

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, JANUARY 9, 2020, 7:00 P.M.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of December 5, 2019.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **INNER WISDOM & WELLNESS, LLC; “AMUSEMENT AND RECREATION SERVICES, NOT ELSEWHERE CLASSIFIED” USE UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT AND SPECIAL USE.** Unified Development Ordinance Text Amendment and Special Use applications by Linda B. Scherrer, RYT200 (Registered Yoga Teacher at the 200 hour level), RMT (Reiki Master Teacher), Certified Essential Oils Coach (Ancient Apothecary & Young Living Oils), owner of Inner Wisdom & Wellness, LLC, (Betty Buss, property owner) to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 7999 “Amusement and recreation services, not elsewhere classified” to allow for such Use as a Special Use, City-wide, in the B-2 General Business District, B-3 Community Business District and the B-4 South 27th Street Mixed-Use Commercial District, in conjunction with a Special Use application (which is contingent upon approval of the concurrent Unified Development Ordinance Text Amendment) to allow for the Linda B. Scherrer, Yoga, Reiki and essential oils, meditation and mindfulness instruction studio (Inner Wisdom & Wellness, LLC) use, in the Franklin Village multi-tenant building located at 7127 South 76th Street, property zoned B-3 Community Business District; Tax Key No. 755-0038-001. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT AND SPECIAL USE APPLICATIONS.**
2. **SPLIT LOT ZONING EXCEPTION UNIFIED DEVELOPMENT ORDINANCE AMENDMENT.** Unified Development Ordinance Text Amendment application by the City of Franklin, to Amend Unified Development Ordinance §15-3.0103.A.3. Split Zoning of Newly Created Lots Not Allowed, to provide for and except certain minor land divisions involving an established residential use not currently intended for redevelopment, such division being for the purpose of providing additional land to an adjoining tax incremental district

mixed-use development including industrial and commercial uses, for such remaining established residential dwelling building use parcel or parcels only. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

3. **NATURAL RESOURCE PROTECTION PLAN AND SITE INTENSITY AND CAPACITY CALCULATION EXCLUSIONS UNIFIED DEVELOPMENT ORDINANCE AMENDMENT.** Unified Development Ordinance Text Amendment application by the City of Franklin, to Amend Unified Development Ordinance §15-3.0501.C. Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required), to additionally provide for and except certain minor land divisions involving an established residential use not currently intended for redevelopment, such division being for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, for such remaining established residential dwelling building use parcel or parcels only. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **THE GLEN AT PARK CIRCLE CONDOMINIUM DEVELOPMENT MONUMENT SIGN.** Sign Review and Release of Easement Restriction applications by Park Circle LLC, for a monument sign with a 2 foot 8 inch by 5 foot 6 inch (14.67 square feet) face constructed of cedar, with raised lettering, suspended from an aluminum support and attached to two 8 inch by 8 inch white oak timbers, with an overall height of 5 feet, and to allow for the entrance monument sign within the “30 Foot Landscape Planting Buffer” along the entire 76th Street frontage at 7614 Park Circle Way (the northwest corner of West Park Way Circle and South 76th Street), property zoned R-8 Multiple-Family Residence District; Tax Key No. 896-1001-000.
2. **RYANWOOD MANOR ADDITION NO. 1 (FORMERLY KNOWN AS OAKWOOD AT RYAN CREEK) SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.** Sign Review and Release of Easement Restriction applications by Oakwood at Ryan Creek, LLC, for a monument sign with a 10 foot 9 inch by 3 foot 4 inch (35.83 square feet) face constructed of weathered cedar within a steel frame, supported by steel rails and posts mounted on split-faced granite veneer column and wall, with an overall height of 7 feet and 1 inch, and to allow for the entrance monument sign within the existing stormwater management access easement, generally located at the northwest corner of West

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Oakwood Road and South 76th Street, specifically within Outlot 2, property zoned R-5 Suburban Single-Family Residence District, bearing Tax Key No. 934-9992-010.

E. Adjournment

*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

**Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

Next Regular Plan Commission Meeting: January 23, 2020

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REMINDERS:

Next Regular Plan Commission Meeting: January 23, 2020

**City of Franklin
Plan Commission Meeting
December 5, 2019
Minutes**

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the December 5, 2019 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Commissioners Patricia Hogan and Kevin Haley, Alderman Mark Dandrea and City Engineer Glen Morrow. Excused were Commissioner David Fowler and Commissioner Adam Burckhardt. Also present were Planning Manager Joel Dietl, Associate Planner Regulo Martinez-Montilva, City Attorney Jesse Wesolowski, Alderwoman Kristen Wilhelm and Alderman John Nelson.

B. Approval of Minutes

1. Regular Meeting of November 21, 2019.

City Engineer Morrow moved and Alderman Dandrea seconded approval of the November 21, 2019, minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-2).

C. Public Hearing Business Matters

1. VESTA INTERMEDIATE FUNDING INC. (OWNED BY THE LUBRIZOL CORPORATION, A BERKSHIRE HATHAWAY COMPANY) ENCROACHMENT OF A DEHUMIDIFIER EQUIPMENT PLATFORM INTO MINIMUM REQUIRED REAR YARD [recommendation to Board of Zoning and Building Appeals]. Application by Vesta Intermediate Funding Inc. (owned by The Lubrizol Corporation, a Berkshire Hathaway Company) for an Area Exception from §12.10(10)(b) of Planned Development District No. 7 (Franklin Industrial Park Phase II) Ordinance No. 85-864, to allow for the encroachment of a dehumidifier equipment platform into the minimum required rear yard. Pursuant to §12.10(10)(b), the minimum building rear setback is 25 feet, while the requested rear setback is approximately 16 feet and 8 inches, for placement of

Planning Manager Joel Dietl presented the request by Vesta Intermediate Funding Inc. (owned by The Lubrizol Corporation, a Berkshire Hathaway Company) for an Area Exception from §12.10(10)(b) of Planned Development District No. 7 (Franklin Industrial Park Phase II) Ordinance No. 85-864, to allow for the encroachment of a dehumidifier equipment platform into the minimum required rear yard. Pursuant to §12.10(10)(b), the minimum building rear setback is 25 feet, while the requested rear setback is approximately 16 feet and 8 inches, for placement of the support posts of the equipment platform of a dehumidification unit required for the manufacturing facility (the proposed platform is 8 feet 4 inches wide and 22 feet long), in the rear yard of the facility, property located at 9900 South 57th Street, zoned Planned Development District No. 7 (Franklin Industrial Park); Tax Key No. 899-0006-002.

The Official Notice of Public Hearing was read into the record by Associate Planner Regulo Martinez-Montilva and the Public Hearing was opened at 7:06 pm and closed at 7:08 pm.

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend approval of an application

the support posts of the equipment platform of a dehumidification unit required for the manufacturing facility (the proposed platform is 8 feet 4 inches wide and 22 feet long), in the rear yard of the facility, property located at 9900 South 57th Street, zoned Planned Development District No. 7 (Franklin Industrial Park); Tax Key No. 899-0006-002.

2. MATT TALBOT RECOVERY SERVICES, INC. RESIDENTIAL HOME CONSTRUCTION. Rezoning application by Matt Talbot Recovery Services, Inc., to amend the City's Zoning Map for a portion of a property located at 9132 South 92nd Street from C-1 Conservancy District to R-3 Suburban/Estate Single-Family Residence District, to comply with condition number 8 of Resolution 2019-7498, which conditionally approved a 2 lot Certified Survey Map ("The applicant shall apply for a Rezoning from the City to remove the existing C-1 Conservancy District" (approximately 1.94 acres)); Tax Key No. 886-9987-000. [The area to be rezoned is subject to a conservation easement per the conditionally approved Certified Survey Map, therefore, it is intended for protection of the existing wetlands. The applicant is not proposing to develop this area within conservation easements.]

3. BEAR DEVELOPMENT RECONFIGURATION OF TWO LOTS FOR POTENTIAL FUTURE INDUSTRIAL DEVELOPMENT. Rezoning, Certified Survey Map and Land Division Variance applications by

for an Area Exception to allow for the encroachment of a dehumidifier equipment platform into the minimum required rear yard and to not require additional landscape screening [application requests an Area Exception from §12.10(10)(b) of Planned Development District No. 7 (Franklin Industrial Park phase II) Ordinance No. 85-864 (pursuant to §12.10(10)(b), the minimum building rear setback is 25 feet, while the requested rear setback is approximately 16 feet and 8 inches, for placement of the support posts of the equipment platform of a dehumidification unit required for the manufacturing facility) (the proposed platform is 8 feet 4 inches wide and 22 feet long), in the rear yard of the facility], for property located at 9900 South 57th Street. On voice vote, all voted 'aye'; motion carried. (4-0-2).

Planning Manager Joel Dietl presented the request by Matt Talbot Recovery Services, Inc., to amend the City's Zoning Map for a portion of a property located at 9132 South 92nd Street from C-1 Conservancy District to R-3 Suburban/Estate Single-Family Residence District, to comply with condition number 8 of Resolution 2019-7498, which conditionally approved a 2 lot Certified Survey Map ("The applicant shall apply for a Rezoning from the City to remove the existing C-1 Conservancy District" (approximately 1.94 acres)); Tax Key No. 886-9987-000. [The area to be rezoned is subject to a conservation easement per the conditionally approved Certified Survey Map, therefore, it is intended for protection of the existing wetlands. The applicant is not proposing to develop this area within conservation easements.]

The Official Notice of Public Hearing was read into the record by Associate Planner Regulo Martinez-Montilva and the Public Hearing was opened at 7:14 pm and closed at 7:22 pm.

Commissioner Haley moved and Alderman Dandrea seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a portion of a certain parcel of land from C-1 Conservancy District to R-3 Suburban/Estate Single-Family Residence District (9132 south 92nd Street) (approximately 1.94 acres). On voice vote, all voted 'aye'; motion carried. (4-0-2).

Planning Manager Joel Dietl presented the request by Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to change the zoning of the proposed Lot 1 from R-2 Estate Single-Family Residence District to M-2 General Industrial District [the applicant is not proposing to rezone the

Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to:

Rezoning: change the zoning of the proposed Lot 1 from R-2 Estate Single-Family Residence District to M-2 General Industrial District [the applicant is not proposing to rezone the proposed Lot 2 (it will remain as currently zoned, R-8 Multiple-Family Residence District, R-2 Estate Single-Family Residence District and C-1 Conservancy District)] [rezoning of entire property bearing Tax Key No. 939-9995-000 and a portion (13 acres) of the property bearing Tax Key No. 939-9994-000 (10082 South 124th Street)];

Certified Survey Map: reconfigure two subject lots: the southernmost lot abutting South North Cape Road (10082 South 124th Street) is approximately 41.24 acres and is owned by Daniel L. and Virginia K. Mathson (Tax Key No. 939-9994-000) and the lot to the north (property generally located south of Loomis Court and east of South North Cape Road, is approximately 20.58 acres of land located on the west side of State Highway 45, approximately 815 feet south of Loomis Court (20.01 acres of land within the City of Franklin and 0.58 acres in the City of Muskego)) and is owned by Franklin Mills, LLC (Tax Key No. 939-9995-000) [the Certified Survey Map creates two new lots with Lot 1 having an area of approximately 33.051 acres (to be owned by Franklin Mills LLC) and Lot 2 approximately 28.408 acres (to remain owned by Daniel L. and Virginia K. Mathson);

proposed Lot 2 (it will remain as currently zoned, R-8 Multiple-Family Residence District, R-2 Estate Single-Family Residence District and C-1 Conservancy District)] [rezoning of entire property bearing Tax Key No. 939-9995-000 and a portion (13 acres) of the property bearing Tax Key No. 939-9994-000 (10082 South 124th Street)].

The Official Notice of Public Hearing was read into the record by Associate Planner Regulo Martinez-Montilva and the Public Hearing was opened at 7:26 pm and closed at 7:29 pm.

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone lot 1 of Certified Survey Map no. ____ from R-2 Estate Single-Family Residence District to M-2 General Industrial District (located at 10082 South 124th Street and property generally located south of Loomis Court and east of South North Cape Road) (approximately 33.05 acres). On voice vote, all voted 'aye'; motion carried. (4-0-2).

Planning Manager Joel Dietl presented the request by Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to reconfigure two subject lots: the southernmost lot abutting South North Cape Road (10082 South 124th Street) is approximately 41.24 acres and is owned by Daniel L. and Virginia K. Mathson (Tax Key No. 939-9994-000) and the lot to the north (property generally located south of Loomis Court and east of South North Cape Road, is approximately 20.58 acres of land located on the west side of State Highway 45, approximately 815 feet south of Loomis Court (20.01 acres of land within the City of Franklin and 0.58 acres in the City of Muskego)) and is owned by Franklin Mills, LLC (Tax Key No. 939-9995-000) [the Certified Survey Map creates two new lots with Lot 1 having an area of approximately 33.051 acres (to be owned by Franklin Mills LLC) and Lot 2 approximately 28.408 acres (to remain owned by Daniel L. and Virginia K. Mathson).

City Engineer Morrow moved and Alderman Dandrea seconded a motion to revise Condition #6 as proposed by City Attorney Wesolowski, City Engineer Morrow, and Alderman Dandrea with corrections as determined appropriate by the City Development Department staff, to wit: "Notwithstanding any approval of the rezoning and certified survey map with regard to the entire parcel, Lot 2 is currently under split zoning which has not been permitted by the Unified Development Ordinance since 1998 but it was permitted under the 1968 zoning code. In the event of the loss or destruction of 50% or

more of the existing single family residence structure upon the area zoned Multiple-Family Residence District R-8, the existing single-family residence structure shall not be allowed to be constructed/reconstructed without rezoning Lot 2 to a single zoning district”. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

City Engineer Morrow moved and Alderman Dandrea seconded a motion to amend Condition #7 “To add the following note on the face of the Certified Survey Map: ‘For those wetlands deemed artificial by the Wisconsin Department of Natural Resources/US Army Corps of Engineers or outside their jurisdictions, the requirement of a conservation easement is void.’” On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Alderman Dandrea moved and City Engineer Morrow seconded a motion to remove Condition #8. On voice vote, 3 voted ‘aye’; one voted ‘nay’, Mayor Olson voted ‘aye’. Motion carried (4-1-2).

Commissioner Hogan moved and Alderman Dandrea seconded a motion to amend Condition #9 to change the width of the landscape bufferyard easement from 30 feet to 25 feet. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map incorporating the action taken on conditions number 6, 7, 8 and 9. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Land Division Variance: (in conjunction with the proposed Certified Survey Map) to allow Franklin Mills, LLC to purchase approximately 13 acres of land from Daniel L. and Virginia K. Mathson to combine to their existing parcel, as the proposed Lot 1 does not abut 60-feet of frontage along a public right-of-way as required by Section 15-5.0101B.1. of the Unified Development Ordinance [this property does have access through a 60-foot wide ingress/egress easement on the property to the west, which was designated on Certified Survey Map No. 11704 and, in part, for the specific benefit of this parcel]; properties located at 10082 South 124th Street (Tax Key No. 939-9994-000, zoned R-8 Multiple-Family Residence District, R-2 Estate

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Single-Family Residence District and C-1 Conservancy District) and property generally located south of Loomis Court and east of South North Cape Road (Tax Key No. 939-9995-000, zoned R-2 Estate Single-Family Residence District).

Alderman Dandrea moved and City Engineer Morrow seconded a motion to recommend approval of a Resolution conditionally approving a Land Division Variance for a 2 lot Certified Survey Map, being part of the fractional northwest quarter of the southwest quarter and the west half of the northeast quarter of the southwest quarter of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (at 10082 South 124th Street and property generally located south of Loomis Court and East of South North Cape Road). On voice vote, all voted ‘aye’; motion carried. (4-0-2).

D. Business Matters

1. None.

E. Adjournment

Commissioner Hogan moved and Commissioner Haley seconded a motion to adjourn the Plan Commission meeting of December 5, 2019 at 8:25 p.m. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

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The Official Notice of Public Hearing was read into the record by Associate Planner Regulo Martinez-Montilva and the Public Hearing was opened at 7:14 pm and closed at 7:22 pm.

Commissioner Haley moved and Alderman Dandrea seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a portion of a certain parcel of land from C-1 Conservancy District to R-3 Suburban/Estate Single-Family Residence District (9132 south 92nd Street) (approximately 1.94 acres). On voice vote, all voted 'aye'; motion carried. (4-0-2).

Planning Manager Joel Dietl presented the request by Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to change the zoning of the proposed Lot 1 from R-2 Estate Single-Family Residence District to M-2 General Industrial District [the applicant is not proposing to rezone the

Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to:

Rezoning: change the zoning of the proposed Lot 1 from R-2 Estate Single-Family Residence District to M-2 General Industrial District [the applicant is not proposing to rezone the proposed Lot 2 (it will remain as currently zoned, R-8 Multiple-Family Residence District, R-2 Estate Single-Family Residence District and C-1 Conservancy District)] [rezoning of entire property bearing Tax Key No. 939-9995-000 and a portion (13 acres) of the property bearing Tax Key No. 939-9994-000 (10082 South 124th Street)];

Certified Survey Map: reconfigure two subject lots: the southernmost lot abutting South North Cape Road (10082 South 124th Street) is approximately 41.24 acres and is owned by Daniel L. and Virginia K. Mathson (Tax Key No. 939-9994-000) and the lot to the north (property generally located south of Loomis Court and east of South North Cape Road, is approximately 20.58 acres of land located on the west side of State Highway 45, approximately 815 feet south of Loomis Court (20.01 acres of land within the City of Franklin and 0.58 acres in the City of Muskego)) and is owned by Franklin Mills, LLC (Tax Key No. 939-9995-000) [the Certified Survey Map creates two new lots with Lot 1 having an area of approximately 33.051 acres (to be owned by Franklin Mills LLC) and Lot 2 approximately 28.408 acres (to remain owned by Daniel L. and Virginia K. Mathson);

proposed Lot 2 (it will remain as currently zoned, R-8 Multiple-Family Residence District, R-2 Estate Single-Family Residence District and C-1 Conservancy District)] [rezoning of entire property bearing Tax Key No. 939-9995-000 and a portion (13 acres) of the property bearing Tax Key No. 939-9994-000 (10082 South 124th Street)].

The Official Notice of Public Hearing was read into the record by Associate Planner Regulo Martinez-Montilva and the Public Hearing was opened at 7:26 pm and closed at 7:29 pm.

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone lot 1 of Certified Survey Map no. ____ from R-2 Estate Single-Family Residence District to M-2 General Industrial District (located at 10082 South 124th Street and property generally located south of Loomis Court and east of South North Cape Road) (approximately 33.05 acres). On voice vote, all voted 'aye'; motion carried. (4-0-2).

Planning Manager Joel Dietl presented the request by Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to reconfigure two subject lots: the southernmost lot abutting South North Cape Road (10082 South 124th Street) is approximately 41.24 acres and is owned by Daniel L. and Virginia K. Mathson (Tax Key No. 939-9994-000) and the lot to the north (property generally located south of Loomis Court and east of South North Cape Road, is approximately 20.58 acres of land located on the west side of State Highway 45, approximately 815 feet south of Loomis Court (20.01 acres of land within the City of Franklin and 0.58 acres in the City of Muskego)) and is owned by Franklin Mills, LLC (Tax Key No. 939-9995-000) [the Certified Survey Map creates two new lots with Lot 1 having an area of approximately 33.051 acres (to be owned by Franklin Mills LLC) and Lot 2 approximately 28.408 acres (to remain owned by Daniel L. and Virginia K. Mathson).

City Engineer Morrow moved and Alderman Dandrea seconded a motion to revise Condition #6 as proposed by City Attorney Wesolowski, City Engineer Morrow, and Alderman Dandrea with corrections as determined appropriate by the City Development Department staff, to wit: "Notwithstanding any approval of the rezoning and certified survey map with regard to the entire parcel, Lot 2 is currently under split zoning which has not been permitted by the Unified Development Ordinance since 1998 but it was permitted under the 1968 zoning code. In the event of the loss or destruction of 50% or

more of the existing single family residence structure upon the area zoned Multiple-Family Residence District R-8, the existing single-family residence structure shall not be allowed to be constructed/reconstructed without rezoning Lot 2 to a single zoning district”. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

City Engineer Morrow moved and Alderman Dandrea seconded a motion to amend Condition #7 “To add the following note on the face of the Certified Survey Map: ‘For those wetlands deemed artificial by the Wisconsin Department of Natural Resources/US Army Corps of Engineers or outside their jurisdictions, the requirement of a conservation easement is void.’” On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Alderman Dandrea moved and City Engineer Morrow seconded a motion to remove Condition #8. On voice vote, 3 voted ‘aye’; one voted ‘nay’, Mayor Olson voted ‘aye’. Motion carried (4-1-2).

Commissioner Hogan moved and Alderman Dandrea seconded a motion to amend Condition #9 to change the width of the landscape bufferyard easement from 30 feet to 25 feet. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map incorporating the action taken on conditions number 6, 7, 8 and 9. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Land Division Variance: (in conjunction with the proposed Certified Survey Map) to allow Franklin Mills, LLC to purchase approximately 13 acres of land from Daniel L. and Virginia K. Mathson to combine to their existing parcel, as the proposed Lot 1 does not abut 60-feet of frontage along a public right-of-way as required by Section 15-5.0101B.1. of the Unified Development Ordinance [this property does have access through a 60-foot wide ingress/egress easement on the property to the west, which was designated on Certified Survey Map No. 11704 and, in part, for the specific benefit of this parcel]; properties located at 10082 South 124th Street (Tax Key No. 939-9994-000, zoned R-8 Multiple-Family Residence District, R-2 Estate

Planning Manager Joel Dietl presented the request by Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to allow Franklin Mills, LLC to purchase approximately 13 acres of land from Daniel L. and Virginia K. Mathson to combine to their existing parcel, as the proposed Lot 1 does not abut 60-feet of frontage along a public right-of-way as required by Section 15-5.0101B.1. of the Unified Development Ordinance [this property does have access through a 60-foot wide ingress/egress easement on the property to the west, which was designated on Certified Survey Map No. 11704 and, in part, for the specific benefit of this parcel]; properties located at 10082 South 124th Street (Tax Key No. 939-9994-000, zoned R-8 Multiple-Family Residence District, R-2 Estate Single-Family Residence District and C-1 Conservancy District) and property generally located south of Loomis Court and east of South North Cape Road (Tax Key No. 939-9995-000, zoned R-2 Estate Single-Family Residence District).

Single-Family Residence District and C-1 Conservancy District) and property generally located south of Loomis Court and east of South North Cape Road (Tax Key No. 939-9995-000, zoned R-2 Estate Single-Family Residence District).

Alderman Dandrea moved and City Engineer Morrow seconded a motion to recommend approval of a Resolution conditionally approving a Land Division Variance for a 2 lot Certified Survey Map, being part of the fractional northwest quarter of the southwest quarter and the west half of the northeast quarter of the southwest quarter of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (at 10082 South 124th Street and property generally located south of Loomis Court and East of South North Cape Road). On voice vote, all voted ‘aye’; motion carried. (4-0-2).

D. Business Matters

1. None.

E. Adjournment

Commissioner Hogan moved and Commissioner Haley seconded a motion to adjourn the Plan Commission meeting of December 5, 2019 at 8:25 p.m. On voice vote, all voted ‘aye’; motion carried. (4-0-2).



REPORT TO THE PLAN COMMISSION

Meeting of January 9, 2020

Unified Development Ordinance text amendment and Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed Unified Development Ordinance (UDO) text amendment and Special Use application submitted by Inner Wisdom and Wellness, LLC.

Project Name:	Inner Wisdom and Wellness, Yoga studio.
Project Address:	City-wide (UDO text amendment). 7127 S 76 th Street (Special Use).
Applicant:	Linda Scherrer. Inner Wisdom and Wellness, LLC.
Property Owner:	Betty Buss. Franklin Village Properties, LLC.
Zoning:	B-3 – Community Business District.
2025 Future Land Use:	Commercial
Use of Surrounding Properties:	Commercial (B-2 General Business District, B-3 Community Business District and Planned Development District No. 16).
Applicant's Action Requested:	Approval of the proposed UDO text amendment and Special Use.

INTRODUCTION:

On November 13, 2019, Linda Scherrer of Inner Wisdom and Wellness, LLC submitted applications for Unified Development Ordinance text amendment and Special Use related to a proposed Yoga Studio at 7127 S 76th Street.

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT:

The applicant is requesting to amend the UDO Table 15-3.0603, specifically changing the Standard Industrial Classification (SIC) Code 7999 "Amusement and Recreation Services, Not Elsewhere Classified" from Not Permitted to Special Use in the B-2, B-3 and B-4 zoning districts. Said SIC code contains a broad range of recreational uses, including but not limited to bathing beaches, swimming pools, riding academies and schools, carnival operation, exposition operation, horse shows, picnic grounds operation, rental of rowboats and canoes, shooting galleries and yoga instruction.

It is noted that the proposed text amendment, if granted, would apply to all properties in the City of Franklin zoned B-2 General Business District, B-3 Community Business District and B-4 South 27th Street Mixed Use Commercial District. Please see the locator map of areas in the City of Franklin zoned B-2, B-3 and B-4 (included).

Table 15-3.0603 of the Unified Development Ordinance (UDO) sets forth those uses which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use

designations are based on the Standard Industrial Classification Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget. The description and example of uses of the SIC codes which are the subject of this proposed Text Amendment have been included in the Plan Commission packets.

The SIC Title 7999 “Amusement and Recreation Services, Not Elsewhere Classified” is from Division I. Services and Major Group 79: Amusement and Recreation Services. This SIC code encompasses a broad range of recreational uses, as discussed above. Some of these uses such as Judo, Karate and Yoga instruction are similar to those uses under SIC Title 7991 “Physical Fitness Facilities” which are defined as “establishments primarily engaged in operating reducing and other health clubs, spas, and similar facilities featuring exercise and other active physical fitness conditioning”. SIC Title 7991 is permitted in the B-4 district and may be permitted in the B-2 and B-3 districts through a special use application.

The “Special Use” review process, allows such requests to be brought forward to the Plan Commission and Common Council for individual review, this process would help to ensure compatibility of land uses under SIC Title 7999 with the B-2, B-3 and B-4 districts throughout the City. Such items such as size of operation, hours of operations, amount of storage permitted on-site, and other items which may affect the general health, safety and welfare may better be upheld. Therefore, Staff recommends approval of the proposal to designate SIC Title No. 7999 as special use in the B-2, B-3 and B-4 districts.

SPECIAL USE:

This application is sought to allow for the operation of a yoga and reiki business in the Franklin Village multi-tenant building located in the B-3 Community Business District, unit 7127 with 1,546 square feet of floor area. This special use request is subject to the approval of the concurrent UDO text amendment.

The applicant is not proposing exterior improvements to the site other than a roof sign, to be permitted separately. According to information provided by the applicant, this project includes yoga instruction, reiki and meditation session as well as “essential oils” retail and instruction. The proposed hours of operation are Monday through Saturday.

This proposal is consistent with the City of Franklin 2025 Comprehensive Master Plan (CMP), which identifies the subject property as “Commercial”. Additionally, a yoga studio in the existing multitenant commercial building is consistent with the B-3 district intent, per UDO Section 15-3.0303 the B-3 Community Business District is intended to “provide for relatively large groupings of retail sales and customer service establishments in a community-serving shopping area”.

STAFF RECOMMENDATION

City Development Staff recommends approval of a Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow for:

- Standard Industrial Classification Title No. 7999 “Amusement and Recreation Services, Not Elsewhere Classified” as a special use in the B-2 General Business District, B-3 Community Business District and B-4 South 27th Street Mixed Use Commercial District.

If the Unified Development Ordinance Text Amendment is granted, City Development Staff recommends approval of a Special Use to allow for Yoga Instruction at 7127 S 76th Street, subject to the conditions of approval set forth in the attached draft resolution.

RESOLUTION NO. 2020-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE
APPROVAL OF A SPECIAL USE FOR A YOGA, REIKI AND ESSENTIAL OILS,
MEDITATION AND MINDFULNESS INSTRUCTION STUDIO USE
UPON PROPERTY LOCATED AT 7127 SOUTH 76TH STREET
(FRANKLIN VILLAGE MULTI-TENANT BUILDING)
(LINDA B. SCHERRER, RYT200 (REGISTERED YOGA TEACHER
AT THE 200 HOUR LEVEL), RMT (REIKI MASTER TEACHER),
CERTIFIED ESSENTIAL OILS COACH (ANCIENT APOTHECARY
& YOUNG LIVING OILS), OWNER OF INNER WISDOM &
WELLNESS, LLC, APPLICANT, BETTY BUSS, PROPERTY OWNER)

WHEREAS, Linda B. Scherrer, RYT200, RMT, Certified Essential Oils Coach, owner of Inner Wisdom & Wellness, LLC, having petitioned the City of Franklin for the approval of a Special Use within a B-3 Community Business District under Standard Industrial Classification Title No. 7999 "Amusement and recreation services, not elsewhere classified" to allow for a Yoga, Reiki and Essential Oils, meditation and mindfulness instruction studio use, upon property located in the Franklin Village multi-tenant building at 7127 South 76th Street (Franklin Village), bearing Tax Key No. 755-0038-001, more particularly described as follows:

Lots 1 thru 4, Block 4 in RAWSON HOMESITES, being a subdivision of a part of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East and Outlots 1 and 2 in FRANKLIN PLAZA SUBDIVISION, being a redivision of part of Lot 1 in Block 3 in Rawson Homesites, that portion of Rawson Homesites, and the abutting streets vacated by Circuit Court Action Case No. 397644 amended document recorded February 21st, 1973 in Reel 705, Image 1011 as Document No. 4741471 and by City of Franklin Resolution No. 92-3889 recorded January 27th, 1993 in Reel 2957, Image 226 as Document No. 6722050, part of Whitnall Park Terrace Condominium, Lot 2, Lot 3, Outlot 3 and Outlot 4 in Whitnall Park Terrace Replat and lands all being a part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, all in the City of Franklin, Milwaukee County, 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 9th day of January, 2020, 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 Linda B. Scherrer, RYT200, RMT, Certified Essential Oils Coach, owner of Inner Wisdom & Wellness, 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 Linda B. Scherrer, RYT200, RMT, Certified Essential Oils Coach, owner of Inner Wisdom & Wellness, LLC, successors and assigns, as a Yoga, Reiki and Essential Oils, meditation and mindfulness instruction studio use, which shall be developed in substantial compliance with, and operated and maintained by Linda B. Scherrer, RYT200, RMT, Certified Essential Oils Coach, owner of Inner Wisdom & Wellness, LLC, pursuant to those plans City file-stamped December 27, 2019 and annexed hereto and incorporated herein as Exhibit A.
2. Linda B. Scherrer, RYT200, RMT, Certified Essential Oils Coach, owner of Inner Wisdom & Wellness, 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 Linda B. Scherrer, RYT200, RMT, Certified Essential Oils Coach, owner of Inner Wisdom & Wellness, LLC Yoga, Reiki and Essential Oils, meditation and mindfulness instruction studio, 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 Linda B. Scherrer, RYT200, RMT, Certified Essential Oils Coach, owner of Inner Wisdom & Wellness, LLC and

the Yoga, Reiki and Essential Oils, meditation and mindfulness instruction studio use for the property located at 7127 South 76th Street (Franklin Village): (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.

BE IT FURTHER RESOLVED, that in the event Linda B. Scherrer, RYT200, RMT, Certified Essential Oils Coach, owner of Inner Wisdom & Wellness, 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

LINDA B. SCHERRER, RYT200, RMT, CERTIFIED ESSENTIAL OILS COACH,
OWNER OF INNER WISDOM & WELLNESS, LLC – SPECIAL USE
RESOLUTION NO. 2020-_____
Page 4

_____ day of _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

ORDINANCE NO. 2020-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 7999 “AMUSEMENT AND RECREATION SERVICES, NOT ELSEWHERE CLASSIFIED”, TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE B-2 GENERAL BUSINESS DISTRICT, B-3 COMMUNITY BUSINESS DISTRICT AND THE B-4 SOUTH 27TH

STREET MIXED-USE COMMERCIAL DISTRICT

(LINDA B. SCHERRER, RYT200 (REGISTERED YOGA TEACHER AT THE 200 HOUR LEVEL), RMT (REIKI MASTER TEACHER), CERTIFIED ESSENTIAL OILS COACH (ANCIENT APOTHECARY & YOUNG LIVING OILS), OWNER OF INNER WISDOM & WELLNESS, LLC, APPLICANT, BETTY BUSS, PROPERTY OWNER)

WHEREAS, Table 15-3.0603 of the Unified Development Ordinance sets forth the permitted and special uses in the nonresidential zoning districts; and

WHEREAS, Linda B. Scherrer, RYT200, RMT, Certified Essential Oils Coach, owner of Inner Wisdom & Wellness, LLC having applied for a text amendment to Table 15-3.0603 Standard Industrial Classification Title No. 7999 “Amusement and recreation services, not elsewhere classified”, to allow for such use as a Special Use in the B-2 General Business District, B-3 Community Business District and the B-4 South 27th Street Mixed-Use Commercial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title No. 7999 “Amusement and recreation services, not elsewhere classified”, as a Special Use in the B-2 General Business District, B-3 Community Business District and the B-4 South 27th Street Mixed-Use Commercial District, and having held a public hearing on the proposal on the 9th day of January, 2020 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains

to: Standard Industrial Classification Title No. 7999 "Amusement and recreation services, not elsewhere classified", is hereby amended as follows: insert "S" (Special Use) in the B-2, B-3 and the B-4 column.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

APPROVED:

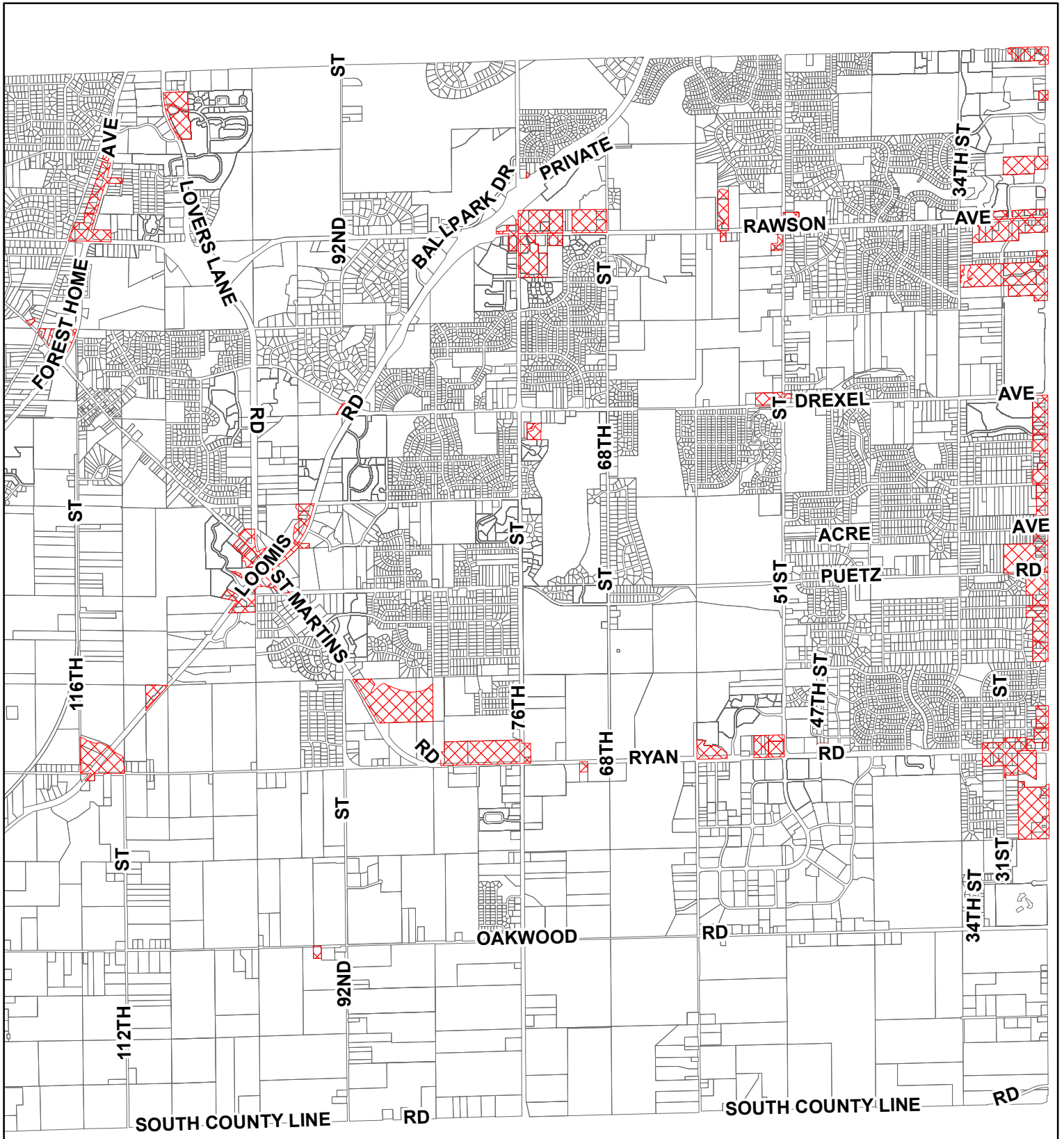
Stephen R. Olson, Mayor


ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Locator Map



 B-2, B-3 and B-4 Zoning Districts

0 0.5 1 2 Miles

1:48,000



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





Occupational Safety and Health Administration

Menu

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Description for 7999: Amusement and Recreation Services, Not Elsewhere Classified

Division I: Services | Major Group 79: Amusement And Recreation Services
Industry Group 799: Miscellaneous Amusement And Recreation

- 7999 Amusement and Recreation Services, Not Elsewhere Classified
- Establishments primarily engaged in the operation of sports, amusement, and recreation services, not elsewhere classified, such as bathing beaches, swimming pools, riding academies and schools, carnival operation, exposition operation, horse shows, picnic grounds operation, rental of rowboats and canoes, and shooting galleries. Establishments primarily engaged in showing or handling animals at shows or exhibitions are classified in Agricultural Services, Industry Group 075.
- Aerial tramways, amusement or scenic
 - Amusement concessions
 - Amusement rides
 - Animal shows in circuses, fairs, and carnivals
 - Archery ranges, operation of
 - Astrologers
 - Baseball instruction schools
 - Basketball instruction schools
 - Bath houses, independently operated
 - Bathing beaches, public
 - Betting information services
 - Billiard parlors
 - Bingo parlors
 - Boat rental, pleasure
 - Boats, party fishing: operation of
 - Bookies
 - Bookmakers, race
 - Bowling instruction
 - Bridge club, nonmembership
 - Bridge instruction
 - Cable lifts, amusement or scenic: operated separately from lodges
 - Canoe rental
 - Card rooms
 - Carnival operation
 - Cave operation
 - Circus companies
 - Concession operators, amusement devices and rides
 - Day camps
 - Exhibition operation
 - Exposition operation
 - Fairs, agricultural: operation of
 - Fireworks display service
 - Fishing piers ant lakes, operation of
 - Fortune tellers

- Gambling establishments not primarily operating coin-operated
- Gambling machines, except coin-operated operation of
- Game parlors, except coin-operated
- Games, teaching of
- Gocart raceway operation
- Gocart rentals
- Golf courses, miniature operation of
- Golf driving ranges
- Golf professionals not operating retail stores
- Golf, pitch-n-putt
- Gymnastics instruction
- Handball courts, except membership club
- Horse shows
- Houseboat rentals
- Hunting guides
- Ice skating rink operation
- Judo instruction
- Karate instruction
- Lifeguard service
- Lotteries, operation of
- Lottery club and ticket sales to individuals
- Moped rental
- Motorcycle rental
- Natural wonders, tourist attraction: commercial
- Observation tower operation
- Off-track betting
- Pack trains for amusement
- Parachute training for pleasure
- Phrenologists
- Picnic grounds operation
- Ping pong parlors
- Pool parlors
- Racquetball courts, except membership clubs
- Rental of beach chairs and accessories
- Rental of bicycles
- Rental of golf carts
- Rental of rowboats and canoes
- Rental of saddle horses
- Riding academies and schools
- Riding stables
- River rafting, operation of
- Rodeo animal rental
- Rodeos, operation of
- Roller skating rink operation
- Scenic railroads for amusement
- Schools and camps, sports instructional
- Scuba and skin diving instruction
- Shooting galleries
- Shooting ranges, operation of
- Skating instruction, ice or roller
- Skeet shooting facilities, except membership clubs
- Ski instruction
- Ski lifts, cable lifts, and ski tows operated separately from lodges
- Ski rental concessions
- Slot-car racetracks
- Sporting goods rental
- Sports instructors, professional: golf, skiing, swimming, etc.
- Sports professionals
- Swimming instruction
- Swimming pools, except membership
- Tennis clubs, nonmembership
- Tennis courts, outdoor and indoor operation of, nonmembership

- Tennis professionals
- Ticket sales offices for sporting events, contract
- Tourist attractions, natural wonder commercial
- Tourist guides
- Trampoline operation
- Trapshooting facilities, except membership club
- Waterslides, operation of
- Wave pools, operation of
- Wax figure exhibitions
- Yoga instruction

SIC Search

Division Structure

Major Group Structure

UNITED STATES
DEPARTMENT OF LABOR

Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210
📞 800-321-6742 (OSHA)
TTY
www.OSHA.gov

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U.S. Office of Special Counsel

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Accessibility Statement

Response to Staff Comments Inner Wisdom & Wellness, LLC

Date: December 26, 2019
To: Department of City Development
From: Linda Scherrer. Inner Wisdom and Wellness, LLC.
RE: Application for Rezoning and Comprehensive Master Plan Amendment

Response to the staff comments are as follows for the Unified Development Ordinance text amendment and Special Use applications for a proposed Yoga Studio at 7127 S 76th Street, submitted on November 13, 2019.

City Development Department comments

- 1. Please review legal description, submitted legal description is referring to Waukesha County.**
Description changed from Waukesha County to Milwaukee County
- 2. The project narrative (pages 2 and 4) indicates that Yoga instruction is under Standard Industrial Classification (SIC) 7991 “Amusement and Recreation Services, Not Elsewhere Classified”, please correct the SIC code to 7999.**
Corrected code to 7999
- 3. Please indicate the proposed hours of operation.**
Tentative schedule is as follows:

Inner Wisdom & Wellness Yoga Schedule (tentative)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00AM-7:00PM Private Yoga, Group Yoga or Reiki by appointment	9:15AM-10:15AM Hatha Yoga 11:00AM-2:00PM Private Yoga, Group Yoga or Reiki by appointment 4:30PM-5:30PM Hatha Yoga 6:00PM-7:00PM Hatha Yoga	10:00AM-11:00AM Yin Yoga 12:00AM-2:00PM Private Yoga, Group Yoga or Reiki by appointment 4:00PM-5:00PM Yin Yoga 5:30PM-6:30PM Yin Yoga	9:15AM-10:15AM Hatha Yoga 11:00AM-2:00PM Private Yoga, Group Yoga or Reiki by appointment 4:30PM-5:30PM Hatha Yoga 6:00PM-7:00PM Hatha Yoga	12:00PM-4:00PM Private Yoga, Group Yoga or Reiki by appointment	10:00AM-11:00AM Hatha Yoga 11:30AM-12:30PM Yin Yoga Potential Workshops 1:00PM-4:00PM	CLOSED

4. Please provide square footage of unit 7127.

1,546 sq. ft.

5. Is Yoga instruction the principal use? Are Reiki and meditation sessions, as well as essential oils retail and instruction accessory uses? Please confirm.

Yes, Yoga is the primary use for the space. Reiki, meditation sessions, essential oils retail and instruction are accessory uses.

6. Please provide more information about the retail sales. Is it limited to essential oils? How much of the tenant space will be devoted to such sales, display, and storage?

Retail sales include items such as: essential oils, essential oil diffusers, candles & candle holders, incense, soaps, body scrubs, salt lamps, selenite lamps, sage, tumbled stones, jewelry (earrings, necklaces, bracelets), Yoga mats, Yoga carry bags, Yoga mat cleaner.

Approximately 40 sq. ft. will be dedicated to retail sales & display.

Approximately 70 sq. ft. will be dedicated to storage, which is in the back area of the space.

7. Please provide more information about the classes on how to create homemade essential oils, do these classes involve hands on work with the materials and chemicals? If so, detailed information is required.

The description in my narrative states that “Some of my classes will cover the creation of homemade chemical- free household cleaners and the use of essential oils to proactively strengthen the immune system.” I will use recipes from Young Living or Dr. Josh Axe to teach others how to create essential oil products such as a cleaning spray, fabric softener, or a rollerball for headaches. These recipes call for essential oils to be mixed into carrier oils such as Coconut Oil or Jojoba Oil, and for the cleaning spray, vinegar is added. Some essential oil workshops may have hands on work by participants, but there are no hazardous chemicals involved.

8. It is noted that CBD oil is a different use (SIC code 5999), which is a permitted use in the B-3 district, but it should be included in the project narrative.

I included this statement in the project narrative recognizing that CBD oil is allowed.

9. Please indicate approximate number of employees.

Zero

Date of Application: _____

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION

Complete, accurate and specific information must be entered. Please Print.

Applicant (Full Legal Name[s]):

Name: Linda Barbara Scherrer
Company: Inner Wisdom & Wellness, LLC
Mailing Address: 4058 W. Puetz Rd.
City / State: Franklin, WI Zip: 53132
Phone: 414-935-8960
Email Address: innerwisdomandwellness@gmail.com

Applicant is Represented by: (contact person)(Full Legal Name[s])

Name: _____
Company: _____
Mailing Address: _____
City / State: _____ Zip: _____
Phone: _____
Email Address: _____

Project Property Information: (if applicable)

Property Address: 7127 S. 76th Street
Property Owner(s): Betty Buss
Mailing Address: 7231 SCAMBRIDGE DR
City / State: Franklin, WI Zip: 53132
Email Address: bettybuss@aol.com

Tax Key Nos: 7550038001
Existing Zoning: B-3
Existing Use: Vacant / Victory Creek Accounting previous
Proposed Use: Yoga Studio
CMP Land Use Identification: Commercial

UDO Text Amendment submittals for review must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
☒ Application Filing Fee, payable to City of Franklin: ☒ \$200
☒ Seven (7) copies of a written Project Narrative, including a full description of the proposed text amendment.
(Include the proposal's intent, impacts, and consistency with the Comprehensive Master Plan.)

*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class II Public Hearing notice at Plan Commission.
- Unified Development Ordinance Text Amendment requests require Plan Commission review and recommendation and Common Council approval.
- The City's Unified Development Ordinance (UDO) is available at www.franklinwi.gov.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Betty Buss
Signature - Property Owner
BETTY BUSS
Name & Title (PRINT)
Date: 11/11/2019

Linda B. Scherrer
Signature - Applicant
Linda B. Scherrer - Business Owner
Name & Title (PRINT)
Date: 11-13-19

Signature - Property Owner

Name & Title (PRINT)
Date: _____

Signature - Applicant's Representative

Name & Title (PRINT)
Date: _____

Business Summary for Inner Wisdom & Wellness, LLC

Background:

My name is Linda Scherrer, owner of Inner Wisdom and Wellness, LLC. I am a life-long resident of Franklin, former 25 year middle school teacher from Forest Park, and now first year entrepreneur! I am an FHS graduate of the Class of 1989 and I remember the excitement when the McDonald's first went up on 76th & Rawson. I have seen this community grow and expand, yet treasure and protect its green spaces and woods. My family and I are fortunate to live across from The Franklin Woods, which I remember was preserved in part, due to a neighborhood petition that my parents and countless others signed.

Serving as a middle school teacher, I was able to touch the lives of almost 3000 students and maintain a positive reputation with the school district and Franklin parents. The best part of teaching for me was always the students. I found the most joy helping and getting to know the students entrusted to my care. Over the years, I saw more and more students struggle with anxiety, depression, anger outbursts, impulsivity and stress. It made me want to do more to help than I could in the classroom.

As a proactive means of combating my own stress levels and keeping myself and my family healthy, I learned Yoga, Reiki, and how to use Essential Oils. I truly love the city of Franklin, as my roots are firmly planted here. When I decided to no longer serve the community as a middle school teacher, I immediately searched for a location in Franklin where I could open my business and continue serving the citizens of Franklin. On August 13, 2019, I signed a lease with Betty Buss at Franklin Village for the space at 7127 S. 76th Street. I want to help people live healthier lives through stress reduction and wellness practices such as Yoga, Reiki, and Essential Oils. My qualifications are that I am an RYT200 (Registered Yoga Teacher at the 200 hour level) and an RMT (Reiki Master Teacher) as well as a Certified Essential Oils Coach (Ancient Apothecary & Young Living Oils).

Goal:

The goal of Inner Wisdom & Wellness, LLC is to help people of all ages in the community live their best life by providing services that reduce stress and optimize health. Over 90% of all disease can be attributed back to stress as a causal factor. Stress affects both your physical and mental health. According to Dr. Michael Ashworth, Ph.D. 75%-90% of doctor visits today are for stress-related ailments and complaints. Stress has been linked to the six leading causes of death; heart disease, cancer, lung ailments, accidents, cirrhosis of the liver and suicide. According to the Occupational Safety and Health Administration, stress has been declared a hazard of the workplace.

At Inner Wisdom & Wellness, I will offer Hatha Yoga (traditional yoga) and Yin Yoga (more on the ground poses and longer holds). I will be responsive to the community and potentially add Restorative Yoga, Chair Yoga, or Vinyasa Flow Yoga. I will also offer Private Yoga instruction and Private Group Yoga sessions. In addition, I will offer Reiki sessions and teach classes on

Essential Oils and other wellness techniques for stress reduction such as meditation and mindfulness. There will also be a small selection of products for purchase such as essential oils, diffusers, salt lamps, and small gift items including bracelets, earrings and candles.

Yoga:

Yoga relaxes the body and mind and contributes to optimal health and wellness. Scientific studies support the following benefits of yoga: decreases stress, relieves anxiety, reduces inflammation, improves heart health, improves quality of life, fights depression, reduces chronic pain, promotes better sleep, improves flexibility and balance, improves breathing, relieves migraines, promotes healthy eating habits, and increases strength. Yoga is also something that everybody can do because you meet your body where you are at and there are modifications for every posture (asana). The physical practice of Yoga, which includes breathework, meditation, setting an intention, being aware of the body and calming the mind can be physically, mentally, and emotionally healthy for you. We only have one body to carry us through this life. Yoga helps us find inner peace, take care of ourselves and enjoy healthy, happy living.

*I realize Yoga is zoned under Franklin Standard Industrial Classification Code 7999 Amusement and Recreation Not Classified Elsewhere, but I do not plan on offering Aerial Yoga in my place of business.

Reiki:

Reiki is a Japanese stress reduction and relaxation technique that promotes healing. It is administered by “laying on hands” and is based on the idea that an unseen “life force energy” flows through us and is what causes us to be alive. If our “life force energy” is low, then we are more likely to get sick or feel stress, and if it is high, we are more capable of being happy and healthy.

Similar to hormones, the energy field is present in the human body and though it can't be seen, the effects can be felt. Energy can stagnate in the body where there has been physical injury or emotional pain, and in time these blocks can cause illness. Reiki works to help the flow of energy and remove blocks in a way similar to acupuncture or acupressure, but is administered by the laying on of hands or hands above the client. The client lies fully clothed on a massage table or sits in a comfortable chair while the Reiki practitioner uses hands on or hands above the body applying the standard Reiki hand positions to direct the flow of energy.

Reiki is used in hospitals and clinics throughout the United States and has gained popularity because it improves patient care. "Reiki sessions cause patients to heal faster with less pain," says Marilyn Vega, RN, a private-duty nurse at the Manhattan Eye, Ear and Throat Hospital in New York. "Reiki accelerates recovery from surgery, improves mental attitude and reduces the negative effects of medication and other medical procedures." In our local area, Reiki Training is offered by Aurora Health Care at St. Luke's Medical Center and Sinai Medical Center. The Integrative Medicine physicians seek out Reiki practitioners to perform Reiki on cancer patients at Aurora Cancer Care Centers.

Reiki is a simple, natural and safe method of healing and energy work that can be used on anyone. For example, I used it on student having a panic attack in my classroom and it helped her calm down in just over one minute. Reiki works in conjunction with all other medical or therapeutic techniques and studies have shown that Reiki enhances the body's ability to relieve pain, anxiety, and reduce fatigue. Reiki has been used to treat symptoms of depression, headaches, tension, nausea, general aches and pains, and other conditions. Additional Reiki benefits include enhanced quality of life with improved sleep patterns, self confidence, and improved mood. It is a very relaxing and calming experience that helps reduce stress, give oneself clarity, and bring the body back into balance to reduce the chance of illness and to restore a general sense of well being.

Essential Oils:

Essential Oils are plant extracts that are made by steaming or pressing various parts of a plant (bark, flowers, leaves, fruit). Essential oils capture the life force - the essence of a plant that provides healing properties and fragrance. Essential Oils have many uses. Aromatherapy has been around for centuries and people today use essential oils aromatically in diffusers to replace chemically laden household sprays and scented candles. Essential Oils may also be applied topically to the body for example, on the wrists or bottom of feet to treat minor symptoms, aches or pains. Essential Oils can also be used internally, but only if they are certified organic and food grade quality. Some people use organic food grade essential oils in cooking or to flavor their water. Essential Oils can also be used as a safer, non toxic, more environmentally friendly alternative to household cleaning and laundry products. The growing popularity of essential oils can be attributed to health conscious consumers noting its positive impact without the harmful side effects caused by synthetic chemicals.

A couple years ago, I took a course through Dr. Josh Axe to become a Certified Essential Oil Coach. The online course taught me all about the chemical properties, safety, and uses of essential oils to treat symptoms of all kinds, including headaches, allergies, digestive issues, anxiety, ADHD, colds, flu, cold sores and eczema. I recently became a member of Young Living Essential Oils to sell their brand. In addition to selling the essential oils, I would like to offer classes to educate others on the use of essential oils. Some of my classes will cover the creation of homemade chemical- free household cleaners and the use of essential oils to proactively strengthen the immune system. I was informed that CBD oil is a different use (SIC code 5999) but is allowed in the B-3 district. Both Young Living and Ancient Nutrition (Dr. Josh Axe) offer organic CBD oils.

Meditation:

Meditation is the practice of quieting the mind of scattered thoughts that may be causing you stress and learning to focus your attention. According to the Mayo Clinic article, *Meditation: A simple, fast way to reduce stress* meditation can benefit your emotional well being and your overall health. These emotional benefits include new perspectives on a stressful situation, stress- management skills, greater self awareness, focus on the present, reduced negative

emotions, increased imagination and creativity and increased patience and tolerance. The Mayo Clinic also claims that meditation may help people manage conditional symptoms of anxiety, asthma, cancer, chronic pain, depression, heart disease, high blood pressure, irritable bowel syndrome, sleep problems, and tension headaches.

Mindfulness:

Mindfulness techniques are a form of meditation. According to Psychology Today, “mindfulness is the self-regulation of attention with an attitude of curiosity, openness, and acceptance.” According to a Harvard Health Article, practicing mindfulness will improve wellbeing by focusing on fully engaging in the moment, resulting in less worry, less regret and improved mental health. The article also claims stress relief, heart disease treatment, reduced blood pressure and chronic pain, improved sleep and gastrointestinal difficulty alleviation through mindfulness.

Recent discoveries regarding the harmful effects multitasking has on learning and brain functionality, in addition to social media’s manipulatory design have contributed to rising levels of depression and anxiety, especially exhibited in the younger population. Mindfulness activities such as yoga, guided meditations, reciting positive affirmations, practicing breathing techniques and connecting with nature are beneficial towards achieving optimal health and wellness for all.

UDO Text Amendment & Special Use:

I am proposing to change the table classification from not permitted to special use in B-2, B-3, B-4 to be consistent with other uses. I am requesting that Yoga, which is currently classified as 7999 Amusement & Recreation Services Not Elsewhere Classified, be allowed in the B-3 district. This would permit a Yoga Studio at 7127 S. 76th Street, currently zoned B-3, to operate without disruption amongst the neighboring commercial businesses such as Cho-Sun Taekwondo, Lulu’s Dog Pawlor, Rhythm of Life Chiropractic and Curves for Women to name a few.

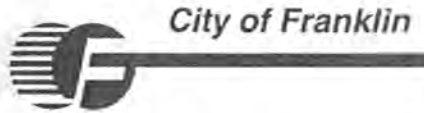
Interior Business Modifications:

Installation of Vinyl flooring (that resembles hardwood) in the front 1089.28 square feet of the interior building space. Floor cost is \$3,749.91 plus installation which is \$1,455.00.

Exterior Building Modifications:

Building sign to be consistent with current lighted signs in Franklin Village (yellow letters in daytime, red letters in evening) to cost \$4,629.00. Sign has received City of Franklin approval as of 10/4/2019. Sign says: Yoga (lotus flower logo in the center) Reiki.

Site Improvement Cost: N/A



Date of Application: _____

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

Complete, accurate and specific information must be entered. Please Print.

Applicant (Full Legal Name[s]):

Name: Linda Barbara Scherrer
Company: Inner Wisdom + Wellness, LLC
Mailing Address: 4058 W. Puetz Rd.
City / State: Franklin, WI Zip: 53132
Phone: 414-935-8960
Email Address: innerwisdomandwellness@gmail.com

Applicant is Represented by: (contact person)(Full Legal Name[s])

Name: _____
Company: _____
Mailing Address: _____
City / State: _____ Zip: _____
Phone: _____
Email Address: _____

Project Property Information:

Property Address: 7127 S. 76th Street
Property Owner(s): Betty Buss

Tax Key Nos: 7550038001

Mailing Address: 7231 S. Cambridge Ave
City / State: Franklin, WI Zip: 53132
Email Address: bettybuss@aol.com

Existing Zoning: B-3
Existing Use: Vacant / Victory Creek Accounting previously
Proposed Use: Yoga Studio
Future Land Use Identification: Commercial

*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

Special Use/Special Use Amendment submittals for review must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☐ Application Filing Fee, payable to City of Franklin: ☐ \$1000 Special Use Amendment
☐ \$1500, New Special Use over 4,000 square feet ☒ \$750, New Special Use under 4,000 square feet
- ☒ Legal Description for the subject property (WORD.doc or compatible format).
- ☒ One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3.0701(A), (B), and (C) of the Unified Development Ordinance available at www.franklinwi.gov.
- ☒ Seven (7) complete collated sets of Application materials to include:
- ☐ One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available.)
- ☐ Three (3) folded full size, drawn to scale copies (at least 24" x 36") of the Site Plan/Site Plan Amendment package. (The submittal should include only those plans/items as set forth in Section 17-7.0101, 15-7.0301 and 15-5.0402 of the Unified Development Ordinance that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
- ☐ Four (4) folded reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package.
- ☐ One colored copy (11"x17") of the building elevations, if applicable.
- ☐ Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4.0102 & 15-7.0201 of the UDO).
- ☐ Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

•Upon receipt of a complete submittal, staff review will be conducted within ten business days.

•Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Betty Buss
Signature - Property Owner
BETTY BUSS
Name & Title (PRINT)

Date: 11/11/2019

Linda B. Scherrer
Signature - Applicant
Linda B. Scherrer - Business owner
Name & Title (PRINT)

Date: 11-13-19

Signature - Property Owner

Name & Title (PRINT)

Date: _____

Signature - Applicant's Representative

Name & Title (PRINT)

Date: _____

Legal Description of Property at 7127 S. 76th Street, Franklin, WI 53132

(Copied from Plat of Survey. Survey number 010487. Prepared for Roger Buss)

January 2, 2002

LOCATION _____ South 76th Street, Franklin, WI

LEGAL DESCRIPTION:

Lots 1 thru 4, Block 4 in RAWSON HOMESITES, being a subdivision of a part of the Northeast $\frac{1}{4}$ of Section 9, Township 5 North, Range 21 East and Outlots 1 and 2 in FRANKLIN PLAZA SUBDIVISION, being a redivision of part of Lot 1 in Block 3 in Rawson Homesites, that portion of Rawson Homesites, and the abutting streets vacated by Circuit Court Action Case No.397644 amended document recorded February 21st, 1973 in Reel 705, Image 1011 as Document No.4741471 and by City of Franklin Resolution No. 92-3889 recorded January 27th, 1993 in Reel 2957, Image 226 as Document No.6722050, part of Whitnall Park Terrace Condominium, Lot 2, Lot 3, Outlot 3 and Outlot 4 in Whitnall Park Terrace Replat and lands all being a part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 9, Township 5 North, Range 21 East, all in the City of Franklin, Milwaukee County, Wisconsin.

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: The Yoga Studio (a commercial business) will be consistent with the Comprehensive Master Plan, which has this location (7127 S. 76th Street) zoned for commercial business.

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: There will be no undue adverse impact. On the contrary, the Yoga Studio will enhance the general welfare of the community and its location will compliment the adjacent businesses such as Taekwondo, chiropractic care, and the women's physical fitness facility.

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 the surrounding development. There will be no construction or build out needed. When the Yoga Studio is in use it will be a quiet, peaceful place with soft music and an opportunity for citizens to relax and calm their stress.

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 property at 7127 S. 76th Street has service to all those essential public facilities.

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 Yoga Studio will not cause undo traffic congestion. Yoga sessions are offered throughout the week, mornings and evenings, perhaps bringing in possibly 10 people/cars to the area as an estimate.

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: The Yoga Studio requires no exterior changes or build out, so there will be no destruction of significant features.

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: I am applying for a UDO text amendment so the Yoga Studio will be compliant with the zoning district.

- 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: Non applicable in this case.

- 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: A Yoga Studio will absolutely benefit the health and well being of the community. Over 90% of all disease can be attributed back to stress as a causal factor. Yoga relaxes the body and mind and contributes to optimal health and wellness. Scientific studies support the following benefits of yoga: decreases stress, relieves anxiety, reduces inflammation, improves heart health, improves quality of life, fights depression, reduces chronic pain, promotes better sleep, improves flexibility and balance, improves breathing, relieves migraines, promotes healthy eating habits, and increases strength, according to Rachel Link, MS, RD in an article written for Healthline. Yoga is also something that everybody can do because you meet your body where you are at and there are modifications for every posture (asana). The physical practice of Yoga, which includes breathework, meditation, setting an intention, being aware of the body, and calming the mind can be physically, mentally, emotionally, and spiritually healthy for you. We only have one body to carry us through this life. Yoga helps us take care of ourselves and enjoy healthy, happy living. Healthy citizens = public benefit.

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: I have already signed a lease for the property at 7127 S. 76th Street, which is in the B-3 district. It is a 2 year lease with option to renew for a 3 year lease. I was told Yoga is typically placed in a manufacturing or industrial district in Franklin. However, I am aware that Balanced Wellness, a yoga studio previously located at 9733 W. St. Martins Road in Franklin, was in a B-3 district and allowed to operate having secured a special use permit.

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.

Response: There will be no changes made to the exterior building other than a lighted sign to match the other lighted signs in Franklin Village. Sign was approved by City of Franklin as of October 4, 2019.

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 believe this applies, as the Yoga Studio seems like a very compatible use with the surrounding businesses in the Franklin Village such as Cho Sun Taekwondo, Curves for Women, Rhythm of Life Chiropractic, P&A Nails & Spa, LuLu's Dog Pawlor, etc.

Form completed by: Linda Scherrer, Inner Wisdom & Wellness, LLC 414-935-8960

January 2, 2002

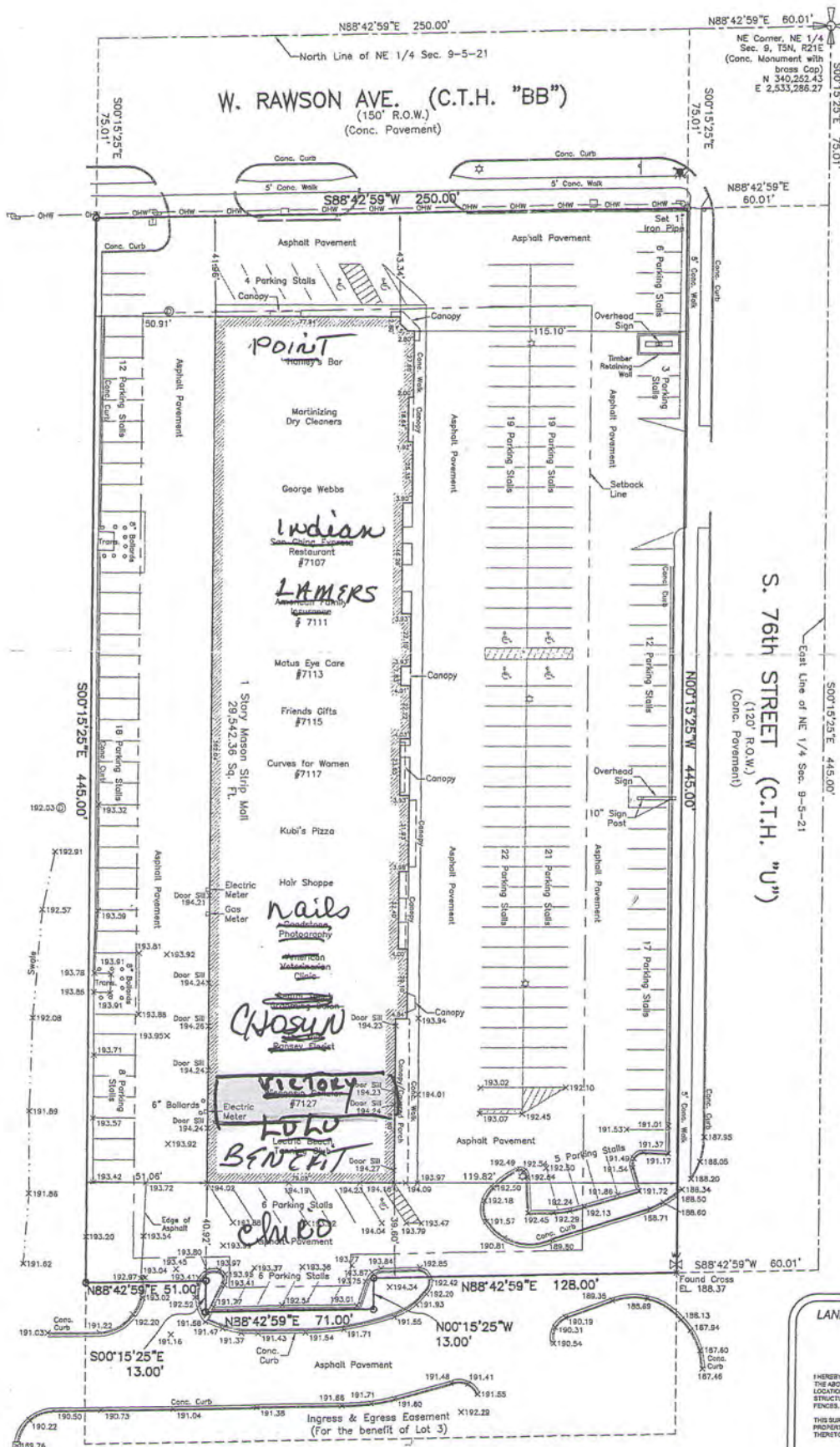
PLAT OF SURVEY

Survey No. 010487
Roger Buss

LOCATION: South 76th Street, Franklin, Wisconsin

LEGAL DESCRIPTION:

Lots 1 thru 4, Block 4 in RAWSON HOMESITES, being a subdivision of a part of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East and Outlots 1 and 2 in FRANKLIN PLAZA SUBDIVISION, being a redivision of part of Lot 1 in Block 3 in Rawson Homesites, first portion of Rawson Homesites, and the abutting streets vacated by Circuit Court Action Case No. 397544 amended document recorded February 21st, 1973 in Reel 705, Image 1011 as Document No. 4741471 and by City of Franklin Resolution No. 92-3889 recorded January 27th, 1993 in Reel 2957, Image 226 as Document No. 6722050, part of Whitnall Park Terrace Condominium, Lot 2, Lot 3, Outlot 3 and Outlot 4 in Whitnall Park Terrace Replat and lands all being a part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, all in the City of Franklin, Waukesha County, Wisconsin.



- LEGEND:**
- ☐ Telephone Pedestal
 - ☆ Light Pole
 - ⊗ Hydrant
 - ⊕ Utility Pole
 - Found 1" Iron Pipe
 - ⊙ Round Catch Basin
 - ⊠ Square Catch Basin
 - ⊗ Water Valve
 - ⊕ Traffic Light

Setback Requirements:
Front = 40 feet
Side = 10 feet
Rear = 20 feet
Zoned B3



LANDCRAFT SURVEY AND ENGINEERING, INC.
REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS
2077 SOUTH 118TH STREET, WEST ALFIS, WI 53227
PH. (414) 664-0874 FAX (414) 664-0877
LANDCRAFT@EXPCC.COM

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTENSION, BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THEREIN WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

WILLIAM R. HENRICHS
William R. Henrichs, Registered Land Surveyor S-2419



REPORT TO THE PLAN COMMISSION

Meeting of January 9, 2020

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends denial of the proposed Unified Development Ordinance (UDO) Text Amendment.

Project Name: Amendment to UDO Section 15-3.0103.A.3. “Split Zoning of Newly Created Lots Not Allowed”, to provide for and except certain Minor Land Divisions involving an established residential use not currently intended for redevelopment.

Project Address: City-wide.

Applicant: Mayor Steve Olson.

Applicant’s Action Requested: Approval of the proposed UDO text amendment.

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT:

This is a city-sponsored application for a Unified Development Ordinance Text Amendment to amend Section 15-3.0103.A.3. “Split Zoning of Newly Created Lots Not Allowed”, to provide for and except certain Minor Land Divisions involving an established residential use not currently intended for redevelopment, specifically (see highlighted text):

The split zoning of any newly created lot or parcel into more than one zoning district shall not be allowed, except for the AO, FW, FC, FFO, and SW Districts, and for and upon an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only.

BACKGROUND:

On October 10, 2019, Bear Development, LLC submitted applications for a rezoning, land division variance and certified survey map. Among the conditions of approval, City Development staff recommended the following:

The applicant shall apply for a Rezoning from the City to rezone the proposed Lot 2 to a single zoning district, and to remove the C-1 Conservancy District, prior to recording of the subject Certified Survey Map. If said rezoning is approved, the applicant shall revise the Certified Survey Map according to City procedures and requirements.

During the December 5, 2019, regular meeting of the Plan Commission, Bear Development, LLC requested to defer any rezoning classification of Lot 2 to the time of development because this Lot is not under his ownership.

If adopted, this UDO Text Amendment would exclude Lot 2 of said certified survey map (CSM) of the requirement to rezone to a single zoning district.

STAFF RECOMMENDATION

City Development Staff recommends denial of a Unified Development Ordinance Text Amendment to amend Section 15-3.0103.A.3. "Split Zoning of Newly Created Lots Not Allowed", to provide for and except certain Minor Land Divisions involving an established residential use not currently intended for redevelopment.

In this regard, it can be noted that:

- Staff informed the applicant that split lot zoning was not allowed by the UDO by email dated October 18, 2019 and in the Staff Comments Memo dated October 31, 2019.
- The subject CSM is related to a proposed development which has not yet been submitted for City review or approval. As such, more than enough time was available to address this issue without a UDO Text Amendment.
- The prohibition against split lot zoning (except for floodplain and other similar natural resource related features) is a long-standing common zoning practice throughout many communities in Wisconsin (including the City's previous zoning ordinance). Where allowed, such split lot zoning typically follows physical features such as roads, railroads, or rivers.
- The prohibition against split lot zoning is also for the benefit of existing and future property owners such that confusion about the location of the zoning boundary, applicable setbacks and other zoning district standards, etc. can be avoided.

ORDINANCE NO. 2020-____

AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT
ORDINANCE §15-3.0103.A.3. SPLIT ZONING OF NEWLY CREATED
LOTS NOT ALLOWED, TO PROVIDE FOR AND EXCEPT CERTAIN MINOR
LAND DIVISIONS INVOLVING AN ESTABLISHED RESIDENTIAL USE NOT
CURRENTLY INTENDED FOR REDEVELOPMENT
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, §15-3.0103.A.3. Split Zoning of Newly Created Lots Not Allowed of the Unified Development Ordinance requires in part that the split zoning of any newly created lot or parcel into more than one zoning district shall not be allowed, except for the AO, FW, FC, FFO, and SW Districts, and;

WHEREAS, the City of Franklin having applied for a text amendment to §15-3.0103.A.3. of the Unified Development Ordinance to provide for and except certain minor land divisions involving an established residential use not currently intended for redevelopment, such division being for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, for such remaining established residential dwelling building use parcel or parcels only; and

WHEREAS, the Plan Commission having reviewed the proposed amendment, and having held a public hearing on the proposal on the 9th day of January, 2020 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §15-3.0103 DISTRICT BOUNDARIES, specifically §15-3.0103.A.3. Split Zoning of Newly Created Lots Not Allowed of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to read as follows:

3. Split Zoning of Newly Created Lots Not Allowed. The split zoning of any newly created lot or parcel into more than one zoning district

shall not be allowed except for the AO, FW, FC, FFO, and SW Districts, and for and upon an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



Date of Application: _____

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION

Complete, accurate and specific information must be entered. Please Print.

Applicant (Full Legal Name[s]):

Name: _____
Company: _____
Mailing Address: _____
City / State: _____ Zip: _____
Phone: _____
Email Address: _____

Applicant is Represented by: (contact person)(Full Legal Name[s])

Name: _____
Company: _____
Mailing Address: _____
City / State: _____ Zip: _____
Phone: _____
Email Address: _____

Project Property Information: (if applicable)

Property Address: _____
Property Owner(s): _____
Mailing Address: _____
City / State: _____ Zip: _____
Email Address: _____

Tax Key Nos: _____
Existing Zoning: _____
Existing Use: _____
Proposed Use: _____
CMP Land Use Identification: _____

UDO Text Amendment submittals for review must include and be accompanied by the following:

- ☐ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☐ Application Filing Fee, payable to City of Franklin: ☐ \$200
- ☐ Seven (7) copies of a written Project Narrative, *including a full description of the proposed text amendment.*
(Include the proposal's intent, impacts, and consistency with the Comprehensive Master Plan.)

*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class II Public Hearing notice at Plan Commission.
- Unified Development Ordinance Text Amendment requests require Plan Commission review and recommendation and Common Council approval.
- The City's Unified Development Ordinance (UDO) is available at www.franklinwi.gov.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Signature - Property Owner

Name & Title (PRINT)
Date: _____

Signature - Property Owner

Name & Title (PRINT)
Date: _____

Signature - Applicant

Name & Title (PRINT)
Date: _____

Signature - Applicant's Representative

Name & Title (PRINT)
Date: _____

CITY OF FRANKLIN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE PLAN COMMISSION OF THE CITY OF FRANKLIN will conduct a public hearing on Thursday, January 9, 2020, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, to hear public comment regarding an application by the City of Franklin, for a proposed Ordinance to Amend Unified Development Ordinance §15-3.0103.A.3. Split Zoning of Newly Created Lots Not Allowed, to Provide for and Except Certain Minor Land Divisions Involving an Established Residential Use Not Currently Intended for Redevelopment, specifically: The split zoning of any newly created lot or parcel into more than one zoning district shall not be allowed, except for the AO, FW, FC, FFO, and SW Districts, and for and upon an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only. This public hearing is being held pursuant to the requirements of §62.23(7)(d)2. of the Wisconsin Statutes and Division 15-9.0200 of the City of Franklin Unified Development Ordinance. A copy of the proposed Unified Development Ordinance Text Amendment ordinance in draft form is available and open for inspection by the public in the office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The public is invited to attend the public hearing and to provide input. The proposed draft ordinance is subject to revisions following public hearing and the further consideration by the Plan Commission and the City of Franklin Common Council.

Dated this 11th day of December, 2019.

Sandra L. Wesolowski
City Clerk

N.B. Class II

Please publish: 12/25/19 and 1/1/20



REPORT TO THE PLAN COMMISSION

Meeting of January 9, 2020

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends denial of the proposed Unified Development Ordinance (UDO) Text Amendment.

Project Name: Amendment to UDO Section 15-3.0501.C. “Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required)”, to provide for and exclude certain Minor Land Divisions involving an established residential use not currently intended for redevelopment.

Project Address: City-wide.

Applicant: Mayor Steve Olson.

Applicant’s Action Requested: Approval of the proposed UDO text amendment.

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT:

This is a city-sponsored application for a Unified Development Ordinance Text Amendment to amend Section 15-3.0501.C. “Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required)”, to provide for and exclude certain Minor Land Divisions involving an established residential use not currently intended for redevelopment, specifically:

A Natural Resource Protection Plan (and related requirements, such as the submission of conservation easements, etc.) shall not be required with an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only, provided with regard to such remaining established residential dwelling building use parcel or parcels that: i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in §15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remaining established residential dwelling building use parcel or parcels"; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein upon lot[s] [number[s]] are not based upon field surveys. In the event of further land division or development of lot[s] [number[s]] with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel".

BACKGROUND:

On October 10, 2019, Bear Development, LLC submitted applications for a rezoning, land division variance and certified survey map. Among the conditions of approval, City Development staff recommended the following:

The applicant shall submit a written conservation easement document and a conservation easement restriction note on the face of the Certified Survey Map in conjunction with the “Natural Resource Protection Plan”, subject to review and approval by the Department of City Development, prior to recording the Certified Survey Map. The Conservation Easement shall be reviewed by City staff, and approved by the Common Council, for recording with the Milwaukee County Register of Deeds Office concurrently with recording of the Certified Survey Map.

During the December 5, 2019, regular meeting of the Plan Commission, Bear Development, LLC requested to postpone the delineation of outlots and conservation easement to the time of development, especially for Lot 2 which is not under his ownership and is not part of the proposed rezoning.

If adopted, this UDO Text Amendment would exclude Lot 2 of said certified survey map (CSM) of the requirement of Site Intensity and Capacity Calculations, and the Natural Resource Protection Plan for Lot 2 is allowed to be based on “best available” information.

STAFF RECOMMENDATION

City Development Staff recommends denial of a Unified Development Ordinance Text Amendment to amend Section 15-3.0501.C. “Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required)”, to provide for and exclude certain Minor Land Divisions involving an established residential use not currently intended for redevelopment.

In this regard, it can be noted that:

- Staff informed the applicant that site capacity and intensity calculations (and associated detailed delineations and conservation easements) were required by the UDO in the Staff Comments Memo dated October 31, 2019.
- The subject CSM is related to a proposed development which has not yet been submitted for City review or approval. As such, more than enough time was available to address this issue without an UDO Text Amendment.
- The requirement for detailed natural resource delineations, conservation easements (or other similar mechanism), and for the related site capacity and intensity calculations were added to the City’s Unified Development Ordinance in 1998.
- The City’s policy to require outlots for the additional protection of natural resource features extends to the Common Council’s consideration of numerous natural resource encroachment problems associated with the Woodlands of Franklin subdivision plat in 2009.
- The requirement for detailed natural resource delineations, conservation easements, etc., is also for the benefit of existing and future property owners such that confusion about the location of and restrictions associated with natural resource features can be avoided. In

numerous instances, property owners will not be aware of such natural resource restrictions per a note or approximate delineation on their plat, but will be aware of such restrictions due to detailed mapping on a plat of survey, by a Conservation Easement designation, or by an outlot designation.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 12-31-19]

ORDINANCE NO. 2020-____

AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT
ORDINANCE §15-3.0501.C. EXCLUSIONS (WHEN NATURAL RESOURCE
PROTECTION AND SITE INTENSITY AND CAPACITY CALCULATIONS ARE NOT
REQUIRED), TO PROVIDE FOR AND EXCLUDE CERTAIN MINOR LAND
DIVISIONS INVOLVING AN ESTABLISHED RESIDENTIAL USE NOT CURRENTLY
INTENDED FOR REDEVELOPMENT
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, §15-3.0501.C. Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required) of the Unified Development Ordinance specifies certain development circumstances under which natural resource protection and site intensity and capacity calculations are not required; and

WHEREAS, the City of Franklin having applied for a text amendment to §15-3.0501.C. of the Unified Development Ordinance to additionally provide for and except certain minor land divisions involving an established residential use not currently intended for redevelopment, such division being for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, for such remaining established residential dwelling building use parcel or parcels only; and

WHEREAS, the Plan Commission having reviewed the proposed amendment, and having held a public hearing on the proposal on the 9th day of January, 2020 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §15-3.0501 NATURAL RESOURCE PROTECTION AND SITE
 INTENSITY AND CAPACITY CALCULATIONS FOR
 RESIDENTIAL AND NONRESIDENTIAL USES REQUIRED,
 specifically §15-3.0501.C. Exclusions (When Natural Resource
 Protection and Site Intensity and Capacity Calculations Are Not
 Required) of the Unified Development Ordinance of the Municipal

Code of the City of Franklin, Wisconsin is hereby amended to add the following at the end of the current existing text:

A Natural Resource Protection Plan (and related requirements, such as the submission of conservation easements, etc.) shall not be required with an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only, provided with regard to such remaining established residential dwelling building use parcel or parcels that: i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in §15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remaining established residential dwelling building use parcel or parcels"; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein upon lot[s] [number[s]] are not based upon field surveys. In the event of further land division or development of lot[s] [number[s]] with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel".

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020, by Alderman _____.

ORDINANCE NO. 2020-_____

Page 3

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Date of Application: 12/12/2019

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION

Complete, accurate and specific information must be entered. Please Print.

Applicant (Full Legal Name[s]):

Name: Mayor Steve Olson
Company: City of Franklin
Mailing Address: 9229 W Loomis Road
City / State: Franklin, WI Zip: 53132
Phone: 414-425-7529
Email Address: Solson@franklinwi.gov

Applicant is Represented by: (contact person)(Full Legal Name[s])

Name: not applicable
Company: not applicable
Mailing Address: not applicable
City / State: not applicable Zip: not applicable
Phone: not applicable
Email Address: not applicable

Project Property Information: (if applicable)

Property Address: City-wide
Property Owner(s): not applicable
Mailing Address: not applicable
City / State: Franklin, WI Zip: not applicable
Email Address: not applicable

Tax Key Nos: not applicable
Existing Zoning: not applicable
Existing Use: not applicable
Proposed Use: not applicable
CMP Land Use Identification: not applicable

UDO Text Amendment submittals for review must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
☐ Application Filing Fee, payable to City of Franklin: ☐ \$200
☐ Seven (7) copies of a written Project Narrative, including a full description of the proposed text amendment.
(Include the proposal's intent, impacts, and consistency with the Comprehensive Master Plan.)

Franklin

DEC 12 2019

City Development

*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class II Public Hearing notice at Plan Commission.
- Unified Development Ordinance Text Amendment requests require Plan Commission review and recommendation and Common Council approval.
- The City's Unified Development Ordinance (UDO) is available at www.franklinwi.gov.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).


Signature - Property Owner
Name & Title (PRINT) Stephen R. Olson Mayor
Date: 12/13/19


Signature - Applicant
Name & Title (PRINT) Stephen R. Olson Mayor
Date: 12/13/19

Signature - Property Owner
Name & Title (PRINT) _____
Date: _____

Signature - Applicant's Representative
Name & Title (PRINT) _____
Date: _____

CITY OF FRANKLIN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE PLAN COMMISSION OF THE CITY OF FRANKLIN will conduct a public hearing on Thursday, January 9, 2020, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, to hear public comment regarding an application by the City of Franklin, for a proposed Ordinance to Amend Unified Development Ordinance §15-3.0501.C. Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required), to Provide for and Exclude Certain Minor Land Divisions Involving an Established Residential Use Not Currently Intended for Redevelopment, specifically: A Natural Resource Protection Plan (and related requirements, such as the submission of conservation easements, etc.) shall not be required with an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only, provided with regard to such remaining established residential dwelling building use parcel or parcels that: i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in §15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remaining established residential dwelling building use parcel or parcels"; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein upon lot[s] [number[s]] are not based upon field surveys. In the event of further land division or development of lot[s] [number[s]] with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel". This public hearing is being held pursuant to the requirements of §62.23(7)(d)2. of the Wisconsin Statutes and Division 15-9.0200 of the City of Franklin Unified Development Ordinance. A copy of the proposed Unified Development Ordinance Text Amendment ordinance in draft form is available and open for inspection by the public in the office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The public is invited to attend the public hearing and to provide input. The proposed draft ordinance is subject to revisions following public hearing and the further consideration by the Plan Commission and the City of Franklin Common Council.

Dated this 11th day of December, 2019.

Sandra L. Wesolowski
City Clerk

N.B. Class II

Please publish: 12/25/19 and 1/1/20



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of January 9, 2020

Sign review and Miscellaneous application

RECOMMENDATION: City Development Staff recommends approval of the Sign review and Miscellaneous application submitted by Park Circle, LLC., subject to the conditions in the draft resolutions.

Project Name:	Park Circle subdivision monument sign
Project Location:	7614 Park Circle Way /Tax Key No. 896 1001 000
Property Owner:	Park Circle, LLC.
Applicant:	Eric Obarski. Park Circle, LLC.
Current Zoning:	R-8 Multiple-Family Residence District
2025 Comprehensive Plan:	Commercial
Applicant's Action Requested:	Recommendation to approve the Miscellaneous application, and approval of the Sign review.

Introduction

The Park Circle subdivision monument sign project consists of 3 applications:

- Sign review, a subdivision monument sign for the Glen at Park Circle condominium development. The sign is generally located at the northwest corner of W. Park Way Circle and S. 76th Street.
- Miscellaneous application, to allow for the installation of a subdivision monument sign within a 30 foot landscape bufferyard easement.
- Sign variance, from the Municipal Code Section 210-4(C)(5)(a) to allow for a monument sign with a base width of 16 inches and a face width of 66 inches, while the minimum base width for such proposed sign is 33 inches. To be reviewed and approved by the Board of Zoning and Building appeals.

Background

On May 30, 2019, the applicant, Park Circle, LLC, filed a sign review application to allow for a subdivision monument sign for the Glen at Park Circle condominium development. On August 22, 2019, the City Development Department sent a memorandum to the applicant, including but not limited to the following information:

- City Development Department: "The proposed sign is located within a 30-foot landscape buffer easement, please revise the location of the sign".
- Inspection Services Department: "It appears from the "Sign Review" Application that the proposed monument sign for Park Circle violates the following Sign Code provisions:
 - 210-4(5)(a) – Base width
 - 210-4(5)(d)[5] – Vision triangle."

City Development Staff noted that the proposed sign location is within a landscape bufferyard easement and informed the applicant that in order to allow for a sign within such easement, a Miscellaneous application is required to be submitted for review by the Plan Commission and review and approval by the Common Council.

The Inspection Services Department noted the proposed sign does not comply with Section 210-4(C)(5)(a) "Base width" of Municipal Code. In this case, a sign variance is required to allow for the proposed sign.

The applicant submitted an application for a sign variance on November 22 and a Miscellaneous application on December 5, 2019.

Project Description and Analysis

Sign review:

The sign face is 2'-8" x 5'-6" (14.67 square feet) and constructed of cedar with raised lettering. It is suspended from an aluminum support and attached to two 8" x 8" white oak timbers with an overall height of 5-feet. Per Municipal Code Section 210-4(C)(5)(c) the maximum area of a monument sign is 120 square feet, the proposed sign complies with this restriction.

The sign is located outside of the vision triangle. The sign would have lighting but the applicant did not provide details.

Miscellaneous application:

According to the Landscape Plan associated with the Special Use (Resolution no. 2017-7305), within the landscape buffer easement "the building of structures hereon is prohibited". The definition of "structure" per the Unified Development Ordinance (UDO) §15-11.0103 is: "Anything constructed or erected which requires location on the ground, including a fence or free-standing wall. A sign, billboard, or other advertising medium, detached or projecting, shall be construed to be a structure".

The sign footprint is approximately 15.12 square feet, while the area of the easement is 3,780 square feet.

This landscape buffer is located along 76th street, the applicant stated that "with the entrance of the development located on 76th Street and the entire length of the frontage being restricted it creates an unusual circumstance with no other location being possible". It is noted that there are alternative locations for the proposed sign, but these locations are farther from 76th Street.

Sign variance:

This application is currently scheduled for the February 19, 2020, regular meeting of the Board of Zoning and Building appeals. No action is required from the Plan Commission.

Recommendation

Staff recommends approval of the Sign review and Miscellaneous applications subject to the conditions in the draft resolutions.

Recommended Motions

Motion to approve the Sign review application and a motion to recommend approval of the Miscellaneous application.

Suggestions

Staff suggests that the proposed sign shall be maintained by the Association, Park Circle Condominium Association, Inc.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 12-31-19]

RESOLUTION NO. 2020-_____

A RESOLUTION AUTHORIZING THE INSTALLATION OF A MONUMENT SIGN
WITHIN THE 30 FOOT LANDSCAPE PLANTING BUFFER PLAT RESTRICTION IN
THE GLEN AT PARK CIRCLE CONDOMINIUM DEVELOPMENT
(7614 PARK CIRCLE WAY)
(PARK CIRCLE LLC, APPLICANT)

WHEREAS, The Glen at Park Circle Condominium Plat prohibits the building of structures within the 30 foot “Landscape Planting Buffer” described thereon; and

WHEREAS, Park Circle LLC having applied for a release of the 30 foot “Landscape Planting Buffer” easement restriction upon their property to the extent necessary to install an entrance monument sign along the 76th Street frontage at 7614 Park Circle Way (the northwest corner of West Park Way Circle and South 76th Street), such property being zoned R-8 Multiple-Family Residence District, bearing Tax Key No. 896-1001-000, more particularly described as follows:

Part of Lot 1 of Certified Survey Map No. 9027, recorded in the Register of Deeds office for Milwaukee County as Document No. 10767865, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Beginning at the northeast corner of Lot 1 of said Certified Survey Map No. 9027; Thence South 00°15'12" East along the east line of said Lot 1, 126.00 feet to the north right of way line of West Park Circle Way; Thence South 89°44'48" West along said north right of way line, 225.62 feet to a point of curvature; Thence northwesterly 147.32 feet along the arc of a curve to the right, whose radius is 970.00 feet and whose chord bears North 85°53'54" West, 147.32 feet; Thence North 08°42'18" East, 116.23 feet; Thence North 89°44'48" East and then along north line of said Lot 1, 354.41 feet to the Point of Beginning; and

WHEREAS, the 30 foot “Landscape Planting Buffer” easement restriction upon the Final Plat for The Glen at Park Circle Condominium Development and its accompanying restriction of the building of structures is a restriction which was imposed by the Franklin Common Council in its approval of the Final Plat; and

WHEREAS, Wis. Stat. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having considered the request for the release of the 30 foot “Landscape Planting Buffer” easement restriction only so as to allow for the subject monument sign installation, and having considered the proposed location of and type of monument sign to be installed upon the subject property in conjunction with existing and required landscaping on the property, and that the proposed monument sign will not create any adverse impact upon the aesthetic or buffering purposes of the landscape bufferyard.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the installation of the proposed monument sign of the type and specifications as described and only upon the location as set forth within the plans accompanying the application of Park Circle LLC filed on December 30, 2019, be and the same is hereby authorized and approved and that the “Landscape Planting Buffer” easement restriction as it would otherwise apply to such installation upon the subject property only, is hereby waived and released, subject to the following conditions:

1. The sign footprint shall not exceed 16 square feet.
2. In case the City of Franklin would need to utilize, modify, or otherwise maintain the landscape bufferyard easement, the property owner shall allow appropriate access to the easement area, including, if necessary, the removal of the sign within the easement, for such maintenance purposes.
3. Access to the easement shall be granted by the property owner whenever requested by the City. The City shall be held harmless in the event that any damage would occur to the sign due to its location within the easement or by City maintenance of the easement.

BE IT FURTHER RESOLVED, that the applicant shall further obtain all required permit(s) for the installation of the subject monument sign and that the subject monument sign shall be installed pursuant to such permit(s) within one year of the date hereof, or all approvals granted hereunder shall be null and void.

BE IT FINALLY RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of this Resolution with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

RESOLUTION NO. 2020-_____

Page 3

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN

CITY OF FRANKLIN
PLAN COMMISSION

MILWAUKEE COUNTY
[Draft 12-31-19]

RESOLUTION NO. 2020-____

A RESOLUTION APPROVING A MONUMENT SIGN FOR THE GLEN
AT PARK CIRCLE CONDOMINIUM DEVELOPMENT
(AT 7614 PARK CIRCLE WAY)
(PARK CIRCLE LLC, APPLICANT)

WHEREAS, Park Circle LLC having applied for approval of a condominium monument sign for The Glen at Park Circle located at 7614 Park Circle Way (at the northwest corner of West Park Way Circle and South 76th Street); and

WHEREAS, the Plan Commission having reviewed the proposed condominium monument sign plan and having found same to be in compliance with and in furtherance of the development of the Condominium Plat of The Glen at Park Circle.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the condominium monument sign plan City file-stamped December 30, 2019, attached hereto and incorporated herein, be and the same is hereby approved, subject to the following conditions:

1. That the signage shall be constructed and installed pursuant to such signage plan within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the Plan Commission.
2. Sign lighting shall be in compliance with the Unified Development Ordinance § 15-5.0401 Exterior Lighting Standards.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2020.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2020.

APPROVED:

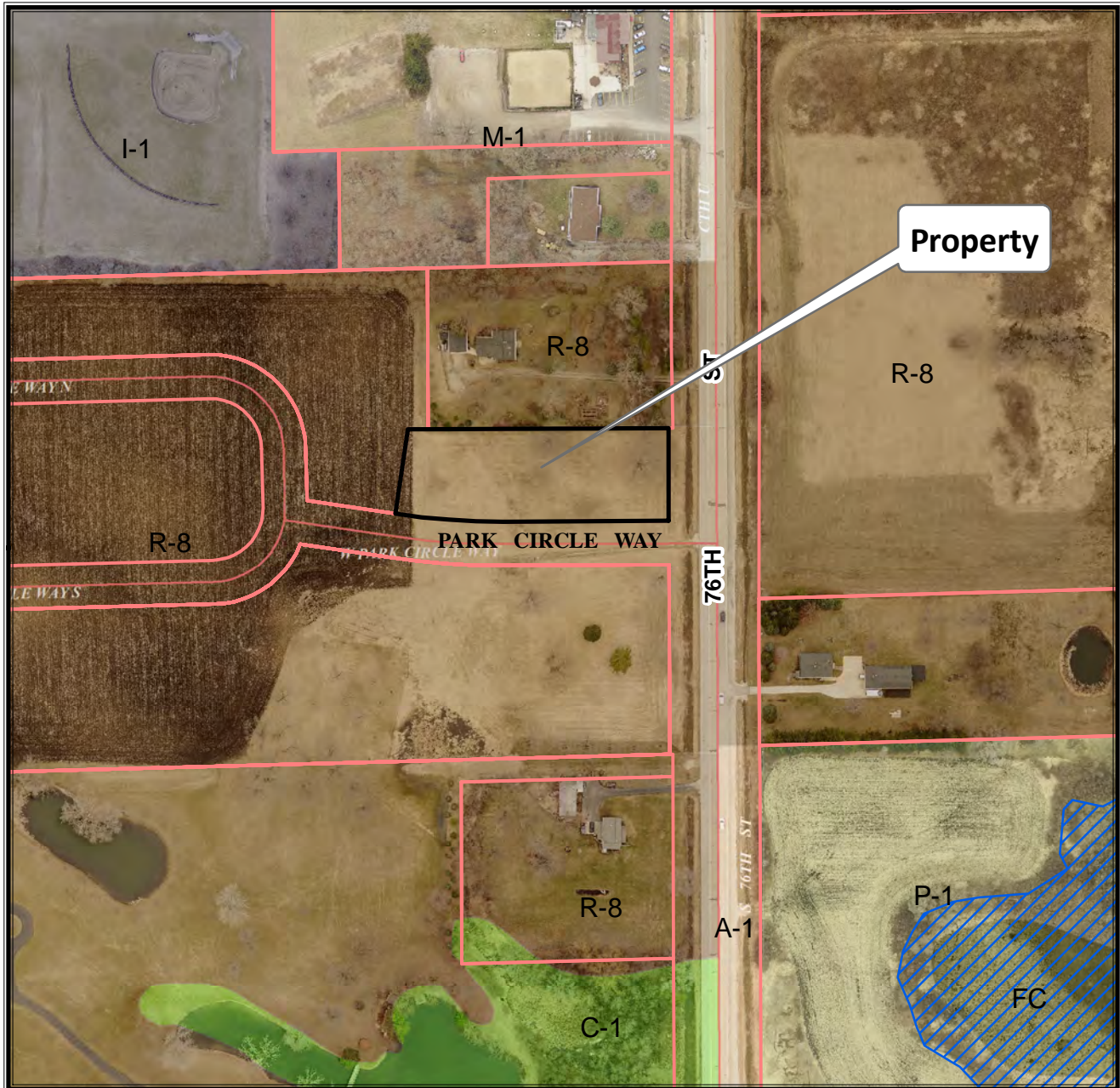
ATTEST:

Stephen R. Olson, Chairman

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

7614 Park Circle Way
TKN: 896 1001 000



Planning Department
(414) 425-4024

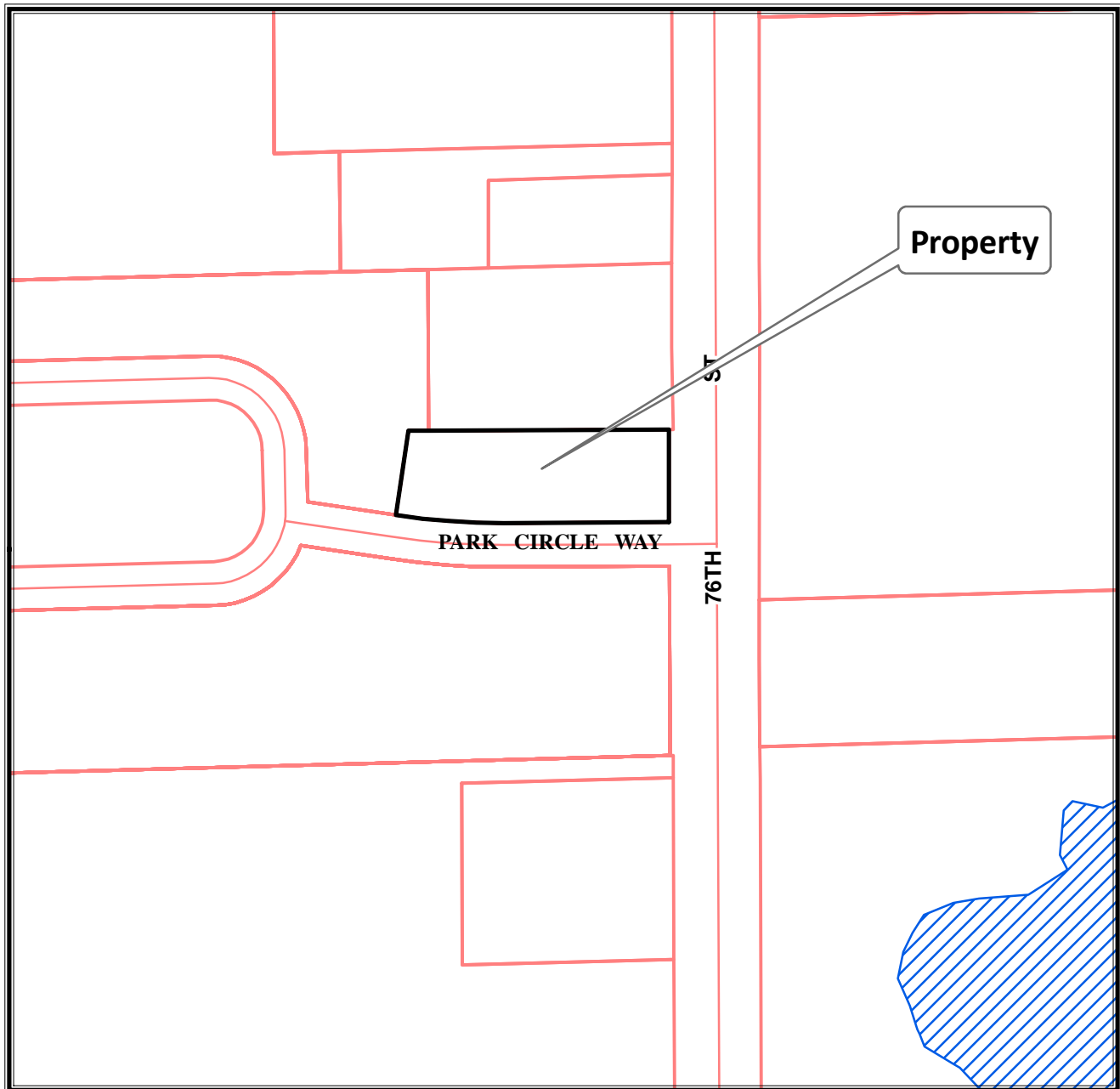
0 130 260 520 Feet

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.


NORTH
2017 Aerial Photo



7614 Park Circle Way
TKN: 896 1001 000



Planning Department
(414) 425-4024

0 130 260 520 Feet

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.



MEMORANDUM

Date: December 20, 2019

To: Eric Obarski
Park Circle, LLC

From: City of Franklin, Department of City Development

RE: Sign Review, Miscellaneous application and Sign variance.

Please be advised that the Department of City Development has reviewed the above applications. Staff comments are as follows for the Sign Review Application submitted by Park Circle, LLC, on May 30, Sign variance submitted on November 22, and Miscellaneous application submitted on December 5, 2019.

Sign review

1. As noted in previous memorandum dated August 22, 2019, no lighting is mentioned in the application materials, please clarify whether associated lighting is proposed or not.

The sign will have lighting. It has not been determined if this will be solar or hard wired, specific details will be included with the sign permit application.

Miscellaneous application (to allow for a sign within a 30 landscape buffervard easement).

2. Is the footprint of the proposed sign 6 square feet? Please confirm.

Our designer's calculations show 15.12 square feet. A dimensioned drawing is included.

Sign variance (reduced base width).

3. Is the base width of the proposed sign 16 inches? Please confirm.

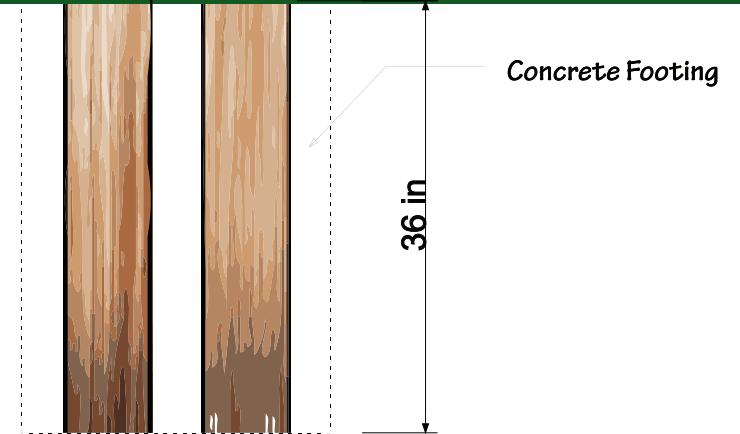
The actual part touching the ground is (2) 8" X 8" posts with 4" separation the two



Scale: 3/4" - 1'

DOUBLE-FACED SIGN PANEL & FREE STANDING STRUCTURE:

- 2) 32" X 66" X 2" SAND-BLAST CARVED WESTERN RED CEDAR SIGN PANELS
BACK TO BACK w/ INTERNAL BRACING AND STRUCTURAL MOUNT-RODS
RAISED LETTERING; PREMIUM SOLID COLOR STAIN AND ENAMEL FINISH
- 2) 8" X 8" X 96" WHITE OAK TIMBERS (60" ABOVE GROUND) NATURAL PATINA
w/ 4" X 4" X 96" HEAVY WALL SQUARE ALUMINUM TUBE FORMED AS SHOWN
BLACK SATIN POWDER COAT FINISH; FIT THRU & SECURED TO OAK TIMBERS
ASSEMBLED AND INSTALLED IN LANDSCAPE w/ CONCRETE ANCHOR





CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of January 9, 2020

Sign review and Miscellaneous application

RECOMMENDATION: City Development Staff recommends approval of the Sign review and Miscellaneous application submitted by Oakwood at Ryan Creek, LLC., subject to the conditions in the draft resolutions.

Project Name:	Ryanwood Manor subdivision monument sign
Project Location:	NW Corner of Oakwood Rd and 76th Street /Tax Key No. 896 1001 000
Property Owner:	Oakwood at Ryan Creek, LLC.
Applicant:	Eric Obarski. Oakwood at Ryan Creek, LLC.
Current Zoning:	R-5 – Suburban Single-Family Residence District
2025 Comprehensive Plan:	Residential
Applicant's Action Requested:	Recommendation to approve the Miscellaneous application, and approval of the Sign review.

Introduction

The Ryanwood Manor subdivision monument sign project consists of 2 applications:

- Sign review, a subdivision monument sign for the Ryanwood Manor development. The sign is generally located at the northwest corner of Oakwood Rd. and S. 76th Street, specifically within outlot 2.
- Miscellaneous application, to allow for the installation of a a subdivision monument sign within a stormwater management access easement.

Background

On July 31, 2019, the applicant, Oakwood at Ryan Creek, LLC., filed a sign review application to allow for a subdivision monument sign. On October 7, 2019, the City Development Department sent a memorandum to the applicant with the following information:

- Per Ryanwood Manor final plat recorded with the Milwaukee Register of Deeds on 6/11/2019 (Doc. #10878187), Sheet 3 of 7, the proposed sign is located in Outlot 2, a stormwater management access easement. As stated in note 8 of the recorded plat, "Construction of any building, grading, or filling in said outlots is prohibited unless approved by the City of Franklin".

On December 5, 2019, the applicant submitted a Miscellaneous application to allow for the installation of a sign within said easement.

Project Description and Analysis

Sign review:

The sign face is 10'-9" by 3'-4" (35.83 square feet) and constructed of weathered cedar within steel frame, lettering is made of steel. It is supported by steel rails and posts mounted on split-faced granite veneer column and wall, with an overall height of 7'-1". Per Municipal Code Section 210-4(C)(5)(c) the maximum area of a monument sign is 120 square feet, the proposed sign complies with this restriction.

The sign is located outside the 60 feet vision triangle. The sign would have lighting but the applicant did not provide details.

Miscellaneous application:

This application is to allow for the installation of a subdivision monument sign within a stormwater management access easement. The sign footprint is approximately 31.17 square feet, while the area of the easement is approximately 2.69 acres (117,176 square feet).

The applicant stated that the proposed sign "is going to be the main subdivision monument and identifying feature because of the lack of space and visibility near the two subdivision entrances and the increased exposure on the corner of Oakwood and 76th Street".

Recommendation

Staff recommends approval of the Sign review and Miscellaneous applications subject to the conditions in the draft resolutions.

Recommended Motions

Motion to approve the Sign review application and a motion to recommend approval of the Miscellaneous application.

Suggestions

Staff suggests that the proposed sign shall be maintained by the Ryanwood Manor Homeowners Association.

RESOLUTION NO. 2020-_____

A RESOLUTION APPROVING A MONUMENT SIGN FOR THE
RYANWOOD MANOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT
(GENERALLY AT THE NORTHWEST CORNER OF WEST
OAKWOOD ROAD AND SOUTH 76TH STREET)
(OAKWOOD AT RYAN CREEK, LLC, APPLICANT)

WHEREAS, Oakwood at Ryan Creek, LLC having applied for approval of a subdivision monument sign for the Ryanwood Manor single-family residential development generally located at the northwest corner of West Oakwood Road and South 76th Street (within Outlot 2); and

WHEREAS, the Plan Commission having reviewed the proposed subdivision monument sign plan and having found same to be in compliance with and in furtherance of the development of the Subdivision Plat of the Ryanwood Manor single-family residential development.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the subdivision monument sign plan City file-stamped December 30, 2019, attached hereto and incorporated herein, be and the same is hereby approved, subject to the following conditions:

1. That the signage shall be constructed and installed pursuant to such signage plan within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the Plan Commission.
2. Sign lighting shall be in compliance with the Unified Development Ordinance § 15-5.0401 Exterior Lighting Standards.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2020.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Chairman

OAKWOOD AT RYAN CREEK, LLC – RYANWOOD MANOR SUBDIVISION
MONUMENT SIGN
RESOLUTION NO. 2020-_____

Page 2

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 12-31-19]

RESOLUTION NO. 2020-_____

A RESOLUTION AUTHORIZING THE INSTALLATION OF A
MONUMENT SIGN WITHIN THE STORMWATER MANAGEMENT
ACCESS EASEMENT PLAT RESTRICTION IN THE RYANWOOD MANOR
SINGLE-FAMILY RESIDENTIAL DEVELOPMENT
(GENERALLY AT THE NORTHWEST CORNER OF WEST
OAKWOOD ROAD AND SOUTH 76TH STREET)
(OAKWOOD AT RYAN CREEK, LLC, APPLICANT)

WHEREAS, the Ryanwood Manor Subdivision Plat prohibits the building of structures within the stormwater management access easement described thereon; and

WHEREAS, Oakwood at Ryan Creek, LLC having applied for a release of the stormwater management access easement restriction upon their property to the extent necessary to install an entrance monument sign at the northwest corner of West Oakwood Road and South 76th Street, specifically within Outlot 2, such property being zoned R-5 Suburban Single-Family Residence District, bearing Tax Key No. 934-9992-010, more particularly described as follows:

Outlot 2 of Ryanwood Manor subdivision, being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, the stormwater management access easement restriction upon the Final Plat for the Ryanwood Manor single-family residential development and its accompanying restriction of the building of structures is a restriction which was imposed by the Franklin Common Council in its approval of the Final Plat; and

WHEREAS, Wis. Stat. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having considered the request for the release of the stormwater management access easement restriction only so as to allow for the subject monument sign installation, and having considered the proposed location of and type of monument sign to be installed upon the subject property in conjunction with existing and required landscaping on the property, and that the proposed monument sign will not create any adverse impact upon the aesthetic or buffering purposes of the landscape bufferyard.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the installation of the proposed monument sign of the type and specifications as described and only upon the location as set forth within the plans accompanying the application of Oakwood at Ryan Creek, LLC filed on December 30, 2019, be and the same is hereby authorized and approved and that the stormwater management access easement restriction as it would otherwise apply to such installation upon the subject property only, is hereby waived and released.

BE IT FURTHER RESOLVED, that the applicant shall further obtain all required permit(s) for the installation of the subject monument sign and that the subject monument sign shall be installed pursuant to such permit(s) within one year of the date hereof, or all approvals granted hereunder shall be null and void, subject to the following conditions:

1. The sign footprint shall not exceed 32 square feet.
2. In case the City of Franklin would need to utilize, modify, or otherwise maintain the stormwater management access easement, the property owner shall allow appropriate access to the easement area, including, if necessary, the removal of the sign within the easement, for such maintenance purposes.
3. Access to the easement shall be granted by the property owner whenever requested by the City. The City shall be held harmless in the event that any damage would occur to the sign due to its location within the easement or by City maintenance of the easement.

BE IT FINALLY RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of this Resolution with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

RESOLUTION NO. 2020-_____

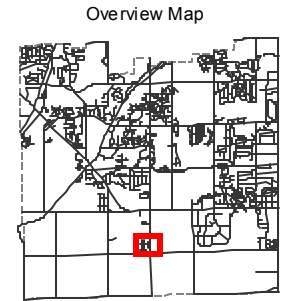
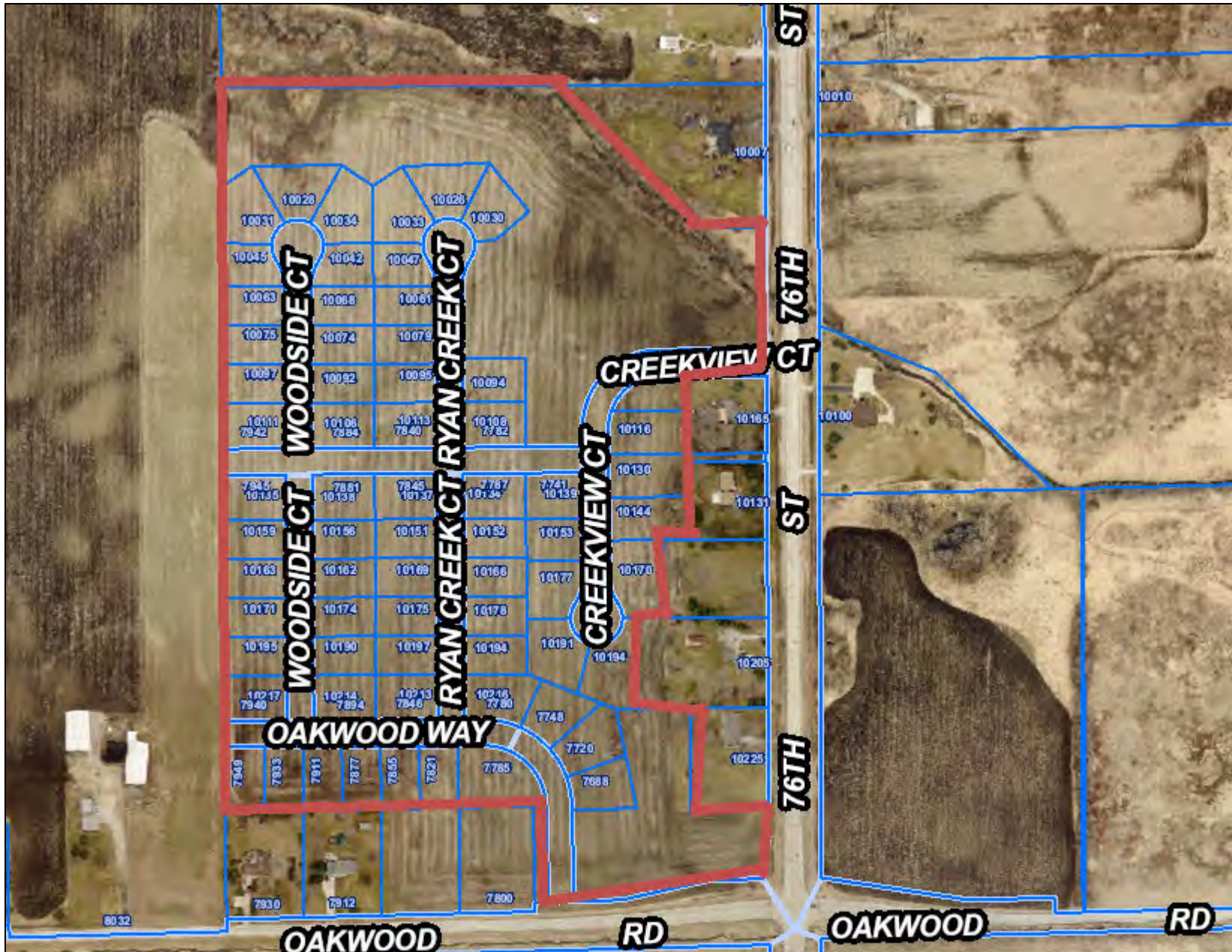
Page 3

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Franklin Public Property Viewer



- Aldermanic District
- Building
- City Boundary
- Condo
- CS M
- Easement
- Elementary District
- Environmental Corridor
- FEMA DFIRM Flood - Zone A
- FEMA DFIRM Flood - Zone AE
- FEMA - 0.2% Annual Chance
- Parcel
- Park
- Pavement
- County or State Hwy
- Local Road
- Road Right-of-Way
- School District
- Wetland

Zoning Districts

- | | | |
|-----|------|------|
| A-1 | FFO | R-2 |
| A-2 | FW | R-3 |
| B-1 | I-1 | R-3E |
| B-2 | I-I | R-4 |
| B-3 | M-1 | R-5 |
| B-4 | M-2 | R-6 |
| B-5 | M-3 | R-7 |
| B-6 | OL-1 | R-8 |
| B-7 | OL-2 | RC-1 |
| BP | P-1 | VB |
| CC | PDD | VR |
| C-1 | R-1 | |
| FC | R-1E | |

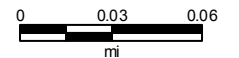
Legend includes all layers even if they are not visible in the map.

(C) City of Franklin, WI



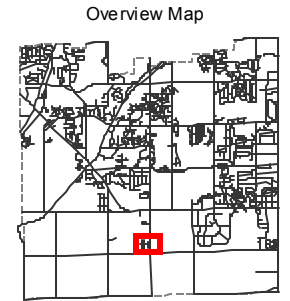
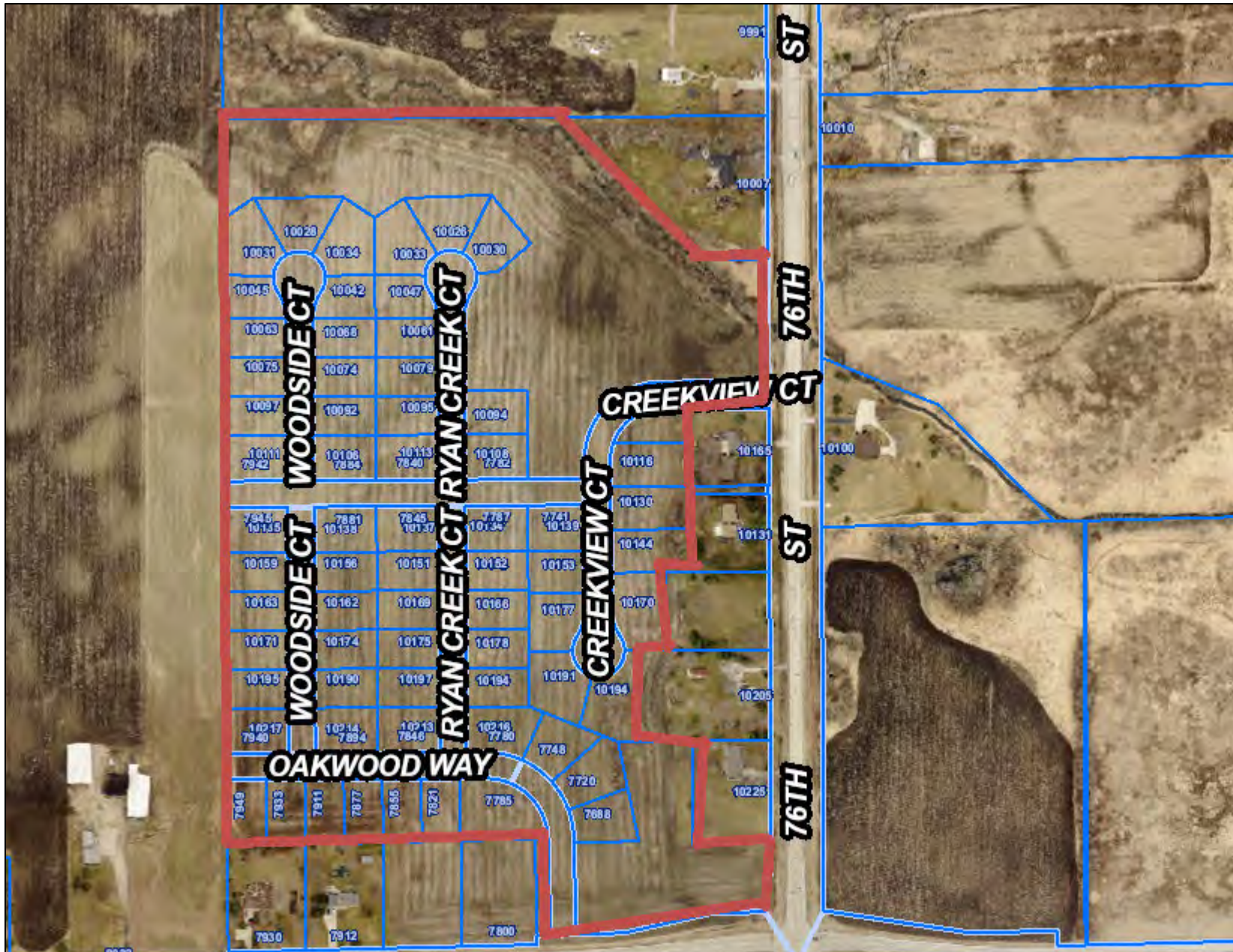
9229 W. Loomis Rd. Franklin, WI 53132
www.franklinwi.gov

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Map Printed: 1/3/2020

Franklin Public Property Viewer



- Aldermanic District
- Building
- City Boundary
- Condo
- CS M
- Easement
- Elementary District
- Environmental Corridor
- FEMA DFIRM Flood - Zone A
- FEMA DFIRM Flood - Zone AE
- FEMA - 0.2% Annual Chance
- Parcel
- Park
- Pavement
- County or State Hwy
- Local Road
- Road Right-of-Way
- School District
- Wetland

Zoning Districts

- | | | |
|-----|------|------|
| A-1 | FFO | R-2 |
| A-2 | FW | R-3 |
| B-1 | I-1 | R-3E |
| B-2 | I-I | R-4 |
| B-3 | M-1 | R-5 |
| B-4 | M-2 | R-6 |
| B-5 | M-3 | R-7 |
| B-6 | OL-1 | R-8 |
| B-7 | OL-2 | RC-1 |
| BP | P-1 | VB |
| CC | PDD | VR |
| C-1 | R-1 | R-1E |
| FC | | |

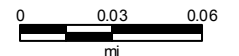
Legend includes all layers even if they are not visible in the map.

(C) City of Franklin, WI



9229 W. Loomis Rd. Franklin, WI 53132
www.franklinwi.gov

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Map Printed: 1/3/2020

MEMORANDUM

Date: December 20, 2019

To: Eric Obarski
Oakwood at Ryan Creek, LLC

From: City of Franklin, Department of City Development

RE: Application for Sign Review and Miscellaneous application to allow for a sign within a stormwater management access easement, Ryanwood Manor.

Please be advised that the Department of City Development has reviewed the above applications. Staff comments are as follows for the Sign Review Application submitted by Oakwood at Ryan Creek, LLC on July 30, 2019, and Miscellaneous application submitted on December 5, 2019.

Department of City Development Staff Comments

1. It is noted that a variance is not the appropriate application to allow for a sign within an easement, please revise cover letter accordingly. **Done**
2. As noted in previous memorandum dated October 7, 2019, no lighting is mentioned in the application materials, please clarify whether associated lighting is proposed or not.
The sign will have lighting. It has not been determined if this will be solar or hard wired, specific details will be included with sign permit application.
3. Is the footprint of the proposed sign 35 square feet? Please confirm.
Our designer's calculations come to 31.17 square feet.



December 2nd, 2019

Planning Department

9229 West Loomis Road

Franklin, WI 53132

Enclosed please find our application for the placement of the Ryanwood Manor subdivision monument. Oakwood at Ryan Creek LLC is requesting permission to place the subdivision entrance monument with in the Stormwater Management Access easement on the corner of 76th street and Oakwood Road.

As part of the approval process of this project a detailed landscaping plan and exhibit was presented at the February 7th 2019 planning commission and February 19th common council meeting. This color exhibit showed a large entrance monument feature, including fountain, located on the South East corner of the project. This is going to be the main subdivision monument and identifying feature because of the lack of space and visibility near the two subdivision entrances and the increased exposure on the corner of Oakwood and 76th. After applying for the subdivision monument permit we learned that the location was inside of a Stormwater Management Access Easement would require approval. We are now applying for the needed approval to allow the construction of the Monument as planned and presented to the Plan Commission and Common Council. We have verified that the sign is not located in the vision corner and meets all required setbacks.

We are requesting approval of the following:

- 1) The location of the monument per the enclosed exhibit within the Stormwater Management Access Easement

Thankyou,

Eric Obarski

Oakwood at Ryan Creek LLC