

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

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

B. **Approval of Minutes**

1. Approval of regular meeting of December 17, 2015.

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

1. **OMBEHA INC. REMODELING AND RESTORATION CONTRACTOR BUSINESS.** Special Use application by Ombeha Inc. to operate a remodeling and restoration of residential properties contractor business upon property zoned M-1 Limited Industrial District, located at 10700 West Venture Drive, Suite D; Tax Key No. 705-0497-000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

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

1. **WHITNALL YOUTH BASEBALL, INC. SPORTS GROUP INDOOR PHYSICAL FITNESS/PRACTICE FACILITY.** Temporary Use application by Michael Phillip Meyer, President of Whitnall Youth Baseball, Inc., for operation of a public youth baseball and softball indoor physical fitness/practice facility use for boys and girls ranging in age from 4 to 16, from communities all around southeastern Wisconsin, at approximately 6542 South Lovers Lane Road, in the Garden Plaza Shopping Center, between January 16, 2016 and April 15, 2016, from 5:00 p.m. to 9:00 p.m. Monday through Friday and from 9:00 a.m. to 6:00 p.m. on Saturdays and Sundays, on property zoned B-3 Community Business District; Tax Key No. 705-8997-004.

E. **Adjournment**

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

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

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

REMINDERS:

Next Regular Plan Commission Meeting: January 21, 2016

City of Franklin
Plan Commission Meeting
December 17, 2015
Minutes

unapproved

Call to Order and Roll Call

- A. Mayor Steve Olson called the December 17, 2015 Regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Alderman Mark Dandrea, City Engineer Glen Morrow, and Commissioners Kevin Haley and Scott Thinnies. Excused were Commissioners David Fowler and Patricia Hogan. Also present were Planning Manager Joel Dietl and Senior Planner Nick Fuchs. In attendance was Economic Development Director Aaron Hertzberg.

Approval of Minutes

Regular Meeting of December 3, 2015.

- B.
1. Commissioner Haley moved and Alderman Dandrea seconded approval of the December 3, 2015 minutes of the Regular meeting of the Plan Commission as presented. On voice vote, all voted 'aye'. Motion carried.

Public Hearing Business Matters
SPELLMAN TRAILERS INC.
TRUCKING BUSINESS;
"TRUCKING, EXCEPT LOCAL" USE
UNIFIED DEVELOPMENT
ORDINANCE TEXT AMENDMENT.

Unified Development Ordinance Text Amendment application by Elvin J. Spellman, Managing Member of T & E, LLC, to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 4213 "Trucking, except local" to allow for such Use as a Special Use, City-wide, in the M-1 Limited Industrial District.

- C.
1. Planning Manager Dietl presented the request by Elvin J. Spellman, Managing Member of T & E, LLC for an amendment to the Unified Development Ordinance text to allow Standard Industrial Classification Title No. 4213 "Trucking, except local" as a Special Use in the M-1 Limited Industrial District.

The Official Notice of Public Hearing for the Unified Development Ordinance amendment was read in to the record by Senior Planner Fuchs and the Public Hearing was opened at 7:02 p.m. and closed at 7:02 p.m.

Commissioner Thinnies moved to recommend approval of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 4213 "Trucking, except local" to allow for such Use as a Special Use in the M-1 Limited Industrial District. Seconded by Alderman Dandrea. On voice vote, all voted 'aye'. Motion carried.

Business Matters

- D. (None.)

Adjournment

- E. Commissioner Morrow moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of December 17, 2015 at 7:03 p.m. All voted 'aye'; motion carried.

DRAFT



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of January 7, 2016

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed Special Use application for a remodeling and restoration of residential properties contractor business use for Ombeha, Inc. upon property located at 10700 West Venture Drive, Suite B, subject to the conditions set forth in the attached draft resolution.

Project Name:	Ombeha Inc., Special Use
Project Address:	10700 West Venture Drive, Suite B
Applicant:	Ombeha, Inc.
Owners (property):	Kendall Breunig (dba Sunset Investors)
Current Zoning (easement area):	M-1 Limited Industrial District
Use of Surrounding Properties:	Automobile dealerships to the north and south and industrial uses to the east and west
Applicant Action Requested:	Recommendation of approval to the Common Council for the proposed Special Use application for a remodeling and restoration of residential properties business use upon property located at 10700 West Venture Drive, Suite B.

Introduction:

On November 25, 2015, Dan Fendryk filed a Special Use application with the Department of City Development for a remodeling and restoration of residential properties contractor business use to occupy an existing tenant space upon property located at 10700 West Venture Drive, Suite B. The property is zoned M-1 Limited Industrial District, which allows Standard Industrial Classification (SIC) Title No. 1521 "General Contractors-Single-Family Houses" as a Special Use.

Project Description/Analysis:

Please note:

- Staff recommendations are *underlined and in italics*, and are included in the attached resolution.

According to the applicant, Ombeha, Inc. is a newly formed company for remodeling and restoration of residential properties. This will include design and remodeling of kitchens and bathrooms, and restoration of fire and flood damaged homes. Proposed hours of operation are from 7:00 a.m. to 5:00 p.m. There will be three (3) principals initially, with no employees. However, 2-3 employees may be added in the near future.

The tenant area is approximately 2,500 square feet, which consists of 900 square feet of warehouse, 800 square feet of finished space (conference room, office, display area for samples

like cabinets, and a bathroom) and 800 square feet of second floor office space. The warehouse will be used for storing construction materials and as shop space for the preparation of some materials before going to the jobsite. Staff recommends no outdoor storage of materials be allowed on the property.

Two company vehicles (¾-ton cargo vans) will be kept on site. According to the applicant, the vans have a gross vehicle weight rating of approximately 6,000 pounds. One vehicle may be stored in the warehouse space and the other parked outside in front or in back of the building. Section 15-5.0202(G)(2) of the Unified Development Ordinance (UDO) states that, “Any vehicle over 8,000 lbs rated gross vehicle weight, may be parked in districts not previously mentioned in the normal course of business in conjunction with a commercial or industrial use of the property; however, any overnight parking shall be allowed only with a Special Use.” Staff recommends no outdoor parking of vehicles, except for vehicles which do not exceed 8,000 pounds rated gross vehicle weight.

The applicant is not proposing any exterior building or site modifications at this time.

Staff Recommendation:

City Development Staff recommends approval of the proposed Special Use application for a remodeling and restoration of residential properties contractor business use for Ombeha, Inc. upon property located at 10700 West Venture Drive, Suite B, subject to the conditions set forth in the attached draft resolution.

RESOLUTION NO. 2016-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE FOR A REMODELING AND RESTORATION
OF RESIDENTIAL PROPERTIES CONTRACTOR BUSINESS USE UPON PROPERTY
LOCATED AT 10700 WEST VENTURE DRIVE, SUITE D
(OMBEHA INC., APPLICANT)

WHEREAS, Ombeha Inc. having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 1521 "General Contractors-Single-Family Houses", to allow for a remodeling and restoration of residential properties contractor business use upon property located at 10700 West Venture Drive, bearing Tax Key No. 705-0497-000, more particularly described as follows:

Unit D, and so much of the undivided interest in the common areas and facilities appurtenant to such unit in the percentage specified and established in the hereinaftermentioned Declaration, in a Condominium commonly known as VENTURE DRIVE OFFICE/WAREHOUSE CONDOMINIUM created under the Condominium Ownership Act of the State of Wisconsin by Declaration recorded on November 5, 1987 in the Office of the Register of Deeds for Milwaukee County, Wisconsin in Reel 2157, Images 1457 to 1492 inclusive, as Document No. 6120713. The post office address of the above unit is West Venture Drive, Franklin, 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 7th day of January, 2016, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Ombeha Inc., 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 Ombeha Inc., successors and assigns, as a remodeling and restoration of residential properties contractor business use, which shall be developed in substantial compliance with, and operated and maintained by Ombeha Inc., pursuant to those plans City file-stamped December 28, 2015 and annexed hereto and incorporated herein as Exhibit A.
2. Ombeha Inc., 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 Ombeha Inc., remodeling and restoration of residential properties contractor business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Ombeha Inc. remodeling and restoration of residential properties contractor business use for the property located at 10700 West Venture Drive, Suite D: (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. No outdoor storage of materials shall be allowed on the property.
5. No outdoor parking of vehicles, except for vehicles which do not exceed 8,000 pounds rated gross vehicle weight shall be allowed on the property.

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

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than

OMBEHA INC. – SPECIAL USE
RESOLUTION NO. 2016-_____

Page 3

\$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

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

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

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

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

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

APPROVED:

ATTEST:

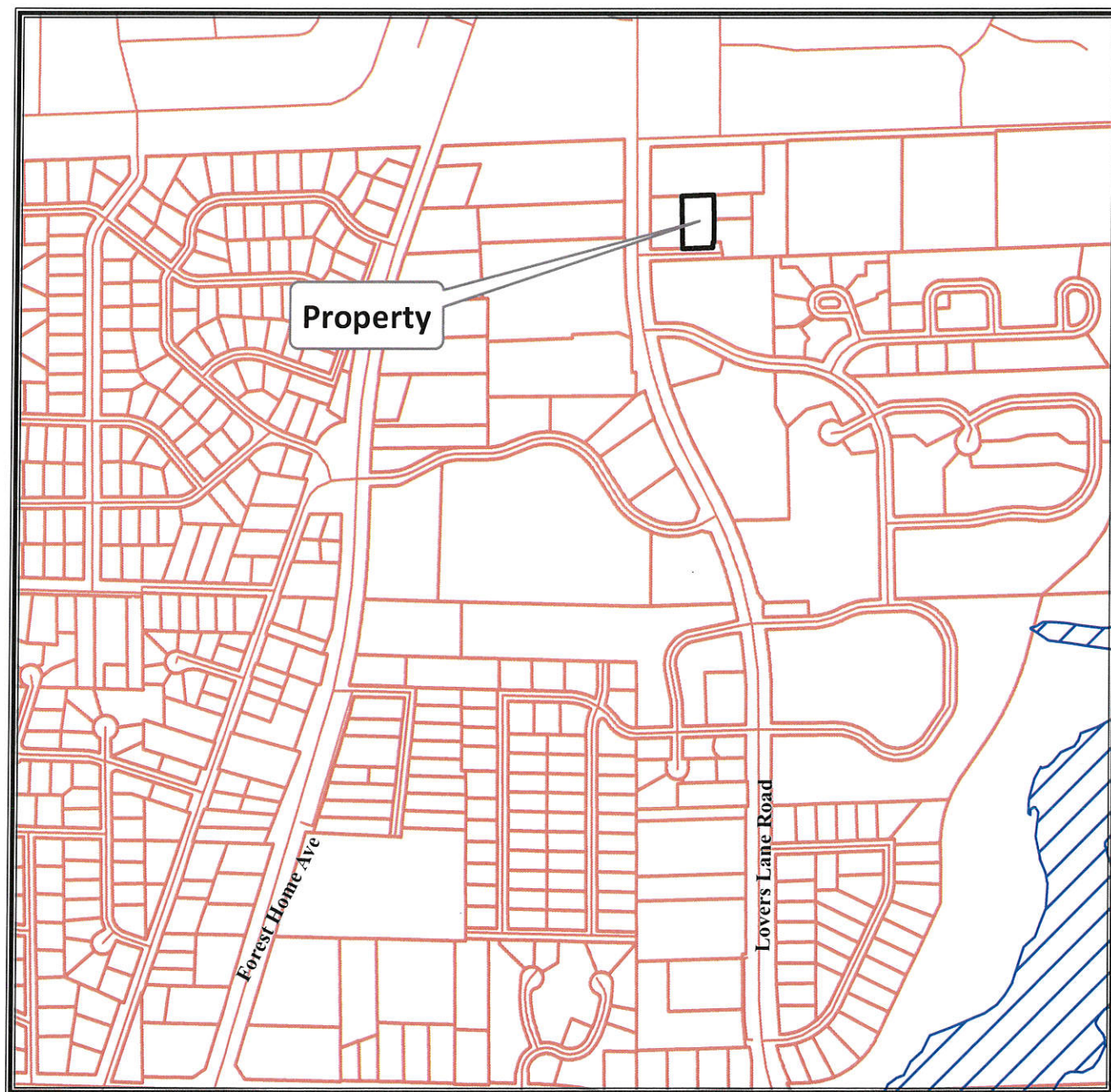
Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



10700 West Venture Drive



Planning Department
(414) 425-4024

0 500 1,000 2,000 Feet

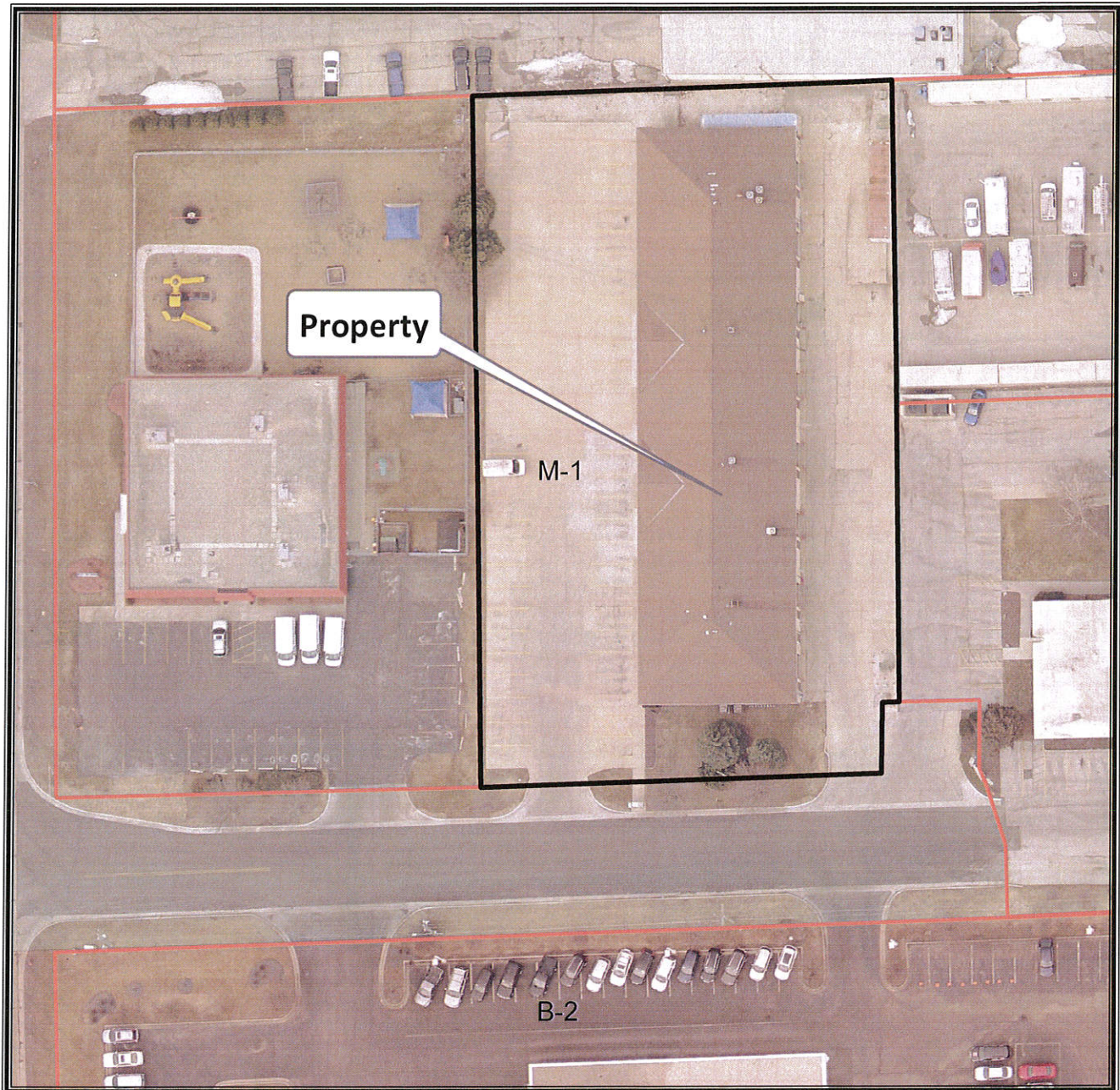
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



2015 Aerial Photo



10700 West Venture Drive



Planning Department
(414) 425-4024

0 37.5 75 150 Feet

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.

NORTH
2015 Aerial Photo

DEC 28 2015

SPECIAL USE APPLICATION

City Development

PROJECT SUMMARY

For: Ombeha, Inc

Date: Revised, December 20, 2015

Location: 10700 W. Venture Drive
Suite D
Franklin WI 53132

Ombeha, Inc. is a newly formed company for remodeling and restoration of residential properties. This will include design and remodeling of kitchens and bathrooms, and restoration of fire and flood damaged homes.

New Building Construction: None, Cost \$0

Site Work: None, Cost \$0

Interior and Exterior modifications: Change first floor Carpet and paint one accent wall on first floor, and change an office door. Cost: Less than \$2,000

Number of Employees: 3 Principals only initially, with no employees. May add 2 or 3 employees in the near future.

Hours of Operation: 7am to 5pm

Size of Suite: Suite D is 2,500sf, which consists of 900sf of warehouse, and 800sf of second floor office. There is 800sf of first floor finish space which is a conference room, office, display area for samples like cabinets, and a bathroom. The shop will be for storing construction materials and preparation area for some materials before going to the jobsite.

Vehicles: One vehicle may be stored inside in the warehouse with tools and materials, another may be parked outside in front or in back of the building. Vehicles are ¾ ton cargo vans which are rated as 6,000 pounds. Ombeha has no vehicles over 8,000 pounds and does not anticipate having any over 8,000 pounds.



ARIAL VIEW



FRONT ENTRY & SIGN



FRONT FACADE



REAR ELEVATION

ENGINEER:
KENDALL BREUNIG, PE
10535 W. COLLEGE AVE.
FRANKLIN WI 53132
PH (414) 529-8352

OWNER:
SUNSET INVESTORS: KENDALL BREUNIG
10535 W. COLLEGE AVE
FRANKLIN WI 53132
PH (414) 529-8352

APPLICANT:

SPECIAL USE APPROVAL

SUNSET INVESTORS
REAL ESTATE / DEVELOPMENT / CONSTRUCTION
10535 W. COLLEGE AVENUE
FRANKLIN WI 53132
PHONE: (414) 529-8352
FAX: (414) 529-7454
WWW.SUNSETINVESTORS.COM

DRAWN BY:
CHRISTOPHER PAPKE

CHECKED BY:
KENDALL BREUNIG

SITE PHOTOS

DATE:
01/14/2009

SHEET

DIVISION 15-3.0700
REGULATIONS

SPECIAL USE STANDARDS AND

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.

M-1 is the preferred location per the UDO for General Contractors. The only other Zoning they are allowed in is Landfill.

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.

Use by a Remodeling contractor will not have an undue adverse impact. No outside storage is requested. The building does not abut a residential district. Many other tenants in the building are specialty contractors, which are similar.

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.

This is occupancy of an existing office/warehouse suite used prior by a landscape contractor. It is fenced from Holz Chevrolet and Kindercare. No outside storage, so it will not interfere in any way.

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.

Adequate Public Facilities exist. This is an existing 25 year old building with all utilities existing already. There is a screened refuse disposal area shared by all the building tenants located behind the building.

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.

This is a low volume traffic business. On occasion a customer might come to the office and there is sufficient parking for customers and employees in the front of the building.

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.

There is no destruction and there is no construction. This is an existing building.

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.

All M-1 Zoning standards are complied with.

- 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.

None listed.

- 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.

The majority of Ombeha's work is within 20 miles of thier office. So thier services will be marketed in Franklin and surrounding areas.

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.

M-1 is the only zoning a remodeling contractor fits in Franklin. There is very limited M-1 zoning in Franklin.

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.

The office entrance is visible to the public and landscaped. The truck access and overhead door are to the rear and pretty much impossible for the public to see from any street. Other than parking and loading at the garage door, no other activity takes place outside.

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.

Numerous other specialty contractors are approved uses, as well as carpentry contractors, which Ohmbeha is very close to. This is the zoning district the UDO pushes this type of contractor to.

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of January 7, 2016****Temporary Use**

RECOMMENDATION: City Development Staff recommends approval of a Temporary Use for Whitnall Youth Baseball, Inc., to operate an indoor physical fitness/practice facility use, for property located at 6542 South Lovers Lane Road, subject to the conditions of approval in the attached resolution.

Project Name:	Whitnall Youth Baseball, Inc. Temporary Use
Project Address:	6542 South Lovers Lane Road
Property Owner:	Hartland Meadows, LLC
Applicant:	Whitnall Youth Baseball, Inc.
Agent:	Michael Phillip Meyer, President
Zoning:	B-3 Community Business District
Use of Surrounding Properties:	Car dealership to the north; multi-family residential to the south and east; and vacant M-1 zoned land, Waterstone Bank and Menards to the west
Comprehensive Plan:	Commercial
Applicant Action Requested:	Approval of the Temporary Use

INTRODUCTION:

On December 15, 2015, Michael Phillip Meyer filed a Temporary Use Application with the Department of City Development on behalf of Whitnall Youth Baseball, Inc., requesting approval to use approximately 18,384 square feet of vacant tenant space in the Garden Plaza Shopping Center, located at approximately 6542 South Lovers Lane Road, as an indoor physical fitness/baseball practice facility for the Whitnall Youth Baseball program. The applicant is proposing to use this facility between January 16 and April 15, 2016.

PROJECT DESCRIPTION/ANALYSIS:

Whitnall Youth Baseball, Inc. is a public youth sports group centered in Hales Corners. The organization includes youth baseball and softball, with boys and girls ranging in age from 4 to 16 and from communities all around southeastern Wisconsin. According to the project narrative, the proposed use will allow youth athletes to condition indoors during winter months and receive additional instruction including but not limited to: speed, strength, agility, conditioning and specific baseball performance drills including throwing, hitting and fielding. Proposed hours of operation are Monday – Friday from 5:00 p.m. to 9:00 p.m. and Saturday & Sunday from 9:00 a.m. to 6:00 p.m.

Two batting cages (with additional netting to protect interior walls) and hitting nets and tees for batting drills will be utilized inside the facility. Furthermore, medicine balls, resistance bands, agility ladders and cones will be used for training. The applicant is not proposing any additional landscaping, lighting or exterior changes to the existing building at this time. The Garden Plaza Shopping Center has ample

parking to accommodate the proposed use. Furthermore, the Garden Plaza Shopping Center has two existing recreation and amusement uses (Anytime Fitness and Fun Timez Family Entertainment Center).

Section 15-3.0804 of the Unified Development Ordinance (UDO) states “A Temporary Use is an activity that is short-term in nature, will be conducted for only a specified limited period of time, and for a specific use that is not the permanent use of the property, and which use though not already expressly authorized to be an actual use on the property, is incidental to or accessory to and compatible with and will not adversely affect adjoining properties.” This section further states, “The Zoning Administrator and designees of the City Planning Department may refer any application for a Temporary Use Permit to the Plan Commission for review and approval, where the Zoning Administrator or designee of the City Planning Department determines that the application involves an issue of interpretation as to whether the proposed temporary use is incidental or accessory to the existing use of the property, or is a use which is compatible, as required herein, or that there is a question as to whether the proposed temporary use may adversely affect adjoining property due to the nature of, size or area of, noise, debris, lighting, or the like or other resultant from the proposed temporary use. Plan Commission review and approval is required for any proposed temporary use of a type not specifically listed below.”

The subject use is not a listed temporary use within Section 15-3.0804 of the City of Franklin Unified Development Ordinance (UDO). In addition, according to Section 15-3.0804(L) of the UDO, “Each Temporary Use Permit shall specify the date upon which such use may commence and the date upon which such use shall expire; in no event, except as otherwise specifically and expressly set forth in this Section, shall any temporary use exceed 90 days in duration during any calendar year. Therefore, staff has determined that the request requires Plan Commission review and approval.

STAFF RECOMMENDATION:

City Development Staff recommends approval of a Temporary Use for Whitnall Youth Baseball, Inc., to operate an indoor physical fitness/practice facility use, for property located at 6542 South Lovers Lane Road, subject to the conditions of approval in the attached resolution.

RESOLUTION NO. 2016-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A TEMPORARY USE FOR AN INDOOR PHYSICAL
FITNESS/PRACTICE FACILITY USE FOR PROPERTY LOCATED AT
6542 SOUTH LOVERS LANE ROAD
(GARDEN PLAZA SHOPPING CENTER)
(MICHAEL PHILLIP MEYER, PRESIDENT OF WHITNALL
YOUTH BASEBALL, INC., APPLICANT)

WHEREAS, Michael Phillip Meyer, President of Whitnall Youth Baseball, Inc. having petitioned the City of Franklin for the approval of a Temporary Use to allow for a public youth baseball and softball sports group indoor physical fitness/practice facility, for boys and girls ranging in age from 4 to 16, from communities all around southeastern Wisconsin, upon property located at approximately 6542 South Lovers Lane Road (Garden Plaza Shopping Center), for the dates of January 16, 2016 through April 15, 2016, from 5:00 p.m. to 9:00 p.m. Monday through Friday and from 9:00 a.m. to 6:00 p.m. on Saturdays and Sundays; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of Michael Phillip Meyer, President of Whitnall Youth Baseball, Inc. for the approval of a Temporary Use to allow for a public youth baseball and softball sports group indoor physical fitness/practice facility, for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. The approval granted hereunder shall allow for such use from January 16, 2016 through April 15, 2016, from 5:00 p.m. to 9:00 p.m. Monday through Friday and from 9:00 a.m. to 6:00 p.m. on Saturdays and Sundays, and all approvals granted hereunder expiring at 9:00 p.m. on Friday, April 15, 2016.
2. [other conditions, etc.]

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

Passed and adopted at a regular meeting of the Plan Commission of the City of

MICHAEL PHILLIP MEYER, PRESIDENT OF WHITNALL YOUTH
BASEBALL, INC. – TEMPORARY USE
RESOLUTION NO. 2016-_____

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Franklin this _____ day of _____, 2016.

APPROVED:

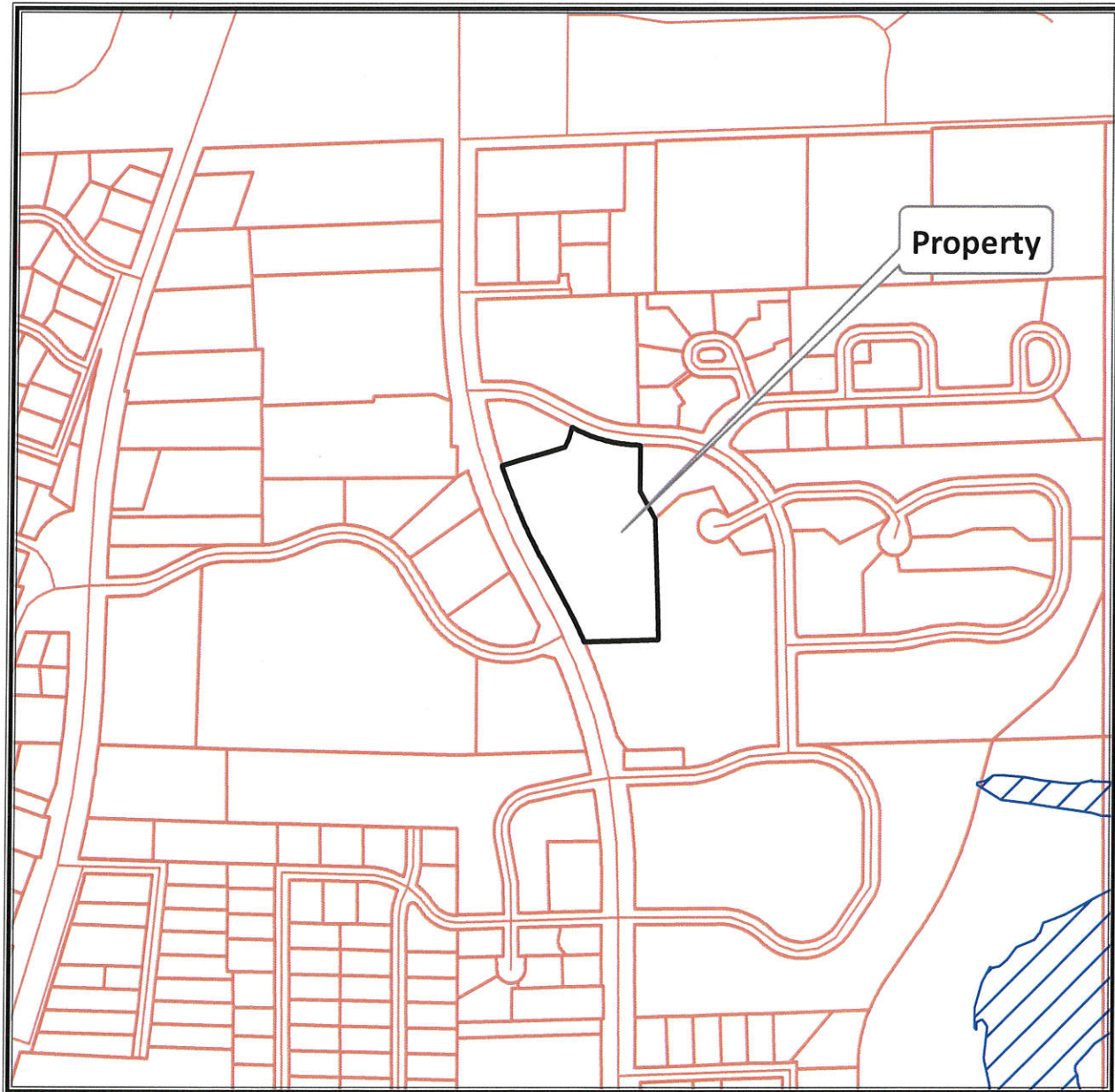
Stephen R. Olson, Chairman

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

6542 S. Lovers Lane Road



Planning Department
(414) 425-4024

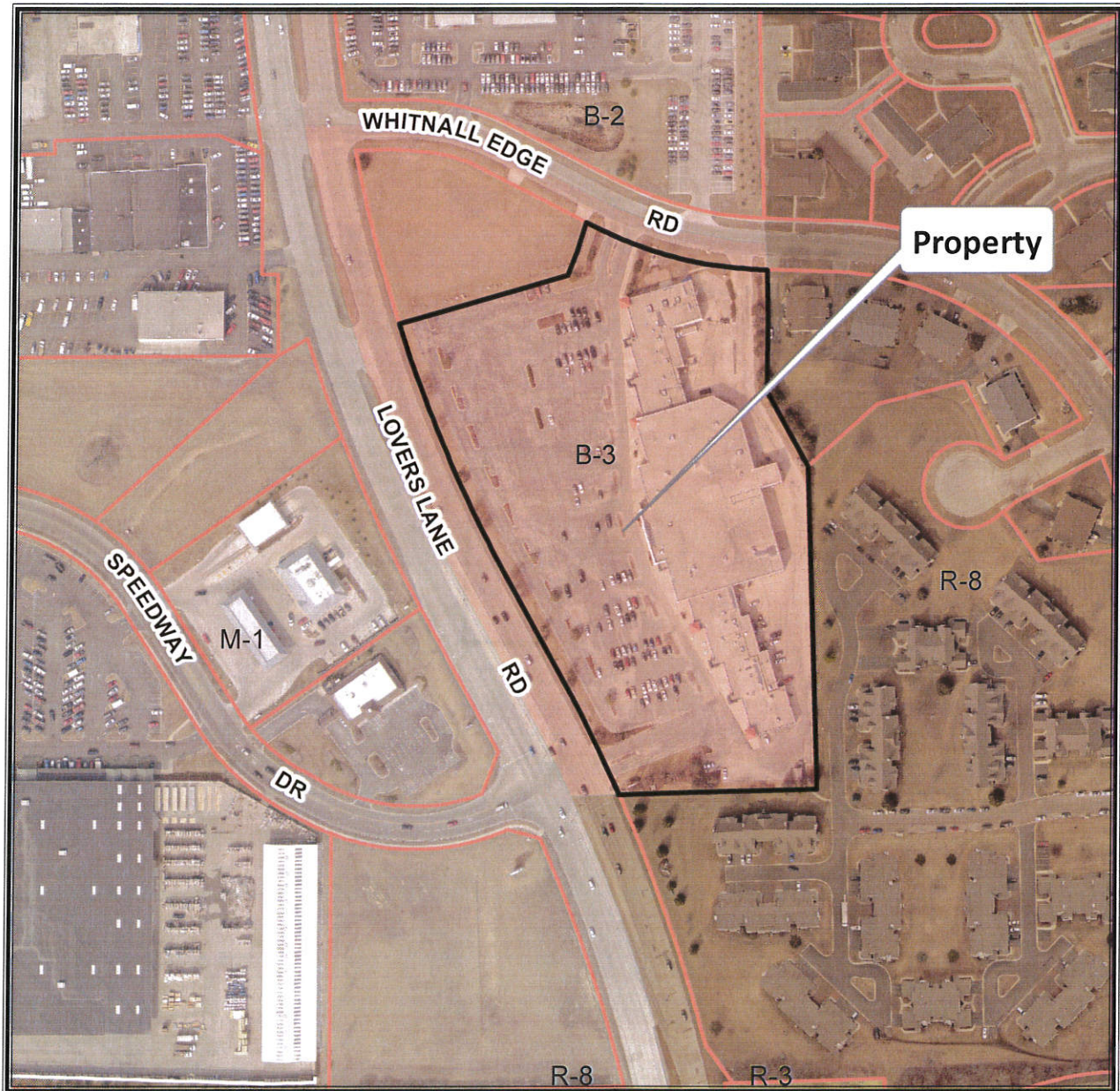
0 395 790 1,580 Feet

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.


NORTH
2015 Aerial Photo



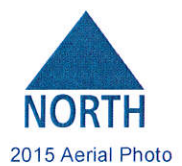
6542 S. Lovers Lane Road



Planning Department
(414) 425-4024

0 150 300 600 Feet

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.



Michael Meyer
Whitnall Youth Baseball, Inc.
PO BOX 213
Hales Corners, WI 53130

December 28, 2015

Whitnall Youth Baseball 2016 Revised Project Narrative City of Franklin

Who:

Whitnall Youth Baseball, Inc. is a non-profit 501(c)3 organization that has been in existence since 1986. The organization dates back to 1962 and was formerly known as the Whitnall Area Sports Association. Our organization is a public, youth sports group, centered in Hales Corners and includes youth baseball and softball with both boys and girls, ranging in age from 4 to 16 and from communities all around southeastern Wisconsin.

What:

Whitnall Youth Baseball, Inc. is requesting a Temporary Use permit in the City of Franklin for the location at approximately 6542 S Lovers Lane Rd in the Garden Plaza Shopping Center, which is currently owned and operated by Janacek Investments, Inc. This facility will allow us to create an opportunity for youth athletes to condition during the winter months and receive additional instruction time. This indoor physical fitness / practice facility will focus on maintaining the whole athlete including but not limited to: speed, strength, agility, conditioning, and specific baseball performance drills, including throwing, hitting and fielding.

During our sessions, we typically have 2-4 volunteer coaches or parents, trying to maintain about a 5 to 1 relationship, youth to adults. In total at any time, we would have no more than 4-8 coaches in the facility and approximately 30 kids.

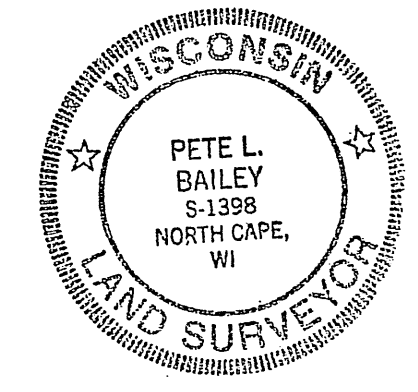
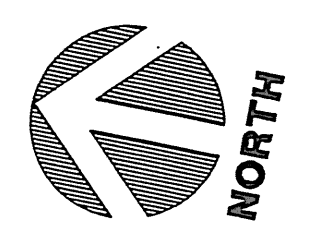
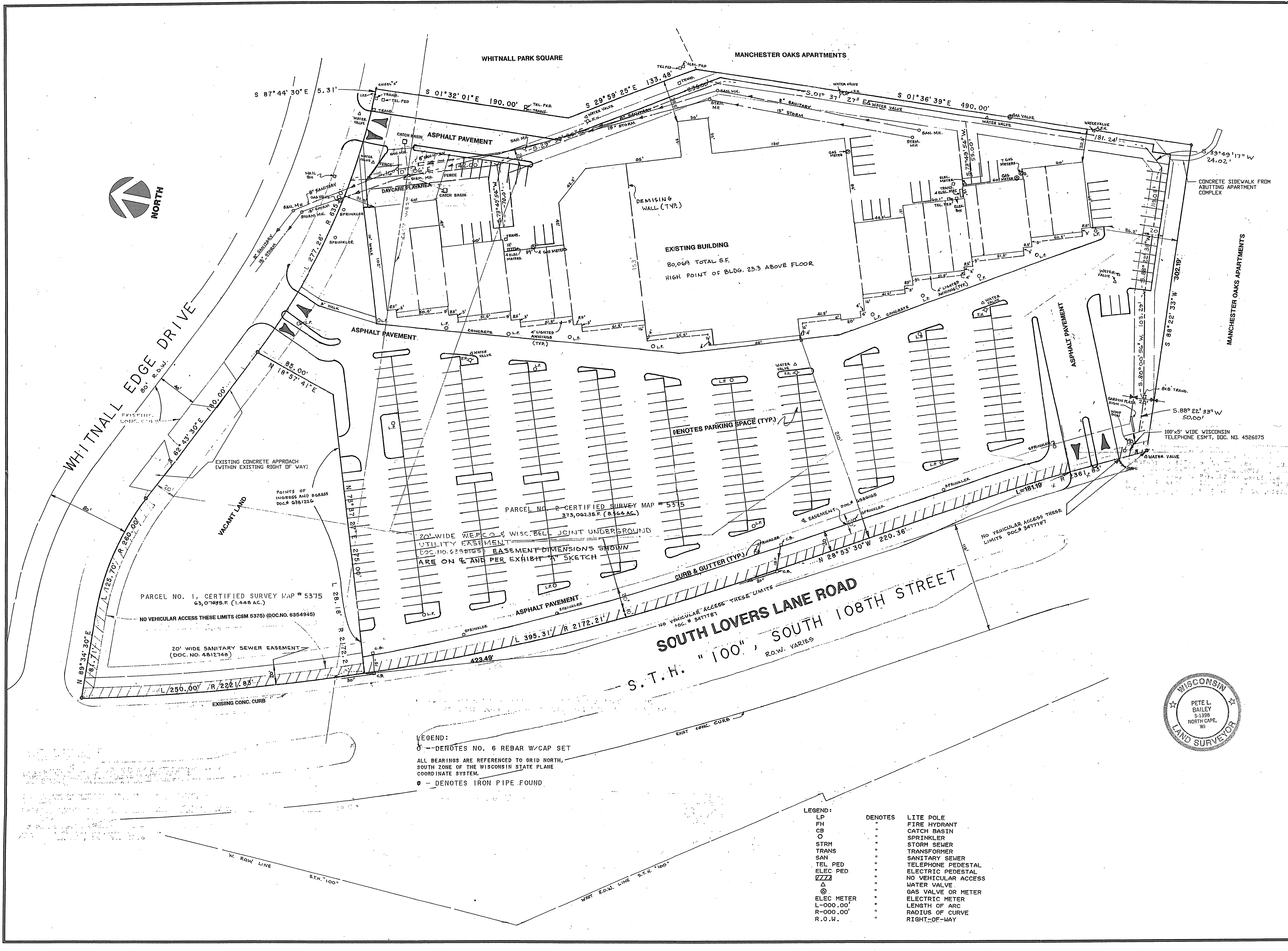
Two batting cages will be utilized inside the facility on opposite ends of the facility with additional netting hung to protect the walls. We leverage hitting nets and tees for batting drills, along with medicine balls, resistance bands, agility ladders, cones, etc for training.

There will be no structural changes to the current 18,384 sq ft of the facility, inside or out.

When:

The space will be occupied and maintained by the volunteer staff of the Whitnall Youth Baseball, Inc. organization during established regular business hours for the Garden Plaza shopping center. This proposal is to utilize this facility between the following dates: January 16, 2016 thru April 15, 2016. The proposed hours of operation are as follows: Monday thru Friday, from 5pm to 9pm, Saturday and Sunday from 9am to 6pm.

Attachments: Site plans. No changes are necessary based on the proposed use.



LEGEND:
○ - DENOTES NO. 6 REBAR W/CAP SET
ALL BEARINGS ARE REFERENCED TO GRID NORTH,
SOUTH ZONE OF THE WISCONSIN STATE PLANE
COORDINATE SYSTEM.
● - DENOTES IRON PIPE FOUND.

LEGEND:
LP LITE POLE
FH FIRE HYDRANT
CB CATCH BASIN
O SPRINKLER
STRM STORM SEWER
TRANS TRANSFORMER
SAN SANITARY SEWER
TEL PED TELEPHONE PEDESTAL
ELEC PED ELECTRIC PEDESTAL
NO VEHICULAR ACCESS
WATER VALVE
GAS VALVE OR METER
ELEC METER
L-000.00' LENGTH OF ARC
R-000.00' RADIUS OF CURVE
R.O.W. RIGHT-OF-WAY

AMERICAN
SURVEYING
COMPANY, INC.

12207 C.T.H. "K" FRANKSVILLE, WISCONSIN 53126
TEL. (262) 835-4774 FAX: (262) 835-2379
beaufordbailey@hotmail.com

DRAWN BY: PLB
CHECKED BY: PLB
PLOT SCALE: 1" = 40'
DATE: 11/04/2004
JOB NO.: 2004276
DWG. FILE: JN204341

REVISIONS:
DATE
PLB
1 = 40
11/04/2004
2004276
JN204341

CLIENT NO. 00000

CITY OF FRANKLIN

PROJECT:
PLAT OF SURVEY/ ALTA BOUNDARY
PREPARED FOR: BRADLEY OPERATING LIMITED PARTNERSHIP

Sheet
1
of
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PROPOSED TENANT SPACE FOR:
GARDEN PLAZA
FRANKLIN, WISCONSIN

GENERAL NOTES :

THE FOLLOWING GENERAL AND SPECIFIC NOTES SHALL APPLY EQUALLY TO ALL CONTRACTORS, SUBCONTRACTORS AND SUPPLIERS ENGAGED IN THE EXECUTION OF THE WORK SHOWN ON THESE DRAWINGS. THESE NOTES SUPPLEMENT, AND ARE MADE PART OF, THE CONTRACT DOCUMENTS.

ALL CONSTRUCTION SHALL BE IN STRICT CONFORMANCE WITH DRAWINGS AND NOTES, STATE OF WISCONSIN BUILDING AND SAFETY CODES, AND GOVERNING LOCAL AND MUNICIPAL CODES. ALL CONTRACTORS SHALL INSURE FAMILIARITY WITH THE ABOVE ITEMS.

PLUMBING, AND ELECTRICAL DESIGNS ARE NOT INCLUDED IN THIS SET.

PLUMBING, AND ELECTRICAL CONTRACTORS SHALL SUBMIT DOCUMENTATION, CALCULATIONS, AND DATA TO THE STATE AND LOCAL AUTHORITIES FOR APPROVAL, PAY ALL FEES AND SECURE ALL PERMITS AND LICENSES APPLICABLE. SUBMIT PLUMBING, AND ELECTRICAL DRAWINGS AND SPECIFICATIONS TO THE ARCHITECT FOR REVIEW. PLUMBING, AND ELECTRICAL DESIGN MUST PROVIDE A COMPLETE WORKING SYSTEM INCLUDING ALL FIXTURES AND EQUIPMENT AS SHOWN ON ARCHITECTURAL PLANS.

ELECTRICAL CONTRACTOR SHALL HAVE LIGHTING DESIGNER SUBMIT A LIGHTING PLAN FOR EMERGENCY EGRESS AND ENERGY CONSERVATION COMPLIANCE TO THE D.O.C. SAFETY AND BUILDINGS.

ALL CONTRACTORS SHALL INSPECT THE JOB SITE AND VERIFY ALL DATA PERTAINING TO THE BUILDING AND THEIR RELATION TO THE WORK PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. CONTRACTORS SHALL VERIFY DOCUMENTATION AND CONDITIONS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY. CONTRACTORS SHALL CROSS CHECK DIMENSIONS AND ELEVATIONS BETWEEN ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS. IF DISCREPANCIES EXIST IN DOCUMENTATION, THE BIDDER SHALL ASSUME THE GREATER QUANTITY, BETTER QUALITY, LARGER CAPACITIES, ETC., AND SHALL INCLUDE SAME IN THE BID PROPOSAL.

EACH CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES AND MAN-MADE STRUCTURES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES OR MAN-MADE STRUCTURES.

TEMPORARY PROTECTION :

PORTIONS OF THE EXISTING STRUCTURES WHERE EXISTING WORK IS TO BE REMOVED AND WHERE NEW WORK IS TO BE DONE SHALL BE TEMPORARILY PROTECTED. TEMPORARY PROTECTION SHALL BE SUCH THAT THE INTERIOR OF EXISTING STRUCTURES WILL AT ALL TIMES BE PROTECTED FROM DUST AND WEATHER INCONVENIENCE. TEMPORARY OPENINGS IN EXTERIOR WALLS SHALL BE PROTECTED BY TEMPORARY WEATHERPROOF CLOSURES.

CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGE TO THE EXISTING STRUCTURES OR THEIR CONTENTS BY REASON OF THE INSUFFICIENCY OF SUCH PROTECTION.

PATCHING :

THE CONTRACTOR RESPONSIBLE FOR SUCH MATERIALS SHALL PATCH ALL SURFACES WITH PERSONS SKILLED IN SUCH WORK. PATCHING SHALL CONSIST OF REBUILDING THE AREA WITH THE SAME MATERIALS AS THE SURROUNDING SURFACES AND SHALL INCLUDE CLOSING OF EXISTING HOLES, OPENINGS, ETC., CAUSED BY THE REMOVAL OR RELOCATION OF EXISTING PIPING, DUCTS, CONDUIT, OR EQUIPMENT.

CONTRACTOR BUILDING A SURFACE PATCHES FOR ALL TRADES PENETRATING THAT SURFACE.

CLEANING :

ALL ADJACENT PROPERTY AND AREAS SHALL BE PROTECTED AND IF DAMAGED SHALL BE RETURNED TO THEIR ORIGINAL CONDITION OR BETTER.

ALL CONTRACTORS SHALL DAILY CLEAN ALL DEBRIS AND LEAVE THE CONSTRUCTION AREA AND SURROUNDING AREA IN SUCH A CONDITION AS TO ELIMINATE INTERFERENCE AND HAZARD.

CLEAN ANY DRIPS, SPILLS, OR OVER SPRAY.

DEMOLITION :

INCLUDE THE DEMOLITION AND REMOVAL OF EXISTING STRUCTURES AS INDICATED ON THE DRAWINGS AND AS REQUIRED. PROMPTLY REPAIR ALL DAMAGES TO THE EXISTING UTILITIES CAUSED BY THE WORK OR AS DIRECTED BY THE ARCHITECT AND AT NO COST TO THE OWNER

ALL EQUIPMENT AND MATERIALS AND ALL DEBRIS RESULTING FROM THE DEMOLITION AND REMOVAL WORK SHALL BE COMPLETELY REMOVED FROM THE SITE. SUCH REMOVAL SHALL BE DONE FROM TIME TO TIME AS DEEMED NECESSARY OR AS DIRECTED TO KEEP THE PREMISES IN A NEAT, ORDERLY AND SAFE CONDITION SO AS NOT TO INTERFERE WITH THE PROGRESS OF THE WORK OR THE SAFETY OF WORKERS OR OTHERS.

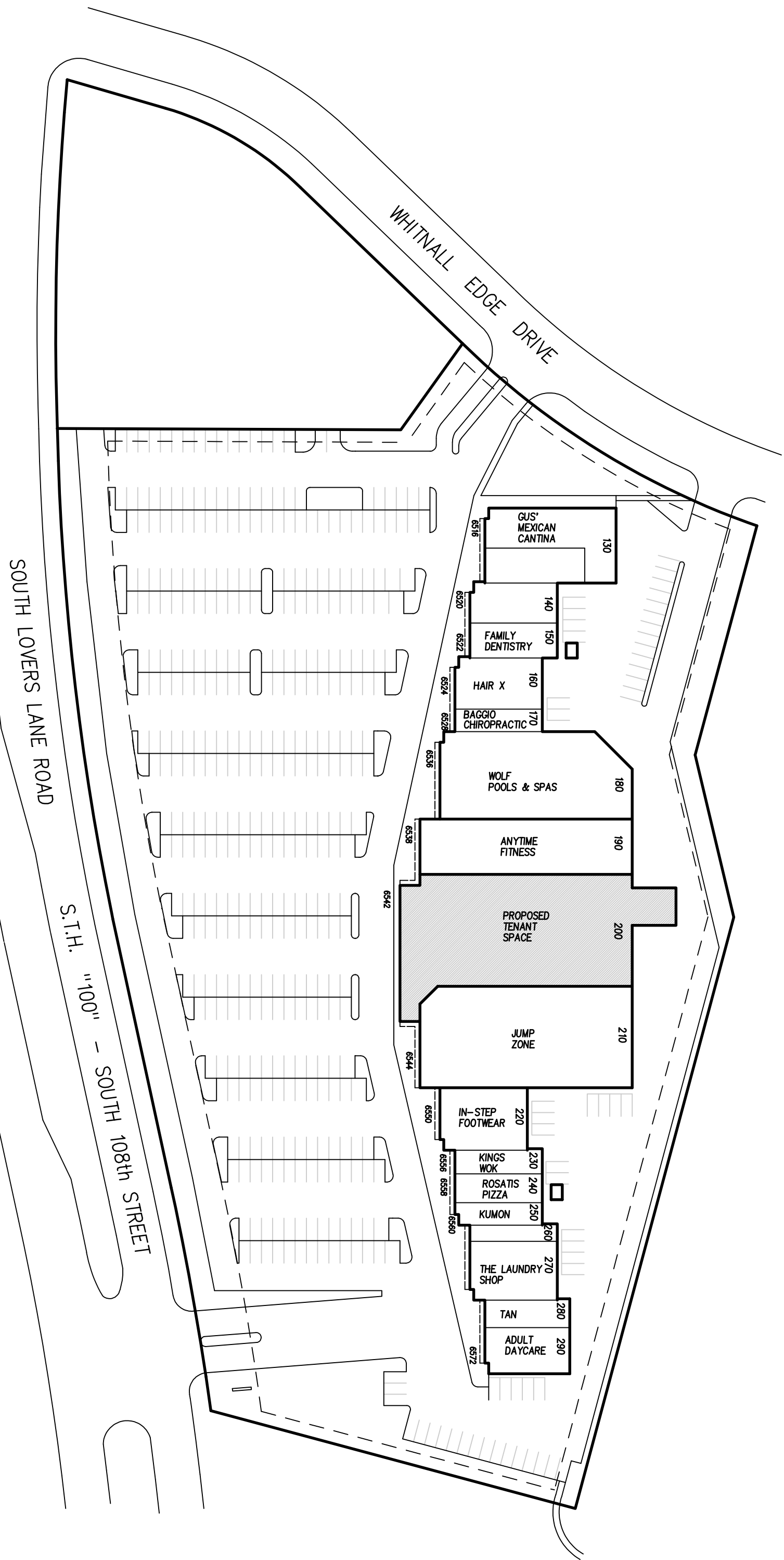
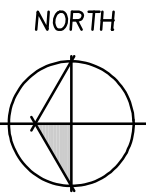
FINISHES :

ALL NEW OR DISTURBED SURFACES SHALL BE PAINTED.

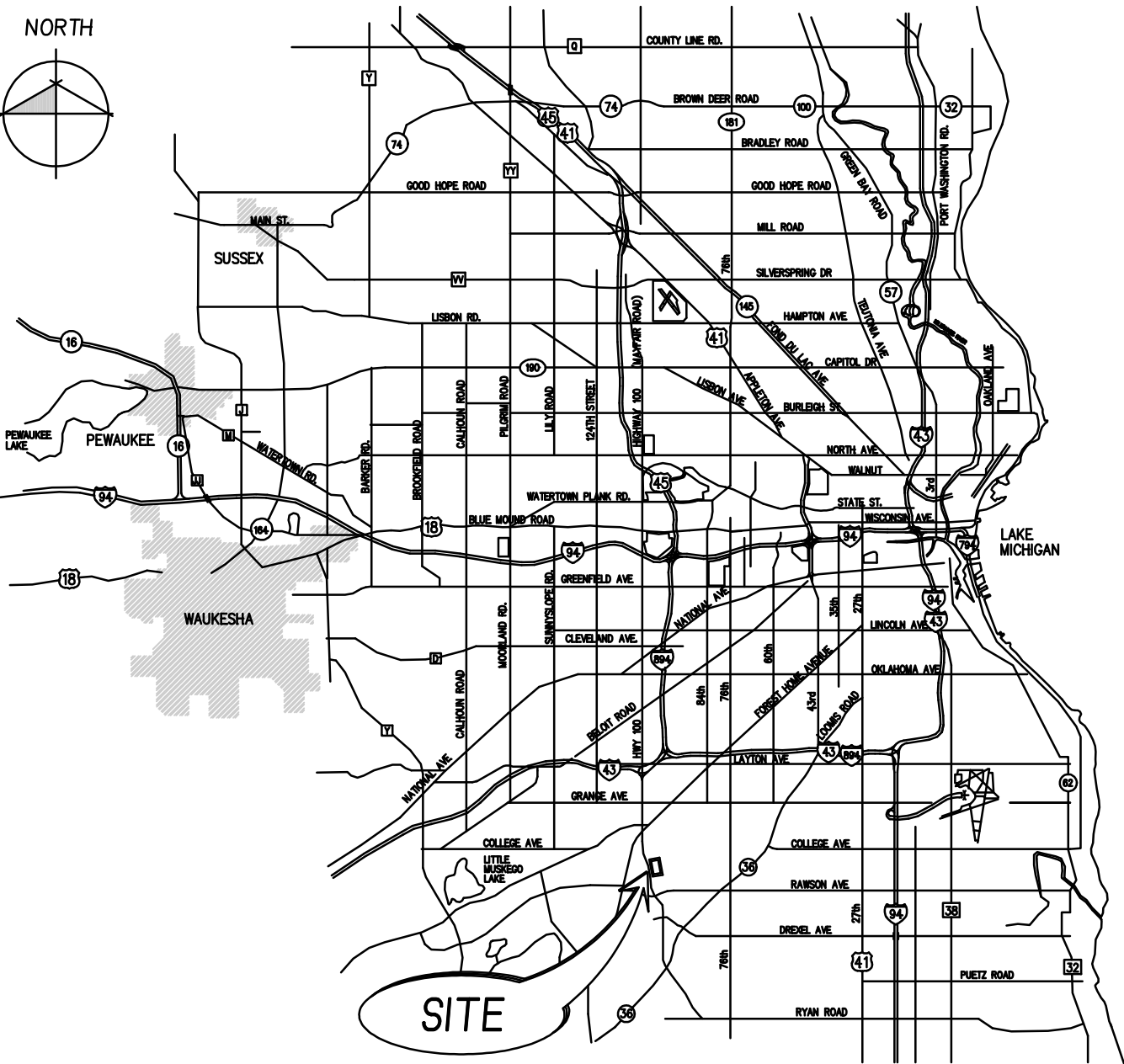
SPECIALTIES :

PROVIDE FIRE EXTINGUISHERS THROUGHOUT AS PER SECTION 906 OF THE INTERNATIONAL FIRE CODE.

SITE PLAN



VICINITY MAP - MILWAUKEE



SHEET INDEX :

- COVER SHEET, INDEX, SPECS, DATA, VICINITY MAP, SITE PLAN
- 1ST FLOOR PLAN, MEZZANINE PLAN

SITE & BUILDING DATA:

TOTAL SHOPPING CENTER AREA: 79,791 S.F.

TENANT SPACE: 19,603 S.F.

NFPA 13 SPRINKLER SYSTEM - YES

TYPE OF CONSTRUCTION- IIIB EXTERIOR WALLS - NONCOMBUSTIBLE

OCCUPANCY CLASSIFICATION: REVIEWED FOR ASSEMBLY GROUP A3
ALSO GOOD FOR BUSINESS GROUP B OR MERCANTILE GROUP M

OCCUPANT LOAD: POSTED LIMIT AS 450 PERSON MAX. (LIMITED BY TOILETS)

EGRESS WIDTH: 450 X .15 = 76.5 INCHES (ACTUAL = 240 INCHES)

EGRESS DISTANCE: (ASSEMBLY) 250'

MIXED OCCUPANCIES:

STRIP MALL - SEPARATED USES
INDIVIDUAL TENANT SPACES - NON-SEPARATED USES

TOILET REQUIREMENTS - BASED ON 450 PERSON MAX.

SERVICE SINK - PROVIDED
DRINKING WATER - EWC PROVIDED
MEN: 2 WC + 2 URINALS
WOMEN: 4 WC

FIRE EXTINGUISHERS - 75' MAX. DISTANCE
LOW HAZARD - (1) 2A PER 3000 S.F.

proposed tenant space for:

GARDEN PLAZA
6542 S. 108th STREET
FRANKLIN, WISCONSIN

DRAWN
JEH
DATE
10-1-13
JOB NO.
13043
SHEET

1

JANACEK INVESTMENT, INC.

TIMOTHY H. TIMMERMAN
1593 S. MOORLAND RD.
NEW BERLIN, WISCONSIN
262-821-5750

ARCHITECTS/PLANNERS, S.C.

1545 South 84th Street
West Allis, Wisconsin 53214
(414) 258-9995

