

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, JULY 23, 2020, 7:00 P.M.

The Facebook page for the Economic Development Commission
<https://www.facebook.com/forwardfranklin/> will be live streaming the Plan Commission meeting so that the public will be able to watch and listen to the meeting.

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

B. **Approval of Minutes**

1. Approval of regular meeting of July 9, 2020.

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

1. **MATTHEW P. SCHAEFER SINGLE-FAMILY RESIDENCE ATTACHED GARAGE DEMOLITION AND CONSTRUCTION OF A LARGER ATTACHED GARAGE [recommendation to Board of Zoning and Building Appeals].** Application by Matthew P. Schaefer (Matthew P. Schaefer and Angela E. Schaefer, property owners) for an Area Exception from Table 15-3.0203 of the Unified Development Ordinance to allow for a maximum lot coverage of 17% (2,513 square feet), exceeding the R-3E Suburban/Estate Single-Family Residence District maximum lot coverage standard of 0.15 or 15% (2,279 square feet), for property located at 10525 West Allwood Drive (Lot 157 of Mission Hills South Addition No. 1 Subdivision), for demolition of an existing single-family residence attached garage and construction of a larger attached garage (which will increase lot coverage by approximately 2%), property zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 795-0160-000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
2. **MEGA MEDIA XCHANGE USED MERCHANDISE STORE USE.** Special Use application by Robert A. Settecase, owner of MMX3 LLC (Mega Media Xchange), to operate a Mega Media Xchange store that buys and sells movies, video games and electronics, with the addition of a gaming lounge to this Franklin location, in which customers will rent gaming computers and systems in an interactive environment serving food and non-alcoholic beverages, with hours of operation as follows: Monday through Saturday from 10:00 a.m. to 9:00 p.m. and Sunday from 11:00 a.m. to 7:00 p.m., upon property zoned B-3 Community Business District, located at 6544 South Lovers Lane Road (Garden Plaza Shopping Center); Tax Key No. 705-8997-004. **A PUBLIC HEARING IS**

SCHEDULED FOR THIS MEETING UPON THIS MATTER.

3. **WISCONSIN COMMERCIAL 2015, LLC PROPERTY DIVISION/SALE AND PURCHASE RESULTING IN A SHARED TRUCK COURT.** Planned Development District Amendment and Certified Survey Map applications by John J. Malloy, managing member of Wisconsin Commercial 2015, LLC, to allow the Community Development Authority to waive driveway setbacks from interior lot lines of a property zoned Planned Development District No. 18 when abutting another newly created by certified survey map property zoned Planned Development District No. 18 and the properties share an existing driveway [proposed Certified Survey Map application to subdivide the property at 9750 South Oakwood Park Drive into two separate lots], properties located at 9720 South Oakwood Park Drive (north building) and 9750 South Oakwood Park Drive (south building), zoned Planned Development District No. 18 (Franklin Business Park); Tax Key Number 900-0010-005. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE PLANNED DEVELOPMENT DISTRICT AMENDMENT APPLICATION OF THIS MATTER.**

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

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: August 6, 2020

**City of Franklin
Plan Commission Meeting
July 9, 2020
Minutes**

unapproved

A. Call to Order and Roll Call

Acting Chair Alderman Mark Dandrea called the July 9, 2020 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 Acting Chair Alderman Mark Dandrea, Commissioners Patrick Leon, Adam Burchardt and Kevin Haley and City Engineer Glen Morrow. Excused were Commissioner Patricia Hogan and Mayor Steve Olson. Also present were Planning Manager Heath Eddy, Assistant Planner Marion Ecks and City Attorney Jesse Wesolowski.

B. Approval of Minutes

1. Regular Meeting of June 18, 2020.

Commissioner Leon moved and City Engineer Morrow seconded approval of the June 18, 2020 regular meeting minutes. On voice vote, all voted 'aye'. Motion carried (4-0-1).

C. Public Hearing Business Matters

1. None.

D. Business Matters

**1. TORBENSON SHOWS LLC
HOLIDAY CRAFT AND GIFT
EXPO AT THE MILWAUKEE
COUNTY SPORTS COMPLEX.**

Temporary Use application by James C. Torbenson/Torbenson Shows LLC, for a holiday craft and gift expo at the Milwaukee County Sports Complex located at 6000 West Ryan Road, on Friday, November 27, 2020, from 9:00 a.m. to 5:00 p.m., and Saturday, November 28, 2020 from 9:00 a.m. to 5:00 p.m., on property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; Tax Key Nos. 852-9999-001 and 882-9987-001.

Planning Manager Heath Eddy presented the request by James C. Torbenson/Torbenson Shows LLC, for a holiday craft and gift expo at the Milwaukee County Sports Complex located at 6000 West Ryan Road, on Friday, November 27, 2020, from 9:00 a.m. to 5:00 p.m., and Saturday, November 28, 2020 from 9:00 a.m. to 5:00 p.m., on property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; Tax Key Nos. 852-9999-001 and 882-9987-001.

City Engineer Morrow moved and Commissioner Leon seconded a motion to approve a Resolution imposing conditions and restrictions for the approval of a Temporary Use for a Holiday Craft and Gift Expo for property located at 6000 West Ryan Road (Milwaukee County Sports Complex). On voice vote, all voted 'aye'. Motion carried (4-0-1).

**2. POLISH CENTER OF
WISCONSIN PARKING LOT**

Planning Manager Heath Eddy presented the request by

**EXPANSION AND CREATION
PROJECT TIME EXTENSION.**

Unified Development Ordinance §15-3.0433 Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) Minor Amendment and Site Plan Amendment applications by Polish Heritage Alliance, Inc., applicant/property owner, for amendments to the minor Planned Development District Amendment and Site Plan to allow for a two year extension of time to complete the project (expansion of the easterly parking lot and creation of a southwest parking lot for the Polish Community Center) [the Planned Development District No. 28 Amendment was previously approved on June 4, 2019, by Ordinance No. 2019-2378, and the Site Plan Amendment was previously approved on May 23, 2019, by Resolution No. 2019-011, property located at 6941 South 68th Street, zoned Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) and FW Floodway District; Tax Key No. 743-8978-004.

Polish Heritage Alliance, Inc., applicant/property owner, for amendments to the minor Planned Development District Amendment and Site Plan to allow for a two year extension of time to complete the project (expansion of the easterly parking lot and creation of a southwest parking lot for the Polish Community Center) [the Planned Development District No. 28 Amendment was previously approved on June 4, 2019, by Ordinance No. 2019-2378, and the Site Plan Amendment was previously approved on May 23, 2019, by Resolution No. 2019-011, property located at 6941 South 68th Street, zoned Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) and FW Floodway District; Tax Key No. 743-8978-004.

MINOR AMENDMENT DETERMINATION

City Engineer Morrow moved and Commissioner Burckhardt seconded a motion determining the proposed amendment to be a minor amendment. On voice vote, all voted 'aye'. Motion carried (4-0-1).

**PLANNED DEVELOPMENT DISTRICT
ORDINANCE AMENDMENT**

City Engineer Morrow moved and Commissioner Leon seconded a motion to recommend approval of an Ordinance to amend Ordinance No. 2019-2378, an Ordinance to amend §15-3.0433 of the Unified Development Ordinance, Planned Development District No. 28 Polish Festivals, Inc. – Polish Community Center) to allow for additional parking, to extend the time for development completion (6941 South 68th Street). On voice vote, all voted 'aye'. Motion carried (4-0-1).

SITE PLAN AMENDMENT

City Engineer Morrow moved and Commissioner Haley seconded a motion to approve a Resolution to amend Resolution No. 2019-011, a Resolution amending the Site Plan for property located at 6941 South 68th Street to allow for expansion of the easterly parking lot and creation of a southwest parking lot for the Polish Community Center, to extend the time for development completion (tax key no. 743-8978-004). On voice vote, all voted 'aye'. Motion carried (4-0-1).

**3. PLEASANT VIEW
ELEMENTARY SCHOOL
BUILDING ADDITION,
NEW ENTRANCEWAY
CONSTRUCTION AND
ASSOCIATED SITE
RENOVATIONS.** Site Plan

Planning Manager Heath Eddy presented the request by Franklin Public Schools to allow for construction of a school building addition for Pleasant View Elementary School, a new main entranceway towards the west of the north façade (prior main entrance was located towards the east on the north façade), landscaped areas around the new entrance, a relocated light post, a relocated flagpole, and

Amendment application by Franklin Public Schools to allow for construction of a school building addition for Pleasant View Elementary School, a new main entranceway towards the west of the north façade (prior main entrance was located towards the east on the north façade), landscaped areas around the new entrance, a relocated light post, a relocated flagpole, and restriping of part of the parking lot, including dedicated pedestrian striping, relocation of one Americans with Disabilities Act accessible parking space towards the new main entrance and a new canopy over the entranceway to the gym (west façade), upon property zoned I-1 Institutional District, located at 4601 West Marquette Avenue; Tax Key No. 788-9980-000.

restriping of part of the parking lot, including dedicated pedestrian striping, relocation of one Americans with Disabilities Act accessible parking space towards the new main entrance and a new canopy over the entranceway to the gym (west façade), upon property zoned I-1 Institutional District, located at 4601 West Marquette Avenue; Tax Key No. 788-9980-000.

ADDING CONDITION #4

City Engineer Morrow moved and Commissioner Leon seconded a motion that all construction traffic must enter the site from W. Rawson Avenue, along S. 46th Street. On voice vote, all voted 'aye'. Motion carried (4-0-1).

SITE PLAN AMENDMENT

City Engineer Morrow moved and Commissioner Burckhardt seconded a motion to approve a Resolution amending the Site Plan for property located at 4601 West Marquette Avenue to allow for an addition and new entranceway to the Pleasant View Elementary School building and associated site renovations (tax key no. 788-9980-000). On voice vote, all voted 'aye'. Motion carried (4-0-1).

E. Adjournment

Commissioner Leon moved and Commissioner Haley seconded a motion to adjourn the Plan Commission meeting of July 9, 2020 at 7:52 p.m. On voice vote, all voted 'aye'; motion carried. (4-0-1).



REPORT TO THE PLAN COMMISSION

Meeting of July 23, 2020

Area Exception

RECOMMENDATION: City Development Staff recommends review of the Findings and Factors and Standards and a decision be made based upon the applicant's recommended findings and consideration of any comments provided at the public hearing.

Project Name:	Schaefer Area Exception Request
Project Address:	10525 W Allwood Drive
Applicant:	Matt Schaefer
Property Owner:	Matt Schaefer
Zoning:	R-3 Suburban/Estate Single-Family Residence District
Use of Surrounding Properties:	Single-family residential to the north, south and west and east.
Applicant's Action Requested:	Approval of the proposed Area Exception

INTRODUCTION:

On May 21, 2020, the applicant submitted an application for an Area Exception from Table 15-3.0203 of the Unified Development Ordinance (UDO) to allow for a maximum lot coverage of 17% (2,513 square feet), exceeding the R-3 Suburban/Estate Single-Family Residence District maximum lot coverage standard of 0.15 or 15% (2,279 square feet). The subject property located at 10525 W Allwood Drive (Lot 157 of Mission Hills South Addition No. 1 Subdivision), proposes demolition of the existing attached garage and construction of a larger attached garage, which will increase total lot coverage by 527 square feet or by approximately 27%.

PROJECT ANALYSIS:

Per Section 15-10.0209, Area Exceptions may be granted to increase the maximum lot coverage of a property by no more than 20%. Area Exceptions require approval by the Board of Zoning and Building Appeals, upon review and recommendation of the Plan Commission. Section 15-10.0209.G. of the UDO specifically lists Standards to be reviewed to grant or deny an Area Exception. The standards are attached as completed by the applicant.

Maximum Lot Coverage Calculation:

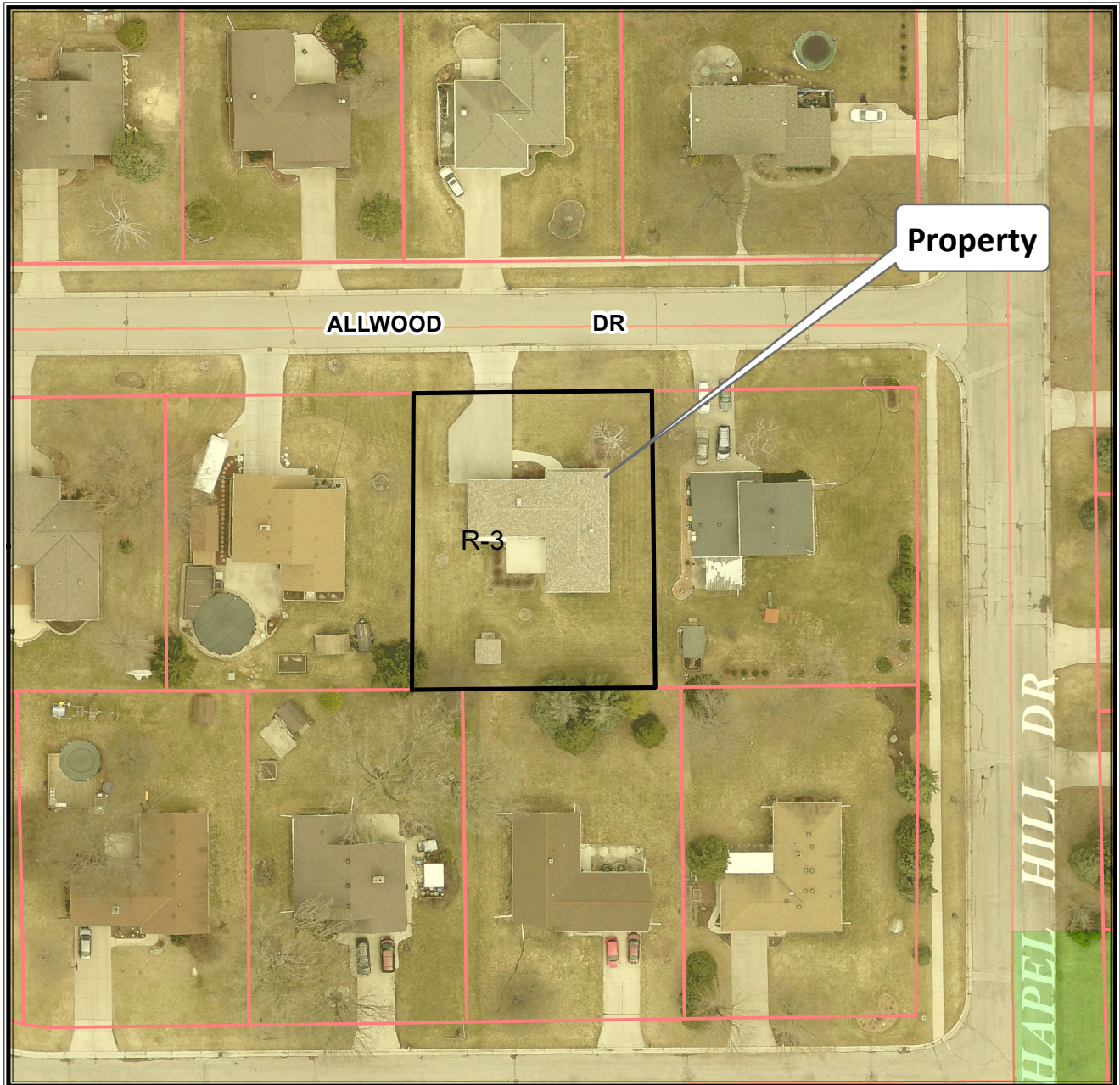
- The subject property is approximately 15,192 square feet.
- With the R-3 15% lot coverage, the home and any accessory structures may not exceed **2,279** square feet.
- The existing single-family home and new attached garage would encompass about **2,513 square feet**, and the resulting lot coverage would be approximately **17%**.
- With approval of an Area Exception, the maximum lot coverage allowed in this instance would be 15% (0.15) lot coverage x 20% (1.2) maximum area exception allowance increase = **18%** (0.18) maximum lot coverage.

- The maximum size of the house and all accessory structures, if an Area Exception would be granted, would be 15,192 square feet x 18% (0.18) = **2,734 square feet.**
- Therefore, as the applicant's request of 2,513 square feet (17% lot coverage) falls within the maximum allowed lot coverage of 2,734 square feet (18% lot coverage), the Area Exception could be approved.

STAFF RECOMMENDATION

City Development Staff recommends review of the Findings and Factors and Standards and a decision be made based upon the applicant's recommended findings and consideration of any comments provided at the public hearing.

10525 W. Allwood Drive
TKN: 795 0160 000



Planning Department
(414) 425-4024

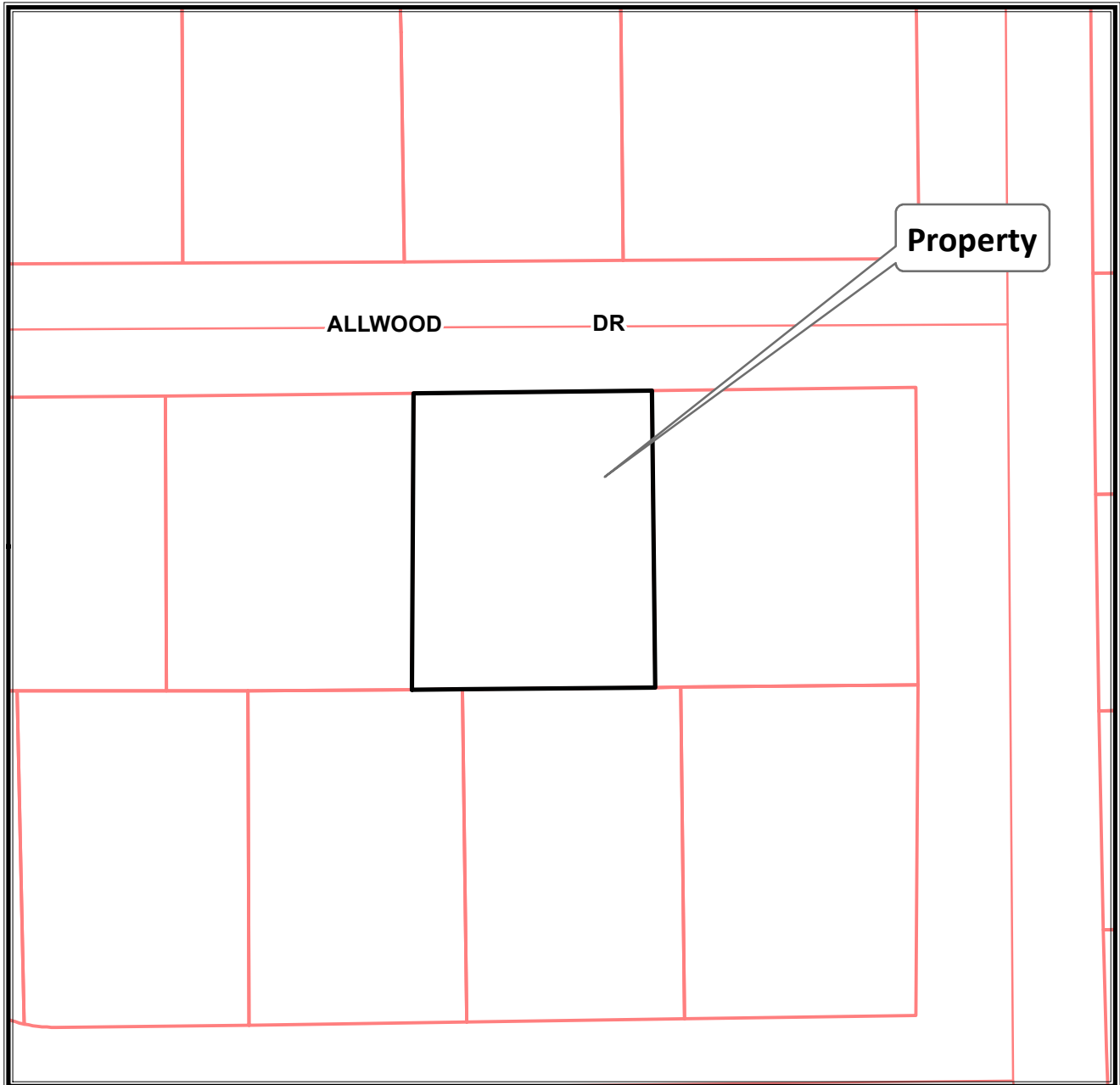
0 40 80 160 Feet

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.

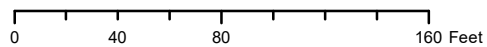

NORTH
2017 Aerial Photo



10525 W. Allwood Drive
TKN: 795 0160 000



Planning Department
(414) 425-4024



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: June 22, 2020
To: Matt Schaefer
From: Department of City Development
RE: Area Exception Request – 10525 W Allwood Drive

Review comments are as follows for Area Exception application submitted on June 1, 2020:

City Development Department comments

Note that this request is to allow for an increased lot coverage, not open space ratio as noted in the project narrative, please revise accordingly.

The process to grant an Area Exception involves review and recommendation of the Plan Commission followed by approval by the Board of Zoning and Building Appeals.

Per Section 15-10.0209, Area Exceptions may be granted to increase the maximum lot coverage of a property by no more than 20%. Section 15-10.0209.G. of the UDO specifically lists Standards to be reviewed to grant or deny an Area Exception, which the Plan Commission and Board of Zoning and Building Appeals will use to consider the request.

Maximum Lot Coverage Calculation:

- The subject property is approximately 15,192 square feet.
- With the R-3 15% lot coverage, the home and any accessory structures may not exceed **2,279** square feet.
- The existing single-family home and new attached garage would encompass about **2,513 square feet**, and the resulting lot coverage would be approximately **17%**.
- With approval of an Area Exception, the maximum lot coverage allowed in this instance would be 15% (0.15) lot coverage x 20% (1.2) maximum area exception allowance increase = **18%** (0.18) maximum lot coverage.
- The maximum size of the house and all accessory structures, if an Area Exception would be granted, would be 15,192 square feet x 18% (0.18) = **2,734 square feet**.

Therefore, as the applicant's request of 2,513 square feet (17% lot coverage) falls within the maximum allowed lot coverage of 2,734 square feet (18% lot coverage).

Engineering Department comments

Planning & Zoning

- No comments for Area Exception.

For Engineering review

Before the issuance of the building permit, the applicant must submit a plan/survey showing the following:

- Proposed garage floor elevation (use existing elevation as reference benchmark).
- Proposed silt fence/erosion control.

- Existing ground elevation at the corners of the proposed garage (west only) and at the property line adjacent to the proposed garage corners.

Note: Existing shared swale at the west property line should not be disturbed.

Inspection Services Department comments

- No comments at this time.

Fire Department comments

- The fire department has no comments/concerns.



Date of Application: 05.20.20

AREA EXCEPTION APPLICATION

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

Applicant (Full Legal Name[s]):

Name: Matt Schaefer
Company: _____
Mailing Address: 10525 W. Allwood Dr.
City / State: Franklin / WI Zip: 53132
Phone: (414) 687-5827
Email Address: matt1082@icloud.com

Project Property Information:

Property Address: 10525 W. Allwood Dr.
Property Owner(s): Matt Schaefer
Mailing Address: 10525 W. Allwood Drive
City / State: Franklin Zip: 53132
Email Address: matt1082@icloud.com

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

Name: John Otto Meiners
Company: J&J Contractors 1 LLC
Mailing Address: 6600 Schoolway
City / State: Greendale Zip: 53129
Phone: (414) 344-8865
Email Address: John.o.meiners@jjecontractorsllc.com

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

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

Area Exception Application 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: ☒ \$300
- ☒ Legal Description for the subject property (WORD.doc or compatible electronic format).
- ☒ Seven (7) complete collated sets of Application materials to include:
 - ☒ One (1) original and six (6) copies of a written Project Narrative, including 1) Current use and improvements on the property; 2) Ordinance standard from which Area Exception is being sought (section number and text); 3) Description of the Area Exception, giving distances and dimensions where appropriate; 4) Statement of reason(s) for the request; and 5) Description and date of any prior petition for an Area Exception.
 - ☒ Seven (7) copies of the Plat of Survey, Site Plan, Building Elevations, and Outdoor Lighting Plans, as appropriate, and any other supporting documents, which illustrate the Area Exception request. ALL plans must be collated and folded into 9x12-inch sets.
- ☐ Two photographs of the subject structure from different views (when applicable).
- ☒ Completed 'Standards in the Review of Area Exceptions' form (from Section 15-10.0209G. of the UDO).
- ☒ Three (3) Affidavit forms with original and notarized signatures (facsimiles and copies will not be accepted).
- ☐ Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF or compatible format (where applicable).

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- All Area Exceptions require a public hearing at Plan Commission, Plan Commission recommendation to BZBA, and BZBA review and approval.
- If a building permit is not issued within twelve (12) months of approval, the Area Exception will be null and void.

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
Matt Schaefer
Name & Title (PRINT)

Date: 05/20/20

Signature - Applicant
John O. Meiners - Applicant
Name & Title (PRINT)

Date: 05/20/20

Signature - Property Owner

Name & Title (PRINT)

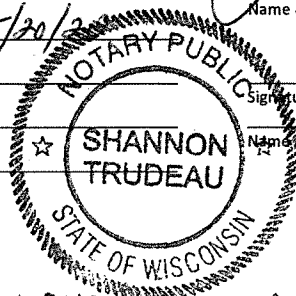
Date: _____

Signature - Applicant's Representative

Name & Title (PRINT)

Date: _____

Shannon Trudeau
Shannon Trudeau



MISSOURI COUNTY, MISSOURI 63012

Standards in the Review of Area Exceptions

Date: May 20, 2020

Case No. _____

Property Owner: Matt & Angela Schaefer

Property Address: 10525 W. Allwood Drive, Franklin

Section 15-10.0209G of the City of Franklin Unified Development Ordinance specifically lists Standards to be reviewed by the Board of Zoning and Building Appeals to grant or deny an Area Exception. The Standards are:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposed garage does not restrict view or encroach on the street setback, or side lot setback. Garage height 16'1" at roof ridge.

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.

The proposed garage will match the existing home and enhance the neighborhood not diminish.

3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

This request only exceeds foot print size not any set back and will still be 14.2 feet from the side lot line. Neighbor's house approx 42' from lot line

4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.

The proposed garage will not be close enough to the neighbors to be a fire hazard or restrict light. Neighbor's house approx 42' from lot line.

5. That the area exception shall be in harmony with the general purpose and intent of this Unified Development Ordinance.

Single family home meets all general purpose ordinance except exceeds footprint size.



*Service and Quality
You Can Trust Since 1983*

Matt Schaefer Property
10525 W. Allwood Drive
Franklin, WI 53132

Legal Description: Lot 157, Mission Hills South, Addition No. 1, being a Subdivision of a part of the Southwest Quarter of the Southwest Quarter of section 8, and of the Northwest Quarter of the Northwest Quarter of Section 17, all in Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



*Service and Quality
You Can Trust Since 1983*

Matt Schaefer Property
10525 W. Allwood Drive
Franklin, WI 53132

Date: May 28, 2020

Current Use: Single family dwelling with 21.3 x 21.5 attached garage. Current total footprint size, **1985.13 sq/ft**. The current home is 1526.53 sq/ft with garage 458.6s q/ft.

Area Exemption Request: Section 15-3.02.03, Minimum Open Space Ratio and Maximum Density, Open Space Ratio, Option #1, 0.15. (allows up to 15% of the lot size is allowable for home and garage footprint).

Description of Area Exception: Lot size is $112.54 \times 135 = 15,192.9$ sq/ft. $15,192.9 \times 0.15 = 2278.94$ sq/ft allowable. Proposed garage addition we are requesting 2513 sq/ft footprint size. Exemption for 234.1 sq/ft.

Reason for Request: Current small garage does not meet the needs of this family. New garage size has been designed to meet those needs.

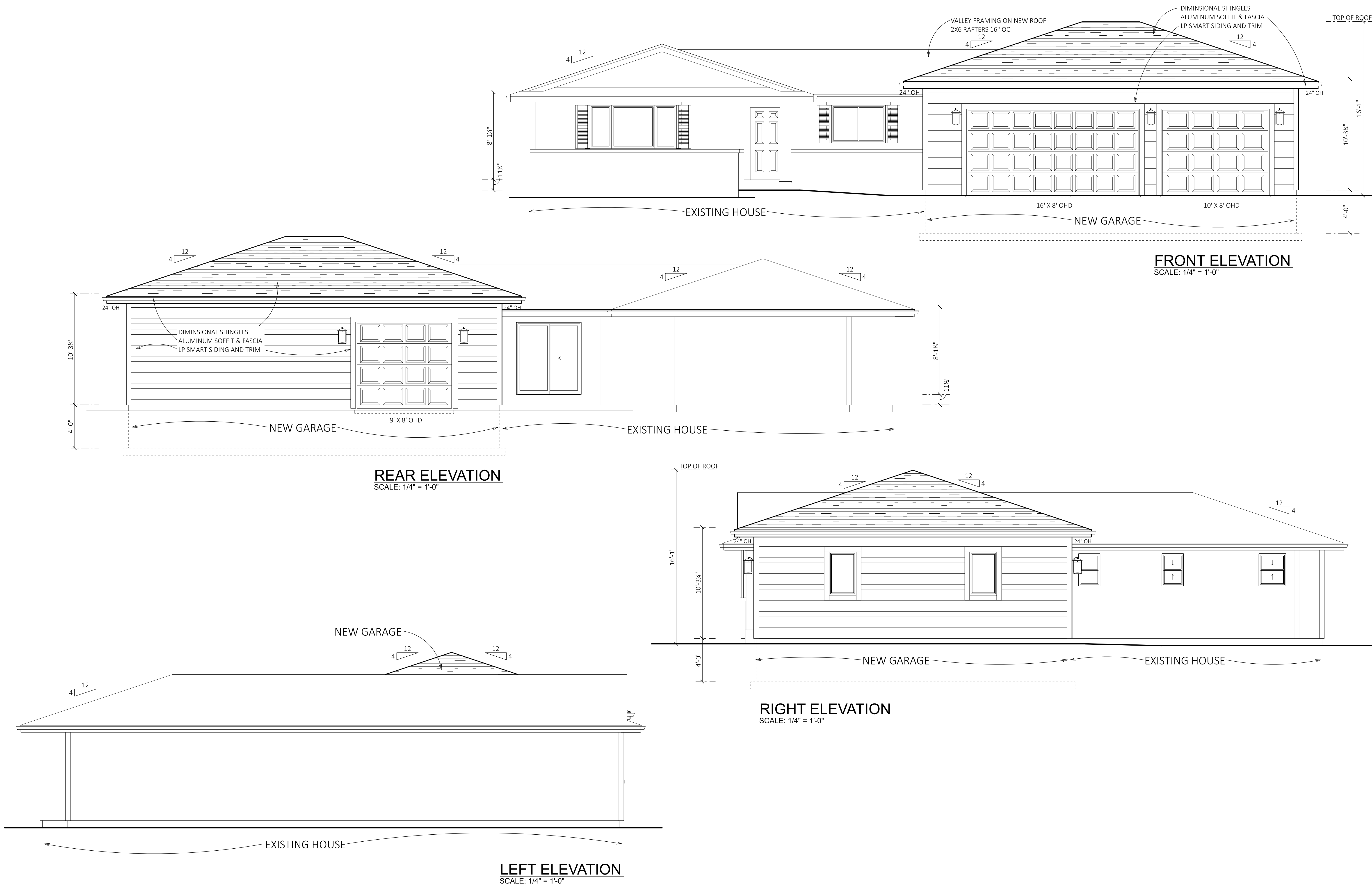
Prior Exception Requests: None.

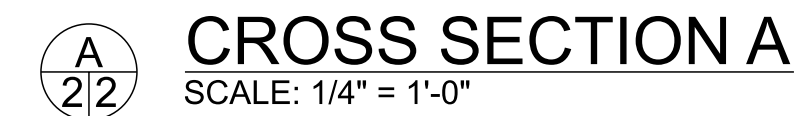
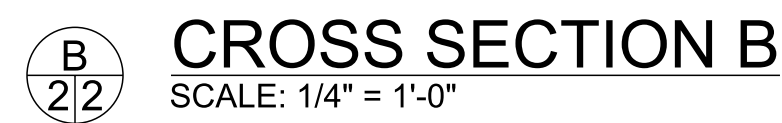
Table 15-3.0203

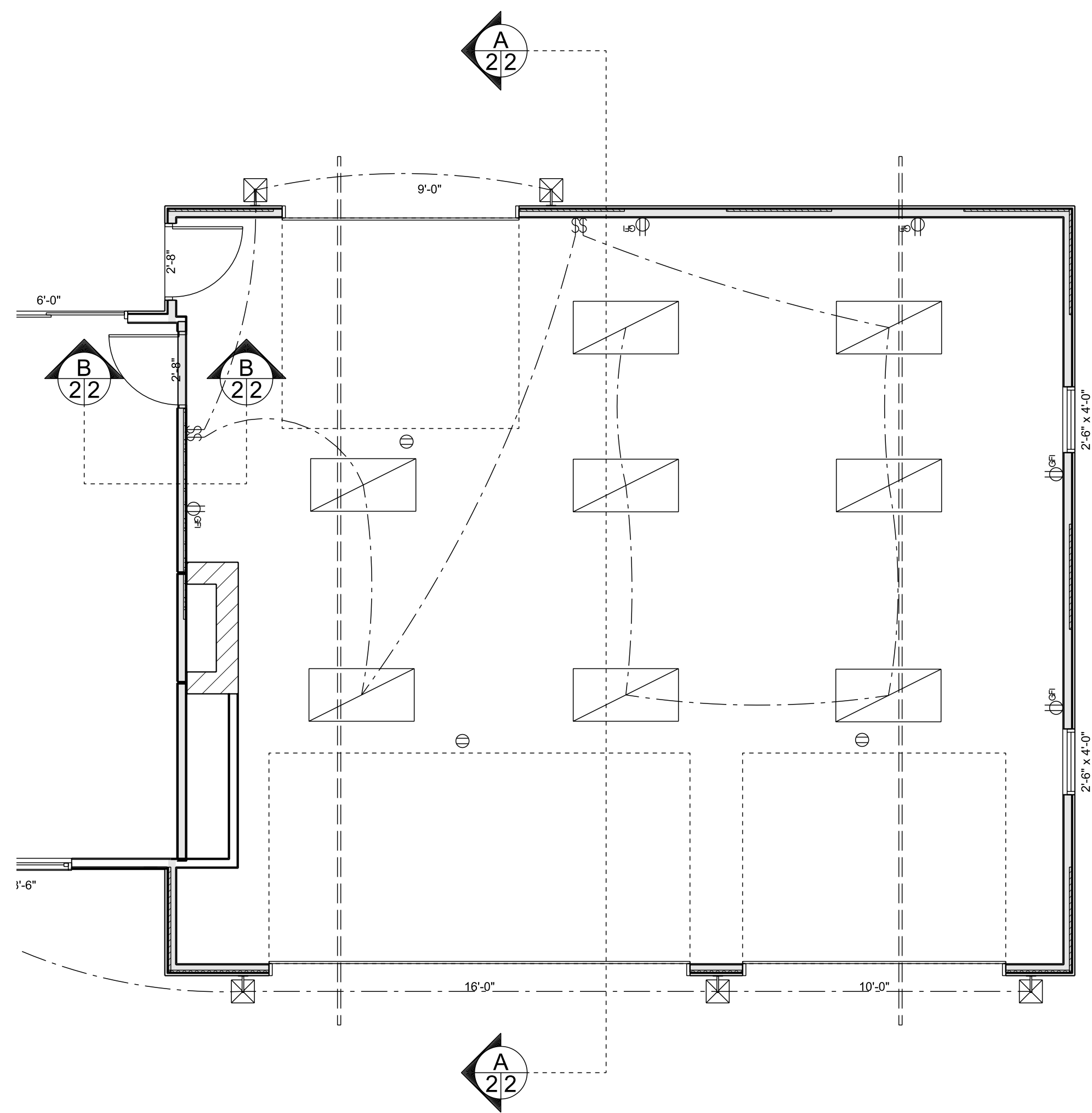
R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Permitted Use “Conventional Subdivision”	Special Use “Open Space Subdivision”	
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0	0.15	0.3
Gross Density (GD)	1.718	1.769	1.736
Net Density (ND)	1.718	2.081	2.48
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	20,000	16,000	13,000
Minimum Lot Width at Setback Line (feet)	100 110 – corner	95 110 – corner	90 105 – corner
Minimum Front Yard (feet)	45	40	35 (c)
Minimum Side Yard (feet)	10 (c)	10 (c)	10 (c)
Minimum Side Yard on Corner Lot (feet)	35 (c)	30 (c)	25 (c)
Minimum Rear Yard (feet)	30 (c)	30 (c)	30 (c)
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.15	0.2	0.2
Minimum Total Living Area per Dwelling Unit (D.U.)			
1-Story D.U. 3 Bedrooms	1,700 s.f.	1,700 s.f.	1,700 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	2,000 s.f. – total 1,100 s.f. – 1st floor	2,000 s.f. – total 1,100 s.f. – 1st floor	2,000 s.f. – total 1,100 s.f. – 1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	2.5/30	2.5/30
Accessstory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

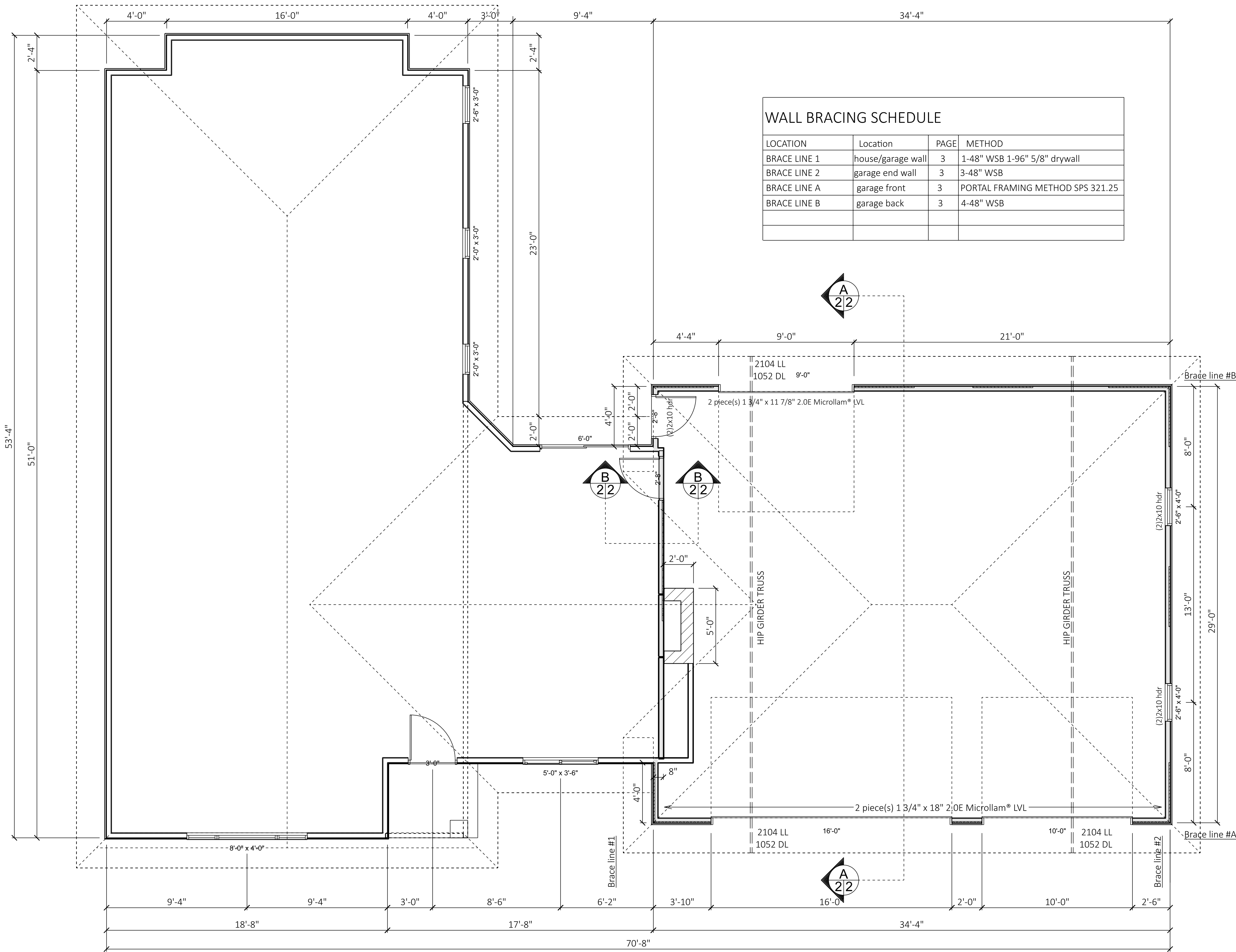
- (a) Add to minimum required building floor area for each bedroom in excess of three (3).
 (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.
 (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.







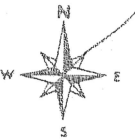
GARAGE ADDITION PLANS - ELECTRICAL
SCALE: 1/4" = 1'-0"



GARAGE ADDITION PLANS
SCALE: 1/4" = 1'-0"

HURLEY ENGINEERING SERVICE

BROOKFIELD, WISCONSIN



ENGINEERS

LAND SURVEYORS

10525 W. Allwood Dr.

B5-10

PLAT OF SURVEY #2279

DESCRIPTION: Lot 157, Mission Hills South, Addition No. 1, being a Subdivision of a part of the Southwest Quarter of the Southwest Quarter of Section 8, and of the Northwest Quarter of the Northwest Quarter of Section 17, all in Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

Notes: Relative elevations indicated by underlined figures and referred to city datum.

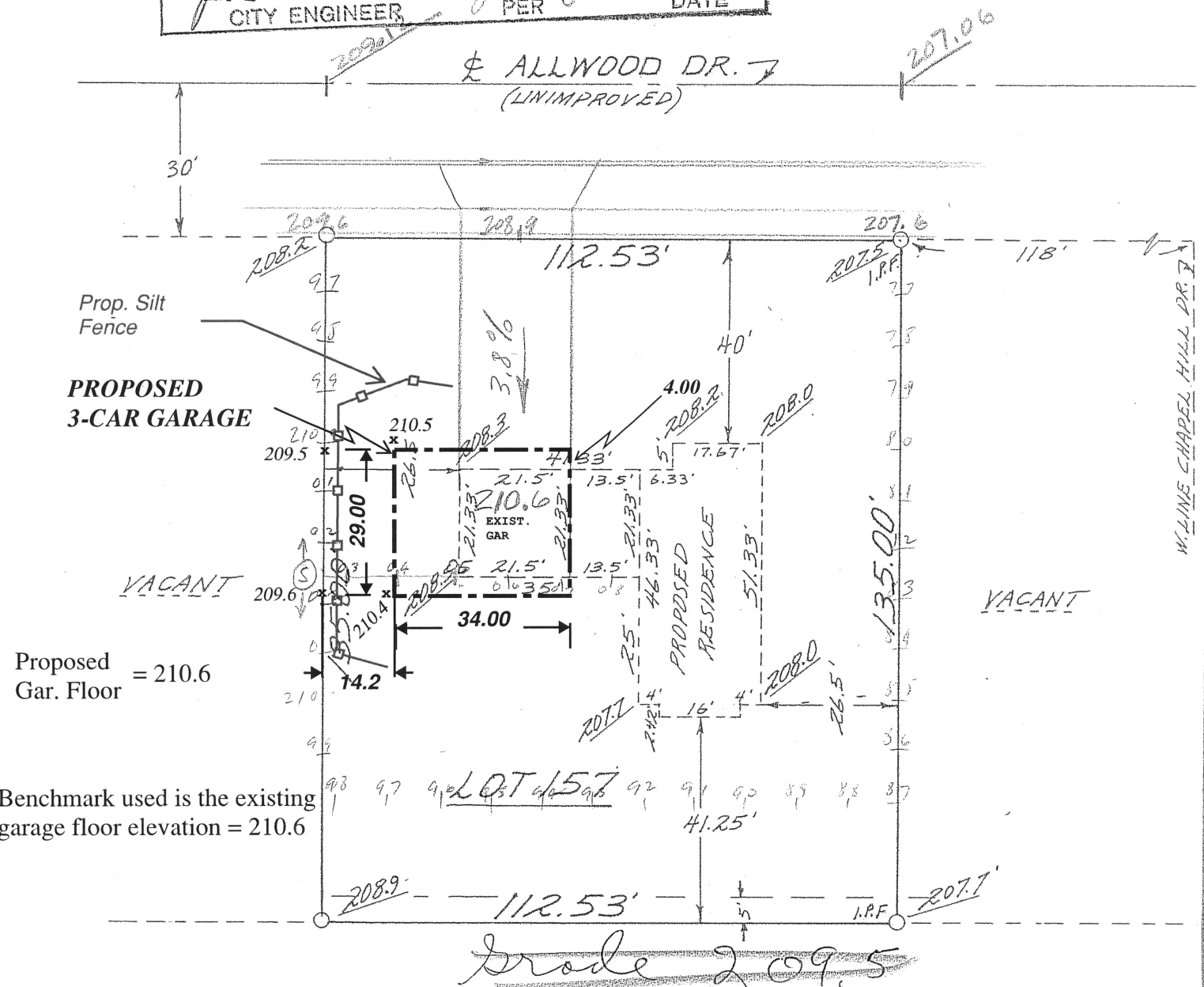
Scale: 1" = 30'

APPROVED		
FINISHED GRADE ELEVATION = <u>210.6</u>		
AT: <u>garage floor</u> CITY OF FRANKLIN DATUM		
<u>John M. Bennett</u>	<u>JLB</u>	<u>10/30/72</u>
CITY ENGINEER	PER	DATE

Franklin

JUL 13 2020

City Development



STATE OF WISCONSIN }
COUNTY OF WAUKESHA } SS.

WE, HURLEY ENGINEERING SERVICE, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE RELATIVE HORIZONTAL LOCATIONS AND DIMENSIONS OF ALL LINES AND STRUCTURES SHOWN, AS DETERMINED BY SURVEY THEREOF BASED UPON THE ABOVE DESCRIPTION AND COMPLETED THE 10th DAY OF October, 19 72.

NOT VALID
UNLESS SEAL
IS IMPRESSED
HERE.

SIGNED: Ruth D. Wilson

REGISTERED WISCONSIN LAND SURVEYOR NO. 904

PHONE: 414-782-8799

REPORT TO THE PLAN COMMISSION**Meeting of July 23, 2020****Special Use**

RECOMMENDATION: City Development Staff recommends approval of this Special Use application for Mega Media Xchange at 5444 S Lover Lane Rd for Used Merchandise Stores (SIC No. 5932.)

Project Name: Mega Media Xchange
Project Address: 6544 S Lovers Lane Rd
Property Owner: Hartland Meadows, LLC
Applicant: Robert Allen Settecase, Mega Media Xchange (MMX3 LLC)
Zoning: B-3 Community Business District

Use of Surrounding Properties: This property is located within a strip-mall type shopping center development, with surrounding stores including an Anytime Fitness, Kumon Math and Reading Center, and Budget Blinds. To the east there are several residential developments, and to the west, north, and south there are several car dealerships, a gas station, and a hardware store.

Applicant Action Requested: Approval of a Special Use Permit

INTRODUCTION:

Mega Media Xchange is a regional business that buys and sells used movies, video games, and electronics. They have been in business since 1997 and currently operates three locations, including on the east side of Milwaukee (N. Farwell Ave), in Greenfield (Layton Ave.), and in Brookfield (Bluemound Rd).

Their newly proposed Franklin location at 6544 S Lovers Lane Rd in the Garden Plaza shopping center will also include a gaming lounge, in which customers will rent gaming computers and systems in an interactive environment. Mega Media Xchange also plans to serve pizza and non-alcoholic beverages.

The new location in Franklin will operate Monday-Saturday from 10:00 am to 9:00 pm and Sundays from 11:00 am to 7:00 pm.

PROJECT DESCRIPTION AND ANALYSIS:

The proposed location of Mega Media Xchange in Franklin at 6544 S Lovers Lane Rd falls within the B-3 Community Business District zoning district. Used merchandise stores may be allowed by Special Use permit in the B-3 district and are classified under the Standard Industrial Classification (SIS) No. 5932:

5932 Used Merchandise Stores

This industry includes stores primarily engaged in the retail sale of used merchandise, antiques, and secondhand goods, such as clothing and shoes; furniture; books and rare manuscripts; musical instruments; office furniture; phonographs and phonograph records; and store fixtures and equipment. This industry also includes pawnshops

Mega Media Xchange has submitted a substantially complete application for a special use permit, allowing for Section § 15-3.0701 of the Unified Development Ordinance sets out the General Standards for Special Uses. The applicant has submitted responses to each of those standards, asserting that there will be no undue adverse impact or interference with surrounding development as a result of this special use, and that the use will provide adequate public facilities. The applicant asserts that there will be no undue traffic congestion, no destruction of significant features, and that the business will comply with all standards.

The applicant also states that there will be a public benefit to Mega Media Xchange's presence in Franklin: "The city of Franklin does not have a business like Mega Media and it will serve as a family entertainment destination to save the customer money from purchasing items new and providing a service to customers that want to sell [their] unwanted items."

The intent of the B-3 district is to accommodate the needs of a much larger customer population that served by the B-1 Neighborhood Shopping District, to provide for a relatively large grouping of establishments, and to provide for an arrangement or retail trade establishments that are compatible in function and operation. Staff believes that this special use is in harmony with the intent of this zoning district.

UDO Section § 15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts does NOT apply to this project, as the proposed special use not one of the specified special uses in this section.

STAFF RECOMMENDATION:

The Department of City Development staff recommends approval of this application for Special Use.

As the applicant is not proposing exterior modifications to the property beyond a new sign (to be permitted separately), a Site Plan amendment is not required at this time. Finally, staff also would like to remind the applicant that a permit to serve food and beverages will be needed from the health department; information has already been provided to the applicant regarding this requirement.

RESOLUTION NO. 2020-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE TO OPERATE A MEGA
MEDIA XCHANGE STORE, WITH THE ADDITION OF A GAMING
LOUNGE, LOCATED AT 6544 SOUTH LOVERS LANE ROAD
(GARDEN PLAZA SHOPPING CENTER)
(ROBERT A. SETTECASE, OWNER OF MMX3 LLC
(MEGA MEDIA XCHANGE), APPLICANT)

WHEREAS, Robert A. Settecase, owner of MMX3 LLC (Mega Media Xchange), 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. 5932 "Used Merchandise Stores", to allow for a Mega Media Xchange movies, video games and electronics buy/sell/rental store (with the addition of a gaming lounge to this Franklin location, in which customers will rent gaming computers and systems in an interactive environment serving food and non-alcoholic beverages) use, with hours of operation from 10:00 a.m. to 9:00 p.m., Monday through Saturday, and 11:00 a.m. to 7:00 p.m. on Sundays, upon property located at 6544 South Lovers Lane Road (Garden Plaza Shopping Center), bearing Tax Key No. 705-8997-004, more particularly described as follows:

Parcel No. 2, Certified Survey Map No. 5375, being a re-division of Parcel No. 1 of CSM No. 3247, Outlot 2 of Whitnal Edge Subdivision, and unplatted lands in the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 5, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, as recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on February 15, 1990 at Reel 2420, Image 890 to 893 inclusive, as Document No. 6354945; 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 23rd day of July, 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

ROBERT A. SETTECASE, OWNER OF MMX3 LLC (MEGA MEDIA XCHANGE) –
SPECIAL USE
RESOLUTION NO. 2020-_____
Page 2

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 Robert A. Settecase, owner of MMX3 LLC (Mega Media Xchange), 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 Robert A. Settecase, owner of MMX3 LLC (Mega Media Xchange), successors and assigns, as a movies, video games and electronics buy/sell/rental store (with the addition of a gaming lounge) use, which shall be developed in substantial compliance with, and operated and maintained by Robert A. Settecase, owner of MMX3 LLC (Mega Media Xchange), pursuant to those plans City file-stamped May 22, 2020 and annexed hereto and incorporated herein as Exhibit A.
2. Robert A. Settecase, owner of MMX3 LLC (Mega Media Xchange), 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 movies, video games and electronics buy/sell/rental store (with the addition of a gaming lounge) use, 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 Robert A. Settecase, owner of MMX3 LLC (Mega Media Xchange) and the movies, video games and electronics buy/sell/rental store (with the addition of a gaming lounge) use for the property located at 6544 South Lovers Lane Road (Garden Plaza Shopping Center): (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.
4. All signage shall comply with the requirements of Chapter 210 of the Municipal Code and must receive a Sign Permit from the Inspection Services Department prior to installation.

ROBERT A. SETTECASE, OWNER OF MMX3 LLC (MEGA MEDIA XCHANGE) –
SPECIAL USE

RESOLUTION NO. 2020-_____

Page 3

5. The applicant shall obtain all necessary approvals from the Health Department prior to the operation of food and beverage services.

BE IT FURTHER RESOLVED, that in the event Robert A. Settecase, owner of MMX3 LLC (Mega Media Xchange), 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 _____ day of _____, 2020.

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

ROBERT A. SETTECASE, OWNER OF MMX3 LLC (MEGA MEDIA XCHANGE) –
SPECIAL USE
RESOLUTION NO. 2020-_____
Page 4

APPROVED:

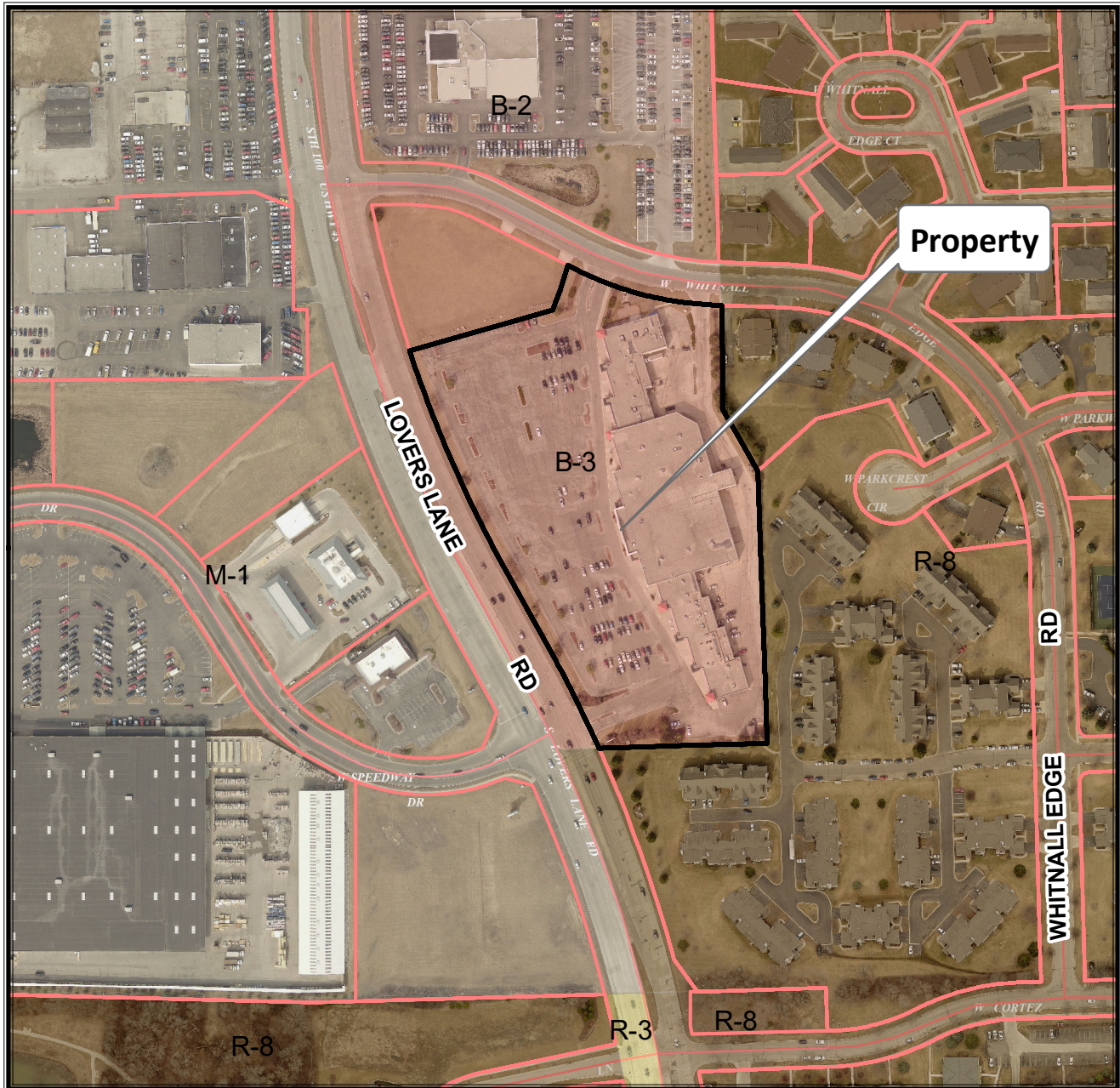
Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

6544 S. Lovers Lane Rd.
TKN: 705 8997 004



Planning Department
(414) 425-4024

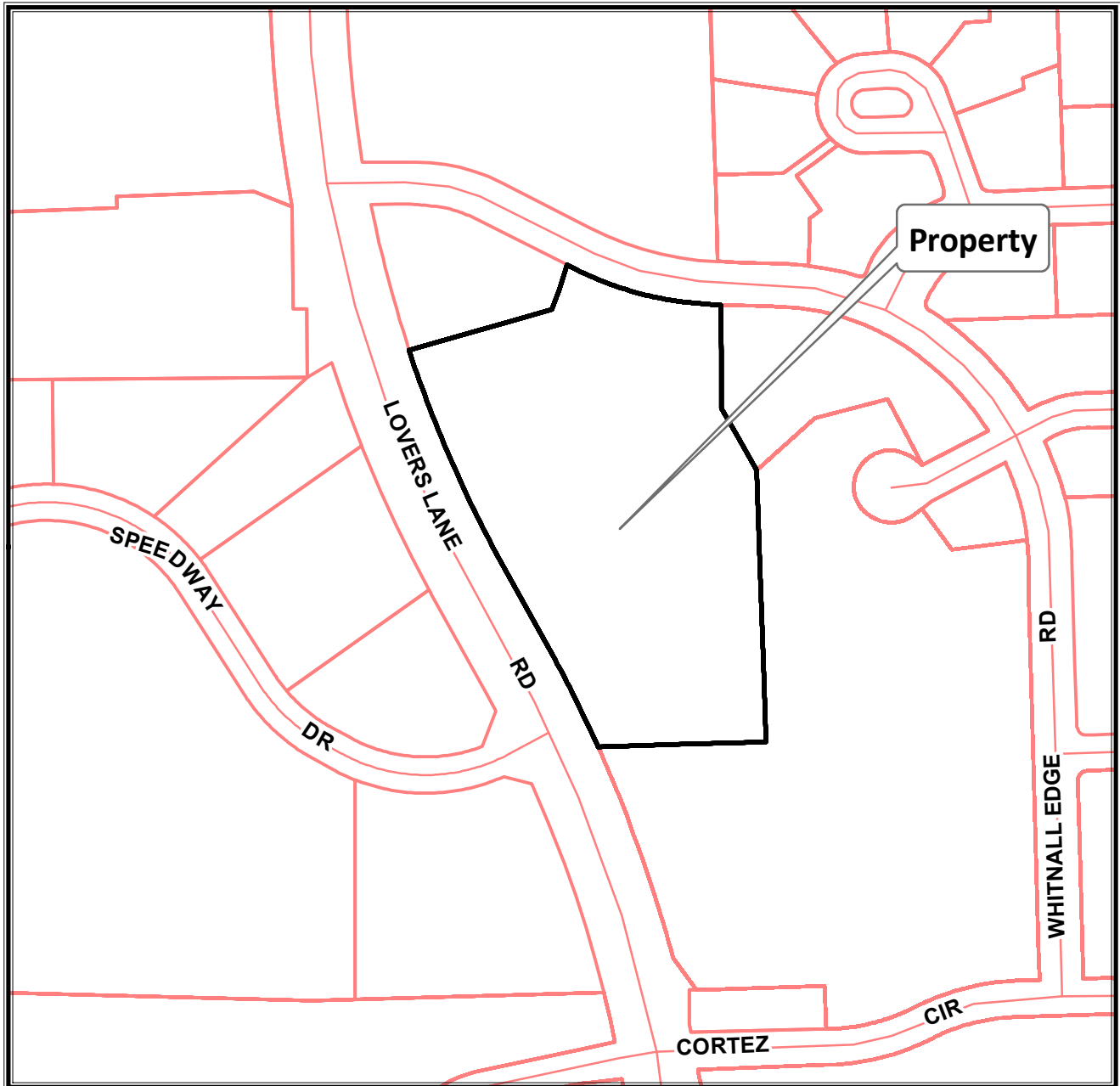
0 175 350 700 Feet

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



6544 S. Lovers Lane Rd.
TKN: 705 8997 004



Planning Department
(414) 425-4024

0 175 350 700 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.



City of Franklin

Department of City Development

Date: June 23, 2020

To: Robert Allen Settecase, Mega Media Xchange (MMX3 LLC)

From: Department of City Development Staff

RE: Special Use – Mega Media Xchange – 6544 S Lovers Lane Rd

Please be advised that City Staff has reviewed the above application for the Special Use Permit for Mega Media Xchange at 6544 S Lovers Lane Road. The application was received and filed on May 26, 2020, following a consultation with the applicant at the beginning of May.

Mega Media Exchange buys and sells games and electronics, and at the Franklin location will also rent gaming equipment and provide an interactive environment serving food and drinks. Used merchandise stores are allowed only by Special Use Permit in the B-3 Community Business District and are classified under the Standard Industrial Classification (SIS) No. 5932.

The application is substantially complete, and the proposed special use appears to meet the General Standards for Special Uses as defined in UDO § 15-3.0701. Staff comments are as follows.

Department of City Development

- The application states that the Project Summary should include a description of any new building construction and site work, interior/exterior modifications or additions to be made to the property, as well as site improvement costs. This information is missing from the project summary. Please include this information in a re-submitted project summary so that Department of City Development staff can determine if a site plan amendment would be needed for this project.
- The operator would need to have a food license to serve pizza at this location, please contact the Health Department to obtain the appropriate license.
- A license from the Clerk's Office may be required, please call 414-425-7500 for more information.
- New signage requires a separate permit from the Inspection Services Department.
- For information about required building permits, please contact the Inspection Services Department.

Engineering Department Staff Comments

No comments.

Fire Department Staff Comments

The fire department has no comments/concerns at this time.

Mega Media Xchange Project Summary

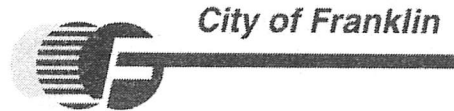
Mega Media Xchange buys and sells movies, video games, and electronics. Also, Mega Media will be adding a gaming lounge to it's Franklin location in which customers will rent gaming computers and systems in a interactive environment serving pizza and non-alcoholic beverages. The only work being done inside the space is painting the interior walls. Mega Media has been in business for 23 years since 1997 with three current locations.

Franklin

JUL 13 2020

City Development

Planning Department
9229 West Loomis Road
Franklin, Wisconsin 53132
Email: generalplanning@franklinwi.gov



Phone: (414) 425-4024
Fax: (414) 427-7691
Web Site: www.franklinwi.gov

Date of Application: 05.19.2020

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

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

Applicant (Full Legal Name[s]): Name: Robert Allen Settecase Company: Mega Media Xchange Mailing Address: 1709 N. Farwell Ave City / State: Milwaukee WI Zip: 53202 Phone: 4147453889 Email Address: robmmx@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: 6544 S Lovers Lane Rd Franklin WI Property Owner(s): Hartland Meadows, LLC PO Box 61 Mailing Address: _____ City / State: Elm Grove, WI Zip: 53132 Email Address: jinvestmentlnc@aol.com	Tax Key Nos: 705 8997 004 Existing Zoning: B-3 Existing Use: Amusement Center Proposed Use: 2nd hand dealers license, gaming lounge Future Land Use Identification: commercial

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

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

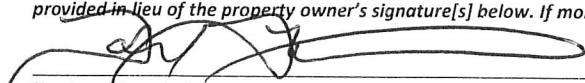
- ☐ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☐ Application Filing Fee, payable to City of Franklin:
 - ☒ \$1500, New Special Use over 4,000 square feet
 - ☐ \$1000 Special Use Amendment
 - ☐ \$750, New Special Use under 4,000 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).

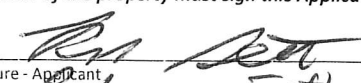
*Upon receipt of a complete submittal, staff review will be conducted within ten business days.

*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.

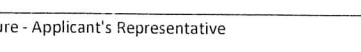
(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization 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).

Signature - Property Owner

Name & Title (PRINT) Robert Allen Settecase
Date: 5/22/20

Signature - Applicant

Name & Title (PRINT) Robert Settecase
Date: 5.22.20

Signature - Property Owner

Name & Title (PRINT) _____
Date: _____

Signature - Applicant's Representative

Name & Title (PRINT) _____
Date: MAY 22 2020

City Development

EXHIBIT A
LEGAL DESCRIPTION OF THE SHOPPING CENTER

PARCEL No.1 and No. 2,

Parcels 1 and 2 of Certified Survey Map No. 5375 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on February 15, 1990 in Volume 2420 of Certified Survey Maps, at page 890, as Document No. 6354945, being a re-division of Parcel 1 of Certified Survey Map No. 3247, Outlot 2 of Whitnall Edge Subdivision and unplatted lands in the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 5, Township 5 North, Range 21 East. Said lands being in the City of Franklin, County of Milwaukee, State of Wisconsin.

PARCEL No.2,

CERTIFIED SURVEY MAP NO. 5375, BEING A RE-DIVISION OF PARCEL NO. 1 OF C.S.M. NO. 3247, OUTLOT 2 OF WHITNAL EDGE SUBDIVISION, AND UNPLATTED LANDS IN THE NORTHWEST $\frac{1}{4}$ AND THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 5, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, as recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on February 15, 1990 at reel 2420, Image 890 to 893 inclusive, as Document No. 6354945.

Tax Key No., for Parcel No., 1: 705-8997-003

Tax Key No., for Parcel No., 2: 705-8997-004

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: Mega Media Xchange has always been a good neighbor in the city it is located and plans to follow the city of Franklin regulations it has set forth.

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: My current three locations have never had adverse effects on any adjacent properties and that will not change with the new location.

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: My current three locations have never interfered with surrounding development and that will not change with the new location.

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 space has all these items addressed and it will stay that way if I occupy the space.

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

Franklin
MAY 22 2020
Page | 1

congestion in the public streets.

Response: The current space has plenty of parking and my customer base visits the store consistently throughout the day.

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: This does not apply as it is an existing space with no outside alterations besides a sign.

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: Mega Media will conform with all rules and regulations for the city of Franklin.

- 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: Mega Media will conform with all rules and regulations for all special standards for the city of Franklin.

- 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: The city of Franklin does not have a business like Mega Media and it will serve as a family entertainment destination to save the customer money from purchasing items new and providing a service to customers that want to sell there unwanted items.

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.

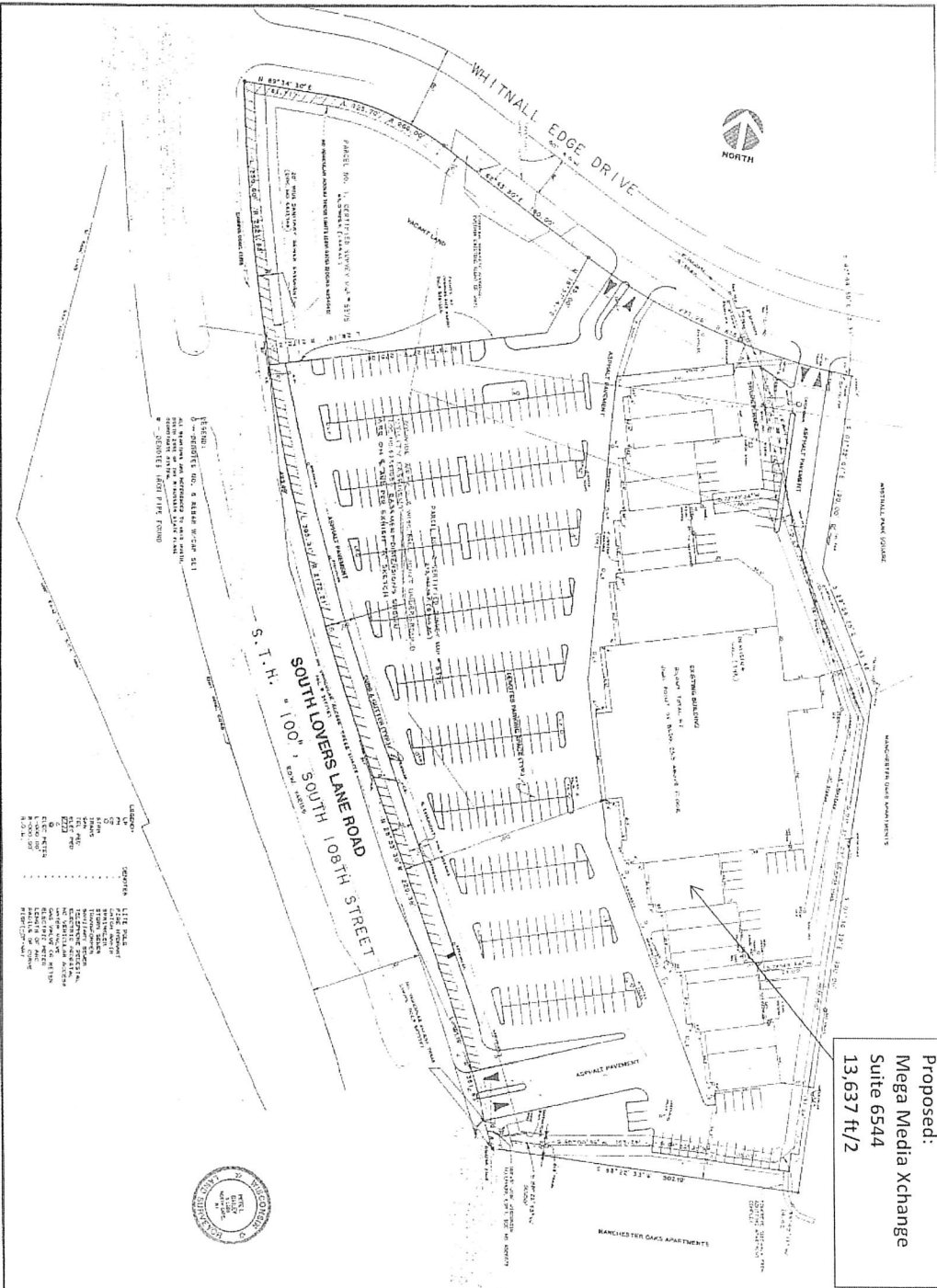
Response: Mega Media has had a location in Brookfield since 1998 with the same landlord and is only considering this location because of the relationship they have with the landlord.

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: Mega Media has always had only positive affects with it's current locations for 23 years and this will not change with a new location.

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: Mega Media is the only store that offers what it has and will not affect other stores in Franklin.



Proposed:
Mega Media Exchange
Suite 6544
13,637 ft²

Sheet 1 of 2	CITY OF FRANKLIN PLAT OF SURVEY/ ALTA BOUNDARY PREPARED FOR: BRADLEY OPERATING LIMITED PARTNERSHIP	DRAWN BY: PLB CHECKED BY: PLB PLOT SCALE: 1" = 40' DATE: 11/04/2004 JOB NO.: 2004276 DWG. FILE: J1204341	REVISION: DATE CLIENT NO: 00000	AMERICAN SURVEYING COMPANY, INC. 2201 CLIPPER AVENUE, SUITE 200 ST. LOUIS, MO 63114 TEL: (314) 433-1111 FAX: (314) 433-1112 WWW.AMSURVEYING.COM
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REPORT TO THE PLAN COMMISSION

Meeting of July 23, 2020

PLANNED DEVELOPMENT DISTRICT AMENDMENT AND CERTIFIED SURVEY MAP

RECOMMENDATION: City Development Staff recommends approval of the Planned Development District and Certified Survey Map applications for property located at 9720- 9750 S. Oakwood Park Drive

Project Name:	Wisconsin Commercial 2015, LLC Planned Development District Amendment (major) and Certified Survey Map
Project Address/Tax Key:	9750 S. Oakwood Park Drive/900 0010 005
Property Owner:	Wisconsin Commercial 2015, LLC
Applicant:	Wisconsin Commercial 2015, LLC
Current Zoning:	Planned Development District No. 18
2025 Comprehensive Plan:	Commercial
Action Requested:	Recommendation of approval of the proposed PDD Amendment Application and Certified Survey Map

PROJECT DESCRIPTION/ANALYSIS

The applicant filed a Planned Development District Amendment and Certified Survey Map requesting to subdivide the property located at 9750 S. Oakwood Park Drive.

The proposed Certified Survey Map subdivides the existing parcel into two separate lots. The property is proposed to be divided in half with Lot 1 having an area of 3.876 acres and Lot 2 having an area of 3.874 acres.

The property is currently developed with two buildings that share an access and loading area. The applicant is proposing the land division in order to sell the southern parcel, Lot 2.

PDD No. 18 currently requires a 15-foot parking and driveway setback from property lines that are not abutting a public right-of-way¹. The CSM results in driveway and parking setbacks that cross the proposed property line (i.e. a zero foot setback). Therefore, the CSM application was filed concurrently with a PDD Amendment Application that would allow the CDA to waive driveway and parking setbacks from interior property lines.

More specifically, the applicant is requesting to amend Section 15-3.0423 of the Unified Development Ordinance Planned Development District No. 18 (Franklin Business Park) to amend Section 13.(10) of Ordinance No. 93-1279 to insert the language below at the end of the "Parking and Driveway Setbacks" section:

"The driveway setback "Not abutting a public right-of-way provisions of Subsection (10) herein shall not apply to abutting properties which have been divided by an approved by the City certified survey map, which abutting properties share an existing driveway improvement upon the property to be divided, depicted upon the certified survey map as approved ... (see Section 1 of attached draft Ordinance for full text).

¹ One side yard may be less than 15 feet if that side yard is at least 10 feet and both side yards together are at least 30 feet.

Note there are no exterior site or building changes proposed. In addition, each building and lot conform to current PDD No. 18 standards, except for the driveway and parking lot setback as discussed above.

It can also be noted that similar language to waive building and parking setbacks from interior property lines can be found in the B-3 Community Business District and the OL-2 General Business Overlay District.

RECOMMENDATION

A motion to determine the proposed amendment to Planned Development District No. 10 to be a major amendment.

A motion to recommend approval of the Planned Development District Amendment.

A motion to recommend approval of the Certified Survey Map, subject to the approval of the concurrently submitted Planned Development District Amendment Application and recording of the cross-access easement with the Milwaukee County Register of Deeds.

RESOLUTION NO. 2020-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6566, RECORDED SEPTEMBER 29, 1998, AS DOCUMENT NO. 7607434, IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN
(WISCONSIN COMMERCIAL 2015, LLC)
(9750 SOUTH OAKWOOD PARK DRIVE)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being Parcel 3 of Certified Survey Map No. 6566, recorded September 29, 1998, as Document No. 7607434, in the NE 1/4 and SE 1/4 of the NE 1/4 of Section 26, Town 5 North, Range 21 East, City of Franklin, County of Milwaukee, State of Wisconsin, more specifically, of the property located at 9750 South Oakwood Park Drive, bearing Tax Key No. 900-0010-005, Wisconsin Commercial 2015, LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Community Development Authority and the Plan Commission and the Community Development Authority having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission and Community Development Authority recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Wisconsin Commercial 2015, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

WISCONSIN COMMERCIAL 2015, LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2020-_____

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3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
4. Wisconsin Commercial 2015, LLC, successors and assigns and any developer of the 2 lot certified survey map project 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 2 lot certified survey map project, 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.
5. The approval granted hereunder is conditional upon Wisconsin Commercial 2015, LLC and the 2 lot certified survey map project for the property located at 9750 South Oakwood Park Drive: (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.
6. The approval granted hereunder is conditional upon the adoption of an ordinance to amend §15-3.0423 of the Unified Development Ordinance Planned Development District No. 18 (Franklin Business Park) to amend section 13.(10) of Ordinance No. 93-1279, i.e., §15-3.0423(10), to allow the Community Development Authority to waive driveway setbacks from interior lot lines of a property zoned Planned Development District No. 18 when abutting a newly created by Certified Survey Map property zoned Planned Development District No. 18 and the properties share an existing driveway.
7. The applicant shall submit a written shared driveway easement, for City staff review and Common Council approval. The shared driveway easement shall be recorded with the Milwaukee County Register of Deeds Office concurrently with recording of the Certified Survey Map.
8. The applicant shall address and satisfy the Engineering Department comments in staff memorandum dated June 29, 2020, for Engineering Department review and approval, prior to the recording of the Certified Survey Map.

WISCONSIN COMMERCIAL 2015, LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2020-_____

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BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, Wisconsin Commercial LLC, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, Wisconsin Commercial LLC, 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

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 7-7-20]

ORDINANCE NO. 2020-_____

AN ORDINANCE TO AMEND §15-3.0423 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 18 (FRANKLIN BUSINESS PARK) TO AMEND SECTION 13.(10) OF ORDINANCE NO. 93-1279, *i.e.*, §15-3.0423(10), TO ALLOW THE COMMUNITY DEVELOPMENT AUTHORITY TO WAIVE DRIVEWAY SETBACKS FROM INTERIOR LOT LINES OF A PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT NO. 18 WHEN ABUTTING A NEWLY CREATED BY CERTIFIED SURVEY MAP PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT NO. 18 AND THE PROPERTIES SHARE AN EXISTING DRIVEWAY
(JOHN J. MALLOY, MANAGING MEMBER OF
WISCONSIN COMMERCIAL 2015, LLC)
(AT 9750 SOUTH OAKWOOD PARK DRIVE)

WHEREAS, §15-3.0423 of the Unified Development Ordinance provides for and regulates Planned Development District No. 18 (Franklin Business Park), same having been created by Ordinance No. 93-1279 and later amended by Ordinance Nos. 1997-1437, 2000-1627, 2003-1743, 2005-1851, 2012-2094 and 2015-2196; and

WHEREAS, Planned Development District No. 18 (Franklin Business Park) currently includes those lands legally described as follows:

PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6566, RECORDED SEPTEMBER 29, 1998, AS DOCUMENT NO. 7607434, IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN. Tax Key No. 900-0010-005; and

WHEREAS, John J. Malloy, managing member of Wisconsin Commercial 2015, LLC, having petitioned for a further amendment to Planned Development District No. 18 (Franklin Business Park) to allow the Community Development Authority to waive driveway setbacks from interior lot lines of a property zoned Planned Development District No. 18 when abutting another newly created by certified survey map property zoned Planned Development District No. 18 and the properties share an existing driveway [this application is in conjunction with a proposed Certified Survey Map to subdivide the property at 9750 South Oakwood Park Drive into two separate lots application]; and

WHEREAS, the subject petition was before the Community Development Authority on July 23, 2020, the Authority having recommended approval thereof to

the Common Council in conjunction with its and the Plan Commission's conditional approval of a Certified Survey Map for the Wisconsin Commercial 2015, LLC driveway setbacks from interior lot lines and land division project; and

WHEREAS, the City of Franklin Plan Commission on the 23rd day of July, 2020, having reviewed the proposed amendment to Planned Development District No. 18 and thereafter having recommended to the Common Council that the proposed amendment be approved subject to the conditions and restrictions included herewith; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Community Development Authority and Plan Commission and having determined that the proposed amendment to Planned Development District No. 18 (Franklin Business Park) 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: §15-3.0423 Planned Development District No. 18 (Franklin Business Park) of the Unified Development Ordinance of the City of Franklin is hereby amended to add the following as a separate paragraph at the end of the Subsection (10) existing text:

"The driveway setback "Not abutting a public right-of-way provisions of Subsection (10) herein shall not apply to abutting properties which have been divided by an approved by the City certified survey map, which abutting properties share an existing driveway improvement upon the property to be divided, depicted upon the certified survey map as approved, with an approximately equal area of such existing driveway being located on each of the abutting properties. Additionally, the driveway setback "Abutting any public right-of-way", "Abutting Franklin Drive" and "Abutting West Ryan Road" provisions of Subsection (10) herein, respectively, as applicable to the subject aforesaid abutting properties, shall not apply to the aforesaid abutting properties in the area of the shared existing driveway improvement where it enters a public right-of-way. The aforesaid existing driveway setback non-applicability provisions

are subject to the approval thereof by way of the issuance of a waiver of the stated Subsection (10) provisions by the Community Development Authority, upon its review and recommendation process of the subject certified survey map, and any site and building plan(s) applicable thereto. Any final approval by the Common Council of the subject certified survey map, additionally following the review and recommendation of the Plan Commission, shall be conditioned upon the execution and recording of a shared driveway easement binding the owner(s) of the aforesaid abutting properties, respective heirs, successors and assigns."

SECTION 2: All other applicable terms and provisions of §15-3.0423 Planned Development District No. 18 (Franklin Business Park) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Wisconsin Commercial 2015, LLC driveway setbacks from interior lot lines and land division project and property(ies) currently both located at 9750 South Oakwood Park Drive, and all Planned Development District No. 18 (Franklin Business Park) properties, and all terms and provisions of §15-3.0423 Planned Development District No. 18 (Franklin Business Park) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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

ORDINANCE NO. 2020-____

Page 4

Franklin this _____ day of _____, 2020.

APPROVED:

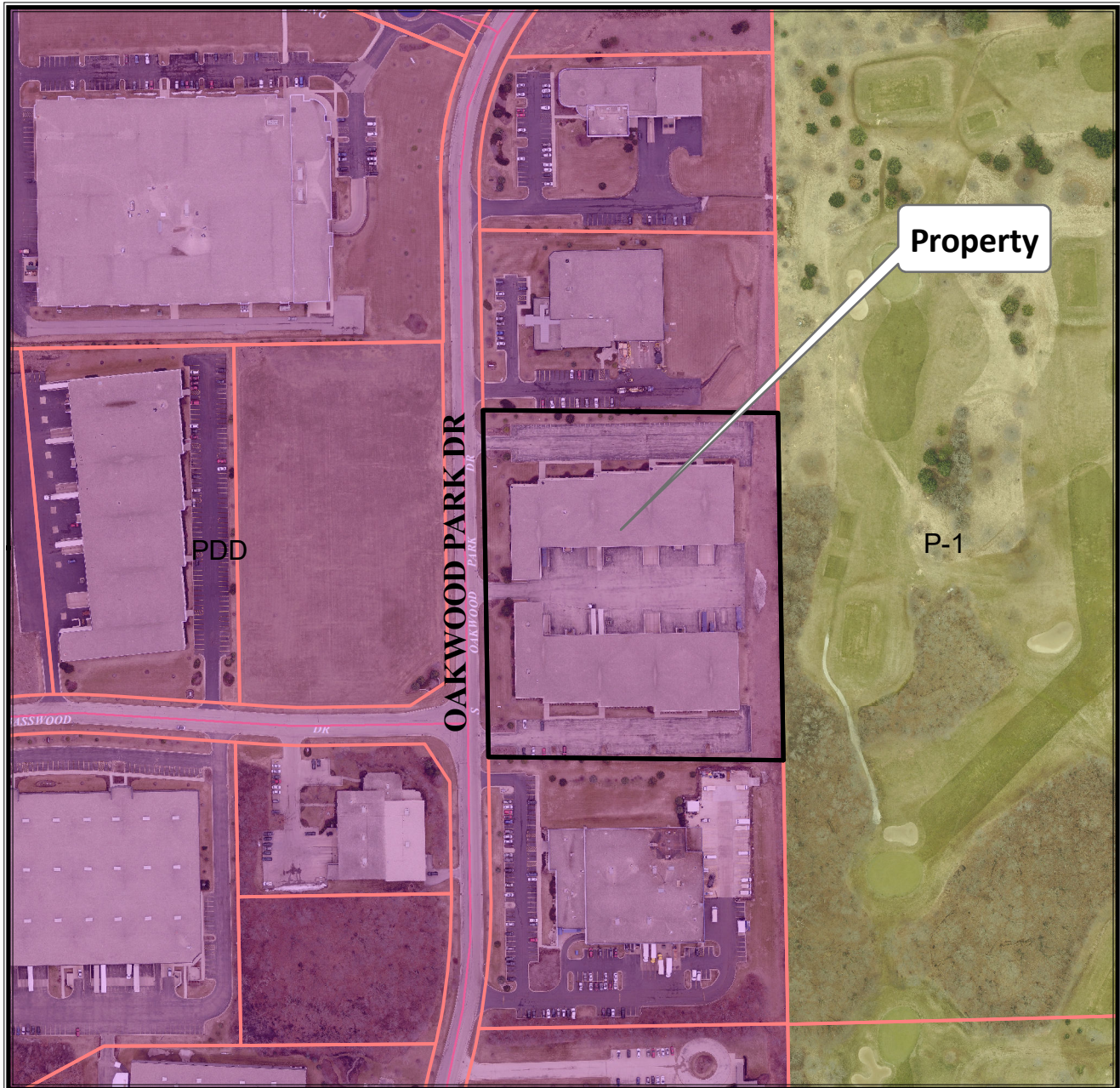
Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES __ NOES __ ABSENT __

9750 S. Oakwood Park Dr.
TKN: 900 0010 005



Planning Department
(414) 425-4024

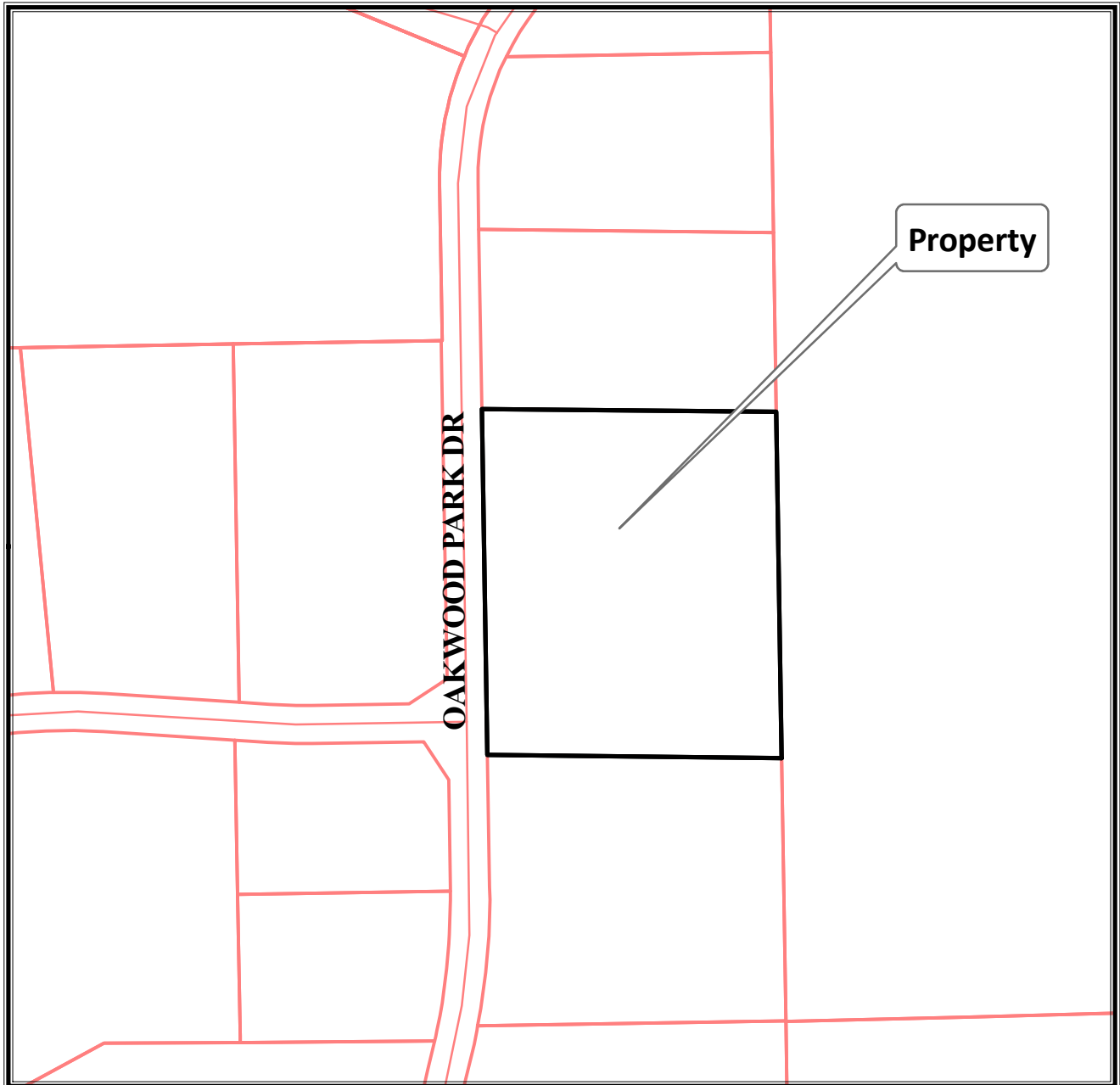
0 175 350 700 Feet

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



9750 S. Oakwood Park Dr.
TKN: 900 0010 005



Planning Department
(414) 425-4024

0 175 350 700 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.



Regulo Martinez-Montilva

From: John Malloy <jmalloy12855@gmail.com>
Sent: Wednesday, July 8, 2020 3:21 PM
To: Regulo Martinez-Montilva
Cc: Heath Eddy; Gail Olsen; Chavin, Barry; Christopher Carr; Adam J. Tutaj
Subject: Re: Staff comments - Major PDD amendment and CSM / 9720-9750 S Oakwood Park Dr
Attachments: CSM REVISED.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Regulo, attached is the revised CSM, reflecting the changes requested by the Department of City Development in comment 1 in your correspondence dated June 29, 2020. In addition, in response to comment 2, our engineering firm has confirmed that the Land/Building Ration requirement of the PDD No. 18 is met, i.e. no more than 75% of the site is covered with buildings, surface pavement or other covering materials which are impervious to surface water absorption. Our counsel is putting the finishing touches on the draft of the shared drive/cross-access easement, and I will share that with you as soon as it is available.

In regards to the Engineering Department comments, we will provide a water main easement that follows the template provided by the City. While we have the location of the hydrants on the survey, we do not have records of the water main. Can the City provide plans and/or locate the water main in the field in order for us to create the exhibits?

Thanks.

John

On Mon, Jun 29, 2020 at 11:29 AM Regulo Martinez-Montilva <RMartinez-Montilva@franklinwi.gov> wrote:

John,

I have attached staff comments regarding your Major Planned Development District (PDD) amendment and Certified Survey Map (CSM) applications. These applications are tentatively scheduled for the July 23, 2020, Plan Commission and Community Development Authority meetings; and August 4, Common Council meeting. The Department of City Development prepares packets for each meeting, so the applicant needs to submit revised application materials as follows:

- Plan Commission meeting, please submit 12 paper copies and 1 electronic copy by July 13.
- Community Development Authority (CDA), please submit 12 paper copies by July 13.
- Common Council meeting, resubmittal not required.

Plans should be folded to 8.5" x 11". Plan Commission meets at 7:00 p.m., CDA at 6:00 p.m. and Common Council at 6:30 p.m.

Feel free to call me if you have questions.

Regards,

Régulo Martínez-Montilva, AICP

Associate Planner - Department of City Development

City of Franklin

9229 W. Loomis Road

Franklin, WI 53132

Phone (414) 425-4024 / 427-7564

RMartinez-Montilva@franklinwi.gov



--

John J. Malloy

Managing Member

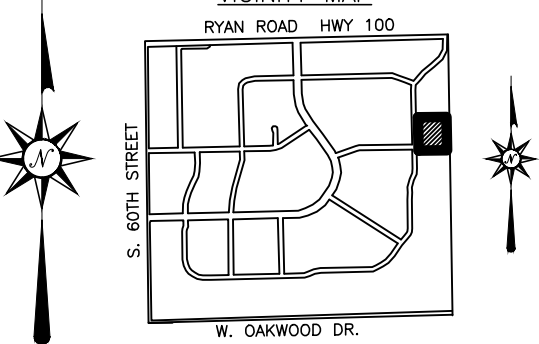
Wisconsin Commercial 2015 LLC

(414) 588-4363

jmalloy12855@gmail.com

CERTIFIED SURVEY MAP NO. _____

PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6566, RECORDED SEPTEMBER 29, 1998, AS DOCUMENT NO. 7607434, IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN



- LEGEND & NOTES:
- INDICATES FOUND 1" DIAM. IRON PIPE
 - INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.

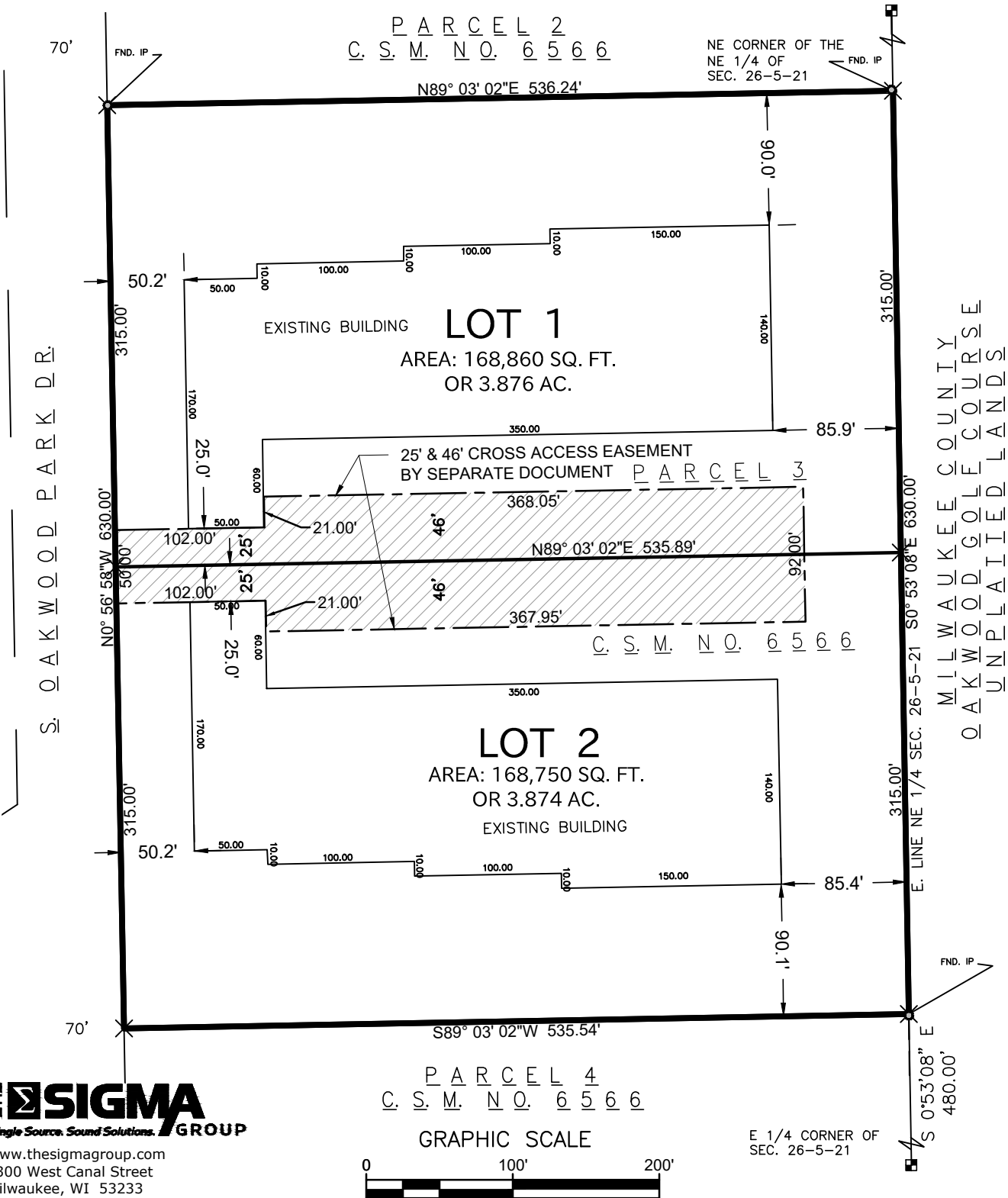
BEARINGS REFERENCED THE WISCONSIN STATE PLANE COORDINATE SYSTEM WITH THE EAST LINE OF THE NE 1/4 OF SEC. 26-5-21 ASSUMED TO BEAR N 0°53'08" W, AS PUBLISHED BY SEWRPC, NAD 1927.

EXISTING EASEMENTS AND SETBACKS SHOWN ON SHEET 2.

PROPERTY INFORMATION:
ADDRESS: 9720-9750 S OAKWOOD PARK DR
EXISTING ZONING: PDD NO. 18

LAND SURVEYOR:
BAIBA M. ROZITE
THE SIGMA GROUP
1300 W. CANAL ST.
MILWAUKEE, WI 53233

OWNER/SUBDIVIDER:
WISCONSIN COMMERCIAL LLC
757 N BROADWAY STE 700
MILWAUKEE WI 53202

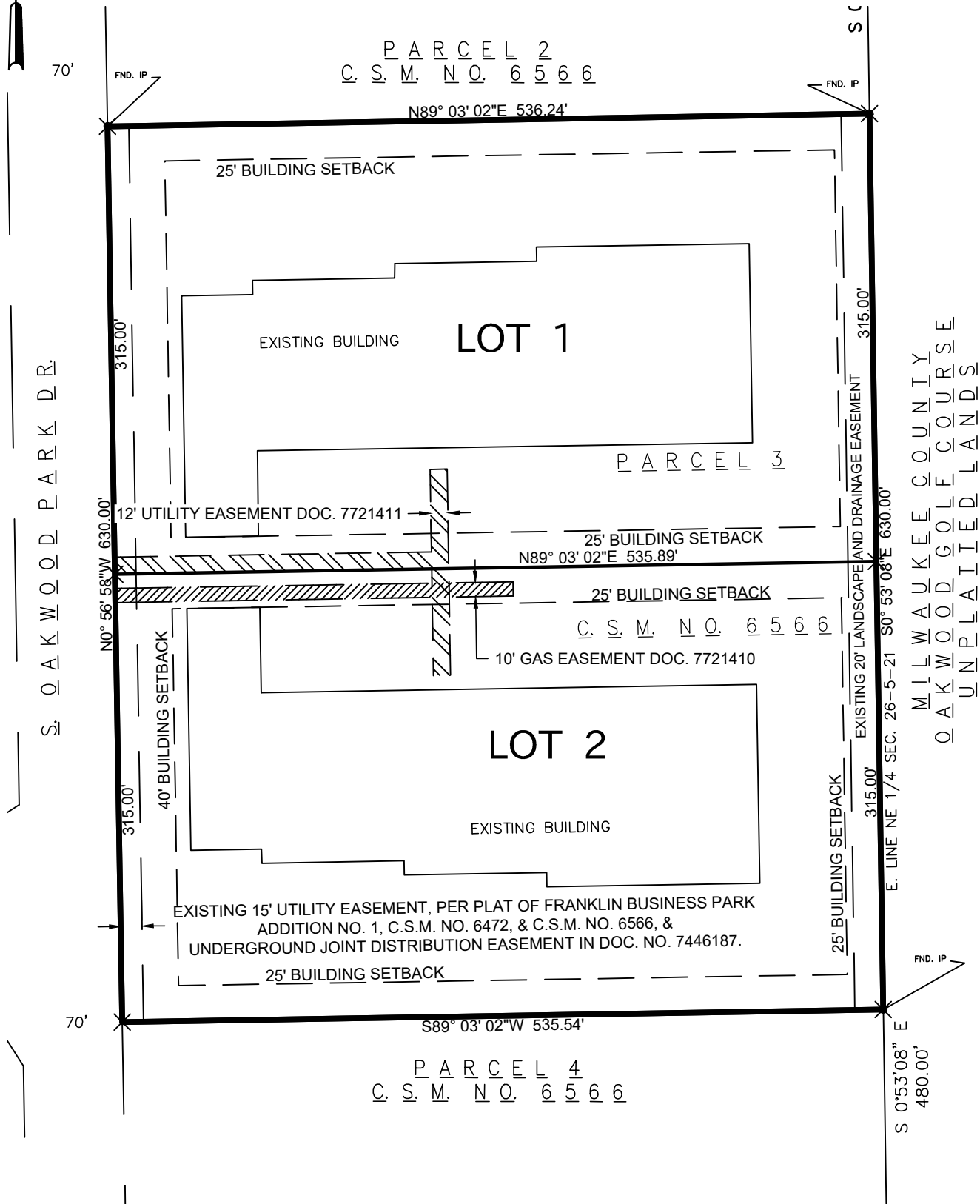


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EXISTING EASEMENTS & SETBACKS



www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

GRAPHIC SCALE



CERTIFIED SURVEY MAP NO. _____

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SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
SS
MILWAUKEE COUNTY)

I, Baiba M. Rozite, a Professional Land Surveyor, certify:

That I have surveyed, divided and mapped:

PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6566, RECORDED SEPTEMBER 29, 1998, AS DOCUMENT NO. 7607434, IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

Said parcel contains 337,610 square feet or 7.750 acres of land, more or less.

That I have made the survey, land division, and map by the direction of the owner of said land.

That the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with section 236.34 of the Wisconsin Statutes and the Unified Development Ordinance Division - 15 of the City of Franklin in surveying, dividing and mapping the same.

BAIBA M. ROZITE, PLS 2351 _____ DATE

CITY OF FRANKLIN COMMON COUNCIL APPROVAL

Approved and accepted by the Common Council of the City of Franklin by Resolution No. _____.

Signed this _____ day of _____

Signature: _____
Stephen Olson, Mayor

Signature: _____
Sandra L. Wesolowski, City Clerk



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OWNER'S CERTIFICATE

Wisconsin Commercial 2015, LLC, a Wisconsin limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said entity caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated as represented on this certified survey map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and the Unified Development Ordinance Division - 15 of the City of Franklin.

This agreement is binding on the undersigned and successors and assigns.

Date: _____

Wisconsin Commercial, LLC
By: Wisconsin Commercial 2015, LLC, its sole member

Signature: _____

Type or Print Name: John Malloy

Title: Managing Member

STATE OF _____)
)SS
_____ COUNTY)

Personally came before me this ____ day of _____, 20____, John Malloy, Managing Member of Wisconsin Commercial 2015, LLC, to me known to be the person who executed the foregoing instrument, and acknowledged that they executed the foregoing instrument as such officer on behalf of the entity, by its authority.

Notary Signature: _____

Print Notary Name: _____

Notary Public, State of _____. My commission expires: _____

(Notary Seal)



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1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

CERTIFIED SURVEY MAP NO. _____

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MORTGAGEE'S CERTIFICATE OF CONSENT

TOWN BANK, N.A., A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF _____, MORTGAGEE OF THE HEREIN DESCRIBED LAND, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING AND MAPPING OF THE LAND AS REPRESENTED ON THIS MAP AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF WISCONSIN COMMERCIAL 2015, LLC, OWNER.

IN WITNESS WHEREOF, THE SAID TOWN BANK HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____, ITS _____, THIS ____ DAY OF _____, 20____.

SIGNATURE

STATE OF WISCONSIN))SS
MILWAUKEE COUNTY)

PERSONALLY CAME BEFORE ME THIS ____ DAY OF _____, 20____, _____, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE THE _____ OF TOWN BANK, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT BY ITS AUTHORITY.

(SEAL) NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES _____.



www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

WISCONSIN COMMERCIAL 2015, LLC
PROJECT SUMMARY
JUNE 2020

Wisconsin Commercial, LLC is the owner of the property at 9720-9750 S. Oakwood Park Drive in Franklin, WI. ("Property"), having acquired the Property in April 2007. Wisconsin Commercial 2015 LLC is the sole Member of Wisconsin Commercial, LLC. The Property resides within the boundaries of Planned Development District No. 18 ("PDD No. 18").

The Property is comprised of two mirror-image buildings, each approximately 54,400 SF in size. The North Building is located at 9720 S. Oakwood Park Drive, and the South Building is located at 9750 S. Oakwood Drive. Each building has its own parking lot accessible off Oakwood Park Drive: the North Building's parking lot to the north side of that building, and the South Building's parking lot to the south side of that building. The buildings share a truck court in between the two buildings.

In early 2020, a potential Buyer contacted the Broker for Wisconsin Commercial, LLC, indicating that they needed up to 40,000 SF of contiguous space to relocate warehouse and distribution operations currently maintained elsewhere in the City of Milwaukee. The Buyer, a regional distributor of passenger and light truck tires, as well as agricultural, industrial and specialty tires, indicated that their strong preference was to own the building they would occupy. After touring properties throughout the metro Milwaukee area, they concluded that the South Building best met its needs.

Wisconsin Commercial 2015, LLC and the Buyer have a fully-executed Offer To Purchase ("OTP") for the South Building that contemplates that the Property would be split down the middle of the truck court that is between the North and South Buildings. The result would be that each building would retain its separate parking lot, with the truck court being shared subject to an easement entered into by the parties on or before closing of the sale. The easement will address, among other things, City of Franklin prohibitions on outdoor storage and the like. A new Certified Survey Map would be completed by The Sigma Group for purposes of separating the parcels into two. **When the parcels are split in the middle of the truck court, we will end up with 0' pavement setback on the interior line in this location.**

Representatives of Wisconsin Commercial 2015, LLC have been in contact with City of Franklin Planning Department since the OTP was executed and, along with a representative of The Sigma Group, participated in a pre-application conference call on June 8, 2020.

City of Franklin

Department of City Development

Date: June 29, 2020

To: John J. Malloy. Wisconsin Commercial 2015, LLC

From: Department of City Development Staff

RE: Applications for Major Planned Development District (PDD) amendment and Certified Survey Map (CSM) – 9720-9750 Oakwood Park Drive

Below are comments and recommendations for the proposed Planned Development District Amendment and Certified Survey Map submitted by Wisconsin Commercial 2015, LLC for property located at 9720-9750 S. Oakwood Park Drive.

Department of City Development comments

1. Per Section 15-7.0702 of the UDO, please show correctly on the face of the CSM, in addition to the information required by § 236.34 of the Wisconsin Statutes, the following:
 - a. **Owner, Subdivider, Land Surveyor.** Name and address of the owner, Subdivider, and Land Surveyor.
 - b. **Existing Zoning.** The Certified Survey Map shall indicate on its face the current zoning and zoning boundary lines of all parcels, lots or outlots proposed to be created by the Certified Survey Map.
2. Please confirm that the Land/Building Ratio requirement of the PDD No. 18 (below) is met.

“No more than 75 percent of any site shall be covered with buildings, surface pavement or other covering materials which are impervious to surface water absorption.”
3. Please provide a draft copy of the shared drive/cross-access easement.
4. Per the Declaration of Protective Covenants for Franklin Business Park section 21 Right to Re-Subdivide, a re-subdivision shall not be permitted without prior approval by the Association and the CDA. Approval e-mail received on June 25, 2020.

Engineering Department comments

5. *The proposed PDD Amendment must be approved first before the approval of this proposal.*
6. *Prepare water main easement for the existing hydrants within the property for the City of Franklin to take over for its maintenance. The easement must be submitted for the City's review and approval. This easement should also be depicted on this proposal.*
7. *Must resolve any technical issues identified by the Milwaukee County.*
8. *There is a private storm drainage system between the two buildings. They need to show that on the proposed certified survey map. Please send us a copy of the maintenance agreement of the storm drainage system.*

Date of Application: 06/10/2020

CERTIFIED SURVEY MAP (CSM) APPLICATION

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

Applicant (Full Legal Name[s]):

Name: John J Malloy
Company: Wisconsin Commercial 2015 LLC
Mailing Address: 757 N. Broadway, Suite 700
City / State: Milwaukee, WI. Zip: 53202
Phone: (414) 588-4363
Email Address: jmalloy12855@gmail.com

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

Name: Christopher Carr
Company: The Sigma Group
Mailing Address: 1300 W. Canal Street
City / State: Milwaukee, WI. Zip: 53202
Phone: (414) 643-4163
Email Address: ccarr@thesigmagroup.com

Project Property Information:

Property Address: 9720-9750 Oakwood Drive
Property Owner(s): Wisconsin Commercial 2015 LLC

Mailing Address: 757 N. Broadway, Suite 700
City / State: Milwaukee, WI. Zip: 53202
Email Address: jmalloy12855@gmail.com

Tax Key Nos: 900-0010-005

Existing Zoning: PDD#18
Existing Use: Office, Industrial & Commercial Mixed Use
Proposed Use: Office, Industrial & Commercial Mixed Use
CMP Land Use Identification: _____

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

Certified Survey Maps shall be prepared as provided in § 236.34 (1m) (c) Wis. Stats. and Division 15-7.0700 of the Unified Development Ordinance.

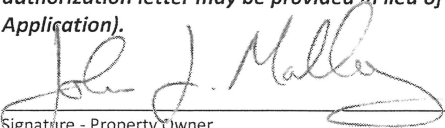
Certified Survey Map submittals for review must include and be accompanied by the following:

- ☒ Milwaukee County Review Fee, payable to Milwaukee County Register of Deeds: \$75
 - ☒ Two (2) original map copies for Milwaukee County review, prepared at 8-1/2" wide by 14" long on durable white paper.
- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☒ Application Filing Fee, payable to City of Franklin: \$1,500
- ☒ Seven (7) complete sets of Application materials, for City of Franklin review to include:
 - ☒ Project Summary: a written detailed description of the project: One (1) original and six (6) copies
 - ☒ Map Copies: One (1) original map copy and six (6) map copies prepared at 8-1/2" wide by 14" long and must be clearly legible.
- ☐ As may be required, seven (7) copies of a "Natural Resource Protection Plan and "Landscape Plan" for any landscape bufferyard easement areas.
- ☐ If applicable, three (3) copies of the Natural Resource Protection report (see Division 15-9.0309D of the UDO).
- ☐ If applicable, one copy of the Site Intensity and Capacity Calculations (see Division 15-3.0500 of the UDO).
- ☒ Email (or CD ROM) with all plans and submittal materials in Adobe PDF. (May be waived by City Planner.)

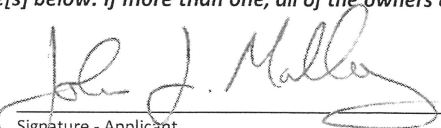
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- All Certified Survey Map requests require Plan Commission review and Common Council approval.
- All Certified Survey Map requests shall comply with Chapter 236 of the Wisconsin State Statutes.

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
John J Malloy Managing Member
Name & Title (PRINT)

Date: 06/10/2020


Signature - Applicant
John J Malloy Managing Member
Name & Title (PRINT)

Date: 06/10/2020

Signature - Property Owner

Name & Title (PRINT)

Date: _____

Signature - Applicant's Representative

Name & Title (PRINT)

Date: _____

Date of Application: 06/10/2020

PLANNED DEVELOPMENT DISTRICT (PDD) APPLICATION

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

Applicant (Full Legal Name[s]):

Name: John J. Malloy
Company: Wisconsin Commercial 2015, LLC
Mailing Address: 757 N. Broadway, Suite 700
City / State: Milwaukee, WI. Zip: 53202
Phone: (414) 588-4363
Email Address: jmalloy12855@gmail.com

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

Name: Christopher Carr
Company: The Sigma Group
Mailing Address: 1300 W. Canal Street
City / State: Milwaukee, WI. Zip: 53202
Phone: (414) 643-4163
Email Address: ccarr@thesigmagroup.com

Project Property Information:

Property Address: 9750 S. Oakwood Park Drive
Property Owner(s): Wisconsin Commercial 2015, LLC
Mailing Address: 757 N. Broadway, Suite 700
City / State: Milwaukee, WI. Zip: 53202
Email Address: jmalloy12855@gmail.com

Tax Key Nos: 900 0010 005
Existing Zoning: PDD#18
Existing Use: Office, Industrial & Commercial Mixed Use
Proposed Use: Office, Industrial & Commercial Mixed Use
Future Land Use Identification: Office, Industrial & Commercial Mixed Use

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

PDD 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:
 - ☐ \$6000, PDD-New
 - ☒ \$3500, PDD Major Amendment
 - ☐ \$500, PDD Minor Amendment
- ☒ Legal Description for the subject property (WORD.doc or compatible format).
- ☒ Seven (7) complete **collated** sets of Application materials to include:
 - ☒ One (1) original and six (6) copies of a written Project Summary, (description of the proposed development of the property to include the proposal's intent, impacts, and consistency with the Comprehensive Master Plan, 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, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc. (See Sections 15-7.0101, 15-7.0301, and 15-5.0402 of the UDO for information that must be denoted or included with each respective plan.)
 - ☒ Four (4) **folded reduced size** (11"x17") copies of the Site Plan package.
- ☐ One colored copy (11"x17") of the building elevations, if applicable.
- ☐ One copy of the Site Intensity and Capacity Calculations, if applicable (see Division 15-3.0500 of the UDO).
- ☐ Three copies of the Natural Resource Protection Plan report, if applicable (see Section 15-4.0102 and 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.
- PDD and Major PDD Amendment requests require Plan Commission review, a public hearing, and Common Council approval.
- Minor PDD Amendment requests require Plan Commission review 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).

Signature - Property Owner
John J Malloy Managing Member

Name & Title (PRINT)

Date: 06/10/2020

Signature - Applicant
John J Malloy Managing Member

Name & Title (PRINT)

Date: 06/10/2020

Signature - Property Owner

Name & Title (PRINT)

Date:

Signature - Applicant's Representative

Name & Title (PRINT)

Date:



RE: Franklin Business Park Association

Joe A Bukovich <jbukovich@pointre.com>
To: John Malloy <jmalloy12855@gmail.com>
Cc: "Barry S. Chavin" <Barry.Chavin@ngkf.com>

Good Morning John,

On behalf of the Franklin Business Park Association Review Board, please accept this email as the Boards's approval to subdivide Parcel 3 of CSM No. 6566 in

Thank you,

Joe

Joseph A. Bukovich, P.E.

Vice President Development

MLG Capital

19000 W. Bluemound Road

Brookfield, WI 53045

(262) 424-5997 (mobile)

(414) 908-9157 (fax)



From: John Malloy <jmalloy12855@gmail.com>
Sent: Wednesday, June 24, 2020 2:09 PM
To: Joe A Bukovich <jbukovich@pointre.com>; Joe A Bukovich <jbukovich@pointre.com>
Cc: Barry S. Chavin <Barry.Chavin@ngkf.com>
Subject: Re: Franklin Business Park Association

Joe, thanks for taking time to talk this afternoon about our Building sale in Franklin. Attached to this e-mail is the Project Summary and the CSM. Please take a any questions. Otherwise, please indicate the Association's approval of our plan.

<https://mail.google.com/mail/u/0?ik=332b6a0b89&view=pt&search=all&permmsgid=msg-f%3A1670487633124003522&simpl=msg-f%3A1670487633124003>