

MINUTES

City of Franklin Plan Commission Meeting

July 28, 2005
Approved August 11, 2005

CALL TO ORDER

- I. Mayor Taylor called the regular meeting of the Plan Commission of July 28, 2005, to order at 7:04 p.m. in the Council Chambers of Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin. Present were Alderman Skowronski and Commissioners Bennett, Haley, Ritter and Ziegenhagen. Commissioner Hanneman was excused. Also present were Planner II Booth, Planning Secretary Wilson and City Attorney Wesolowski.

MINUTES

II.

- A. Commissioner Ritter moved and Commissioner Ziegenhagen seconded to approve the minutes of the regular meeting of the Plan Commission of Thursday, July 14, 2005, as presented. Upon voice vote, all voted 'aye'. Motion carried.

III.

- A. Commissioner Bennett moved and Alderman Skowronski seconded to approve the deed restrictions and protective covenants for and as part of the review and approval of the Final Plat for River Highlands Subdivision. Upon voice vote, all voted 'aye'. Motion carried.

BUSINESS

River Highlands Development LLC (River Highlands 30-lot subdivision)

Declaration of Covenants, Conditions and Restrictions

Approximately South 51st Street & West Drexel Avenue

NW 1/4 of Section 14 (Tax Key Numbers 806-9994-002 & 806-9995-002)

R-6 Suburban Single-Family Residence District

Ener-Con Companies LLC (Victorian Acres 6-lot Subdivision)

Final Plat

Approximately South 51st Street & West Tumblecreek Drive

SE 1/4 of Section 02 (Tax Key Number 740-9985-000)

R-5 Suburban Single-Family Residence District

- B. Alderman Skowronski moved and Commissioner Ritter seconded to recommend of a resolution conditionally approving a Final Plat for Victorian Acres Subdivision. Upon voice vote, all voted 'aye'. Motion carried.

Ener-Con Companies LLC (Victorian Acres 6-lot Subdivision)

Declaration of Covenants, Conditions and Restrictions

Approximately South 51st Street & West Tumblecreek Drive

SE 1/4 of Section 02 (Tax Key Number 740-9985-000)

R-5 Suburban Single-Family Residence District

- C. Alderman Skowronski moved and Commissioner Ziegenhagen seconded to approve a resolution approving deed restrictions and protective covenants for and as part of the review and approval of the Final Plat for Victorian Acres Subdivision. Upon voice vote, all voted 'aye'. Motion carried.

Tuckaway Meadows LLC (Tuckaway Meadows 28-lot Subdivision)

Final Plat

Approximately South 76th – 77th Streets & Forest Hill Avenue

NE 1/4 of Section 16 (Tax Key Number 803-9999-003)

R-6 Suburban Single-Family Residence District

- D. Alderman Skowronski moved and Commissioner Ziegenhagen seconded to recommend approval of a resolution conditionally approving a Final Plat for Tuckaway Meadows Subdivision. Upon voice vote, all voted 'aye'. Motion carried.

**Tuckaway Meadows LLC
(Tuckaway Meadows 28-lot Subdivision)**
Declaration of Covenants, Conditions and
Restrictions
Approximately South 76th – 77th Streets & Forest
Hill Avenue
NE 1/4 of Section 16 (Tax Key Number 803-9999-003)
R-6 Suburban Single-Family Residence District

**Tuckaway Meadows LLC
(Tuckaway Meadows 28-lot Subdivision)**
Conservation Easement
Approximately South 76th – 77th Streets & Forest
Hill Avenue
NE 1/4 of Section 16 (Tax Key Number 803-9999-003)
R-6 Suburban Single-Family Residence District

**Southwood Court LLC
(Southwood Court 15-lot Subdivision)**
Final Plat
Approximately South 33rd – 35th Streets, West
Central Avenue & West Ryan Road SE 1/4 of
Section 24 (Tax Key Number 879-9970-000)
R-6 Suburban Single-Family Residence District

**Southwood Court LLC
(Southwood Court 15-lot Subdivision)**
Declaration of Covenants, Conditions and
Restrictions
Approximately South 33rd – 35th Streets, West
Central Avenue & West Ryan Road SE 1/4 of
Section 24 (Tax Key Number 879-9970-000)
R-6 Suburban Single-Family Residence District

**Southwood Court LLC
(Southwood Court 15-lot Subdivision)**
Conservation Easement
Approximately South 33rd – 35th Streets, West
Central Avenue & West Ryan Road SE 1/4 of
Section 24 (Tax Key Number 879-9970-000)
R-6 Suburban Single-Family Residence District

TAP Enterprises, Inc.
Temporary Use
Approximately 7220 West Rawson Ave
SW 1/4 of Section 03 (Tax Key Number 743-8992-001)
B-2 General Business District

Issues surrounding accessory structures
on residential lots

E. Alderman Skowronski moved and Commissioner Bennett seconded to approve a resolution approving deed restrictions and protective covenants for and as part of the review and approval of the Final Plat for Tuckaway Meadows Subdivision, subject to a change recommended by the City Attorney: Add to Article 6.2: "Notwithstanding anything in this Article to the contrary, no amendment pertaining to any right of the City of Franklin shall be effective without the written consent of the City of Franklin to such amendment." Upon voice vote, all voted 'aye'. Motion carried.

F. Commissioner Ritter moved and Commissioner Ziegenhagen seconded to recommend approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of the Final Plat for Tuckaway Meadows Subdivision. Upon voice vote, all voted 'aye'. Motion carried.

G. Alderman Skowronski moved and Commissioner Haley seconded to recommend approval of a resolution conditionally approving a Final Plat for Southwood Court Subdivision. Upon voice vote, all voted 'aye'. Motion carried.

H. Commissioner Ziegenhagen moved and Commissioner Ritter seconded to approve a resolution approving deed restrictions and protective covenants for and as part of the review and approval of the Final Plat for Southwood Court Subdivision, subject to a change recommended by the City Attorney: Add to Article 6.2: "Notwithstanding anything in this Article to the contrary, no amendment pertaining to any right of the City of Franklin shall be effective without the written consent of the City of Franklin to such amendment." Upon voice vote, all voted 'aye'. Motion carried.

I. Alderman Skowronski moved and Commissioner Ritter seconded to recommend approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of the Final Plat for Southwood Court Subdivision. Upon voice vote, all voted 'aye'. Motion carried.

J. Alderman Skowronski moved and Commissioner Ritter seconded to approve a temporary use for a one-day tool sale at 7220 West Rawson Avenue for TAP Enterprises, Inc., subject to meeting all of the conditions set forth in the Planning Department recommendation in the July 28, 2005, meeting packet. Upon voice vote, all voted 'aye'. Motion carried.

K. No action needed; none taken.

Robert & Janet Pruess

Area Special Exception to allow relief from maximum lot coverage
Approximately 8165 S 34th Street
NE 1/4 of Section 13 (Tax Key Number 809-9976-001)
R-3 Suburban/Estate Single-Family Residence District

L. Alderman Skowronski moved to recommend approval to the Board of Zoning & Building Appeals of an area exception from maximum lot coverage at 8165 South 34th Street, subject to meeting all of the conditions and provisions set forth in the Planning Department recommendation in the July 28, 2005, meeting packet. There was no second.

Commissioner Ritter moved and Alderman Skowronski seconded to recommend denial to the Board of Zoning & Building Appeals of an area exception from maximum lot coverage at 8165 South 34th Street, in that the exception if granted would be detrimental to the public comfort and welfare, substantially diminish the uses, values and enjoyment of the surrounding single-family uses, and/or will impede the continued orderly development of the neighborhood by increasing the building density beyond that planned or allowed. Upon voice vote, all voted 'aye'. Motion carried.

Shirley Hesse

Area Special Exception to allow relief from maximum size for outbuildings
Approximately 7045 S North Cape Road
SW 1/4 of Section 06 (Tax Key Number 749-0001-000)
R-3 Suburban/Estate Single-Family Residence District

M. Commissioner Bennett moved and Alderman Skowronski seconded to allow the applicant to withdraw her application for the Area Special Exception to allow relief from maximum size for outbuildings. Upon voice vote, all voted 'aye'. Motion carried.

The Mayor called a recess at 8:05 p.m. The meeting was recalled to order at 8:13 p.m.

Rezoning Mission Hill neighborhood
Approximately STH 100 & West Church Street
R-3 Suburban/Estate Single-Family Residence District

N. No action needed; none taken.

Mary Remington

Amend the Zoning Code (Map), Section 15-3.0102 of the Unified Development Ordinance from R-3 Suburban/Estate Single-Family Residence District to R-5 Suburban Single-Family Residence District.
Approximately 10635 W Church Street
SW 1/4 of Section 08 (Tax Key Number 795-9995-005)
R-3 Suburban/Estate Single-Family Residence District

O. Commissioner Ritter moved and Alderman Skowronski seconded to recommend approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a certain parcel of land from R-3 Suburban/Estate Single-Family Residence District to R-5 Suburban Single-Family Residence District. Upon voice vote, all voted 'aye'. Motion carried.

Mary Remington

4-lot Certified Survey Map
Approximately 10635 W Church Street
SW 1/4 of Section 08 (Tax Key Number 795-9995-005)
R-3 Suburban/Estate Single-Family Residence District

P. Alderman Skowronski moved and Commissioner Bennett seconded to recommend approval of a resolution conditionally approving a Certified Survey Map, being a division of a part of the SW 1/4 of Section 08, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (approximately 10635 West Church Street). The motion was withdrawn.

Alderman Skowronski moved and Commissioner Bennett seconded to approve a variance from the 110' lot-depth requirement in Section 15-5.0106E. of the Unified Development Ordinance. Upon voice vote, all voted 'aye'. Motion carried.

Thomas & Marlene Wesolowski

Area Special Exception to allow relief from maximum front yard setback of 45'.
Approximately 7825 Chapel Hill Ct W
SW 1/4 of Section 08 (Tax Key Number 795-0140-000)
R-3 Suburban/Estate Single-Family Residence District

Anthony Glapa

To allow the applicant to replace an existing fence in the rear yard.
Approximately 10270 Scepter Court
SW 1/4 of Section 08 (Tax Key Number 795-0083-000)
R-3 Suburban/Estate Single-Family Residence District

**Grasch Real Estate & Investment LLC
(Franklin Professional Building)**

Concept Review for a 3-story office building
Approximately 7520 West Old Loomis Road
SW 1/4 of Section 03 (Tax Key Numbers
743-8985-000, 743-8986-000 & 743-8987-000)
B-1 Neighborhood Business District

**Bodner Property Management LLC
(Forest View Condominiums)**

Concept Review residential condominiums
Approximately 5720 West Ryan Road
SW 1/4 of Section 23 (Tax Key Numbers
882-9988-001 & 882-9989-000)
R-8 Multiple-Family Residence District

O'Malley Investments

Concept Review for bank with drive-thru and strip mall
Approximately 9923 West St Martins Road
SE 1/4 of Section 17 (Tax Key Number 840-9989-000) & SW 1/4 of Section 17 (Tax Key Numbers
841-9995-000 & 841-9993-004)
B-3 Community Business District &
C-1 Conservancy

Common Council
Public Hearing for major amendment to PDD #18
FRANKLIN BUSINESS PARK
Approximately South 51st Street & West Ryan Road
NE 1/4 of Section 26
PDD #18 FRANKLIN BUSINESS PARK

Commissioner Bennett moved and Alderman Skowronski seconded a motion to recommend approval of a resolution conditionally approving a Certified Survey Map, being a division of a part of the SW 1/4 of Section 05, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (approximately 10635 West Church Street). Upon voice vote, all voted 'aye'. Motion carried.

Q. Alderman Skowronski moved and Commissioner Bennett seconded to recommend approval to the Board of Zoning & Building Appeals of an area exception to allow relief from maximum front yard setback of 45' at approximately 7825 Chapel Hill Court West, subject to meeting all of the conditions and provisions set forth in the Planning Department recommendation of July 28, 2005, meeting packet. Upon voice vote, all voted 'aye'. Motion carried.

R. Alderman Skowronski moved and Commissioner Ritter seconded to follow the City Attorney's interpretation and determine that because the fence was built prior to the adoption of the Unified Development Ordinance and is legal non-conforming and exempt from legal non-conforming requirements, due to Section 15-3.1010C.2. Upon voice vote, all voted 'aye'. Motion carried.

S. No action needed; none taken.

T. No action needed; none taken.

U. No action needed; none taken.

V. Commissioner Bennett moved and Commissioner Ritter seconded to direct staff to set a Public Hearing for a major amendment to PDD #18 FRANKLIN BUSINESS PARK for August 25, 2005, as directed by the Common Council. Upon voice vote, all voted 'aye'. Motion carried.

MINUTES

City of Franklin Plan Commission Meeting

July 28, 2005
Approved August 11, 2005

Planning Department
Rezoning of St. Martins Road Properties
Approximately 9174 West St. Martins Road
NW 1/4 of Section 21 (848-9995-000)
R-8 Multiple-Family Residence District

W. No action needed; none taken.

Comprehensive Master Plan Update

X. No action needed; none taken.

Upcoming meeting
Thursday, August 11, 2005

Y. No action needed; none taken.

Adjournment

IV. Commissioner Ritter moved and Commissioner Bennett seconded to adjourn the regular Plan Commission meeting of July 28, 2005. Upon voice vote, all voted 'aye'. Motion carried. The meeting adjourned at 9:45 p.m.