

*** REVISED**

**CITY OF FRANKLIN
PLAN COMMISSION MEETING
FEBRUARY 7, 2002**

CALL TO ORDER AND
ROLL CALL

1. Alderman Bergmann called the regular Plan Commission meeting to order at 7:02 p.m. on Thursday, February 7, 2002 in the Common Council Chambers in City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin.

Those present were Alderman Bergmann, Commissioners Fred Knueppel, Ken Skowronski, John Bennett, Del Sievert and Randall Ritter. Also present were Planning Manager Mike Rambousek, Planner Jill Johanneck and City Attorney Jesse Wesolowski. Mayor Klimetz arrived approximately 9:50 p.m.

APPROVAL OF MINUTES
of REGULAR MEETING
HELD JANUARY 24, 2002

2. Alderman Bergmann moved to approve the minutes of the regular Plan Commission meeting of January 24, 2002. Commissioner Bennett seconded.

Upon voice vote, all voted 'aye'. Motion carried.

REVISED REGULAR
MINUTES OF MEETING
HELD JANUARY 10, 2002

3. Commissioner Ritter stated that the approval of the minutes of meeting held January 10, 2002 occurred at the last Plan Commission meeting, with exception of Item No. 6. Alderman Bergmann stated at this time, the revised minutes were informational only.

Commissioner Ritter also inquired about the pick-up of Plan Commission packets that would be left at the Police Department if there were not ready by 12:00 p.m. Planning Manager Rambousek stated this situation would need to be discussed with the Police Chief, and explained that Plan Commissioners will receive a memorandum previous to policy start.

SPECIAL USE
LISA BERA
VERIZON WIRELESS

4. The public hearing was called to order at 7:10 p.m. on the Special Use request of Lisa Bera for Verizon Wireless for installation of a 120 foot tele-communication tower and accessory building in I-1 Institutional District located at 8222 South 51st Street.

Tim Klingman, of Wireless Facilities Incorporated, came forward and stated that Wireless Facilities, Inc. is a consultant to the wireless communications industry. He introduced Todd Armstadt, radio frequency engineer of Verizon Wireless. He also introduced Mark Russert of Bottomline Marketing—representing U.S. Cellular—a co-locator for this proposal. He stated that they intend to design a wireless facility that is appropriate for the placement on the High School athletic grounds. The plan calls for the replacement of an existing lightpole with one that doubles as an antenna support structure. The antenna would be hidden within the lightpole. The complex would attach two (2) equipment shelters—one for Verizon Wireless and one for U.S. Cellular to a much needed storage garage behind the bleachers. The brick exterior storage garage would be built for the use and benefit of the School District.

He stated that the High School location strikes the best balance between the interest of the mobile phone customers, the citizens of Franklin, the carriers and Franklin Public Schools. He stated that the application also meets the letter and spirit of the Zoning Ordinance.

Planning Manager Rambousek stated he walked the neighborhood and the current lighting structures tower over the homes. Adding an additional 60 feet seems too high for the neighborhood and aesthetically becomes obtrusive. He suggested other potential areas for the site be looked at, in addition to lowering the tower to a more acceptable height.

Verizon Wireless Engineer Todd Armstadt stated that the height is a requirement for both carriers to co-locate together at this site--to make it lower would be unfeasible. The result of lowering the height would be to seek another site.

Tim Klingman again spoke regarding the proposal and stated that all factors were taken into account and the height is a requirement.

Commissioner Skowronski questioned if a third provider could be supported on the pole, as the Ordinance states a third provider is required. He also questioned the radius of service off of a 120 foot pole.

Mr. Klingman stated that he did not read in the Ordinance of the requirement for three (3) providers. He stated that the radius of the 120 foot pole would be approximately one (1) to 1-1/2 miles.

Alderman Bergmann questioned City Attorney Wesolowski regarding the requirement of three (3) providers. Mr. Wesolowski stated that the Ordinance states that at 120 feet, only two (2) providers are required.

Commissioner Bennett questioned if the applicant knew the City has a water tower under construction at 7400 West Puetz Road which will be 150 feet high.

Mr. Klingman stated that would not cover the area that they desire to cover. He indicated to the Commission the area they are trying to serve.

Commissioner Ritter questioned what the distance is from the base to the east property line of the High School, and the width of the tower at it's widest diameter above the light standard area. The applicant answered that it was roughly 714 feet from the property line, and the width would be no more than 30 inches.

Robert Barthera of 8295 So. 47th Street, came forward with question regarding flashing light.

Earl Scherick of 4731 West Forest Hill, came forward and spoke against the proposal.

Anna Damski of 7825 Stonebrook Ct., came forward and spoke against the proposal.

Mark Dusek of 8116 So. 42nd Street, came forward and stated that he felt the applicant needed to study proposal further.

Mr. Klingman spoke again regarding several of the issues that were brought up by questions and comments.

Sue Kraznicki of 8026 So. 47th Street, came forward and stated she petitioned not to have the tower at the proposed location.

Mr. Klingman stated that he is willing to do whatever it takes to improve cellular phone coverage for the citizens of Franklin, those traveling through Franklin and for the businesses here. He felt the proposal is the best solution.

Alderman Bergmann suggested that all alternatives be closely reviewed.

The public hearing was called to a close at 7:52 p.m. Commissioner Bennett moved and Commissioner Skowronski seconded to refer this Special Use request to Staff with a recommendation. Motion carried.

SPECIAL USE
DR. SHAHID CHUGATAI
AMERICAN VETERINARY
CLINIC

5. The public hearing was called to order at 7:54 p.m. on the Special Use request of Dr. Shahid Chugatai for American Veterinary Clinic to allow a veterinary clinic in B-3 Community Business District at 2735 West Rawson Avenue.

Dr. Shahid Chugatai operating the American Veterinary Clinic located at 76th and Rawson for the last 10 years. He stated that he desires to move into a larger facility and made an offer for a building at 2735 West Rawson Avenue.

Representative of Grubb & Ellis/Burke Company came forward and stated that he was the selling broker, and Kevin Riordan is the listing broker, with Dr. Chugatai being the purchaser. He stated the building is a 5,000 square foot building and presently being used for the leasing motorcycle business. The plan for this building would be to re-do the front exterior with additional windows and vestibule--possibly about a 50 square foot addition. The use of one-half of the building would be for the veterinary clinic, and the other half would be for use of a pet supply store.

Commissioner Knueppel questioned if there would be any plans to board dogs and cats. Dr. Chugatai stated that would only occur for overnight recovering animals.

Architect proposes exterior of the building to be brick and additional landscaping needed on the eastern property line, back area to be screened with lattice fence and the loading dock to be removed.

The public hearing was called to a close at 8:02 p.m. Commissioner Skowronski moved to refer the Special Use request to Staff for review and recommendation. Commissioner Bennett seconded. Upon voice vote, all voted 'aye'. Motion carried.

COMPREHENSIVE
MASTER PLAN UPDATE
and REZONING FOR
PROPERTIES WITHIN
AREA 'D' of the FRANKLIN
FIRST REPORT

6. The public hearing was called to order at 8:02 p.m. on the Comprehensive Master Plan Update and Rezoning for properties within Area 'D' of the Franklin First Report.

Planning Manager Rambousek read the hearing notice and stated Area 'D' includes property located in the Southwest ¼ of Section 25 and the Northeast, Northwest, Southeast and Southwest ¼ of Section 36.

Planning Manager Rambousek read a second public hearing notice for the Comprehensive Master Plan Update and Rezoning for properties within Area 'D' of the Franklin First Report. Properties included within this notice area are located in the Southeast corner and bounded by Fitzsimmons Road (9900 block) extending to the north, South 27th Street on the east and South County Line Road (11100 block) on the south. The western boundary follows approximately 3500 block west to the 4300 block west.

Economic Development Chairman Olson came forward to make the presentation on the rezoning proposal for the areas of the Franklin First Report under consideration.

Commissioner Bennett stated he felt this should be reheard when there are detailed plans and when Planning Staff, Engineering and the Plan Commission could get their input into this plans. He felt that this hearing was premature.

Alderman Ryan spoke and stated that by not rezoning any of the residential and agricultural properties, the City would have the ability to seek what is the best interest. He stated that M-1 businesses should see that Franklin has set goals higher to attract businesses that will compliment that area and the resources around it. He feels that if this area is left in a moratorium someone will challenge the City, and the City will lose to something that there is no control of. There are many questions that need to be answered to clearly define what the goals and intentions are.

Vincent Waltenberger, of 3232 W. Fitzsimmons Road, came forward and spoke. His question was answered by Economic Development Chairman Olson who stated that Area 'D' is highest priority in terms of opportunities for a new Business Park. He was told the moratorium in this area expired January 15, 2002.

Karen Burchart of 243 E. Forest Hill Avenue, came forward and spoke. She stated that she and her sister own property in the area. She stated that she felt it is not a good location for a business—it is more geared for industry.

Tom Gadowski of 3472 West Oakwood Road, came forward and spoke. He asked that the residential property be exempt and retain it's residential zoning.

Attorney Mike Bamberger representing Conway Transportation located at 10601 South 27th Street, came forward and spoke. He stated they would like to be part of the evaluation process and help because he felt Conway is an important part of Franklin's business.

Alderman Ryan came forward again and spoke. He stated his concern was for the existing open land. He suggested rezoning.

Jim O'Malley of 8536 River Terrace, came forward and spoke mainly regarding location.

Alderman Don Dorsan of the 1st District, residing at 8593 Lake Pointe Drive, came forward and questioned if the Economic Development Commission was to have Restrictions and Covenants drafted for this meeting and why they were not available.

Economic Development Commission Chairman Olson answered that at their October 20, 2001 meeting, they were told by Alderman Ryan essentially that they had no authority to do so.

Andrea Rochkey of Weiss Berzowski Brady & Donahue LLP 700 N. Water Street, Milwaukee, came forward and spoke. She stated she represents American Freightway located at 10613 South 27th Street, adjacent to the other trucking operation. She stated that they felt very much a part of the Business Park, and want to remain in the usage that they are now allowed.

Vincent Waltenberger again came forward and spoke regarding the Commissions and Council needing to do what they need to do.

Acting Chair Alderman Bergmann read a letter into the record that was submitted from Jane D. Siemens-Seger stating that she wrote regarding to the plan and use of the land in Area 'D' and her concern for preserving Fitzsimmons Woods area.

Alderman Bergmann had some closing comments for the Commission regarding the expired moratorium as of 1/15/02 leaving the area open to anyone to use at the present zoning, and he suggested directing Council to do something about the moratorium or rezone it. Also, he stated the issue was premature—he suggested plans go to Staff and come back to the Plan Commission as a hearing.

Commissioner Knueppel stated he wanted to understand the difference between M-1 and BP zoning.

Planning Manager Rambousek explained the M-1 District is for light industrial and BP is geared toward groupings of offices, some manufacturing. Legal non-conforming use would still have the right to operate, repair or maintain the interior of the structure with the exception of the 50% ruling. The question of a sale of the business was answered by stating that the use would be allowed to continue, but felt if the building remains vacant for one (1) year, then the new use would have to conform to the new zoning district.

Attorney Wesolowski clarified the terms of special use standards.

Commissioner Skowronski came forward with a map of the areas involved and made a motion to consider and recommend approval to the Common Council of the rezoning of Area 'D' in the M-1 area and refer the other Area 'D' to Staff for review and recommendation.

Commissioner Bennett stated that the motion cannot go forward without waiving rules of 'no action the night of a public hearing'.

Commissioner Ritter suggested that a motion be made to direct Staff to prepare a plan.

Commissioner Skowronski moved to waive the rules to request to refer to Staff for review and recommendation.

Commissioner Bennett stated the proper motion would be to refer to Staff with Plan Commission direction to look at the possibility of rezoning, but felt that the Plan Commission should not take action on such complex matters with Staff research.

No second to Commissioner Skowronski's motion. Not carried.

Commissioner Knueppel moved to refer this item to Staff for further review and recommendation.

Commissioner Ritter suggested bringing back a proposal for rezoning the undeveloped M-1 land, a map, a list of tax key numbers, etc. He stated he felt Staff needs specific direction as to what needs to be done.

Alderman Bergmann stated another public hearing should be held due to lack of information presented at tonight's meeting.

Commissioner Bennett moved to suspend the rules to allow Alderman Ryan, whose is the area's Alderman to speak. Alderman Bergmann seconded. Upon voice vote, all voted 'aye'. Motion carried.

Alderman Ryan took the floor and basically stated there would be potential future of development of a golf course and asked what the Commission's input was of the zoning M-1.

Commissioner Bennett moved to direct Planning Staff to review the D-3 and possibly D-4 area (south of Oakwood Road) that was considered in Area 'D' for a recommendation relate to rezoning from M-1 to BP, and include their recommendations as to what land should be included within that rezoning, and that relative to the area north of Oakwood Road, a precise plan be developed and presented to the Plan Commission on how that area would be developed, buffered and what covenants would be placed on that land prior to any further hearings on that land. Commissioner Knueppel seconded.

City Planner Rambousek recommended that Staff make a proposal to the Plan Commission previous to a hearing and then the Plan Commission can make the decision to go forward with a hearing.

City Attorney Wesolowski reminded the Plan Commission that there are two (2) issues of the Area 'D' on the agenda, and both were separate directives from the Common Council. One direction was for properties in Area 'D' that are currently M-1 to BP, and the second direction was for lands in Area 'D' as recommended in the Franklin First Report.

Commissioner Bennett stated that Staff could be prepared sooner. He stated that his motion needs to be split into two separate motions.

Alderman Ryan stated that his concern was regarding the area zoned M-1 south of Oakwood Road.

Alderman Bergmann stated that there is a motion and second.

Upon roll call vote—Alderman Bergmann and Commissioners Knueppel, Bennett and Ritter voted 'aye'. Commissioners Skowronski and Sievert voted 'no'. Motion carried '4 to 2'.

The public hearing was called to a close at 8:59 p.m.

A recess was called at 9:00 p.m., and reconvened at 9:10 p.m.

COMPREHENSIVE
MASTER PLAN UPDATE
and REZONING FOR
PROPERTIES WITHIN
AREA 'E' of the FRANKLIN
FIRST REPORT

7. The public hearing was called to order at 9:45 p.m. on the Comprehensive Master Plan Update and Rezoning for properties within Area 'E' of the Franklin First Report.

Planning Manager Rambousek read the hearing notice and stated Area 'E' includes property located in the Southeast ¼ of the Southwest ¼ of Section 23.

Alderman Bergmann stated that as noted in the previous public hearing for Area 'D', the same holds for insufficient information for this hearing also.

City Attorney Wesolowski commented that municipalities rezone properties from one zoning to another all the time and the notice and presentation does not necessarily include plans or future uses. Some presentation should have been ready for the meeting.

Planning Manager Rambousek read a public hearing notice for the Comprehensive Master Plan Update and Rezoning for properties within Area 'D' of the Franklin First Report. Properties included within this notice area are located in the Southeast corner and bounded by Fitzsimmons Road (9900 block) extending to the north, South 27th Street on the east and South County Line Road (11100 block) on the south. The western boundary follows approximately 3500 block west to the 4300 block west.

No action was taken on this hearing, as it was previously discussed.

Planning Manager Rambousek read the hearing notice again and stated Area 'E' includes property located in the Southeast ¼ of the Southwest ¼ of Section 23.

Commissioner Bennett moved to refer this item back to Staff to develop a plan for this area and report back to the Plan Commission. No second.

Commissioner Ritter questioned if rezoning would be held or not. He felt that development of a plan would make the rezoning be conditioned upon the content or provisions of the plan.

Commissioner Bennett stated a plan needs to be made regarding buffers between residential area.

Commissioner Ritter questioned what grounds for enforcing the plan is there when a developer comes in and wants to apply to do something that means the zoning requirements that was rezoned to.

Commissioner Bennett stated that that would give assurance of what would be followed.

Alderman Ryan spoke regarding new residents now be rezoned.

Commissioner Skowronski commented that by rezoning these areas, it is protecting the area as business parks and covenants are placed by recommendation on these areas and setbacks, berming and concerns of abutting citizens would be handled.

Commissioner Ritter stated that the R.A. Smith report does not recommend Business Park zoning in Area 'E', it recommends B-3 for all parcels.

Commissioner Ritter moved to refer this matter to Staff for review and recommendation for the rezoning as presented in the R. A. Smith report.

Commissioner Knueppel seconded. Upon voice vote—Alderman Bergmann and Commissioners Bennett and Ritter voted 'aye'. Commissioners Knueppel, Skowronski and Sievert voted 'no'. Motion failed due to tie.

Commissioner Skowronski moved to have the Plan Commission rezone Area 'E' to B-3 Community Business.

Commissioner Bennett stated that that action cannot be taken without waiving the rules of 'no action the night of a public hearing'.

Commissioner Skowronski moved to waive the rules of 'no action the night of a public hearing'.

Commissioner Sievert seconded. Upon voice vote—Commissioners Skowronski and Commissioner Sievert voted 'aye'. Alderman Bergmann and Commissioners Knueppel, Bennett and Ritter voted 'no'. Motion failed by vote of '4 to 2'.

Commissioner Bennett commented that this item should be referred to Staff for review and recommendation to come back to the Plan Commission.

Planning Manager Rambousek suggested that Plan Commission recommend to the Council to direct R. A. Smith come before the Plan Commission.

Alderman Bergmann stated he questioned that to Chairman Olson and that according to the contract, R. A. Smith will not be able to appear before the Plan Commission unless they charge the City.

Alderman Ryan asked to have guidance to help property owners in the area.

Commissioner Knueppel moved to refer the Comprehensive Master Plan Update and Rezoning for properties within Area 'E' to Staff for review and recommendation.

Commissioner Bennett seconded. All voted 'aye'. Motion carried.

The public hearing was called to a close at 9:48 p.m.

The Mayor arrived (approximately 9:50 p.m.) and took his place chairing the Plan Commission meeting at this time. Alderman Bergmann returned to his seat as a Commissioner.

COMPREHENSIVE
MASTER PLAN UPDATE
and REZONING FOR
PROPERTIES WITHIN
AREA 'F' of the FRANKLIN
FIRST REPORT

8. The public hearing was called to order at 9:55 p.m. on the Comprehensive Master Plan Update and Rezoning for properties within Area 'F' of the Franklin First Report.

Planning Manager Rambousek read the hearing notice and stated Area 'F' includes property located in the Southeast ¼ of Section 21, the Southwest ¼ of Section 22, the Northwest ¼ of Section 27 and the Northeast ¼ of Section 28.

Gerald Fuller of 5720 West Ryan Road, came forward and questioned about the handout stating 'no further notices are mailed of upcoming meetings', as to this matter.

Mayor Klimetz stated that no mailing would occur, but the matter would be discussed this evening as to when the next meeting would be scheduled.

Alderman Ryan stated there seems to be a lot of confusion.

Mayor Klimetz stated that a lot of work does need to be done.

Anthony Nowacki of 7909 W. Briarwood Drive, came forward and stated the property next to him was residential and was rezoned to Business Park.

Randy Nawotka 9261 South 80th, came forward and stated he believed that the area was to be condominiums or residential, and now is to be business, and that was not the plan when he purchased the property.

Alderman Solomon came forward to remind the Plan Commission that Area 'F' is the only part zoned Business within the Frankin School District.

The public hearing was called to a close at 10:05 p.m.

Mayor Klimetz recommended setting a date for return to Plan Commission for the matter of the Area rezonings.

Alderman Bergmann moved to set this matter over for Staff review and recommendation and to come before the Plan Commission meeting of April 18, 2002. Commissioner Bennett seconded. Upon voice vote, all voted 'aye'. Motion carried.

SPECIAL USE
MARK LIBAN/LIBAN'S
LAWN SERVICE

9. Commissioner Knueppel moved to recommend approval to the Common Council on the Special Use request of Mark Liban of Liban's Lawn Service located at 11305 W. Forest Home Avenue for a landscaping business and storage of equipment, supplies and vehicles in an M-1 Limited Industrial Zoning District, subject to conditions stated in the Special Use Permit.

Commissioner Sievert seconded. Upon voice vote, all voted 'aye'. Motion carried.

CONCEPT REVIEW
REX FLETCHER/STAGE
TWO DEVELOPMENT

10. Commissioner Knueppel moved to table indefinitely the concept review of Rex Fletcher for Stage Two Development for multi-tenant building in Planned Development District No. 16 (Pick N'Save Shopping Center), per applicant's letter requesting removal of this item from the agenda. Commissioner Skowronski seconded. Upon voice vote, all voted 'aye'. Motion carried.

CERTIFIED SURVEY MAP
MARY ANN JURASINSKI

11. Commissioner Knueppel moved to defer the matter of the two (2) parcel Certified Survey Map for Mary Ann Jurasinski for two (2) weeks to the meeting of the Plan Commission scheduled February 21, 2002. Alderman Bergmann seconded. Upon voice vote, all voted 'aye'. Motion carried.

REPORT AND
DISCUSSION OF COUNCIL
ACTIONS

12. Report was given regarding the Common Council approval of the rezoning for Siepman Realty and the Comprehensive Master Plan Moratorium Area No. 2.

ADJOURNMENT

13. Commissioner Ritter moved and Commissioner Knueppel seconded to adjourn the regular Plan Commission meeting of February 7, 2002 at 10:23 p.m. Upon voice vote, all voted 'aye'. Motion carried.