

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, DECEMBER 17, 2015, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of December 3, 2015.

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

1. **SPELLMAN TRAILERS INC. TRUCKING BUSINESS; “TRUCKING, EXCEPT LOCAL” USE UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT.** Unified Development Ordinance Text Amendment application by Elvin J. Spellman, Managing Member of T & E, LLC, to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 4213 “Trucking, except local” to allow for such Use as a Special Use, City-wide, in the M-1 Limited Industrial District. **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)

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: January 7, 2016

City of Franklin
Plan Commission Meeting
December 3, 2015
Minutes

unapproved

Call to Order and Roll Call

- A. Mayor Steve Olson called the December 3, 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, City Engineer Glen Morrow, and Commissioners Kevin Haley and Scott Thinner. Excused were Commissioners Patricia Hogan and David Fowler. Also present were City Attorney Jesse Wesolowski, Planning Manager Joel Dietl and Senior Planner Nick Fuchs. Also present was Alderwoman Kristen Wilhelm.

Approval of Minutes

Regular Meeting of November 19, 2015.

- B.
1. Commissioner Thinner moved and Commissioner Haley seconded approval of the November 19, 2015 minutes of the Regular meeting of the Plan Commission as presented. On voice vote, all voted 'aye'. Motion carried.

Public Hearing Business Matters

CREATIVE HOMES, INC.

SUBDIVISION DEVELOPMENT.

Rezoning and Comprehensive Master Plan Amendment applications by Rick J. Przybyla, President of Creative Homes, Inc., to rezone a portion of the property located at 7700 West Faith Drive (0.3875 acres) from I-1 Institutional District to R-6 suburban Single-Family Residence District and to amend the Future Land Use Map for a portion of the property located at 7700 West Faith Drive from Institutional Use to Residential Use; Tax Key No. a part of 792-9984-001.

- C.
1. Planning Manager Dietl presented the request by Rick Przybyla, President, Creative Homes, Inc. for rezoning of a part of a parcel located at 7700 West Faith Drive to allow for single-family subdivision development. The request would also require approval to amend the 2025 Comprehensive Master Plan Future Land Use Map to Residential Use.

The Official Notice of Public Hearing for the rezoning was read in to the record by Senior Planner Fuchs and the Public Hearing was opened at 7:04 p.m. and closed at 7:08 p.m.

Commissioner Morrow 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 for property located at approximately 7700 West Faith Drive from Institutional Use to Residential Use, pursuant to Wis. Stat. §66.1001(4)(b). Seconded by Commissioner Haley. On voice vote, all voted 'aye'. Motion carried (4-0-2 Hogan/Fowler).

Alderman Dandrea moved to recommend approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a part of a certain parcel of land from I-1 Institutional District to R-6 Suburban single-Family Residence District.

Item C.1. continued

STRAUSS BRANDS INCORPORATED BUILDING ADDITIONS. Special Use Amendment application by Randal Strauss, President, Strauss Brands Incorporated, for construction of a 24 foot by 36 foot metal building addition on the north side of the existing building, a 25 foot by 26 foot rail building addition on the north side of the existing building and an 18 foot 9 inch wide by 46 foot 8 inch long by 16 foot 1 1/2 inch high pump room addition above the existing first floor of the building, upon property zoned M-1 Limited Industrial District located at 9775 South 60th Street; Tax Key No. 898-9997-004.

Seconded by Commissioner Haley. On voice vote, all voted 'aye'. Motion carried.

2. Planning Manager Dietl presented the request by Randal Strauss, President, Strauss Brands Incorporated, for Special Use Amendment.

Senior Planner Fuchs read the Official Notice of Public Hearing in to the record. The Public Hearing was opened at 7:18 p.m. and closed at 7:18 p.m.

Commissioner Morrow moved to recommend approval of a resolution to amend Resolution No. 477 imposing conditions and restrictions for the approval of a Special Use and Site Plan Amendment Resolution Nos. 2000-10, 2003-001, 2004-001 and 2014-008, and any other amendments to date, property located at 9775 South 60th Street, to allow for the construction of a metal building addition, rail building addition and pump room addition to the existing Strauss Brands Incorporated building. Seconded by Alderman Dandrea. On voice vote, all voted 'aye'. Motion carried.

Business Matters

- D. (None.)

Adjournment

- E. Commissioner Morrow moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of December 3, 2015 at 7:23 p.m. All voted 'aye'; motion carried.



REPORT TO THE PLAN COMMISSION

Meeting of December 17, 2015

Unified Development Ordinance Text Amendment

RECOMMENDATION: Department of City Development staff recommends approval of the Unified Development Ordinance Text Amendment to allow Standard Industrial Classification Title No. 4213 "Trucking, Except Local" as a Special Use in the M-1 Limited Industrial District.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Location, Property Owner, Applicant, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, and Applicant's Action Requested.

PROJECT DESCRIPTION/ANALYSIS:

On November 10, 2015, the applicant filed a Unified Development Ordinance Text Amendment Application to amend Table 15-3.0603 to allow Standard Industrial Classification Title No. 4213 "Trucking, Except Local" as a Special Use in the M-1 Limited Industrial District.

Table 15-3.0603 of the UDO sets forth those uses which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use designations are based on the Standard Industrial Classification Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget.

The SIC manual describes SIC Title No. 4213 Trucking, Except Local as:

"Establishments primarily engaged in furnishing "over-the-road" trucking services or trucking services and storage services, including household goods either as common carriers or under special or individual contracts or agreements, for freight generally weighing more than 100 pounds. Such operations are principally outside a single municipality, outside one group of contiguous municipalities, or outside a single municipality and its suburban areas. Establishments primarily engaged in furnishing air courier services for individually addressed letters, parcels, and packages generally weighing less than 100 pounds are classified in Industry 4513 and other courier services for individually addressed letters, parcels, and packages generally weighing less than 100 pounds are classified in Industry 4215."

The following specific uses are associated with SIC Title No. 4213 and included in the description:

- Long-distance trucking
- Over-the-road trucking
- Trucking rental with drivers, except for local use
- Trucking, except local

As shown in the attached excerpt from Table 15-3.0603 of the UDO, this use is currently not allowed in any of the non-residential zoning districts.

In the letter of intent (attached) the applicant points out that businesses renting space in his building at 5825 West Ryan Road over the past 30 years have been trucking companies, except local. It can be noted that approval of this UDO Text Amendment would address an existing zoning violation at 5825 West Ryan Road and at another nearby property. In both instances, the zoning violations involve over-the-road trucking companies operating without permits or approvals from the City.

Ordinance No. 221 – February 6, 1968 (As amended through August 13, 1987), which was the predecessor to the Unified Development Ordinance, allowed for Motor Freight Terminals as a Special Use in the M-1 Limited Industrial District. This previous code did not differentiate between local or non-local trucking companies. It also didn't differentiate between trucking and the operation of a truck terminal, which the Standard Industrial Classification System and subsequently the UDO does. As a result, there are existing trucking companies in the City of Franklin (including other nearby properties in Phase 1 of the Franklin Industrial Park) operating on M-1 properties.

Staff believes the potential for truck traffic warrants the thorough review of the Special Use process to ensure the proposed use will not cause undue adverse impact or undue traffic congestion. The Special Use application process would help ensure each proposal is reviewed by the Plan Commission and Common Council to address all Special Use criteria and standards. In determining whether the applicant's evidence establishes that the special use standards have been met, the Plan Commission and Common Council may make considerations including; the public benefit of the use, alternative locations, mitigation of adverse impacts, and whether the use will establish a precedent of incompatible uses in the surrounding area.

It can also be noted that SIC Title No. 4231, "Trucking Terminal Facilities" and SIC Title No. 4214, "Local Trucking with Storage", are both allowed as a Special Use in the M-1 Limited Industrial District. Therefore, Staff recommends that SIC Title No. 4213 be allowed in the M-1 Limited Industrial District as a Special Use.

This text amendment, if granted, will apply to all properties City-wide in the M-1 Limited Industrial District. Please see the map in your packets of areas in the City of Franklin Zoned M-1 Limited Industrial District.

STAFF RECOMMENDATION:

Department of City Development staff recommends approval of the Unified Development Ordinance Text Amendment to allow Standard Industrial Classification Title No. 4213 “Trucking, Except Local” as a Special Use in the M-1 Limited Industrial District.

ORDINANCE NO. 2015-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT
TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 4213
“TRUCKING, EXCEPT LOCAL” TO ALLOW FOR SUCH USE AS A SPECIAL USE IN
THE M-1 LIMITED INDUSTRIAL DISTRICT
(ELVIN J. SPELLMAN, MANAGING MEMBER OF T & E, LLC, APPLICANT)

WHEREAS, Table 15-3.0603 of the Unified Development Ordinance sets forth the permitted and special uses in the nonresidential zoning districts; and

WHEREAS, Elvin J. Spellman, Managing Member of T & E, LLC having applied for a text amendment to Table 15-3.0603, Standard Industrial Classification Title No. 4213 “Trucking, except local”, to allow for such use as a Special Use in the M-1 Limited Industrial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title No. 4213 “Trucking, except local” as a Special Use in the M-1 Limited Industrial District, and having held a public hearing on the proposal on the 17th day of December, 2015 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and 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: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 4213 “Trucking, except local”, is hereby amended as follows: insert “S” (Special Use) in the M-1 column.

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.

ORDINANCE NO. 2015-____

Page 2

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 _____, 2015, by Alderman _____.

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

APPROVED:

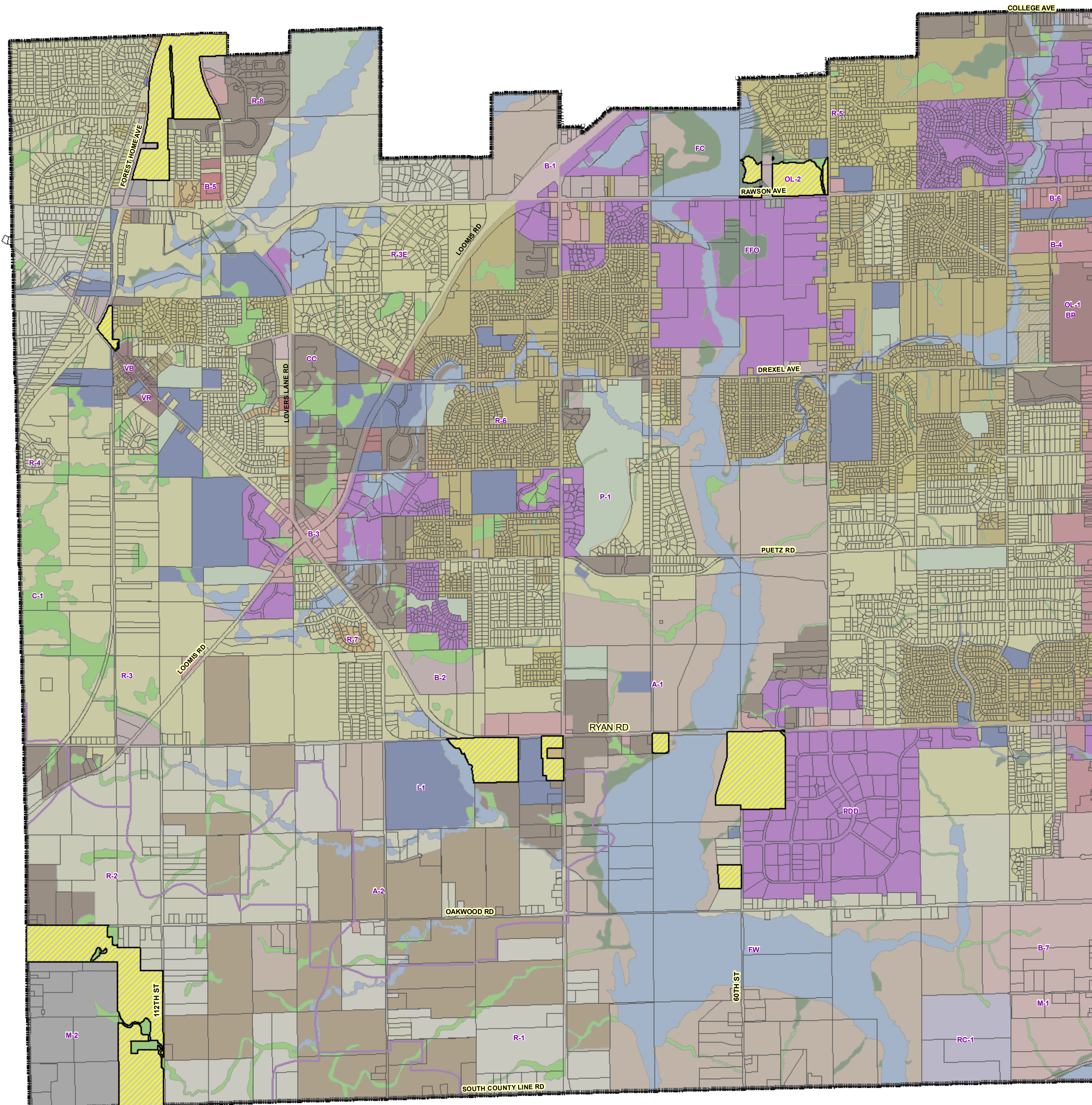
Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

City of Franklin M-1 Limited Industrial Districts



LEGEND

M-1 Limited Industrial District

Other Zoning Districts

	OL-1		B-4		FFO		R-2		R-8
	I-1		B-5		FW		R-3		RC-1
	A-1		B-6		I-1		R-3E		VB
	A-2		B-7		M-2		R-4		VR
	B-1		BP		P-1		R-5		
	B-2		C-1		PDD		R-6		
	B-3		FC		R-1		R-7		

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.

0 0.25 0.5 0.75 1 Miles

City of Franklin
Planning Department
9229 W. Loomis Rd.
Franklin, WI 53132
www.franklinwi.gov
DEK-5/11/2012



Table 15-3.0603 (continued)

SIC		B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
387	STANDARD INDUSTRIAL CLASSIFICATION TITLE																					
3873	Watches, Clocks, Watchcases & Parts																					
3873	Watches, clocks, watchcases & parts		P	P													P					P
39	MISCELLANEOUS MANUFACTURING INDUSTRIES																					
391	Jewelry, Silverware, and Plated Ware																					
3911	Jewelry, precious metal		P	P																		P
3914	Silverware and plated ware																P					P
3915	Jewelers' materials & lapidary work																P	P				P
393	Musical Instruments																					
3931	Musical instruments																P	P				P
394	Toys and Sporting Goods																					
3942	Dolls and stuffed toys																P	P				P
3944	Games, toys, and children's vehicles																P	P				P
3949	Sporting and athletic goods, not elsewhere classified																P	P				P
395	Pens, Pencils, Office, & Art Supplies																					
3951	Pens and mechanical pencils																P					P
3952	Lead pencils and art goods																P	P				P
3953	Marking devices																					
3955	Carbon paper and inked ribbons																					
396	Costume Jewelry and Notions																					
3961	Costume jewelry																P	P				P
3965	Fasteners, buttons, needles, & pins																P					P
399	Miscellaneous Manufactures																					
3991	Brooms and brushes																P	P				P
3993	Signs and advertising specialties																S	P				S
3995	Burial caskets																					
3996	Hard surface floor coverings, not elsewhere classified																					
3999	Manufacturing industries, not elsewhere classified																S	P				S
	E. TRANSPORTATION AND PUBLIC UTILITIES																					
40	RAILROAD TRANSPORTATION																					
401	Railroads																					
4011	Railroads, line-haul operating																					
4013	Switching and terminal services																					
41	LOCAL AND INTERURBAN PASSENGER TRANSIT																					
411	Local and Suburban Transportation																					
4111	Local and suburban transit						S															
4119	Local passenger transportation, not elsewhere classified												S	S								
412	Taxicabs																					
4121	Taxicabs						S						S	S								
413	Intercity and Rural Bus Transportation																					
4131	Intercity & rural bus transportation												S	S								
414	Bus Charter Service																					
4141	Local bus charter service												S	S								
4142	Bus charter service, except local												S	S								
415	School Buses																					
4151	School buses												S	S								
417	Bus Terminal and Service Facilities																					
4173	Bus terminal and service facilities						S			S			S	S								
42	TRUCKING AND WAREHOUSING																					
421	Trucking & Courier Services, Except Air																					
4212	Local trucking, without storage																					
4213	Trucking, except local												S									
4214	Local trucking with storage												S	S								
4215	Courier services, except by air		P																			
422	Public Warehousing and Storage																					
4221	Farm product warehousing and storage												P						S			P
4222	Refrigerated warehousing and storage												P						S			P
4225	General warehousing and storage *Retail self storage primarily climate controlled (with related accessory ambient temperature structural units)						*S						P						S			P
4226	Special warehousing and storage, not elsewhere classified												S	P								S
423	Trucking Terminal Facilities																					
4231	Trucking terminal facilities												S	S								
43	U.S. POSTAL SERVICE																					
431	U.S. Postal Service																					
4311	U.S. Postal Service		S	S	S		S		S				S			S	S					S
44	WATER TRANSPORTATION																					
441	Deep Sea Foreign Transportation of Freight																					
4412	Deep sea foreign transportation of freight																					
442	Deep Sea Domestic Transportation of Freight																					
4424	Deep sea domestic transportation of freight																					
443	Freight Transportation on the Great Lakes																					
4432	Freight transportation on the Great Lakes																					
444	Water Transportation of Freight, not elsewhere classified																					
4449	Water transportation of freight, not elsewhere classified																					
448	Water Transportation of Passengers																					

(Permitted Use = P, Special Use = S, Not Permitted = Blank)



5921 W. Ryan Road • Franklin, WI 53132
Phone (414) 421-3200 • Fax (414) 421-1231
Toll Free 1-800-592-0955
www.spellmantrailers.com

City of Franklin

Re: 5825 West Ryan Rd.

10-29-15

We are requesting to amend the Unified Development Ordinance at Table 15-3.0602 Standard Industrial Classification Title No. 4213 "Trucking, except local", to allow for a special use in the M-1 Limited Industrial District.

We have owned the building since 1985. Our renters for the past 30 years have been trucking companies, except local. Since 2008, when the economic recession started, the building has been empty.

Our current tenant is a long distance trucking company and would be classified under SIC title No 4213. This would be the same type of company that we've rented to since 1985.

Sincerely,

Elvin Spellman

Franklin

DEC 3 2015

City Development