



REPORT TO THE PLAN COMMISSION

Meeting of September 17, 2015

Special Use

RECOMMENDATION: Department of City Development staff recommends approval of the Special Use Application for a beauty salon business use upon property located at 11113 W. Forest Home Avenue, Suite 210, subject to the conditions of approval in the attached draft resolution.

Project Name:	Monda Salon Special Use
Project Address:	11113 West Forest Home Avenue, Suite 210
Applicant:	Monda Salon, LLC
Property Owner:	11113 West Forest Home Avenue, LLC
Current Zoning:	M-1 Limited Industrial District and C-1 Conservancy District
2025 Comprehensive Plan	Industrial
Use of Surrounding Properties:	WI Electric Power Company property and Ewald automobile dealership to the north, gasoline service station to the south, Hale Park Lumber and Hiller Ford automobile dealership to the east and single-family residential to the west
Applicant Action Requested:	Recommendation of approval of the Special Use Application to allow for a beauty salon business use

Introduction

Please note:

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

On August 24, 2015, the applicant submitted a Special Use Application to operate a beauty salon business use at 11113 West Forest Home Avenue, Suite 210. The proposed use is classified under Standard Industrial Classification (SIC) Title No.7231, Beauty Shops, which is allowed as a Special Use in the M-1 Limited Industrial District. The applicant is not proposing any exterior site or building modifications as part of this application.

Project Description/Analysis

The applicant is proposing to occupy approximately 890 square feet of space on the upper level of Ogden Construction Group, LLC's building located at 11113 W. Forest Home Avenue. The property is approximately 1.95 acres or 84,942 square feet. The applicant has indicated that the

business will have one employee. The proposed hours of operation for the salon are 9:00 a.m. to 7:00 p.m., Tuesday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays.

Parking:

Table 15-5.0203 of the UDO requires a Standard Parking Ratio (SPR) of three spaces per chair, plus one space per employee for a salon. The approximately 890 square foot salon will only have 1 chair and one employee. Therefore, the salon use requires four parking spaces. Ogden Construction Group's Special Use (Resolution No. 2015-7065) approved a eighteen (18) stall parking lot on the north side of the building, seven (7) striped spaces on a concrete pad behind the building and five (5) gravel spaces within the W.E.P.Co. easement in the rear of the property, for thirty (30) total off-street parking spaces. The Special Use approval was conditioned on the applicant submitting a revised Site Plan with a parking layout meeting all of the requirements of Section 15-5.0202 of the Unified Development Ordinance, to the Department of City Development for review and approval by Staff, prior to the issuance of a Building Permit. Staff approved a revised Site Plan meeting the requirements of Section 15-5.0202 of the UDO on March 3, 2015.

Ogden Construction group has patched and striped the parking lot located on the north side of the building, but it only has sixteen (16) off-street parking spaces instead of eighteen (18). Therefore, this parking lot is not in accordance with Resolution No. 2015-7065 or the revised Site Plan City file-stamped March 3, 2015. The thirty (30) total off-street parking spaces for the property was already a 25% reduction from the minimum Standard Parking Ratio, granted by the Plan Commission. For this reason, Staff has concerns with any further reductions. Therefore, Staff recommends the applicant re-stripe the north parking lot to accommodate eighteen (18) off-street parking spaces, pursuant to the revised Site Plan City file-stamped March 3, 2015, prior to issuance of a Final Occupancy Permit.

The concrete pad for the seven (7) off-street parking spaces located behind the building has not yet been poured. According to the project narrative, this will be done by October 15, 2015. Therefore, Staff recommends the concrete pad for seven (7) off-street parking spaces behind the building be paved and striped, prior to issuance of a Final Occupancy Permit.

Landscaping:

Ogden Construction's Special Use (Resolution No. 2015-7065) was approved subject to the applicant submitting a Landscape Plan to the Department of City Development for review and approval by Staff, prior to issuance of a Building Permit. Staff approved a Landscape Plan on March 3, 2015. However, Ogden Construction Group, LLC has not yet installed any of the approved landscape plantings. According to the project narrative, the landscaping will be installed before the end of the year. Therefore, Staff recommends the applicant install all of the landscaping per the approved Landscape Plan City file-stamped March 3, 2015, prior to issuance of a Final Occupancy Permit.

Stormwater Management:

The property contains an underground pipe that conveys surface drainage from the north to an existing storm sewer with an outlet at the southeast corner of the property. As a condition of Ogden Construction Group's previous Special Use (Resolution No. 2015-7065), the applicant was to have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, repair the pipe as may be necessary, and grant the City of Franklin an easement to protect and access the pipe. Staff further recommends the applicant have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, repair the pipe as may be necessary, and grant the City of Franklin an easement to protect and access the pipe, prior to the issuance of a Final Occupancy Permit.

Lighting:

The applicant is not proposing any new lighting on the building or property. There are three existing exterior lights on the building. A Lighting Plan will be required, in conformance with Division 15-5.0400 of the UDO, if lighting is proposed in the future.

Architecture:

The exterior architectural changes approved as part of Ogden Construction's Special Use (Resolution No. 2015-7065) have primarily been completed. The building materials have been updated to cement board lap siding with a composite trim, accented by an Air Stone veneer and a small amount of E.F.I.S. In addition, the original cedar shake mansard roof has been replaced with an E.F.I.S. reveal, which provides a flat surface for the applicant to display wall signage for their business and future tenants. However, the E.I.F.S reveal was supposed to be scored in a geometric pattern to break up the north and west façades, which has not been done. Therefore, Staff recommends the applicant score the E.F.I.S. reveal as shown on the approved colored architectural elevations City file-stamped January 26, 2015, prior to issuance of a Final Occupancy Permit.

Furthermore, Ogden Construction Group has not yet installed a 10' x 10' wood fence dumpster enclosure in the rear of the property or a 6' wood fence on the north side of the building as required by Resolution No. 2015-7065. Therefore, Staff recommends the 10' x 10' wood fence dumpster enclosure and 6' wood fence be installed, prior to issuance of a Final Occupancy Permit.

Signage:

The applicant has been made aware that any signage will require separate review and approval by the Architectural Review Board and issuance of a Sign Permit from the Inspection Department.

Staff Recommendation

Department of City Development staff recommends approval of the Special Use Application for a beauty salon business use upon property located at 11113 W. Forest Home Avenue, Suite 210, subject to the conditions in the attached draft resolution.

RESOLUTION NO. 2015-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE FOR A BEAUTY SALON BUSINESS USE
UPON PROPERTY LOCATED AT 11113 WEST FOREST HOME AVENUE, SUITE 210
(MONDA SALON LLC, APPLICANT)

WHEREAS, Monda Salon LLC, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District and C-1 Conservancy District under Standard Industrial Classification Title No. 7231 "Beauty shops", to allow for a beauty salon business use upon property located at 11113 West Forest Home Avenue, Suite 210, bearing Tax Key No. 704-9978-002, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 3988, recorded on March 11, 1981, Reel 1362, Images 185 to 187, as Document No. 5462366, being a part of the Northeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 17th day of September, 2015, 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 Monda Salon 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 Monda

MONDA SALON LLC – SPECIAL USE
RESOLUTION NO. 2015-_____

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Salon LLC, successors and assigns, as a beauty salon business use, which shall be developed in substantial compliance with, and operated and maintained by Monda Salon LLC, pursuant to those plans City file-stamped September 10, 2015 and annexed hereto and incorporated herein as Exhibit A.

2. Monda Salon 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 Monda Salon LLC beauty salon, 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 Monda Salon LLC and the beauty salon business use for the property located at 11113 West Forest Home Avenue, Suite 210: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. The parking lot shall be re-striped to accommodate eighteen (18) off-street parking spaces, in accordance with the revised Site Plan City file-stamped March 3, 2015, prior to the issuance of a Final Occupancy Permit.
5. The concrete pad for seven (7) off-street parking spaces, located behind the building, shall be paved and striped in accordance with the revised Site Plan City file-stamped March 3, 2015, prior to the issuance of a Final Occupancy Permit.
6. All of the landscaping shall be installed in accordance with the approved Landscape Plan City file-stamped March 3, 2015, prior to the issuance of a Final Occupancy Permit.
7. Applicant shall have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, repair the pipe as may be necessary, and grant the City of Franklin an easement to protect and access the pipe, prior to the issuance of a Final Occupancy Permit.
8. The E.I.F.S. reveal on the building shall be scored in accordance with the approved colored architectural elevations, City file-stamped January 26, 2015, prior to the issuance of a Final Occupancy Permit.

MONDA SALON LLC – SPECIAL USE

RESOLUTION NO. 2015-_____

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9. The 10' x 10' wood fence dumpster enclosure and 6' wood fence shall be installed in accordance with the revised Site Plan City file-stamped March 3, 2015, prior to the issuance of a Final Occupancy Permit.

BE IT FURTHER RESOLVED, that in the event Monda Salon 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 \$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 _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

MONDA SALON LLC – SPECIAL USE
RESOLUTION NO. 2015-_____

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APPROVED:

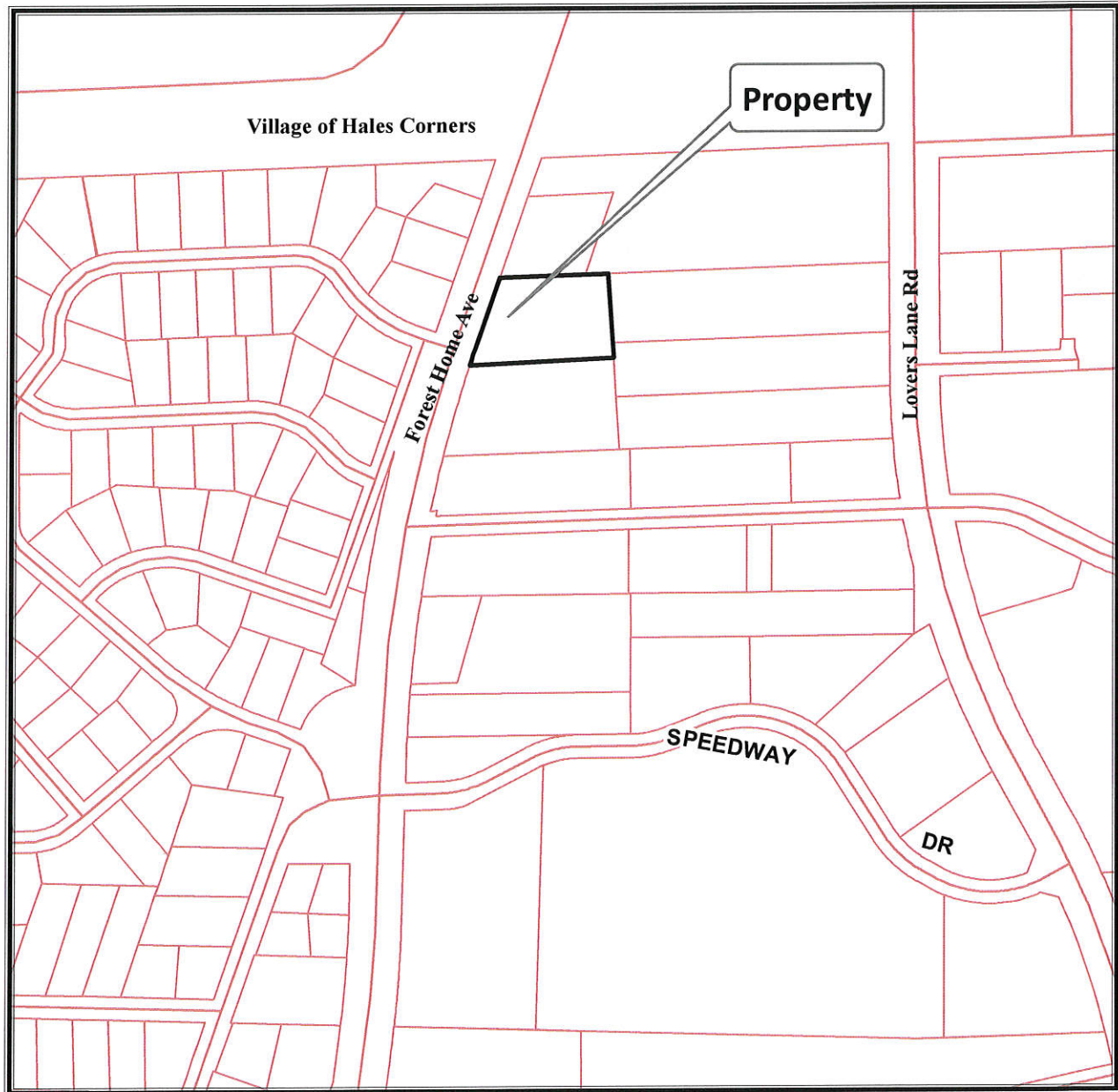
ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

11113 W. Forest Home Avenue
TKN 704-9978-002



Planning Department
(414) 425-4024

0 270 540 1,080 Feet



2013 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.



11113 W. Forest Home Avenue
TKN 704-9978-002



Planning Department
(414) 425-4024

0 45 90 180 Feet



2013 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.

September 9, 2015

City of Franklin
Department of City Development
9229 W. Loomis Rd
Franklin, WI 53132

Franklin

SEP 10 2015

City Development

RE: Monda Salon, LLC Special Use

I am writing in response to your inquiries dated September 8, 2015.

Planning Department

-See attached Status of Site Improvements in Attachment "A"

-See attached Special Use Summary in Attachment "B"

General

- There will be a Knox Box with a minimum of (2) labeled Master keys as required.
- There are no Fire Code violations, and the Franklin Fire Prevention Code will be reviewed before any work is started.

Alarm and Protection Systems

- We have an alarm system in place and will continue to keep the NFPA 10 fire extinguishers up-to-date as required.

Thank you for your consideration.

Sincerely,

OGDEN CONSTRUCTION GROUP, LLC



Joel Cook
President

**11113 WEST FOREST HOME
SITE IMPROVEMENTS
ATTACHMENT "A"**

Following is the status of required items in regard to the Ogden Construction Group's Special Use Permit:

Architectural Upgrades: The exterior improvements to the building are 100% complete (see attached pictures)

Parking: The West side of the building is complete, we have patched the North parking lot and the lower lot parking area is excavated and will be poured by October 15, 2015.

Landscaping: The landscaping was a lot more expensive that we had anticipated. We received (3) bids and the lowest bid was \$34,977. We still plan on completing this by the end of the year, however; having an added income from this tenant will help reduce the financial stress.

Fencing: The fencing will be complete by the end of the year.

Dumpster Enclosure: The dumpster enclosure will be completed with the lower parking lot by October 15, 2015.

BEFORE



11113 W. FOREST HOME AVE. FRANKLIN WI



AFTER



ATTACHMENT "B"

August 20, 2015

City of Franklin
Planning Department
9229 W. Loomis Road
Franklin, WI 53132

RE: 11113 W. Forest Home Avenue
Special Use Summary

I am asking for a special use permit to allow a beauty shop at my multi-tenant building. Per the M-1 Zoning, a beauty shop is listed as special use.

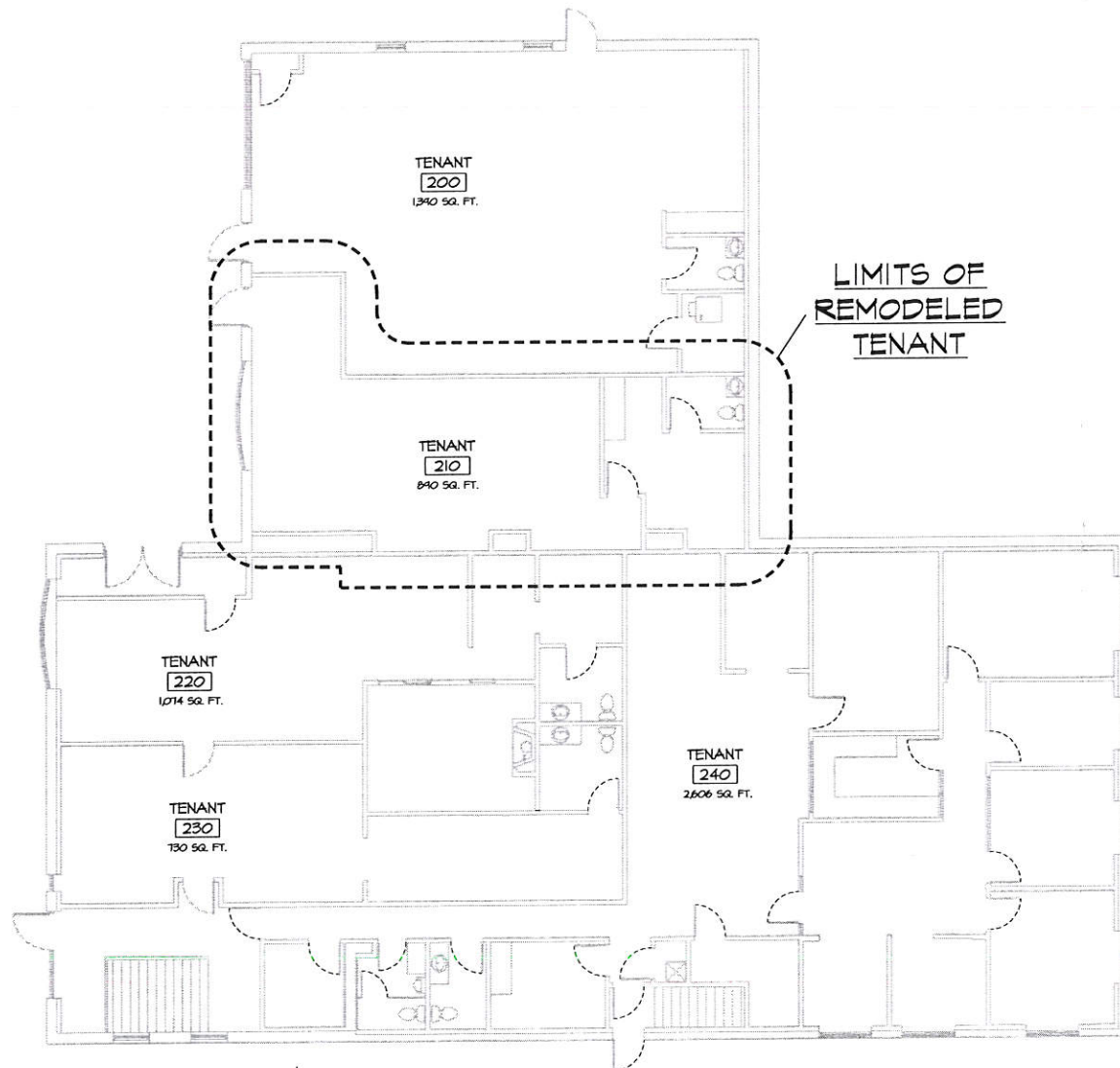
Monda Salon, LLC's hours are from 9:00am to 7:00pm, Tuesday through Friday and 8:00am till noon on Saturdays. There is one (1) employee and the space occupied is an 890sq.ft existing space with no building modifications. They will have no adverse effect on the neighborhood and will provide a much needed service to the residents of Franklin.

I appreciate your consideration of this proposal.

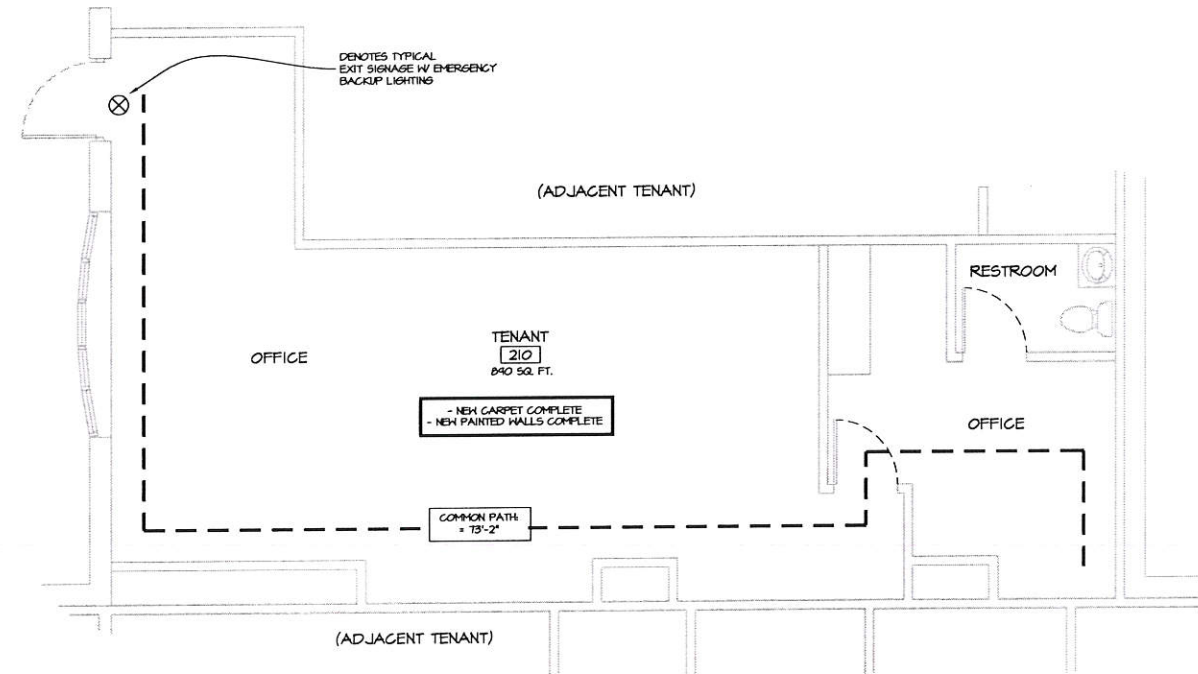
Sincerely,
OGDEN CONSTRUCTION GROUP, LLC



Joel Cook
President



1 EXSITING OVERALL FIRST FLOOR PLAN
1/8" = 1'-0"



1 PROPOSED FLOOR PLAN
1/4" = 1'-0"

Franklin

SEP 10 2015

City Development



PATARA LLC
Excellence in Architecture

2601 S. Sunny Slope Rd. • New Berlin, WI 53151

Phone: 262-786-6776 Fax: 262-786-7036

REVISIONS:
8/25/15: TENANT REMODEL

TENANT REMODEL

11113 W. FOREST HOME AVE.
FRANKLIN, WI

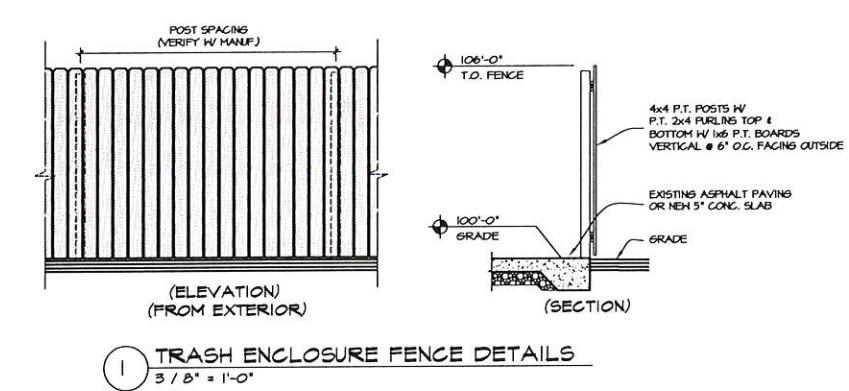
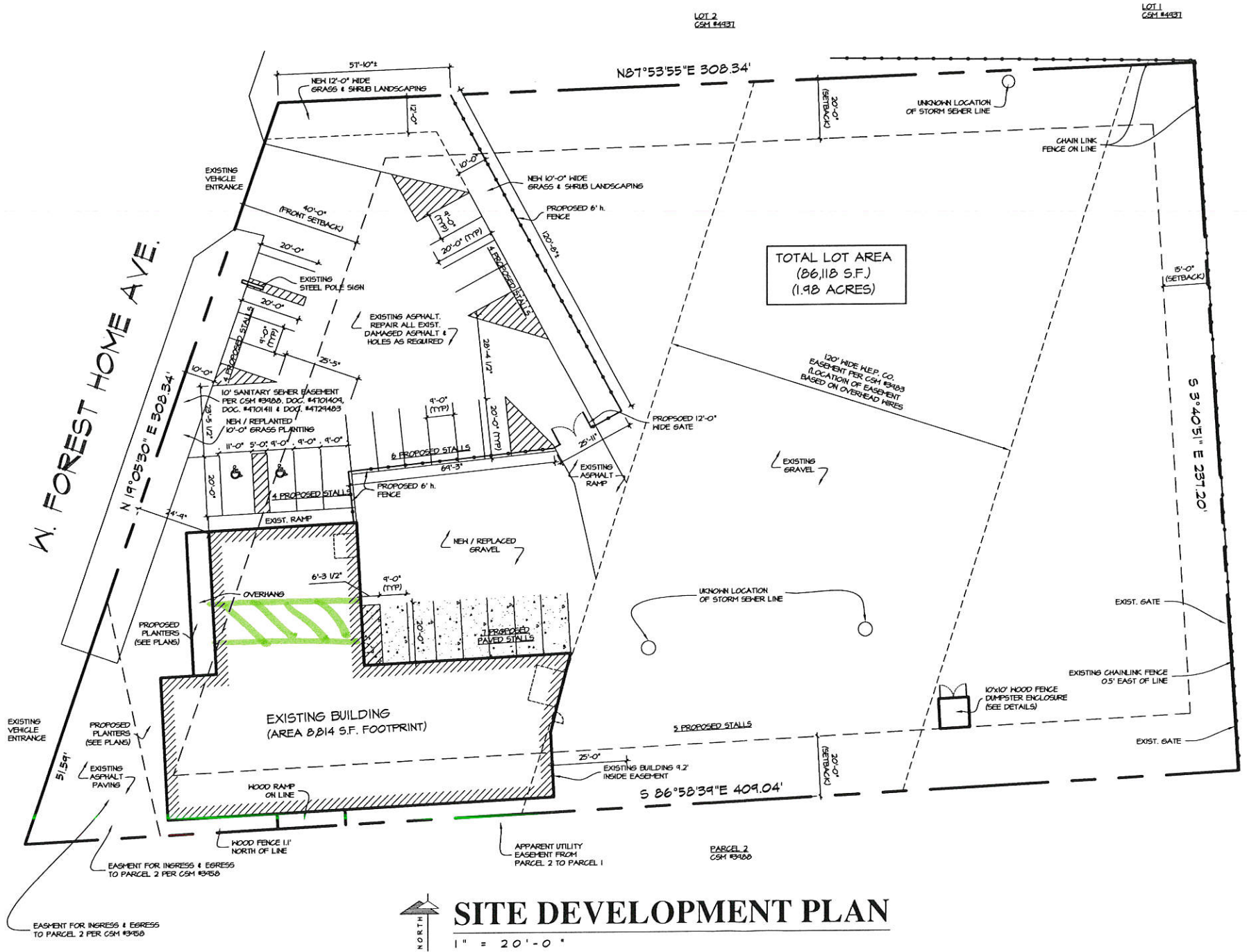
SHEET TITLE:

EXISTING & PROPOSED FLOOR PLAN

A-1

DATE: AUG. 25, 2015

PROJECT NUMBER: 14-405



REVISIONS:

12/1/14:	PRELIM #1
12/23/14:	CD'S ISSUED
1/26/15:	UPDATED CD'S
2/6/15:	UPDATED CD'S

BUILDING INFO	
PROJECT:	OGDEN CONSTRUCTION GROUP
OWNER:	JOEL COOK
ADDRESS:	11113 W. FOREST HOME AVE. FRANKLIN, WI 53132
BUILDING HEIGHT:	16'-0"

SITE DATA:	
ZONING:	M-1, C-1
LOT AREA:	86,118 S.F.
EXISTING 1ST FLOOR:	GENERAL OFFICE: 7,308 S.F.
PROPOSED LOWER LEVEL FLOOR:	GENERAL OFFICE: 2,821 S.F. CONTRACTORS SHOP: 5,725 S.F.
REQUIRED PARKING:	GENERAL OFFICES (10,129 S.F.) = 33.4 (3.3 PER 1000 S.F.) CONTRACTORS SHOP (5725 S.F.) = 5.7 PLUS 5 (1 PER 1000 S.F. PLUS 1 PER COMPANY CAR)
PROPOSED PARKING:	30 PARKING STALLS (INCL. 2 ADA STALLS)

SITE DEVELOPMENT PLAN

1" = 20'-0"

OGDEN CONSTRUCTION REMODEL

11113 W. FOREST HOME AVE.
FRANKLIN, WI
SHEET TITLE:
PROPOSED SITE DEVELOPMENT PLAN & DETAILS

C-1

DATE: DEC. 1, 2014
PROJECT NUMBER: 14-405

PATARA LLC
Excellence in Architecture
2601 S. Sunny Slope Rd. • New Berlin, WI 53151
Phone: 262-786-6776 Fax: 262-786-7036

DIVISION 15-3.0700

SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: Beauty Shop is one of the listed Special Uses and does fit with the intent of the comprehensive master plan

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

Response: This proposal will in no way adversely affect any other property in the area

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 developments as the space already exists and we are planning no changes to the building

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 public facilities are adequate as is; we do not even use public trash collection

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: The proposed tenant will draw 2 - 3 cars per hour of operation

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: There will be no destruction of significant features as the space is existing

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response: We will comply with all standards. The space is existing and we only plan on replacing carpet and painting

- 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:

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

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

Response: The beauty salon will be open to all residents of Franklin and should increase the aesthetic appeal of the residents of Franklin

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

Response: This business was previously renting in Hales Corners and our location was the only space in the area that fit into their budget

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

There will be no adverse effects as we are not changing the at all
Response:

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: I do not feel this will set a precedent for beauty shops to be allowed in M-1 Zoning because this shop is the only shop in this area of Franklin and is a needed asset to the community.