

**City of Franklin Environmental Commission**

TO: Common Council  
DATE: February 2, 2017  
RE: Special Exception application review and recommendation  
APPLICATION: Indian Community School of Milwaukee, Inc., Applicant, dated:  
November 23, 2016  
(10405 West St. Martins Road)

**I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:**

1. Unified Development Ordinance Section(s) from which Special Exception is requested:

*Section 15-4.0102 and Section 15-4.0103.*

2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):

- *Approximately 0.19 acres (8,196 square feet) of permanent wetland disturbance associated with filling grading, and/or construction of trails, boardwalks, observation deck(s), and pier(s);*
- *Approximately 0.96 acres (41,755 square feet) of permanent wetland disturbance associated with four (4) wetland scrapes intended to enhance the wetland and provide mitigation for the impacts associated with the subject trail, boardwalk, etc.;*
- *Approximately 0.04 acres (1,777 square feet) of temporary wetland disturbance associated with a temporary timber mat;*
- *Approximately 0.06 acres (2,740 square feet) of permanent wetland buffer disturbance associated with filling, grading, mowing, and/or construction of trails.*
- *Approximately 0.04 acres (1,708 square feet) of permanent wetland setback disturbance associated with filling, grading, mowing, and/or construction of trails.*

3. Applicant's reason for request:

*A special exception is requested to construct a boardwalk, trails and wildlife scrapes within and immediately adjacent to a wetland on the northern part of the ICS property as shown on the plans in the submission.*

4. Applicant's reason why request appropriate for Special Exception:

*Objectives include education and awareness of wetlands, associated benefits and potential diversity of plant and animal species.*

## **II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:**

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species:

*Not applicable – The diversity of flora within the subject wetland will be increased by the proposed enhancement plantings for the wildlife scrapes. No Federal- or State-designated Special Concern, Threatened or Endangered species will be impacted by the proposed improvements.*

2. Storm and flood water storage:

*Not applicable – There will be no significant impacts to storm and flood water storage as a result of the proposed improvements.*

3. Hydrologic functions:

*No significant impact is anticipated.*

4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:

*Not applicable - There will be no significant impact to water quality. During construction activities, erosion control measures will be taken.*

5. Shoreline protection against erosion:

*No impact is anticipated. Proper erosion control measures will be employed.*

6. Habitat for aquatic organisms:

*No significant impact is anticipated.*

7. Habitat for wildlife:

*Habitat for wildlife will be enhanced through the four (4) proposed wildlife scrapes.*

8. Human use functional value:

*The proposed improvements will make the subject wetland more accessible to students and improve the human use functional value of the property.*

9. Groundwater recharge/discharge protection:

*Not applicable – There will be no significant impact to groundwater recharge/discharge.*

10. Aesthetic appeal, recreation, education, and science value:

*Positive impacts are anticipated for the aesthetic appeal of the property as well as the recreation, education and science value. The proposed boardwalk includes an outdoor classroom and will connect the wetland with an existing trail system on the property.*

11. State or Federal designated threatened or endangered species or species of special concern:

*Not applicable – The proposed improvements will not impact any State or Federal designated threatened or endangered species or species of special concern.*

12. Existence within a Shoreland:

*The subject wetland is adjacent to Ryan Creek.*

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time:

*The project area is located within a SEWRPC identified Secondary Environmental Corridor. SEWRPC standards indicate that recreational facilities are permitted uses within such Environmental Corridors.*

**III. Environmental Commission review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:**

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):

*The project site was chosen due to its proximity to the adjacent school building, which maximizes accessibility for students. Also, the poor existing condition of the wetland as a monotypic stand of invasive Narrow-leaved cattail provided an opportunity for enhancements to the resource feature and thus opportunities for scientific study.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
  - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: \_\_\_\_\_ ; or
  - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

*An Alternative Analysis was presented to the WDNR as part of their Permit Application process. The proposed project is Alternative 1 and was the preferred alternative of the WDNR. This alternative meets the basic project goals and will have a minimal adverse environmental impact.*

3. The Special Exception, including any conditions imposed under this Section will:
  - a. be consistent with the existing character of the neighborhood: *The requested special exception will be consistent with the existing character of the neighborhood; and*
  - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The circumstances surrounding this project are unique to the Indian Community School. The requested special exception will not undermine the City's ability to apply or enforce natural resource protection requirements with respect to other properties; and*
  - c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The requested special exception will result in minimal environmental impacts and enhance a degraded wetland, while providing significant benefit to the community; and*
  - d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an*

*application to improve or enhance a natural resource feature): The proposed wildlife scrapes and enhancement plantings will enhance the functional values of the wetland. Impacts to the wetland buffer and setback are minimal, thus the functional values of these features will be preserved.*

**IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:**

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:

*This project will meet all other zoning and site planning requirements.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:

*The Indian Community School is an extraordinary facility, which was designed by world famous architect Antoine Predock. The building's design seamlessly integrates interior and exterior spaces and the surrounding environment. There is a connection between learning spaces and the exterior environment. The proposed improvements will further enhance this relationship.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:

*The proposed improvements will enhance the Indian Community School's ability to provide environmental education to its students.*

4. Aesthetics:

*Aesthetics will be enhanced through the creation of four (4) wildlife scrapes around the perimeter of Wetland 1. The scrapes will create open water areas within this wetland, which is currently choked out by invasive Narrow-leaved cattail.*

5. Degree of noncompliance with the requirement allowed by the Special Exception:

- *Approximately 0.19 acres (8,196 square feet) of permanent wetland disturbance associated with filling grading, and/or construction of trails, boardwalks, observation deck(s), and pier(s);*

- *Approximately 0.96 acres (41,755 square feet) of permanent wetland disturbance associated with four (4) wetland scrapes intended to enhance the wetland and provide mitigation for the impacts associated with the subject trail, boardwalk, etc.;*
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- *Approximately 0.04 acres (1,708 square feet) of permanent wetland setback disturbance associated with filling, grading, mowing, and/or construction of trails.*

6. Proximity to and character of surrounding property:

*The Indian Community School has single-family residences and areas of natural resources to the north, recreational and areas of natural resources to the south, multiple-family residential to the east and agricultural land and areas of natural resources to the west.*

7. Zoning of the area in which property is located and neighboring area:

*The Indian Community School's property is zoned I-1 Institutional District. Properties to the north are zoned R-3 Suburban/Estate Single-Family Residence District, C-1 Conservancy District and I-1 Institutional District. The properties to the south are zoned P-1 Park District, I-1 Institutional District and C-1 Conservancy District. The properties to the east are zoned Planned Development District No. 26 and the property to the west is zoned R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District.*

8. Any negative affect upon adjoining property:

*No significant negative affects to adjoining properties are anticipated.*

9. Natural features of the property:

*The property contains wetlands and associated buffers and setbacks and mature woodlands.*

10. Environmental impacts:

- *Approximately 0.19 acres (8,196 square feet) of permanent wetland disturbance associated with filling grading, and/or construction of trails, boardwalks, observation deck(s), and pier(s);*

- *Approximately 0.96 acres (41,755 square feet) of permanent wetland disturbance associated with four (4) wetland scrapes intended to enhance the wetland and provide mitigation for the impacts associated with the subject trail, boardwalk, etc.;*
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#### **V. Environmental Commission Recommendation:**

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends [approval] of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a.
  - b.
  - c.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 25th day of January, 2017.

Dated this 2nd day of February, 2017.

  
\_\_\_\_\_  
Wesley Cannon, Chairman

Attest:



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Orrin Sumwalt, Associate Planner  
(In lieu of Vice-Chairman)





## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of February 9, 2017

## Planned Development District Amendment

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**RECOMMENDATION:** City Development Staff recommends approval of the proposed Planned Development District Amendment as a Minor Amendment for proposed building and site modifications for Realty Income Properties 6 LLC, subject to the conditions of approval in attached draft ordinance.

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<b>Project Name:</b>	Mister Car Wash PDD Amendment
<b>Project Address:</b>	7700 West Rawson Avenue
<b>Applicant:</b>	David Hail, CWP West Corporation
<b>Property Owner:</b>	Realty Income Properties 6, LLC
<b>Current Zoning:</b>	Planned Development District (PDD) No. 34
<b>2025 Comprehensive Plan:</b>	Commercial
<b>Use of Surrounding Properties:</b>	Loomis Road (STH 36) to the north and west, gas station to the east and The Franklin Centre to the south
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the proposed Planned Development District Amendment.

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Please note:

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

**BACKGROUND & INTRODUCTION:**

On July 10, 2012, the Common Council adopted Ordinance No. 2012-2081 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 authorize redevelopment of an existing commercial car care center at 7700 W. Rawson Avenue.

On December 27, 2016, Mr. David Hail of CWP West Corporation submitted an application for a Planned Development District (PDD) Amendment. The amendment proposes building and site modifications to the former Sudz Wash & Lube upon property located at 7700 West Rawson Avenue.

The applicant is requesting, with agreement from the Department of City Development staff, that the Plan Commission and Common Council determine the proposed amendment to be a Minor Amendment. To expedite the process, the applicant has paid the Minor Amendment Application fee of \$500. (Major PDD Amendments require a public hearing and a \$3,500 fee as opposed to a \$500 fee). Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to uses and changes to street layouts.

## **PROJECT DESCRIPTION & ANALYSIS:**

### Site Plan and Architecture:

Mister Car Wash (a national chain of car washes) recently purchased the Sudz Wash & Lube southeast Wisconsin regional chain of car washes. Most of the proposed site and building changes involve rebranding from the red and yellow corporate colors of Sudz Wash and Lube to the blue and yellow corporate colors of Mister Car Wash. Mister Car Wash is proposing new signage to coincide with their national brand image, new canopies on the car wash and quick lube, directional canopies with signage in the queuing lanes, moveable bollards to help direct traffic, and new awnings for the vacuum area.

The applicant is proposing to replace the existing red canvas awnings with metal frames on the car wash and quick lube with low profile blue and yellow fabricated metal awnings. The applicant is proposing to paint the metal vacuum canopy supports from yellow to blue and replace the red canvas awnings with grey canvas awnings. Four (4) moveable decorative blue plastic bollards will be added to help direct traffic. Furthermore, two new blue metal directional canopies with signage will be added to the queuing lanes for the car wash and quick lube.

### Parking:

The 2012 approved Site Plan for the Sudz Wash & Lube car wash included twenty (20) off-street parking spaces. The Phase 2 Site Plan for Sudz Wash & Lube, which contemplated the development of a hotel on the adjacent property, depicted ten (10) off-street parking spaces on the car wash property. However, the Phase 2 Site Plan for Sudz Wash & Lube was based on the original 2008 Site Plan for the hotel. When the Hampton Inn & Suites hotel was developed in 2014, their Site Plan changed thus eliminating the off-street parking on the Sudz Wash & Lube property. The Hampton Inn & Suites property has approximately 113 off-street parking spaces. The proposed Site Plan for Mr. Car Wash has two (2) off-street parking spaces located on the north side of the building.

According to Section 15-5.0203B(i)3. of the City of Franklin Unified Development Ordinance, parking reductions below 25% of the Standard Parking Ratio may be approved by the “approval authority” in cases of proposed shared parking by two (2) or more uses on adjoining properties subject to a shared parking agreement. Therefore, Staff recommends a shared parking agreement between the owners of the Mister Car Wash Property located at 7700 West Rawson Avenue (Realty Income Properties 6, LLC) and the owners of the adjacent Hampton Inn & Suites property located at 6901 South 76<sup>th</sup> Street (FF&E, LLC) be submitted to the Department of City Development for review and approval by Staff.

### Landscaping:

The 2012 Scrub Plus PDD Amendment approved by Ordinance No. 2012-2081, included a Phase 2 Site Plan, which contemplated the development of a hotel on the adjacent property within PDD No. 34. The Phase 2 Site Plan included a note along the north elevation of the carwash building stating, “Future planting area part of Phase 2”. However, this planting area was not installed at the time of the Hampton Inn & Suites hotel development.

Staff requested this planting area be installed as part of the Mr. Car Wash PDD Amendment, and the applicant has accommodated this request. The applicant is proposing fourteen (14) evergreen trees, Holmstrup arborvitae (*Thuja occidentalis* ‘Holmstrup’), within a new planting bed along the north elevation of the building.

Natural Resource Protection Plan:

When Planned Development District No. 34 was first proposed, People’s Choice Corporation submitted a letter dated August 6, 2007 from Natural Resources Consulting, Inc. stating that there were no natural resources located within the subject property boundary.

Signage:

The applicant has depicted three (3) wall signs on the building elevations, in the same locations as the previously approved Sudz Wash and Lube wall signs. One is located on the north elevation of the car wash adjacent to West Loomis Road, one on the west elevation of the car wash adjacent to West Rawson Avenue, and the third sign is located on the south elevation of the quick lube visible from West Rawson Avenue. The proposed wall signs include illuminated channel letters with an aluminum backer panel. The applicant is also proposing two (2) new metal directional canopies with signage for the quick lube and car wash queuing lanes. The applicant is not proposing any changes to the monument sign adjacent to West Rawson Avenue near the east driveway.

While the Plan Commission may approve signage in PDD No. 34, a technical review of the proposed signage to ensure it meets the requirements of Chapter 210 Signs and Billboards of the Municipal Code has not yet taken place. Therefore, Staff recommends the proposed signage meet the requirements of Chapter 210 of the City of Franklin Municipal Code and be subject to the issuance of a Sign Permit from the City’s Inspection Department.

**STAFF RECOMMENDATION:**

City Development Staff recommends approval of the Planned Development District Amendment subject to the conditions of approval in the attached draft ordinance.

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

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 (7700 WEST RAWSON AVENUE)  
(DAVID HAIL, VICE PRESIDENT OF RESEARCH & DEVELOPMENT AT MISTER CAR WASH, APPLICANT)

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WHEREAS, §15-3.0439 of the Unified Development Ordinance provides for and regulates Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial), same having been created by Ordinance No. 08-1951 and later amended by Ordinance No. 12-2081, with such District primarily being located at 7700 West Rawson Avenue, bearing Tax Key No. 744-1002-000; and

WHEREAS, Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) includes those lands legally described as follows:

Lot 2 of Certified Survey Map No. 8467, being a re-division of Parcels 1 and 3 of Certified Survey Map No. 6017 and a vacated portion of West Loomis Road (S.T.H. "36") in the Southeast 1/4 of the Southeast 1/4 of Section 4, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, David Hail, Vice President of Research & Development at Mister Car Wash having petitioned for an amendment to Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial), 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 for Mister Car Wash #488 498, upon property located at 7700 West Rawson Avenue; and

WHEREAS, the City of Franklin Plan Commission determined that the amendment to Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) was not a substantial change to the Plan, thus not requiring a public hearing upon the aforesaid petition, and the Plan Commission thereafter having determined that the proposed amendment 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 amendment 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: §15-3.0439 Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended 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 for Mister Car Wash #488 498, upon property located at 7700 West Rawson Avenue, pursuant to those plans City file-stamped January 23, 2017 and subject to the following conditions:

1. A shared parking agreement between the owners of the Mister Car Wash property located at 7700 West Rawson Avenue (Realty Income Properties 6, LLC) and the owners of the adjacent Hampton Inn & Suites property located at 6901 South 76<sup>th</sup> Street (FF&E, LLC) shall be submitted to the Department of City Development for review and approval by Staff.
2. The proposed signage shall meet the requirements of Chapter 210 of the City of Franklin Municipal Code and be subject to the issuance of a Sign Permit from the City's Inspection Department.

SECTION 2: The proposed Mister Car Wash #488 498 signage, canopy, bollards and reconfiguration of the queuing lanes for the car wash and oil lube areas installation project shall be completed within one year from the date of adoption of this Ordinance, or this Ordinance and all rights and approvals resulting therefrom shall be null and void without any further action by the City of Franklin.

SECTION 3: David Hail, Vice President of Research & Development at Mister Car Wash, successors and assigns, shall pay to the City of Franklin all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Mister Car Wash #488 498 signage, canopy, bollards and reconfiguration of the queuing lanes for the car wash and oil lube areas installation project. 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.

SECTION 4: The approval granted hereunder is conditional upon David Hail, Vice President of Research & Development at Mister Car Wash and the Mister Car Wash #488 498 signage, canopy, bollards and reconfiguration of the queuing lanes for the car wash and oil lube areas installation project for the property located at 7700 West Rawson Avenue: (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.

SECTION 5: All other applicable terms and provisions of §15-3.0439 Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Mister Car Wash #488 498 signage, canopy, bollards and reconfiguration of the queuing lanes for the car wash and oil lube areas installation project, and all terms and provisions of §15-3.0439 of Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.

SECTION 6: 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 7: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 8: 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.

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

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APPROVED:

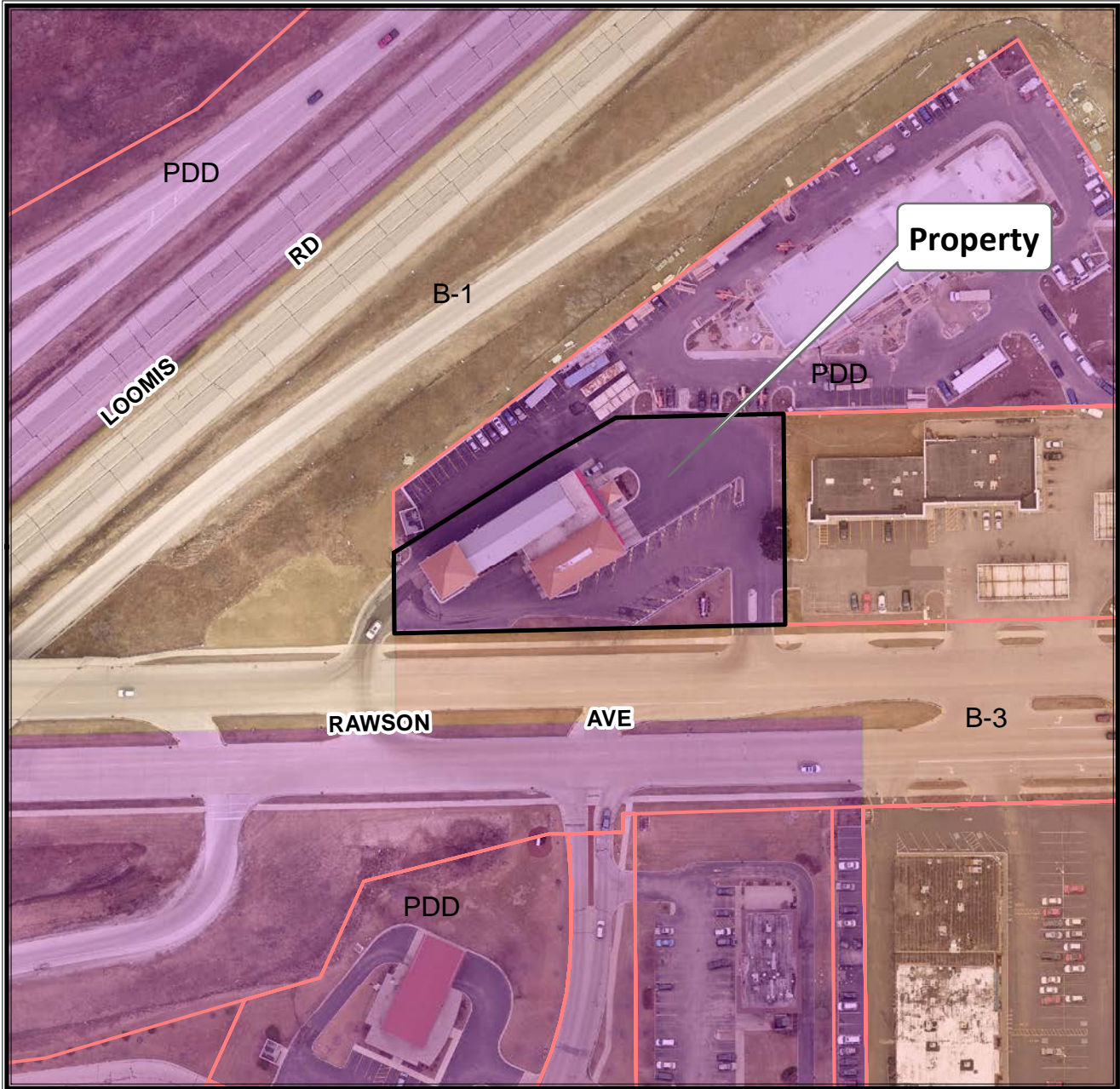
ATTEST:

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Stephen R. Olson, Mayor

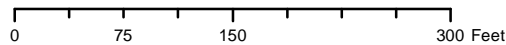
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Sandra L. Wesolowski, City Clerk

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

7700 W. Rawson Ave.  
TKN: 744 1002 000



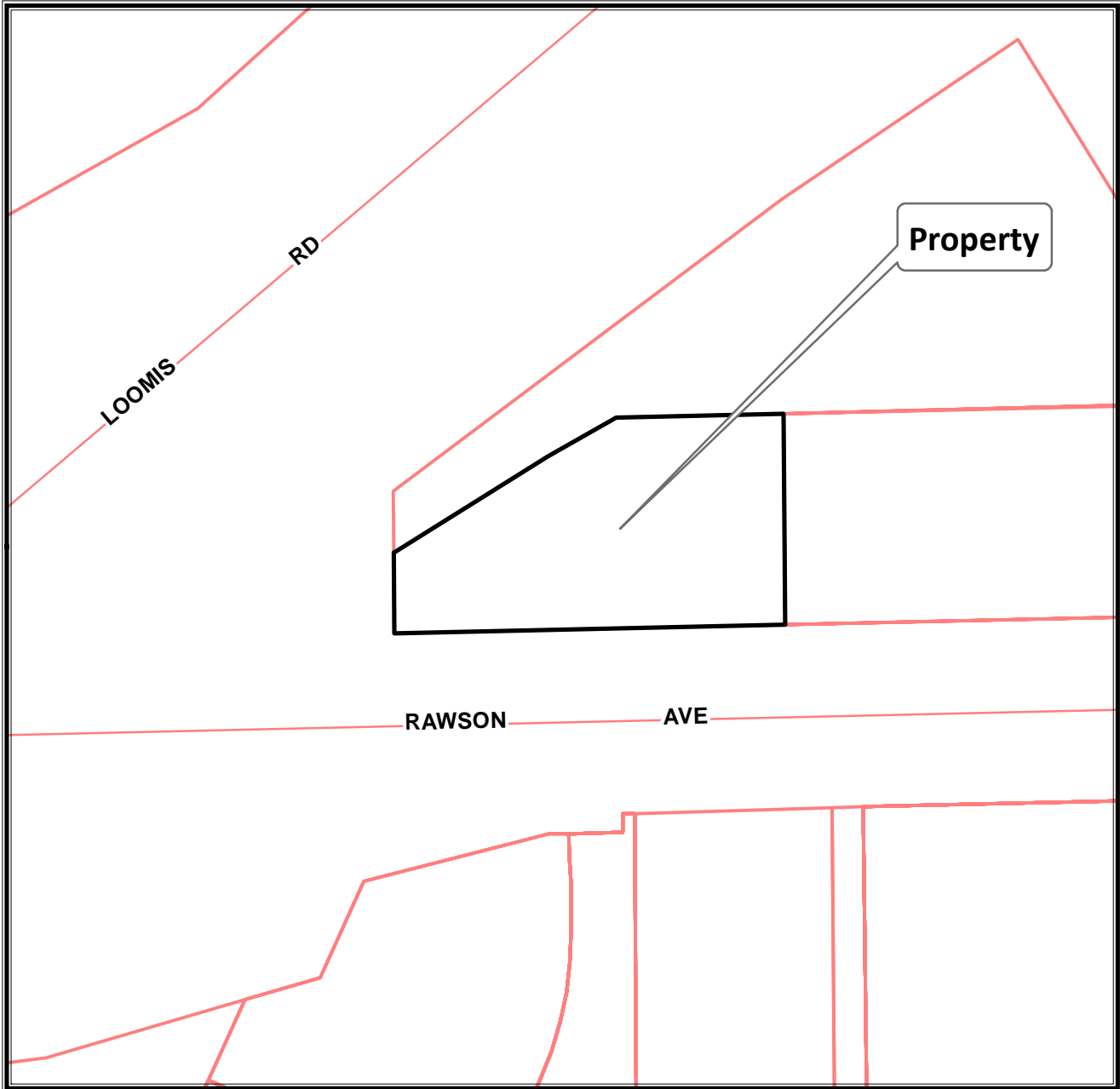
**Planning Department**  
**(414) 425-4024**



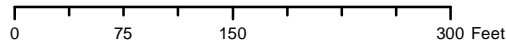
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



7700 W. Rawson Ave.  
TKN: 744 1002 000



**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.*



December 23, 2016  
Rev January 17, 2017

## Mister Car Wash Franklin Project Description

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Mister Car Wash is a national chain of car washes. They recently purchased the Sudz southeast Wisconsin regional chain of car washes. Mister Car Wash would like to change the signage to coincide with their national brand image. Also, they would like to add some express payment lanes for the car wash and the oil change.

The physical changes being made will just amount to changing signage and canopies. They also want to add some small directional canopies at the approach to the car wash and oil change entrance doors. The existing red building canopies will be removed and replaced with a lower profile blue and yellow metal awning. The directional canopies will be constructed from painted metal. The vacuum canopy supports will be painted blue and the existing red canvas awnings will be replaced with grey canvas awnings.

They are no longer considering the automated payment system. The payment system will be essentially the same as when Sudz owned the property, however at some time in the future they may wish to add the automated payment system which consists of a kiosk for making selections and inserting cash or credit cards with an automated gate that opens after payment is made.