

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, MARCH 8, 2018, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of February 22, 2018.

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

1. **BRYAN O'BOYLE DETACHED ACCESSORY STRUCTURE CONSTRUCTION ON EXISTING SINGLE-FAMILY HOME PROPERTY [recommendation to Board of Zoning and Building Appeals].** Application by Bryan O'Boyle for an Area Exception from Table 15-3.0314 of the Unified Development Ordinance to allow for a 20 foot side yard setback (5 feet less than the A-1 Agricultural District minimum required side yard setback of 25 feet), for property located at 10199 West Oakwood Road, for construction of an approximately 276 square foot detached accessory structure on the west side of the existing single-family home [the proposed accessory structure would be setback 20 feet from the west property line], property zoned A-1 Agricultural District and C-1 Conservancy District; Tax Key No. 942-0003-000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
2. **COMPLIANCE WITH 2017 WISCONSIN ACT 67 UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT.** Unified Development Ordinance Text Amendment application by the City of Franklin to amend the Unified Development Ordinance text for compliance with 2017 Wisconsin Act 67, an act to amend in part §§ 62.23(7)(hb) (title), 62.23(7)(hb)1.a. and 62.23(7)(hb)2. and to create in part §§ 62.23(7)(de), 62.23(7)(e)7.a., 62.23(7)(e)7.d., 66.10015(1)(e), 66.10015(2)(e), 66.10015(4) of the Wisconsin Statutes, an act relating to: limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to repair, rebuilding, and maintenance of certain nonconforming structures; Unified Development Ordinance amendments including [as may be necessary for compliance and not limited for compliance to Division 15-3.0700 Special Use Standards and Regulations, §§15-3.0701 General Standards for Special Uses, 15-3.0702 Detailed Standards for Special Uses in Residential Districts, 15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts and 15-9.0103

Applications for Special Use Permit; §§15-9.0106 Applications for Zoning Variance, 15-9.0107 Applications for Minor Zoning Variance and 15-10.0206 Variances; and Division 15-3.1000 Nonconforming Buildings, Structures, and Uses, §§15-3.1002 Existing Nonconforming Structures, 15-3.1003 Existing Substandard Lots, 15-3.1004 Continuance of Use, 15-3.1006 Repairs and Alterations, and 15-11.0100 Definitions]. [SUBJECT MATTER CONTINUED FROM THE FEBRUARY 22, 2018 MEETING. **THIS PUBLIC HEARING WAS PREVIOUSLY NOTICED FOR, OPENED AND HELD AT THE PLAN COMMISSION MEETING ON FEBRUARY 22, 2018, AND THEN POSTPONED AND CONTINUED TO THE MARCH 8, 2018 PLAN COMMISSION MEETING TO ALLOW FOR FURTHER PUBLIC INPUT.**]

- D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)
1. **BALLPARK COMMONS/THE ROCK SPORTS COMPLEX.** Unified Development Ordinance §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Minor Amendment application by Michael E. Zimmerman, owner, The Rock Sports Complex, LLC, to revise the district as it pertains to certain site preparation work in the following manner: To clarify that only those land disturbance activities within the Milwaukee Metropolitan Sewerage District (MMSD) landfill gas pipeline easement require prior MMSD approval, pursuant to Condition Number 8 in Planned Development District NO. 37, Ordinance No. 2016-2212; to allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the landfill, pursuant to Condition Number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to allow general site clearing and grading to occur prior to approval of a comprehensive stormwater management plan which plan must be approved prior to issuance of any Building Permits, pursuant to Condition Number 25 in Planned Development District No. 37, Ordinance No. 2016-2212.
  2. **MOLLY MAID PROFESSIONAL HOME CLEANING SERVICE BUSINESS USE.** Special Use application by R & R Swan Investments, LLC d/b/a Molly Maid, to operate a maid service business with hours of operation from 7:00 a.m. to 5:00 p.m., Monday through Friday, which application also includes a property owner requested revised Site Plan approval for existing site improvements constructed without prior City approval, specifically, reconfiguration of the parking lot in the northwest corner of the property and addition of a new parking lot in the rear of the property, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 200; Tax Key No. 704-9978-002. [THE PUBLIC

HEARING WAS HELD AT THE PLAN COMMISSION MEETING ON DECEMBER 7, 2017. SUBJECT MATTER CONTINUED FROM THE JANUARY 4, 2018 MEETING.]

3. **FABU EYES EYELASH EXTENSION SERVICE BUSINESS USE.** Special Use application by Yulia Da Silva, owner, Fabu LLC, d/b/a Fabu Eyes, to operate an eyelash extension service business with hours of operation from 9:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m., Saturday and Sunday, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 240; Tax Key No. 704-9978-002. [THE PUBLIC HEARING WAS HELD AT THE PLAN COMMISSION MEETING ON DECEMBER 7, 2017. SUBJECT MATTER CONTINUED FROM THE JANUARY 4, 2018 MEETING.]

#### 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 22, 2018

**City of Franklin  
Plan Commission Meeting  
February 22, 2018  
Minutes**

Unapproved

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

Mayor Steve Olson called the February 22, 2018 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 Adam Burckhardt, Kevin Haley and Patricia Hogan, City Engineer Glen Morrow and Alderman Dandrea. Excused was Commissioner David Fowler. Also present was Assistant to the Mayor for Economic Development Nick Fuchs.

**B. Approval of Minutes**

- 1. Regular Meeting of February 8, 2018.

Commissioner Haley moved and Commissioner Hogan seconded approval of the February 8, 2018 minutes of the regular meeting of the Plan Commission as corrected. On voice vote, all voted 'aye'. Motion carried (5-0-1).

**C. Public Hearing Business Matters**

**1. COMPLIANCE WITH 2017 WISCONSIN ACT 67 UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT.** Unified Development Ordinance Text Amendment application by the City of Franklin to amend the Unified Development Ordinance text for compliance with 2017 Wisconsin Act 67, an act to amend in part §§ 62.23(7)(hb) (title), 62.23(7)(hb)1.a. and 62.23(7)(hb)2. and to create in part §§ 62.23(7)(de), 62.23(7)(e)7.a., 62.23(7)(e)7.d., 66.10015(1)(e), 66.10015(2)(e), 66.10015(4) of the Wisconsin Statutes, an act relating to: limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to

Assistant to the Mayor for Economic Development Nick Fuchs presented the request by the City of Franklin to amend the Unified Development Ordinance text for compliance with 2017 Wisconsin Act 67, an act to amend in part §§ 62.23(7)(hb) (title), 62.23(7)(hb)1.a. and 62.23(7)(hb)2. and to create in part §§ 62.23(7)(de), 62.23(7)(e)7.a., 62.23(7)(e)7.d., 66.10015(1)(e), 66.10015(2)(e), 66.10015(4) of the Wisconsin Statutes, an act relating to: limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to repair, rebuilding, and maintenance of certain nonconforming structures; Unified Development Ordinance amendments including [as may be necessary for compliance and not limited for compliance to Division 15-3.0700 Special Use Standards and Regulations, §§15-3.0701 General Standards for Special Uses, 15-3.0702 Detailed Standards for Special Uses in Residential Districts, 15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts and 15-9.0103 Applications for Special Use Permit; §§15-9.0106 Applications for Zoning Variance, 15-9.0107 Applications for Minor Zoning Variance and 15-10.0206

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Variances; and Division 15-3.1000 Nonconforming Buildings, Structures, and Uses, §§15-3.1002 Existing Nonconforming Structures, 15-3.1003 Existing Substandard Lots, 15-3.1004 Continuance of Use, 15-3.1006 Repairs and Alterations, and 15-11.0100 Definitions].

The Official Notice of Public Hearing was read in to the record by Assistant to the Mayor for Economic Development Nick Fuchs and the Public Hearing was opened at 7:03 and closed at 7:03.

Commissioner Haley moved and Commissioner Hogan seconded a motion to postpone and continue the subject matter and public hearing to the March 8, 2018 Plan commission meeting. On voice vote, all voted 'aye'. Motion carried (5-0-1).

#### **D. Business Matters**

**1. KRONES, INC. PRODUCT DEMONSTRATION AND TRAINING FACILITY BUILDING RELOCATION AND ASSOCIATED GRADING CHANGES.** Site Plan Amendment application by Krones, Inc., to move the recently approved but not yet constructed Krones, Inc. product demonstration and training facility building approximately 11 feet closer to South 58th Street in order to provide more space between the west side of the proposed building and an existing drainage swale located along the west property boundary, and associated grading changes, property located at 9611 South 58th Street, zoned M-1 Limited Industrial District; Tax Key No. 899-9990-062.

Assistant to the Mayor for Economic Development Nick Fuchs presented the request by Krones, Inc., to move the recently approved but not yet constructed Krones, Inc. product demonstration and training facility building approximately 11 feet closer to South 58th Street in order to provide more space between the west side of the proposed building and an existing drainage swale located along the west property boundary, and associated grading changes, property located at 9611 South 58th Street, zoned M-1 Limited Industrial District.

Commissioner Burckhardt moved and Alderman Dandrea seconded a motion to approve a Resolution amending the Site Plan for the property located at 9611 South 58<sup>th</sup> Street (Krones, Inc.) to allow for relocation of the product demonstration and training facility building and associated grading changes, on the existing property. On voice vote, all voted 'aye'. Motion carried (5-0-1).

**E. Adjournment**

Commissioner Hogan moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of February 22, 2018 at 7:09 p.m. All voted 'aye'; motion carried. (5-0-1).

DRAFT



## REPORT TO THE PLAN COMMISSION

Meeting of March 8, 2018

### Area Exception

**RECOMMENDATION:** City Development Staff recommends review of the Findings and Factors and Standards and a decision be made based upon the applicant's recommended findings and consideration of any comments provided at the public hearing.

<b>Project Name:</b>	O'Boyle Area Exception Request
<b>Project Address:</b>	10199 West Oakwood Road
<b>Applicant:</b>	Brian J. O'Boyle
<b>Property Owner:</b>	Brian J. O'Boyle
<b>Zoning:</b>	A-1 Agricultural District and C-1 Conservancy District
<b>Use of Surrounding Properties:</b>	Recreational to the north, single-family residential to the east and west and vacant land zoned A-1 to the south.
<b>Applicant's Action Requested:</b>	Approval of the proposed Area Exception

### INTRODUCTION AND ANALYSIS:

On February 5, 2018, the applicant submitted an application for an Area Exception from Table 15-3.0314 of the Unified Development Ordinance to allow for a side yard setback of twenty (20) feet, which is five (5) feet less than the A-1 Agricultural District minimum required side yard setback of twenty-five (25) feet for property located at 10199 W. Oakwood Road.

The applicant is proposing to construct an approximately 276 square foot (12' x 23') detached accessory structure on the west side of the existing single-family home at 10199 W. Oakwood Road. The subject property is approximately 209,096 square feet or 4.8 acres. One-family detached dwellings and accessory uses are permitted in the A-1 District per Table 15-3.0602 of the City of Franklin Unified Development Ordinance.

Per Section 15-10.0209, Area Exceptions may be granted to reduce setbacks, but in no event shall building bulk requirements be decreased by more than twenty (20) percent and in no event shall setbacks be reduced to less than three (3) feet. The proposed reduction of the side yard setback from twenty-five (25) feet to twenty (20) feet represents a twenty (20) percent reduction. Furthermore, the resulting twenty (20) foot side yard setback is greater than three (3) feet. Therefore, both of the above requirements would be met if the requested Area Exception were granted.

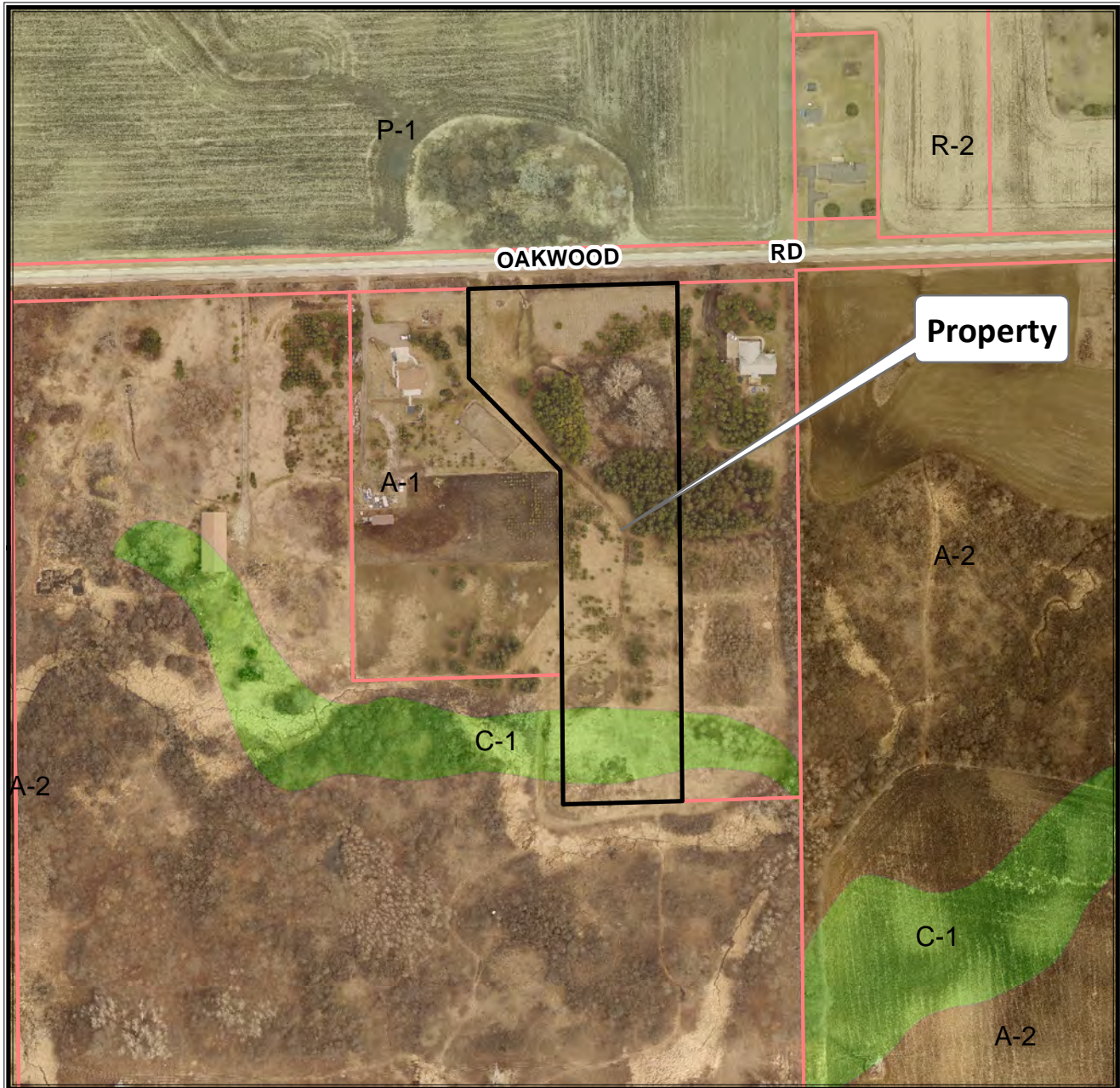
Area Exceptions require approval by the Board of Zoning and Building Appeals, upon review and recommendation of the Plan Commission. Section 15-10.0209.G. of the UDO specifically lists Standards to be reviewed to grant or deny an Area Exception. The standards are attached as completed by the applicant.

**STAFF RECOMMENDATION**

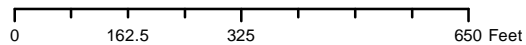
City Development Staff recommends review of the Findings and Factors and Standards and a decision be made based upon the applicant's recommended findings and consideration of any comments provided at the public hearing.



10199 W. Oakwood Road  
TKN: 942 0003 000



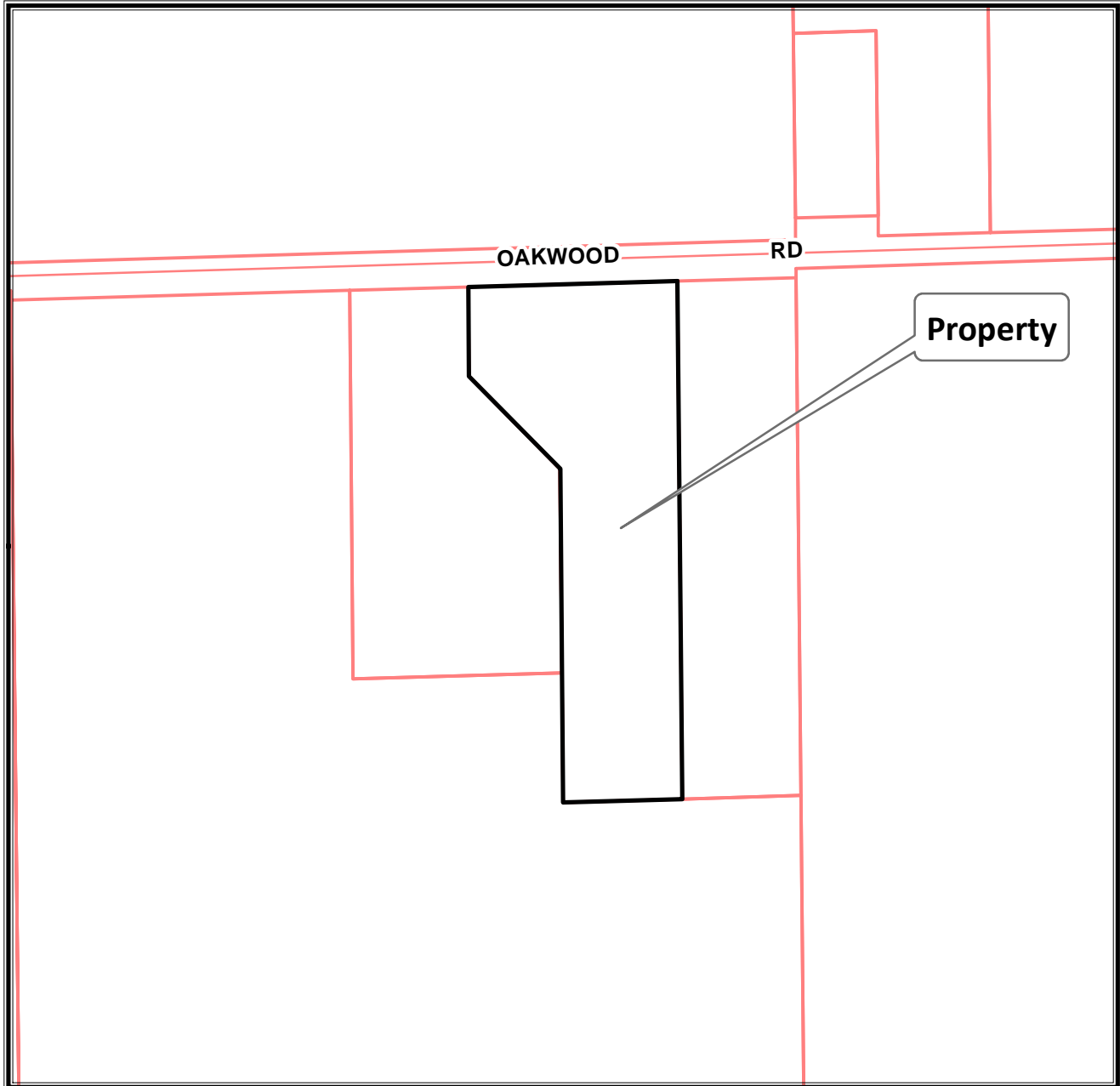
**Planning Department**  
**(414) 425-4024**



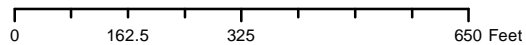
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



10199 W. Oakwood Road  
TKN: 942 0003 000

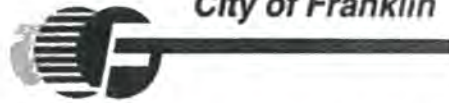


**Planning Department**  
**(414) 425-4024**



*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.*





Date of Application: 2-2-18

**AREA EXCEPTION APPLICATION**

Complete, accurate and specific information must be entered. Please Print.

<b>Applicant (Full Legal Name[s]):</b> Name: <u>BRYAN O'BOYLE</u> Company: _____ Mailing Address: <u>1626 N PROSPECT AVE #230</u> City/State: <u>MILWAUKEE, WI</u> Zip: <u>53202</u> Phone: <u>(414) 248-3601</u> Email Address: <u>BRYANOBOYLE@YAHOO.COM</u>	<b>Applicant is Represented by (contact person) (Full Legal Name[s]):</b> Name: _____ Company: _____ Mailing Address: _____ City/State: _____ Zip: _____ Phone: _____ Email Address: _____
<b>Project Property Information:</b> Property Address: <u>10199 W OAKWOOD RD.</u> Property Owner(s): <u>BRYAN O'BOYLE</u>  Mailing Address: <u>1626 N PROSPECT AVE #2310</u> City/State: <u>MILWAUKEE, WI</u> Zip: <u>53202</u> Email Address: <u>BRYANOBOYLE@YAHOO.COM</u>	Tax Key Nos: <u>942-0003-00</u>  Existing Zoning: <u>A-1</u> Existing Use: <u>Residential</u> Proposed Use: <u>Residential</u> Future Land Use Identification: _____

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

**Area Exception Application submittals for review must include and be accompanied by the following:**

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$300
- Legal Description for the subject property (WORD.doc or compatible electronic format).
- Seven (7) complete **collated** sets of Application materials to include:
  - One (1) original and six (6) copies of a written Project Narrative, including 1) Current use and improvements on the property; 2) Ordinance standard from which Area Exception is being sought (section number and text); 3) Description of the Area Exception, giving distances and dimensions where appropriate; 4) Statement of reason(s) for the request; and 5) Description and date of any prior petition for an Area Exception.
  - Seven (7) copies of the Plat of Survey, Site Plan, Building Elevations, and Outdoor Lighting Plans, as appropriate, and any other supporting documents, which illustrate the Area Exception request. ALL plans must be collated and folded into 9x12-inch sets.
- Two photographs of the subject structure from different views (when applicable).
- Completed 'Standards in the Review of Area Exceptions' form (from Section 15-10.0209G of the UDO).
- Three (3) Affidavit forms with original and notarized signatures (facsimiles and copies will not be accepted).
- Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF or compatible format (where applicable).

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- All Area Exceptions require a public hearing at Plan Commission, Plan Commission recommendation to BZBA, and BZBA review and approval.
- If a building permit is not issued within twelve (12) months of approval, the Area Exception will be null and void.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).*

*Bryan Boyle*  
 Signature - Property Owner  
MR. BRYAN OBOYLE  
 Name & Title (PRINT)  
 Date: 2-2-18

*Bryan Boyle*  
 Signature - Applicant  
MR. BRYAN OBOYLE  
 Name & Title (PRINT)  
 Date: 2-2-18

Signature - Property Owner  
 Name & Title (PRINT)  
 Date: \_\_\_\_\_

Signature - Applicant's Representative  
 Name & Title (PRINT)  
 Date: \_\_\_\_\_



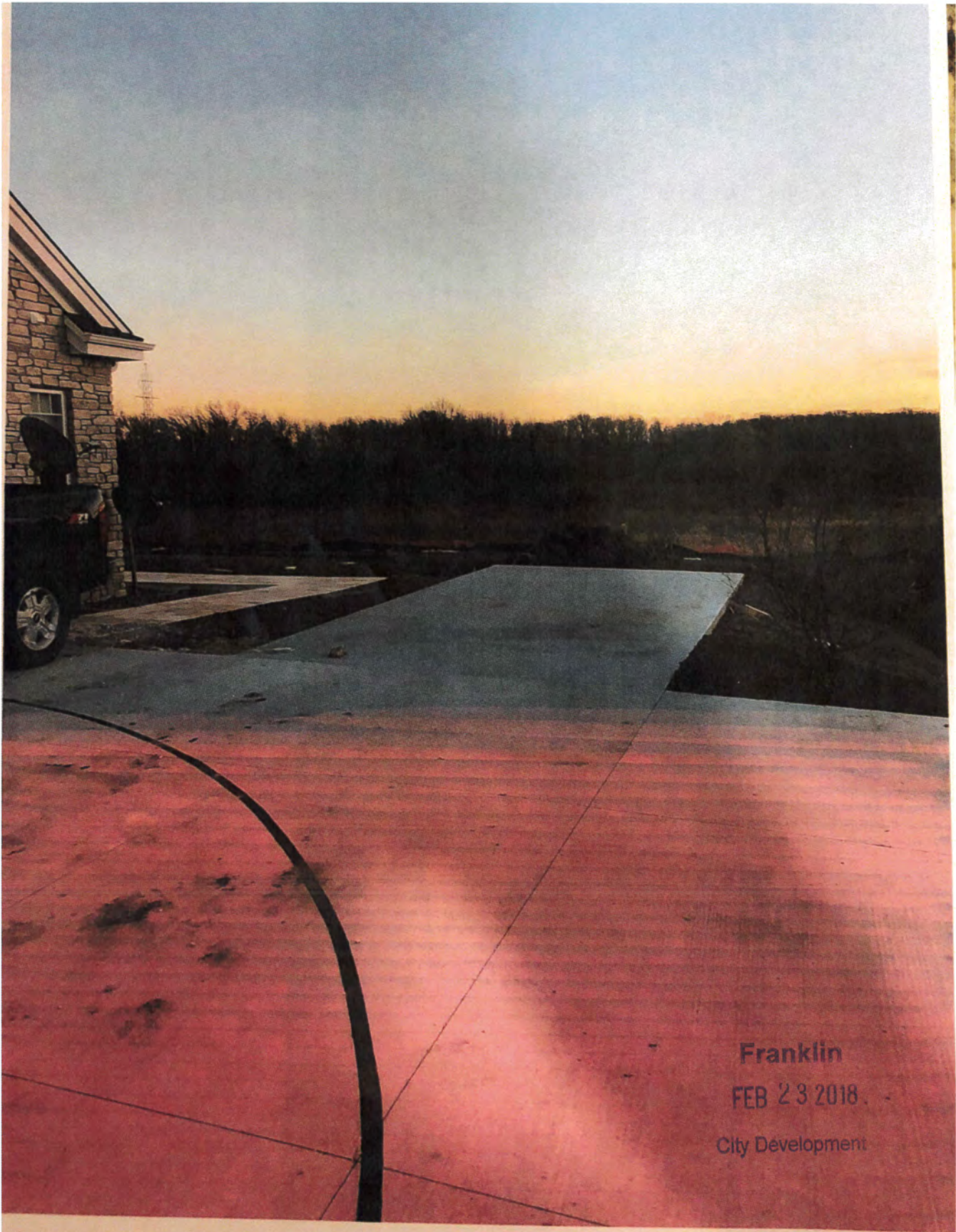
**Location:** 10199 W OAKWOOD ROAD, CITY OF FRANKLIN

**Legal Description:** LOT 1, CERTIFIED SURVEY MAP NO. 7512, BEING A REDIVISION OF LOT 1 OF C.S.M. NO. 7445, BEING A PART OF THE NE  $\frac{1}{4}$  AND SE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF SECTION 32, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

**Franklin**

**FEB 23 2018**

City Development

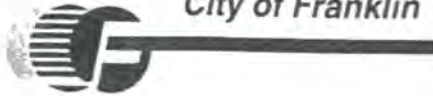


Franklin

FEB 23 2018

City Development





### Standards in the Review of Area Exceptions

Date: 2-2-18 Case No. \_\_\_\_\_

Property Owner: BRYAN O'BOYLE

Property Address: 10199 W OAKWOOD RD

Section 15-10.0209G of the City of Franklin Unified Development Ordinance specifically lists Standards to be reviewed by the Board of Zoning and Building Appeals to grant or deny an Area Exception. The Standards are:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.  
AGREED

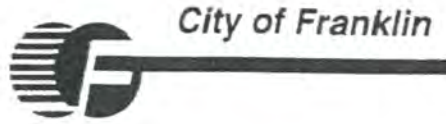
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.  
AGREED

3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.  
AGREED

4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.  
AGREED

5. That the area exception shall be in harmony with the general purpose and intent of this Unified Development Ordinance.  
AGREED

Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132  
Email: generalplanning@franklinwi.gov



Phone: (414) 425-4024  
Fax: (414) 427-7691  
Web Site: www.franklinwi.gov

**Affidavit**

I hereby depose and say that all the statements contained in any and all papers submitted herewith this Application are true.

Signature of Property Owner 1: *Bryan Boyle* Signature of Property Owner 2: \_\_\_\_\_  
Name and Title: Bryan Boyle Name and Title: \_\_\_\_\_

STATE OF WISCONSIN )  
 ) SS  
MILWAUKEE COUNTY )

**Franklin**  
**FEB 23 2018**  
City Development

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2 DAY OF February, 2018.



*Denise M Townsend*  
NOTARY PUBLIC  
MILWAUKEE COUNTY, WISCONSIN  
My Commission Expires: \_\_\_\_\_ **February 10, 2018**

**STAFF USE ONLY: DISPOSITION BY BOARD OF ZONING AND BUILDING APPEALS**

Application Received (Date): \_\_\_\_\_ Case No. \_\_\_\_\_

Property Owner(s) Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

BZBA Meeting Date: \_\_\_\_\_  Approved  Denied

**Signature of Board Members**

_____	_____ Yes	_____ No	_____ Abstain	_____ Recues
Print Name				
_____	_____ Yes	_____ No	_____ Abstain	_____ Recues
Print Name				
_____	_____ Yes	_____ No	_____ Abstain	_____ Recues
Print Name				
_____	_____ Yes	_____ No	_____ Abstain	_____ Recues
Print Name				
_____	_____ Yes	_____ No	_____ Abstain	_____ Recues
Print Name				

## PROJECT NARRATIVE

1) Current use and improvements on the property:

It is being used as Residential. I completed building a home last year.

2) Ordinance standard from which area exception is being sought:

Section 15-3.0314 A-1 Agricultural District  
B. District Standards Table  
Lot Dimensional Requirements Minimum Side Yard 25 ft

3) Description of the area exception:

I am requesting an exception to build a garage 20 ft from the side yard.

4) Statement of reason for the request:

The plan review has been denied due to it being too close to the side lot.

The house is 47.5 ft from the side lot and the only location the garage can be placed is perpendicular to the attached garage on the house.

The closest the garage can be is 10ft to the house but due to the walkway from the side door to the rear of the house I need the garage to be 15ft from the house. This leaves 20ft to the side yard.

I understand this land is zoned Agricultural, but I am using it for residential purposes and standards for residential zoning allows for the minimum side yard to be much smaller.



# CITY OF FRANKLIN

## PLAN REVIEW NOTICE

9229 W Loomis Road, Franklin, Wisconsin 53132

Phone: (414) 425-0084

Fax: (414) 425-7513

Email: [generalinspection@franklinwi.gov](mailto:generalinspection@franklinwi.gov)

Website: [www.franklinwi.gov](http://www.franklinwi.gov)

**REPORT DATE:**

1/30/18

**APPLICATION NO.:**

A20180215

**INSPECTION DATE:**

1/30/18

**Owner:**

O'Boyle, Bryan J  
10199 W. Oakwood Road  
Franklin, WI 53132  
[bryanoboye@yahoo.com](mailto:bryanoboye@yahoo.com)

**Contractor:**

FAX #:

**PARCEL NO.:** 942-0003-000

**ADDRESS :** 10199 W Oakwood Rd

**REVIEW TYPE:** A - Plan Review

**PLAN REVIEW RESULT:** Failed

**PLAN REVIEW RESULT OR DESCRIPTION OF CORRECTION REQUIRED:**

-Per the city of Franklin zoning ordinances for this property and this size accessory structure, the accessory building must be 25 ft. from the side yard property line. ( Discuss further details & conditions with Planning 414-425-4024 ).

-The accessory structure must be a minimum of 10 ft. from the dwelling. See UDC SPS 321.08 Fire Separation & Dwelling Unit Separation.

**INSPECTOR:** Ted Juerisson

**CORRECTIONS  
EXPLAINED TO:**

**CORRECTION DATE:**

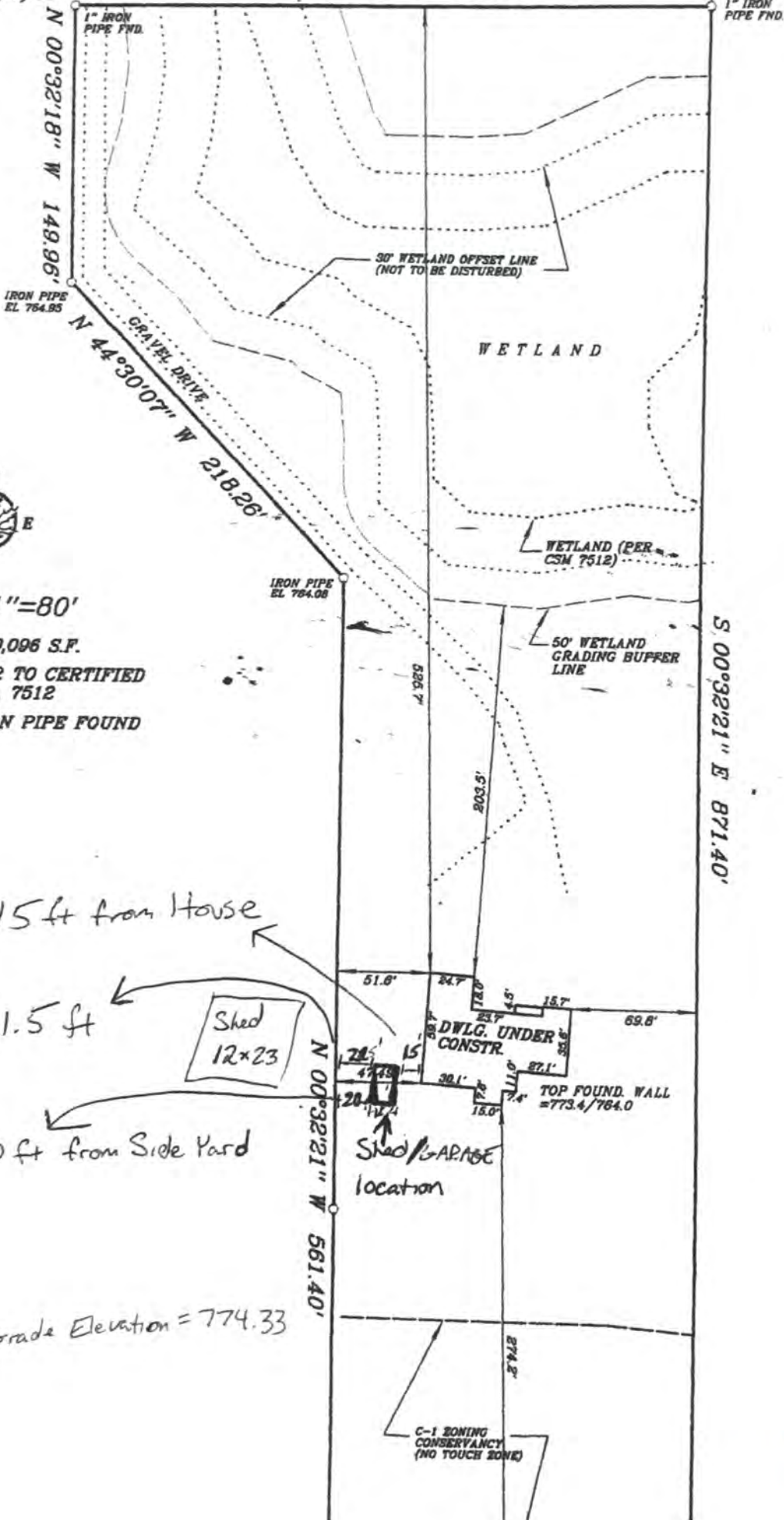
Franklin

FEB 23 2018

City Development

REVISED 10/16/15  
REVISED 10/21/15  
D. AS-BUILT 12/9/15

N 88°21'32" E 351.54'



SCALE: 1"=80'

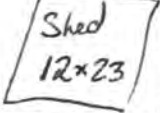
LOT SIZE=209,096 S.F.

BEARINGS REFER TO CERTIFIED SURVEY MAP NO. 7512

○ DENOTES 1" IRON PIPE FOUND

15 ft from House

21.5 ft



20 ft from Side Yard

Finished Grade Elevation = 774.33

Franklin

FEB 23 2018

City Development

Boyle Sub

12' Ridge Vent Installed

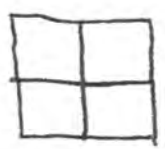
8/12" Roof Pitch

Decor Shingles

SmartSide Siding

8' x 7' Overhead Door

24" x 27" Window Casement

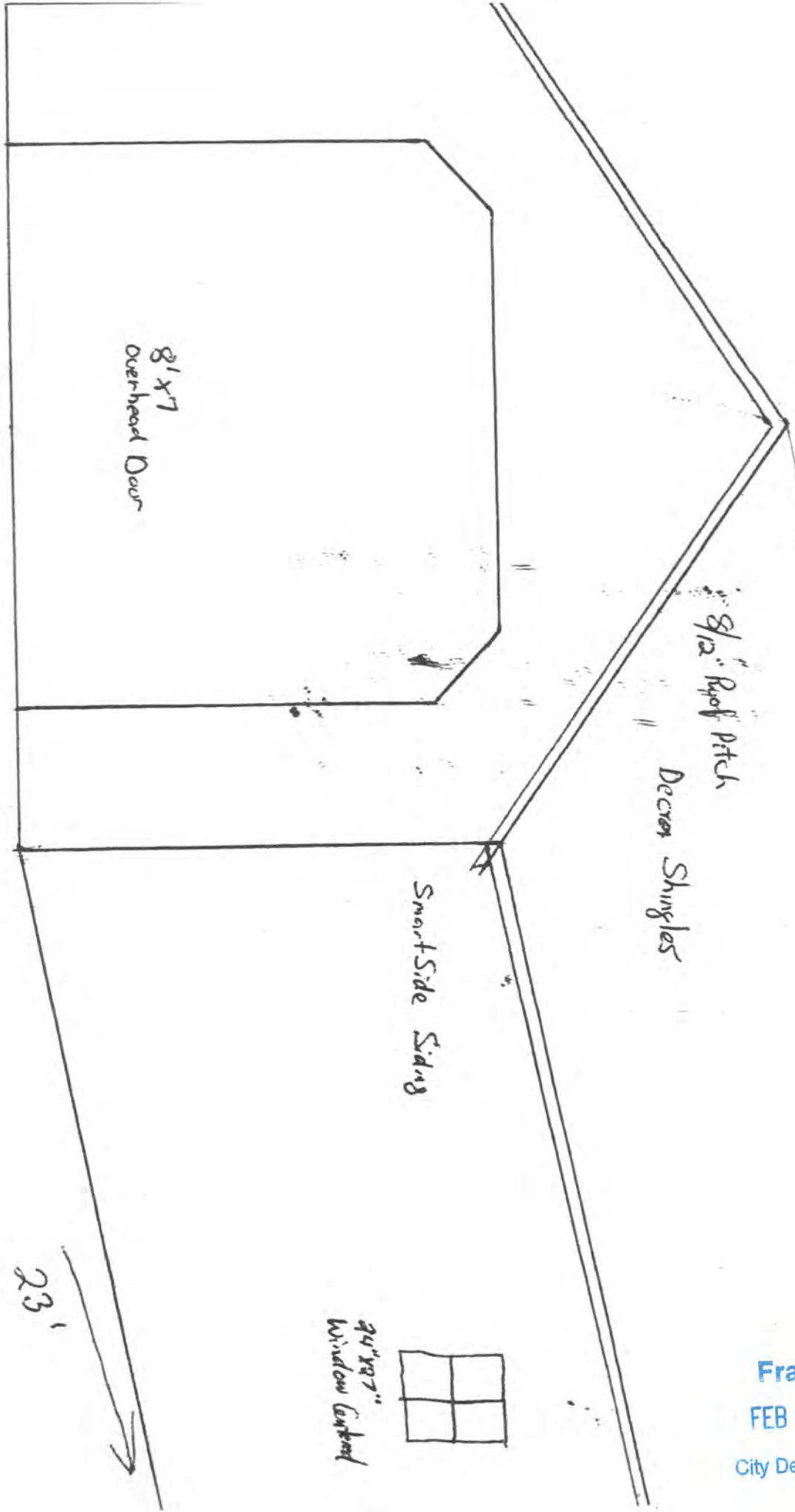


Franklin  
FEB 23 2018

City Development

12'

23'



# EDGEWOOD SURVEYING

## PLAT OF SURVEY

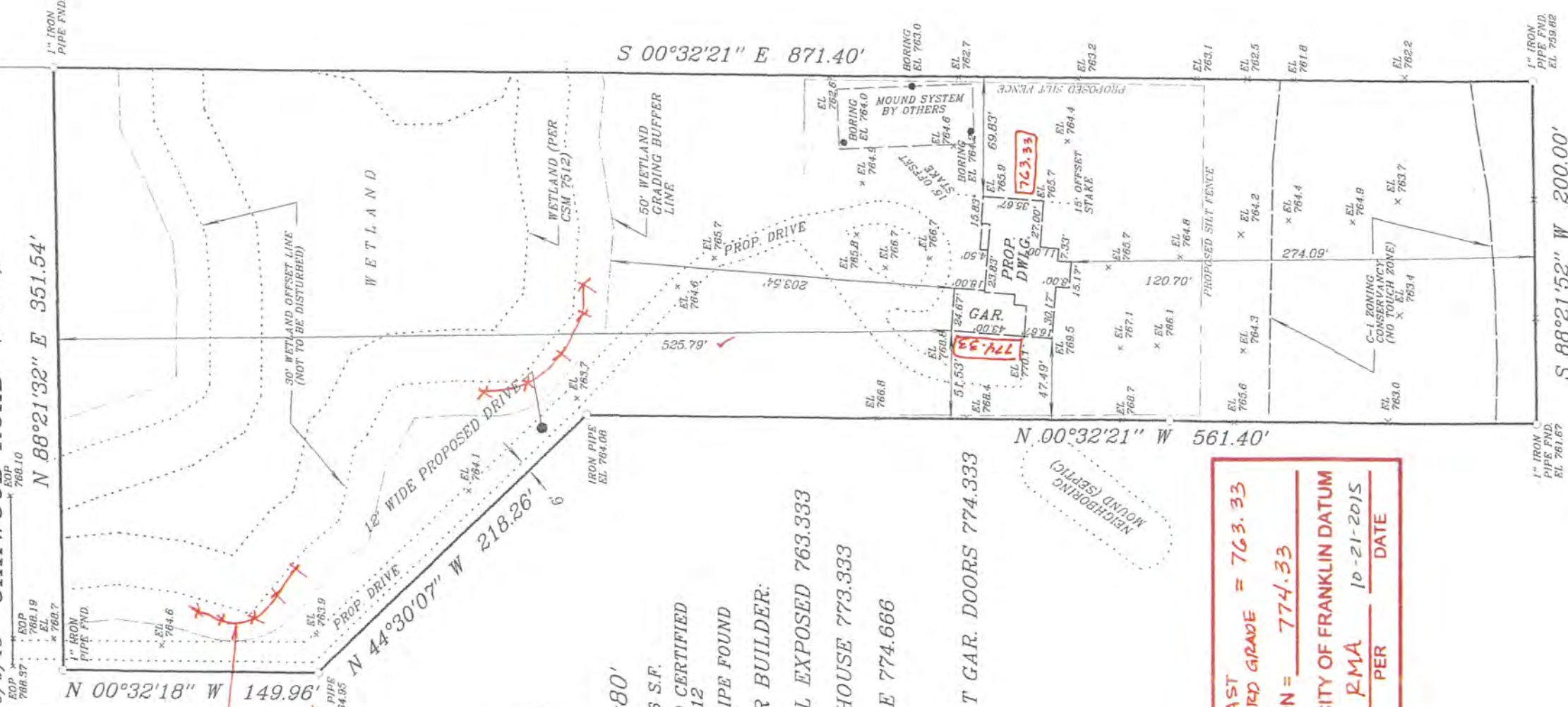
14195 BEECHWOOD TRAIL • NEW BERLIN • WISCONSIN 53151  
 (262)366-5749 • fax (262)797-6329

PREPARED FOR: LEVEL HOMES/O'BOYLE  
 LOCATION: 10199 W. OAKWOOD ROAD, CITY OF FRANKLIN  
 LEGAL DESCRIPTION: LOT 1, CERTIFIED SURVEY MAP NO. 7512, BEING A REDIVISION OF LOT 1 OF C.S.M. NO. 7445, BEING A PART OF THE NE 1/4 AND SE 1/4 OF THE NW 1/4 OF SECTION 32, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.  
 AUGUST 3, 2015

REVISED 10/2/15  
 REVISED 10/9/15  
 REVISED 10/16/15  
 REVISED 10/21/15

MLW-1133

OAKWOOD ROAD - (64.75')



**PROPOSED CONSTRUCTION FENCE, 1-FT FROM THE WETLAND OFFSET. TO AVOID ENCROACHMENT TO THE WETLAND (TYP.)**



SCALE: 1"=80'

LOT SIZE=209,096 S.F.

BEARINGS REFER TO CERTIFIED SURVEY MAP NO. 7512

○ -DENOTES 1" IRON PIPE FOUND

PROPOSED GRADES PER BUILDER.

ROUGH GRADE AT FULL EXPOSED 763.333

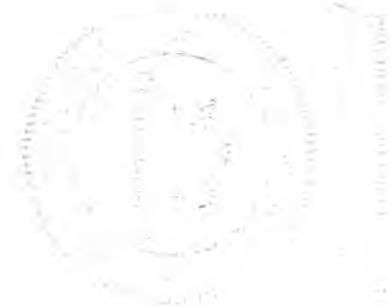
TOP FOUND. WALL AT HOUSE 773.333

TOP FOUND. AT GARAGE 774.666

TOP FOOTING 764.0

TOP FINISHED DRIVE AT GAR. DOORS 774.333

<b>APPROVED</b>	EAST YARD GRADE =	763.33
	FINISHED GRADE ELEVATION =	774.33
	AT GARAGE FLOOR	CITY OF FRANKLIN DATUM
<i>Christopher J. Kunkel</i>	RMA	10-21-2015
CITY ENGINEER	PER	DATE



Signed

*Christopher J. Kunkel*  
 CHRISTOPHER J. KUNKEL REGISTERED LAND SURVEYOR S-1755

Franklin  
 FEB 23 2018  
 City Development

I hereby certify that I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadway and visible encroachments, if any. This survey is made for the present owners of the property, and also those who purchase, mortgage, or guarantee, the title thereto within one (1) year from date hereof.

# Item C.2.

City Development Staff recommends that the proposed Unified Development Ordinance Text Amendment to address compliance with Act 67 state mandated changes to Special Uses, Variances, Nonconforming Structures, and Substandard lots be tabled to the March 22, 2018 Plan Commission meeting to allow staff more time to identify all necessary changes.



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of March 8, 2018

## Planned Development District No. 37 Minor Amendment

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**RECOMMENDATION:** Department of City Development staff recommends approval of the Minor Amendment of Planned Development District No. 37 to Conditions Nos. 8, 13 and 25.

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<b>Project Name:</b>	Ballpark Commons/The Rock Sports Complex, Minor PDD Amendment
<b>Project Address:</b>	7900 West Crystal Ridge Drive
<b>Applicant:</b>	Justin Johnson, JSD
<b>Current Zoning:</b>	Planned Development District No. 37, FW Floodway District
<b>2025 Comprehensive Plan:</b>	Mixed Use and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Root River Parkway (Village of Greendale) to the north, single-family residential and vacant land zoned commercial to the east, Loomis Road (State Highway 36) to the south, and single-family residential to the west
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the proposed Planned Development District Minor Amendment

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**Introduction and Analysis:**

On May 2, 2018, the applicant submitted a Planned Development District (PDD) Amendment application to amend Condition Nos. 8, 13 and 25 of Ordinance No. 2016-2212. The proposed amendments would allow limited site work and land disturbing activities in certain areas of the site prior to final storm water approval, MMSD approval and submittal of a 20-year bond for repair and reconstruction of the future road.

The site work primarily consists of tree removal and grubbing activities, limited grading and bringing fill to the site. All site work proposed is still subject to WDNR approvals, MMSD stormwater approvals and approval of Fills/Soils Disturbing Permits by the Engineering Department. The revised conditions allow this infrastructure and site work to be potentially phased and completed in smaller pieces at staff level.

The applicant's project narrative states the existing condition and their proposed revisions in red. Attached is Exhibit A, which shows staff recommended changes in blue. The staff recommended conditions are the conditions outlined in the attached draft ordinance.

The applicant is recommending that the Plan Commission classify the proposed amendment as a Minor PDD Amendment. Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to use, and changes to street layouts.

**Staff Recommendation:**

Department of City Development staff recommends approval of the Minor Amendment of Planned Development District No. 37 to Conditions Nos. 8, 13 and 25.

March 2, 2018

Mayor Steve Olson  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Subject: Ballpark Commons  
Franklin, WI

Dear Mayor Olson,

We are excited about the recent public announcements related to the Ballpark Commons development, and are grateful to have you and your staff as a strong partner with our development team. We look forward to seeing the project begin to take shape. To that end, we respectfully request consideration of three minor revisions to the approved PDD text so that we can begin some of the site preparation work. This will allow us to hit the ground running on major sitework and building construction when the weather warms, and will keep us on course for on-time turnover of space to our committed tenants and a Spring 2019 first pitch at the stadium.

Our three requested text amendments are as follows. Original approved text is indicated in italics, with modifications shown in red:

- (8) *The applicants shall obtain all required approvals and permits from the Milwaukee Metropolitan Sewerage District prior to any disturbance or development of within the MMSD landfill gas pipeline area easement limits. The applicants shall ensure that the City is an active participant in, and that City staff is invited to, all discussions with the Milwaukee Metropolitan Sewerage District regarding development of, and permits and approvals for, disturbance of the lands adjacent to the gas pipeline. The applicants shall also submit a detailed map of the location of the gas pipeline and associated easement, to City staff, prior to the submittal final City approval submittal of any detailed site development plans for the landfill area for areas encroaching into the MMSD landfill gas pipeline easement for the landfill area.*
- PURPOSE OF TEXT CHANGE: Modification of this item will allow grading operations to begin immediately upon receipt of a City of Franklin Land Disturbance Permit and Wisconsin DNR Notice of Intent (erosion control)

## City Staff Track Changes Revisions 3-2-18

- permit. Only work within the landfill gas pipeline easement would be subject to the MMSD permit/approval requirement.
  - The proposed revisions in the third sentence are unnecessary, as this part of the condition pertains to a map of the existing easement, which has already been provided.
- (13) *Any portion of a public road ~~to be owned by the City of Franklin~~ that is located on any portion of the historic landfill shall be the subject of a 20-year bond by the applicants in an amount and terms to be approved by the City to insure adequate funds for any repair and reconstruction of such roads due to landfill conditions, for Engineering Department staff review, prior to ~~any development within such applicable portion(s) of PDD No. 37~~ acceptance of new roadway subgrade in segments traversing areas of subsurface waste material. ~~This condition shall be considered complete if waived by the City Engineer.~~ In the event the Developer fails to complete the proposed roadway improvements in a timely manner, the City also maintains the right to utilize TIF funds special assess to ensure completion of the work.*
- PURPOSE OF TEXT CHANGE: Modification of this item will allow tree clearing to begin immediately in accordance with the approved NRPP/NRSE, and will allow grading operations to begin upon receipt of a City of Franklin Land Disturbance Permit and Wisconsin DNR Notice of Intent (erosion control) permit.
  - City Attorney has noted the City will not actually own the road on the landfill, therefore the first sentence has been revised. The City Engineer is not comfortable with the second sentence and requests it be removed. The City Engineer has no objection to indicating that the City's ability to special assess for future road repair is a viable option, in addition to a bond.
- (25) *The applicants shall submit a Comprehensive Stormwater Management Plan for PDD No. 37, for Engineering Department staff review and approval, prior to ~~any development within PDD No. 37~~ issuance of any Building Permit within the portion of the development contributory to the subject stormwater pond, subject to receipt of all necessary Wisconsin Department of Natural Resource and Milwaukee Metropolitan Sewerage District permits and approvals, receipt of a City of Franklin Fill/Soils Disturbing Permit, and Engineering Department review and approval of all pertinent grading, erosion control, restoration, etc. plans.*
- PURPOSE OF TEXT CHANGE: Modification of this item will allow tree clearing to begin immediately in accordance with the approved NRPP/NRSE, and will allow grading operations to begin upon receipt of a City of Franklin Land Disturbance Permit and Wisconsin DNR Notice of



Intent (erosion control) permit. The applicant understands that any grading work performed prior to final Stormwater Management Plan approval is at his own risk, as revisions to stormwater design calculations could impact final grading design. The proposed verbiage is stated so as to allow building permits to be issued on the south side of Rawson Avenue if the south pond is approved first, or likewise on the north side of Rawson Avenue if the north pond is approved first.

- [The Engineering Department has no objection to phasing of the development or its land disturbing activities, as long as each phase is clearly identified, has obtained all necessary permits and approvals, and that the plans for each phase are correct and complete.](#)

Please feel free to give us a call with any questions.

Thank you,

**Justin Johnson, P.E.**

Associate

JSD Professional Services, Inc.

## ORDINANCE NO. 2018-\_\_\_\_

AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE THE DISTRICT AS IT PERTAINS TO CERTAIN SITE PREPARATION WORK IN THE FOLLOWING MANNER: TO CLARIFY THAT ONLY THOSE LAND DISTURBANCE ACTIVITIES WITHIN THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD) LANDFILL GAS PIPELINE EASEMENT REQUIRE PRIOR MMSD APPROVAL, PURSUANT TO CONDITION NUMBER 8 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212; TO ALLOW GENERAL SITE CLEARING AND GRADING TO OCCUR PRIOR TO ESTABLISHMENT OF ANY NEW ROADWAY BOND FOR THE PORTION OF ANY ROADWAY LOCATED ON THE LANDFILL, PURSUANT TO CONDITION NUMBER 13 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212; AND TO ALLOW GENERAL SITE CLEARING AND GRADING TO OCCUR PRIOR TO APPROVAL OF A COMPREHENSIVE STORMWATER MANAGEMENT PLAN WHICH PLAN MUST BE APPROVED PRIOR TO ISSUANCE OF ANY BUILDING PERMITS, PURSUANT TO CONDITION NUMBER 25 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212  
(7900 WEST CRYSTAL RIDGE DRIVE)  
(ZIM-MAR PROPERTIES, LLC, APPLICANT)  
(ZIM-MAR PROPERTIES, LLC, AND WISCONSIN DEPARTMENT OF TRANSPORTATION PROPERTY OWNERS)

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WHEREAS, §15-3.0442 of the Unified Development Ordinance provides for and regulates Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), same having been created by Ordinance No. 2012-2089 and later amended by Ordinance No. 2013-2101, 2016-2212, 2017-2278, and 2017-2312 with such District primarily being located at 7900 West Crystal Ridge Drive, bearing Tax Key Nos. 745-8998-000, 744-8985-001, 744-8985-002, 744-8989-000, 744-8988-000, 755-9996-000, 754-9988-002, 755-9995-001, 708-8996-000, 708-8999-000, 744-8980-001, 745-0029-000, 745-8999-004, 755-9995-002, 754-9988-001 and 744-8981-000 [all preceding Tax Key Nos. are Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) zoning, with the exception of Tax Key Nos. 708-8996-000 and 744-8980-001 which are zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District], and is more particularly described below; and

WHEREAS, Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) includes those lands legally described as follows:

PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THE NORTHEAST 1/4, NORTHWEST 1/4, SOUTHEAST 1/4, AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; AND THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4

OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 21 EAST, AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4; AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4 OF SECTION 4; THENCE NORTH 88°42'47" EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 SECTION, 1452.10 FEET TO LOOMIS ROAD (STATE TRUNK HIGHWAY "36") REFERENCE LINE AS SHOWN IN WISCONSIN DEPARTMENT OF TRANSPORTATION PLAT OF RIGHT OF WAY PROJECT NUMBER F064-I(5)/2240-02-22, DATED JULY 3, 1956 AND THE POINT OF BEGINNING; THENCE SOUTH 49°45'51" WEST ALONG SAID REFERENCE LINE, 908.15 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY 1280.09 FEET ALONG SAID REFERENCE LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, WHOSE RADIUS IS 3819.72 FEET AND WHOSE CHORD BEARS SOUTH 40°09'15" WEST, 1274.10 FEET TO A POINT OF TANGENCY; THENCE SOUTH 30°33'51" WEST ALONG SAID REFERENCE LINE, 912.57 FEET; THENCE NORTH 59°26'09" WEST, 146.77 FEET TO THE SOUTHEAST CORNER OF STONE HEDGE SUBDIVISION ADDITION NO. 1; THENCE NORTH 00°11'17" WEST ALONG THE EAST LINE OF SAID STONE HEDGE SUBDIVISION ADDITION, 2266.74 FEET TO THE NORTH RIGHT OF WAY LINE OF WEST RAWSON AVENUE; THENCE NORTH 88°31'09" EAST ALONG SAID NORTH RIGHT OF WAY LINE 393.64 FEET; THENCE NORTH 76°43'11" EAST 212.76 FEET TO A POINT ON THE EAST LINE OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 3107; THENCE NORTH 00°21'06" WEST ALONG THE EAST LINE OF SAID PARCEL 1 AND ALONG THE EAST LINE OF LOTS 14, 13, AND 12 OF BLOCK 1 OF WHITNALL VIEW SUBDIVISION ADDITION NO. 1, 809.21 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 88°41'11" WEST ALONG THE NORTH LINE OF SAID LOTS 12 AND 11 OF SAID WHITNALL VIEW SUBDIVISION ADDITION, 484.57 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE NORTH 00°21'07" WEST ALONG THE EAST LINE OF LOTS 10 AND 9 OF SAID WHITNALL VIEW SUBDIVISION, 400.06 FEET TO THE NORTHEAST CORNER OF SAID LOT 9, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE NORTH 88°41'11" EAST ALONG SAID NORTH LINE, 544.58 FEET TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 4; THENCE SOUTH 00°21'07" EAST ALONG SAID EAST LINE OF SAID SOUTHWEST 1/4, 35.86 FEET; THENCE NORTH 88°42'30" EAST, 662.58 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE WEST 1/4 OF SAID 1/4 SECTION; THENCE NORTH 00°22'39" WEST, 1349.21 FEET; THENCE NORTH 88°33'16" EAST 1252.39, FEET; THENCE SOUTH 00°19'12" EAST, 367.35 FEET; THENCE NORTH 54°02'33" EAST , 648.24 FEET; THENCE NORTH 88°33'16" EAST, 204.06 FEET TO THE EAST LINE

OF SAID NORTHEAST 1/4 OF SECTION 4, BEING THE CENTERLINE OF SOUTH 76TH STREET; THENCE SOUTH 00°19'12" EAST ALONG SAID EAST LINE, 519.27 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF SECTION 4; THENCE SOUTH 00°25'03" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 4, 1659.84 FEET TO SAID REFERENCE LINE; THENCE SOUTH 49°45'51" WEST ALONG SAID REFERENCE LINE, 1561.74 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 8,951,502 SQUARE FEET (205.498 ACRES) OF LAND, MORE OR LESS; and

WHEREAS, Ballpark Commons, LLC, applicant, having petitioned for a further amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the district in the following manner: to clarify that only those land disturbance activities within the Milwaukee Metropolitan Sewerage District (MMSD) Landfill Gas Pipeline Easement require prior MMSD approval, pursuant to condition number 8 in Planned Development District No. 37, Ordinance No. 2016-2212; to allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the landfill, pursuant to condition number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to allow general site clearing and grading to occur prior to approval of a comprehensive Stormwater Management Plan which Plan must be approved prior to issuance of any Building Permits, pursuant to condition number 25 in Planned Development District No. 2016-2212; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to Planned Development District No. 37 and thereafter having recommended to the Common Council that the proposed amendment be approved subject to the conditions and restrictions included herewith; 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 to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin, and that it will 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: §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to clarify that only those land disturbance activities within the

Milwaukee Metropolitan Sewerage District (MMSD) Landfill Gas Pipeline Easement require prior MMSD approval, pursuant to condition number 8 in Planned Development District No. 37, Ordinance No. 2016-2212; to allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the landfill, pursuant to condition number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to allow general site clearing and grading to occur prior to approval of a comprehensive Stormwater Management Plan which Plan must be approved prior to issuance of any Building Permits, pursuant to condition number 25 in Planned Development District No. 2016-2212; subject to the following conditions:

1. That Ordinance No. 2016-2212 Condition of Approval No. 8 be replaced as follows: “The applicants shall obtain all required approvals and permits from the Milwaukee Metropolitan Sewerage District prior to any disturbance or development within the MMSD landfill gas pipeline easement limits. The applicants shall ensure that the City is an active participant in, and that City staff is invited to, all discussions with the Milwaukee Metropolitan Sewerage District regarding development of, and permits and approvals for, disturbance of the lands adjacent to the gas pipeline. The applicants shall also submit a detailed map of the location of the gas pipeline and associated easement, to City staff, prior to the submittal of any detailed plans for the landfill area.”
2. That Ordinance No. 2016-2212 Condition of Approval No. 13 be replaced as follows: “Any portion of a public road that is located on any portion of the historic landfill shall be the subject of a 20-year bond by the applicants in an amount and terms to be approved by the City to insure adequate funds for any repair and reconstruction of such roads due to landfill conditions, for Engineering Department staff review, prior to acceptance of new roadway subgrade in segments traversing areas of subsurface waste material. In the event the Developer fails to complete the proposed roadway improvements in a timely manner, the City also maintains the right to special assess to ensure completion of the work.”
3. That Ordinance No. 2016-2212 Condition of Approval No. 25 be replaced as follows: “The applicants shall submit a Comprehensive Stormwater Management Plan for PDD No. 37, for

Engineering Department staff review and approval, prior to issuance of any Building Permit within the portion of the development contributory to the subject stormwater pond, subject to receipt of all necessary Wisconsin Department of Natural Resource and Milwaukee Metropolitan Sewerage District permits and approvals, receipt of a City of Franklin Fill/Soils Disturbing Permit, and Engineering Department review and approval of all pertinent grading, erosion control, restoration, etc. plans.”

SECTION 2: All other applicable terms and provisions of §15-3.0442, shall apply to the subject Ballpark Commons, LLC Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) district revisions, and all terms and provisions of §15-3.0442 as existing immediately prior to the adoption of this Ordinance, except as amended hereunder, shall remain in full force and effect.

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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 \_\_\_\_\_, 2018, by \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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

ATTEST:

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

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



March 2, 2018

ROC Ventures

Headquarters:  
510 W. Kilbourn Avenue  
Milwaukee, Wisconsin 53203

[www.rocventures.org](http://www.rocventures.org)

Mayor Steve Olson  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**Subject: Ballpark Commons  
Franklin, Wisconsin**

Dear Mayor Olson:

We are excited about the recent public announcements related to the Ballpark Commons development and are grateful to have you and your staff as a strong partner with our development team. We look forward to seeing the project begin to take shape. To that end, we respectfully request consideration of three minor revisions to the approved PDD text so that we can begin some of the site preparation work. This will allow us to hit the ground running on major site work and building construction when the weather warms and will keep us on course for on-time turnover of space to our committed tenants and a Spring 2019 first pitch at the stadium.

Our three requested text amendments are as follows. Original approved text is indicated in italics, with modifications shown in red:

- (8) The applicants shall obtain all required approvals and permits from the Milwaukee Metropolitan Sewerage District prior to any disturbance or development of ~~the~~ **within the MMSD landfill gas pipeline area easement limits**. The applicants shall ensure that the City is an active participant in, and that City staff is invited to, all discussions with the Milwaukee Metropolitan Sewerage District regarding development of, and permits and approvals for, disturbance of the lands adjacent to the gas pipeline. The applicants shall also submit a detailed map of the location of the gas pipeline and associated easement, to City staff, prior to the ~~submittal~~ **final City approval** of any detailed **site development plans for the landfill area for areas encroaching into the MMSD landfill gas pipeline easement**.
  - PURPOSE OF TEXT CHANGE: Modification of this item will allow grading operations to begin immediately upon receipt of a City of Franklin Land Disturbance Permit and Wisconsin DNR Notice of Intent (erosion control) permit. Only work within the landfill gas pipeline easement would be subject to the MMSD permit/approval requirement.

- (13) *Any portion of a public road to be owned by the City of Franklin that is located on any portion of the historic landfill shall be the subject of a 20-year bond by the applicants in an amount and terms to be approved by the City to insure adequate funds for any repair and reconstruction of such roads due to landfill conditions, for Engineering Department staff review, prior to ~~any development within such applicable portion(s) of PDD No. 37~~ acceptance of new roadway subgrade in segments traversing areas of subsurface waste material. This condition shall be considered complete if waived by the City Engineer. In the event the Developer fails to complete the proposed roadway improvements in a timely manner, the City maintains the right to utilize TIF funds to ensure completion of the work.*
- PURPOSE OF TEXT CHANGE: Modification of this item will allow tree clearing to begin immediately in accordance with the approved NRPP/NRSE and will allow grading operations to begin upon receipt of a City of Franklin Land Disturbance Permit and Wisconsin DNR Notice of Intent (erosion control) permit.
- (25) *The applicants shall submit a Comprehensive Stormwater Management Plan for PDD No. 37, for Engineering Department staff review and approval, prior to ~~any development within PDD No. 37~~ issuance of any Building Permit within the portion of the development contributory to the subject stormwater pond.*
- PURPOSE OF TEXT CHANGE: Modification of this item will allow tree clearing to begin immediately in accordance with the approved NRPP/NRSE and will allow grading operations to begin upon receipt of a City of Franklin Land Disturbance Permit and Wisconsin DNR Notice of Intent (erosion control) permit. The applicant understands that any grading work performed prior to final Stormwater Management Plan approval is at his own risk, as revisions to stormwater design calculations could impact final grading design. The proposed verbiage is stated so as to allow building permits to be issued on the south side of Rawson Avenue if the south pond is approved first, or likewise on the north side of Rawson Avenue if the north pond is approved first.

If you have any questions, please do not hesitate to give Justin a call.

Best,



Michael E. Zimmerman



SERVICES PROVIDED TO:

PROJECT:  
**BALLPARK COMMONS**

PROJECT LOCATION:  
 CITY OF FRANKLIN  
 MILWAUKEE COUNTY, WI

JSD PROJECT NO.: 14-6548

SEAL/SIGNATURE:

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR AND SUBCONTRACTORS MUST CHECK ALL DETAIL AND DIMENSIONS ON THEIR TRADE AND BE RESPONSIBLE FOR THE SAME.

DESIGN BY: AS/CAJ 01-29-2016

DRAWN BY: AS/CAJ 01-29-2016

CHECKED BY: ALJ 01-29-2016

PLAN MODIFICATIONS:

1. ADDED IMPACTED AREAS 03-07-2016

2. REVISED SITE PLAN 03-14-2016

3. CITY PLAN SUBMITTAL 09-20-2017

**DIGGERS HOTLINE**  
 Call 811 or (800) 242-8511  
 Milwaukee Area (262) 432-7910  
 Hearing Impaired TDD (800) 542-2289  
 www.DiggersHotline.com

SHEET TITLE:  
**NATURAL RESOURCE PROTECTION PLAN PROPOSED CONDITIONS NORTH**

SHEET NUMBER:  
**EXHIBIT**

**LEGEND**

	WETLAND		WETLAND DISTURBANCE
	WETLAND BUFFER		WETLAND BUFFER DISTURBANCE
	WETLAND SETBACK		WETLAND SETBACK DISTURBANCE
	EXEMPT WETLAND PER 2/27/2017 AND 5/19/2017 WDNR ARTIFICIAL EXEMPTION DETERMINATION LETTER		WOODLAND DISTURBANCE (MATURE)
	WOODLAND (MATURE)		FLOODPLAIN DISTURBANCE

NOTE: CALCULATIONS DO NOT INCLUDE OVERLAPPING NATURAL RESOURCES

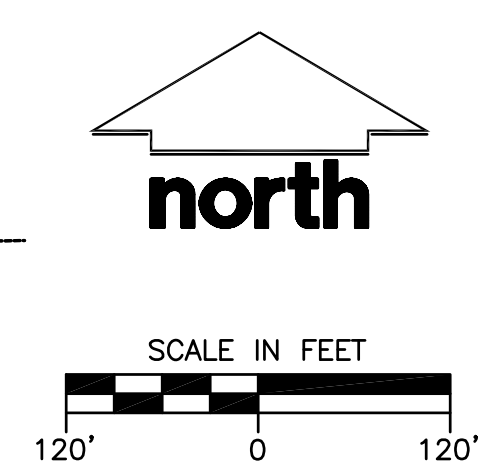
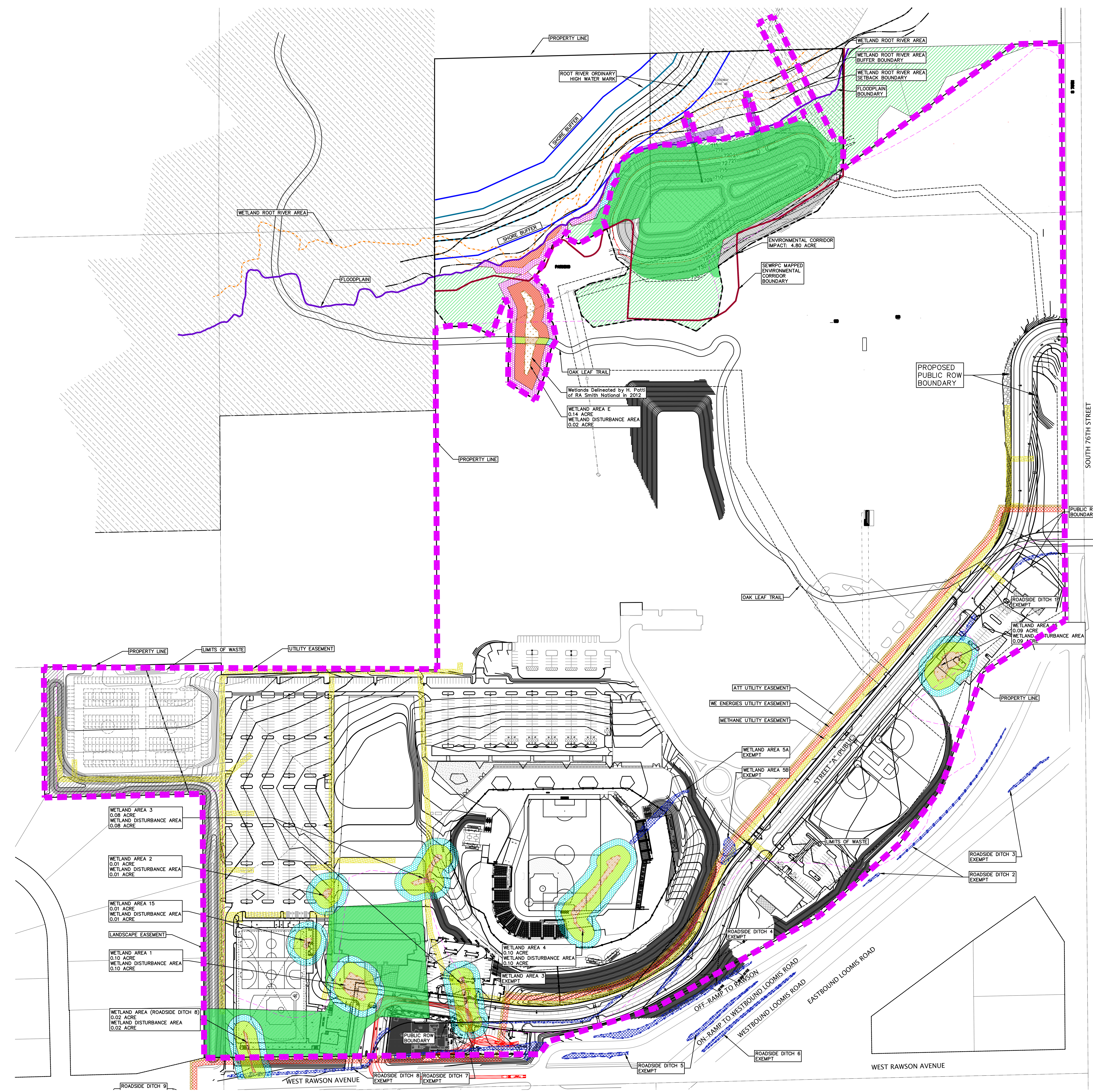
Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0(10) for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	Acres of Land Required to be Preserved	Acres of Land to be Impacted	Acres of Land Required to be Mitigated	Acres of Land to be Mitigated*
	Agricultural District	Residential District	Non-Residential District					
Slope Slopes								
10-19%	0	0.6	0.4	X	0.00	0.00	0.00	N/A
20-30%	0.65	0.75	0.7	X	0.00	0.00	0.00	N/A
30% +	0.9	0.85	0.6	X	0.00	0.00	0.00	N/A
Woodlands & Forests								
Mature	0.7	0.7	0.7	X	12.05	8.44	9.27	0.00
Young	0.5	0.5	0.5	X	0.00	0.00	0.00	N/A
Lakes & Ponds	1	1	1	X	0.00	0.00	0.00	N/A
Streams	1	1	1	X	0.00	0.00	0.00	N/A
Shore Buffer	1	1	1	X	0.00	0.00	0.00	N/A
Floodplains/Floodlands	1	1	1	X	11.18	11.18	0.18	0.00
Wetland Buffers	1	1	1	X	5.52	5.52	4.27	0.00
Wetland Setbacks	1	1	1	X	4.54	4.54	3.98	0.00
Wetlands & Shoreland Wetlands	1	1	1	X	2.00	2.00	1.32	0.00
Exempt Wetlands	0	0	0	X	2.00	0.00	0.00	N/A
<b>TOTAL RESOURCE PROTECTION LAND</b> (Total of Acres of Land in Resource Required to be Protected)					<b>31.68</b> Acres	<b>19.02</b>		

- 4.2 ACRE OF SHORE BUFFER IS LOCATED ON THE SITE, BUT OVERLAPS WITH THE FLOODPLAIN.
- STEEP SLOPES ARE PRIMARILY MANAGED AND ARE THEREFORE EXCLUDED FROM THE CALCULATIONS
- TABLE REFLECTS NATURAL RESOURCE FEATURES DEPICTED ON NRPP SHEETS 1 AND 2.

NOTE: CALCULATIONS INCLUDE OVERLAPPING NATURAL RESOURCES

Wetland ID/Natural Resource ID	Resource	Proposed Area to be Impacted (ac)	Remaining Area (ac)	Total Area (ac)
1	Wetland	0.10	0	0.10
	Buffer	0.24	0	0.24
	Setback	0.23	0	0.23
2	Wetland	0.01	0	0.01
	Setback	0.13	0	0.13
3	Wetland	0.08	0	0.08
	Setback	0.56	0	0.56
4	Wetland	0.10	0	0.10
	Setback	0.49	0	0.49
6	Wetland	0.07	0	0.07
	Setback	0.21	0	0.21
7	Wetland	0.03	0	0.03
	Setback	0.19	0	0.19
8	Wetland	0.20	0	0.20
	Setback	0.33	0	0.33
9	Wetland	0.02	0.03	0.05
	Setback	0.02	0.04	0.06
10	Wetland	0.09	0.11	0.20
	Setback	0.13	0.03	0.16
11	Wetland	0.27	0.04	0.31
	Setback	0.41	0.08	0.49
12	Wetland	0	0.02	0.02
	Setback	0.05	0.02	0.07
13	Wetland	0.14	0.42	0.56
	Setback	0.52	0.43	0.95
14	Wetland	0.02	0	0.02
	Setback	0.12	0	0.12
15	Wetland	0.01	0	0.01
	Setback	0.13	0	0.13
16	Wetland	0.09	0	0.09
	Setback	0.25	0	0.25
Road Ditch 8	Wetland	0.02	0	0.02
	Setback	0.24	0	0.24
Road Ditch 13	Wetland	0.03	0.01	0.04
	Setback	0.06	0.08	0.14
Area E	Wetland	0.02	0.12	0.14
	Setback	0.02	0.38	0.40
Root River Wetland	Wetland	0.01	N/A	N/A
	Setback	0.07	N/A	N/A
Total	Woodlands	10.97	2.71	13.68
Total	Floodplains	0.18	11.00	11.18
Total	Shore Buffer	0	4.20	4.20
Total	Exempt Wetlands	N/A	N/A	2.00
Total	Environmental Corridor	4.96	N/A	N/A

\*Some buffers and setbacks overlapped due to the proximity of wetlands. Calculations account for the overlap so buffers and setbacks are not double-counted.



NOTE: CALCULATIONS DO NOT INCLUDE OVERLAPPING NATURAL RESOURCES

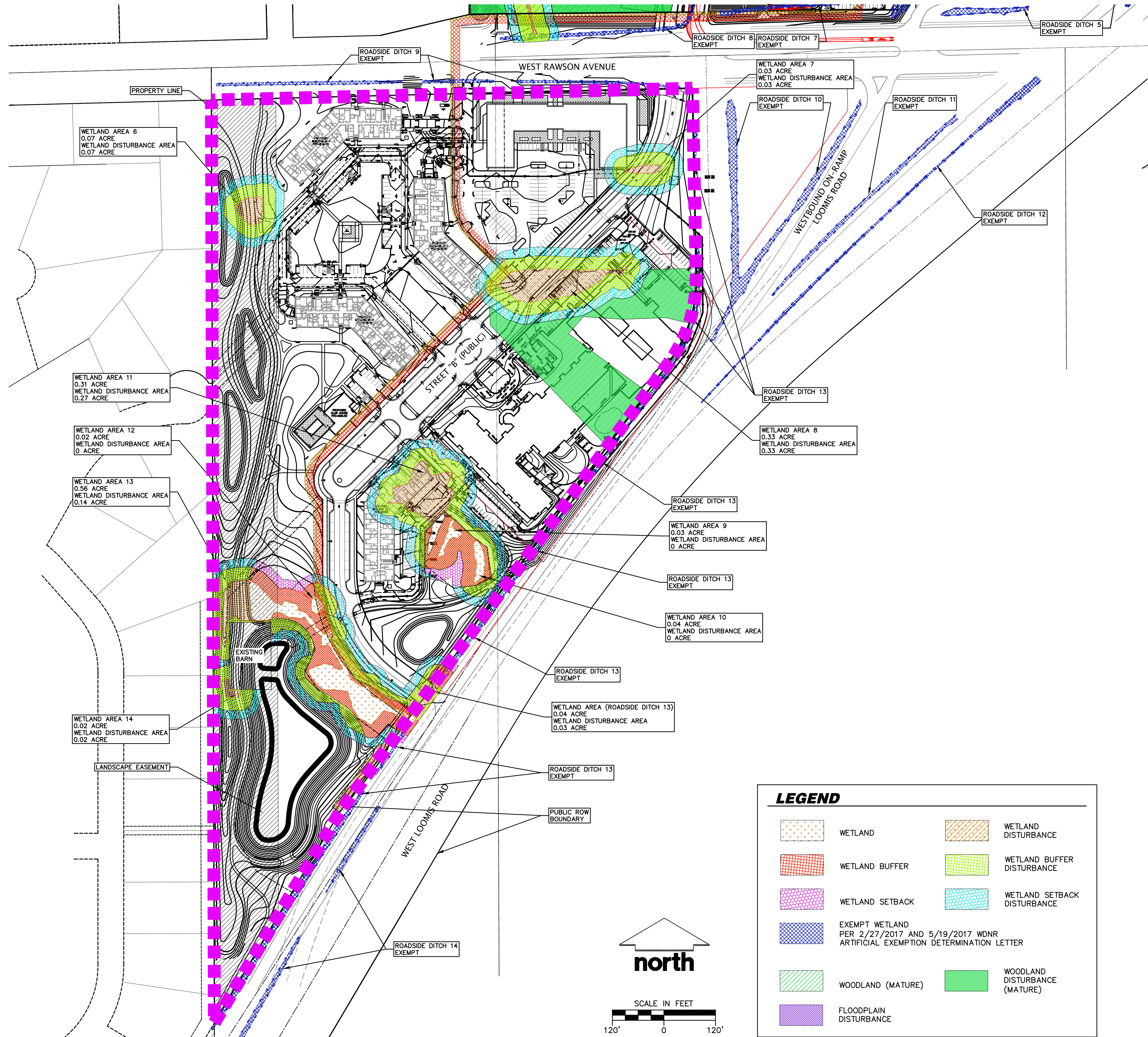
Wetland ID/Natural Resource ID	Resource	Proposed Area to be Impacted (ac)	Remaining Area (ac)	Total Area (ac)
1	Wetland	0.10	0	0.10
	Buffer	0.24	0	0.24
	Setback	0.23	0	0.23
2	Wetland	0.01	0	0.01
	Setback	0.13	0	0.13
3	Wetland	0.16	0	0.16
	Setback	0.08	0	0.08
4	Wetland	0.56	0	0.56
	Buffer	0.10	0	0.10
	Setback	0.49	0	0.49
6	Wetland	0.39	0	0.39
	Setback	0.21	0	0.21
7	Wetland	0.22	0	0.22
	Setback	0.03	0	0.03
8	Wetland	0.19	0	0.19
	Buffer	0.20	0	0.20
	Setback	0.33	0	0.33
9	Wetland	0.52	0	0.52
	Setback	0.42	0	0.42
10	Wetland	0	0.03	0.03
	Buffer*	0.02	0.09	0.11
	Setback*	0.02	0.04	0.06
11	Wetland	0	0.04	0.04
	Buffer*	0.09	0.11	0.20
	Setback*	0.13	0.03	0.16
12	Wetland	0.27	0.04	0.31
	Buffer*	0.41	0.08	0.49
	Setback*	0.32	0	0.32
13	Wetland	0	0.02	0.02
	Buffer*	0.05	0.02	0.07
	Setback*	0.06	0.02	0.08
14	Wetland	0.14	0.42	0.56
	Buffer*	0.52	0.43	0.95
	Setback*	0.42	0.07	0.49
15	Wetland	0.02	0	0.02
	Setback*	0.12	0	0.12
16	Wetland	0.15	0	0.15
	Setback*	0.01	0	0.01
Road Ditch 8	Wetland	0.13	0	0.13
	Buffer	0.16	0	0.16
	Setback	0.09	0	0.09
Road Ditch 13	Wetland	0.25	0	0.25
	Buffer	0.24	0	0.24
	Setback	0.02	0	0.02
Area E	Wetland	0.24	0	0.24
	Buffer	0.02	0	0.02
	Setback	0.24	0	0.24
Root River Wetland	Wetland	0.02	0	0.02
	Buffer	0.24	0	0.24
	Setback	0.05	0.02	0.07
Total	Wetlands	10.97	2.71	13.68
	Floodplains	0.38	11.00	11.38
	Shore Buffer	0	4.20	4.20
Total	Exempt Wetlands	N/A	N/A	2.00
	Environmental Corridor	4.96	N/A	N/A

\*Some buffers and setbacks overlapped due to the proximity of wetlands. Calculations account for the overlap so buffers and setbacks are not double-counted.

NOTE: CALCULATIONS INCLUDE OVERLAPPING NATURAL RESOURCES

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (or the applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	Acres of Land Required to be Preserved	Acres of Land to be Impacted	Acres of Land Required to be Mitigated	Acres of Land to be Mitigated*
	Agricultural District	Residential District	Non-Residential District					
	Steep Slopes							
10-19%	0	0.6	0.4	X	0.00 =	0.00	0.00	N/A
20-30%	0.65	0.75	0.7	X	0.00 =	0.00	0.00	N/A
30% +	0.9	0.85	0.8	X	0.00 =	0.00	0.00	N/A
Woodlands & Forests								
Mature	0.7	0.7	0.7	X	12.05 =	8.44	9.27	N/A
Young	0.5	0.5	0.5	X	0.00 =	0.00	0.00	N/A
Lakes & Ponds	1	1	1	X	0.00 =	0.00	0.00	N/A
Streams	1	1	1	X	0.00 =	0.00	0.00	N/A
Shore Buffer	1	1	1	X	0.00 =	0.00	0.00	N/A
Floodplains/Floodlands	1	1	1	X	11.18 =	11.18	0.18	N/A
Wetland Buffers	1	1	1	X	5.52 =	5.52	4.27	N/A
Wetland Setbacks	1	1	1	X	4.54 =	4.54	3.98	N/A
Wetlands & Shoreland Wetlands	1	1	1	X	2.00 =	2.00	1.32	N/A
Exempt Wetlands	0	0	0	X	2.00 =	0.00	0.00	N/A
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Required to be Protected)					31.68 Acres	19.02		

- \* 4.2 ACRE OF SHORE BUFFER IS LOCATED ON THE SITE, BUT OVERLAPS WITH THE FLOODPLAIN.
- \* STEEP SLOPES ARE PRIMARILY MANMADE AND ARE THEREFORE EXCLUDED FROM THE CALCULATIONS
- \* TABLE REFLECTS NATURAL RESOURCE FEATURES DEPICTED ON NRPP SHEETS 1 AND 2.



SERVICES PROVIDED TO:

PROJECT:  
**BALLPARK COMMONS**

PROJECT LOCATION:  
 CITY OF FRANKLIN  
 MILWAUKEE COUNTY, WI

JSD PROJECT NO.: 14-6548

SEAL/SIGNATURE:

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR AND SUBCONTRACTORS MUST CHECK ALL DETAIL AND DIMENSIONS ON THEIR TRADE AND BE RESPONSIBLE FOR THE SAME.

DESIGN BY: AS/CAU 01-29-2016  
 DRAWN BY: AS/CAU 01-29-2016  
 CHECKED BY: ALJ 01-29-2016

PLAN MODIFICATIONS:

1. ADDED IMPACTED AREAS	03-07-2016
2. REVISED SITE PLAN	03-14-2016
3. CITY PLAN SUBMITTAL	09-20-2017

**DIGGERS HOTLINE**  
 Call 811 or (800) 242-8511  
 Milwaukee Area (262) 432-7910  
 Hearing Impaired TDD (800) 542-2289  
 www.DiggersHotline.com

SHEET TITLE:  
**NATURAL RESOURCE PROTECTION PLAN PROPOSED CONDITIONS SOUTH**

SHEET NUMBER:  
**EXHIBIT**

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN CONSENT OF JSD PROFESSIONAL SERVICES, INC.

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

Meeting of March 8, 2018

**Special Use**


---

**RECOMMENDATION:** City Development Staff recommends approval of the proposed Special Use for a building maintenance services not elsewhere classified (professional home cleaning service business) use and associated site changes upon property located at 11113 W. Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

---

**Project Name:** Molly Maid Special Use

**Project Address:** 11113 West Forest Home Avenue, Suite 200

**Applicant:** R & R Swan Investments, LLC

**Owners (property):** 11113 West Forest Home Avenue, LLC

**Current Zoning:** M-1 Limited Industrial District & C-1 Conservancy District

**2025 Comprehensive Master Plan** Industrial

**Use of Surrounding Properties:** WE Energies substation and Ewald automobile dealership to the north, gasoline service station to the south, Ewald Truck Center and Hiller Ford automobile dealership to the east and single-family residential to the west.

**Applicant Action Requested:** Recommendation of approval for the proposed Special Use for Molly Maid of Southern Milwaukee County to operate at 11113 West Forest Home Avenue, Suite 200.

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**INTRODUCTION:**

On October 5, 2017, Joel Cook of Ogden Construction submitted a Special Use application on behalf of R & R Swan Investments, LLC dba Molly Maid of Southern Milwaukee County, requesting approval to operate a professional home cleaning service business within the Falcon Commons building located at 11113 West Forest Home Avenue. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 7349 Building Maintenance Services, Not Elsewhere Classified, which is allowed within the M-1 Limited Industrial District as a Special Use.

This Special Use application includes a request by the property owner to keep site improvements made without City approvals. Specifically, the parking lot in the northwest corner of the property was reconfigured and a new 15,120 square foot paved parking area was added in the rear of the property.

**HISTORY:**

At the January 4, 2018 Plan Commission meeting, the following action was approved: move to table the item to the first Plan Commission meeting in March 2018.

## **PROJECT DESCRIPTION AND ANALYSIS:**

- Please see the Staff Report from the January 4, 2018 Plan Commission meeting (attached) for a more detailed analysis.

Since this item was tabled at the January 4, 2018 Plan Commission meeting, Ogden Construction contracted Pinnacle Engineering Group to determine whether or not the addition of the parking lot at 11113 W. Forest Home Ave. would require storm water management. According to a letter from Anthony S. Zanon, P.E. dated January 16, 2018, if the property owner reduces the impervious area of the property by approximately 10,386 square feet, then stormwater management would not be required. A Proposed Site Plan was prepared to depict approximately 10,386 square feet of existing gravel surface to be covered with topsoil, seeded, and stabilized with erosion mat, thus converting it into greenspace. The Engineering Department reviewed Mr. Zanon's work and confirmed with his conclusions.

In addition, Ogden Construction contracted Visu-Sewer to televise a 36" stormwater drainage pipe on the east side of the property. While reviewing the report from Visu-Sewer summarizing their work, Engineering Staff discovered the wrong pipe was televised. Therefore, a condition remains for this work to be completed.

Finally, the property owner replaced the existing chain link fence along the east and south sides of the northwestern parking lot with a 6' high sight proof wood fence. The new fence was installed without a Fence Permit from the Building Inspection Department. As such, the property owner will have to apply for a Fence Permit after the fact, and be subject an increased permit fee.

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has provided a written response to these standards, which is included in your packet.

## **STAFF RECOMMENDATION:**

City Development Staff recommends approval of the proposed Special Use for a building maintenance services not elsewhere classified (professional home cleaning service business) use and associated site changes upon property located at 11113 W. Forest Home Avenue, subject to the following conditions of approval:

- Staff recommends the property owner relocate existing dumpsters into a 10' x 10' sight proof dumpster enclosure located outside of the WEPCO easement as depicted on the Proposed Site Plan, within 90 days of this approval, or prior to issuance of any Occupancy Permit, whichever may occur first.
- Staff recommends the property owner have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, and repair the pipe as may be necessary, prior to June 6, 2018.
- Staff recommends the property owner remove the semi-trailer and any other commercial vehicles over 8,000 lbs. gross vehicle weight, within 90 days of this approval, or prior to issuance of any Occupancy Permit, whichever may occur first.

- Staff recommends the property owner submit a Landscape Plan in accordance with Divisions 15-5.0300 and 15-7.0300 of the UDO, to the Department of City Development for review and approval by Staff, within 60 days of this approval, or prior to issuance of any Occupancy Permit, whichever may occur first.
- Staff recommends the property owner install all required landscaping prior to June 6, 2018.
- Staff recommends the property owner provide an appropriate financial surety to guarantee certain improvements including but not limited to a dumpster enclosure, stormwater drainage pipe televising and possible repair, and landscaping will be completed on schedule, for Department of City Development and Engineering Department review and approval within 60 days of this approval or prior to issuance of any Occupancy Permit, whichever may occur first.

## RESOLUTION NO. 2018-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A SPECIAL USE FOR A PROFESSIONAL HOME  
CLEANING SERVICE BUSINESS USE AND PROPERTY OWNER REQUESTED  
REVISED SITE PLAN APPROVAL UPON PROPERTY LOCATED  
AT 11113 WEST FOREST HOME AVENUE, SUITE 200  
(R & R SWAN INVESTMENTS, LLC, D/B/A MOLLY MAID, APPLICANT)

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WHEREAS, R & R Swan Investments, LLC, d/b/a Molly Maid, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District and C-1 Conservancy District under Standard Industrial Classification Title No. 7349 “Building Cleaning and Maintenance Services, Not Elsewhere”, to allow for a maid service business use, with hours of operation from 7:00 a.m. to 5:00 p.m., Monday through Friday, which application also includes a property owner requested revised Site Plan approval for existing site improvements constructed without prior City approval, specifically, reconfiguration of the parking lot in the northwest corner of the property and addition of a new parking lot in the rear of the property, upon property located at 11113 West Forest Home Avenue, Suite 200, bearing Tax Key No. 704-9978-002, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 3988, recorded on March 11, 1981, Reel 1362, Images 185 to 187, as Document No. 5462366, being a part of the Northeast 1/4 of Section 6, Town 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 9th day of November, 2017 and continued on the 7th day of December 2017, and the Plan Commission thereafter having determined to recommend that the proposed Special Use and revised site plan be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use and revised site plan 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

R & R SWAN INVESTMENTS, LLC, /D/B/A MOLLY MAID – SPECIAL USE  
RESOLUTION NO. 2018-\_\_\_\_\_

Page 2

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use and revised site plan, 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 R & R Swan Investments, LLC, d/b/a Molly Maid, for the approval of a Special Use and revised site plan 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 and revised site plan is approved only for the use of the subject property by R & R Swan Investments, LLC, d/b/a Molly Maid, successors and assigns, as a maid service business use, which shall be developed in substantial compliance with, and operated and maintained by R & R Swan Investments, LLC, d/b/a Molly Maid, pursuant to those plans City file-stamped February 23, 2018 and annexed hereto and incorporated herein as Exhibit A.
2. R & R Swan Investments, LLC, d/b/a Molly Maid, 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 R & R Swan Investments, LLC, d/b/a Molly Maid maid service 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 R & R Swan Investments, LLC, d/b/a Molly Maid and the maid service business use for the property located at 11113 West Forest Home Avenue, Suite 200: (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 property owner shall install a 10' x 10' sight proof wooden dumpster enclosure, located outside of the WEPCO easement as depicted on the Proposed Site Plan, within 90 days of this approval or prior to issuance of any Occupancy Permit whichever may occur first.

5. The property owner shall have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, and repair the pipe as may be necessary, prior to June 6, 2018.
6. The property owner shall remove the semi-trailer and any other commercial vehicles over 8,000 lbs. gross vehicle weight, within 90 days of this approval or prior to issuance of any Occupancy Permit whichever may occur first.
7. The property owner shall prepare a Landscape Plan in accordance with Divisions 15-5.0300 and 15-7.0300 of the UDO, for review and approval by the Department of City Development, within 60 days of this approval or prior to issuance of any Occupancy Permit whichever may occur first.
8. The property owner shall install all required landscaping prior to June 6, 2018.
9. The property owner shall provide an appropriate financial surety to guarantee certain improvements including but not limited to a dumpster enclosure, stormwater drainage pipe televising and possible repair, and landscaping will be completed on schedule, for Department of City Development and Engineering Department review and approval within 60 days of this approval or prior to issuance of any Occupancy Permit whichever may occur first.

10. [other conditions, etc.]

BE IT FURTHER RESOLVED, that in the event R & R Swan Investments, LLC, d/b/a Molly Maid, 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 and revised site plan 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 and revised site plan 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.



R & R SWAN INVESTMENTS, LLC, /D/B/A MOLLY MAID – SPECIAL USE  
RESOLUTION NO. 2018-\_\_\_\_\_

Page 4

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 and revised site plan 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 \_\_\_\_\_, 2018.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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

ATTEST:

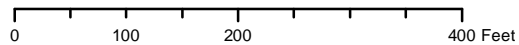
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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

11113 W. Forest Home Ave.  
TKN: 704 9978 002

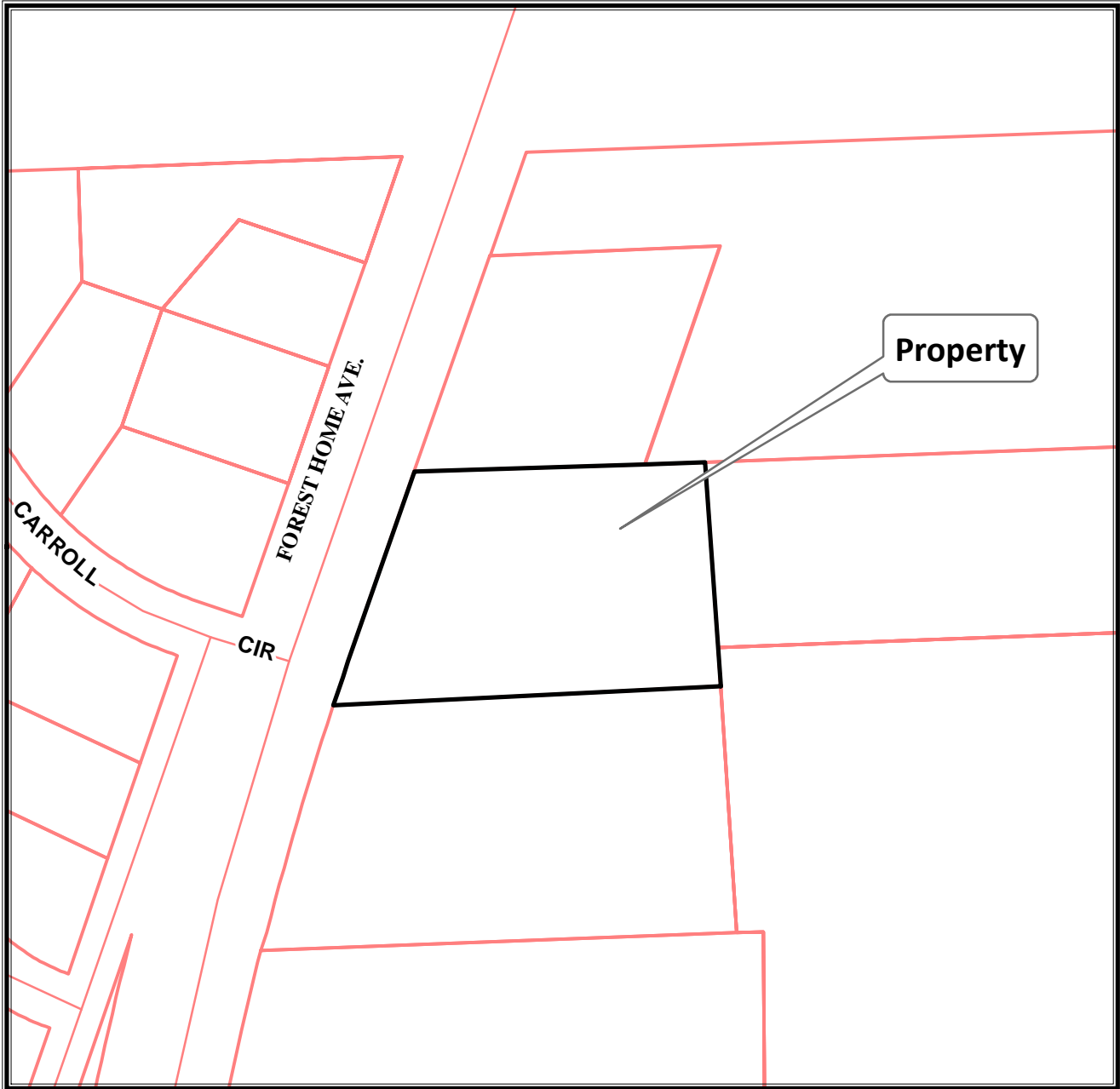


**Planning Department**  
**(414) 425-4024**

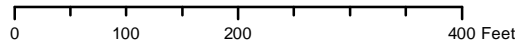


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

11113 W. Forest Home Ave.  
TKN: 704 9978 002



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



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February 23, 2018

Orrin Sumwalt & Sova Arnold  
City Plan Commission  
City of Franklin  
9229 W Loomis Rd  
Franklin, WI 53132

**RE: proposed project summary for 11113 W Forest Home Ave**

I am writing in response to your staff comments dated 12/28/17.

**Item #1:** Wepco easement- Wepco granted the easement it was submitted to the city in late 2017.

**Item #2:** 6' high wood fence- Fence has been completed (see attached pictures).



**Item #3:** 6' high dumpster enclosure- This will be completed when frost is out of the ground for the slat and posts. We propose a June 1<sup>st</sup> deadline.

**Item #4:** Semi trailer- the trailer has been donated to Veterans Tiny Homes. We need dry weather to get a truck to move it off site. We propose a June 1<sup>st</sup> deadline.

**Item #4:** Trucks over 8000 lbs. – We currently do not have any trucks over 8000 lbs.

Franklin

FEB 23 2018

City Development

U.S. Green Building Council Member

**Item #5:** Visu Sewer- Work has been completed and report is attached. We feel no other work is needed as the sewer appears to be clear.

**Item #6:** Storm water management, grading and erosion- Per the new drawings from Pinnacle Engineering the City agrees no storm water management, grading and erosion are necessary.

**Item #7:** 20 Parking Spaces- Since we will meet the inperious area requirement per the new attached Pinnacle Engineering drawings, we feel it is not necessary to remove any parking spaces. Molly Maid on most days requires 51-53 parking spaces of the 56. We propose a June 1<sup>st</sup> deadline to plant the grass.

**Item #8:** Curb & Gutter- After the January plan commission meeting, we believe it was determined that we do not need the curb and gutter.

**Item #9:** Landscape plan- With the Pinnacle Engineering plan scoping where we will plant grass, we feel a landscape plan is not necessary.

**Item #10:** Re-zone C-1 – Ogden Construction will apply for a re-zone of the C-1. We propose a June 1<sup>st</sup> deadline.

If you have any questions, please do not hesitate to call us.

Sincerely,

**Ogden Construction Group, LLC**

Michael Cook  
Vice President