

City of Franklin
Plan Commission Meeting
May 7, 2009
Minutes

CALL TO ORDER

- I. Mayor Taylor called the May 7, 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 (arrived at 7:10 pm), Kosovich, Ritter, and Haley. Also present were Planning Manager Dietl, Planner II Fuchs, and City Attorney Wesolowski.

MINUTES

Regular Meeting April 23, 2009

- II.
A. Commissioner Ritter moved and Commissioner Kosovich seconded approval of the April 23, 2009 minutes. Upon voice vote, Commissioners Kosovich, Ritter, Haley and Alderman Skowronski voted Aye, Commissioner Bennett abstained. Motion carried.

PUBLIC HEARINGS and BUSINESS ITEMS

A. Scott A. Mayer and Susanne Mayer
(4 Residential Lots)

Property: 9733 West Ryan Road;
Tax Key No. 894-9999-000

Zoning: R-1 Countryside/Estate Single-Family Residence District

Regarding:

1. (Special Exception) (Public Hearing) Application for a Special Exception to Natural Resource Feature Provisions pursuant to §15-10.0208 of the Unified Development Ordinance, for the purpose of providing shared driveway access to three new residential lots which will impact wetland, wetland buffer, and wetland setback adjacent to Ryan Road

2. (4 Lot Certified Survey Map) A RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY MAP, BEING A DIVISION OF A PART OF THE WEST 1/2 OF THE NORTHEAST 1/4, OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN for the purpose of dividing one residential lot into 4 lots

B. Frederick T. Walecki (Lawnmowers, Inc. Small Engine Wholesale Service and Repair Facility)

Property: 10610 West Venture Drive, Suite 109;
Tax Key No. 705-8989-009

Zoning: M-1 Limited Industrial District

Regarding: 1. (Special Use) (Public Hearing)

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A SMALL ENGINE WHOLESALE SERVICE AND REPAIR FACILITY UPON PROPERTY LOCATED AT 10610 WEST VENTURE DRIVE, SUITE 109

- III.
A. Planner Fuchs read the Official Notice of Public Hearing into the record. The Public Hearing was opened at 7:05 pm. With no one coming forward to speak the Public Hearing was closed at 7:05 pm.

Alderman Skowronski moved and Commissioner Kosovich seconded a motion to recommend to Common Council approval of the Mayer Natural Resource Features Special Exception pursuant to the standards, findings and decision recommended by the Plan Commission and Common Council consideration of any Environmental Commission recommendation. Upon voice vote, Commissioners Kosovich and Alderman Skowronski voted Aye, Commissioners Ritter, Haley, Bennett, and Fowler voted No. Motion failed.

Commissioner Ritter moved and Commissioner Haley seconded a motion to refer the Natural Resource Features Special Exception to staff for further review and recommendations.

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

Commissioner Fowler moved and Commissioner Ritter seconded a motion to table approval of a resolution conditionally approving a 4 lot Certified Survey Map, being a division of a part of the West 1/2 of the Northeast 1/4, of Section 29, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin and refer the item to staff for further review and recommendations.

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

- B. Planner Fuchs read the Official Notice of Public Hearing into the record. The Public Hearing was opened at 7:21 pm. regarding the application for Special Use. With no one coming forward to speak the Public Hearing was closed at 7:21 pm.

Mr. Frederick Walecki described the operations of his proposed business. Mr. Kendall Breunig, property owner, came forward and presented the proposed site modifications to include planter beds, a dumpster enclosure, removal of the chain-link fence along the east property line and adding fencing with gates running north and south in about the center of the property. Commissioner Fowler moved and Commissioner Bennett seconded a motion to recommend to Common Council approval of a resolution imposing conditions and restrictions for the approval of a Special Use for a small engine wholesale service and repair facility upon property located at 10610 West Venture Drive, Suite 109, subject to limiting the hours of operation between 7:00 am and 9:00 pm.

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

C. National Interlock Service (WI) Ltd. (Motor Vehicle Ignition Interlock Installation Company)

Property: 10610 West Venture Drive, Unit 103 and Unit 104; Tax Key No. 705-8989-009

Zoning: M-1 Limited Industrial District

Regarding: 1. (Special Use) (Public Hearing)

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A MOTOR VEHICLE IGNITION INTERLOCK INSTALLATION COMPANY UPON PROPERTY LOCATED AT APPROXIMATELY 10610 WEST VENTURE DRIVE, UNIT 103 AND UNIT 104

D. Hugo's Steakhouse, LLC (Hugo's Steakhouse Volleyball Court, Horseshoe Court, Outdoor Deck and Beverage Shed Installation)

Property: 6951 South Lovers Lane Road; Tax Key No. 747-9992-001

Zoning: B-5 Highway Business District

Regarding:

1. (Special Use Amendment) (Public Hearing)

A RESOLUTION TO AMEND RESOLUTION NO. 88-3156 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE LOCATION, CONSTRUCTION AND OPERATION OF A RESTAURANT AND BANQUET HALL WITH ENTERTAINMENT UPON PROPERTY LOCATED AT 6951 SOUTH LOVERS LANE ROAD

E. City of Franklin (Detached Accessory Garage Allowance Text Amendment)

Property: City-wide

Zoning: N/A

Regarding: 1. (Unified Development Ordinance Text Amendment) (Public Hearing)

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-5.0203 TO ALLOW A DETACHED GARAGE FOR LOTS OF RECORD PRIOR TO AUGUST 1, 1998, THAT ARE LESS THAN ONE ACRE IN AREA AND WHERE THERE EXISTS A SINGLE-FAMILY DETACHED DWELLING STRUCTURE WITHOUT AN ATTACHED GARAGE

F. 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)

ADJOURNMENT

- C. Planner Fuchs read the Official Notice of Public Hearing into the record. The Public Hearing was opened at 7:34 pm. regarding the application for Special Use. With no one coming forward to speak the Public Hearing was closed at 7:34 pm.

Alderman Skowronski moved and Commissioner Ritter seconded a motion to recommend to Common Council approval of a resolution imposing conditions and restrictions for the approval of a Special Use for a motor vehicle ignition interlock installation company upon property located at approximately 10610 West Venture Drive, Unit 103 and Unit 104.

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

- D. Planner Fuchs read the Official Notice of Public Hearing into the record. The Public Hearing was opened at 8:01 pm regarding a Special Use amendment. Several citizens came forward to speak in favor of and in opposition of the proposal. After public comment the Public Hearing was closed at 8:22 pm.

Alderman Skowronski moved and Commissioner Fowler seconded a motion to recommend to Common Council approval of a resolution to amend Resolution No. 88-3156 imposing conditions and restrictions for the approval of a Special Use for the location, construction and operation of a restaurant and banquet hall with entertainment upon property located at 6951 South Lovers Lane Road, subject to deletion of conditions Nos. 6, 8, 9 and 10 in the draft resolution, subject to technical corrections, subject to hours of operations of the proposed new accessory uses to be four nights per week, Monday through Thursday from 6:00 p.m. to 9:00 p.m., with all games ending at 9:00 p.m. and on Sundays from 3:00 p.m. to 6:00 p.m. and with the added condition for a review at the Plan Commission meeting approximately 90 days from any Common Council approval of this resolution whereby neighbor concerns would be heard and would be weighed and there would be no vested right for the continuation of the Special Use based upon this review by the Plan Commission and any further action by the Common Council.

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

- E. Planner Fuchs read the Official Notice of Public Hearing into the record. The Public Hearing was opened at 7:36 pm. With no one coming forward to speak the Public Hearing was closed at 7:36 pm.

Commissioner Haley moved and Commissioner Fowler seconded a motion to recommend to Common Council approval of an ordinance to amend the Unified Development Ordinance text at Table 15-5.0203 to allow a detached garage for lots of record prior to August 1, 1998, that are less than one acre in area and where there exists a single-family detached dwelling structure without an attached garage.

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

- F. Alderman Skowronski moved and Commissioner Haley seconded a motion to approve 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 27 Street (former Jewel/Osco building) with the added conditions that the Temporary Use will expire 60 days past occupancy of the new space, there will be no retail sales occurring at the site or any business or activities conducted outside the building, no changes to the existing structure, and Wal-Mart will limit the hours of operation and number of employees at the site as outlined in their letter dated February 18, 2009.

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

- IV. Commissioner Ritter moved and Alderman Skowronski seconded a motion to adjourn the May 7, 2009 regular Plan Commission meeting.

Upon voice vote, all voted 'aye'. Motion carried. The meeting adjourned at 9:13 pm.