolution.

Table with 2 columns: Label (Project Name, Project Address, Applicant, Property Owner, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, Applicant Action Requested) and Value (Mission Hills Apartments Special Use Amendment, 7711-7759 & 7811-7859 South Scepter Drive, Franklin Mission Hills, LLC, Franklin Mission Hills, LLC, R-8 Multiple-Family Residence District and C-1 Conservancy District, Residential-Multi-Family, Single-family residential to the north and west, multiple-family residential to the south, gas station and vacant commercial property to the east, Recommend approval of the Special Use Amendment to the Common Council).

Introduction

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.
Staff suggestions are only underlined and are not included in the draft ordinance.

On July 22, 2015, Roger M. Cagann submitted a Special Use Amendment Application on behalf of Franklin Mission Hills, LLC to revise the minimum requirement for parking spaces and the required number of swimming pools from the original Special Use approval to match the current improvements at the site. The first request is to change paragraph 13 of Resolution No. 1970-446, which establishes the parking ratio for the property. The applicant is requesting the original parking ratio of two spaces per dwelling unit be replaced with the existing number of parking spaces at the Mission Hills Apartments, which are 129 underground spaces, and 344 surface spaces for a total of 473 spaces. The second request is to change paragraph 19 of Resolution No. 1970-446, which requires a minimum of two (2) swimming pools for the development. The applicant is requesting this be changed to one (1) swimming pool, which is the current configuration of the site.

On August 10, 2007, Axiom Properties, Inc. purchased the Mission Hills Apartments from CMS Management Service. The applicant's project narrative states, "It is in the best interest of the Ownership and the City to have the property in compliance with Building and Zoning Agreements. We kindly request that you grant us these changes to bring the current conditions at Mission Hills into compliance with the Special Use Agreement."

Project Description/Analysis

The applicant is requesting to revise the minimum requirement for parking spaces and the required number of swimming pools from the original Special Use approval to match the current improvements at the site. The Mission Hills Apartments development encompasses two separate properties. The northern property located at 7711-7759 South Scepter Drive is Lot 131 of the Mission Hills South Addition No. 2 Subdivision, and is approximately 8.55 acres or 372,247 square feet. The southern property located at 7811-7859 South Scepter Drive is CSM No. 1982 and is approximately 9.33 acres or 407,167 square feet. For the purposes of this report, Staff will refer to the northern property as Phase I and the southern property as Phase II (which is consistent with how the development was constructed).

According to the applicant, the Mission Hills Apartments were developed with two swimming pools. However, the pool located within Phase II had to be removed as it was continuously leaking treated water into the adjacent wetlands, in spite of the owner's attempts to repair it. Staff has no concerns with the applicant's request to change the minimum requirement to one (1) swimming pool, which is the current configuration of the site. However, Staff suggests the applicant install an internal walkway connecting Phase I and Phase II, to make it easier for the residents of 7811-7859 South Scepter Drive to access the swimming pool located at 7711-7759 South Scepter Drive. There is a sidewalk along South Scepter Drive, but there does not appear to be any internal connection between the two development phases.

Parking:

The applicant is requesting the original parking ratio of two spaces per dwelling unit from paragraph 13 of Resolution No. 1970-446 be replaced with the existing number of parking spaces at the Mission Hills Apartments. According to the applicant, the Mission Hills apartments have 271 dwelling units, which would require 542 parking spaces per Special Use Resolution No. 1970-446. However, the Mission Hills Apartments currently only have 129 underground spaces, and 344 surface spaces for a total of 473 spaces. Therefore, there are 69 fewer spaces at the Mission Hills Apartments development than were required by Resolution No. 1970-446, or approximately 13 % fewer spaces.

According to the applicant, the amount of off-street parking at Mission Hills Apartments is the same today as it was when they purchased the property in 2007. The applicant has provided a Parking Analysis with their submittal at the recommendation of Staff. The parking Analysis compares the existing parking to the Resolution No. 1970-446 requirement and Unified Development Ordinance (UDO) requirements.

Table 15-5.0203 of the UDO requires a Standard Parking Ratio (SPR) of one space per dwelling unit for efficiency and one bedroom apartments, 2 spaces per dwelling unit for two bedroom apartments and 2.5 spaces per dwelling unit for three or more bedroom apartments. Phase I has 52 one-bedroom apartments and 80 two-bedroom apartments. Phase II has 54 one-bedroom apartments and 85 two-bedroom apartments. Therefore, the UDO minimum required off-street parking for the development is 436 spaces. The UDO requirement is thus 106 fewer spaces than what was required by Resolution No. 1970-446 or approximately 20% fewer spaces.

Phase II of the Mission Hills development has a central parking lot and three auxiliary parking lots. The condition of the parking lot striping in the central parking area is ok, but the striping in all three of the auxiliary parking areas is faded to the point of being unidentifiable. According to Section 15-5.0202(F) of the UDO, “Off-street parking stalls shall be marked by painted lines or other approved material and shall be maintained so as to be legible at all times. Therefore, Staff recommends the applicant re-stripe all three auxiliary parking lots within Phase II of the Mission Hills Apartments development located at 7811-7859 South Scepter Drive, in accordance with Section 15-5.0202(F) of the Unified Development Ordinance, within one year from the date of adoption of the Special Use Amendment Resolution. Please note the parking lot striping within Phase I was in very good condition.

Of the 473 off-street parking spaces currently provided by the Mission Hills Apartments, 18 are signed as ADA accessible parking spaces. Table 15-5.0202(I)(1) of the UDO, requires a minimum of nine (9) accessible parking spaces for parking lots with 401 to 500 parking spaces. Therefore, the Mission Hills Apartments are meeting this requirement. According to Section 15-5.0202(I)(1) of the UDO, the minimum dimensions for all parking spaces provided for use by persons with disabilities shall be thirteen (13) feet wide by twenty feet (20) feet long for automobiles and sixteen (16) feet wide by twenty (20) feet long for vans. Most of the parking stalls at Mission Hills signed as handicap accessible appear to be the same size as the conventional parking spaces (9' x 20'). Therefore, Staff recommends all of the accessible parking within Phase II of shall be re-striped to conform to the size requirements of Section 15-5.0202(I)(1) of the UDO, within one year from the date of adoption of the Special Use Amendment Resolution. Furthermore, Staff suggests all of the accessible parking within Phase I be re-striped to conform to the size requirements of Section 15-5.0202(I)(1) of the UDO.

Dumpster Enclosures:

The Mission Hills Apartments development was originally approved without dumpster enclosures. In addition, many of the striped dumpster areas are cramped and conflict with pedestrian walkways and/or accessible parking spaces. Therefore, Staff suggests the applicant add enclosures for all of the dumpsters within Phase 1 and Phase 2, with the design and locations to be submitted to the Department of City Development for review and approval by Staff. There are two dumpster areas located on the north side of the Phase II central parking lot that block the efficient flow of traffic (drive aisle) and/or emergency vehicle access (fire lane). Therefore, Staff recommends any dumpster blocking the efficient flow of traffic and/or emergency vehicle access, be relocated within new designated dumpster areas created from existing parking spaces, within one year from the date of adoption of the Special Use Amendment Resolution.

Site Plan:

Implementing Staff's above recommendations pertaining to parking lot striping and dumpster enclosures would eliminate existing parking spaces, resulting in fewer parking spaces than what is currently proposed by the applicant. The applicant has indicated in their project narrative that, "As an alternative to changing to the existing conditions [473 parking spaces provided], it would also be acceptable to impose the UDO requirements [436 parking spaces] for the property and provide flexibility in the number of spaces to achieve the staff recommendations." Staff agrees that applying the UDO's minimum parking requirements allows greater flexibility for the development to meet other UDO requirements. Therefore, Staff recommends the Mission Hills Apartments development be subject to the minimum parking requirements of the Unified Development Ordinance. Furthermore, Staff recommends the applicant submit a revised Site Plan with a parking layout meeting all of the requirements of Section 15-5.0202 of the Unified Development Ordinance, to the Department of City Development for review and approval by Staff, within one year from the date of adoption of the Special Use Amendment Resolution.

Natural Resource Protection Plan:

A review of best available natural resource data was conducted by Staff, including Aerial Photography, the Southeastern Wisconsin Regional Planning Commission's Regional Map Server, Wisconsin Department of Natural Resources Surface Water Data Viewer and FEMA Flood Insurance Rate Map panel 0143E. This review indicated the presence of a wetland along the west side of the subject properties, pursuant to the Wisconsin Department of Natural Resources 2005 Wetland Inventory. The southern portion of this wetland is part of a Southeastern Wisconsin Regional Planning Commission identified Isolated Natural Resource Area. The property also contains C-1 Conservancy District zoning along the west and south property lines. The applicant is not proposing any site modifications within the wetland.

Staff Recommendation

Department of City Development staff recommends approval of the Special Use Amendment Application to revise the parking space and swimming pool quantity upon the Mission Hills Apartments property located at 7711-7759 and 7811-7859 South Scepter Drive, subject to the conditions in the attached draft resolution.

RESOLUTION NO. 2015-_____

A RESOLUTION TO AMEND RESOLUTION NOS. 1970-446, 2006-6196, 2007-6390 AND 2008-6456 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE MISSION HILLS APARTMENT DEVELOPMENT LOCATED AT 7711-7759 AND 7811-7859 SOUTH SCEPTER DRIVE TO REVISE THE PARKING SPACES AND SWIMMING POOL QUANTITY UPON THE PROPERTY (FRANKLIN MISSION HILLS, LLC, APPLICANT)

WHEREAS, Franklin Mission Hills, LLC having petitioned the City of Franklin for the approval of an amendment to Resolution Nos. 1970-446, 2006-6196, 2007-6390 and 2008-6456, conditionally approving a Special Use for the Mission Hills Apartment Development, to revise the parking ratio to 129 underground spaces and 344 surface parking spaces, for a total of 473 parking spaces and to revise the number of swimming pools from 2 pools to 1 pool, upon the properties located at 7711-7759 and 7811-7859 South Scepter Drive, such property being zoned R-8 Multiple-Family Residence District and C-1 Conservancy District, more particularly described as follows:

[LEGAL DESCRIPTION]; Tax Key Nos. 795-0134-000 and 795-9999-002;
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 and standards of §15-3.0701 General Standards for Special Uses, 15-3.0702 Detailed Standards for Special Uses in Residential Districts and 15-9.0103 Applications for Special Use Permit, of the City of Franklin Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 20th day of August, 2015, and the Plan Commission thereafter having determined to recommend that the proposed amendment to Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use Amendment 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 amendment to Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

FRANKLIN MISSION HILLS, LLC – MISSION HILLS APARTMENTS
SPECIAL USE AMENDMENT
RESOLUTION NO. 2015-_____

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Franklin Mission Hills, LLC for the approval of an amendment to 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 restrictions:

1. That this amendment to Special Use is approved only for the use of the subject property by Franklin Mission Hills, LLC, successors and assigns, to revise the parking ratio and number of swimming pools within the apartment development, pursuant to those plans date-stamped August 12, 2015 and annexed hereto and incorporated herein as Exhibit A.
2. Franklin Mission Hills, 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, 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. All three auxiliary parking lots within Phase II of the Mission Hills Apartments development located at 7811-7859 South Scepter Drive shall be re-stripped in accordance with Section 15-5.0202(F) of the Unified Development Ordinance, within one year from the date of adoption of this Resolution.
4. Any dumpster enclosure blocking the efficient flow of traffic and/or emergency vehicle access shall be relocated within new designated dumpster areas created from existing parking spaces, within one year from the date of adoption of this Resolution.
5. The Mission Hills Apartments development shall be subject to the minimum parking requirements of the Unified Development Ordinance.
6. A revised Site Plan with a parking layout meeting all of the requirements of Section 15-5.0202 of the Unified Development Ordinance shall be submitted to the Department of City Development for review and approval by Staff, prior to the commencement of any parking lot striping, but no later than one year from the date of adoption of this Resolution.

FRANKLIN MISSION HILLS, LLC – MISSION HILLS APARTMENTS
SPECIAL USE AMENDMENT
RESOLUTION NO. 2015-_____

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BE IT FURTHER RESOLVED, that in the event Franklin Mission Hills, 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 amendment to 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 additional 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 an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of Resolution Nos. 1970-446, 2006-6196, 2007-6390 and 2008-6456, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

BE IT FURTHER RESOLVED, Pursuant to §15-9.0103G. of the Unified Development Ordinance, the additional 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 a building 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 _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

FRANKLIN MISSION HILLS, LLC – MISSION HILLS APARTMENTS
SPECIAL USE AMENDMENT
RESOLUTION NO. 2015-_____

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APPROVED:

Stephen R. Olson, Mayor

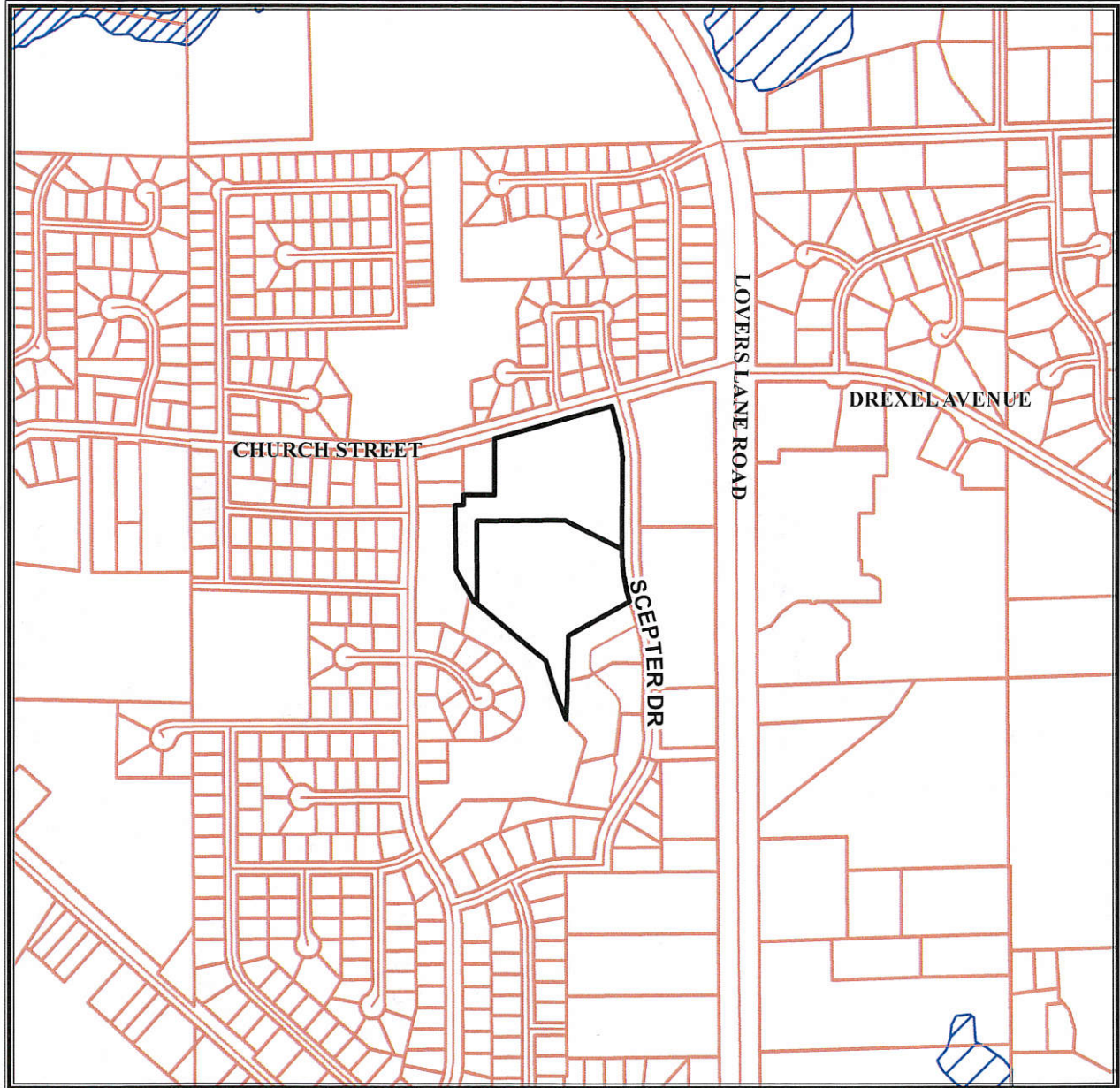
ATTEST:

Sandra L. Wesolowski, City Clerk

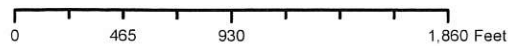
AYES _____ NOES _____ ABSENT _____



Mission Hills Apartments
7711 - 7859 S. Scepter Drive
TKN 795-0134-000 and 795-9999-002



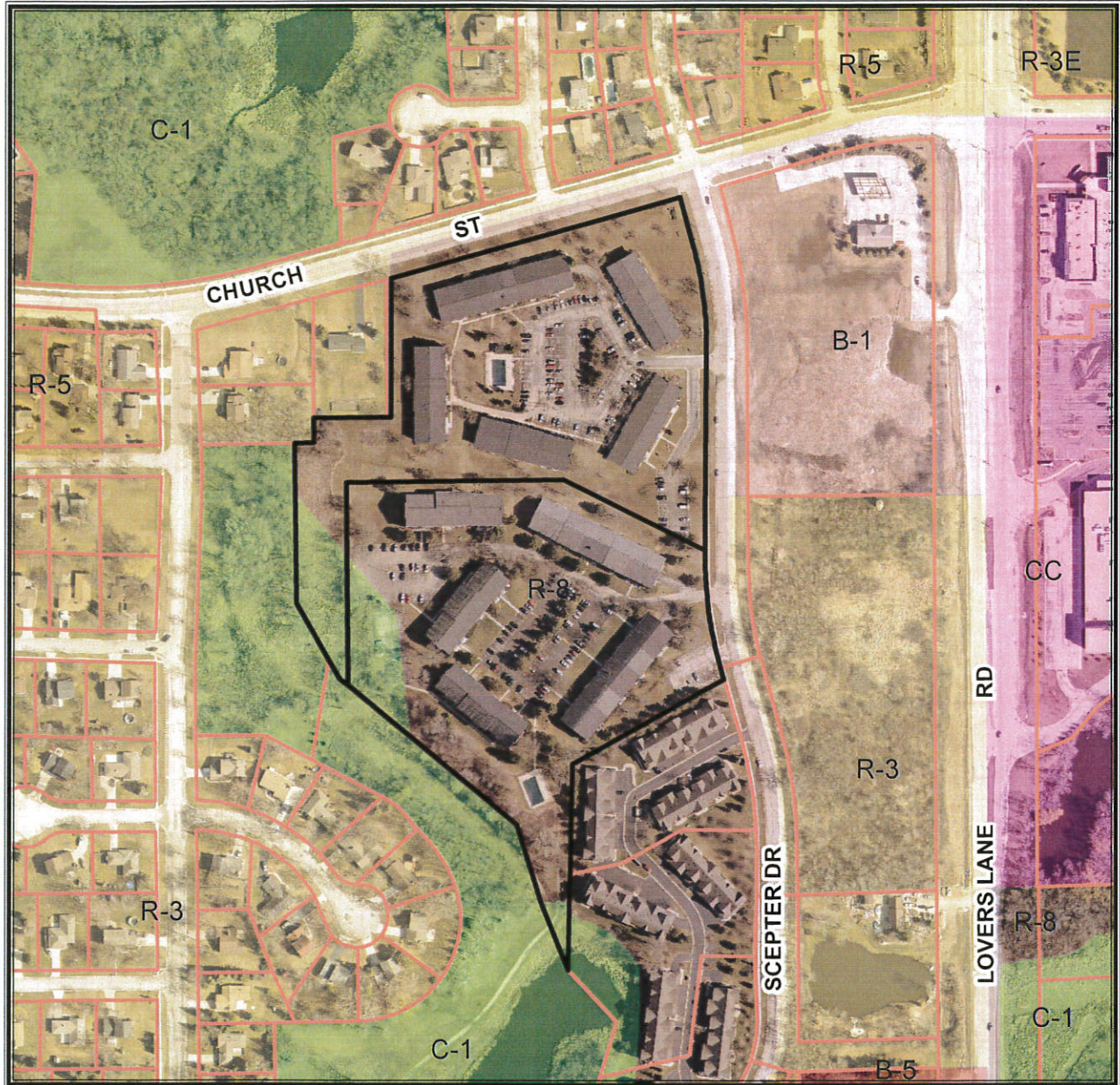
Planning Department
(414) 425-4024



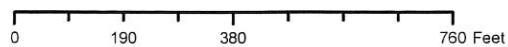
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



Mission Hills Apartments
7711 - 7859 S. Scepter Drive
TKN 795-0134-000 and 795-9999-002



Planning Department
(414) 425-4024



2013 Aerial Photo

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.

8/11/15

Planning Board Members
City of Franklin
9229 W. Loomis Rd
Franklin, Wisconsin 53132

Franklin

AUG 12 2015

City Development

Dear Board Members;

Franklin Mission Hills LLC is requesting an amendment to the Special Use Agreement for Mission Hills Apartments, consisting of two parcels located at 7711 – 7759 S. Scepter Drive and 7811 – 7859 S. Scepter Drive. We are requesting to change the agreement to match the current improvements at the site.

The first change request is to paragraph 13 which establishes the parking ratio for the property. We request that the parking ratios be removed and replaced with the numbers of the existing parking spaces at Mission Hills, which are 129 underground spaces, and 344 surface for a total of 473 overall spaces. Comparison between the original Resolution, existing conditions and the UDO requirements are illustrated in the attached Parking Analysis. We have operated the property since 2007 and parking has never been an issue with our tenants or with neighboring properties.

Secondly, we request a change to Paragraph 19 of Resolution no 446 which requires two swimming pools. We would like this changed to one swimming pool, which is the current configuration of the site. In 2007, there was a second pool that was inoperable. We made several attempts to open the pool but we could not keep it operating for more than a few weeks at a time. The pool continually leaked treated water into the wetlands and needed to be shut down. Finally with the Federal Gram Baker regulations, the second pool could not be brought up to code and was filled in. Since 2007, (and we are not certain as to how many years prior to 2007) we have not operated a second pool for a complete season. No second pool exists at the site. We have continually upgraded the one and now only existing pool on the site, repairing the pool walls, pouring a new concrete deck and replacing the pumping and filtering equipment. Our tenants are very pleased with the one pool that we now have.

The following are responses to UDO Requirements:

1. The site plan submitted is dated May 17, 2005 for the purposes of this request there have been no changes or revisions of the site plan submittal
2. Phase 1 which is parcel 2 of the survey is 372,247 square feet or 8.55 acres. Phase 2 which is parcel 1 of the survey is 407,167 square feet or 9.327 acres
3. The buildings vary from two to three story some have basements, underground garages and some have walkout lower levels. The actual heights vary from building to building. None of the buildings in either phase are over the 45 foot maximum height.
4. Attached are two worksheets the first marked with the 1 is for parcel 1 of the survey which is phase 2 of the development, and the second worksheet marked 2 is for parcel 2 of the survey which is phase 1 of the development.

The following are responses to the staff comments:


1. Submitting 7 sets 36X24 surveys.
2. Site Plan for underground parking is not available. Attached are pictures of the three garages in the lower level of the buildings. The gross sizes are indicated on the survey of the footprint of the building. There are no underground handicap spaces. All underground spaces are assigned and without an elevator in the building handicap spaces would be less useful in the garage than ones in the surface lots.
3. The abandoned second pool was located in the blue rectangle on parcel 1 of the survey. The un-marked parking are highlighted in yellow also on parcel 1 of the survey.

4. Parking Analysis attached
5. We are requesting that the parking requirement be reduced from 562 spaces in the Special Use Agreement to 436 spaces. This is a reduction of 22% but would bring the requirement in line with the current parking regulations.
6. We are planning on restriping all parking lots. After restriping all spaces will be in compliance with the 9 feet wide and the 180 Square Foot Area. As an accommodation the 20 un-marked spaces will be marked.
7. See 6 above.
8. See 6 above.
9. See 6 above
10. The current 18 spaces for the development exceed the requirements as calculated in the Parking Analysis attached which indicates a need for 14 spaces.
11. With the restriping of the lots the Handicap Spaces will be widened to 13 feet to match the ADA requirement. This may cause us to lose a few overall spaces throughout the property and changing the requirement to match the UDO would provide us the flexibility to meet the ADA requirements.
12. The dumpsters will be moved out of the drive aisle. This will cause loss of existing parking spaces. It can be achieved if the UDO requirements are used.
13. As an accommodation for the adjusted parking requirements Mission Hills will construct three sided dumpster surrounds constructed of wood fencing with steel posts to screen the dumpsters in their current locations with the exception of the two that are being relocated. The three sided wood fenced surround will have the least impact on the overall parking spaces.
14. See 13.
15. This is the update to the narrative.
16. Updated in the Parking Analysis
17. Snow is plowed to the grass covered areas of the property. Only under extreme conditions are parking spaces lost to storage of snow. If parking problems are created by excessive amounts of snow it will be hauled off of the parking areas.
18. No Comment
19. No Comment
20. No comment

It is in the best interest of the Ownership and the City to have property in compliance of Building and Zoning Agreements. We kindly request that you grant us these changes to bring the current conditions at Mission Hills into compliance with the Special Use Agreement. With the staff comments some of the existing parking space will be eliminated. As an alternative to changing to the existing conditions it would also be acceptable to impose the UDO requirements for the property and provide flexibility in the number of spaces to achieve the staff suggestions.

Thank you for your consideration,

Axiom Properties, Inc.



Roger M Cagann
President

Mission Hills

Parking Analysis

8/6/2015

Survey Parcel 1

Construction Phase 2

Addresses : 7811-7859

54 One Bedroom

85 Two Bedroom

139 Total Apartments

Underground
Surface Marked
Surface Un-Marked
Handicap
Total

	Existing	Resolution 446	UDO
Underground	85	93	
Surface Marked	156	185	217
Surface Un-Marked	20		
Handicap	12		7
Total	273	278	224

Survey Parcel 2

Construction Phase 1

Addresses : 7711-7759

52 One Bedroom

80 Two Bedroom

132 Total Apartments

Underground
Surface Marked
Handicap
Total

	Existing	Resolution 446	UDO
Underground	44	88	
Surface Marked	150	176	205
Handicap	6		7
Total	200	264	212

Totals

Underground
Surface Marked
Surface Un-Marked
Handicap
Total

	Existing	Resolution 446	UDO
Underground	129	181	
Surface Marked	306	361	422
Surface Un-Marked	20		
Handicap	18	0	14
Total	473	542	436



7721 to 7729 S. Scepter Dr.



7811 to 7819 S. Scepter Dr.



7851 to 7859 S. Scepter Dr.

DIVISION 15-3.0700

SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: The intent of this amendment to the resolution is to reflect current conditions that exist.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Response: There will be no change to the existing property and thus no adverse Impact to the adjacent property.

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response: There will be no changes to existing property and thus no interference with surrounding development.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: The Existing Buildings have operated for over 40 years and served with the public facilities without any know issues.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: No changes to existing conditions

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: No changes to existing development.

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response: The purpose of this amendment is to bring the existing improvements into compliance with the written Special Use resolution no 446 and its amendments

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response: The special standards are not at issue since the improvements exist and we are solely requesting amending the documents to match the existing improvements.

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: It is in the best interest of the community that existing improvements are in compliance with ordinances and special use resolutions.

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

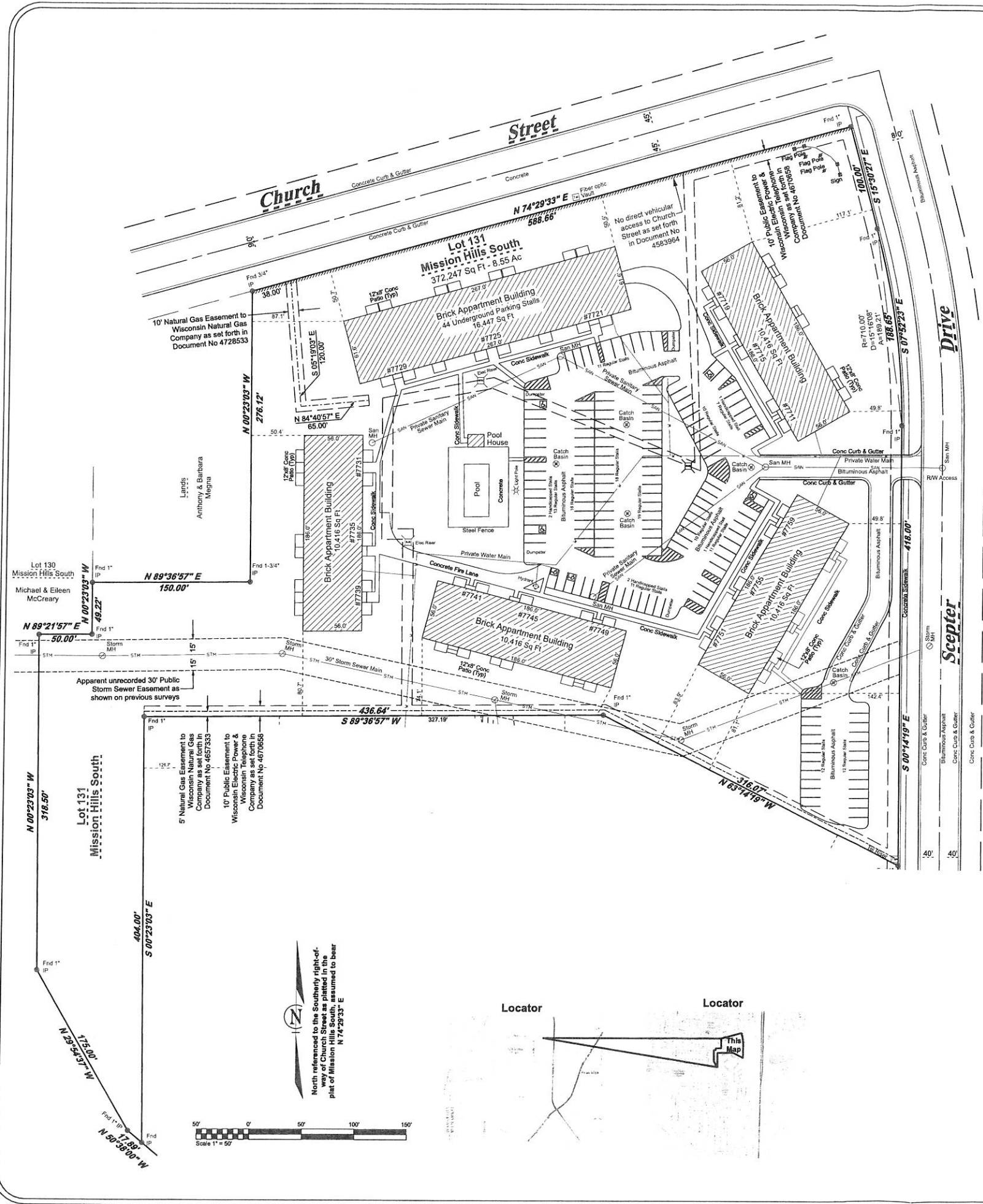
Response: Property and Improvements already exist and moving them is not an option.

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Response: There will be no changes in the improvements thus no adverse impacts.

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

Response: The precedent is already set in this instance, we are just requesting to match the special use to the existing improvements.



Recorded Description:

PARCEL 2:
 Lot 131, in Mission Hills South, being a Subdivision of a part of the Northeast 1/4, Southeast 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 8 and of the Northeast 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 17, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

Notes to Schedule B:

- Undefined 30' easement for drainage as designated on recorded Certified Survey Map No. 1982, Document No. 4728719 as graphically shown on this survey (Affects Parcel 1).
- Resolution No. 446 improving conditions and restrictions for approval of multiple family housing, Amber-Carol, Inc., recorded as Document No. 4543901, does not affect land title and therefore not shown on this survey.
- Easement granted to Wisconsin Natural Gas Company, for utility purposes, recorded on , as Document No. 4818584 as shown on this survey (Affects Parcel 1).
- Easement granted to Wisconsin Electric Power Company and Wisconsin Telephone Company, for utility purposes, as Document No. 4821585 as shown on this survey (Affects Parcel 1).
- Easement granted to Wisconsin Natural Gas Company, for utility purposes, as Document No. 4888995 as shown on this survey (Affects Parcel 1).
- Ordinary high water mark of the lagoon as shown on this survey (Affects Parcel 2).
- Restrictions of vehicular ingress and egress to Church Street as set forth on the Plat of Mission Hills South, as Document No. 4583964 as shown on this survey (Affects Parcel 2).
- Easement granted to Wisconsin Natural Gas Company, for utility purpose, as Document No. 4657333 as shown on this survey (Affects Parcel 2).
- Easement granted to Wisconsin Electric Power Company and Wisconsin Telephone Company, for utility purposes, as Document No. 4670658 as shown on this survey (Affects Parcel 2).
- Easement granted to Wisconsin Natural Gas Company, for utility purposes, as Document No. 4728533 as shown on this survey (Affects Parcel 2).
- Resolution No. 2006-6196 recorded January 31, 2007 as Document No. 9378366 does not affect land title and therefore not shown on this survey.
- Pedestrian Walkway Easement recorded as Document No. 8803216 as shown on this survey.
- Resolution No. 2007-6390, recorded as Document No. 9522099 does not affect land title and therefore not shown on this survey.
- Resolution No. 2008-6456, recorded as Document No. 9622560 does not affect land title and therefore not shown on this survey.
- Rights of tenants as residential tenants only with no option to purchase or rights of first refusal does not affect land title and therefore not shown on this survey.
- Document No. 7417629 does not affect land title and therefore not shown on this survey.
- Document No. 7417627 does not affect land title and therefore not shown on this survey.
- Document No. 9949685 and Document No. 10065706 does not affect land title and therefore not shown on this survey.
- Document No. 9949687 and Document No. 10065707 does not affect land title and therefore not shown on this survey.

Notes to Table "A":

The accompanying survey was made on the ground and correctly shows the location of all buildings, structures and other improvements situated on the above described premises; that there are no visible encroachments on the subject property or upon adjacent land abutting said property except as shown;

The property described hereon is the same as the property described in Chicago Title Insurance Company, Commitment No. CO-3112 with an effective date March 27, 2015, and that all easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property;

- This property is within an area having a Zone Description "Zone X" (Areas determined to be outside the 500 year floodplain) by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No 55079C0029E; Panel Number 0143E with a date of identification of September 26, 2008 in Milwaukee County, State of Wisconsin, which is the current Flood Insurance Rate Map for the community in which said premises is situated;
- Current Zoning Classification: R-8
 6(b). Yard Set-Backs:
 1. Front Yard: 40'
 2. Side Yard: 20'
 2. Rear Yard: 30'
- Parking Spaces:
 Parcel 1: There are 85 underground parking spaces, 156 marked above ground regular parking spaces, 20 unmarked above ground regular parking spaces and 12 handicapped parking spaces for a total of 273 parking spaces
 Parcel 2: There are 44 underground parking spaces, 150 marked above ground regular parking spaces and 8 handicapped parking spaces for a total of 200 parking spaces
- The property has direct access to Scepter Drive, a duly dedicated and accepted public street or highway.
- There is no visible evidence the site was used as a solid waste dump, sump or sanitary landfill.

ALTA / ACSM Land Title Survey

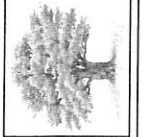
Mission Hills Apartments
7711 Scepter Drive, Franklin, WI
 This survey was made for the benefit of: Axiom Properties, Inc
 To: (i) Keybank National Association and Federal Home Loan Mortgage Corporation, their successors and assigns, (ii) Franklin Mission Hills, LLC, a Wisconsin limited liability company, (iii) Chicago Title Insurance Company, its successors and assigns;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(b), 7(a), 7(b)(1), 8, 9, 11(a), 13, 16, 17, and 18 of Table A thereof. The field work was completed on May 7, 2015.

Carl M. Sandsnes, Professional Land Surveyor, S-1819
 Registration No. S-1819
 In the State of Wisconsin
 Date of Survey: May 17, 2015
 Revised June 25, 2015



Royal Oak & Associates, Inc
 3678 Kinsman Boulevard
 Madison, WI 53704
 Phone (608) 274-0500 Fax (608) 274-4530
 www.royalokaengineering.com



Surveyed For:
 Joel Levin
 Axiom Properties
 400 State International Dr
 Ste 200
 Lincolnshire, IL

ALTA/ACSM Survey
 Lot 131, Mission Hills South, lying in the Southwest 1/4 of the Southwest 1/4 of Section 08, T05N, R21E, City of Franklin, Milwaukee County, Wisconsin

Office Map Number	16251-L
Sheet	1
of Sheets	2

