

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, FEBRUARY 23, 2017, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of February 9, 2017.

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

1. **JERRY'S AUTO XPRESSIONS BUILDING ADDITION.** Special Use Amendment application by Jerry Kezman, d/b/a Jerry's Auto Xpressions, for construction of a 54 foot by 35 foot and 6 inches (1,917 square feet) building addition (3,888 square feet existing building size; 5,805 square feet total proposed building size) on the south side of the existing building, which will include three windows on the south elevation and an overhead door and service door on the east elevation, upon property zoned B-4 South 27th Street Mixed-Use Commercial District, located at 2803 West Southland Drive; Tax Key No. 855-9973-003. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
2. **JEFFREY D. PEELEN AND ROXANNE M. PEELEN SINGLE-FAMILY RESIDENCE CONSTRUCTION.** Rezoning application by Jeffrey D. Peelen and Roxanne M. Peelen, property owners, to rezone portions of the property located at 7145 South Woelfel Road from C-1 Conservancy District and FW Floodway District to R-3E Suburban/Estate Single-Family Residence District to allow for a single-family residence on the property; Tax Key No. 754-9994-024. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
3. **MULTI-TENANT RETAIL BUILDING WITH A DRIVE THROUGH FACILITY.** Special Use application by Steven W. Doran, Managing Member of Daybreak Capital, LLC, to allow for construction of an approximately 4,500 square foot multi-tenant retail building (3 tenants) with a drive through facility within the outlot at the front of the Hobby Lobby building located at 6807 South 27th Street, property zoned Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club); Tax Key No. 738-9974-008. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

## Franklin Plan Commission Agenda

2/23/17

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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: March 9, 2017

**City of Franklin  
Plan Commission Meeting  
February 9, 2017  
Minutes**

Unapproved

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

Mayor Steve Olson called the February 9, 2017 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 Commissioners Patrick Leon, Patricia Hogan, Kevin Haley (arrived at 7:03) Alderman Mark Dandrea and City Engineer Glen Morrow. Excused was Commissioner David Fowler. Also present were Principal Planner Nick Fuchs and Planning Manager Joel Dietl.

**B. Approval of Minutes**

1. Regular Meeting of January 19, 2017.

Commissioner Hogan moved and Commissioner Leon seconded approval of the January 19, 2017 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-0).

**C. Public Hearing Business Matters**

**1. INDIAN COMMUNITY SCHOOL OF MILWAUKEE, INC. RECREATIONAL/EDUCATIONAL BOARDWALK CONSTRUCTION.**

Natural Resource Features Special Exception and Site Plan Amendment applications by Indian Community School of Milwaukee, Inc., owner, for the purpose of allowing for filling, grading and construction of a proposed system of trails (approximately 600 lineal feet), boardwalks (approximately 600 lineal feet), an observation deck/outdoor classroom, elevated platforms/piers and creation of 4 wetland scrapes (ponds) (approximately 1 acre in total size), within and adjacent to wetlands located north of the existing school building located at 10405 West St. Martins Road, [625 linear feet +/- of 8 foot wide boardwalk on piers, 225 linear feet +/- earthen trail on 0.03 acres (1,180 square feet +/-) of fill to be placed within the wetland, and 4 wetland “scrapes” totaling 0.96 acres

Planning Manager Dietl presented the request by the Indian Community School of Milwaukee, Inc. for a Natural Resource Special Exception and a Site Plan Amendment for the purpose of allowing for filling, grading and construction of a proposed system of trails (approximately 600 lineal feet), boardwalks (approximately 600 lineal feet), an observation deck/outdoor classroom, elevated platforms/piers and creation of 4 wetland scrapes (ponds) for property located at 10405 West St. Martins Road.

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened at 7:06 p.m. and closed at 7:26 p.m.

Commissioner Haley moved and Alderman Dandrea seconded a motion to recommend approval of the Indian Community School of Milwaukee, Inc. 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. On voice vote, all voted 'aye'. Motion carried (5-0-0).

Commissioner Haley moved and Commissioner Hogan seconded a motion to approve a resolution amending the Site Plan for property located at 10405 West St. Martins Road to

+/-, also within the wetland, as part of the mitigation for the project, in addition to ongoing prairie maintenance and buckthorn removal], such property zoned I-1 Institutional District; Tax Key No. 841-9985-001.

allow for construction of a system of trails, a recreational/educational boardwalk with an outdoor learning platform with bench seating and an overlook dock and four wetland ponds within and adjacent to wetlands located north of the existing school building, subject to approval by the common council of the related Natural Resource Features Special Exception. On voice vote, all voted ‘aye’. Motion carried (5-0-0).

**D. Business Matters**

**1. MISTER CAR WASH #488 498 SIGNAGE.** Unified Development Ordinance §15-3.0439 Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) Minor Amendment application by David Hail, Vice President of Research & Development at Mister Car Wash, to allow for the installation of new signage, canopies, directional canopies, bollards and reconfiguration of the queuing lanes for the car wash and oil lube areas upon property located at 7700 West Rawson Avenue, property zoned Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial); Tax Key No. 744-1002-000.

Planning Manager Dietl presented the request by Mister Car Wash for a Minor Amendment application and Planned Development District Ordinance Amendment to allow for the installation of new signage, canopies, directional canopies, bollards and reconfiguration of the queuing lanes for the car wash and oil lube areas upon property located at 7700 West Rawson Avenue.

Commissioner Haley moved and Alderman Dandrea seconded a motion determining the proposed amendment to be a minor amendment. On voice vote, all voted ‘aye’. Motion carried (5-0-0).

Commissioner Leon moved and Alderman Dandrea seconded a motion to recommend approval of an ordinance to amend Section 15-3.0439 of the Unified Development Ordinance Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) to allow for the installation of new signage, canopies, bollards and reconfiguration of the queuing lanes at Mister Car Wash \$488 498, subject to the review and approval by the Architectural Review Board and the City Building Inspector as required by Chapter 210 Signs and Billboards, of the municipal code and deletion of Condition No. 1 of the draft ordinance. On voice vote, all voted ‘aye’. Motion carried (5-0-0).

**2. PAYNE AND DOLAN, INC QUARRY BIENNIAL REPORT TO THE PLAN COMMISSION.**

Alderman Dandrea moved and Commissioner Hogan seconded a motion to place the Payne and Dolan, Inc. quarry biennial report on file.

**D. Adjournment**

Commissioner Hogan moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of February 9, 2017 at 7:49 p.m. All voted ‘aye’; motion carried. (5-0-0)

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION**

Meeting of February 23, 2017

**Special Use Amendment**


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**RECOMMENDATION:** Department of City Development staff recommends approval of the Special Use Amendment, subject to the conditions in the draft resolution.

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<b>Project Name:</b>	Jerry's Auto Xpressions Special Use Amendment
<b>Project Address:</b>	2803 West Southland Drive
<b>Applicant:</b>	Jerry and Maureen Kezman
<b>Property Owner:</b>	Jeremy and Maureen Kezman
<b>Current Zoning:</b>	B-4 South 27 <sup>th</sup> Street Mixed Use Commercial District
<b>2025 Comprehensive Plan</b>	Mixed Use
<b>Use of Surrounding Properties:</b>	Commercial to the north and east, two-family residential (zoned B-4 District) to the south and single-family residential to the west
<b>Applicant Action Requested:</b>	Approval of the Special Use Amendment Application for the proposed building addition

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**Introduction**

Please note:

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

On January 12, 2017, the applicant submitted a Special Use Amendment application requesting approval of an addition to the existing building located at 2803 W. Southland Drive. The property is currently owned and operated by Jerry and Maureen Kezman, d/b/a Jerry's Auto Xpressions. The applicant has indicated that additional interior building space is needed for parking cars following repairs.

A Special Use was granted in 1998 for a used car, sales and reconditioning center business use (Resolution No. 98-4751). The Special Use was later amended in 2000 to remove a condition requiring construction of a fence along the south and west property lines (Resolution No. 2000-4979).

The property is located within the South 27<sup>th</sup> Street Corridor; however, is not subject to the South 27<sup>th</sup> Street Design Overlay District standards as the building addition is less than a 50% increase in floor area.

**Project Description/Analysis**

### Site Plan:

The property is approximately 0.47 acres. Site improvements currently include the existing 3,888 square foot building and associated parking areas and drives. The proposed addition is 54' x 35.5' (1,917 square feet). The addition will extend the building south and will match the construction and materials of the existing building. The addition includes three windows on the south elevation and an overhead door and service door on the east elevation.

The dumpster onsite is currently not screened. The applicant is proposing an enclosure at the southeast corner of the parking lot. The dumpster enclosure will be constructed of the same steel exterior as the principal building.

The proposed addition is entirely within areas of existing impervious surface. The location of the proposed addition currently consists of four parking spaces and an access drive to a rear overhead garage door. In addition to the loss of these four parking spaces, two additional parking spaces will be removed to accommodate the dumpster enclosure.

Ten existing parking spaces, including one ADA accessible space, will remain onsite. These parking spaces are located to the east side of the building on either side of the drive aisle. Table 15-5.0203 of the Unified Development Ordinance recommends a Standard Parking Ratio of four parking spaces per service bay for a vehicle repair shop. The building will contain two service bays, thus eight parking spaces are required. With 10 parking spaces onsite, the standard is met.

As previously indicated, the addition will be placed over existing impervious surface. Staff does not anticipate any significant impacts or changes to storm water runoff; however, a concern from an adjacent property owner related to drainage was discussed with staff. *As such, staff recommends that the Engineering Department shall review and approve a storm water management plan, prior to issuance of a building permit, to ensure that the building addition will not adversely impact or increase runoff onto adjacent properties.*

The applicant is not proposing any additional landscaping, lighting or new signage.

### **Staff Recommendation**

Department of City Development staff recommends approval of the Special Use Amendment, subject to the conditions in the draft resolution.

RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION TO AMEND RESOLUTION NOS. 98-4751 AND 2000-4979,  
IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A  
SPECIAL USE FOR PROPERTY LOCATED AT 2803 WEST SOUTHLAND  
DRIVE TO ALLOW FOR CONSTRUCTION OF A BUILDING ADDITION  
TO THE EXISTING JERRY'S AUTO XPRESSIONS BUILDING  
(JERRY KEZMAN, D/B/A JERRY'S AUTO XPRESSIONS, APPLICANT)

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WHEREAS, Jerry Kezman, d/b/a Jerry's Auto Xpressions having petitioned the City of Franklin for the approval of an amendment to Resolution Nos. 98-4751 and 2000-4979, conditionally approving a Special Use, such prior Resolutions authorizing a used car, sales and reconditioning center business upon property located at 2803 West Southland Drive, such property being zoned B-4 South 27th Street Mixed-Use Commercial District, more particularly described as follows:

Parcel 3 of Certified Survey Map No. 5588, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 24, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; Tax Key Number: 855-9973-003; and

WHEREAS, such proposed amendment being for the purpose of construction of a 54 foot by 35 foot and 6 inches (1,917 square feet) building addition (3,888 square feet existing building size; 5,805 square feet total proposed building size) on the south side of the existing building, which will include three windows on the south elevation and an overhead door and service door on the east elevation; 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 23rd day of February, 2017, 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 amendment to 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

JERRY KEZMAN, D/B/A JERRY'S AUTO XPRESSIONS – AMENDMENT TO  
SPECIAL USE  
RESOLUTION NO. 2017-\_\_\_\_\_

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recommendations 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.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Jerry Kezman, d/b/a Jerry's Auto Xpressions, 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 Jerry Kezman, d/b/a Jerry's Auto Xpressions, successors and assigns, for the Jerry's Auto Xpressions building addition construction project, which shall be developed in substantial compliance with and constructed, operated and maintained by Jerry Kezman, d/b/a Jerry's Auto Xpressions, pursuant to those plans City file-stamped February 13, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. Jerry Kezman, d/b/a Jerry's Auto Xpressions, 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 consultants to the City of Franklin, for the Jerry's Auto Xpressions building addition construction project, 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 Jerry Kezman, d/b/a Jerry's Auto Xpressions and the Jerry's Auto Xpressions building addition construction project for the property located at 2803 West Southland Drive: (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. The Engineering Department shall review and approve a storm water management plan, prior to issuance of a building permit, to ensure that the building addition will not adversely impact or increase runoff onto adjacent properties.
5. [other conditions, etc.]

BE IT FURTHER RESOLVED, that in the event Jerry Kezman, d/b/a Jerry's Auto Xpressions, successors or assigns, or any owner of the subject property, does not comply



JERRY KEZMAN, D/B/A JERRY'S AUTO XPRESSIONS – AMENDMENT TO  
SPECIAL USE  
RESOLUTION NO. 2017-\_\_\_\_\_

Page 3

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. 98-4751 and 2000-4979, 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, 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 completion of the construction of the Jerry's Auto Xpressions building addition.

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 \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

ATTEST:

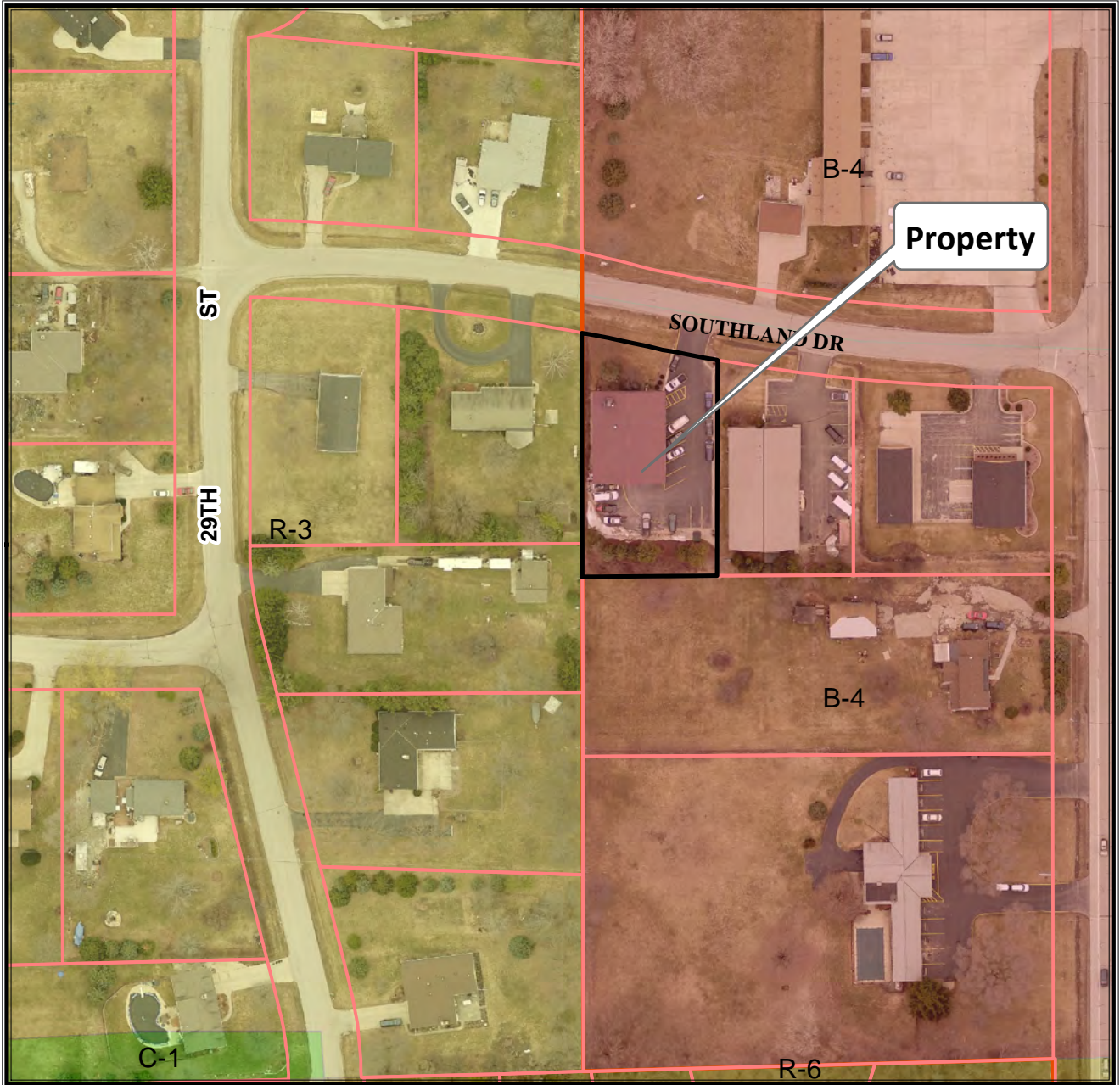
\_\_\_\_\_  
Stephen R. Olson, Mayor

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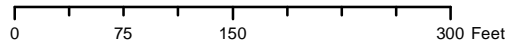
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

2803 W. Southland Drive  
TKN 855 9973 003

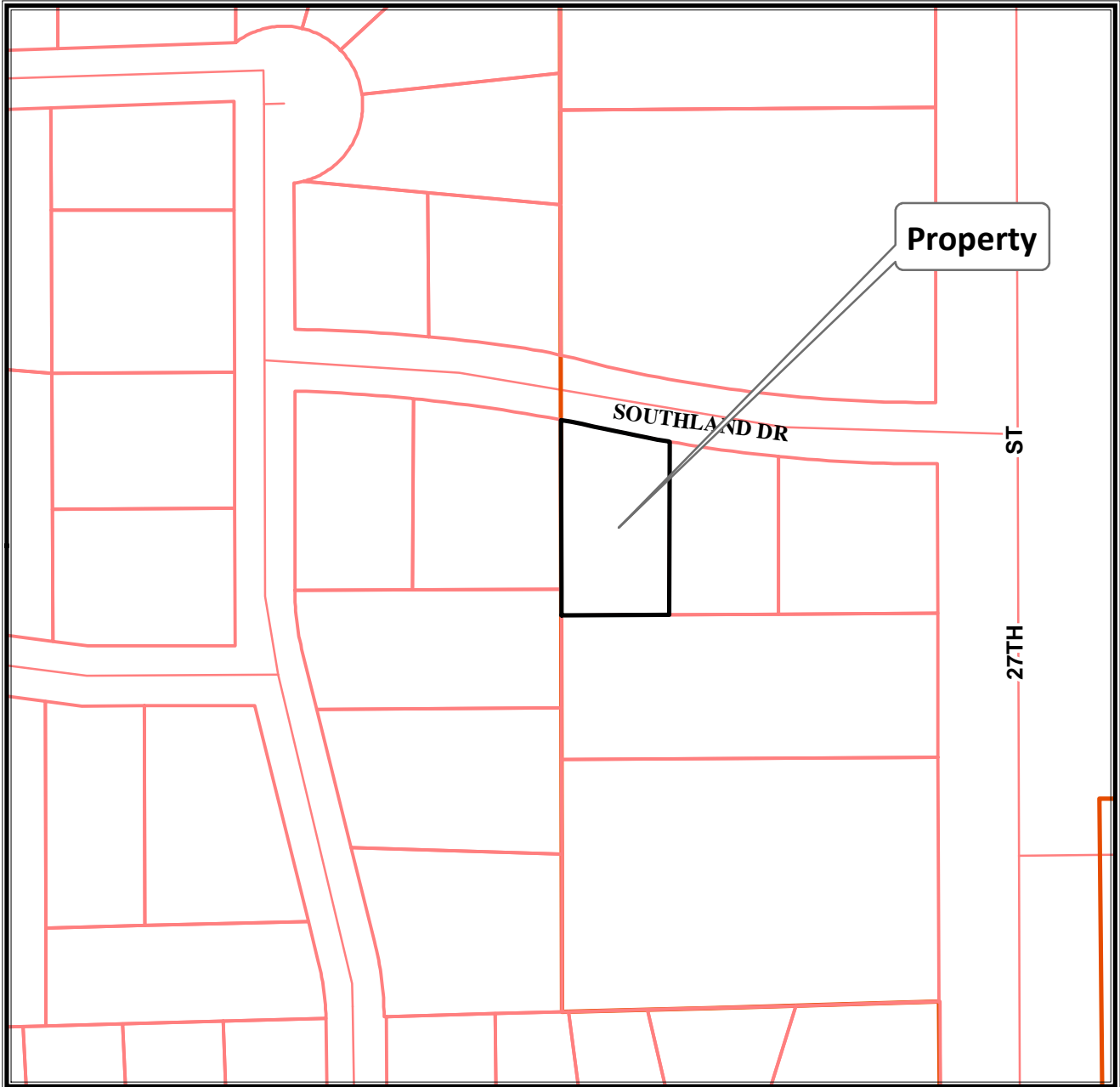


**Planning Department**  
**(414) 425-4024**

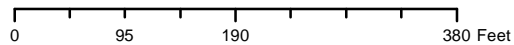


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

2803 W. Southland Drive  
TKN 855 9973 003

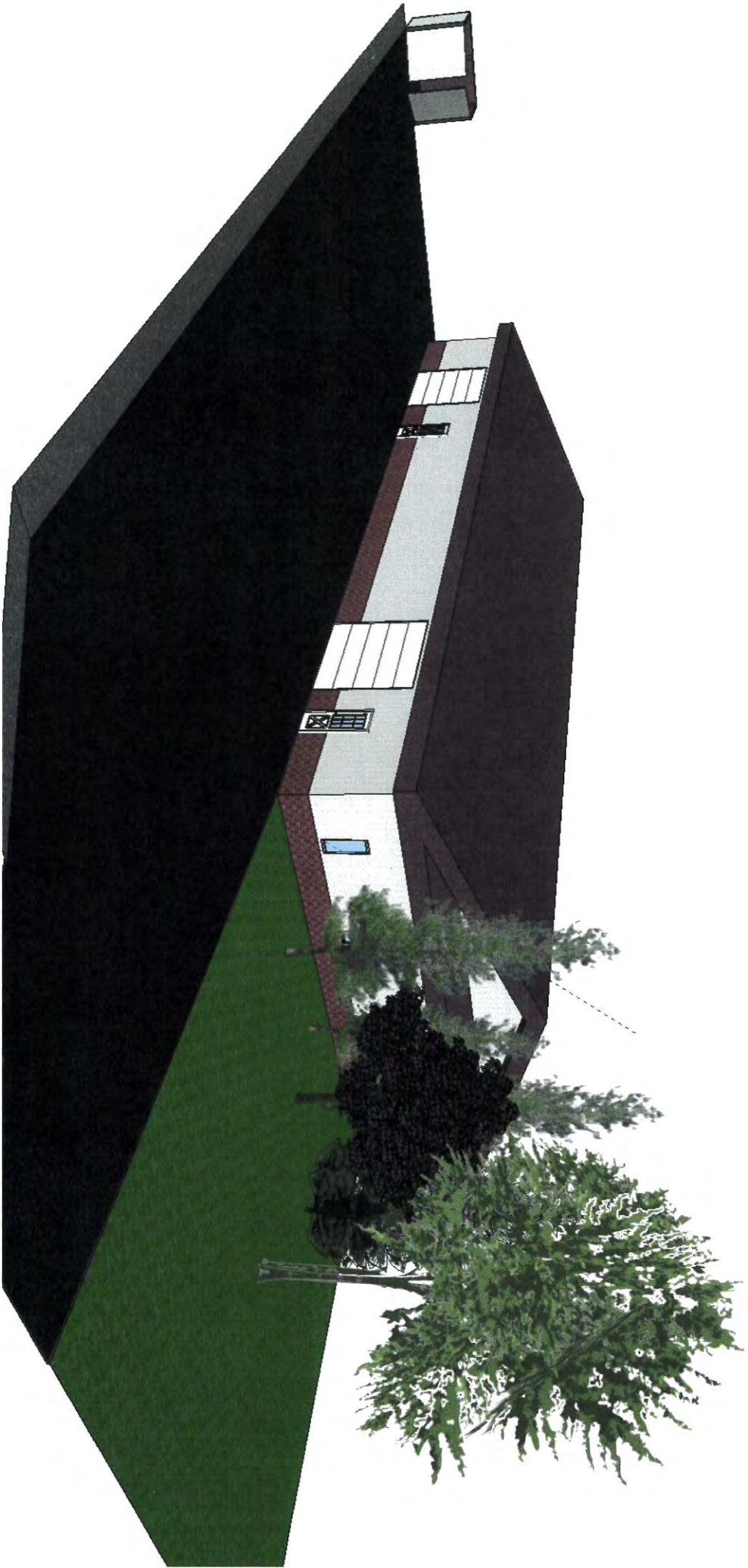


**Planning Department**  
**(414) 425-4024**



*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.*

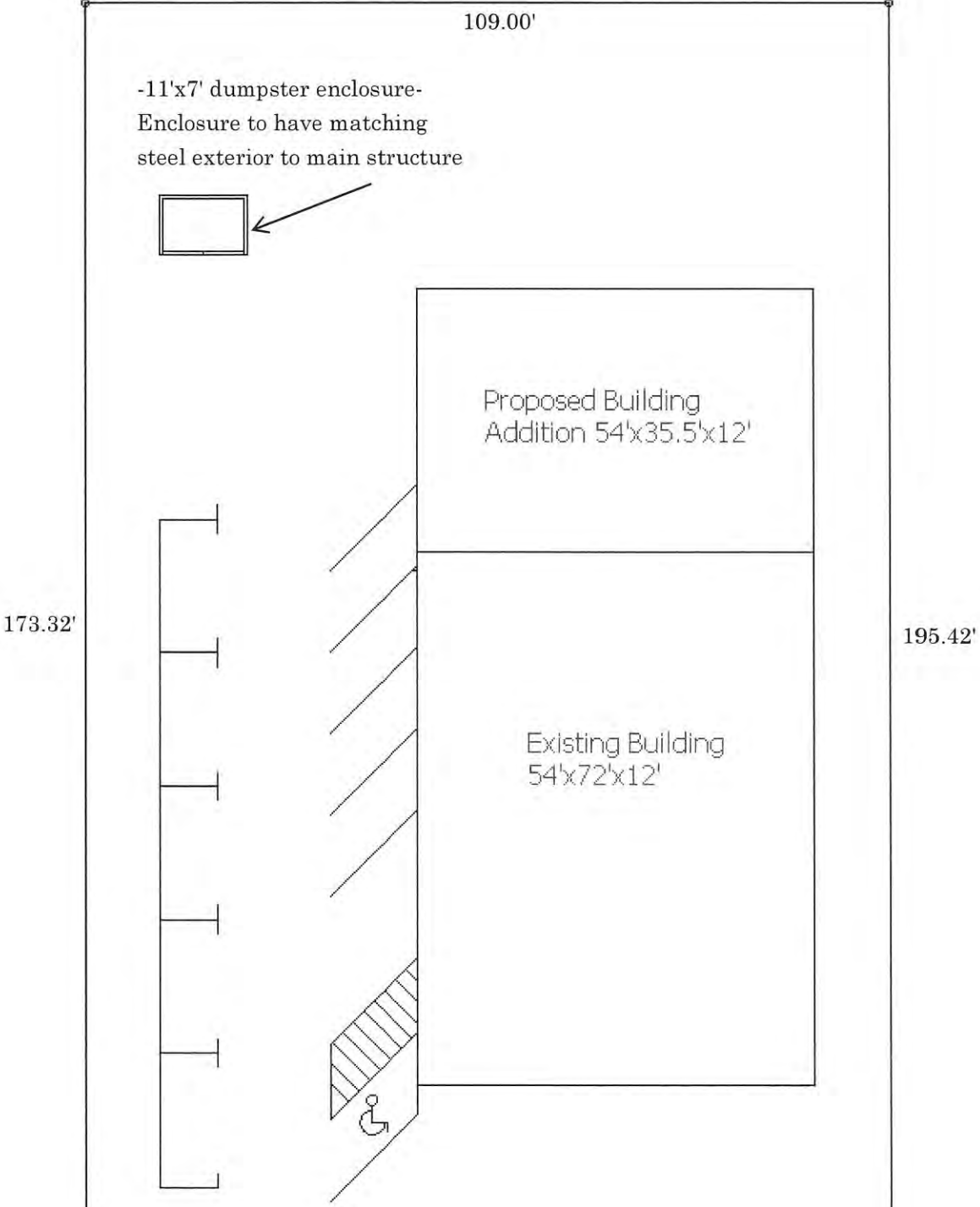




**Franklin**

FEB 13 2017

**City Development**



**Franklin**

FEB 13 2017

**City Development**

5-21-24-1-0014

Jerry Kezman

**PLAT OF SURVEY**

**LOCATION:** 2803 West Southland Drive, Franklin, Wisconsin

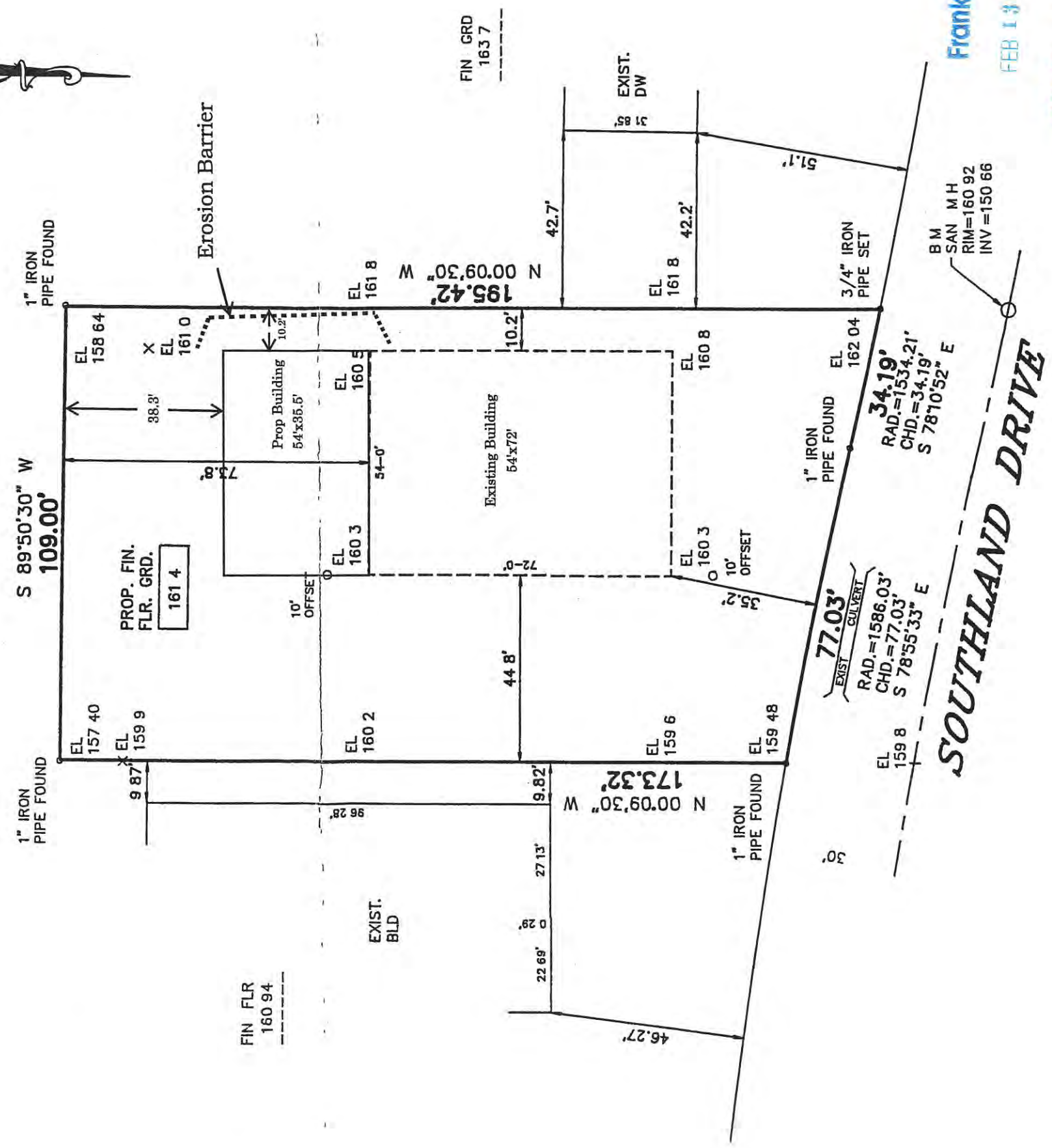
**LEGAL DESCRIPTION:** Lot 3 in CERTIFIED SURVEY MAP NO. 5588, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 24, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

October 2, 1998

Survey No. 3756-L

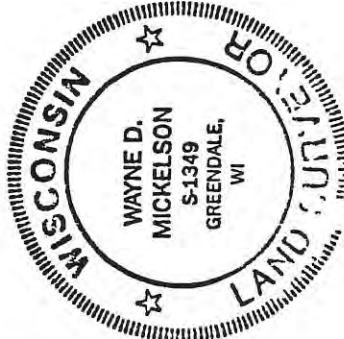
**Jerry Kezman - Site Plane**  
**2803 W. SOUTHLAND DR**  
**FRANKLIN, WI 53132**  
Proposed Building 54'x35.5'x12.5'

1" = 30'



City Development

FRANKLIN  
FEB 13 2000



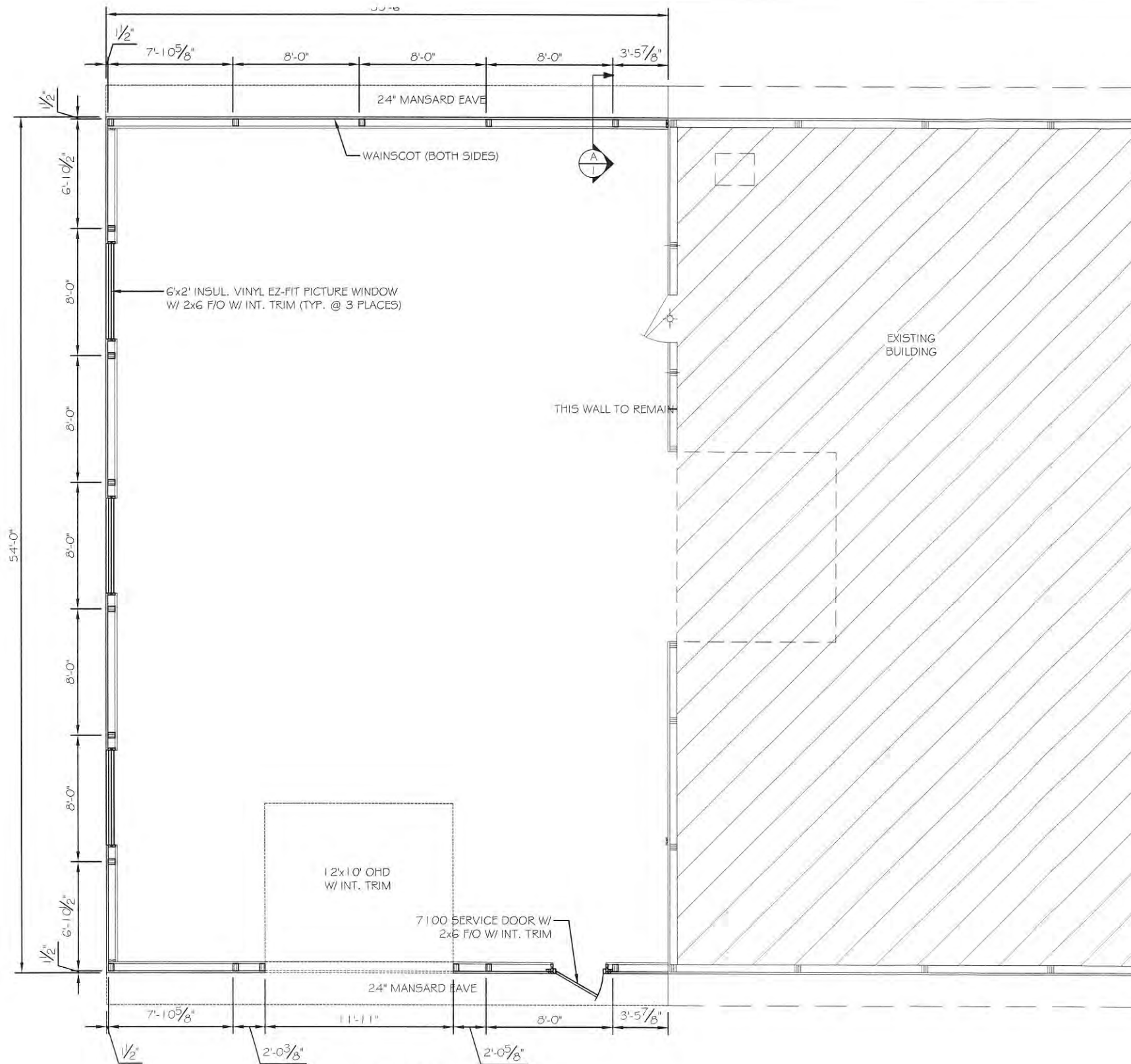
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY AND ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES,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

**METROPOLITAN ENTERPRISES, INC.**  
REGISTERED LAND SURVEYORS  
415 W FOREST HOME AVE., SUITE 202, HALES CORNERS, WI 53130  
PH 529-5380 FAX 529-9787

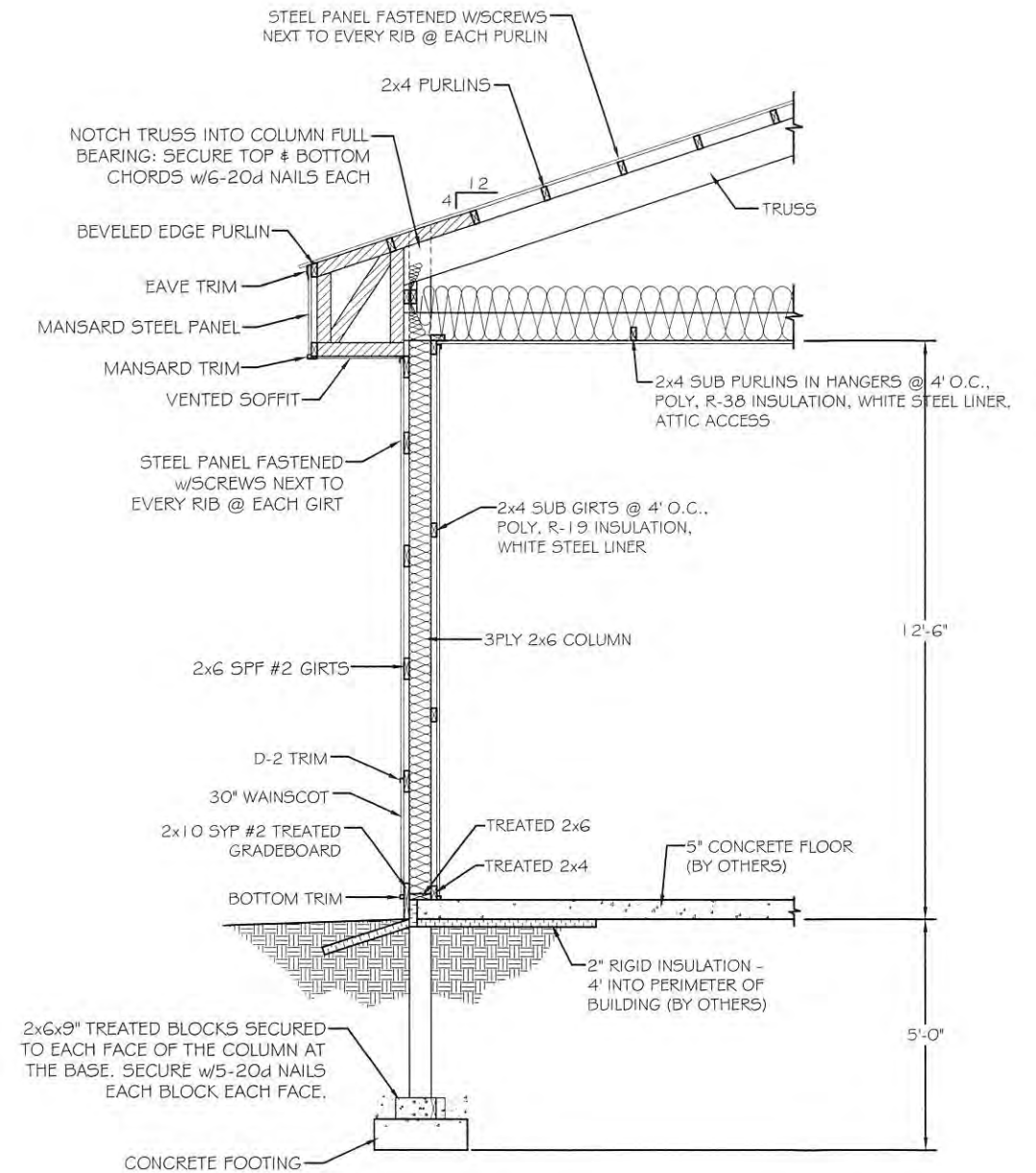
SIGNED *Wayne D. Mickelson*

Wayne D. Mickelson  
Registered Land Surveyor S 1349

Proposed finished yard, 1st floor or top of foundation grade shown on this drawing is suggested grade and should be verified by the owner and/or the builder.



**FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**A WALL SECTION**  
SCALE: 1/4" = 1'-0"

Franklin

FEB 13 2017

City Development



**ENGINEERING DEPARTMENT**  
2894 58th Street  
Eau Claire, WI 54703  
Fax (715) 874-4213  
Office (715) 874-4211

PROJECT TITLE

**JERRY KEZMAN**

FRANKLIN, WI

54' x 35'-6" x 12'-6"

FILE NAME:

I:\ACAD\DWGS\PLANREQUEST\16SB\KEZMAN,JERRY.DWG

REVISIONS

NO.	DATE	DESCRIPTION	BY
0			
1			
2			
3			

SCALE

AS NOTED

DRAWN BY

WLC

DATE

2/8/17

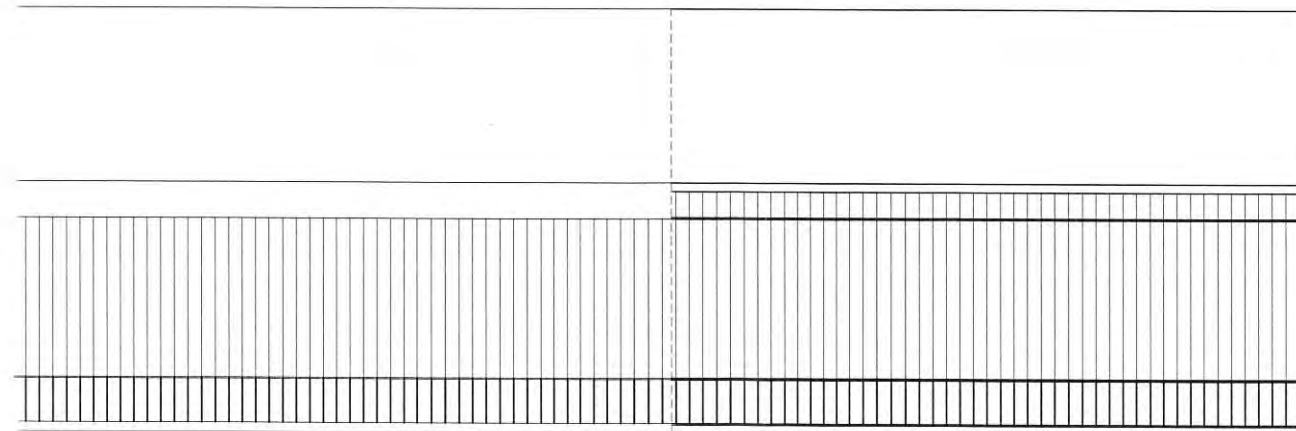
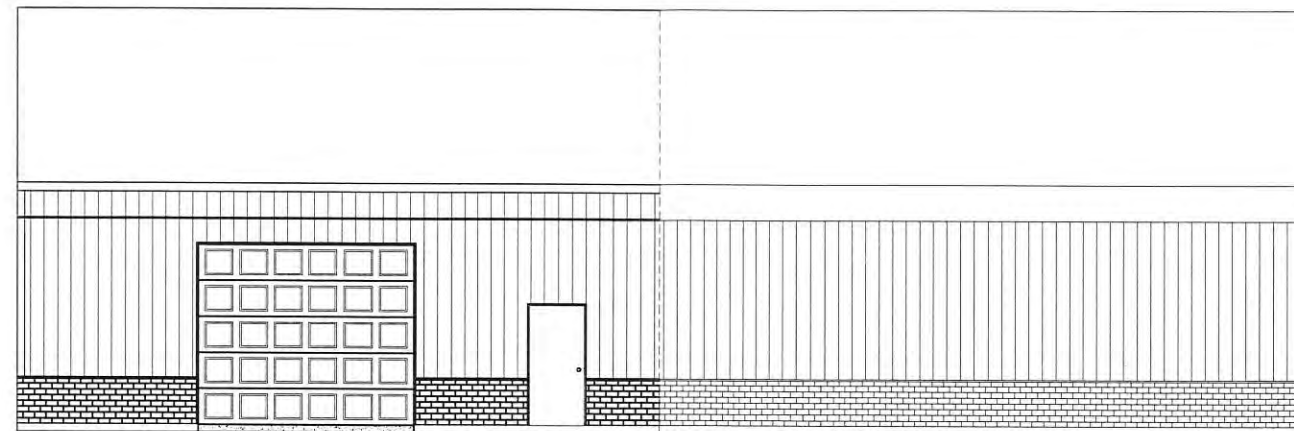
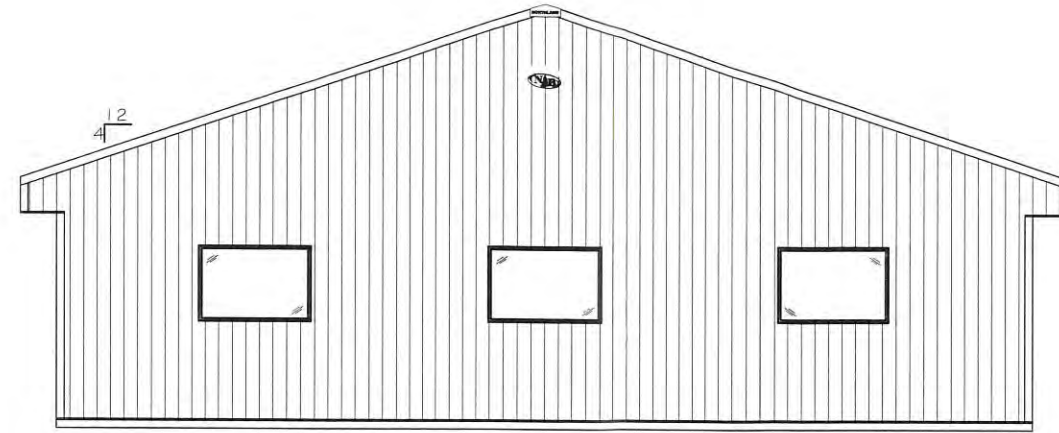
JOB NO.

16-233-48

SHEET NO.

1 of 2





ELEVATIONS  
SCALE: 3/32"=1'-0"

Franklin

FEB 13 2017

City Development



**ENGINEERING DEPARTMENT**  
2894 58th Street  
Eau Claire, WI 54703  
Fax (715) 874-4213  
Office (715) 874-4211

PROJECT TITLE

JERRY KEZMAN

FRANKLIN, WI

54' x 35'-6" x 12'-6"

FILE NAME:

I:\ACAD\DWGS\PLANREQUEST\16\SB\KEZMAN,JERRY.DWG

REVISIONS

NO.	DATE	DESCRIPTION	BY
0			
1			
2			
3			

SCALE  
AS NOTED  
DRAWN BY  
WLC  
DATE  
2/8/17

JOB NO.  
16-233-48  
SHEET NO.  
2 of 2

SITE PLAN CHECKLIST

Date of Submittal	2/13/17
Taxkey ID #	
Project Name	Jerry's Auto Xpressions

Staff Use	Indicate Complete or NA	Required Information	Ordinance #
	Complete	Scale and Name of Project	15-7.0103-A
	AS	Owner's and/or Developer's Name and Address	15-7.0103-B
	N/A	Architect, Surveyor and/or Engineer's Name and Address (seal and/or stamp)	15-7.0103-C
	AS	Date of Site Plan Submittal with all Dates of Revisions w/ Revisor's Initials	15-7.0103-D
	AS	Site Size in Square Feet and Acres	15-7.0103-E
	AS	Existing and Proposed Topography (2' intervals)	15-7.0103-F
	N/A	Soils Data	15-7.0103-G
	N/A	Off Street Parking Spaces, Loading, Ingress and Egress, Driveway Locations of Adjoining Prop.	15-7.0103-H
	Complete	Type, Size, and Location of All Existing and Proposed Structures and Signs	15-7.0103-I
	AS	Building Height	15-7.0103-J
	AS	Existing and Proposed Street Names	15-7.0103-K
	AS	Existing and Proposed Public Street Rights-of-way or Reservations	15-7.0103-L
	AS	Building and Yard Setbacks	15-7.0103-M
	AS	Proposed Sanitary Sewers, Storm Sewers and Water Mains	15-7.0103-O
	AS	Proposed Stormwater Management Facilities	15-7.0103-P
	N/A	Natural Resource Protection Plan*	15-7.0103-Q
	N/A	Landscape Plan**	15-7.0103-R
	AS	Site Intensity and Capacity Calculations	15-7.0103-S
	AS	Pedestrian Sidewalks and Walkways	15-7.0103-T
	AS	Development Staging/Phasing	15-7.0103-U
	AS	Arch. Plans, Elevations, and Perspective Drawings and Sketches, Materials, Color Samples	15-7.0103-V
	N/A	Lighting Plan* with Photometrics	15-7.0103-W
	AS	Easements (existing and proposed) with Dimensions	15-7.0103-X
	AS	Highway Access	15-7.0103-Y
	AS	Existing and Proposed Zoning Boundaries	15-7.0103-Z
	N/A	Market Analysis (required for commercial properties greater than 30,000 sq. ft. land area)	15-7.0103-AA
	AS	Project Summary (Fiscal Impact, Operat. Info., Bldg-phasing Schedule, Est. Project Costs Value and Site Improvements Costs	15-7.0103-CC
	AS	Additional Data as required by Planning, Engineering, or Plan Commission	15-7.0103-DD
	N/A	Vision Corner Easements	

\* If required

\*\* If natural resources, as defined in the City of Franklin Unified Development Ordinance, are present

Staff Notes:

### LANDSCAPE PLAN CHECKLIST

<b>Date of Submittal</b>	2/13/17		
<b>Taxkey ID #</b>			
<b>Project Name</b>	Jerry's Auto Expressions		

Staff Use	Indicate Complete or NA		
		No change	
	N/A	Location	15-7.0301-B
	N/A	Names, Addr, Phone #s of Owners, Subdividers, Lessee and/or Developer	15-7.0301-C
	N/A	Date and all Applicable Revision Dates	15-7.0301-D
	N/A	Site Boundary	15-7.0301-E
	N/A	Landscape Bufferyard Easements and Natural Resource Mitigation Areas	15-7.0301-F
	N/A	Location, Extent, Type, and Sizes of Existing Trees and Nat. Res. Features	15-7.0301-G
	N/A	Location, Extent, Type, and Sizes of Landscape Materials and Plantings	15-7.0301-H
	N/A	Natural Resource Features Mitigation Plan Required	15-7.0301-I
	N/A	Maintenance of Landscape Easement Areas Must be Provided For	15-7.0301-J
	N/A	The planting list is free of prohibited species.	

**Staff Notes**  
 Reviewer's Initials: \_\_\_\_\_



**SECTION 15-3.0502**

**CALCULATION OF BASE SITE AREA**

The *base site area* shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in Section 15-3.0501 of this Ordinance.

Table 15-3.0502

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA  
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

<b>STEP 1:</b>	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	.48 acres
<b>STEP 2:</b>	Subtract ( - ) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 0 acres
<b>STEP 3:</b>	Subtract ( - ) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0 acres
<b>STEP 4:</b>	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract ( - ) the land proposed for nonresidential uses; <i>or</i> In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract ( - ) the land proposed for residential uses.	- 0 acres
<b>STEP 5:</b>	Equals "Base Site Area"	= .48 acres

**SECTION 15-3.0503**

**CALCULATION OF THE AREA OF NATURAL  
RESOURCES TO BE PROTECTED**

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the *base site area* (as defined in Section 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective *natural resource protection standard* (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the *total resource protection land*. The *total resource protection land* shall be calculated as indicated in Table 15-3.0503.

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City Development

Table 15-3.0505

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR NONRESIDENTIAL DEVELOPMENT

<p><b>STEP 1:</b></p>	<p><b>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:</b>                  Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>.48</u>                  Multiple by Minimum <i>Landscape Surface Ratio (LSR)</i>                  (see specific zoning district LSR standard): X <u>.30</u>                  Equals <b>MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE</b> =</p>	<p><u>0.144</u> acres</p>
<p><b>STEP 2:</b></p>	<p><b>CALCULATE NET BUILDABLE SITE AREA:</b>                  Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>.48</u>                  Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503                  or <i>Minimum Required Landscape Surface</i> (from Step 1 above), whichever is                  greater: <u>-.144</u>                  Equals <b>NET BUILDABLE SITE AREA</b> =</p>	<p><u>.336</u> acres</p>
<p><b>STEP 3:</b></p>	<p><b>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:</b>                  Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>.336</u>                  Multiple by Maximum <i>Net Floor Area Ratio (NFAR)</i>                  (see specific nonresidential zoning district NFAR standard): X <u>.57</u>                  Equals <b>MAXIMUM NET FLOOR AREA YIELD OF SITE</b> =</p>	<p><u>.19152</u> acres</p>
<p><b>STEP 4:</b></p>	<p><b>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:</b>                  Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>.48</u>                  Multiple by Maximum <i>Gross Floor Area Ratio (GFAR)</i>                  (see specific nonresidential zoning district GFAR standard): X <u>.37</u>                  Equals <b>MAXIMUM GROSS FLOOR AREA YIELD OF SITE</b> =</p>	<p><u>.1776</u> acres</p>
<p><b>STEP 5:</b></p>	<p><b>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:</b>                  Take the <i>lowest</i> of Maximum Net Floor Area Yield of Site (from Step 3                  above) or Maximum Gross Floor Area Yield of Site (from Step 4 above):                  (Multiple results by 43,560 for maximum floor area in square feet):</p>	<p><u>.1776</u> acres  <u>7,736</u> s.f.)</p>

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FEB 13 2017

City Development

**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 addition proposed will be erected utilizing the same material, colors and design as the original building put up in 1998*

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: To Jerry's knowledge the proposed addition will cause no undoing or adverse impact in any form.*

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: The addition will be to the back side of the existing building. It is not believed that this will be an issue.*

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: Agreed*

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.

**Franklin**

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*Response: This will not be an issue. Jerry's business creates very minimal day to day traffic*

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: This will not be an issue. There are no such items located on or near Jerry's business*

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: Jerry's Auto Xpressions building was erected prior to the south 27<sup>th</sup> overlay design standards implementation. Jerry would graciously request that the Common Council waive these standards.*

- 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: Where it is possible Jerry would request that certain standards be waived.*

- 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: Jerry's business has been providing service to Franklin residence for almost 20 years. This addition is vital for Jerry to continue servicing vehicles. The new space will allow for final detailing to be performed in a climate controlled area.*

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: It would not be possible for Jerry to relocate his established business.*

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: If adverse effects are prevalent, Jerry agrees to take the necessary steps to minimize such effects.*

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: It is not believed that any precedent would be established in regards to the "south 27<sup>th</sup> overlay design standards. The visual aesthetics from the road will remain as they have for nearly 20 years. The addition will be to the backside of the building and all colors and materials will identically match the colors and materials used on the current building.*

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION**

Meeting of February 23, 2017

**Rezoning**


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**RECOMMENDATION:** City Development Staff recommends approval of the proposed Rezoning, subject to the conditions in the draft ordinance.

---

<b>Project Name:</b>	Peelen Rezoning
<b>Project Address:</b>	7145 South Woelfel Road
<b>Applicant:</b>	Jeffrey Peelen
<b>Owners (property):</b>	Jeffrey D. and Roxanne M. Peelen
<b>Current Zoning:</b>	R-3E Suburban/Estate Single-Family Residence District; C-1 Conservancy District; FW Floodway District
<b>Proposed Zoning:</b>	R-3E Suburban/Estate Single-Family Residence District
<b>2025 Future Land Use:</b>	Residential
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, south, east and west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Rezoning request

---

**Project Description and Analysis:**

On January 17, 2017, the applicant filed an application requesting to rezone the C-1 Conservancy District and FW Floodway District portions of land upon property located at 7145 S. Woelfel Road to R-3E Suburban/Estate Single-Family Residence District.

The Plan Commission and Common Council recently approved a Certified Survey Map for the subject property, removing the outlot designation, thus creating a buildable lot. The CSM was approved with a condition stating, "Applicant shall apply for a Rezoning Application to remove the existing C-1 Conservancy District and FW Floodway District zoning upon any application for a permit to build an accessory structure upon or adjacent to the C-1 area." The applicant has decided to move forward with the rezoning request at this time.

Staff recommended removal of the C-1 Conservancy District as it is no longer utilized by the City (see Section 15-1.0111 below).

**SECTION 15-1.0111 REPEAL**

**A. Repeal of Zoning Ordinance.** The City of Franklin Ordinance No. 221 adopted on February 6, 1968 and subsequent amendments thereto, relating to the zoning of land is hereby repealed and all other Ordinances or parts of Ordinances of the City of Franklin inconsistent or conflicting with this Ordinance, to the extent of the inconsistency or conflict only, are hereby repealed, excepting Section 8.5 of Ordinance No. 221 (B-4 Regional Shopping District) and Section 12.1 of Ordinance No. 221 (C-1 Conservancy District), which shall remain in effect until such time, after duly held public hearing, as the Common Council rezones the lands in a B-4 or C-1 zoning pursuant to Ordinance No. 221 to a zoning district

provided for within this Ordinance. Immediately upon approval of said rezonings, the aforementioned Sections 8.5 and 12.1 shall be repealed without further public hearing.

Furthermore, per the applicant's NRPP and in review of the 2008 FEMA mapping, there is no floodplain located on the property. As such, staff also suggested that the applicant rezone the FW District located on the property.

Note that protected natural resources onsite will be placed within a conservation easement. The conservation easement has been submitted, signed by all parties and was recently sent to the Milwaukee County Register of Deeds for recording.

**Staff Recommendation:**

City Development Staff recommends approval of the proposed Rezoning, subject to the conditions in the draft ordinance.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 2-7-17]*

ORDINANCE NO. 2017-\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS  
OF LAND FROM C-1 CONSERVANCY DISTRICT AND FW FLOODWAY DISTRICT  
TO R-3E SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT  
(7145 SOUTH WOELFEL ROAD)  
(APPROXIMATELY 13,363.0 TOTAL SQUARE FEET)  
(JEFFREY D. PEELEN AND ROXANNE M. PEELEN, APPLICANTS)

---

WHEREAS, Jeffrey D. Peelen and Roxanne M. Peelen having petitioned for the rezoning of certain parcels of land from C-1 Conservancy District and FW Floodway District to R-3E Suburban/Estate Single-Family Residence District, such land being located at 7145 South Woelfel Road; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 23rd day of February, 2017, 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 property described below be changed from C-1 Conservancy District and FW Floodway District to R-3E Suburban/Estate Single-Family Residence District:

Legal description of land zoned C-1:

Part of Outlot 1 of Certified Survey Map No. 8048, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northwest corner of said 1/4 Section; thence South 00°03'00" East, along the West

line of said 1/4 Section a distance of 75.02 feet to a point in the South line of West Rawson Avenue; thence continuing South 00°03'00" East along said West line 136.67 feet to a point; thence South 68°26'29" East, 261.47 feet to the point of beginning of land to be described; thence North 72°48'07" East, 107.29 feet to a point; thence Southeasterly 51.98 feet along an arc of a curve whose center lies to the Southwest, whose radius is 52.00 feet, and whose chord bears South 78°33'46" East, 49.84 feet to a point; thence South 49° 55'40" East, 146.07 feet to a point; thence South 39°51'06" West, 17.11 feet to a point; thence North 50°08'54" East, 63.60 feet to a point; thence South 87°11'19" West, 26.84 feet to a point; thence North 47°06'42" West, 31.52 feet to a point; thence Northwesterly 56.54 feet along an arc of a curve whose center lies to the Southwest, whose radius is 52.00 feet, and whose chord bears North 78°15'35" West, 53.79 feet to a point; thence South 70°35'31" West, 37.32 feet to a point; thence North 68°26' 29" West, 70.48 feet to the point of beginning. Said land contains 8,661.0 square feet.

Legal description of land zoned FW:

Part of Outlot 1 of Certified Survey Map No. 8048, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northwest corner of said 1/4 Section; thence South 00°03'00" East, along the West line of said 1/4 Section a distance of 75.02 feet to a point in the South line of West Rawson Avenue; thence continuing South 00°03'00" East along said West line 0.68 feet to the point of beginning of land to be described; thence Northeasterly 85.44 feet along an arc of a curve whose center lies to the Northeast, whose radius is 80.18 feet, and whose chord bears North 88°02'32" East, 81.46 feet to a point; thence South 88°31'09" West, 81.44 feet to the point of beginning. Said land contains 640.0 square feet and; Commencing at the Northwest corner of said 1/4 Section; thence South 00°03'00" East, along the West line of said 1/4 Section a distance of 75.02 feet to a point in the South line of West Ryan Road; thence continuing South 00°03'00" East, along said West line 69.32 feet to the point of beginning of land to be described; thence Northeasterly 31.56 feet along an arc of a curve whose center lies to the Southeast, whose radius is 33.51 feet, and whose chord bears North 68°07'37" East, 30.41 feet to a point; thence Southeasterly 20.86 feet along an arc of a curve whose center lies to the Southwest, whose radius is 26.42 feet, and whose chord bears South 60°23'41" East, 20.32 feet to a point; thence South 04° 47'56" East, 4.45 feet to a point;

thence South 01°41'11" West, 8.53 feet to a point; thence Southeasterly 68.84 feet along an arc of a curve whose center lies to the Northeast, whose radius is 613.32 feet, and whose chord bears South 04°17'01" East, 68.80 feet to a point; thence Southeasterly 9.26 feet along an arc of a curve whose center lies to the Northeast, whose radius is 22.96 feet, and whose chord bears South 21°15'43" East, 9.20 feet to a point; thence North 68°26'29" West, 58.51 feet to a point; thence North 00°03'00" West, 67.35 feet to the point of beginning. Said land contains 4062.0 square feet. Tax Key No. 754-9994-024.

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 \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

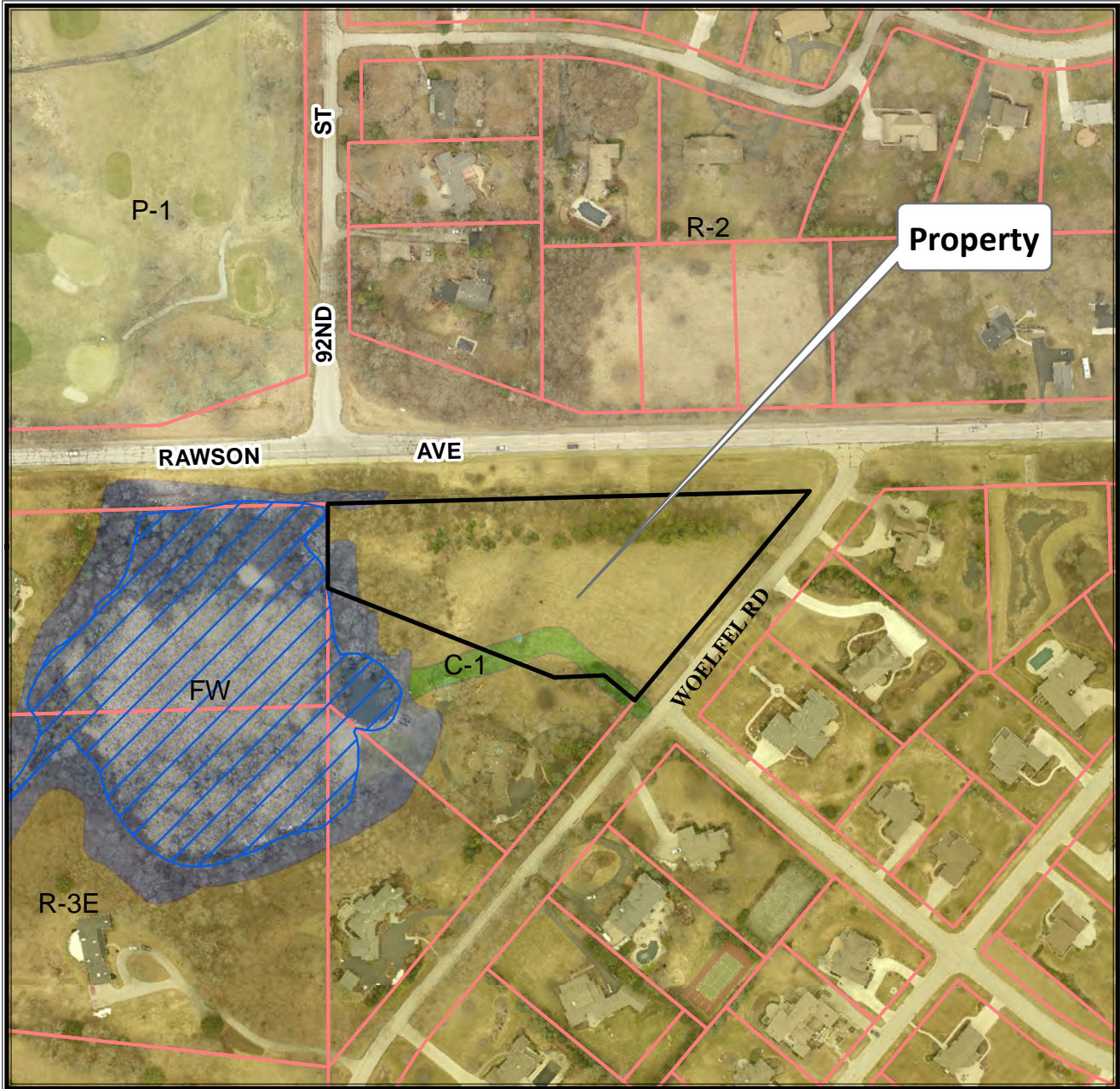
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

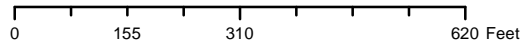
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

7145 S. Woelfel Rd.  
TKN 754 9994 024

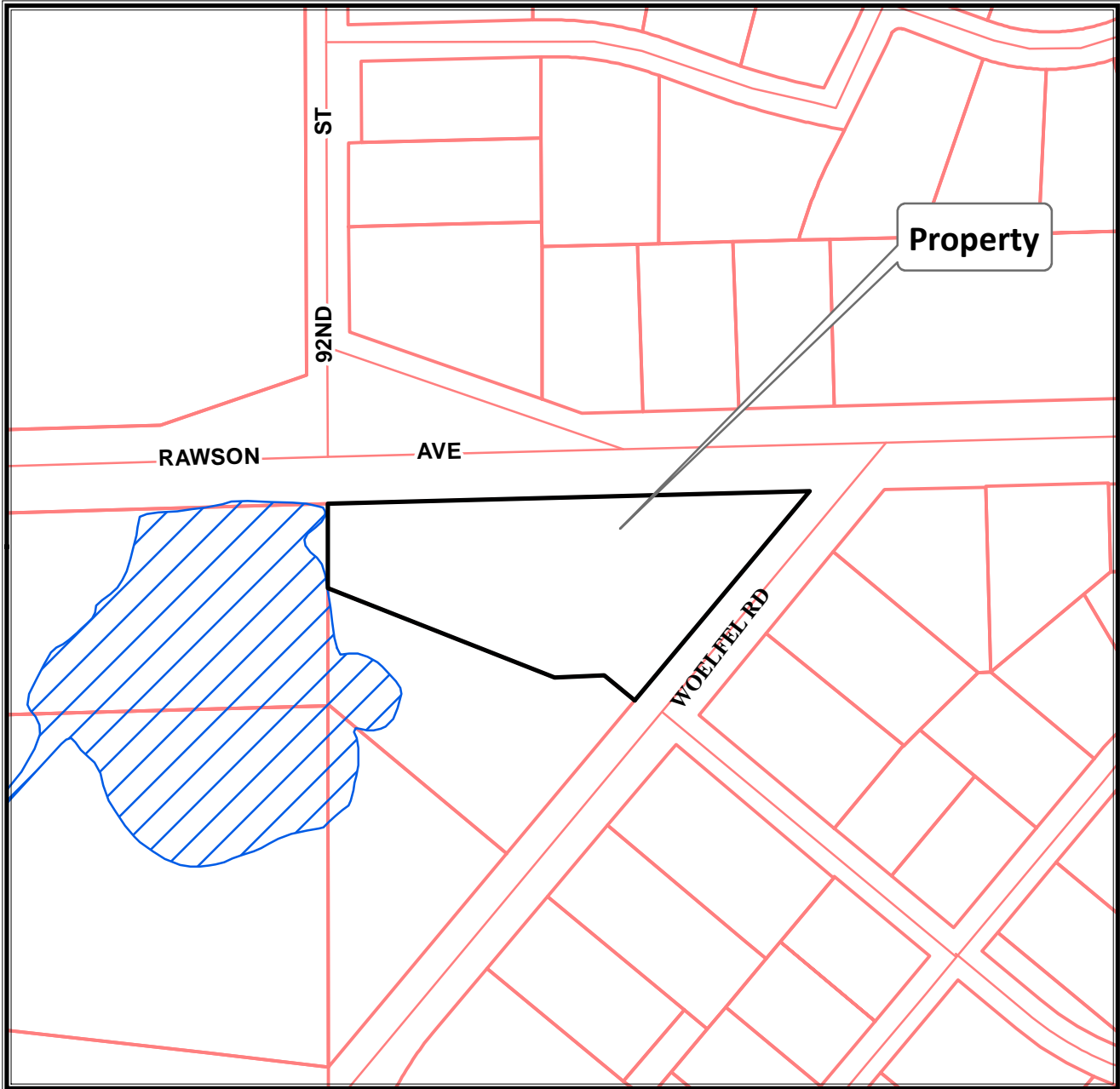


**Planning Department**  
**(414) 425-4024**

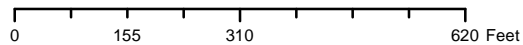


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

7145 S. Woelfel Rd.  
TKN 754 9994 024



**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.*



# Rezoning Exhibit

NW COR OF  
NW 1/4 OF  
SEC. 9-5-21  
FOUND BRASS CAP MONUMENT  
N:340,124.44  
E:2,527,991.01

N. LINE NW 1/4 SECTION 9

WEST RAWSON AVENUE

LINE NW 1/4 SECTION 9 S0° 03' 00"E

ZONE FW

75.02  
81.44  
S88° 31' 09"W

N88° 31' 09"E  
779.99

Property Owner:  
Jeffrey D. and Roxanne M. Peelen  
4683 W. Alanna Court  
Franklin, WI 53132

Line Table		
Line #	Length	Bearing
L1	26.84	S87° 11' 19"W
L2	63.60	N50° 08' 54"W
L3	80.60	N87° 11' 19"E
L4	61.58	N68° 26' 29"W
L5	37.32	S70° 35' 31"W
L6	31.52	N47° 06' 42"W
L7	58.51	N68° 26' 29"W
L8	8.53	S1° 41' 11"W
L9	4.45	S4° 47' 56"E
L12	69.32	S0° 03' 00"E
L13	67.35	N0° 03' 00"W
L14	0.68	S0° 03' 00"E

ZONED R3-E

OUTLOT 1  
CSM 8048  
163,386 square feet  
3.7508 acres

CB=N88°02'26"E  
CH=81.46'  
R=80.18'  
L=85.44'

CB=S04°17'01"E  
CH=68.80'  
R=613.32'  
L=68.84'

S68° 26' 29"E  
261.47  
S68° 26' 29"E  
393.54

N72° 48' 07"E  
107.29  
S49° 55' 40"E  
146.07  
17.11

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord
C2	51.98	52.00	S78° 33' 46"E	49.84
C4	56.54	52.00	N78° 15' 35"W	53.79
C5	9.26	22.96	S21° 15' 43"E	9.20
C6	20.86	26.42	S60° 23' 41"E	20.32
C7	31.56	33.51	N68° 07' 37"E	30.41

ZONING	AREA
FW	4,702 SQ.FT.
C-1	8,661 SQ.FT.
R-3E	150,023 SQ.FT.

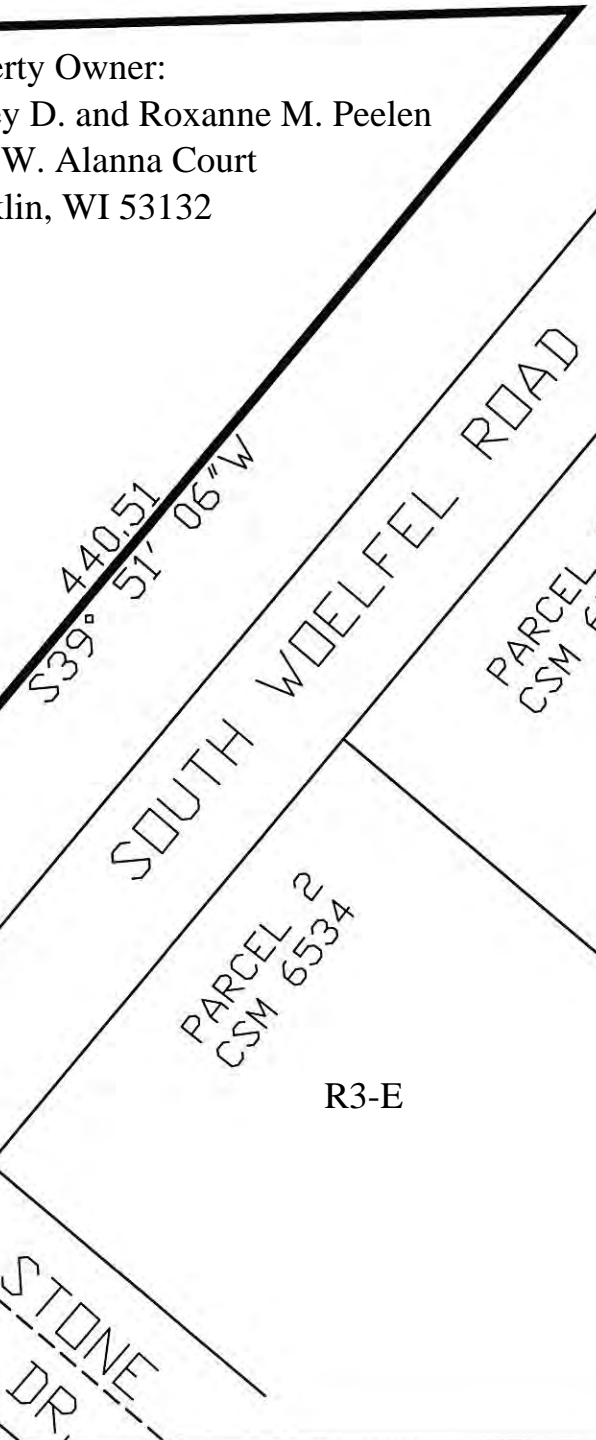
FW

ZONE FW

FW

FW

W. LINE NW 1/4 SECTION 9



Current zoning: R3-E, FW and C-1	7145 S. Woelfel Road	Revision Date:	 SCALE: 1' = 60'
Proposed zoning: R3-E			
Areas to be rezoned	PROJECT: REZONING		

## Legal description of land zoned C-1

Part of Outlot 1 of Certified Survey Map No. 8048, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said 1/4 Section; thence South 00°03'00" East, along the West line of said 1/4 Section a distance of 75.02 feet to a point in the South line of West Rawson Avenue; thence continuing South 00°03'00" East along said West line 136.67 feet to a point; thence South 68°26'29" East, 261.47 feet to the point of beginning of land to be described; thence North 72° 48' 07" East, 107.29 feet to a point; thence Southeasterly 51.98 feet along an arc of a curve whose center lies to the Southwest, whose radius is 52.00 feet, and whose chord bears South 78° 33' 46" East, 49.84 feet to a point; thence South 49° 55' 40" East, 146.07 feet to a point; thence South 39° 51' 06" West, 17.11 feet to a point; thence North 50° 08' 54" East, 63.60 feet to a point; thence South 87° 11' 19" West, 26.84 feet to a point; thence North 47° 06' 42" West, 31.52 feet to a point; thence Northwesterly 56.54 feet along an arc of a curve whose center lies to the Southwest, whose radius is 52.00 feet, and whose chord bears North 78° 15' 35" West, 53.79 feet to a point; thence South 70° 35' 31" West, 37.32 feet to a point; thence North 68° 26' 29" West, 70.48 feet to the point of beginning.

Said land contains 8,661.0 square feet.

## Legal description of land zoned FW

Part of Outlot 1 of Certified Survey Map No. 8048, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said 1/4 Section; thence South 00°03'00" East, along the West line of said 1/4 Section a distance of 75.02 feet to a point in the South line of West Rawson Avenue; thence continuing South 00°03'00" East along said West line 0.68 feet to the point of beginning of land to be described;

thence Northeasterly 85.44 feet along an arc of a curve whose center lies to the Northeast, whose radius is 80.18 feet, and whose chord bears North 88° 02' 32" East, 81.46 feet to a point; thence South 88° 31' 09" West, 81.44 feet to the point of beginning.

Said land contains 640.0 square feet

and;

Commencing at the Northwest corner of said 1/4 Section; thence South 00°03'00" East, along the West line of said 1/4 Section a distance of 75.02 feet to a point in the South line of West Ryan Road; thence continuing South 00°03'00" East, along said West line 69.32 feet to the point of beginning of land to be described;

thence Northeasterly 31.56 feet along an arc of a curve whose center lies to the Southeast, whose radius is 33.51 feet, and whose chord bears North 68° 07' 37" East, 30.41 feet to a point; thence Southeasterly 20.86 feet along an arc of a curve whose center lies to the Southwest, whose radius is 26.42 feet, and whose chord bears South 60° 23' 41" East, 20.32 feet to a point; thence South 04° 47' 56" East, 4.45 feet to a point; thence South 01° 41' 11" West, 8.53 feet to a point; ; thence Southeasterly 68.84 feet along an arc of a curve whose center lies to the Northeast, whose radius is 613.32 feet, and whose chord bears South 04° 17' 01" East, 68.80 feet to a point; ; thence Southeasterly 9.26 feet along an arc of a curve whose center lies to the Northeast, whose radius is 22.96 feet, and whose chord bears South 21° 15' 43" East, 9.20 feet to a point; thence North 68° 26' 29" West, 58.51 feet to a point; thence North 00° 03' 00" West, 67.35 feet to the point of beginning.

Said land contains 4062.0 square feet

PARCEL_ID	OWNR_NAME1	OWNR_NAME2	OMAIL_STRE	OMAIL_CITY	OMAIL_STAT	OMAIL_ZIP	Zone
745 8995 003	BORCHARDT FAMILY TRUST		W234S5460 BIG BEND RD	WAUKESHA	WI	53189	R-2
745 8996 000	SCHERPEN, BRIGITTE		8842 W RAWSON AVE	FRANKLIN	WI	53132	R-2
753 9991 000	PODD, PERRY S & SANDRA C		9301 W RAWSON AVE	FRANKLIN	WI	53132	R-3E
753 9991 000	PODD, PERRY S & SANDRA C		9301 W RAWSON AVE	FRANKLIN	WI	53132	R-3E
754 9993 006	BERNANDER, TERRY I & DEBORAH A REVOC TRUST		7140 S WOELFEL RD	FRANKLIN	WI	53132	R-3E
754 9994 024	BRISCOE,TERRY D & MARY M	C/O NATIONAL INSURANCE SERVICES	250 SOUTH EXECUTIVE DR	BROOKFIELD	WI	53005	R-3E
754 9994 023	BRISCOE,TERRY D & MARY M	C/O NATIONAL INSURANCE SERVICES	250 SOUTH EXECUTIVE DR	BROOKFIELD	WI	53005	R-3E
745 8995 004	BORCHARDT FAMILY TRUST		W234S5460 BIG BEND RD	WAUKESHA	WI	53189	R-2
754 9994 021	GUENDEL, CHRISTOPHER R & REBECCA M		7160 S WOELFEL RD	FRANKLIN	WI	53132	R-3E
754 9993 005	HASKINS, CRAIG M; HASKINS, D'ANN M		7120 S WOELFEL RD	FRANKLIN	WI	53132	R-3E
754 9994 022	BRISCOE,TERRY D & MARY M	C/O NATIONAL INSURANCE SERVICES	250 SOUTH EXECUTIVE DR	BROOKFIELD	WI	53005	R-3E
754 9993 003	KONICEK, DANIEL & KRISTIN		7102 S WOELFEL RD	FRANKLIN	WI	53132	R-3E
745 8995 005	BORCHARDT FAMILY TRUST		W234S5460 BIG BEND RD	WAUKESHA	WI	53189	R-2
753 9993 001	BRISCOE,TERRY D & MARY M	C/O NATIONAL INSURANCE SERVICES	250 SOUTH EXECUTIVE DR	BROOKFIELD	WI	53005	R-3E
745 8993 000	KUSS, CHERYL L		7050 S 92ND ST	FRANKLIN	WI	53132	R-2

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION**

Meeting of February 23, 2017

**Special Use and Site Plan**


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**RECOMMENDATION:** City Development staff recommends the Plan Commission postpone and continue the subject matter and public hearing to the March 9, 2017 Plan Commission meeting.

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<b>Project Name:</b>	Multi-Tenant Retail Building
<b>Project Address:</b>	6807 South 27 <sup>th</sup> Street
<b>Applicant:</b>	Steve Doran, Daybreak Capital, LLC
<b>Property Owner:</b>	WS Franklin LLC
<b>Current Zoning:</b>	Planned Development District No. 13, South 27 <sup>th</sup> Street Design Overlay District
<b>2025 Comprehensive Plan</b>	Commercial
<b>Use of Surrounding Properties:</b>	Wendy's, Walmart and Sam's Club to the north; Dental Associates and vacant land to the south; City of Oak Creek to the east; and multiple-family and single-family residential uses to the west
<b>Applicant Action Requested:</b>	Recommendation of approval for the proposed Special Use for the multi-tenant retail building at 6807 S. 27 <sup>th</sup> Street

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**INTRODUCTION**

On January 30, 2017, the applicant submitted Special Use and Site Plan Applications for the development of a multi-tenant retail building at 6807 South 27<sup>th</sup> Street. The applicant is proposing to construct a three tenant retail building with a drive through facility in the existing parking lot in front of (east of) Hobby Lobby (in a new lot that was created by Certified Survey Map last year).

However, the applicant has not submitted revised site plan materials for the Plan Commission's review, nor have they completed the Special Use standards form.

**STAFF RECOMMENDATION**

City Development staff recommends the Plan Commission postpone and continue the subject matter and public hearing to the March 9, 2017 Plan Commission meeting.

## RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR AN  
EATING AND DRINKING PLACES USE UPON PROPERTY LOCATED  
AT 6807 SOUTH 27TH STREET  
(STEVEN W. DORAN, MANAGING MEMBER OF DAYBREAK  
CAPITAL, LLC, APPLICANT)

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WHEREAS, Steven W. Doran, Managing Member of Daybreak Capital, LLC having petitioned for the approval of a Special Use in Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), to allow for an Eating and Drinking Places use, specifically, approval of the application would allow for applicant's current intended construction of an approximately 4,500 square foot multi-tenant retail building (3 tenants) with a drive through facility, upon property located at 6807 South 27th Street, bearing Tax Key No. 738-9974-008, more particularly described as follows:

Lot 2 of Certified Survey Map No. 8844, recorded September 7, 2016 as Document No. 10600197, being a redivision of Lot 1 of Certified Survey Map No. 6543, recorded on August 7, 1998 and as corrected by Affidavit of Correction recorded as Document No. 7724864, being a part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 1, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; 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 23rd day of February, 2017, 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.

STEVEN W. DORAN, MANAGING MEMBER OF DAYBREAK CAPITAL, LLC –  
SPECIAL USE  
RESOLUTION NO. 2017-\_\_\_\_\_

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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 Steven W. Doran, Managing Member of Daybreak Capital, 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 restrictions:

1. That this Special Use is approved only for the use of the subject property by Steven W. Doran, Managing Member of Daybreak Capital, LLC, successors and assigns, as an Eating and Drinking Places with a drive through facility use, which shall be developed in substantial compliance with, and operated and maintained by Steven W. Doran, Managing Member of Daybreak Capital, LLC, pursuant to those plans City file-stamped \_\_\_\_\_, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. Steven W. Doran, Managing Member of Daybreak Capital, 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 Daybreak Capital, LLC Eating and Drinking Places with a drive through facility, 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 the Steven W. Doran, Managing Member of Daybreak Capital, LLC Eating and Drinking Places with a drive through facility use for the property located at 6807 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. [other conditions, etc.]

BE IT FURTHER RESOLVED, that in the event Steven W. Doran, Managing Member of Daybreak Capital, 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.

STEVEN W. DORAN, MANAGING MEMBER OF DAYBREAK CAPITAL, LLC –  
SPECIAL USE

RESOLUTION NO. 2017-\_\_\_\_\_

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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 \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

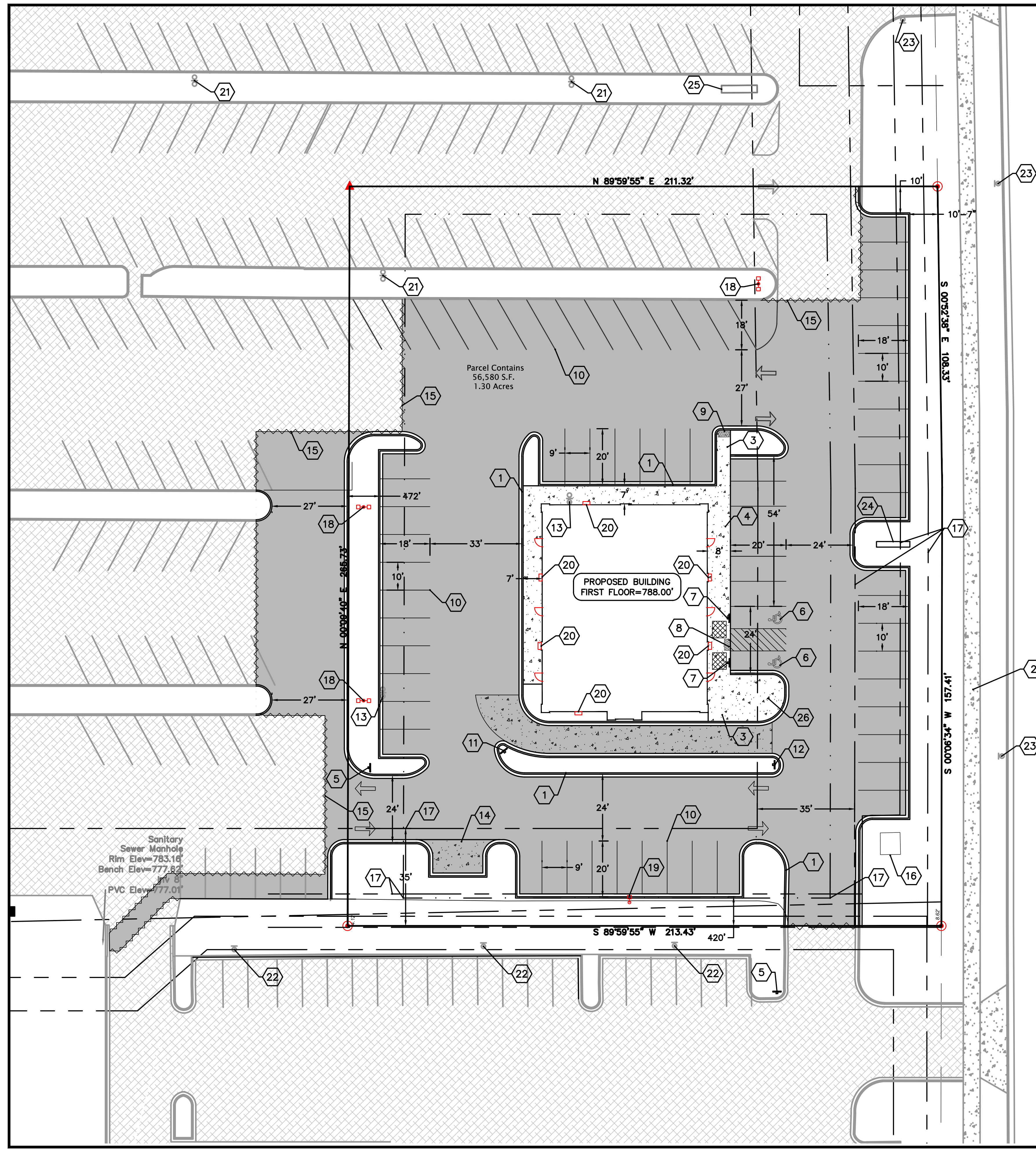
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



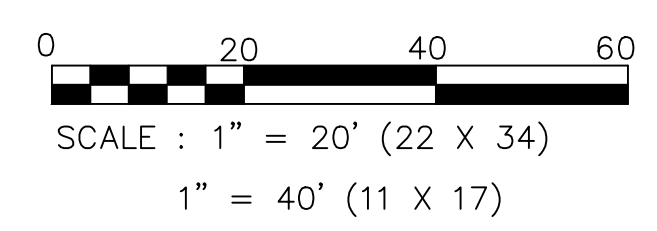


**PLAN KEY**

- 1 18" CURB AND GUTTER (1/CS.0)
- 2 EX SIDEWALK (NO WORK)
- 3 CONCRETE SIDEWALK (2/CS.0)
- 4 RAISED CONCRETE SIDEWALK (3/CS.0)
- 5 7' HIGH STOP SIGN (4/CS.0)
- 6 VAN ACCESSIBLE STALL, TYP. (5/CS.0)
- 7 VAN ACCESSIBLE PARKING SIGN, TYP. (6/CS.0)
- 8 CURB RAMP TYPE 1 WITH DETECTABLE WARNING FIELD, TYP. (1/CS.1) (3/CS.1)
- 9 CURB RAMP TYPE 2 WITH DETECTABLE WARNING FIELD, TYP. (2/CS.1) (3/CS.1)
- 10 4" PAVEMENT STRIPING WITH TWO COATS OF TRAFFIC GRADE LATEX PAINT, TYP. (5/CS.0)
- 11 DRIVE THRU ENTER SIGN
- 12 DO NOT ENTER SIGN
- 13 REMOVE EX LIGHT POLE
- 14 TRASH ENCLOSURE, SEE ARCHITECTURAL PLANS
- 15 SAWCUT EX ASPHALT
- 16 EX ELECTRICAL TRANSFORMER
- 17 EASMENT, TYP. SEE EXISTING CONDITIONS
- 18 NEW LIGHT POLE/FIXTURE (DUAL LIGHT)
- 19 NEW LIGHT POLE/FIXTURE (SINGLE LIGHT)
- 20 WALL SCENCE
- 21 EX LIGHT POLES W/ DUAL HEAD TO REMAIN
- 22 EX SHEPARD'S HOOK LIGHT POLE TO REMAIN
- 23 EX LIGHT POLE TO REMAIN
- 24 MONUMENT SIGN, BY OTHERS
- 25 EX HOBBY LOBBY SIGN
- 26 PATIO AREA FOR SEATING

**PAVEMENT KEY**

- ASPHALT PAVEMENT (4/CS.1)
- CONCRETE (2/3/CS.0)
- CONCRETE PAVEMENT (5/CS.2)
- EX PAVEMENT
- EX CONCRETE
- SAW CUT ASPHALT



ISSUANCE/REVISION	DATE
SITE PLAN APPROVAL	01-12-17

818 N Meadowbrook Ln  
 Waunakee, WI 53597  
 phone (608) 849-9378  
 www.pe-wi.com

**PROFESSIONAL ENGINEERING LLC**

**HOBBY LOBBY OUTLOT  
 SITE PLAN**  
 FRANKLIN, WISCONSIN

**C2.0**