

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, MAY 18, 2017, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of May 4, 2017.

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

1. **DOWN-N-CHEESY LLC; “DIRECT SELLING ESTABLISHMENTS” USE.** Special Use application by Susan C. Van Erden, owner/operator of Down-N-Cheesy LLC, to operate a food truck business use upon the Rawson Pub property zoned B-2 General Business District, located at 5621 West Rawson Avenue; Tax Key No. 758-9990-000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
2. **NEUMANN DEVELOPMENTS, INC. MULTIPLE-FAMILY RESIDENTIAL DWELLING BUILDINGS LOTS DEVELOPMENT (SOUTHBROOK).** Rezoning and Comprehensive Master Plan Amendment applications by Neumann Developments, Inc., to rezone two properties located at approximately 9733 South 76th Street from BP Business Park District to R-8 Multiple-Family Residence District and to amend the Future Land Use Map for the two properties from Business Park Use to Residential – Multi-Family Use and Areas of Natural Resource Features Use; Tax Key Nos. 896-9999-007 and 896-9999-008. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE REZONING APPLICATION OF THIS MATTER.**
3. **NEUMANN DEVELOPMENTS, INC. SINGLE-FAMILY RESIDENTIAL DWELLING BUILDINGS LOTS DEVELOPMENT (OAKWOOD & 76TH STREET).** Rezoning and Comprehensive Master Plan Amendment applications by Neumann Developments, Inc., to rezone an approximately 43.63 acre property located at the northwest corner of South 76th Street and West Oakwood Road from R-2 Estate Single-Family Residence District, R-8 Multiple-Family Residence District and FW Floodway District to R-5 Suburban Single-Family Residence District and FW Floodway District and to amend the Future Land Use Map for this property from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use; Tax Key No. 934-9992-010. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE REZONING APPLICATION OF THIS MATTER.**

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

1. **GUS'S MEXICAN CANTINA SEASONAL, WEEKLY CAR SHOW.** Temporary Use application by Gus's Mexican Cantina, LLC, to host weekly car shows on the northern half of the Garden Plaza Shopping Center parking lot, adjacent to Gus's Mexican Cantina, property zoned B-3 Community Business District, located at approximately 6514 South Lovers Lane Road; 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: June 8, 2017

**City of Franklin  
Plan Commission Meeting  
May 4, 2017  
Minutes**

Unapproved

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

Mayor Steve Olson called the May 4, 2017 Regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Commissioners, Patrick Leon and Kevin Haley and City Engineer Glen Morrow. Excused were Commissioners David Fowler, Patricia Hogan and Alderman Mark Dandrea. Also present was Principal Planner Nick Fuchs.

**B. Approval of Minutes**

- 1. Regular Meeting of April 20, 2017.

Commissioner Haley moved and Commissioner Leon seconded approval of the April 20, 2017 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-3).

**C. Public Hearing Business Matters**

**1. INTERSTATE PARTNERS II WISCONSIN LLC MULTI-TENANT BUILDING DEVELOPMENT (2 BUILDINGS) CONSISTING OF COMMERCIAL, LIGHT INDUSTRIAL AND DISTRIBUTION SPACE.** Special Use and Certified Survey Map applications by John Heller, President of Interstate Partners II Wisconsin LLC, for construction of 2 multi-tenant buildings totaling approximately 230,000 – 240,000 square feet (101,717 square foot multi-tenant building adjacent to West Oakwood Road upon Lot 2 of the proposed Certified Survey Map) upon property zoned Planned Development District No. 39 (Mixed-Use Business Park), located at the southwest corner of South 27th Street and West Oakwood Road; Tax Key No. 951-9994-001. The Certified Survey Map consists of dividing the 73.2925 acre parcel into 3 separate lots and 1 outlot. [Lot 1 is 10.0777 acres and is the furthest west parcel adjacent to West Oakwood Road (property anticipated to be used for

Principal Planner Nick Fuchs presented the request by John Heller, President of Interstate Partners II Wisconsin LLC, for construction of 2 multi-tenant buildings totaling approximately 230,000 – 240,000 square feet upon property zoned Planned Development District No. 39 (Mixed-Use Business Park), located at the southwest corner of South 27th Street and West Oakwood Road; Tax Key No. 951-9994-001

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened at 7:01 p.m. and closed at 7:01 p.m.

Commissioner Leon moved and City Engineer Morrow seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use to allow for a multi-tenant building development consisting of commercial, light industrial and distribution space use upon property located at the Southwest corner of South 27<sup>th</sup> Street and West Oakwood Road, subject to striking Condition No. 4, amending Condition No. 5 to change the number 35 to 25 and inserting the word “each” between the words “percent” and “of” and striking Condition No. 13. On voice vote, all voted 'aye'. Motion carried (4-0-3).

Commissioner Leon moved and City Engineer Morrow seconded a motion to recommend approval of a Resolution conditionally approving a 3 Lot and 1 Outlot Certified Survey

a second phase of development for a 136,700 square foot building). Lot 2 is 7.5198 acres and contains the proposed flex space building. Lot 3 is 34.5330 acres and is reserved for future development. The outlot is 21.1620 acres and consists primarily of protected natural resource features.]

Map, being the Northwest ¼ and part of the Northeast ¼ of the Northeast ¼ of section 36, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, subject to amending Condition No. 6.a. to insert the word “building” between “dashed” and “setback” and striking Condition No. 7 and Condition No. 11. On voice vote, all voted 'aye'. Motion carried (4-0-3).

**D. Business Matters**

None.

**E. Adjournment**

Commissioner Leon moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of May 4, 2017 at 7:38 p.m. All voted 'aye'; motion carried. (4-0-3)

DRAFT



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of May 18, 2017

## Special Use

**RECOMMENDATION:** City Development Staff recommends approval of the Special Use application for Down-N-Cheesy, LLC, to operate a food truck business use upon the Rawson Pub property located at 5621 West Rawson Ave, subject to the conditions of approval in the attached draft resolution.

|                                       |  |
|---------------------------------------|--|
| <b>Project Name:</b>                  | Special Use  |
| <b>Project Address:</b>               | 5621 West Rawson Avenue  |
| <b>Property Owner:</b>                | Steven D. Schweitzer   |
| <b>Applicant:</b>                     | Susan C. Van Erden   |
| <b>Zoning:</b>                        | B-2 General Business District  |
| <b>Use of Surrounding Properties:</b> | Verdure Park commercial development to the north, ABRA Auto Body and Glass to the east, the Payne & Dolan quarry to the south and a parking lot for the bar on land owned by Payne & Dolan to the west |
| <b>Comprehensive Plan:</b>            | Commercial   |
| <b>Applicant Action Requested:</b>    | Recommendation of approval to the Common Council for the proposed Special Use for Down-N-Cheesy, LLC.  |

**INTRODUCTION/BACKGROUND:**

On April 6, 2017, Susan Van Erden submitted a Special Use application on behalf of Down-N-Cheesy, LLC requesting approval for a food truck business use upon the Rawson Pub property located at 5621 West Rawson Avenue. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 5963, Direct Selling Establishments which is allowed within the B-2 General Business District as a Special Use.

On August 20, 2015, the Common Council granted Special Use approval to Mr. Steven D. Schweitzer via Resolution No. 2015-7129 to allow for a bar/restaurant business use. The Special Use included approval for the addition of a kitchen to the southeast corner of the bar building.

**PROJECT DESCRIPTION/ANALYSIS:**

The applicant is requesting Special Use approval to operate a food truck business use upon the Rawson Pub property located at 5621 West Rawson Avenue. Down-N-Cheesy, LLC is a food truck serving gourmet grilled cheese sandwiches, French fries, small desserts and non-alcoholic beverages. The business currently has three employees. Food sales will take place off-site at various locations in southeastern Wisconsin. However, Staff has no objection to future food sales taking place at the Rawson Pub, subject to review and approval of a Minor Site Plan Amendment Application by Staff. The applicant is not proposing any signage on the property at this time. Any future signage for this use

will be subject to the review and approval of the Architectural Review Board and issuance of a Sign Permit from the Inspection Department.

The applicant is a Certified Food Manager and has a Mobile Food Establishment License with the State of Wisconsin. Down-N-Cheesy, LLC is currently using Emerald City Catering in South Milwaukee as a home base and storage location for the food truck business. As soon as Mr. Schweitzer has completed his kitchen addition, Mrs. Van Erden will transfer home base operations and storage from Emerald City Catering to the Rawson Pub. However, the food truck will be parked in the Rawson Pub parking lot immediately after obtaining Special Use approval. No other outdoor storage is allowed on the property without an amendment to the Special Use approval.

According to Section 15-5.0202G.3. of the City of Franklin Unified Development Ordinance any overnight parking for a vehicle over 8,000 pounds rated Gross Vehicle Weight may be allowed only with a Special Use. The Down-N-Cheesy, LLC food truck has a rated Gross Vehicle Weight of approximately 11,100 pounds. Therefore, the overnight parking of the food truck at the Rawson Pub is part of the applicant's Special Use request.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) defines requirements for off-street parking. According to this section, bars require 10 spaces per 1,000 square feet of gross floor area (GFA). As part of restaurant use, a kitchen area requires 6.5 spaces per 1,000 square feet of GFA. The Rawson Pub is approximately 3,400 square feet, which requires 34 off-street parking spaces. The proposed kitchen addition is only approximately 351 square feet, which requires 1 additional parking space. Therefore, the property is required to have a minimum of 35 off-street parking spaces.

The Rawson Pub has 48 off-street parking spaces on site and another 66 off-street spaces in an adjacent parking lot leased from Payne and Dolan, Inc. for a total of 114 off-street parking spaces. This far exceeds the City's minimum requirement of 35 off-street parking spaces. The applicant is proposing to park the Down-N-Cheesy, LLC food truck overnight in the southeast corner of the Rawson Pub parking lot (see Site Plan). The food truck will be partially screened by the adjacent storage shed.

Special Use Standards:

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 Special Use application for Down-N-Cheesy, LLC, to operate a food truck business use upon the Rawson Pub property located at 5621 West Rawson Ave., subject to the conditions of approval in the attached draft resolution.

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

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR  
THE APPROVAL OF A SPECIAL USE FOR A FOOD TRUCK BUSINESS USE UPON  
THE RAWSON PUB PROPERTY LOCATED AT 5621 WEST RAWSON AVENUE  
(SUSAN C. VAN ERDEN, OWNER/OPERATOR OF  
DOWN-N-CHEESY LLC, APPLICANT)

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WHEREAS, Susan C. Van Erden, owner/operator of Down-N-Cheesy LLC, having petitioned the City of Franklin for the approval of a Special Use within a B-2 General Business District under Standard Industrial Classification Title No. 5963 “Direct Selling Establishments”, to allow for a food truck business use upon the Rawson Pub property located at 5621 West Rawson Avenue, bearing Tax Key No. 758-9990-000, more particularly described as follows:

THE NORTH 323.75 FEET OF THE WEST 170.00 FEET OF THE EAST 573. 66 FEET OF THE EAST 50 ACRES OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. EXCEPTING THE NORTH 75.00 FEET FOR STREET PURPOSES. CONTAINING .971ACRES; 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 18th day of May, 2017, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Susan C. Van Erden, owner/operator of

SUSAN C. VAN ERDEN, OWNER/OPERATOR OF DOWN-N-CHEESY LLC –  
SPECIAL USE  
RESOLUTION NO. 2017- \_\_\_\_\_

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Down-N-Cheesy LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Susan C. Van Erden, owner/operator of Down-N-Cheesy LLC, successors and assigns, as a food truck business use, which shall be developed in substantial compliance with, and operated and maintained by Susan C. Van Erden, owner/operator of Down-N-Cheesy LLC, pursuant to those plans City file-stamped \_\_\_\_\_, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. Susan C. Van Erden, owner/operator of Down-N-Cheesy LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Susan C. Van Erden, owner/operator of Down-N-Cheesy LLC food truck, 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 Susan C. Van Erden, owner/operator of Down-N-Cheesy LLC and the food truck business use upon the Rawson Pub property located at 5621 West Rawson Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

4. [other conditions, etc.]

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

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

SUSAN C. VAN ERDEN, OWNER/OPERATOR OF DOWN-N-CHEESY LLC –  
SPECIAL USE  
RESOLUTION NO. 2017-\_\_\_\_\_

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

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

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

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

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

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

APPROVED:

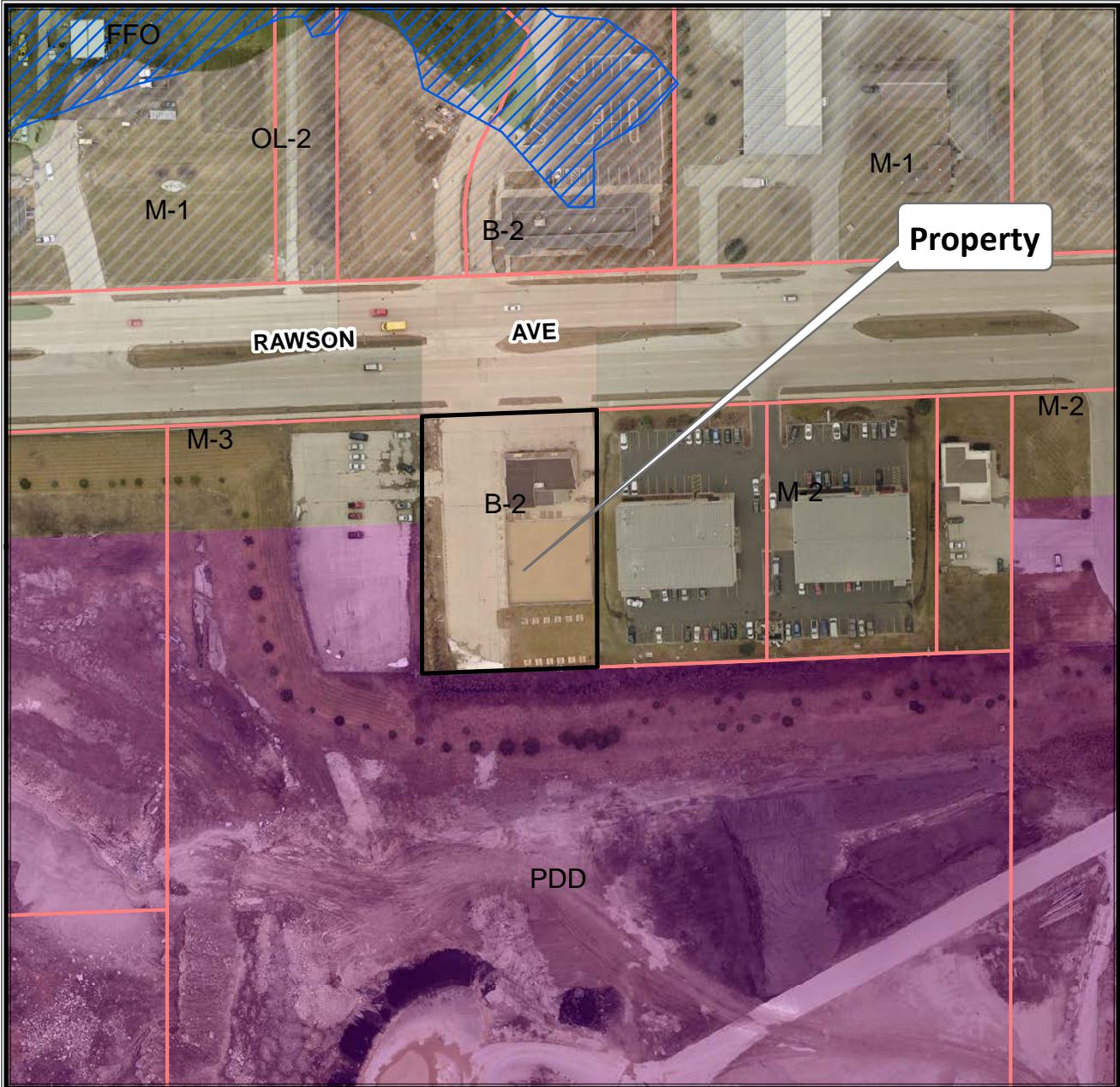
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

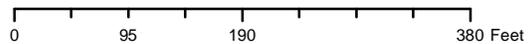
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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

5621 W. Rawson Avenue  
TKN 758 9990 000



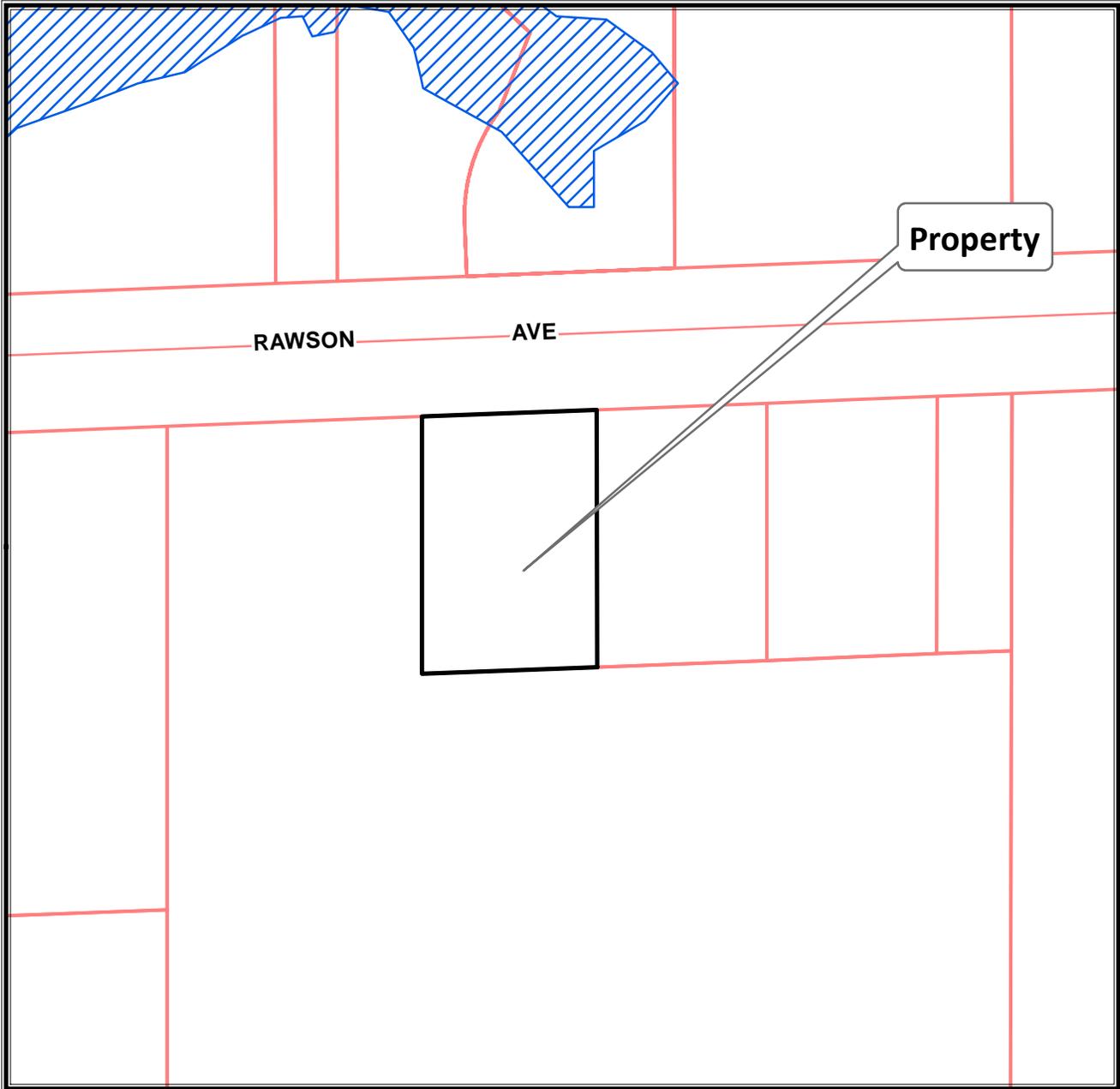
**Planning Department**  
**(414) 425-4024**



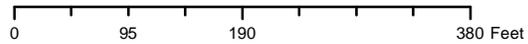
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



5621 W. Rawson Avenue  
TKN 758 9990 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.*



I, Susan C Van Erden, owner/operator of Down 'n Cheesy LLC, respectfully request permission to park Down 'n Cheesy food truck (mobile kitchen) in the parking lot of Rawson Pub, 5621 W Rawson Ave. The vehicle will be parked in the southeast corner of the parking lot located directly west of Rawson pub.

Down 'n Cheesy is currently utilizing Emerald City Catering (1645 W Rawson Ave, South Milwaukee) for a mobile kitchen base and storage. The owner of Rawson Pub, Mr. Steven D Schweitzer, not only has given Down 'n Cheesy permission to park on his property, but has also agreed for Down 'n Cheesy to transfer operations and storage from Emerald City Catering to Rawson Pub as soon as Mr. Schweitzer kitchen is complete and approved by the City of Franklin.

Respectfully,

Susan C Van Erden

**Franklin**

MAY 10 2017

**City Development**

**Franklin**

APR 06 2017

**City Development**

# City of Franklin Department of City Development

Date: April 20, 2017 To: Suzy Van Erden From: City Development Staff RE: Down' n Cheesy, LLC Special Use – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Down' n Cheesy, LLC Special Use Application submitted by Suzy Van Erden and date stamped by the City of Franklin on April 6, 2017.

## Staff Recommendations Parking

1. Please note according to §210-10 of the City of Franklin Municipal Code, “Signs placed or affixed to vehicles and/or trailers, which are parked on a public right-of- way, public property, or private property so as to be visible from a public right-of- way, where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property, are prohibited. This provision shall not prohibit signs placed on or affixed to vehicles and/or trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer”.

## Sign Plan

2. At this time, any proposed signage would be subject to review and approval by City of Franklin Architectural Review Board. Please contact the Building Inspection Department at 414-425-0084 for approval process and any required applications, if signage is proposed.

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City Development

## **Project Narrative**

3. If it's available from Steve Schweitzer, please provide an estimated timetable for the completion of the Rawson Pub Kitchen addition.

A: N/A

4. What type of food you will be selling from your food truck?

A: Gourmet Grilled Cheese, French Fries, Small Deserts, Non-Alcoholic Beverages

5. How many employees does Down' n Cheesy, LLC have?

A: Three (3)

6. Where will your truck primarily operate?

A: Various Locations

Examples:

- 1) Town of Raymond Fourth of July Celebration
- 2) The Rock Sports Complex Food Truck Nights
- 3) Franklin, Oak Creek, and Milwaukee Industrial Areas

7. Will you provide food sales from your truck at the Rawson Pub? If so, then please provide details about the operation such as; hours of operation, how often food sales will occur, and where your vehicle will be parked when actively open for business vs. parking for storage as shown on the Site Plan.

A: No sales at Rawson Pub, Storage only

8. Please explain the approvals you have received or are working on with the State of Wisconsin for your food truck business.

A: Certified as a Food Manager, Mobile Food Establishment License

9. Please state the approvals you have received or are working on with the Franklin Health Department for your food truck business.

A: Vendor License

10. Please state the rated Gross Vehicle Weight (in pounds) of your truck.

A: 11,100 lbs

Other

11. Please provide a color picture of your food truck in your submittal.

Engineering Staff Comments

12. No Comments

Police Department Staff Comments

13. The Franklin Police Department has reviewed the application for 5621 W. Rawson Ave. The Police Department has no police services issues with this request.

Fire Department Staff Comments

14. The Fire Department has no comments or concerns regarding the proposed special use at this location.

**Division 15-3.0700**  
**Regulation**

**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.

**Response:**

Parking of the Down 'N Cheesy food truck on the property of Rawson Pub located at 5621 W Rawson Av, will not cause any issues. The property is an entertainment establishment and has been in the location for over thirty (30) years. The food truck will be parked in the south-east corner of the first parking lot located directly adjacent to the Rawson Pub building. The food truck will be parked in the parking lot just to the south of the out building. In this position, the food truck will be partially obstructed by the shed.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endangered adjacent property, the character of the area or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

**Response:**

Parking the Down 'N Cheesy food truck in the parking lot of Rawson Pub will not cause any adverse impact of any kind (public health, safety, morals, comfort, and general welfare), nor will it affect property values in the area, which is primarily commercial.

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**3. No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

**Response:**

There will be no interference with surrounding development

**4. Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools and other public facilities and utilities or the applicant will provide adequately for such facilities.

**Response:**

The Rawson Pub will only be used primarily for parking the Down 'N Cheesy food truck. Eventually, once the in-progress kitchen is completed, Down 'N Cheesy will utilize the completed kitchen as a mobile kitchen base. This base will be utilized for minor food preparation and food storage. Clean water will be obtained from the Pilot Travel Center located at 2031 W Ryan Rd, Oak Creek. Gray Water will be dumped In Accordance With (IAW) Wisconsin Department of Natural Resources (WIDNR) at the Love's Travel Stop 9650 S 20<sup>th</sup> St, Oak Creek.

**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.

**Response:**

Parking of the Down 'N Cheesy food truck at the Rawson Pub will not cause any Traffic Congestion.

**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 features of significant importance.

**Response:**

Use of the Rawson Pub property by Down 'N Cheesy will not cause any new construction of development to the Rawson Pub property.

**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 Ordinances authorizing such use.

**Response:**

Use of Rawson Pub property by Down 'N Cheesy food truck will comply with all local, state and federal regulations overseeing the mobile kitchen operations.

**B. Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15.3.0703 of this division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards

**Response:**

Down 'N Cheesy food truck will be compliance with all local and state regulations governing mobile kitchen operations. Down 'n Cheesy will be State of Wisconsin licensed. The owner of Down 'N Cheesy maintains a State of Wisconsin certification as a certified Food manager

**C. Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Planning Commission and the Common Council shall consider the following:

**1. Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community

**Response:**

Public benefit is almost nothing. Convenience will be that is close to owner Susan C Van Erden's residence at 7272 Countryside Ct. Susan has been a Franklin residence since 2004 when she purchased her home with her son Joseph and had family here all her life in Franklin

**2. Alternative Location.** Whether and to what extent such public Goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

**Response:**

No other locations were considered. Rawson Pub property is extremely convenient for the operation of Down 'N Cheesy

**3. Mitigation of Adverse Impacts.** Whether an to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

**Response:**

Use of Rawson pub property by Down 'N Cheesy will have no adverse impact of any type.

**4. Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

**Response:**

Use of Rawson Pub property will not establish any known precedent and is not incompatible with the commercial properties in the immediate area.





**Franklin**

MAY 10 2017

**City Development**

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of May 18, 2017****Rezoning and Comprehensive Master Plan Amendment**


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**RECOMMENDATION:** Department of City Development staff recommends denial of the Rezoning and Comprehensive Master Plan Amendment. If approved, staff recommends that approval be subject to the conditions set forth in the attached draft resolution and ordinances.

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|---------------------------------------|---|
| <b>Project Name:</b>                  | Neumann Developments, Inc. Rezoning and Comprehensive Master Plan Amendment – Southbrook subdivision development  |
| <b>Project Location:</b>              | Approximately 9733 S. 76 <sup>th</sup> Street (Taxkey Nos. 896-9999-007 & 896-9999-008)   |
| <b>Property Owner:</b>                | Southbrook Church, Inc.   |
| <b>Applicant:</b>                     | Neumann Developments, Inc.  |
| <b>Agent:</b>                         | Cory O'Donnell, Project Manager, Neumann Developments, Inc.   |
| <b>Current Zoning:</b>                | BP Business Park District   |
| <b>2025 Comprehensive Plan:</b>       | Business Park   |
| <b>Use of Surrounding Properties:</b> | City of Franklin Public Works facility (zoned I-1), vacant land (zoned M-1) and single-family residential (zoned M-1 and R-8) to the north, single-family residential (zoned R-8) to the south, vacant land and single-family residential (zoned R-8) to the east and vacant land owned by the Archdiocese of Milwaukee to the west |
| <b>Applicant's Action Requested:</b>  | Approval of the Rezoning and Comprehensive Master Plan Amendment for future multi-family residential development  |

---

**Introduction and Background**

On April 21, 2017, Cory O'Donnell of Neumann Developments, Inc. filed a Rezoning and Comprehensive Master Plan (CMP) Amendment Application in anticipation of a future multi-family residential development for two properties located at approximately 9733 S. 76<sup>th</sup> Street. The properties are located along South 76<sup>th</sup> Street, south of West Ryan Road. The larger parcel is approximately 15.04-acres and the smaller parcel is approximately 2.73-acres, totaling about 17.77-acres.

History

Prior to 2010, the subject properties were zoned R-8 Multiple-Family Residence District and were designated as Commercial on the 2025 Future Land Use Map in the Comprehensive Master Plan.

On July 28, 2010, Southbrook Church, Inc. submitted an application to rezone the two properties from R-8 Multiple-Family Residence District to I-1 Institutional District in anticipation of constructing a new church facility. Consequently, Southbrook Church also had to submit an application to amend the 2025 Comprehensive Master Plan to change the future land use map designation from Commercial to Institutional to be consistent with the proposed zoning district.

The Plan Commission, at their August 19, 2010 meeting, recommended approval of the Rezoning and Comprehensive Master Plan Amendment. At their September 7, 2010 meeting, the Common Council approved the two applications via Ordinance No. 2010-2020 and Ordinance No. 2010-2021.

Following the approvals in 2010, Southbrook Church did not move forward with its plans to construct a church at this location, but rather, purchased an existing church in the St. Martins area, 11010 W. St. Martins Road.

As the church was not moving forward, in 2013 the City of Franklin rezoned the property from I-1 Institutional District to BP Business Park District (Ordinance No. 2013-2107) and amended the future land use designation from Institutional to Business Park (Ordinance No. 2013-2106). The business park zoning and future land use designation were recommended by Mayor Tom Taylor and Department of City Development staff and found to be appropriate at that time in consideration of the construction of the Ryan Creek Interceptor Sewer, growing interest among property owners along South 76<sup>th</sup> Street to connect to the new sewer, potential interest in a possible future business park(s) within the southwest portion of the City, and that the surrounding lands are planned for future business park and commercial development.

## **Project Description and Analysis**

### Rezoning Application

The Rezoning Application requests that the two subject properties be rezoned from BP Business Park District to R-8 Multiple-Family Residence District. The rezoning request is in anticipation of a multi-family development consisting of twenty-eight 2-unit attached homes.

### Comprehensive Master Plan Amendment Application:

- *Consistent with, as defined by Wisconsin State Statute, means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”*

The properties are currently designated as Business Park on the City’s 2025 Future Land Use Map. The applicant is requesting to change that future land use designation to Residential – Multi-Family and Areas of Natural Resource Features.

As indicated in the City’s Comprehensive Master Plan, the entire southeastern portion of the City, tributary to the Ryan Creek Interceptor Sewer, is envisioned to be developed with public sanitary sewer and water service. The subject area in particular (along with the lands located immediately to the west) is envisioned to be developed as a future business park, with adjacent lands to the north, south, and east envisioned for future commercial uses.

In this regard, staff would note that:

- these future commercial and business park lands were identified by the Economic Development Commission during the preparation of the City's Comprehensive Master Plan, and are part of Area F as identified in the Franklin First Development Plan prepared by R.A. Smith & Associates, Inc. in 2001 (which plan identified the subject area as part of one of the five best areas within the City of Franklin for non-residential development);
- the subject area is located relatively near (approximately 1,500 feet south of) the intersection of 76<sup>th</sup> Street and Ryan Road/Hwy 100 with its higher traffic volumes and greater road infrastructure, and the existing public water supply system;
- the subject area is located immediately adjacent to the Ryan Creek Interceptor Sewer and to vacant developable land to the east and west that are planned for commercial and business park uses respectively (although most of these lands are currently zoned R-8, the adjacent lands to the north are zoned M-1 and I-1); and
- none of the adjacent existing rural residential development is zoned for such use, rather they are all zoned R-8 or M-1, and as such, have long been envisioned for other more intensive uses.

#### Natural Resource Protection Plan

The applicant has included natural resource features delineations on the attached Site Development Plan. The property contains wetlands and associated wetland buffers and setbacks, shore buffer and mature woodlands. The wetlands were delineated on May 8, 2017 by Dave Meyer of Wetland & Waterway Consulting. Mr. Meyer is on the Wisconsin Department of Natural Resources list of Assured Delineators.

Upon submittal of a Preliminary Plat Application, a full and complete Natural Resource Protection Plan will be required and all natural resources required for protection will be placed within a Conservation Easement.

#### Economic Development Commission

The Economic Development Commission reviewed this item at their April 24, 2017 meeting, focusing their discussion on lands zoned business park west of S. 76<sup>th</sup> Street between W. Ryan and W. Oakwood Roads, including both parcels proposed for development by Neumann Developments, Inc. Understanding that consideration of specific project proposals is under the purview of the Plan Commission and Common Council, the EDC addressed the likelihood of a business park being constructed in that area:

The EDC recommends the Common Council be open to considering the necessary rezoning and changes to the future land use plan to accommodate residential development on lands currently designated for business park northwest of S. 76<sup>th</sup> Street and W. Oakwood Road based on the quality of the transportation infrastructure in the area and the lack of market demand for industrial and business park uses.

The Community Development Authority will discuss the proposed changes to the Future Land Use plan at their meeting prior to the Plan Commission meeting on May 18, 2017.

## Staff Recommendation

Department of City Development staff recommends denial of the Rezoning and Comprehensive Master Plan Amendment. Staff finds that the request is not consistent with the following principles and goals set forth within the Comprehensive Master Plan:

- **Balanced Development Principle.** As an overall guiding element of the CMP, Chapter 2 recommends that development be balanced with natural resource protection such that the high quality suburban character of the City is maintained, and that large-lot residential development, small-scale commercial development, and preservation of natural resources be supported. Chapter 4 specifically includes Balanced Development as an economic development goal, and recommends that the City stabilize and expand a diverse tax base as a central economic development principle.
  - The subject request is not consistent with this principle as the CMP already identifies a substantial amount of future residential uses within the southwest portion of the City and elsewhere in the City, albeit primarily single-family residential. Furthermore, the City identifies the surrounding areas for commercial and business park uses which are highly desired uses as stated herein.
- **70/30 Goal.** Chapter 2 of the CMP recommends that the City strive to achieve a balance of 70 percent residential to 30 percent commercial assessed valuation to help lower the City's tax rate and to help achieve the Balanced Development Principle. Chapter 4 specifically includes the 70/30 Goal as part of the City's economic development efforts.
  - The subject request is not consistent with the 70/30 Goal, as it would result in a significant addition of lands identified as future Residential – Multi-Family uses, which would not help achieve the 30 percent commercial assessed valuation, and in turn, will not help lower the City's tax base and achieve balanced development.
- **Other Principles and Goals for which the subject request is not consistent include:**
  - Create jobs for a growing population (Economic Development chapter principle)
  - Encourage high quality commercial, retail and office development in appropriate locations (Land Use chapter goal)

Draft resolution and ordinances are attached if the Plan Commission wishes to approve the Rezoning and Comprehensive Master Plan Amendment requests.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 5-2-17]*

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

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
(ZONING MAP) TO REZONE TWO PARCELS OF LAND FROM BP BUSINESS PARK  
DISTRICT TO R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT  
(APPROXIMATELY 9733 SOUTH 76TH STREET)  
(APPROXIMATELY 15.04 ACRES (TAX KEY NO. 896-9999-008);  
2.73 ACRES (TAX KEY NO. 896-9999-007))  
(NEUMANN DEVELOPMENTS, INC., APPLICANT)

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WHEREAS, Neumann Developments, Inc. having petitioned for the rezoning of two parcels of land from BP Business Park District to R-8 Multiple-Family Residence District, such land being located at approximately 9733 South 76th Street; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 18th day of May, 2017, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from BP Business Park District to R-8 Multiple-Family Residence District:

That part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, described as follows: Commencing at the Northeast corner of said Section 28; thence South 00° 15' 12" East along the East line of said Northeast 1/4 of Section 28, 1553.93 feet to the point of beginning; thence continue South 00° 15' 12" East along the East line of said Northeast 1/4 of Section 28, 157.51 feet; thence South 88° 30'

36" West, 60.01 feet to the West right of way line of S. 76th Street; thence South 00° 15' 12" East along said right of way line, 285.07 feet to the Northeast corner of Parcel 1 of Certified Survey Map 7040 as recorded in the Milwaukee County Registry; thence South 88° 30' 36" West along the North line of Parcel 1 of said Certified Survey Map No. 7040, 1264.46 feet to the Northwest corner of Parcel 1 of said Certified Survey Map No. 7040 and the West line of said Southeast 1/4 of the Northeast 1/4 of said Section 28; thence North 00° 22' 22" West along said West line of the Southeast 1/4 of the Northeast 1/4 of Section 28, 670.75 feet to the Northwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 28; thence North 88° 31' 42" East along the North line of said Southeast 1/4 of the Northeast 1/4 of Section 28, 933.77 feet to the Northwest corner of Parcel 1 of Certified Survey Map No. 4504 as recorded in the Milwaukee County Registry; thence South 00° 15' 12" East along the West line of Parcel 1 of said Certified Survey Map No. 4504, 219.45 feet to the Southwest corner of Parcel 1 of said Certified Survey Map No. 4504; thence North 89° 44' 42" East along the South line of Parcel 1 of said Certified Survey Map. No. 4504, 392.00 feet to the East line of said Northeast 1/4 of Section 28 and the point of beginning. Tax Key Nos. 896-9999-007 and 896-9999-008.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

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

ORDINANCE NO. 2017-\_\_\_\_  
Page 3

APPROVED:

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Stephen R. Olson, Mayor

ATTEST:

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Sandra L. Wesolowski, City Clerk

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

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

A RESOLUTION RECOMMENDING THE ADOPTION OF AN  
ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT APPROXIMATELY  
9733 SOUTH 76TH STREET FROM BUSINESS PARK USE TO RESIDENTIAL-  
MULTI-FAMILY USE AND AREAS OF NATURAL RESOURCE FEATURES USE,  
PURSUANT TO WIS. STAT. § 66.1001(4)(b)

WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, Neumann Developments, Inc. has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for two properties located at approximately 9733 South 76th Street, from Business Park Use to Residential-Multi-Family Use and Areas of Natural Resource Features Use, such properties bearing Tax Key Nos. 896-9999-007 and 896-9999-008, more particularly described as follows:

That part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, described as follows: Commencing at the Northeast corner of said Section 28; thence South 00° 15' 12" East along the East line of said Northeast 1/4 of Section 28, 1553.93 feet to the point of beginning; thence continue South 00° 15' 12" East along the East line of said Northeast 1/4 of Section 28, 157.51 feet; thence South 88° 30' 36" West, 60.01 feet to the West right of way line of S. 76th Street; thence South 00° 15' 12" East along said right of way line, 285.07 feet to the Northeast corner of Parcel 1 of Certified Survey Map 7040 as recorded in the Milwaukee County Registry; thence South 88° 30' 36" West along the North line of Parcel 1 of said Certified Survey Map No. 7040, 1264.46 feet to the Northwest corner of Parcel 1 of said Certified Survey Map No. 7040 and the West line of said Southeast 1/4 of the Northeast 1/4 of said Section 28; thence North 00° 22' 22" West along said West line of the Southeast 1/4 of the Northeast 1/4 of Section 28, 670.75 feet to the Northwest corner of

the Southeast 1/4 of the Northeast 1/4 of said Section 28; thence North 88° 31' 42" East along the North line of said Southeast 1/4 of the Northeast 1/4 of Section 28, 933.77 feet to the Northwest corner of Parcel 1 of Certified Survey Map No. 4504 as recorded in the Milwaukee County Registry; thence South 00° 15' 12" East along the West line of Parcel 1 of said Certified Survey Map No. 4504, 219.45 feet to the Southwest corner of Parcel 1 of said Certified Survey Map No. 4504; thence North 89° 44' 42" East along the South line of Parcel 1 of said Certified Survey Map. No. 4504, 392.00 feet to the East line of said Northeast 1/4 of Section 28 and the point of beginning. Tax Key Nos. 896-9999-007 and 896-9999-008, consisting of approximately 15.04 acres of land (Tax Key No. 896-9999-008) and approximately 2.73 acres of land (Tax Key No. 896-9999-007) (total acreage approximately 17.77 acres); and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on May 18, 2017, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at approximately 9733 South 76th Street, from Business Park Use to Residential-Multi-Family Use and Areas of Natural Resource Features Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

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

Page 3

ATTEST:

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

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

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

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT APPROXIMATELY 9733  
SOUTH 76TH STREET FROM BUSINESS PARK USE TO RESIDENTIAL- MULTI-  
FAMILY USE AND AREAS OF NATURAL RESOURCE FEATURES USE  
(APPROXIMATELY 15.04 ACRES (TAX KEY NO. 896-9999-008);  
2.73 ACRES (TAX KEY NO. 896-9999-007))  
(NEUMANN DEVELOPMENTS, INC., APPLICANT)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, Neumann Developments, Inc. has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at approximately 9733 South 76th Street from Business Park Use to Residential – Multi-Family Use and Areas of Natural Resource Features Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on May 18, 2017, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at approximately 9733 South 76th Street from Business Park Use to Residential – Multi-Family Use and Areas of Natural Resource Features Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on June 6, 2017; and

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for property located at approximately 9733 South 76th Street from Business Park Use to Residential – Multi-Family Use and Areas of Natural Resource Features Use. Such property is more particularly described within Resolution No. 2017 \_\_\_\_ of even-date herewith.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

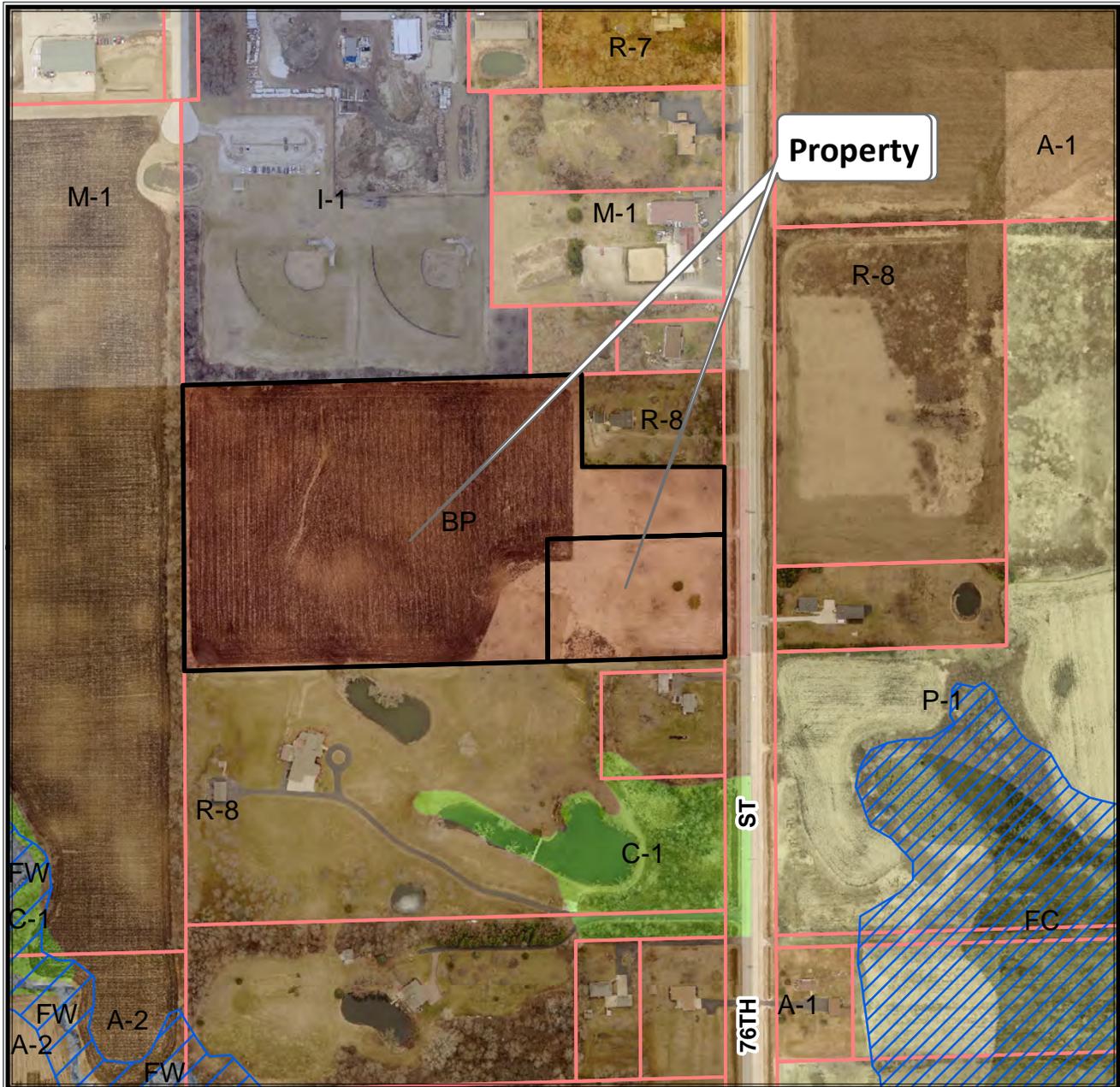
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

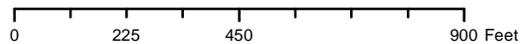
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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

9733 S. 76th Street  
 TKN's 896 9999 007 and 896 9999 008

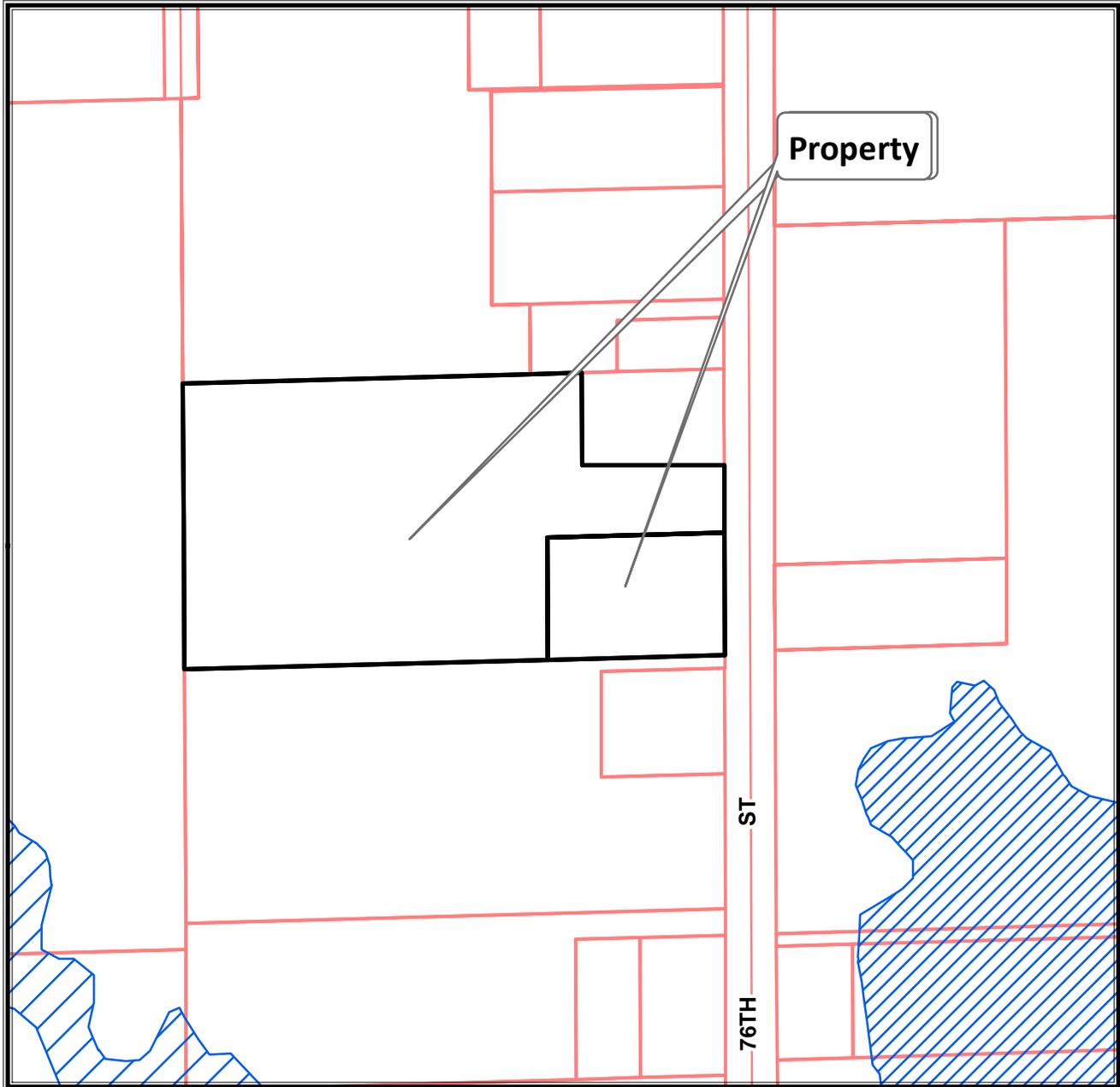


**Planning Department**  
**(414) 425-4024**

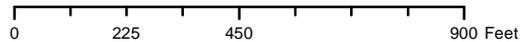


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

9733 S. 76th Street  
TKN's 896 9999 007 and 896 9999 008



**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.*



## Southbrook

Neumann Developments is eager to provide details regarding its latest potential subdivision in the City of Franklin, located at the corner of S. 76<sup>th</sup> St and Oakwood Ave. Neumann Developments has been creating single-family residential subdivisions in South-Eastern and South-Central Wisconsin since the year 2000. Neumann Developments, Inc. has had the proud distinction to have their communities selected for the Metropolitan Builders Association Parade of Homes in seven of the past nine years!

### Project Summary for Southbrook:

- 28 duplex single family lots
- Average Lot size 14,025 SF
- Density 1.55 lots/acre
- Total Area 18.00 Acres

Current Zoning is BP

Proposed Zoning R-8

The proposed development would utilize an access point at S. 76<sup>th</sup> St.

The average lot size is 14,025 square feet with a density of 1.55 lots/acre. All lots and stormwater management facilities are located in upland. A proposed 30' wide landscape buffer easement and outlot is suggested along S. 76<sup>th</sup> St. Landscape buffer-yards are incorporated into the design based on prior natural resource protection plan. An updated protection plan will be completed in spring and any necessary changes will be incorporated into the design. Common area amenities including a passive park are planned for this community.

This community will be created with a common architectural requirements throughout the development. Multiple architectural styles of homes will be required. Typically four or more are incorporated into the design theme. The architectural details will be reviewed by an architectural control committee reviewing the minimum home size, construction materials, and other pertinent details regarding the community standards. The anticipated home size floor areas are to be between 1,400 square feet and 1,900 square feet and cost to be around \$320,000 to \$400,000.

- Variations on side entry and front entry for garage
- Deep lot and wide lots allow for variation on floor plan design
- Option sun room and bonus rooms also provide for varied building design

Southbrook is within the existing sanitary sewer and water service areas. Sanitary and water services would be obtained from off-site services located north along S. 76<sup>th</sup> St and/or 80<sup>th</sup> St.







## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of May 18, 2017

## Rezoning and Comprehensive Master Plan Amendment

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**RECOMMENDATION:** Department of City Development staff recommends approval of the Rezoning and Comprehensive Master Plan Amendment, subject to the conditions set forth in the attached draft resolution and ordinances.

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|                                       |   |
|---------------------------------------|---|
| <b>Project Name:</b>                  | Neumann Developments, Inc. Rezoning and Comprehensive Master Plan Amendment – Oakwood subdivision development   |
| <b>Project Location:</b>              | Northwest corner of S. 76 <sup>th</sup> Street and W. Oakwood Road  |
| <b>Property Owner:</b>                | Schweitzer Family Partnership   |
| <b>Applicant:</b>                     | Neumann Developments, Inc.  |
| <b>Agent:</b>                         | Cory O'Donnell, Project Manager, Neumann Developments, Inc.   |
| <b>Current Zoning:</b>                | R-2 Estate Single-Family Residence District, R-8 Multiple-Family Residence District and FW Floodway District  |
| <b>2025 Comprehensive Plan:</b>       | Business Park and Areas of Natural Resource Features  |
| <b>Use of Surrounding Properties:</b> | Single-family residential to the north (primarily zoned R-8), agricultural land and single-family residential to the south, single-family residential and Milwaukee County parkland to the east and agricultural land to the west |
| <b>Applicant's Action Requested:</b>  | Approval of the Rezoning and Comprehensive Master Plan Amendment for future residential and commercial development  |

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## Introduction and Project Description

Please note:

- Staff recommendations are *underlined, in italics* and are included in the draft ordinance.
- Staff suggestions are only underlined and are not included in the draft ordinance.

On April 21, 2017, Cory O'Donnell of Neumann Developments, Inc. filed a Rezoning and Comprehensive Master Plan (CMP) Amendment Application for a single-family and future commercial development for property located at the northwest corner of S. 76<sup>th</sup> Street and W. Oakwood Road.

### Rezoning Application

Originally, the Rezoning Application request included amending the current zoning for the entire 43.63 acre parcel from R-2 Estate Single-Family Residence District, R-8 Multiple-Family

Residence District and FW Floodway District to R-5 Suburban Single-Family Residence District and FW Floodway District.

Upon further discussions with staff, the applicant has removed the “Possible Commercial” area from their request. Therefore, as currently presented, that future commercial area would retain its existing R-2 Residence District zoning. The applicant intends to return in the future to rezone that area to an appropriate commercial zoning district.

As split lot zoning is not allowed, *staff recommends that the Ordinance shall take effect and be in force from and after its passage and publication and Common Council approval of a Preliminary Plat and the approval and recording of a Final Plat or Common Council approval of a Rezoning Application for the “Possible Commercial” area to a nonresidential zoning district.*

#### Comprehensive Master Plan Amendment Application:

- *Consistent with, as defined by Wisconsin State Statute, means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”*

The property is currently designated as Business Park and Areas of Natural Resource Features on the City’s 2025 Future Land Use Map. Similarly to the Rezoning request described above, the applicant originally proposed to amend the Future Land Use Map designation for the entire 43.60 acres parcel to Residential and Areas of Natural Resource Features.

The applicant has revised the proposal to remove the future commercial area, thus retaining its current Business Park use designation for that area.

#### Natural Resource Protection Plan

The applicant has included natural resource features delineations on the attached Site Development Plan. The property contains wetlands and associated wetland buffers and setbacks, a navigable stream, shore buffer and floodway. The wetlands were delineated on May 8, 2017 by Dave Meyer of Wetland & Waterway Consulting. Mr. Meyer is on the Wisconsin Department of Natural Resources list of Assured Delineators.

Upon submittal of a Preliminary Plat Application, a full and complete Natural Resource Protection Plan will be required and all natural resources required for protection will be placed within a Conservation Easement.

#### Economic Development Commission

The Economic Development Commission reviewed this item at their April 24, 2017 meeting, focusing their discussion on lands zoned business park west of S. 76<sup>th</sup> Street between W. Ryan and W. Oakwood Roads, including both parcels proposed for development by Neumann Developments, Inc. Understanding that consideration of specific project proposals is under the purview of the Plan Commission and Common Council, the EDC addressed the likelihood of a business park being constructed in that area:

The EDC recommends the Common Council be open to considering the necessary rezoning and changes to the future land use plan to accommodate residential development on lands currently designated for business park northwest of S. 76<sup>th</sup> Street and W. Oakwood Road based on the quality of the transportation infrastructure in the area and the lack of market demand for industrial and business park uses.

The Community Development Authority will discuss the proposed changes to the Future Land Use plan at their meeting prior to the Plan Commission meeting on May 18, 2017.

**Staff Recommendation**

Department of City Development staff recommends approval of the Rezoning and Comprehensive Master Plan Amendment, subject to the conditions set forth in the attached draft resolution and ordinances.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 5-12-17]*

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

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL  
OF LAND FROM R-2 ESTATE SINGLE-FAMILY RESIDENCE  
DISTRICT, R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT AND FW  
FLOODWAY DISTRICT TO R-5 SUBURBAN SINGLE-FAMILY  
RESIDENCE DISTRICT AND FW FLOODWAY DISTRICT  
(THE NORTHWEST CORNER OF SOUTH 76TH STREET  
AND WEST OAKWOOD ROAD)  
(APPROXIMATELY 43.63 ACRES)  
(NEUMANN DEVELOPMENTS, INC., APPLICANT)

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WHEREAS, Neumann Developments, Inc. having petitioned for the rezoning of a certain parcel of land from R-2 Estate Single-Family Residence District, R-8 Multiple-Family Residence District and FW Floodway District to R-5 Suburban Single-Family Residence District and FW Floodway District, such land being located at the northwest corner of South 76th Street and West Oakwood Road; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 18th day of May, 2017, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1:           §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from R-2 Estate Single-Family Residence District, R-8 Multiple-Family Residence District and FW Floodway District to R-5 Suburban Single-Family Residence District and FW Floodway District:

The East 1/2 of the Southeast 1/4 of Section 28, in Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, State of Wisconsin.

EXCEPTING THEREFROM the North 330 feet and the South 33 feet thereof.

ALSO EXCEPTING THEREFROM the following parcels:

Parcel 1: Commencing at a point on the East line of said Southeast 1/4 Section, 1103.13 feet North of the Southeast corner of said Southeast 1/4 Section; thence continuing North on said East line, 180 feet to a point; thence West, 242 feet to a point; thence South and parallel to the East line of said 1/4 Section, 180 feet to a point; thence East, 242 feet to the place of beginning.

Parcel 2: Beginning at the Southeast corner of said 1/4 Section; and running thence West along the South line of said 1/4 Section, 600 feet to a point; thence North to a point, 60 feet North of and at right angles to the South line of said 1/4 Section; thence East on a line, being parallel to and 80 feet North of the South line of said 1/4 Section, 200 feet to a point; thence Northeasterly along a line to a point being 120 feet North of and at right angles to the South line of said 1/4 Section and also being 200 feet West of the East line of said 1/4 Section; thence East along a line, being parallel to and 120 feet North of the South line of said 1/4 Section, 125 feet to a point; thence Northeasterly along a line to a point, 60 feet West of and at right angles to the East line of said 1/4 Section and 220 feet North of the South line of said 1/4 Section; thence North along a line, being parallel to and 60 feet at right angles, West of the East line of said 1/4 Section to a point in the South line of a 1 acre tract of land; thence East along said South line to the East line of said 1/4 Section; thence South along the East line of said 1/4 Section, 1103.13 feet to the point of beginning.

ALSO, beginning at a point on the East line of said 1/4 Section, 330.0 feet South of the Northeast corner of said 1/4 Section; and running thence South along said East line, 1033.31 feet to a point on the North line of a 1 acre tract; thence West along said North line to a point, 60 feet West of and at right angles to the East line of said 1/4 Section; thence North along a line, 60 feet West of and parallel to the East line of said 1/4 Section to a point on the South line of a 10 acre tract; thence East along said South line to the point of beginning.

Parcel 3: Commencing at a point on the East line of said 1/4 Section, 690.00 feet South of the Northeast corner of said 1/4 Section; continuing thence South, 180.00 feet along the East line of said 1/4 Section; thence West and at right angles to the East line of said 1/4 Section, 242.00 feet to a point; thence North and parallel to the East

line of said 1/4 Section, 180.00 feet to a point; thence East, 242.00 feet to the point of commencement.

Parcel 4: Commencing at a point on the East line of said 1/4 Section, 903.13 feet North of the Southeast corner of said 1/4 Section; continuing thence North on and along the East line of said 1/4 Section, 180.00 feet to a point; thence West and at right angles to the East line of said 1/4 Section to a point; thence South and parallel to the East line of said 1/4 Section, 180.00 feet to a point; thence East, 242.00 feet to the place of beginning.

ALSO EXCEPTING therefrom the parcels conveyed by Document Nos. 4003098, 4828560 and 5146264 and parcels now known as Certified Survey Map No. 436, Certified Survey Map No. 1911, Certified Survey Map No. 2190, Certified Survey Map No. 4108, Certified Survey Map No. 4109 and Certified Survey Map No. 4110.

Parcel 5: Commencing at the Southeast corner of 1/4 Section; running thence North 00° 14' 00" West along the center line of South 76th Street, a distance of 520.00 feet to a point; running thence South 88° 33' 53" West, a distance of 60.01 feet to the point of beginning of the parcel to be described; continuing thence South 86° 33' 53" West, a distance of 303.03 feet to a point; running thence North to a point, being the Southwest corner of Outlot 1 of Certified Survey Map No. 4108; running thence North 89° 46' 00" East, a distance of 302.00 feet to a point on the West line of South 76th Street; running thence South 00° 14' 00" East upon and along the West line of South 76th Street to the point of beginning.

Tax Key No. 934-9992-010.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication and Common Council approval of a Preliminary Plat and the approval and recording of a Final Plat or Common Council approval of a Rezoning Application for the "Possible Commercial" area to a nonresidential zoning district.

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

Page 4

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

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

APPROVED:

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

ATTEST:

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

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

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

A RESOLUTION RECOMMENDING THE ADOPTION OF AN  
ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT THE NORTHWEST  
CORNER OF SOUTH 76TH STREET AND WEST OAKWOOD ROAD FROM  
BUSINESS PARK USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO  
RESIDENTIAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE,  
PURSUANT TO WIS. STAT. § 66.1001(4)(b)

WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, Neumann Developments, Inc. has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at the northwest corner of South 76th Street and West Oakwood Road, from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use, such property bearing Tax Key No. 934-9992-010, more particularly described as follows:

The East 1/2 of the Southeast 1/4 of Section 28, in Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, State of Wisconsin.

EXCEPTING THEREFROM the North 330 feet and the South 33 feet thereof.

ALSO EXCEPTING THEREFROM the following parcels: Parcel 1: Commencing at a point on the East line of said Southeast 1/4 Section, 1103.13 feet North of the Southeast corner of said Southeast 1/4 Section; thence continuing North on said East line, 180 feet to a point; thence West, 242 feet to a point; thence South and parallel to the East line of said 1/4 Section, 180 feet to a point; thence East, 242 feet to the place of beginning. Parcel 2: Beginning at the Southeast corner of said 1/4 Section; and running thence West along the South line of said 1/4 Section, 600 feet to a point; thence North to a point, 60 feet North of and at right angles to the South line of said 1/4 Section; thence East on a line, being parallel to and 80 feet North of the South line of said 1/4 Section, 200 feet to a point; thence Northeasterly along a line

to a point being 120 feet North of and at right angles to the South line of said 1/4 Section and also being 200 feet West of the East line of said 1/4 Section; thence East along a line, being parallel to and 120 feet North of the South line of said 1/4 Section, 125 feet to a point; thence Northeasterly along a line to a point, 60 feet West of and at right angles to the East line of said 1/4 Section and 220 feet North of the South line of said 1/4 Section; thence North along a line, being parallel to and 60 feet at right angles, West of the East line of said 1/4 Section to a point in the South line of a 1 acre tract of land; thence East along said South line to the East line of said 1/4 Section; thence South along the East line of said 1/4 Section, 1103.13 feet to the point of beginning. ALSO, beginning at a point on the East line of said 1/4 Section, 330.0 feet South of the Northeast corner of said 1/4 Section; and running thence South along said East line, 1033.31 feet to a point on the North line of a 1 acre tract; thence West along said North line to a point, 60 feet West of and at right angles to the East line of said 1/4 Section; thence North along a line, 60 feet West of and parallel to the East line of said 1/4 Section to a point on the South line of a 10 acre tract; thence East along said South line to the point of beginning. Parcel 3: Commencing at a point on the East line of said 1/4 Section, 690.00 feet South of the Northeast corner of said 1/4 Section; continuing thence South, 180.00 feet along the East line of said 1/4 Section; thence West and at right angles to the East line of said 1/4 Section, 242.00 feet to a point; thence North and parallel to the East line of said 1/4 Section, 180.00 feet to a point; thence East, 242.00 feet to the point of commencement. Parcel 4: Commencing at a point on the East line of said 1/4 Section, 903.13 feet North of the Southeast corner of said 1/4 Section; continuing thence North on and along the East line of said 1/4 Section, 180.00 feet to a point; thence West and at right angles to the East line of said 1/4 Section to a point; thence South and parallel to the East line of said 1/4 Section, 180.00 feet to a point; thence East, 242.00 feet to the place of beginning.

ALSO EXCEPTING therefrom the parcels conveyed by Document Nos. 4003098, 4828560 and 5146264 and parcels now known as Certified Survey Map No. 436, Certified Survey Map No. 1911, Certified Survey Map No 2190, Certified Survey Map No. 4108, Certified Survey Map No. 4109 and Certified Survey Map No. 4110.

Parcel 5: Commencing at the Southeast corner of 1/4 Section; running thence North  $00^{\circ} 14' 00''$  West along the center line of South 76th Street, a distance of 520.00 feet to a point; running thence South  $88^{\circ} 33' 53''$  West, a distance of 60.01 feet to the point of beginning of the parcel to be described; continuing thence South  $86^{\circ} 33' 53''$  West, a distance of 303.03 feet to a point; running thence North to a point, being the Southwest corner of Outlot 1 of Certified Survey Map No. 4108; running thence North  $89^{\circ} 46' 00''$  East, a distance of 302.00 feet to a point on the West line of South 76th Street; running thence

South 00° 14' 00" East upon and along the West line of South 76th Street to the point of beginning; and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on May 18, 2017, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at the northwest corner of South 76th Street and West Oakwood Road, from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2017.

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

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

ATTEST:

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

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

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

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT THE NORTHWEST  
CORNER OF SOUTH 76TH STREET AND WEST OAKWOOD ROAD FROM BUSINESS  
PARK USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO RESIDENTIAL  
USE AND AREAS OF NATURAL RESOURCE FEATURES USE  
(APPROXIMATELY 43.63 ACRES)  
(NEUMANN DEVELOPMENTS, INC., APPLICANT)

---

WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, Neumann Developments, Inc. has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at the northwest corner of South 76th Street and West Oakwood Road from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on May 18, 2017, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at the northwest corner of South 76th Street and West Oakwood Road from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on June 6, 2017; and

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for property located at the northwest corner of South 76th Street and West Oakwood Road from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use. Such property is more particularly described

within Resolution No. 2017 \_\_\_\_ of even-date herewith.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

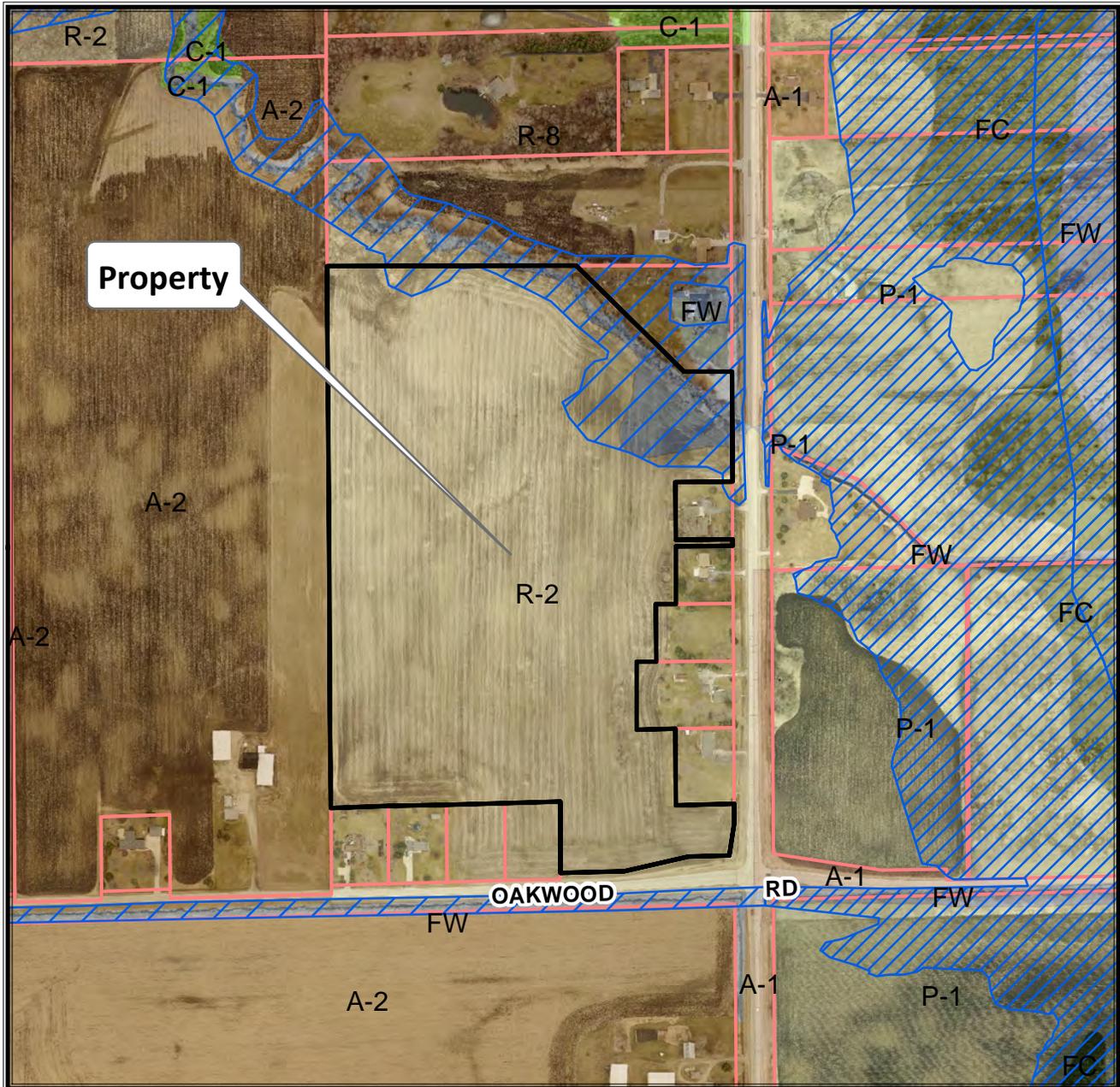
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

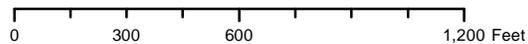
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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

## Oakwood Road and 76th Street



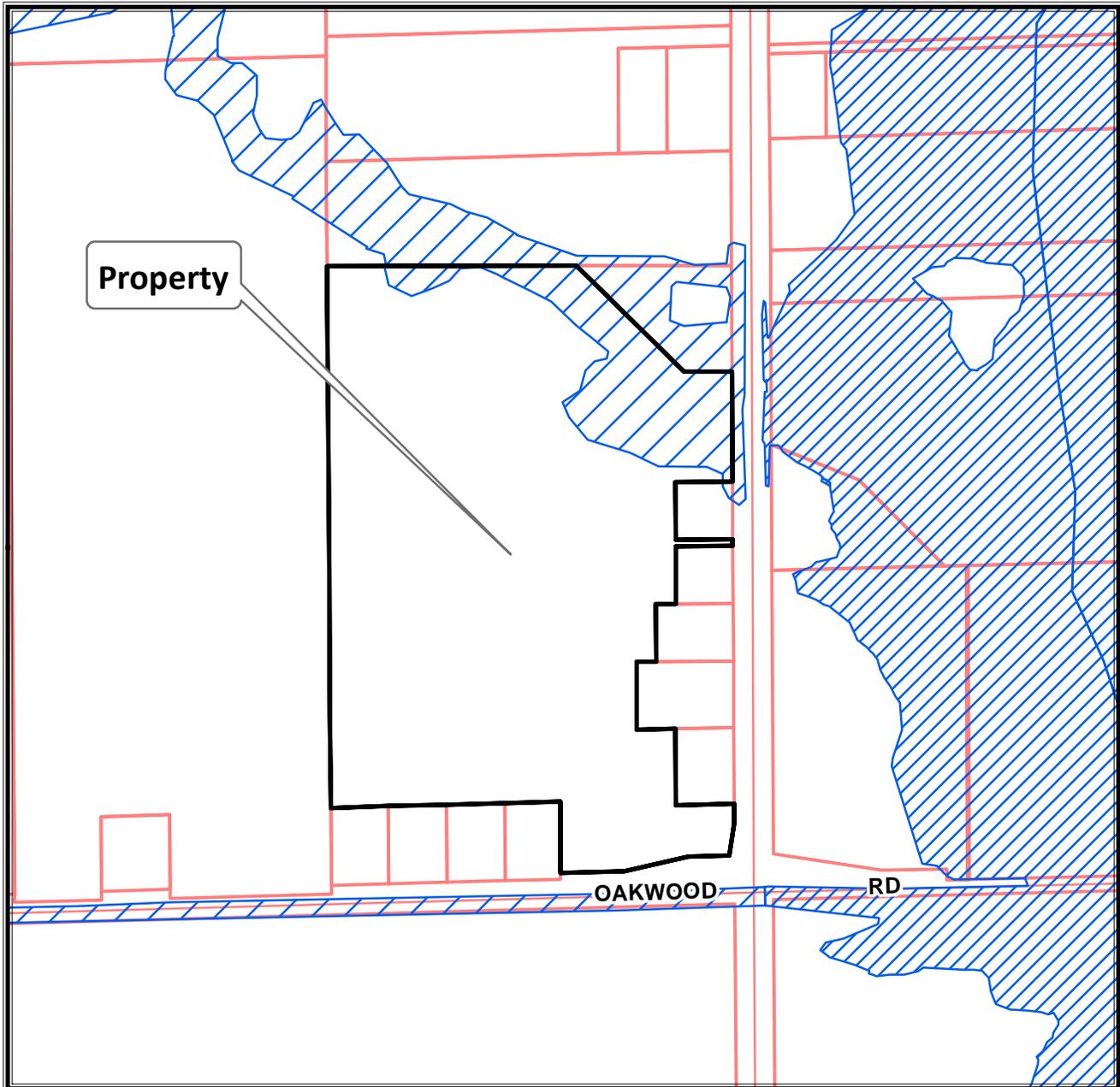
**Planning Department**  
**(414) 425-4024**



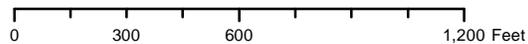
2017 Aerial Photo

*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.*

## Oakwood Road and 76th Street



**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.*





## Oakwood at Ryan Creek

Neumann Development is eager to provide details regarding its latest potential subdivision in the City of Franklin, located at the corner of S. 76<sup>th</sup> St and Oakwood Ave. Neumann Developments has been creating single-family residential subdivisions in South-Eastern and South-Central Wisconsin since the year 2000. Neumann Developments, Inc. has had the proud distinction to have their communities selected for the Metropolitan Builders Association Parade of Homes in seven of the past nine years!

### Project Summary for Oakwood at Ryan Creek:

- 72 single family lots
- Average Lot size 14,876 SF
- Density 1.65 lots/acre
- Total Area 43.60 Acres

Current Zoning is R-2 and FW

Proposed Zoning R-5 and FW

The proposed development would utilize an access point at both Oakwood Ave. and S. 76<sup>th</sup> St. including over a 3 Acre outlot at the corner of S.76<sup>th</sup> and Oakwood Ave for commercial purposes.

The average lot size is 14,876 square feet with a density of 1.65 lots/acre. All lots and stormwater management facilities are located in upland. A proposed 20' wide utility easement is provided for municipal access for future main extensions along S. 76<sup>th</sup> Street.

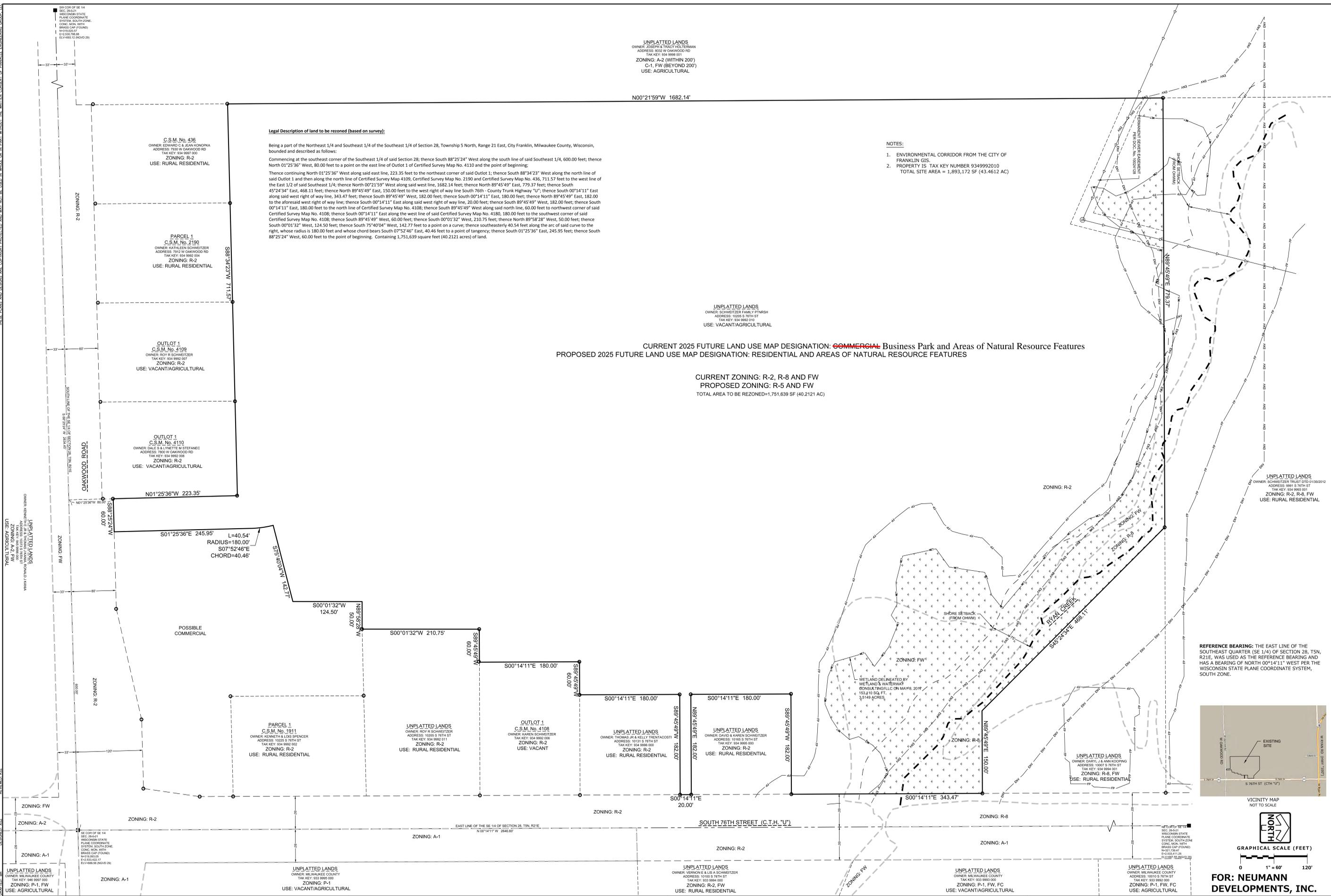
Landscape buffer-yards are incorporated into the design based on natural resource areas. A natural resources protection plan will be completed in spring and any necessary changes will be incorporated into the design. Common area amenities include a proposed trail system along Ryan Creek and a passive park and/or tot lot for this community.

Oakwood at Ryan Creek will be a deed restricted community with an incorporated home owners association. The responsibilities of the home owners association include management of the stormwater management facilities and commonly owned land. The deed restrictions will reflect the minimum home size, construction materials, and other pertinent details regarding the community standards. The minimum home size floor areas are anticipated to be 1,700 square feet for a ranch/one story home and 2,100 square feet for a two-story homes. Natural building materials and stone accent requirements will be included.

Oakwood Crossing is within the existing sanitary sewer and water service areas. Sanitary is to the North West corner of the property and Water would need to be brought from the North along S 76<sup>th</sup> St. or 80<sup>th</sup> St. Storm water management will be located in the southwest corner and northeast corner of the parcel.



THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC



**Legal Description of land to be rezoned (based on survey):**  
 Being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, City Franklin, Milwaukee County, Wisconsin, bounded and described as follows:  
 Commencing at the southeast corner of the Southeast 1/4 of said Section 28; thence South 88°25'24" West along the south line of said Southeast 1/4, 600.00 feet; thence North 01°25'36" West, 80.00 feet to a point on the east line of Outlot 1 of Certified Survey Map No. 4110 and the point of beginning;  
 Thence continuing North 01°25'36" West along said east line, 223.35 feet to the northeast corner of said Outlot 1; thence South 88°34'23" West along the north line of said Outlot 1 and then along the north line of Certified Survey Map No. 4109, Certified Survey Map No. 2190 and Certified Survey Map No. 436, 711.57 feet to the west line of the East 1/2 of said Southeast 1/4; thence North 00°21'59" West along said west line, 1682.14 feet; thence North 89°45'49" East, 779.37 feet; thence South 45°24'34" East, 408.11 feet; thence North 89°45'49" East, 150.00 feet to the west right of way line South 76th - County Trunk Highway "U"; thence South 00°14'11" East along said west right of way line, 343.47 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East, 180.00 feet; thence North 89°45'49" East, 182.00 feet to the aforesaid west right of way line; thence South 00°14'11" East along said west right of way line, 20.00 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East, 180.00 feet to the north line of Certified Survey Map No. 4108; thence South 89°45'49" West along said north line, 60.00 feet to northwest corner of said Certified Survey Map No. 4108; thence South 00°14'11" East along the west line of said Certified Survey Map No. 4180, 180.00 feet to the southwest corner of said Certified Survey Map No. 4108; thence South 89°45'49" West, 60.00 feet; thence South 00°13'32" West, 210.75 feet; thence North 89°58'28" West, 50.00 feet; thence South 00°13'32" West, 124.50 feet; thence South 75°40'04" West, 142.77 feet to a point on a curve; thence southeasterly 40.54 feet along the arc of said curve to the right, whose radius is 180.00 feet and whose chord bears South 07°52'46" East, 40.46 feet to a point of tangency; thence South 01°25'36" East, 245.95 feet; thence South 88°25'24" West, 60.00 feet to the point of beginning. Containing 1,751,639 square feet (40.2121 acres) of land.

**UNPLATTED LANDS**  
 OWNER: JOSEPH & TRACY J. TUBMAN  
 ADDRESS: 8013 W OAKWOOD RD  
 TAX KEY: 934 9992 001  
 ZONING: A-2 (WITHIN 200')  
 C-1, FW (BEYOND 200')  
 USE: AGRICULTURAL

N00°21'59"W 1682.14'

- NOTES:**
- ENVIRONMENTAL CORRIDOR FROM THE CITY OF FRANKLIN GIS.
  - PROPERTY IS: TAX KEY NUMBER 9349992010  
TOTAL SITE AREA = 1,893,172 SF (43.4612 AC)

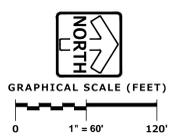
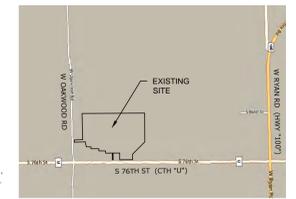
CURRENT 2025 FUTURE LAND USE MAP DESIGNATION: ~~COMMERCIAL~~ Business Park and Areas of Natural Resource Features  
 PROPOSED 2025 FUTURE LAND USE MAP DESIGNATION: RESIDENTIAL AND AREAS OF NATURAL RESOURCE FEATURES

CURRENT ZONING: R-2, R-8 AND FW  
 PROPOSED ZONING: R-5 AND FW  
 TOTAL AREA TO BE REZONED=1,751,639 SF (40.2121 AC)

**UNPLATTED LANDS**  
 OWNER: SCHWEITZER FAMILY PTNRSHP  
 ADDRESS: 10205 S 76TH ST  
 TAX KEY: 934 9992 010  
 USE: VACANT/AGRICULTURAL

**UNPLATTED LANDS**  
 OWNER: SCHWEITZER TRUST DTD 01/30/2012  
 ADDRESS: 9981 S 76TH ST  
 TAX KEY: 934 9992 021  
 ZONING: R-2, R-8, FW  
 USE: RURAL RESIDENTIAL

**REFERENCE BEARING:** THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, T5N, R21E, WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF NORTH 00°14'11" WEST PER THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.



**FOR: NEUMANN DEVELOPMENTS, INC.**

PLAN | DESIGN | DELIVER  
 www.pinnacle-engineer.com

**PINNACLE ENGINEERING GROUP**  
 ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:  
 13850 W. BLUEMOUND ROAD  
 BROOKFIELD, WI 53005  
 (262) 754-8888

CHICAGO | MILWAUKEE | RACINE | WISCONSIN

**SCHWEITZER PROPERTY**  
 CITY OF FRANKLIN, MILWAUKEE CO.

**REZONING AND COMPREHENSIVE MASTER PLAN EXHIBIT**

| REVISIONS |                        |
|-----------|------------------------|
| 1         | CITY COMMENTS 05-10-17 |
|           |                        |
|           |                        |
|           |                        |
|           |                        |

|                       |          |       |
|-----------------------|----------|-------|
| PROJECT NO. 902-00-WT | ASZ      | SHEET |
| START DATE: 04-19-17  | 1" = 60' | C-1   |
| SCALE                 | 1" = 60' | C-1   |



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of May 18, 2017

## Temporary Use

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**RECOMMENDATION:** City Development staff recommends approval of the Temporary Use for Gus' Mexican Cantina, located at 6514 South Lovers Lane Road within the Garden Plaza commercial center, subject to the conditions in the attached resolution.

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|                                       |   |
|---------------------------------------|---|
| <b>Project Name:</b>                  | Gus' Mexican Cantina Temporary Use  |
| <b>Project Address:</b>               | 6514 South Lovers Lane Road   |
| <b>Property Owner:</b>                | Hartland Meadows, LLC   |
| <b>Applicant:</b>                     | Gus's Mexican Cantina, LLC  |
| <b>Agent:</b>                         | Gus Hosseini  |
| <b>Zoning:</b>                        | B-3 Community Business District   |
| <b>Use of Surrounding Properties:</b> | 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 |
| <b>2025 Comprehensive Plan:</b>       | Commercial  |
| <b>Action Requested:</b>              | Approval of the Temporary Use   |

---

**BACKGROUND AND PROJECT DESCRIPTION**

Please note:

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

On April 7, 2017, Mr. Gus Hosseini of Gus' Mexican Cantina submitted an application for a Temporary Use to host "Cruise Night" car shows at 6514 South Lovers Lane Road. The applicant is proposing to host a car show every Wednesday starting May 24, 2017 to October 25, 2017. The car shows will be held from 4:30 p.m. to 9:00 p.m. within the existing parking lot, adjacent to Gus' Mexican Cantina. There will be a total of 22 car shows.

The applicant has had car shows at this property on an annual basis since 2012. This year is substantially similar to the car shows of previous years.

The applicant is also planning to host a larger car show/fund raising event on July 23, 2017 from 9:00 a.m. to 3:00 p.m. This event will raise money to benefit the Tripoli Shriners. Staff has determined that this event is a Public Interest and Special Event, per Section 15-3.0804J. of the UDO, which states that a Public Interest and Special Event is an event held on a commercial property that is limited to no more than six times per year and each event shall be no longer than 14 days. Public interest events shall include but not be limited to outdoor food sale, outdoor car wash, or other gathering for the benefit of the community, a particular service or a non-profit organization.

Public Interest and Special Events are allowed without the issuance of a Temporary Use Permit per Section 15-3.0804 of the UDO.

As the car shows hosted every Wednesday will exceed six times per year, a Temporary Use, subject to Plan Commission review and approval is required. Please note a Temporary Use Application and Permit will be required each year.

Staff has previously presented the applicant with a more permanent solution to allow the car shows to be hosted on the subject property without an annual application. This could be accomplished via a Unified Development Ordinance Text Amendment to allow SIC Code No. 7389 in the B-3 Community Business District as a permitted use. The applicant would then only be required to submit a Zoning Compliance Application and could hold the event every year without any further approvals. The applicant has once again submitted the Temporary Use Application.

Staff is recommending the following conditions of approval:

1. The approval granted hereunder shall allow for such use on Wednesdays, from May 24, 2017 through October 25, 2017, from 4:30 p.m. to 9:00 p.m., and all approvals granted hereunder expiring at 9:00 p.m. on October 25, 2017.
2. The area utilized for outdoor food service and outdoor music shall be limited to the existing patio area on the north side of the building and adjacent to the entrance on the west side of the building, and shall meet all City noise ordinance requirements and standards.
3. All parking for these events (customers and show cars alike) shall be limited to the northern half of the Garden Plaza parking lot. Parking on streets and grass/open space areas is not allowed. Access into and out of the Garden Plaza shopping center shall not be obstructed at any time. Safe pedestrian access shall be maintained at all times.
4. Outdoor alcohol sales and consumption is limited to the patio on the north side of the building pursuant to the current liquor license issued to Gus's Mexican Cantina.
5. Trash receptacles shall be provided as necessary to collect all garbage and to prevent any littering generated by this event.
6. All other permits and approvals shall be obtained and complied with, including but not limited to signage, fire department requirements and health department requirements.
7. All event clean-up shall be completed by 10:00 a.m. the morning following the event.

### **STAFF RECOMMENDATION**

City Development staff recommends approval of the Temporary Use for Gus' Mexican Cantina, located at 6514 South Lovers Lane Road within the Garden Plaza commercial center, subject to the conditions in the attached resolution.

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

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE  
APPROVAL OF A TEMPORARY USE FOR A SEASONAL, WEEKLY CAR SHOW  
UPON PROPERTY LOCATED AT APPROXIMATELY 6514 SOUTH LOVERS LANE  
ROAD (GARDEN PLAZA SHOPPING CENTER)  
(GUS'S MEXICAN CANTINA, LLC, APPLICANT)

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WHEREAS, Gus's Mexican Cantina, LLC having petitioned the City of Franklin for the approval of a Temporary Use to allow for a seasonal, weekly car show, upon property located at approximately 6514 South Lovers Lane Road (northern half of the Garden Plaza Shopping Center, adjacent to Gus's Mexican Cantina) on Wednesdays from May 24, 2017 through October 25, 2017, from 4:30 p.m. to 9:00 p.m.; 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 Gus's Mexican Cantina, LLC for the approval of a Temporary Use to allow for a seasonal, weekly car show, 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 on Wednesdays, from May 24, 2017 through October 25, 2017, from 4:30 p.m. to 9:00 p.m., and all approvals granted hereunder expiring at 9:00 p.m. on October 25, 2017.
2. The area utilized for outdoor food service and outdoor music shall be limited to the existing patio area on the north side of the building and adjacent to the entrance on the west side of the building, and shall meet all City noise ordinance requirements and standards.
3. All parking for these events (customers and show cars alike) shall be limited to the northern half of the Garden Plaza parking lot. Parking on streets and grass/open space areas is not allowed. Access into and out of the Garden Plaza shopping center shall not be obstructed at any time. Safe pedestrian access shall be maintained at all times.
4. Outdoor alcohol sales and consumption is limited to the patio on the north side of the building pursuant to the current liquor license issued to Gus's Mexican Cantina.

GUS'S MEXICAN CANTINA, LLC – TEMPORARY USE  
RESOLUTION NO. 2017- \_\_\_\_\_

Page 2

5. Trash receptacles shall be provided as necessary to collect all garbage and to prevent any littering generated by this event.
6. All other permits and approvals shall be obtained and complied with, including but not limited to signage, fire department requirements and health department requirements.
7. All event clean-up shall be completed by 10:00 a.m. the morning following the event.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

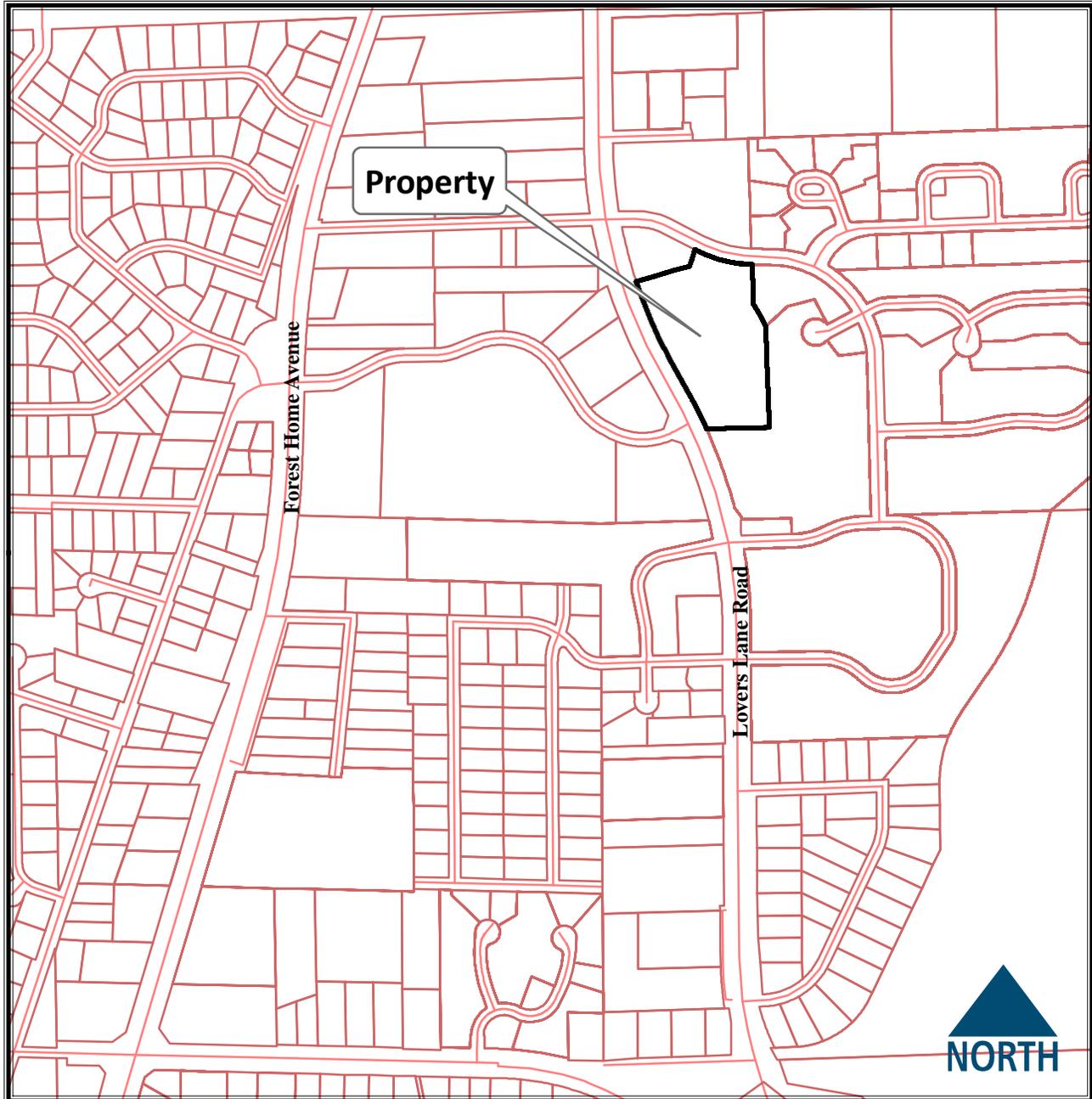
ATTEST:

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

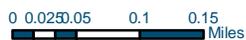
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



# 6514 South Lovers Lane Road Gus's Mexican Cantina



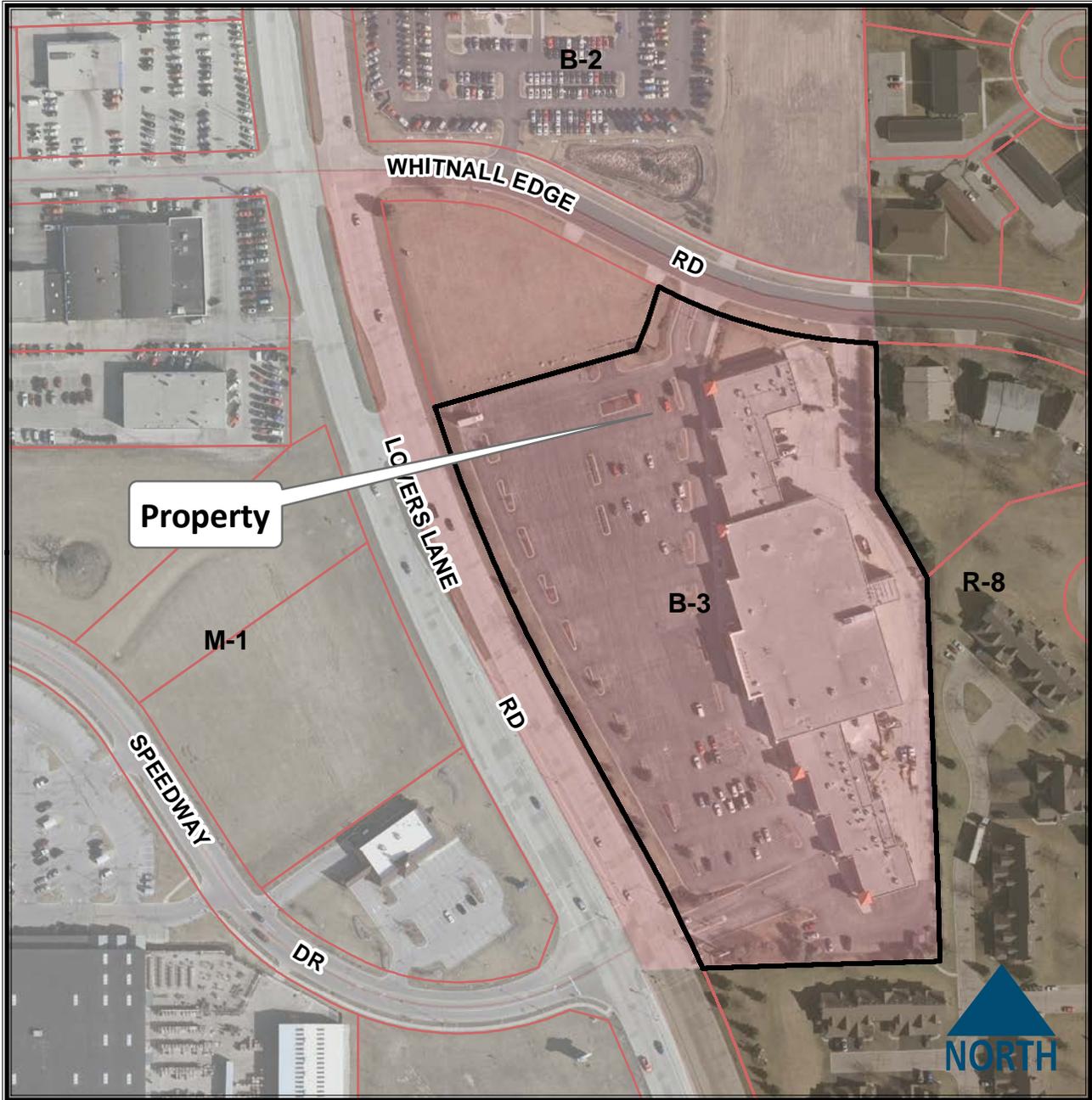
**Planning Department**  
**(414) 425-4024**



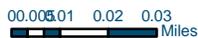
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



# 6514 South Lovers Lane Road Gus's Mexican Cantina

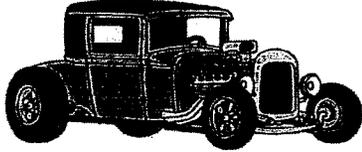


**Planning Department**  
**(414) 425-4024**



*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.*

# COME ON OUT TO THE CRUISE NIGHT AT GUS' MEXICAN CANTINA



Every Wednesday from 5 to 9PM starting on the third Wed. in May and running through October  
(Weather permitting)

**GUS WILL BE SERVING UP HAMBURGERS, BRATS, AND HOT DOGS ON THE GRILL OUTSIDE ALONG WITH  
CHIPS AND PEPSI PRODUCTS AT VERY REASONABLE PRICES.**

**AND OF COURSE THERE WILL BE A DJ CRANKING OUT THE TUNES FOR YOUR ENJOYMENT.**

**So bring out your classic car, street rod, truck, custom or whatever you have to show and meet old  
friends and maybe make some new ones. Don't have a car to show? Come on out anyway and be  
a spectator and join the fun!**

GUS' MEXICAN CANTINA 6514 S. LOVERS LANE RD. FRANKLIN, WI

[WWW.GUSMEXICANCANTINA.COM](http://WWW.GUSMEXICANCANTINA.COM)

414-425-4499

