

**City of Franklin
Plan Commission Meeting
April 9, 2009
Minutes**

CALL TO ORDER

- I. Mayor Taylor called the April 9, 2009 regular Plan Commission meeting to order at 7:02 pm in the Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Alderman Skowronski and Commissioners Bennett, Fowler, Kosovich (arrived 7:39 pm), Ritter, and Haley. Also present were Planning Manager Dietl, Planner II Fuchs, and City Attorney Wesolowski.

MINUTES

Regular Meeting March 19, 2009

II.

- A. Commissioner Ritter moved and Commissioner Bennett seconded approval of the March 5, 2009 minutes. Upon voice vote, all voted 'aye'. Motion carried.

PUBLIC HEARINGS and BUSINESS ITEMS

A. Gary L. Kitterman and Cindy L. Kitterman (Residential Rezoning and Parcel Combination)
Property: 8129 South 34th Street;
Tax Key Nos. 809-9947-000 and 809-9950-002
Zoning: R-3 Suburban/Estate Single-Family Residence District and R-5 Suburban Single-Family Residence District

Regarding: 1. (Comprehensive Master Plan Amendment) (Public Hearing) A RESOLUTION APPROVING AN AMENDMENT TO THE COMPREHENSIVE MASTER PLAN FOR THE PROPERTY LOCATED AT THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, TAX KEY NOS. 809-9947-000 AND 809-9950-002, TO CHANGE THE ZONING DESIGNATION FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT AND R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT TO R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT

2. (Rezoning) (Public Hearing) AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT AND R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT TO R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT

3. (1 Lot Certified Survey Map) A RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING A DIVISION OF A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

III.

- A. Planner Fuchs read the Official Notice of Public Hearing into the record. The Public Hearing was opened at 7:05 pm. regarding the application for amendment to the Comprehensive Master Plan and rezoning. One spoke against and one in favor. The Public Hearing was closed at 7:17 pm.

Alderman Skowronski moved and Commissioner Fowler seconded a motion to adopt a resolution approving an amendment to the Comprehensive Master Plan for the property located at the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, Tax Key Nos. 809-9947-000 and 809-9950-002, to change the zoning designation from R-3 Suburban/Estate Single-Family Residence District and R-5 Suburban Single-Family Residence District to R-3 Suburban Single-Family Residence District.

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

Alderman Skowronski moved and Commissioner Fowler seconded a motion to recommend to Common Council approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone certain parcels of land from R-3 Suburban/Estate Single-Family Residence District and R-5 Suburban Single-Family Residence District to R-3 Suburban/Estate Single-Family Residence District

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

Commissioner Fowler moved and Commissioner Bennett seconded a motion to recommend to Common Council approval of a resolution conditionally approving a 2 lot Certified Survey Map, being a division of a part of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin subject to the applicant adding a 20 foot wide drainage easement straddling the current rear lot line of 8129 South 34th Street prior to recording.

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

B. Zbigniew Klaus
(Klaus - Traditional Ice Cream Shop Operation)
Property: 5070 West Rawson Avenue;
Tax Key No. 740-9988-005
Zoning: B-3 Community Business District
Regarding: 1. (Special Use) (Public Hearing) A
RESOLUTION IMPOSING CONDITIONS AND
RESTRICTIONS FOR THE APPROVAL OF A SPECIAL
USE FOR AN ICE CREAM SHOP FOR PROPERTY
LOCATED AT 5070 WEST RAWSON AVENUE

C. Ewald Real Estate Corporation-Southwest
(Ewald Automotive Group Off-Site Landscaping)
Property: 6319 South 108th Street;
Tax Key No. 704-9968-001
Zoning: M-1 Limited Industrial District
Regarding: 1. (Special Use Amendment) (Public Hearing)
A RESOLUTION TO AMEND RESOLUTION NO.
2008-6452 IMPOSING CONDITIONS AND
RESTRICTIONS FOR THE APPROVAL OF A SPECIAL
USE FOR PROPERTY LOCATED AT 6319 SOUTH
108TH STREET for the purpose of approval of off-site
landscaping, to allow planting trees in a City park in lieu of
on-site requirements where there is not sufficient area on-
site

D. City of Franklin
(Off-Site Mitigation Outside Subwatershed)
Property: City-wide
Zoning: City-wide
Regarding: 1. (Unified Development Ordinance Text
Amendment) (Public Hearing) AN ORDINANCE TO
AMEND THE UNIFIED DEVELOPMENT
ORDINANCE TEXT AT §15-4.0103F. TO ALLOW FOR
NATURAL RESOURCE FEATURES MITIGATION
WITHIN THE CITY OF FRANKLIN OUTSIDE OF THE
SAME SUBWATERSHED IN WHICH THE
DEVELOPMENT SITE IS LOCATED

E. City of Franklin
(St. James Congregation 2 Lot Certified Survey Map)
Property: 7219 South 27th Street;
Tax Key No. 761-9955-002
Zoning: I-1 Institutional District
Regarding: 1. (2 Lot Certified Survey Map) A
RESOLUTION CONDITIONALLY APPROVING A 2
LOT CERTIFIED SURVEY MAP, BEING A DIVISION
OF A PART OF THE SOUTHWEST 1/4 OF THE
SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 5
NORTH, RANGE 21 EAST, IN THE CITY OF
FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

F. Jon T. Lange, YMCA of Metropolitan Milwaukee
(YMCA Day Camp on Wheaton Franciscan Healthcare-
Southeast Wisconsin, Inc. Campus)
Property: 10101 South 27th Street;
Tax Key No. 928-9999-003
Zoning: B-7 South 27th Street Mixed-Use Office District
Regarding: 1. (Accessory Use) A RESOLUTION
IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A YMCA DAY CAMP
PERMITTED ACCESSORY USE AS LISTED IN THE
B-7 SOUTH 27TH STREET MIXED-USE OFFICE
DISTRICT UNDER STANDARD INDUSTRIAL
CLASSIFICATION CODE NO. 8351 CHILD DAY
CARE SERVICES, FOR PROPERTY LOCATED AT
10101 SOUTH 27TH STREET

B. Application for Special Use withdrawn. No action.

C. Planner Fuchs read the Official Notice of Public Hearing into the record. The Public Hearing was opened at 7:24 pm. regarding the application for Special Use amendment. With no one coming forward to speak the Public Hearing was closed at 7:24 pm.

Alderman Skowronski moved and Commissioner Fowler seconded a motion to recommend to Common Council approval of a resolution to amend Resolution No. 2008-6452 imposing conditions and restrictions for the approval of a Special Use for property located at 6319 South 108 Street.

Upon voice vote, Commissioners Bennett, Fowler, Mayor Taylor, and Alderman Skowronski voted Aye; Commissioners Ritter and Haley voted No. Motion carried (4 to 2).

D. Planner Fuchs read the Official Notice of Public Hearing into the record. The Public Hearing was opened at 7:41 pm regarding a text amendment to the Unified Development Ordinance relative to off-site mitigation outside of sub-watershed. With no one coming forward to speak the Public Hearing was closed at 7:41 pm.

Commissioner Kosovich moved and Commissioner Haley seconded a motion to recommend to Common Council approval of an ordinance to amend the Unified Development Ordinance text at §15-4.0103F. to allow for natural resource features mitigation within the City of Franklin outside of the same sub-watershed in which the development site is located.

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

E. Alderman Skowronski moved and Commissioner Kosovich seconded a motion to recommend to Common Council approval of a resolution conditionally approving a 2 lot Certified Survey Map, being a division of a part of the Southwest 1/4 of the Southwest 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin subject to the Certified Survey Map being revised to include and note as a possible wetland, the small drainage way to the south and west of the parking lot on Lot 1 as indicated by Southeastern Wisconsin Regional Planning Commission in their letter dated January 7, 2009.

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

F. Alderman Skowronski moved and Commissioner Bennett seconded a motion to approve a resolution imposing conditions and restrictions for the approval of a YMCA Day Camp permitted accessory use as listed in the B-7 South 27th Street Mixed-Use Office District under Standard Industrial Classification Code No. 8351 Child Day Care Services, for property located at 10101 South 27 Street subject to revising Condition No. 2 of the Resolution, adding “unless otherwise extended by the issuance of a zoning compliance permit upon staff determination that all laws and codes have been adhered to and there have been no issues on site.

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

G. JBK- Shamrock Franklin LLC
(Wal-Mart Stores, Inc. Temporary Indoor Product and Fixture Storage)
Property: 6525 South 27th Street;
Tax Key No. 714-9996-019
Zoning: Planned Development District No. 14
(Jewel-Osco/Home Depot)
Regarding: 1. (Temporary Use) A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A TEMPORARY USE FOR INDOOR STORAGE OF WAL-MART STORES, INC. PRODUCTS AND FIXTURES FOR PROPERTY LOCATED AT 6525 SOUTH 27TH STREET (FORMER JEWEL/OSCO BUILDING)

G. Commissioner Haley moved and Commissioner Fowler seconded a motion to table a resolution imposing conditions and restrictions for the approval of a Temporary Use for indoor storage of Wal-Mart Stores, Inc. products and fixtures for property located at 6525 South 27th Street (former Jewel/Osco building).

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

H. Equitable Development, LLC
(Fountains of Franklin, a Multi-Tenant Commercial Development)
Property: Approximately 5600-5610 West Rawson Avenue;
Tax Key No. 741-9998-000
Zoning: B-2 General Business District, OL-2 General Business Overlay District, FFO Floodplain Fringe Overlay District and FC Floodplain Conservancy District
Regarding: 1. (Site Plan Time Extension) A RESOLUTION EXTENDING THE TIME FOR SATISFACTION OF CONDITIONS OF APPROVAL FOR A SITE PLAN FOR FOUNTAINS OF FRANKLIN, A MULTI-TENANT COMMERCIAL DEVELOPMENT AS APPROVED BY RESOLUTION NOS. 2006-09, 2008-12 AND 2008-15

H. Commissioner Ritter moved and Commissioner Haley seconded a motion to recommend to adopt a resolution extending the time for satisfaction of conditions of approval for a site plan for Fountains of Franklin, a multi-tenant commercial development as approved by Resolution Nos. 2006-09, 2008-12 and 2008-15.

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

2. (Certified Survey Map Time Extension) A RESOLUTION EXTENDING THE TIME FOR SATISFACTION OF CONDITIONS OF APPROVAL FOR A CERTIFIED SURVEY MAP CONDITIONALLY APPROVED BY RESOLUTION NO. 2008-6438 ON MAY 6, 2008

Alderman Skowronski moved and Commissioner Ritter seconded a motion to recommend to Common Council approval of a resolution extending the time for satisfaction of conditions of approval for a Certified Survey Map conditionally approved by Resolution No. 2008-6438 on May 6, 2008. subject to such technical reapproval terms as may be required by Milwaukee County for recording.

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

I. Franklin Square LLC
(Woodland Trails Condominiums Development)
Property: Approximately South 51st Street, West Cobblestone Way and West Ryan Road;
Tax Key No. 882-9983-006
Zoning: Planned Development District No. 25 (Burke Properties)
Regarding: 1. (Certified Survey Map Time Extension) A RESOLUTION EXTENDING THE TIME FOR SATISFACTION OF CONDITIONS OF APPROVAL FOR A CERTIFIED SURVEY MAP CONDITIONALLY APPROVED BY RESOLUTION NO. 2006-6197 ON NOVEMBER 21, 2006

I. Commissioner Kosovich moved and Alderman Skowronski seconded a motion to recommend to Common Council approval of a resolution extending the time for satisfaction of conditions of approval for a Certified Survey Map conditionally approved by Resolution No. 2006-6197 on November 21, 2006 subject to such technical reapproval terms as may be required by Milwaukee County for recording.

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

J. WC-Franklin, LLC
(Brenwood Park Community Based Residential Facility and Residential Care Adult Community)
Property: Approximately 9535 West Loomis Road;
Tax Key No. 840-9971-006
Zoning: Planned Development District No. 21 (Brenwood Park)
Regarding: 1. (Certified Survey Map Time Extension) A RESOLUTION EXTENDING THE TIME FOR SATISFACTION OF CONDITIONS OF APPROVAL FOR A CERTIFIED SURVEY MAP conditionally approved by Resolution No. 2008-6396 on January 8, 2008

J. Alderman Skowronski moved and Commissioner Fowler seconded a motion to recommend to Common Council approval of a resolution extending the time for satisfaction of conditions of approval for a Certified Survey Map conditionally approved by Resolution No. 2008-6396 on January 8, 2008 subject to such technical reapproval terms as may be required by Milwaukee County for recording.

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

K. Mark E. Carstensen Construction and Development Company
(The Shoppes at Wyndham Village Natural Resource Features Mitigation Plan Amendment)
Property: Approximately 7700 to 7800 South Lovers Lane Road;
Tax Key Nos. 794-9999-003 and 794-9999-004
Zoning: CC City Civic Center District
Regarding: 1. (Mitigation Plan Amendment) A RESOLUTION TO APPROVE AN AMENDMENT TO THE MITIGATION PLAN FOR THE SHOPPES AT WYNDHAM VILLAGE for the purpose of allowing off-site mitigation within the same subwatershed

L. Home Depot 4907
(Home Depot U.S.A., Inc. Outdoor Tree and Shrub Sales)
Property: 6489 South 27th Street;
Tax Key No. 714-9996-015
Zoning: Planned Development District No. 14 (Jewel-Osco/Home Depot)
Regarding: 1. (Temporary Use) A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A TEMPORARY USE FOR OUTDOOR SEASONAL TREE AND SHRUB SALES FOR PROPERTY LOCATED AT 6489 SOUTH 27TH STREET

M. Robert A. Swendrowski
(Regulation for the Planting of Wild Flowers Within Right-of-Ways)
Property: City-wide
Zoning: City-wide
Regarding: 1. Consideration and recommendation of a potential ordinance regulating the planting of wild flowers

N. City of Franklin
(Department of City Development Annual Report)
Property: N/A
Zoning: N/A
Regarding: 1. City Development Department 2008 activity overview related to review of permits and applications, special projects and community growth issues (2003 through 2007 overview included)

ADJOURNMENT

K. Alderman Skowronski moved and Commissioner Fowler seconded a motion to recommend to Common Council approval of a resolution to approve an amendment to the Mitigation Plan for the Shoppes at Wyndham Village for the purpose of allowing off-site mitigation within the same sub-watershed.

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

L. Commissioner Fowler moved and Commissioner Bennett seconded a motion to approve a resolution imposing conditions and restrictions for the approval of a Temporary Use for Home Depot 4907 for outdoor seasonal tree and shrub sales for property located at 6489 South 27th Street.

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

M. Item was referred back to staff for more information. No action taken.

N. Commissioner Ritter moved and Commissioner Bennett seconded a motion to recommend to Common Council the City Development Department 2008 activity overview related to review of permits and applications, special projects and community growth issues (2004-2008 overview included).

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

IV. Commissioner Ritter moved and Commissioner Kosovich seconded a motion to adjourn the April 9, 2009 regular Plan Commission meeting.

Upon voice vote, all voted 'aye'. Motion carried. The meeting adjourned at 9:09 pm.