

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, AUGUST 2, 2016 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes:
Regular Common Council Meeting of July 19, 2016.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Donation from Pensec, Inc. (McDonalds-Franklin) in the amount of \$500 to the Police Department for National Night Out.
 - 2. Presentation by Diane Zettelmeier, Program Coordinator on the Wisconsin Home Energy Assistance Program (Alderman Steve Taylor).
 - 3. Concept Review for a Proposed Mixed Use Development Upon Property Located at 7333 South 27th Street (Zilber Ltd., Applicant).
 - 4. Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Retail Pet Supply Store Use upon Property Located at 7700 South Lovers Lane Road, Suite 210 (The Shoppes at Wyndham Village) (Kenneth Paul Lavigne and Tiffany Lyn Lavigne, D/B/A/ Happy Tails Pet Supplies LLC, Applicants).
 - 5. Request by Alderman Dandrea for Reconsideration of Action Taken at 7/19/2016 Common Council Meeting to Adopt Resolution No. 7213, a Resolution to Amend Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091 Imposing Conditions And Restrictions for the Approval of a Special Use for a 44 Unit Residential Community Use Located at West Tuckaway Pines Circle to Allow for Construction of Six Two-Unit Buildings (Buildings 0, 1, 2, 5, 10 And 11) Within The Tuckaway Pines Condominium Development to be Located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11) (Butler Creek Properties, LLC, Applicant).
 - 6. An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 “Religious Organizations” to Allow for Such Use as a Permitted Use in The B-3 Community Business District (Root River Church Inc., Applicant); B-3 Community Business District Standard Industrial

Common Council Meeting Agenda

August 2, 2016

Page 2

Classification Category Title No. 86 "Membership Organizations" Permitted and Special Uses Unified Development Ordinance Requirements Department of City Development Staff Review and Recommendation.

7. Economic Development Update Presentation.
8. 2016 Information Services and Police Department Information Technology-Related Capital Outlay Budget: Project and Expenditure Plan.
9. Transfer of Street Improvement Funds From St. Martins Road to W. Elm Court and S. 83rd Street as Part of 2016 Local Street Improvement Program.
10. An Ordinance to Amend the Municipal Code to Allow Board, Commission and Committee Member Appointment Confirmation Action by the Common Council to Include More than a Singular Nominee by Deleting the Requirement that Each Nominee Submitted for Common Council Confirmation Shall be Voted Upon by the Common Council Separately (Ald. Taylor).
11. Duties and Authority of Building Inspectors.
12. June 2016 Quarterly Financial Report.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of August 2, 2016.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

[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:

August 4	Plan Commission Meeting	7:00 p.m.
August 9	Partisan Primary Election	7:00 a.m.-8:00 p.m.
August 16	Common Council Meeting	6:30 p.m.
August 18	Plan Commission Meeting	7:00 p.m.

Pyramax Bank; \$1,000 from Northwestern Mutual; \$500 from WE Energies; \$2,000 from Waterstone Bank; and \$100 from Victory Creek Accounting LLC; and

G.1.(b) For the 2017 Bike Rodeo from Ronald Toro in the amount of \$100 for bicycle bells.

Seconded by Alderman D. Mayer. All voted Aye; motion carried.

AMEND UDO FOR
RELIGIOUS
ORGANIZATIONS USE IN
B-3 DISTRICT (ROOT
RIVER CHURCH, INC.,
APPLICANT)

G.2. Alderman Taylor moved to refer the proposed Ordinance to amend the Unified Development Ordinance text to allow for religious organizations as a permitted use in the B-3 Community Business District (Root River Church, Inc., Applicant) to the City Attorney to review and provide alternatives for all available options for a temporal use. Seconded by Alderman D. Mayer. On roll call, Alderman D. Mayer, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber voted Aye; Alderman Dandrea voted No. Motion carried.

RES. 2016-7213
AMEND RES. 2001-5145,
2001-5317, 2005-5865 AND
2006-6091 FOR SPECIAL
USE AT WEST TUCKAWAY
PINES CIRCLE

G.3. Alderman Dandrea moved to adopt Resolution No. 2016-7213, A RESOLUTION TO AMEND RESOLUTION NOS. 2001-5145, 2001-5317, 2005-5865 AND 2006-6091 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A 44 UNIT RESIDENTIAL COMMUNITY USE LOCATED AT WEST TUCKAWAY PINES CIRCLE TO ALLOW FOR CONSTRUCTIONS OF SIX TWO-UNIT BUILDINGS (BUILDINGS 0, 1, 2, 5, 10 AND 11) WITHIN THE TUCKAWAY PINES CONDOMINIUM DEVELOPMENT TO BE LOCATED AT 7556, 7558, 7560 WEST TUCKAWAY PINES CIRCLE (BUILDING 0), 7530, 7532, 7534 WEST TUCKAWAY PINES CIRCLE (BUILDING 2), 7501, 7503, 7505 WEST TUCKAWAY PINES CIRCLE (BUILDING 5), 7543, 7545, 7547 WEST TUCKAWAY PINES CIRCLE (BUILDING 10) AND 7542, 7544, 7546 WEST TUCKAWAY PINES CIRCLE (BUILDING 11)(BUTLER CREEK PROPERTIES, LLC, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

CONTRACT FOR
WETLAND
DETERMINATION/DELINE
ATION ON S. 36TH ST. & W.
MADISON BLVD.

G.4. Alderman D. Mayer vacated his seat at 7:35 p.m.

Alderwoman Wilhelm moved to approve R.A. Smith National Professional Services Contract for wetland determination/delineation in vicinity of S. 36th Street and W. Madison Boulevard for \$2,500 pending review by City legal staff. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- FRANKLIN SR. CITIZENS TRAVEL PROGRAM UPDATE
- G.5. Alderman Taylor moved to receive and place on file the Franklin Senior Citizens Travel Program update for 2016. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- FRANKLIN SR. CITIZENS, INC. UPDATE
- G.6. Alderman Taylor moved to receive and place on file the semi-annual update for Franklin Senior Citizens, Inc. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- Alderman D. Mayer returned to his seat at 7:38 p.m.
- RES. 2016-7214
COMMUNICATIONS SYSTEM AGREEMENT WITH MOTOROLA SOLUTIONS, INC./BAYCOM, INC.
- G.8. Alderman Taylor moved to adopt Resolution No. 2016-7214, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A COMMUNICATIONS SYSTEM AGREEMENT WITH MOTOROLA SOLUTIONS, INC./BAYCOM, INC. FOR POLICE DEPARTMENT DISPATCH CONSOLES IN FURTHERANCE OF THE INTERGOVERNMENTAL AGREEMENT WITH MILWAUKEE COUNTY FOR ACCESS TO THE MILWAUKEE COUNTY 800 MHZ PROJECT 25 TRUNKED RADIO SYSTEM. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- MOU WITH INT. ASSOC. OF FIRE FIGHTERS FOR DUTY ASSIGNMENT AND STAFFING
- G.9. Alderman Taylor moved to authorize the Fire Chief and Director of Administration to finalize and execute a Memorandum of Association of Fire Fighters, Local 2760, for the creation of duty assignment of Fire Inspector consistent with the plan discussed herein and in a form as determined jointly by the Fire Chief and Director of Administration. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- Alderman Wilhelm moved to authorize reducing the "Fire Marshal" staffing authorization by one and increasing the "Paramedic/Firefighter" staffing authorization by one. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2016-7215
AMEND RES. 2016-7212
ACCEPTANCE OF EASEMENTS FOR TUCKAWAY SHORES CONDOMINIUMS
- G.10. Alderman Wilhelm moved to adopt Resolution No. 2016-7215, A RESOLUTION TO AMEND RESOLUTION NO. 2016-7212, A RESOLUTION FOR ACCEPTANCE OF TEMPORARY AND PERMANENT STORM DRAINAGE EASEMENTS FOR TUCKAWAY SHORES CONDOMINIUMS, TUCKAWAY SHORES CONDOMINIUMS ADDITION #1 AND TUCKAWAY SHORES CONDOMINIUMS ADDITION #3 LOCATED ON

S. TUCKAWAY SHORES DRIVE. Seconded by Alderman Dandrea. All voted Aye; motion carried.

4TH OF JULY PARADE
SPACE, RESERVATION,
LENGTH OF ROUTE (ALD.
D. MAYER)

G.7. Mayor Olson vacated his seat at 7:47 p.m. and passed the gavel to Council President Wilhelm who then chaired the meeting. Mayor Olson returned to his seat at 7:49 p.m. and returned to chairing the meeting.

Alderman D. Mayer moved to refer the length of the 4th of July parade route and reservations of space along the route to Civic Celebrations Committee for review. Seconded by Alderman Barber. All voted Aye; motion carried.

SPECIAL ASSESSMENTS
FOR INSTALLING STREET
LIGHTS ON S. 27TH ST.

G.11. Alderman Taylor moved to assess for new standard lighting on S. 27th Street from W. Rawson Avenue to W. Villa Drive, with the Tax Increment District to pay the additional cost for decorative lighting on the entire project. Seconded by Alderman Dandrea. All voted Aye; motion carried.

CONSTRUCTION BIDS FOR
BRIDGE ON W. ST
MARTINS RD. OVER TESS
CORNERS CREEK

G.12. Alderman Taylor moved to reject all bids for the W. St. Martins Road/Tess Corners Bridge Project and instruct staff to rebid later in 2016. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

AMENDING POSITION
CLASSIFICATION PLAN
FOR INFORMATION
SERVICES DIR. AND
ECONOMIC DEV. DIR.

G.13. Alderman Taylor moved to approve that the job factor analysis score in the Position Classification Plan for Non-Represented Employees for the position of Information Services Director and the position of Economic Development Director be amended to 680 points and 675 points, respectively, resulting in a change for both positions from Grade 10 to Grade 11; and that the Director of Administration is directed to amend the Employee Handbook as appropriate. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. 2016-7216
REVISE THE FUND
BALANCE POLICY

G.14. Alderman Taylor moved to adopt Resolution No. 2016-7216, A RESOLUTION TO REVISE THE FUND BALANCE POLICY OF THE CITY OF FRANKLIN. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2016-7217
AMEND ORD. 2015-2198 TO
RECLASSIFY
CONTINGENCY
APPROPRIATIONS

G.15. Alderman Dandrea moved to adopt Ordinance No. 2016-7217, AN ORDINANCE TO AMEND ORDINANCE NO. 2015-2198, AN ORDINANCE ADOPTING THE 2016 ANNUAL BUDGETS FOR THE GENERAL FUND, CAPITAL OUTLAY AND CAPITAL IMPROVEMENT FUNDS FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2016, TO MOVE CONTINGENCY APPROPRIATION TO

CLASSIFIED ACCOUNTS AND PROVIDE ADDITIONAL APPROPRIATIONS FOR THE WEST ST. MARTIN'S ROAD CULVERT REPLACEMENT. Seconded by Alderman Taylor. All voted Aye; motion carried.

MAY FINANCIAL REPORT G.16. Alderman Taylor moved to receive and place on file May, 2016 Monthly Financial Report. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

LICENSES AND PERMITS H.1. Alderman Taylor moved to approve the following:
Grant 2016-2017 Operator's licenses to Qyinn Applin, 4521 W. Ramsey Ave., #65, Greendale; Ciara Duffy, 8039 S. 85th St., Franklin; Emily Kleist, W198S10993 Racine Ave., Muskego; Andrew Martel, 2211 W. Vista Bella Dr., Oak Creek; Mark Mastrostefano, 8575 W. Woodfield Ct., Franklin; Dylan McHugh, 1850 New St., #201, Union Grove; Kristen Menzel, 6938A S. Howell Ave., Oak Creek; Olyvia Moczynski, W148S8290 Harvest Ct., Muskego; Cassandra Pofahl, 1311 S. 106th St., West Allis; Syed Rafiuddin, 10380 W. Plum Tree Cir., #104, Hales Corners; Bobette Sakiewicz, 9205 S. Orchard Park Cir., #2A, Oak Creek; Jeffrey Terp, 26430 Grace Dr., Wind Lake; Balbir Toor, 3840 W. Jerelin Dr., Franklin; Teresa Woychik, 6923 Bay Wood Dr., Racine;
Hold 2016-2017 Operator license application for appearance from Jessica Curler, S77W18513 Janesville Rd., #A5, Muskego; Beth Potrykus, 7134 Brunn Dr., Franklin; Jonah Spaay, 5819 Dale Ln., Greendale;
Deny 2016-2017 Operator license for falsifying application and as a habitual law offender to Bryttnie Tarczewski, 10804 S. Richard Rd., Oak Creek; and to Jamie Coss, 8410 Horizon Dr., Burlington;
Grant 2016-2017 Change of Agent for Walgreen #15020, Victoria G Kroeger;
Grant the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant for the Franklin Police Citizen Academy Alumni for their K9 Fundraiser at the Lions Legend Park I;
Grant Temporary Class B Beer to Franklin Lions Club (David Lindner) for St Martins Fair Beer Tent;
Grant Temporary Entertainment & Amusement license to the American Legion Willey-Herda Post 192 (Gretchen Davies) for their Fish Bowl Game at St. Martins Fair pending verification of compliance with §945.
Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderman Dandrea moved to approve net general checking account City vouchers in the range of Nos. 161272 through 161557 in the amount of \$1,632,754.85 dated June 24, 2016 through July 14, 2016. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderman Taylor moved to approve net payroll dated July 8, 2016 in the amount of \$362,396.11 and payments of the various payroll deductions in the amount of \$203,396.79 plus any City matching payments where required. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Alderman Dandrea moved to approve estimated net payroll dated July 24, 2016 in the amount of \$393,700 and payments of the various payroll deductions in the amount of \$374,400 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

Alderman Dandrea moved to approve property tax refunds Nos. 16405 through Nos. 16406 in the amount of \$2,214.14 dated June 17, 2016 through July 14, 2016. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:07 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>8/02/2016</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>2016 NATIONAL NIGHT OUT DONATION</p>	<p>ITEM NUMBER</p> <p><i>G.I.</i></p>

The City of Franklin Police Department has received a donation from the following business to be put toward the purchase of materials for the 2016 National Night Out Event to be held on August 1.

Pensec, Inc. (McDonalds-Franklin)	\$500.00
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COUNCIL ACTION REQUESTED

Motion to accept the donation from Pensec, Inc. (McDonalds-Franklin) in the amount of \$500 for deposit into the Crime Prevention Donation Account to be used for the purchase of materials for the 2016 National Night Out Event.

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APPROVAL <i>Slw</i> <i>mw & jt</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/02/2016
REPORTS & RECOMMENDATIONS	Presentation by Diane Zettelmeier, Program Coordinator, on the Wisconsin Home Energy Assistance Program (Alderman Steve Taylor)	ITEM NUMBER <i>6.2.</i>

The Wisconsin Home Energy Assistance Program (WHEAP) provides assistance to Wisconsin qualified residential households for heating costs, electric costs, and energy crisis situations across the state. Operating with federal and state funding, this program provides an annual heating and electric benefit to applicants. In addition, applicants may be eligible for specialized services including emergency fuel assistance, counseling for energy conservation and energy budgets, pro-active co-payment plans, targeted outreach services, and emergency furnace repair and replacement. In the 2016 season, over 56,000 residents received almost \$31 million in benefits and crisis assistance in Milwaukee County alone. Although many households receive these benefits, there are still many unaware of the program or that they may qualify.

Alderman Steve Taylor invited Diane Zettelmeier, Milwaukee County Program Coordinator for the Wisconsin Home Energy Assistance Program, to make a presentation to the Common Council at their August 2, 2016 meeting on the WHEAP program. There is belief that there are residents in Franklin who could benefit from this program, and this is the first step in getting this information out to residents. Additionally, Milwaukee County would like to include an article or insert into the next City newsletter pertaining to the Wisconsin Home Energy Assistance Program.

COUNCIL ACTION REQUESTED

None or as determined by the Common Council.

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COMMON COUNCIL</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/02/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">CONCEPT REVIEW FOR A PROPOSED MIXED USE DEVELOPMENT UPON PROPERTY LOCATED AT 7333 SOUTH 27TH STREET (ZILBER LTD., APPLICANT)</p>	<p style="text-align: center;"><i>G.3.</i></p>

Introduction

On July 25, 2016, a Concept Review Application was filed with the Department of City Development for a proposed mixed use development upon property located at 7333 South 27th Street.

The subject property is approximately 18.07-acres and is generally located north of Platt Construction and Northwestern Mutual, south of West Minnesota Avenue, east of vacant land owned by Northwestern Mutual and South 31st Street, and west of South 27th Street and vacant land in the City of Oak Creek. The property is currently vacant and was previously a potential site for a YMCA and medical office development.

The surrounding zoning includes R-6 Suburban Single-Family Residence District to the north, B-4 South 27th Street Mixed Use Commercial District and R-6 Residence District/OL-1 Overlay District to the south, City of Oak Creek to the east and B-4 District to the west.

The property is zoned B-4 South 27th Street Mixed Use Commercial District. The 2025 Future Land Use Map designation is Mixed Use.

Project Description

The applicant is proposing to develop 14.07-acres of the site as multi-family residential market rate apartments. The remaining 4-acres, which abut S. 27th Street, would be reserved as two 2-acre lots for commercial development.

The multi-family residential component of the development includes 180 units, approximately 12.79 units per acre. According to the applicant, half of the units are 1-bedroom units and the other half are 2-bedroom units. On average, 1-bedroom units would be about 783 square feet and 2-bedroom units about 1,073 square feet.

The site plan consists of six, 3-story 30-unit buildings, a recreation/community building and a swimming pool. A proposed public through street from S. 31st Street to S. 27th Street would provide access to the site. The applicant has indicated 204 lower level/underground parking spaces and 202 surface level parking spaces for a total of 406 parking spaces, which meets Unified Development Ordinance parking requirements.

The site contains several wetlands as well as tree lines on the north and south sides of the property. The applicant has stated that additional trees will be added to the northern tree line to increase the buffer area along the rear property lines of the homes adjacent to W. Minnesota Avenue. The applicant does not anticipate any impacts to natural resource features onsite, although staff would note that based upon the proposed site plan potential wetland or wetland buffer impacts are possible along the proposed public street adjacent to S. 27th Street.

The B-4 District allows multiple-family dwellings and apartments as a Special Use. The district also allows commercial uses per Table 15-3.0603; therefore, the future commercial uses would require a Special Use Application or a Site Plan Application depending upon the specific business use proposed. The applicant may wish to divide the property via Certified Survey Map to separate the multi-family residential component from the commercial or develop as a single property.

The applicant held a neighborhood meeting on July 14, 2016. The applicant has provided details of that meeting in their project narrative. The Alderperson of the District, Alderwoman Wilhelm, was also in attendance.

The applicant anticipates an assessed value between \$25 and \$30 million, including the future commercial development. The applicant's project narrative states that financial assistance from the City will be necessary for the development to be feasible. As noted by the applicant, the property is located within Tax Incremental Financing (TIF) District No. 3. The applicant is anticipating that the financial assistance needed will be approximately 20%-25% of the total project costs.

The applicant has indicated that they have had discussions with the property owner regarding purchasing the motel and restaurant property that is located to the north and east of the subject development site. The applicant is willing to incorporate this parcel into the development, likely razing the motel and keeping the restaurant, with additional financial assistance from the City.

South 27th Street Corridor Plan:

The subject area is within the South 27th Street Corridor Plan (which has been incorporated by reference into the City's Comprehensive Master Plan). As indicated in the South 27th Street Corridor Plan, this area is envisioned to be:

- A mixed use-commercial area within the Rawson Avenue-Drexel Avenue Mixed-Use/Office/Urban Village District.
- Primary uses to include retail, office and institutional uses. But not expansion of the regional retail district to this area, but rather, limited size retail establishments.
- "Work with Minnesota Avenue residents and St. James Church to create a Sub-Area Plan for the area designated as Mixed-Use Commercial..."
- Future land division to be limited, and no new lots to be smaller than 2 acres.
- Cross-access to be required.
- Buildings larger than 40,000 square feet to require special use approval.
- Uses such as hotels, bed and breakfasts, banks, business services, educational services, health clubs, restaurants, residential, etc. to be permitted or special uses.

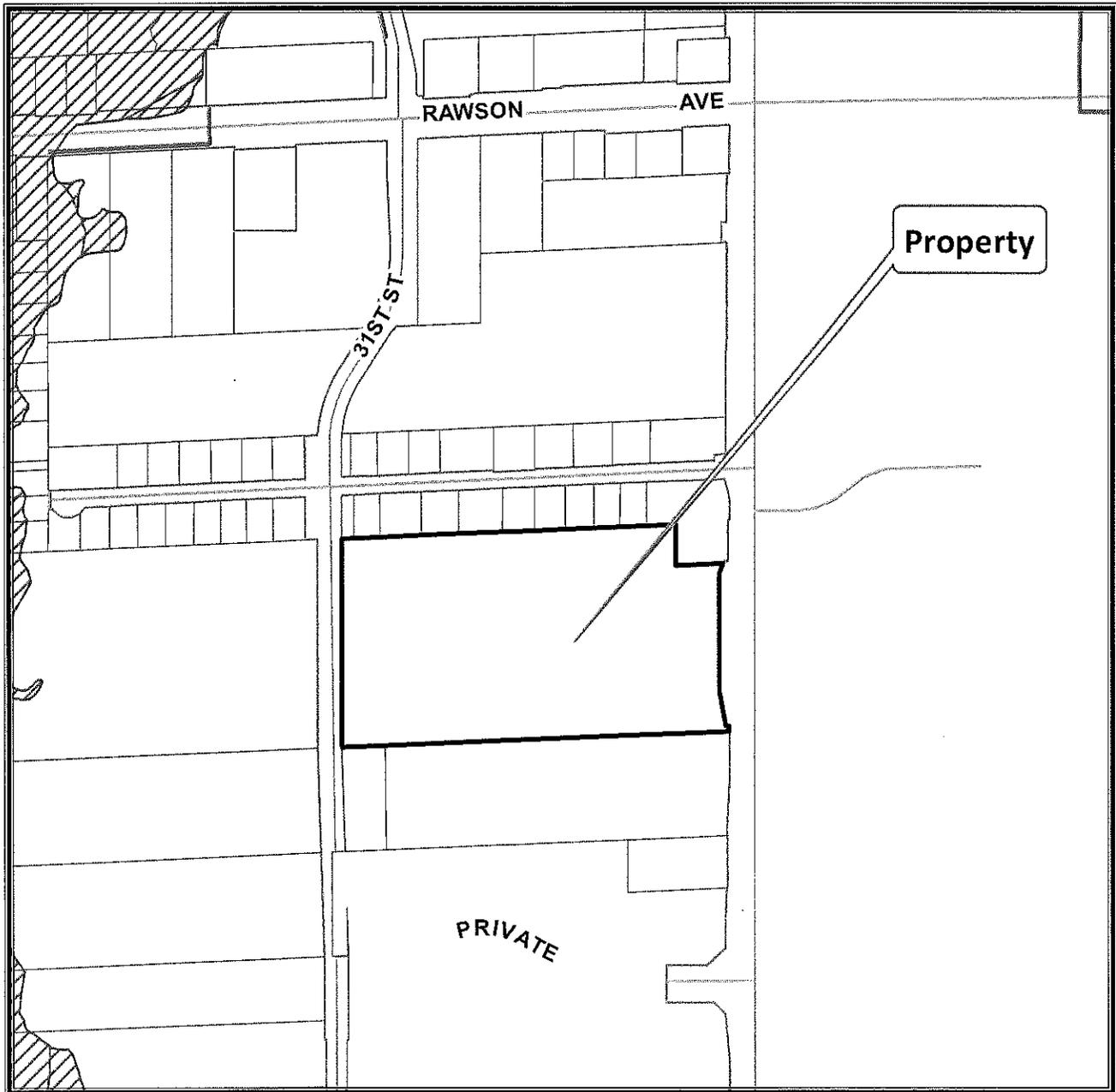
It can be noted that the South 27th Street Design Overlay District would apply to all new development within the subject area.

COMMON COUNCIL ACTION REQUESTED

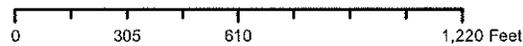
Provide direction to the applicant regarding the proposed mixed use development upon property located at 7333 South 27th Street (Zilber Ltd., Applicant).



7333 S. 27th Street
TKN: 761 9992 004



Planning Department
(414) 425-4024



2016 Aerial Photo

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.

Zilber Ltd.
Project Summary
Mixed Use Development at 7333 S. 27th Street, Franklin, WI

Developer

This project will be developed by Zilber Ltd, a privately held diverse real estate company headquartered in Wisconsin since being founded by Joe Zilber in 1949. Under Zilber's Homes by Towne and Towne Island Homes brands, Zilber builds single family homes and condos in six states; and under our Zilber Property Group brand, we have approximately 4.5 million square feet of office/light industrial buildings and just over 1,000 apartments.

Project Summary

We are proposing a mixed-use development on the 18 acre infill site consisting of two 2-acre commercial parcels along 27th Street and 180 market rate apartments located between the commercial parcels and 31st Street. These uses are allowed under the existing B-4 south 27th street mixed-use commercial zoning district. The development is consistent with the mixed-use land use identified in the Comprehensive Master Plan Future Land Use Map. It is also consistent with the overall goals, primary uses, and land use recommendations of the 27th Street Corridor Plan and District 2 within the 27th Street Corridor Plan. After extensive market review this was determined to be the appropriate mix of uses to balance the competing goals of maximizing the tax value of the development, creating additional commercial development along 27th Street, and being an appropriate transitional use between the existing adjacent single family houses along Minnesota Street and existing commercial property. All parking requirements will be met on-site. Stormwater management will follow City and DNR requirements. The development will include a public street connecting 27th to 31st street providing easy and adequate access to and from the site.

Commercial Parcels

Creating two commercial parcels along 27th Street will be consistent the City's desire for commercial activity in this area as outlined in the 27th Street Corridor Plan. We looked at the potential of having a larger percentage of the development devoted to commercial uses, however based on our market review including discussions with knowledgeable local commercial brokers, we have determined that this demand does not exist now and likely will not in the foreseeable future. The areas along the freeway near the IKEA development will likely absorb any new demand for commercial uses in the next 5-10 years.

We have been searching for potential users of the commercial sites for the past two years. We have a letter of intent for the southerly parcel from a day care operator interested in being close to the Northwestern Mutual Campus. We also have some interest from a restaurant operator with a unique dining concept. The commercial sites could also be appropriate for an insurance office, dental office, veterinary clinic, or other similar uses.

Apartment Component

The 180 market rate apartments would be developed in six three-story buildings with underground parking. The apartments will be a mix between one and two bedroom units, with average rents of \$1.30 per square foot, equivalent to approximately \$1,100 for a one bedroom and \$1,400 for a two bedroom. The buildings will have high quality facades, incorporating materials such as masonry and wood.

The buildings will be designed with flat roofs to keep the overall height consistent with pitched roof two story homes, which will set the building heights well below the maximum allowed per zoning. Three story buildings versus two story buildings reduce the required footprint space and allow the development to be positioned towards the inside of the property. This creates a much larger distance from the lot line to the buildings, and retains a large amount of open green space. Approximately 10 acres, almost 70% of the land area, will remain open or green space. We plan on preserving the existing tree line along both property boundaries and as many trees as possible on-site. Additional enhanced landscaping will be provided along the natural tree buffer adjacent to the residential neighbors.

Neighborhood Meeting

At the request of Alderwoman Wilhelm we held a neighborhood meeting for the homeowners along Minnesota Street (thirty five addresses) on July 14th. Approximately 30 individuals attended with 20 filling out the sign-in sheet provided. Although not unanimous, the reaction to the plan was positive. The most common concern voiced was how the project would impact the neighboring property values. Recent research has indicated that multi-family developments do not negatively impact neighboring home values. Some of the questions raised by residents included: the viability of condominiums on the site (not viable in the current environment); if the apartments were intended to be affordable (100% of units will be market rate); likely uses for the commercial parcels (discussed above); impacts on resident's wells (none, we will use city sewer and water); how stormwater would be handled (as required on-site); the impact of street lights from the development (residential scale full cutoff fixtures will be used, the development will leave the current tree line and additional landscape buffers will be added); privacy of homes (buildings are significantly further from the lot line than zoning requires - only one building is less than 120 feet from the lot line); parking (all units will have one underground parking spot and 100% of parking requirements will be handled on-site); heights of the three-story buildings (intend flat roofs to keep height roughly equivalent to two-story buildings with pitched roofs - the height of buildings will be well below the maximum allowed per zoning).

Proposed Project Value

We are conservatively projecting the assessed value of the project to be \$25 - \$30 million. The majority of this value is created by the apartment component of the project. At a value of \$140,000 per unit the 180 units of apartments would be assessed at \$25,200,000. The commercial parcels should be approximately \$2-\$3 million.

Tax Incremental Financing Assistance

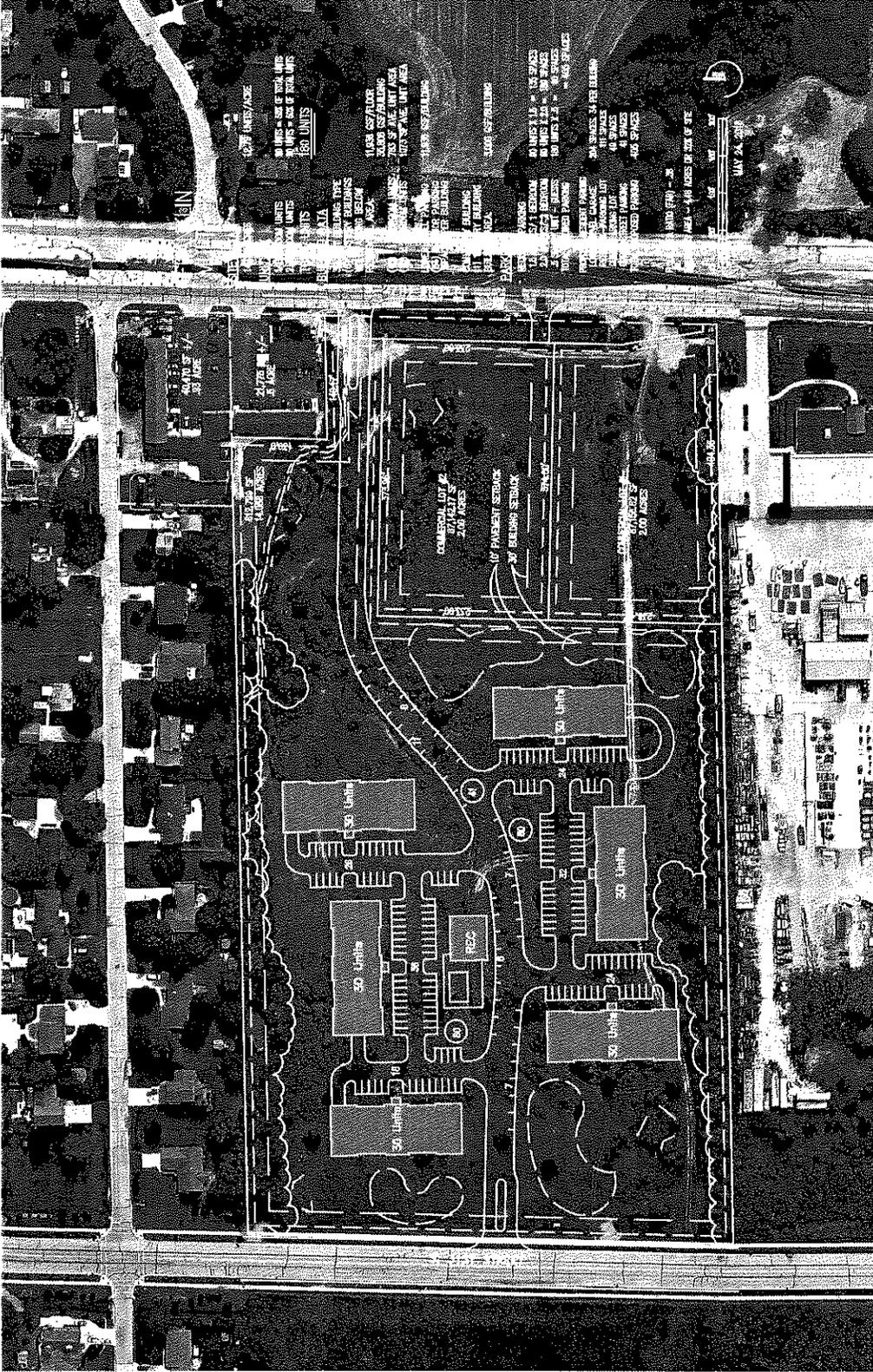
The costs to create the development and realize the assessed value discussed above are in excess of what can be supported by market rents. In order to allow the project to be viable and economically sustainable, city TIF assistance will be required for aspects of the development such as the underground parking, site improvement work, creation of the commercial sites, and the roadway connecting 27th street to 31st street. Our goal is to create a development that will be an important asset to the community for the long term.

The site is located within the boundaries of TIF district #3. Per the cash flow model report dated December 31, 2015, the district has a final year of allowable project expenditures of 2020 with the final year of the district being 2026. The report indicates that increment created in the district will be approximately \$80 million by 2018. Further, the report indicates all current TIF advances will be repaid by 2018. Accordingly, if our proposed \$25-\$30 million development moves forward, the total increment of \$105 million or more would provide for a quick payback of our TIF borrowings.

If the City determines that this development is an appropriate use of the existing TIF district we will work closely with staff and outside experts and all of our proformas, costs, and expenditures will be open book. We expect that the assistance required will be approximately 20%-25% of total project costs. This is in-line with what we have seen on other current mixed-use projects and there is a large enough funding gap that the project will not be economically viable without it.

Potential Motel Component

We have had significant acquisition discussions with the owner of the motel and restaurant located at the southeast corner of Minnesota and 27th streets. This site is not currently included in the project plan, but we are open to doing so with the use of additional city TIF assistance. Should the parcel be included in the development we would likely retain the existing restaurant building and develop the remaining property as an additional commercial parcel.



ZILBER LTD.

Franklin Multifamily Housing

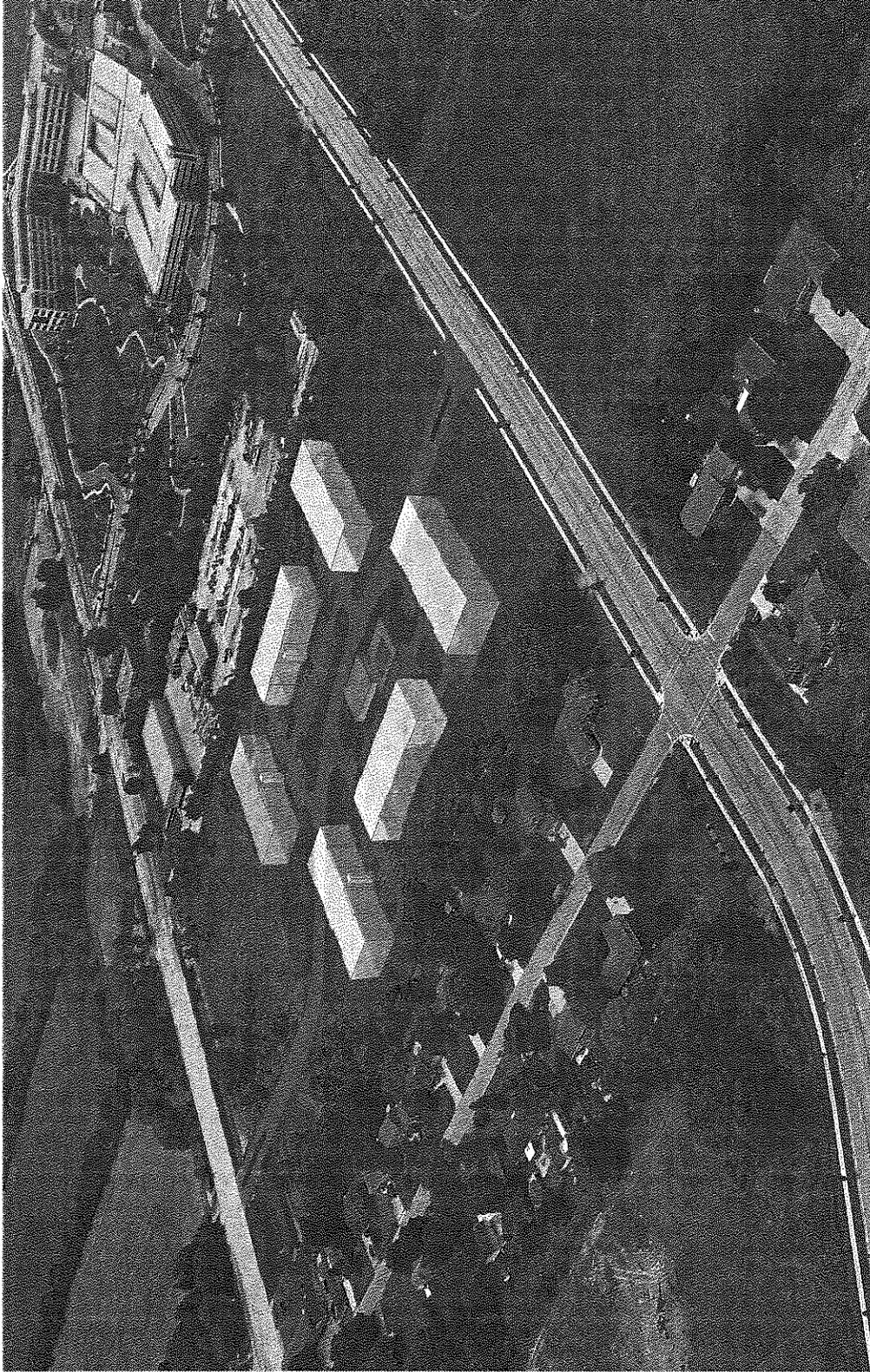


eppstein ahnen : architects

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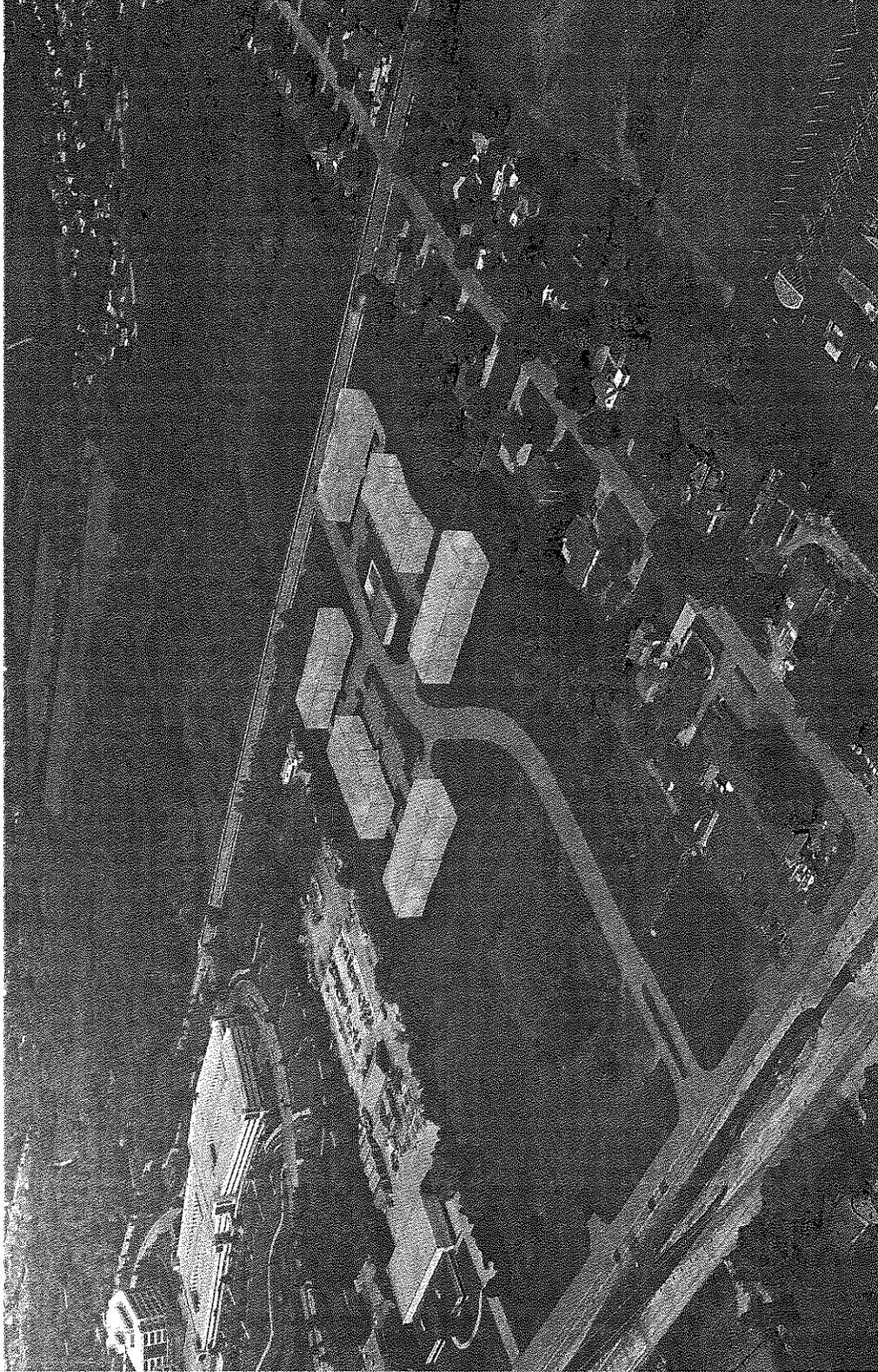


ZILBER LTD.

Franklin Multifamily Housing



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1027
Franklin Multifamily Housing, LLC



ZILBER LTD.

Franklin Multifamily Housing



eppstein uhlen : architects

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WETLAND BOUNDARY MAP

Known as 7333 South 27th Street, in the City of Franklin, Milwaukee County, Wisconsin.

Lot 2 of Certified Survey Map No. 7805 recorded in the Milwaukee County Register of Deeds on April 11, 2007 as Document No. 9415687, being a part of the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 12, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. Excepting therefrom that portion of land conveyed by Warranty Deed recorded on July 12, 2013 as Document No. 10269348.

October 22, 2013

Drawing No. 166293-RMK



LEGEND

- ✦ SAMPLE POINT
- WETLAND BOUNDARY
- WETLAND DELINEATION PROJECT AREA

FIGURE 2.
WETLAND BOUNDARY MAP
R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.ra-smithnational.com
Appleton, WI Irvine, CA Pittsburgh, PA

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/02/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A RETAIL PET SUPPLY STORE USE UPON PROPERTY LOCATED AT 7700 SOUTH LOVERS LANE ROAD, SUITE 210 (THE SHOPPES AT WYNDHAM VILLAGE) (KENNETH PAUL LAVIGNE AND TIFFANY LYN LAVIGNE, D/B/A HAPPY TAILS PET SUPPLIES LLC, APPLICANTS)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>6.4.</i></p>

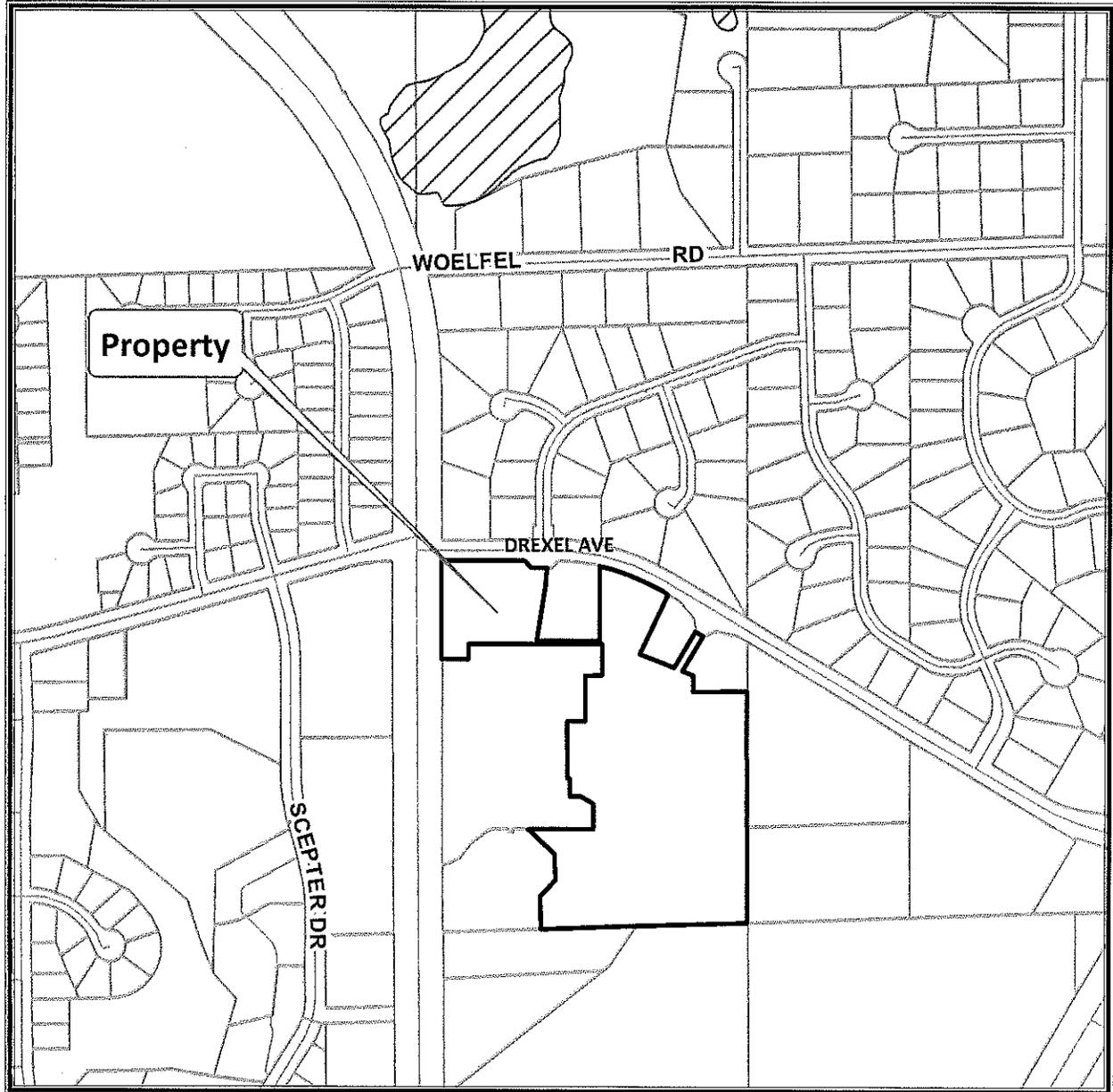
At its July 21, 2016 meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use for a retail pet supply store use upon property located at 7700 South Lovers Lane Road, Suite 210 (The Shoppes at Wyndham Village) (Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a/ Happy Tails Pet Supplies LLC, Applicants).

COUNCIL ACTION REQUESTED

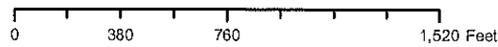
A motion to adopt Resolution No. 2016-_____, a resolution imposing conditions and restrictions for the approval of a special use for a retail pet supply store use upon property located at 7700 South Lovers Lane Road, Suite 210 (The Shoppes at Wyndham Village) (Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a/ Happy Tails Pet Supplies LLC, Applicants).



7700 S. Lovers Lane Road Suite 210
TKN: 794 9999 006



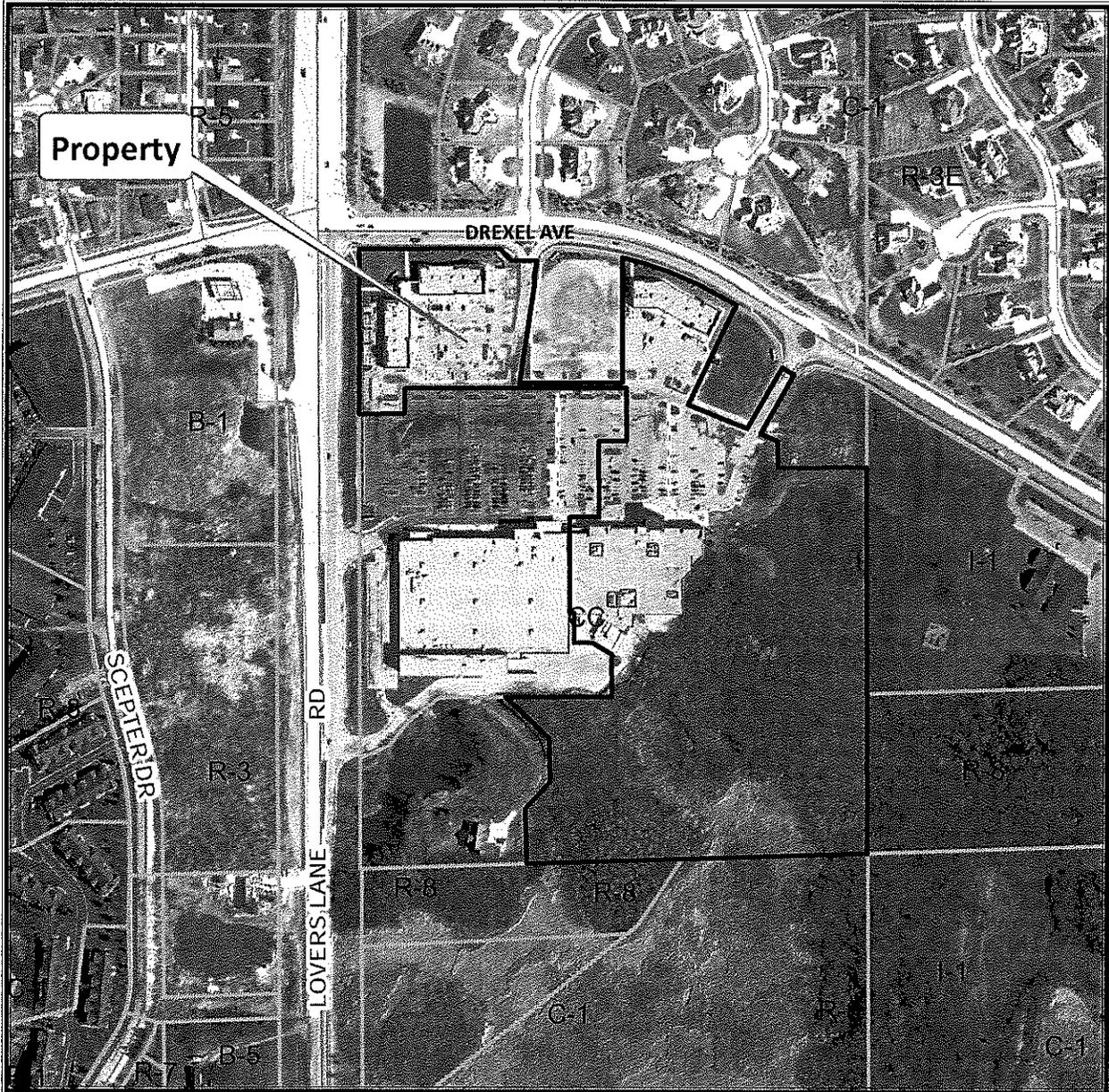
Planning Department
(414) 425-4024



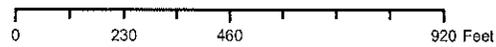
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



7700 S. Lovers Lane Road Suite 210
TKN: 794 9999 006



Planning Department
(414) 425-4024



2016 Aerial Photo

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****REPORT TO THE PLAN COMMISSION**

Meeting of July 21, 2016

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed special use for a pet supply store business use upon property located at 7720 South Lovers Lane Road, subject to the conditions of approval in the attached draft resolution.

Project Name: Happy Tails Special Use

Project Address: 7720 South Lovers Lane Road, Suite 210

Applicant: Kenneth Paul LaVigne and Tiffany Lyn LaVigne, Happy Tails Pet Supplies, LLC

Owners (property): Franklin-Wyndham, LLC

Current Zoning: CC City Civic Center District

2025 Comprehensive Master Plan Mixed Use

Use of Surrounding Properties: Single-family residential to the north, multi-family residential to the south, institutional (Risen Savior Church) to the east and commercial (Speedway) to the west

Applicant Action Requested: Recommendation of approval for the proposed Special Use for Happy Tails Pet Supplies to open a pet supplies retail store at the Shoppes at Wyndham Village

PROJECT DESCRIPTION AND ANALYSIS

On June 28, 2016, the applicant submitted a Special Use Application requesting approval to locate a retail pet supply store within The Shoppes at Wyndham Village shopping center. The applicant is proposing to locate in Suite 210 of the building located at the northwest corner of the development, parallel to West Drexel Avenue. The tenant space is 1,984 square feet, a portion of the space formerly occupied by Mattress Firm. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 5999: Miscellaneous Retail Stores, Not Elsewhere Classified, which is allowable in the CC City Civic Center District as a Special Use.

According to the applicant, Happy Tails Pet Supplies will provide nutritious and healthy pet food and treats as well as supplements for dogs and cats. In addition, Happy Tails Pet Supplies sells toys, beds, collars, pet dishware and other pet related items. Happy Tails currently has a store located in Caledonia, WI.

The applicant has indicated that dog grooming services may be offered in the future. Such use is classified under SIC Title No. 0752: Animal Specialty Services, Except Veterinary. SIC No. 0752 is not currently allowed in the City Civic Center District. A Unified Development Ordinance Text Amendment would be required to allow such use in the CC District in the future. Staff anticipates recommending that the use be allowed as a Special Use, thus also requiring the applicant to submit a Special Use Amendment Application.

The applicant is not proposing any new landscaping, lighting or exterior modifications to the building other than new signage.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) defines requirements for off-street parking. According to this section, "Shopping Centers (4 stores or more)" require five parking spaces per 1,000 square feet of gross floor area (GFA).

There are no changes in parking from the original approval of the shopping center. Staff is not aware of any parking issues; therefore, staff does not have any concerns related to parking with this proposed use and the mix of uses currently operating within this development.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed special use for Happy Tails Pet Supplies upon property located at 7720 South Lovers Lane Road, Suite 210, subject to the conditions of approval below and in the attached draft resolution.

1. All outdoor pet activities, including but not limited to exercising, waste areas, and play areas, shall be prohibited.
2. The applicants shall provide a detailed clean up and disposal plan for all pet waste that may inadvertently occur outside the building, for staff review and approval prior to issuance of a Building Permit.

RESOLUTION NO. 2016-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE FOR A RETAIL PET SUPPLY STORE USE
UPON PROPERTY LOCATED AT 7700 SOUTH LOVERS LANE ROAD, SUITE 210
(THE SHOPPES AT WYNDHAM VILLAGE)
(KENNETH PAUL LAVIGNE AND TIFFANY LYN LAVIGNE,
D/B/A HAPPY TAILS PET SUPPLIES LLC, APPLICANTS)

WHEREAS, Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a Happy Tails Pet Supplies LLC having petitioned the City of Franklin for the approval of a Special Use within a CC City Civic Center District under Standard Industrial Classification Title No. 5999 "Miscellaneous retail stores, not elsewhere classified", to allow for a retail pet supply store use, including the sale of natural/healthy pet food, treats, supplements for dogs and cats, toys, beds, collars, pet dishware, etc., upon property located at 7700 South Lovers Lane Road, Suite 210 (The Shoppes at Wyndham Village), bearing Tax Key No. 794-9999-006, more particularly described as follows:

Lot 1 of Certified Survey Map No. 8000 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on November 14, 2007, as Document No. 9523246, being a redivision of Parcel 1 of Certified Survey Map No. 5762, Certified Survey Map No. 377, and lands in the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 8, Township 5 North, Range 21 East. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 21st day of July, 2016, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission

KENNETH PAUL LAVIGNE AND TIFFANY LYN LAVIGNE, D/B/A HAPPY TAILS
PET SUPPLIES LLC – SPECIAL USE
RESOLUTION NO. 2016-_____

Page 2

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 Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a Happy Tails Pet Supplies LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a Happy Tails Pet Supplies LLC, successors and assigns, as a retail pet supply store use, which shall be developed in substantial compliance with, and operated and maintained by Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a Happy Tails Pet Supplies LLC, pursuant to those plans City file-stamped July 7, 2016 and annexed hereto and incorporated herein as Exhibit A.
2. Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a Happy Tails Pet Supplies LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a Happy Tails Pet Supplies LLC retail pet supply store, 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 Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a Happy Tails Pet Supplies LLC, and the retail pet supply store use for the property located at 7700 South Lovers Lane Road, Suite 210 (The Shoppes at Wyndham Village): (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. All outdoor pet activities, including but not limited to exercising, waste areas, and play areas, shall be prohibited.
5. The applicants shall provide a detailed clean up and disposal plan for all pet waste that may inadvertently occur outside the building, for staff review and approval, prior to the issuance of a Building Permit.

KENNETH PAUL LAVIGNE AND TIFFANY LYN LAVIGNE, D/B/A HAPPY TAILS
PET SUPPLIES LLC – SPECIAL USE
RESOLUTION NO. 2016-_____

Page 3

BE IT FURTHER RESOLVED, that in the event Kenneth Paul Lavigne and Tiffany Lyn Lavigne, d/b/a Happy Tails Pet Supplies LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

KENNETH PAUL LAVIGNE AND TIFFANY LYN LAVIGNE, D/B/A HAPPY TAILS
PET SUPPLIES LLC – SPECIAL USE
RESOLUTION NO. 2016-_____

Page 4

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

.....

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A



Table of Contents

Project Narrative

Site Plan

Legal Description

Special Use Standards & Regulations

The Shoppes at Wyndham Village

7720 S Lovers Lane, Suite 210

Franklin

JUL 07 2016

City Development

Happy Tails Pet Supplies will offer a unique shopping experience that is friendly and inviting for pet owners. It will differ from the traditional "grocery market aisles" footprint which many existing pet retailers subscribe to.

We will provide nutritious/healthy pet food, treats, as well as supplements for dogs and cats. In addition to selling products that promote a healthy lifestyle for pets, the store will offer unique and exciting toys, beds, collars, pet dishware, etc. This store will establish itself as a leader, in and around the Franklin area, in providing high quality pet products at a competitive price. Although we will not have grooming services offered upon opening our store, we do hope to offer this service at some point in the future.

The target market for Happy Tails Pet Supplies is pet owners that see their pets as members of the family much like their human children. Franklin is a growing community as is the percentage of pet owners across the country. The past number of years has seen a noticeable increase in demand for high quality pet products and food, which promotes improved overall health for consumer's "pet children". With the existing clientele at Wyndham and our proven history of pet food retail sales Happy Tails is positioned to meet this increased demand in and around the Franklin area.

We currently have one store and it is located in Caledonia (Racine County) WI. We will be taking over a vacated retail space located in suite 210 of The Shoppes at Wyndham Village. There will be no alterations to the exterior of this building other than affixing two LED signs (one front and one rear) according to city specifications provided. The interior will have the flooring replaced with a high quality sealant that is excellent for a high traffic shopping space that also accommodates pet visitors. Existing florescent lighting will be supplemented with energy efficient LED fixtures that will accent strategic walk aisles while enhancing various products displayed on commercial quality store

fixtures that are comprised of metal and wood component to provide a modern shopping experience. A portion of the wall space will be decorated with pet art and a combination of slat-wall and gridwall fixtures.

The hours of operation will be:

Mon, Tues, Thurs, Fri: 10am – 6pm

Wed: Noon – 8pm

Sat: 10am – 5pm

Sun: Noon – 4pm

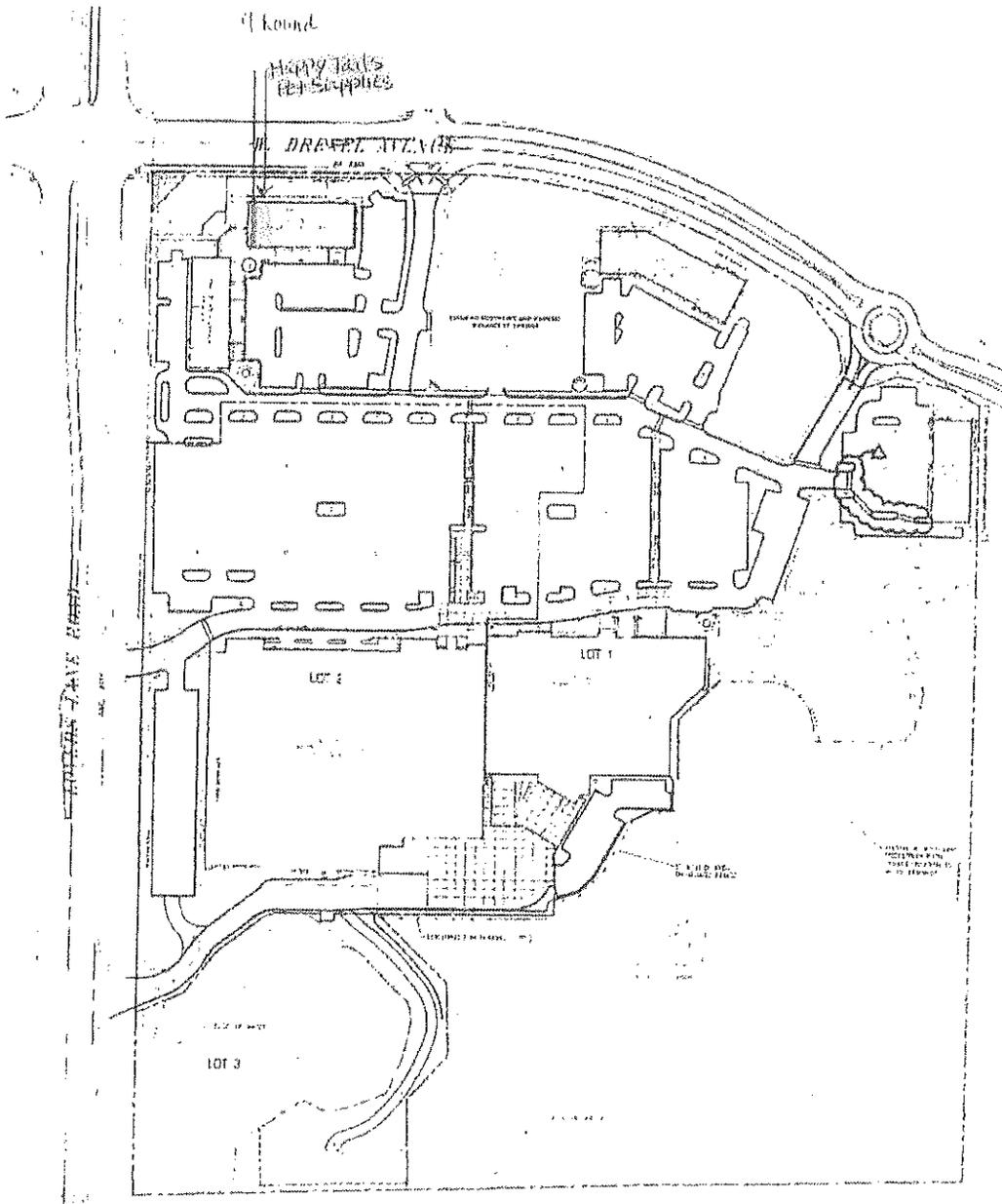
Square Footage: 1,984

Number of Employees: 4

SITE PLAN – Happy Tails Pet Supplies

Zoning District: CC City Civic Center District

Submitted: 6/28/2016; Revised 7/7/2016



Applicants Name: Kenneth and Tiffany LaVigne, Happy Tails Pet Supplies LLC

Address: 5200 Douglas Avenue, Racine WI 53402

Property Owners Name: Cloverleaf Real Estate Group Inc

Address: 666 Dundee Road STE 901, Northbrook IL 60062

LEGAL DESCRIPTION

Lot 1 of Certified Survey Map No. 8000 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on November 14, 2007, as Document No. 9523246, being a redivision of Parcel 1 of Certified Survey Map No. 5762, Certified Survey Map No. 377, and lands in the Southwest $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, Township 5 North, Range 21 East. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin.

DIVISION 15-3.0700

SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response:

Happy Tails Pet Supplies is a retail seller of natural/healthy pet food and supplies which is aligned with this space being zoned for general use. Our store will have synergy with other current retailers already located at Wyndham.

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:

Our business complements the other existing establishments at Wyndham as well as the community. Almost 75 % of households have pets and approximately 80% of those are dog/cat owners. Thus, most of the patrons visiting any of the existing retailers will have a reason to visit our store.

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:

We are a retail operation that will occupy an existing vacant suite that was previously occupied by a national retailer. The nature of our business aligns with the current zoning regulations.

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 nature of our business complements existing retailers and we expect that many of their existing clientele will utilize our services as well. Thus, existing public facilities and services should satisfy the needs of Happy Tails Pet Supplies.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response:

Although there will be times when we are the main destination of our customers, the expectation is that many of the services offered by other existing retailers will be utilized at the same time as ours. In doing so, there should essentially be no additional traffic impact through commercial or residential areas than what exists today.

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:

We will be occupying an existing suite that was also a retail location. Thus, we do not foresee any change or negative impact of any kind to any features, scenery, etc.

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:

As Happy Tails is taking over the space vacated by a retailer we will comply with all applicable standards and regulations regarding use of this area as all previous and existing retailers must.

- 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:

To date Happy Tails has supplies all sufficient data and responses regarding the intended use of the location and build-out of the facility to ensure an appropriate and respectable pet supplies retail center will operate at Wyndham. We are prepared to address any additional special requests/standards that may be brought to our attention.

- 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:

Happy Tails Pet Supplies will provide Franklin with a "go to" location for people wanting to provide their pets with healthy/nutritional foods as well as various high-quality accessories (i.e. toys, leashes, collars, training aides). Approximately 80% of all pet households have a dog and/or cat, which is the exclusive focus of all of our products. By ensuring our products and services are offered by quality-minded, caring personnel we expect Happy Tails to become a destination site of not only Franklin residents, but bring individuals to the area that will then further support surrounding retail businesses. Based on our extensive market research we are confident that there is not an existing "like company", in or around Franklin, that provides the quality, diversity, and shopping experience that Happy Tails will within the Shoppes at Wyndham Village.

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:

The Shoppes at Wyndham Village is the ideal location for our business. This extraordinary commercial area is ideal for consumers of our products. We sell exceptional quality pet products while maintaining high standards of service and industry knowledge. We cannot overstate the percentages of individuals that require our products/services, thus the diverse mix of residential and businesses in this area will not only support our goals, but in turn we will satisfy the need for convenience by

the various types of customers that patronize Wyndham and all the areas surrounding this establishment. The products and services that Happy Tails provides are expected to realize national growth through at least 2021 and we look forward to strengthening our business as this residential/commercial area continues to grow as well.

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:

As we will occupy an existing suite that was previously occupied by another retailer, we do not have the right or intent to affect the building design, landscaping, etc. However, we can promise that our store design and layout is above average and along with our services/products has received positive recognition in community publications and social media. Our focus is to not feel like a retail location, but to provide our customers with a positive shopping experience each and every time they visit our store. We have a proven track record of accomplishing this at our current store location within Racine County. Due to the attributes of the Wyndham facility we look forward to enhancing our store layout internally while complying with all requirements currently in place regarding the Shoppes and Wyndham Village.

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:

Per statistics previously stated, Happy Tails Pet Supplies actually satisfies the needs of the majority of all households. In doing so, it is expected that our retail store will be an exclusive supplier and destination for customers from most of the Franklin area. With this type of unique business having the potential to satisfy the needs of much of the Franklin area, there is no correlation of our business model promoting or encouraging any other incompatible uses or activities near or far from this location.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/02/16
REPORTS & RECOMMENDATIONS	REQUEST BY ALDERMAN DANDREA FOR RECONSIDERATION OF ACTION TAKEN AT 7/19/2016 COMMON COUNCIL MEETING TO ADOPT RESOLUTION NO. 7213, A RESOLUTION TO AMEND RESOLUTION NOS. 2001-5145, 2001-5317, 2005-5865 AND 2006-6091 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A 44 UNIT RESIDENTIAL COMMUNITY USE LOCATED AT WEST TUCKAWAY PINES CIRCLE TO ALLOW FOR CONSTRUCTION OF SIX TWO-UNIT BUILDINGS (BUILDINGS 0, 1, 2, 5, 10 AND 11) WITHIN THE TUCKAWAY PINES CONDOMINIUM DEVELOPMENT TO BE LOCATED AT 7556, 7558, 7560 WEST TUCKAWAY PINES CIRCLE (BUILDING 0), 7550, 7552, 7554 WEST TUCKAWAY PINES CIRCLE (BUILDING 1), 7530, 7532, 7534 WEST TUCKAWAY PINES CIRCLE (BUILDING 2), 7501, 7503, 7505 WEST TUCKAWAY PINES CIRCLE (BUILDING 5), 7543, 7545, 7547 WEST TUCKAWAY PINES CIRCLE (BUILDING 10) AND 7542, 7544, 7546 WEST TUCKAWAY PINES CIRCLE (BUILDING 11) (BUTLER CREEK PROPERTIES, LLC, APPLICANT)	ITEM NUMBER <i>6.5</i>

At their meeting of July 19, 2016, the Common Council took the following action:

Alderman Dandrea moved to adopt Resolution No. 2016-7213, A RESOLUTION TO AMEND RESOLUTION NOS. 2001-5145, 2001-5317, 2005-5865 AND 2006-6091 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A 44 UNIT RESIDENTIAL COMMUNITY USE LOCATED AT WEST TUCKAWAY PINES CIRCLE TO ALLOW FOR CONSTRUCTIONS OF SIX TWO-UNIT BUILDINGS (BUILDINGS 0, 1, 2, 5, 10 AND 11) WITHIN THE TUCKAWAY PINES CONDOMINIUM DEVELOPMENT TO BE LOCATED AT 7556, 7558, 7560 WEST TUCKAWAY PINES CIRCLE (BUILDING 0), 7530, 7532, 7534 WEST TUCKAWAY PINES CIRCLE (BUILDING 2), 7501, 7503, 7505 WEST TUCKAWAY PINES CIRCLE (BUILDING 5), 7543, 7545, 7547 WEST TUCKAWAY PINES CIRCLE (BUILDING 10) AND 7542, 7544, 7546 WEST TUCKAWAY PINES CIRCLE (BUILDING 11)(BUTLER CREEK PROPERTIES, LLC, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

COUNCIL ACTION REQUESTED

Motion to reconsider action taken on July 19, 2016 to adopt Resolution No. 2016-7213, a resolution to amend Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091 imposing conditions and restrictions for the approval of a special use for a 44 unit residential community use located at West Tuckaway Pines Circle to allow for construction of six two-unit buildings (Buildings 0, 1, 2, 5, 10 and 11) within the Tuckaway Pines Condominium development to be located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 Tuckaway Pines Circle (Building 11) (Butler Creek Properties, LLC, Applicant).

And, if a motion to reconsider passes, the following is before the Common Council:

Motion to adopt Resolution No. 2016-____, a resolution to amend Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091 imposing conditions and restrictions for the approval of a special use for a 44 unit residential community use located at West Tuckaway Pines Circle to allow for construction of six two-unit buildings (Buildings 0, 1, 2, 5, 10 and 11) within the Tuckaway Pines Condominium development to be located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 Tuckaway Pines Circle (Building 11), subject to replacing Condition No. 7.a. with a condition stating, "A quoin feature or soldier coursing to match existing buildings shall be provided upon Building No. 5". (Butler Creek Properties, LLC, Applicant).

Or any amendment thereto or other action on the subject matter.

(Alderman Mark Dandrea requests that the above Resolution be adopted with the replacement of Condition No. 7a. as noted above.)

RESOLUTION NO. 2016-7213

A RESOLUTION TO AMEND RESOLUTION NOS. 2001-5145, 2001-5317, 2005-5865 AND 2006-6091 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A 44 UNIT RESIDENTIAL COMMUNITY USE LOCATED AT WEST TUCKAWAY PINES CIRCLE TO ALLOW FOR CONSTRUCTION OF SIX TWO-UNIT BUILDINGS (BUILDINGS 0, 1, 2, 5, 10 AND 11) WITHIN THE TUCKAWAY PINES CONDOMINIUM DEVELOPMENT TO BE LOCATED AT 7556, 7558, 7560 WEST TUCKAWAY PINES CIRCLE (BUILDING 0), 7550, 7552, 7554 WEST TUCKAWAY PINES CIRCLE (BUILDING 1), 7530, 7532, 7534 WEST TUCKAWAY PINES CIRCLE (BUILDING 2), 7501, 7503, 7505 WEST TUCKAWAY PINES CIRCLE (BUILDING 5), 7543, 7545, 7547 WEST TUCKAWAY PINES CIRCLE (BUILDING 10) AND 7542, 7544, 7546 WEST TUCKAWAY PINES CIRCLE (BUILDING 11)
(BUTLER CREEK PROPERTIES, LLC, APPLICANT)

WHEREAS, Butler Creek Properties, LLC having petitioned the City of Franklin for the approval of an amendment to Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091, conditionally approving a Special Use to allow for a 44 unit residential community use, upon property located at West Tuckaway Pines Circle, such property being zoned R-8 Multiple-Family Residence District, more particularly described as follows:

Buildings 0, 1, 2, 5, 10 and 11 of the Third Addendum to Tuckaway Pines Condominium Plat, Parcel 1 of Certified Survey Map No. 7110, recorded as Document No. 8309116, Milwaukee County Register of Deeds, being all that part of the Northwest Quarter (NW 1/4) and the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 15, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, being more particularly described as follows: Commencing at the northwest corner of said Northwest Quarter (NW 1/4); thence South 00°29'52" East along the west line of said Northwest Quarter (NW 1/4) 897.375 (RECORDED AS 897.310) feet; thence North 89°26'25" East 60.000 feet to the east right-of-way line of South 76th Street and the place of beginning of the lands hereinafter described; thence continuing North 89°26'25" East 805.561 feet; thence South 03°19'57" West 324.763 feet; thence South 33°43'05" West 364.331 feet to the north line of COUNTRY CLUB ESTATES, being a subdivision of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 15; thence South 89°26'55" West along said north line 579.000 feet to said east right-of-way line; thence North 00°29'52" West along said east line 624.984 feet to the place of beginning; and

WHEREAS, such proposed amendment being for the purpose of constructing 6 two-

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-7213

Page 2

unit buildings within the Tuckaway Pines Condominium development (Buildings 0, 1, 2, 5, 10 and 11) (Initial Special Use approval was granted for 44 units, with 23 units having been constructed. Applicant is proposing construction of 12 additional units for a total of 35 units, a reduction of 9 units.), addresses and Tax Key Nos. as follows: 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11); 804-0087-000, 804-0066-000, 804-9999-005 and 804-0075-000; 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 June, 2016, and the Plan Commission thereafter having determined to recommend that the proposed amendment to Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed amendment to Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendations and also having found that the proposed amendment to 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 Butler Creek Properties, LLC for the approval of an amendment to 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 amendment to Special Use is approved only for the use of the subject property by Butler Creek Properties, LLC, successors and assigns, for the Tuckaway Pines Condominium development building construction, which shall be developed in substantial compliance with and constructed, operated and maintained by Butler Creek Properties, LLC, pursuant to those plans City file-stamped June 15, 2016 and June 30, 2016 and annexed hereto and incorporated herein as Exhibit A.

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-7213

Page 3

2. Butler Creek Properties, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consultants to the City of Franklin, for the Tuckaway Pines Condominium development building construction 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.
3. The approval granted hereunder is conditional upon Butler Creek Properties, LLC and the Tuckaway Pines Condominium development building construction project for the properties located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11): (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. A Condominium Plat shall be approved by the City of Franklin per Division 15-7.0600 of the Unified Development Ordinance and recorded with the Milwaukee County Register of Deeds, prior to the issuance of a Building Permit.
5. The applicant shall submit a grading, erosion control and utility plan for review and approval by the Engineering Department, prior to the issuance of a Building Permit.
6. The area that was previously right-of-way, vacated in 2005 via Resolution No. 2005-5973, shall be recorded as a utility easement to connect to the existing utility easements along West Tuckaway Pines Circle. Furthermore, the applicant shall show this area as a utility easement on the future Condominium Plat and record a separate written easement document with the Milwaukee County Register of Deeds prior to the issuance of a Building Permit.
7. The applicant shall submit revised elevations for review and approval by Department of City Development staff that incorporates the following architectural enhancements:
 - a. A quoin feature shall be provided upon Building No. 5 as illustrated in the renderings bearing City of Franklin date-stamp June 30, 2016.
 - b. Brick shall extend half way up the building on the rear elevation to match existing buildings.
 - c. Window treatments shall be added to match the existing buildings.

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-7213

Page 4

- d. All siding other than those portions in brick or stone shall be a fiber cement siding product to match the existing buildings.
 - e. Elevations shall be revised to add decorative louvers similar to the existing buildings.
 - f. The garage doors shall match that of the existing buildings.
8. Architectural elevations shall be provided for all building elevations to be reviewed and approved by Department of City Development staff, prior to the issuance of a Building Permit.
 9. The applicant shall submit a Landscape Plan for review and approval by the Plan Commission, prior to the issuance of a Building Permit.
 10. The applicant shall submit an updated Natural Resource Protection Plan to verify that all protected natural resource features, including but not limited to wetlands, continue to be entirely located within the existing Conservation Easements. Furthermore, the northwest corner of the site shall be delineated and placed within a Conservation Easement or a letter be provided from the Wisconsin Department of Natural Resources stating that the wetland is exempt from natural resource protection requirements.
 11. The applicant and/or Condominium Association shall provide the Engineering Department with revised storm water calculations and the existing storm water ponds shall be certified and surveyed for approval by the Engineering Department, prior to the issuance of a Building Permit.
 12. Water features within retention ponds shall be subject to review and approval by the Engineering Department.
 13. The applicant shall submit a revised Site Plan illustrating the footprint change to Building No. 5.
 14. Mailboxes shall match the existing mailboxes and be uniform in appearance throughout the development.

BE IT FURTHER RESOLVED, that in the event Butler Creek Properties, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this amendment to 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 additional 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

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-7213

Page 5

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 an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

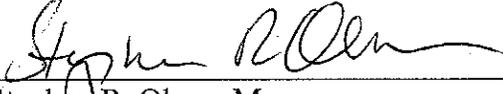
BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way 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 19th day of July, 2016.

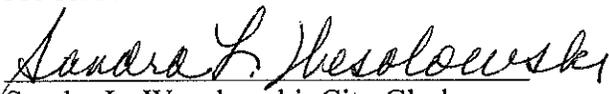
Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 19th day of July, 2016.

APPROVED:



Stephen R. Olson, Mayor

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 1 (Ald. S. Mayer)

RESOLUTION NO. 2016-_____

A RESOLUTION TO AMEND RESOLUTION NOS. 2001-5145, 2001-5317, 2005-5865 AND 2006-6091 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A 44 UNIT RESIDENTIAL COMMUNITY USE LOCATED AT WEST TUCKAWAY PINES CIRCLE TO ALLOW FOR CONSTRUCTION OF SIX TWO-UNIT BUILDINGS (BUILDINGS 0, 1, 2, 5, 10 AND 11) WITHIN THE TUCKAWAY PINES CONDOMINIUM DEVELOPMENT TO BE LOCATED AT 7556, 7558, 7560 WEST TUCKAWAY PINES CIRCLE (BUILDING 0), 7550, 7552, 7554 WEST TUCKAWAY PINES CIRCLE (BUILDING 1), 7530, 7532, 7534 WEST TUCKAWAY PINES CIRCLE (BUILDING 2), 7501, 7503, 7505 WEST TUCKAWAY PINES CIRCLE (BUILDING 5), 7543, 7545, 7547 WEST TUCKAWAY PINES CIRCLE (BUILDING 10) AND 7542, 7544, 7546 WEST TUCKAWAY PINES CIRCLE (BUILDING 11)
(BUTLER CREEK PROPERTIES, LLC, APPLICANT)

WHEREAS, Butler Creek Properties, LLC having petitioned the City of Franklin for the approval of an amendment to Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091, conditionally approving a Special Use to allow for a 44 unit residential community use, upon property located at West Tuckaway Pines Circle, such property being zoned R-8 Multiple-Family Residence District, more particularly described as follows:

Buildings 0, 1, 2, 5, 10 and 11 of the Third Addendum to Tuckaway Pines Condominium Plat, Parcel 1 of Certified Survey Map No. 7110, recorded as Document No. 8309116, Milwaukee County Register of Deeds, being all that part of the Northwest Quarter (NW 1/4) and the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 15, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, being more particularly described as follows: Commencing at the northwest corner of said Northwest Quarter (NW 1/4); thence South 00°29'52" East along the west line of said Northwest Quarter (NW 1/4) 897.375 (RECORDED AS 897.310) feet; thence North 89°26'25" East 60.000 feet to the east right-of-way line of South 76th Street and the place of beginning of the lands hereinafter described; thence continuing North 89°26'25" East 805.561 feet; thence South 03°19'57" West 324.763 feet; thence South 33°43'05" West 364.331 feet to the north line of COUNTRY CLUB ESTATES, being a subdivision of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 15; thence South 89°26'55" West along said north line 579.000 feet to said east right-of-way line; thence North 00°29'52" West along said east line 624.984 feet to the place of beginning; and

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 2

WHEREAS, such proposed amendment being for the purpose of constructing 6 two-unit buildings within the Tuckaway Pines Condominium development (Buildings 0, 1, 2, 5, 10 and 11) (Initial Special Use approval was granted for 44 units, with 23 units having been constructed. Applicant is proposing construction of 12 additional units for a total of 35 units, a reduction of 9 units.), addresses and Tax Key Nos. as follows: 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11); 804-0087-000, 804-0066-000, 804-9999-005 and 804-0075-000; 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 June, 2016, and the Plan Commission thereafter having determined to recommend that the proposed amendment to Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed amendment to Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendations and also having found that the proposed amendment to 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 Butler Creek Properties, LLC for the approval of an amendment to 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 amendment to Special Use is approved only for the use of the subject property by Butler Creek Properties, LLC, successors and assigns, for the Tuckaway Pines Condominium development building construction, which shall be developed in substantial compliance with and constructed, operated and maintained by Butler

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 3

Creek Properties, LLC, pursuant to those plans City file-stamped June 15, 2016 and June 30, 2016 and annexed hereto and incorporated herein as Exhibit A.

2. Butler Creek Properties, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consultants to the City of Franklin, for the Tuckaway Pines Condominium development building construction 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.
3. The approval granted hereunder is conditional upon Butler Creek Properties, LLC and the Tuckaway Pines Condominium development building construction project for the properties located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11): (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. A Condominium Plat shall be approved by the City of Franklin per Division 15-7.0600 of the Unified Development Ordinance and recorded with the Milwaukee County Register of Deeds, prior to the issuance of a Building Permit.
5. The applicant shall submit a grading, erosion control and utility plan for review and approval by the Engineering Department, prior to the issuance of a Building Permit.
6. The area that was previously right-of-way, vacated in 2005 via Resolution No. 2005-5973, shall be recorded as a utility easement to connect to the existing utility easements along West Tuckaway Pines Circle. Furthermore, the applicant shall show this area as a utility easement on the future Condominium Plat and record a separate written easement document with the Milwaukee County Register of Deeds prior to the issuance of a Building Permit.
7. The applicant shall submit revised elevations for review and approval by Department of City Development staff that incorporates the following architectural enhancements:
 - a. A quoin feature or soldier coursing to match existing buildings shall be provided upon Building No. 5 ~~as illustrated in the renderings bearing City of Franklin date-stamp June 30, 2016.~~

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 4

- b. Brick shall extend half way up the building on the rear elevation to match existing buildings.
 - c. Window treatments shall be added to match the existing buildings.
 - d. All siding other than those portions in brick or stone shall be a fiber cement siding product to match the existing buildings.
 - e. Elevations shall be revised to add decorative louvers similar to the existing buildings.
 - f. The garage doors shall match that of the existing buildings.
8. Architectural elevations shall be provided for all building elevations to be reviewed and approved by Department of City Development staff, prior to the issuance of a Building Permit.
 9. The applicant shall submit a Landscape Plan for review and approval by the Plan Commission, prior to the issuance of a Building Permit.
 10. The applicant shall submit an updated Natural Resource Protection Plan to verify that all protected natural resource features, including but not limited to wetlands, continue to be entirely located within the existing Conservation Easements. Furthermore, the northwest corner of the site shall be delineated and placed within a Conservation Easement or a letter be provided from the Wisconsin Department of Natural Resources stating that the wetland is exempt from natural resource protection requirements.
 11. The applicant and/or Condominium Association shall provide the Engineering Department with revised storm water calculations and the existing storm water ponds shall be certified and surveyed for approval by the Engineering Department, prior to the issuance of a Building Permit.
 12. Water features within retention ponds shall be subject to review and approval by the Engineering Department.
 13. The applicant shall submit a revised Site Plan illustrating the footprint change to Building No. 5.
 14. Mailboxes shall match the existing mailboxes and be uniform in appearance throughout the development.

BE IT FURTHER RESOLVED, that in the event Butler Creek Properties, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this amendment to Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 5

Council, upon notice and hearing, may revoke the additional 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 an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

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 _____, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

APPROVED:

Stephen R. Olson, Mayor

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 6

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 2, 2016
REPORTS AND RECOMMENDATIONS	An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 "Religious Organizations" to Allow for Such Use as a Permitted Use in The B-3 Community Business District (Root River Church Inc., Applicant); B-3 Community Business District Standard Industrial Classification Category Title No. 86 "Membership Organizations" permitted and special uses Unified Development Ordinance requirements Department of City Development Staff review and recommendation	ITEM NUMBER <i>G.6.</i>

Attached is a draft copy of the proposed above entitled ordinance and all of the other accompanying materials from the July 19, 2016 Common Council meeting agenda packet and as handed out on the subject. The Common Council at that meeting directed the City Attorney to consider alternative potential actions and return the subject matter for Common Council review. The City Attorney discussed possible alternative land use regulations with Department of City Development Staff. The result of that discussion is the attached draft ordinance to amend the Unified Development Ordinance to change the Standard Industrial Classification Table for permitted and special uses in nonresidential districts, to change the current classifications of Title Nos. 8611 "Business associations", 8621 "Professional organizations", 8631 "Labor organizations", 8641 "Civic and social associations", 8651 "Political organizations" and 8699 "Membership organizations, not elsewhere classified" from permitted use to special use, and to allow for Title No. 8661 "Religious organizations" as a special use, in the B-3 Community Business District. Upon consideration of special use applications, the potential exists under appropriate circumstances, such as an application pertaining to a use for a property in an area under City consideration or plan for new development or redevelopment, to limit a grant of special use to a time certain, and/or to grant the special use to the applicant only, so that it is personal and does not run with the land.

Also attached is a draft ordinance to amend the Unified Development Ordinance at Table 15-3.0603 Standard Industrial Classification Category Title No. 86 "Membership Organizations", to delete and disallow Title Nos. 8611 "Business Associations", 8621 "Professional Organizations", 8631 "Labor Organizations", 8641 "Civic And Social Associations", 8651 "Political Organizations" and 8699 "Membership Organizations, Not Elsewhere Classified", as permitted uses in the B-3 Community Business District. Staff recommended at the July 19, 2016 Common Council meeting that such legislation should be commenced should the Common Council decide to deny the Root River Church Inc. application.

Staff discussion also resulted in the potential Council Action(s) Requested below.

COUNCIL ACTION REQUESTED

A motion to adopt An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 "Religious Organizations" to Allow for Such Use as a Permitted Use in The B-3 Community Business District (Root River Church Inc., Applicant);

or

A motion to deny An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 "Religious Organizations" to Allow for Such Use as a Permitted Use in The B-3 Community Business District (Root River Church Inc., Applicant);

and

i) A motion to direct Department of City Development Staff to commence the legislative process for the general subject matter of An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Category Title No. 86 "Membership Organizations", to delete and disallow Title Nos. 8611 "Business Associations", 8621 "Professional Organizations", 8631 "Labor Organizations", 8641 "Civic And Social Associations", 8651 "Political Organizations" and 8699 "Membership Organizations, Not Elsewhere Classified", as permitted uses in the B-3 Community Business District;

or

ii) A motion to direct Department of City Development Staff to commence the legislative process for the general subject matter of An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Category Title No. 86 "Membership Organizations", to Allow for Title Nos. 8611 "Business Associations", 8621 "Professional Organizations", 8631 "Labor Organizations", 8641 "Civic And Social Associations", 8651 "Political Organizations" and 8699 "Membership Organizations, Not Elsewhere Classified", as Special Uses and Not Permitted Uses, and to Allow for Title No. 8661 "Religious Organizations" as a Special Use, in the B-3 Community Business District.

ORDINANCE NO. 2016-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION CATEGORY TITLE NO. 86 "MEMBERSHIP ORGANIZATIONS", TO DELETE AND DISALLOW TITLE NOS. 8611 "BUSINESS ASSOCIATIONS", 8621 "PROFESSIONAL ORGANIZATIONS", 8631 "LABOR ORGANIZATIONS", 8641 "CIVIC AND SOCIAL ASSOCIATIONS", 8651 "POLITICAL ORGANIZATIONS" AND 8699 "MEMBERSHIP ORGANIZATIONS, NOT ELSEWHERE CLASSIFIED", AS PERMITTED USES IN THE B-3 COMMUNITY BUSINESS DISTRICT (CITY OF FRANKLIN, APPLICANT)

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

WHEREAS, the City of Franklin having applied for a text amendment to Table 15-3.0603 Standard Industrial Classification Category Title No. 86 "Membership Organizations", to delete and disallow Title Nos. 8611 "Business Associations", 8621 "Professional Organizations", 8631 "Labor Organizations", 8641 "Civic And Social Associations", 8651 "Political Organizations" and 8699 "Membership Organizations, Not Elsewhere Classified", as permitted uses in the B-3 Community Business District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment, and having held a public hearing on the proposal on the ____ day of _____, 2016 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Category Title No. 86 "Membership Organizations", is hereby amended as follows: delete "P" (Permitted Use) in the B-3 column for Title Nos. 8611 "Business associations", 8621 "Professional organizations", 8631 "Labor organizations", 8641 "Civic and social associations", 8651 "Political

organizations” and 8699 “Membership organizations, not elsewhere classified”.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

ORDINANCE NO. 2016-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION CATEGORY TITLE NO. 86 "MEMBERSHIP ORGANIZATIONS", TO ALLOW FOR TITLE NOS. 8611 "BUSINESS ASSOCIATIONS", 8621 "PROFESSIONAL ORGANIZATIONS", 8631 "LABOR ORGANIZATIONS", 8641 "CIVIC AND SOCIAL ASSOCIATIONS", 8651 "POLITICAL ORGANIZATIONS" AND 8699 "MEMBERSHIP ORGANIZATIONS, NOT ELSEWHERE CLASSIFIED", AS SPECIAL USES AND NOT PERMITTED USES, AND TO ALLOW FOR TITLE NO. 8661 "RELIGIOUS ORGANIZATIONS" AS A SPECIAL USE, IN THE B-3 COMMUNITY BUSINESS DISTRICT (CITY OF FRANKLIN, APPLICANT)

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

WHEREAS, the City of Franklin having applied for a text amendment to Table 15-3.0603, Standard Industrial Classification Category Title No. 86 "Membership Organizations", to change the current classifications of Title Nos. 8611 "Business associations", 8621 "Professional organizations", 8631 "Labor organizations", 8641 "Civic and social associations", 8651 "Political organizations" and 8699 "Membership organizations, not elsewhere classified" from permitted use to special use, and to allow for Title No. 8661 "Religious organizations" as a special use, in the B-3 Community Business District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment, and having held a public hearing on the proposal on the ____ day of _____, 2016 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Category Title No. 86

“Membership Organizations”, is hereby amended as follows: delete “P” (Permitted Use) in the B-3 column for Title Nos. 8611 “Business associations”, 8621 “Professional organizations”, 8631 “Labor organizations”, 8641 “Civic and social associations”, 8651 “Political organizations” and 8699 “Membership organizations, not elsewhere classified”, and in place thereof, insert “S” (Special Use) in the B-3 column; insert “S” (Special Use) in the B-3 column for Title No. 8661 “Religious organizations”.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Wesolowski, Reidenbach & Sajdak, S.C.
Attorneys at Law
11402 West Church Street
Franklin, Wisconsin 53132

Jesse A. Wesolowski
Frederick E. Reidenbach 1919-2002
Brian C. Sajdak
Christopher R. Smith

TELEPHONE (414) 529-8900
FACSIMILE (414) 529-2121

Jane C. Kassis,
Legal Secretary

June 30, 2016

TO: City Attorney
FROM: Chris Smith, ACA
RE: RLUIPA

Introduction

This memo addresses the obligations a municipality has when presented with a request from a religious institution to operate within the B-3 zoning district.

More specifically, Root River Church (Root River) has applied to amend the Unified Development Ordinance (UDO) of to allow religious organizations a permitted use in the B-3 community business district. The UDO does not permit religious organizations in the B-3 zoning district.

Root River argues that the Religious Land Use and Institutionalized Persons Act (RLUIPA) compels the City to allow Root River into the B-3 zoning district because other similar non-religious organizations would be permitted under the UDO.

Legal Standards

To prevail in its argument, Root River must prove one of the following: (1) the UDO violates RLUIPA's prohibition of unreasonably and **completely excluding** religious exercise (42 U.S.C. § 2000cc(b)(1)), or (2) that the UDO violates RLUIPA's prohibition of treating religious assemblies and institutions on less than **Equal Terms** than non-religious assemblies and institutions. (42 U.S.C. § 2000cc(b)(3)(A)-(B)).

The allegation here is rooted in an Equal Terms argument. Because of that, and because any claim that the City has violated number (1), above, is meritless¹, I will focus on the equal terms allegation.

¹ Franklin has at least five zoning districts available to religious organizations.

Analysis

A zoning regulation will violate the Equal Terms provision only if it treats religious assemblies or institutions less well than secular assemblies or institutions that are similarly situated as to the stated zoning criteria. *River of Life Kingdom Ministries v. Village of Hazel Crest, Ill.*, 611 F.3d 367 (7th Cir. 2010). Put another way, the Equal Terms provision will only be violated when it can be shown that associations similar to a religious organization are given preferential treatment under circumstances where there is no practical difference between the two *as it relates to the zoning criteria*.

Here, the zoning criteria for the B-3 district is generally to support and accommodate retail establishments and commerce. Various for-profit establishments are permitted within the B-3 district, which are easy to distinguish from a church as they relate to the zoning criteria. All generally keep normal business hours and engage in or promote retail commerce within the district with their employees and the public coming and going.

More difficult to distinguish are various “membership organizations” that are permitted within the B-3 district. These include:

- Business Associations
- Professional Organizations
- Labor Organizations
- Civic and Social Organizations
- Membership Organizations, not otherwise classified

Unlike the other entities mentioned above, these do not generally include sales -retail or otherwise- to the public. Nonetheless, the expectation is that these organizations would have regular business hours and staff that would add the retail commerce of the district.

The organization with which Root River compares itself in making the Equal Terms argument is “civic and social organizations,” identified in the UDO under SIC 8641. *See* UDO Section 15-3.0603. The SIC description for “civic and social organizations” is:

Alumni associations and club, bars and restaurants owned and operated for members of booster clubs, business persons, clubs, civic and social citizens' unions, civic associations, community membership clubs, other than amusement and recreation, condominium associations, fraternal associations, other than insurance offices, fraternal lodges, fraternities and sororities, homeowner associations, parent-teacher associations, singing societies, social club, membership taxpayers' associations, tenant associations, university club, veterans' organizations, youth associations.

<http://siccode.com/en/siccodes/8641/civic-social-and-fraternal-association>

While it can still be maintained that civic and social organizations are more likely to have staff during regular business hours when compared to a church, that argument is tenuous, especially focusing on parent-teacher associations and homeowner associations (organizations that generally do not meet during regular business hours, or keep a staff employed). "Should a municipality create what purports to be a pure commercial district and then allow other uses, a church would have an easy victory if the municipality kept it out." *River of Life*, 611 F.3d at 374.

To be clear, the Equal Terms test does not require the objector to show that exclusion would result in any burden, substantial or otherwise. It matters not that there are other districts that the church may operate in, even if the other organizations named above are excluded from those other districts. The only test is described above: whether a religious institution is treated less well than similar associations as it relates to the zoning criteria.

Recommendations

While an argument can be made that civic and social associations meet the B-3 zoning criteria better than a religious organization, it would likely fail.

Because of that, my recommendation is to do one or both of the following:

- Approve Root River Church's application
- Amend the UDO to remove some or all of the "Membership Organizations" as permitted use in the B-3 district, especially "Civic and Social Organizations."

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Smith". The signature is stylized and somewhat cursive.

Chris Smith

Assistant City Attorney

City of Franklin

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>07/19/16</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 8661 "RELIGIOUS ORGANIZATIONS" TO ALLOW FOR SUCH USE AS A PERMITTED USE IN THE B-3 COMMUNITY BUSINESS DISTRICT (ROOT RIVER CHURCH INC., APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>G.2</i></p>

At its June 23, 2016 meeting the Plan Commission, following a properly noticed public hearing, tabled the subject application.

At their July 7, 2016 meeting, the Plan Commission recommended denial of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 "Religious Organizations" to allow for such use as a permitted use in the B-3 Community Business District, upon consideration of the regulatory criteria set forth in the Unified Development Ordinance and the Unified Development Ordinance provisions for the B-3 Community Business District, and as discussed and heard at the June 23, 2016 Plan Commission meeting and this meeting, and as set forth in the Department of City Development staff report for the Root River Church, Inc. Text Amendment Application and the memo and presentation on the subject matter from the City Attorney's Office, as well as the facts presented, including, but not limited to the fact that religious organization use is currently allowed as a permitted use in five other zoning districts in the City, the fact that the stated intended church use property is within the Area A retail commercial redevelopment area which has been under review by the City for the past two plus years, and the history of a lack of any arguably similar uses existing in the B-3 District, which is intended for large groupings of retail sales and customer services establishments in a community serving shopping area for commercial uses and development to improve the tax base and quality of life in the City of Franklin, and to further recommend to the Common Council to direct staff to review and prepare an application to amend the Unified Development Ordinance text to remove some or all of the "Membership Organizations" as a permitted use in the B-3 District (Root River Church Inc., Applicant).

COUNCIL ACTION

A motion to deny Ordinance No. 2016-_____ to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 "Religious Organizations" to allow for such use as a permitted use in the B-3 Community Business District (Root River Church Inc., Applicant).

ORDINANCE NO. 2016-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 8661 "RELIGIOUS ORGANIZATIONS" TO ALLOW FOR SUCH USE AS A PERMITTED USE IN THE B-3 COMMUNITY BUSINESS DISTRICT (ROOT RIVER CHURCH INC., APPLICANT)

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

WHEREAS, Root River Church Inc. having applied for a text amendment to Table 15-3.0603, Standard Industrial Classification Title No. 8661 "Religious organizations", to allow for such use as a Permitted Use in the B-3 Community Business District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title No. 8661 "Religious organizations" as a Permitted Use in the B-3 Community Business District, and having held a public hearing on the proposal on the 23rd day of June, 2016 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 8661 "Religious organizations", is hereby amended as follows: insert "P" (Permitted Use) in the B-3 column.

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

SECTION 3: All ordinances and parts of ordinances in contravention to this

ordinance are hereby repealed.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of June 23, 2016

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow Standard Industrial Classification Title No. 8661 Religious Organizations as a permitted use in the B-3 Community Business District.

Project Name:	SIC Code No. 8661 to the B-3 District
Project Address:	N/A
Applicant:	Root River Church, Inc.
Owners (property):	N/A
Current Zoning:	N/A
2025 Comprehensive Master Plan:	N/A
Use of Surrounding Properties:	N/A
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to add SIC Code No. 8661 as a permitted use in the B-3 District.

INTRODUCTION:

On May 17, 2016, Root River Church, Inc. submitted an application for a Unified Development Ordinance (UDO) Text Amendment to amend Table 15-3.0603 to allow Standard Industrial Classification Title No. 8661 Religious Organizations as a Permitted Use in the B-3 Community Business District.

If the UDO Text Amendment is approved, the applicant Root River Church, Inc., anticipates moving into the Orchard View shopping center at 7140-7240 South 76th Street.

PROJECT DESCRIPTION AND ANALYSIS:

Table 15-3.0603 of the Unified Development Ordinance sets forth those uses, which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use designations are based on the Standard Industrial Classification (SIC) Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget.

The SIC manual describes SIC Title No. 8661 Religious Organizations as:

“Establishments of religious organizations operated for worship, religious training or study, government or administration of an organized religion, or for promotion of religious activities. Other establishments maintained by religious organizations, such as

educational institutions, hospitals, publishing houses, reading rooms, social services, and secondhand stores, are classified according to their primary activity. Also included in this industry are religious groups which reach the public through radio or television media. Establishments of such religious groups which produce taped religious programming for television are classified in Industry 7812, and those which produce live religious programs are classified in Industry 7922. Establishments of such groups which operate radio or television stations are classified in Communications, Major Group 48.”

The following specific uses are associated with SIC Title No. 8661 and included in the description:

- Churches
- Convents
- Monasteries
- Religious instruction, provided by religious organizations
- Religious organizations
- Shrines, religious
- Temples

Review of the City’s Unified Development Ordinance indicates that SIC Code 8661 Religious Organizations is allowed (as a permitted use, see attached Table 15-3.0603) within five existing zoning districts:

- the I-1 Institutional District (which is specifically intended for public and quasi-public uses including religious organizations);
- the CC Civic Center District (which is specifically intended to promote mixed uses including institutional uses); and
- those zoning districts which are intended primarily for office/mixed uses (B-6 Professional Office District, B-7 South 27th Street Mixed Use Office District, and the OL-1 Office Overlay District).

Staff can also note that vacant land and/or vacant tenant spaces often and currently exist within some of the lands zoned I-1, CC, B-6, B-7 and OL-1.

Furthermore, staff finds that the proposed use is not complementary to the B-3 District Intent, which is set forth below for review. The B-3 District envisions retail sales and customer service establishments that are compatible in function. Staff believes that complementary uses would include those that provide a synergy with, and generates more vehicular and pedestrian traffic for, existing businesses. Religious organizations would generally generate little traffic throughout the week and during normal business hours, except for the typical weekend church services. Furthermore, there is little synergy between religious organizations and other retail business uses. The proposed use would likely not help attract additional retailers to B-3 zoned shopping centers.

Section 15-3.0303 B-3 Community Business District

A. District Intent. The B-3 Community Business District is intended to:

1. Accommodate the needs of a much larger consumer population than served by the B-1 Neighborhood Shopping District.
2. Provide for relatively large groupings of retail sales and customer service establishments in a community-serving shopping area.
3. Accommodate the clustering of buildings on parcels of land under individual or multiple ownership.
4. Provide for an arrangement of retail trade establishments that are compatible in function and operation.
5. Provide on-site parking for customer automobiles combined with a pedestrian-oriented shopping environment.

Staff would further note its concern that the proposed text amendment would allow religious organizations, irrespective of size and impact upon adjacent businesses and the surrounding neighborhood, as a permitted use in all B-3 zoned districts (see attached map of B-3 properties in Franklin), not solely at Orchard View Shopping Center.

COMPREHENSIVE MASTER PLAN CONSISTENCY:

- *Consistent with, as defined by Wisconsin State Statute, means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”*

Wisconsin State Statute 66.1001 also requires that “...if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit’s comprehensive plan: ...City of village zoning ordinances enacted or amended under s. 62.23(7)...”

Staff would note that from land use, planning, and zoning standpoints, many religious organizations: would not complement existing businesses with increased vehicular or pedestrian traffic during normal business hours; nor attract other retail business uses; would occupy tenant space or land primarily intended for more compatible commercial uses; and may be tax exempt.

Therefore, addition of religious organizations to the B-3 zoning district would not be consistent with certain elements of the City’s Comprehensive Master Plan including but not limited to:

- The Economic Development Principle, which includes “stabilize and expand a diverse tax base.”
- The following Economic Development goals, objectives and policies:
 - “that it remain the goal of the Common Council to obtain the 70/30 ratio of residential to commercial assessed valuation.”
 - “to allow for various types of development, as long as the value provides a high increment to the City, thereby helping to decrease the tax burden.”
- The Land Use Principle, which includes “To enhance the quality of life for present and future generations by providing economic growth through the highest quality of residential, recreational, and business development in Southeastern Wisconsin.”
- The following Land Use goals and objectives:
 - “Encourage high quality commercial, retail, and office development in appropriate locations.”

-
- “Direct retail centers and other high-intensity and community and regional scale commercial development, other than those specifically identified in the Land Use Plan, to major traffic arterials.”

STAFF RECOMMENDATION:

Department of City Development staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow Standard Industrial Classification Title No. 8661 Religious Organizations as a permitted use in the B-3 Community Business District.

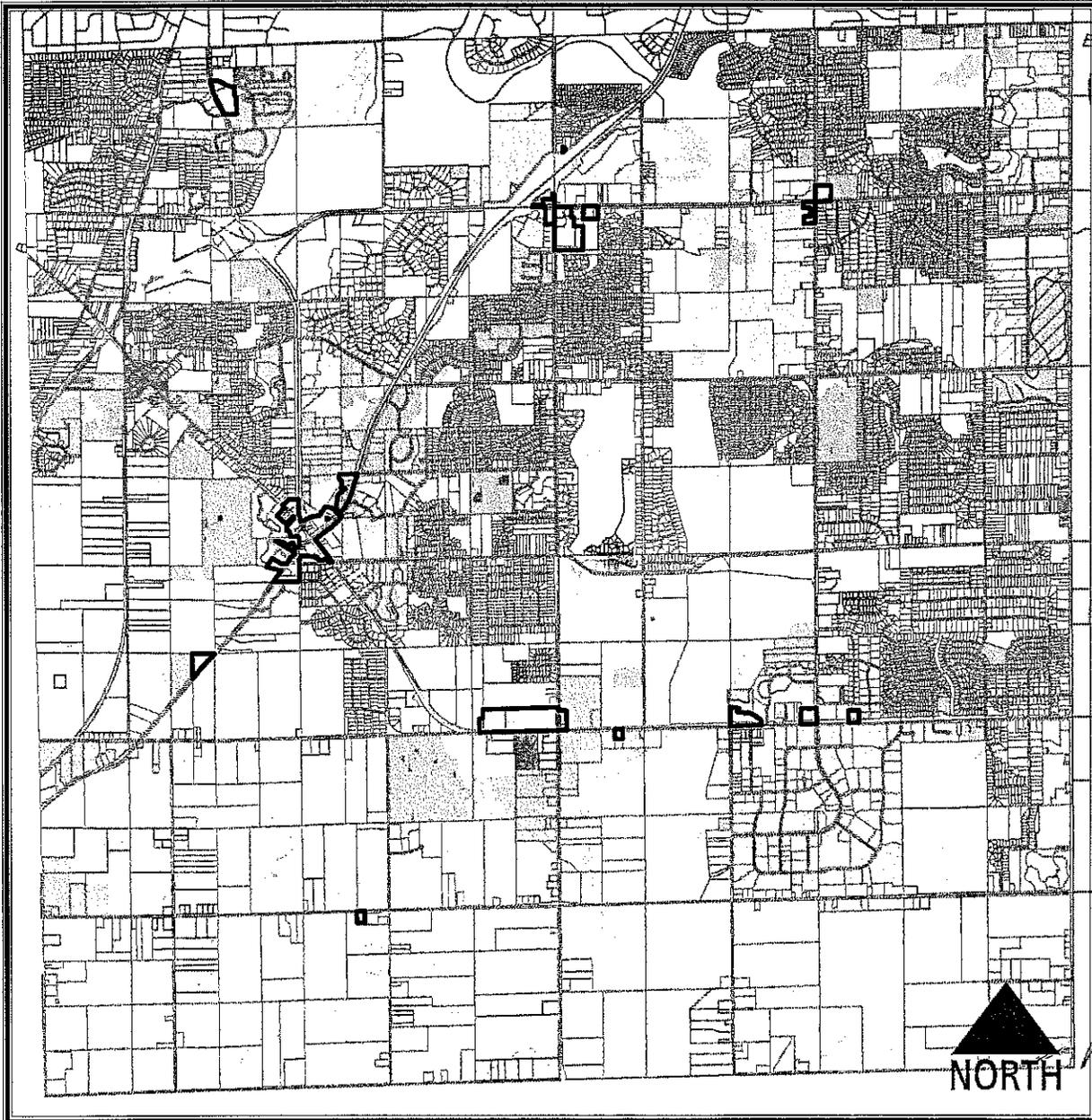
Table 15-3.0603 (continued)

SIC		B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
800	Hospitals																					
8082	General medical & surgical hospitals						S				P				P	S						
8083	Psychiatric hospitals										P				P	S						
8099	Specialty hospitals except psychiatric										P				P	S						
807	Medical and Dental Laboratories																					
8071	Medical laboratories		P	P				P	S				P	P	P	P	S					
8072	Dental laboratories		P					P		S			P	P	P	P	S					
808	Home Health Care Services																					
8082	Home health care services		P	P	P	P		P	S							P	S					P
809	Health and Allied Services, not elsewhere classified																					
8092	Kidney dialysis centers		S				P	P	S		P				P	P	S					P
8093	Specialty outpatient clinics, not elsewhere classified		S				P	P	S		P				P	P	S					P
8099	Health and allied services, not elsewhere classified		S		S		P	P	S		P				P	P	S					P
81	LEGAL SERVICES																					
811	Legal Services																					
8111	Legal Services	P	P	P	P		P	P	P	P					P	P	P					P
82	EDUCATIONAL SERVICES																					
821	Elementary and Secondary Schools																					
8211	Elementary and secondary schools										P											
822	Colleges and Universities																					
8221	Colleges and universities										P											
8222	Junior colleges										P											
823	Libraries																					
8231	Libraries										P											
824	Vocational Schools																					
8243	Data processing schools		P		P			S/A							P	A	P					
8244	Business and secretarial schools		P		P			S/A			P		S		S	A	P					
8249	Vocational schools, not elsewhere classified		P		P			S/A			P		S	S		A	P					
829	Schools & Educational Services, not elsewhere classified																					
8299	Schools & educational services, not elsewhere classified				P			S		S	S											
83	SOCIAL SERVICES																					
832	Individual and Family Services																					
8322	Individual and family services		P	P			S		P				P		S		P					S
833	Job Training and Related Services																					
8331	Job training and related services		P		P			S/A	P				P	P			A	P				P
835	Child Day Care Services																					
8351	Child day care services		S	S	P		S	S/A	S				S		S	A	S					S
836	Residential Care																					
8361	Residential care																					S
839	Social Services, not elsewhere classified																					
8399	Social services, not elsewhere classified		P	P					P								S					S
84	MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS																					
841	Museums and Art Galleries																					
8412	Museums and art galleries		P	P					P	S	P				P		P					
842	Botanical and Zoological Gardens																					
8422	Botanical and zoological gardens										P											
88	MEMBERSHIP ORGANIZATIONS																					
861	Business Associations																					
8611	Business associations		P	P			P	P	P						P	P	P					P
862	Professional Organizations																					
8621	Professional organizations		P	P			P	P	P						P	P	P					P
863	Labor Organizations																					
8631	Labor organizations		P	P			P	P	P						P	P	P					
864	Civic and Social Associations																					
8641	Civic and social associations		P	P	P		P	P	P						P	P	P					
865	Political Organizations																					
8651	Political organizations		P	P			P	P	P						P	P	P					
866	Religious Organizations																					
8661	Religious organizations			P			P	P	P		P					P						
869	Membership Organizations, not elsewhere classified																					
8699	Membership organizations, not elsewhere classified		P	P			S	S	P						S	S	P					P
87	ENGINEERING & MANAGEMENT SERVICES																					
871	Engineering & Architectural Services																					
8711	Engineering services		P		P		P	P	S	P					P	P	S					
8712	Architectural services		P		P		P	P	P	P					P	P	P					
8713	Surveying services		P		P		P	P	S	P					P	P	S					
872	Accounting, Auditing, & Bookkeeping																					
8721	Accounting, auditing, & bookkeeping		P		P		P	P	P	P					P	P	P					
873	Research and Testing Services																					
8731	Commercial physical research				S		S	S	S						S	S	S					
8732	Commercial nonphysical research				S		S	S	S						S	S	S					
8733	Noncommercial research organizations				S		S	S	S						S	S	S					
8734	Testing laboratories											P	P									
874	Management and Public Relations																					
8741	Management services		P		P		P	P	P	S					P	P	P					
8742	Management consulting services		P		P		P	P	P						P	P	P					

(Permitted Use = P, Special Use = S, Not Permitted = Blank)



City of Franklin B-3 Community Business District Zoning



Planning Department
(414) 425-4024

0 3,350 6,700 13,400 Feet

2013 Aerial Photo

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.



Franklin

JUN 13 2016

City Development

June 7, 2016

Greetings from Root River Church,

This letter accompanies our application for Unified Development Ordinance Text Amendment to outline our desire to rent Unit 14 in the southeast corner of Orchard View Shopping Center for the purpose of the worship of the Almighty God.

We at Root River Church, in seeking a location to plant our new fellowship of the Assemblies of God, felt compelled to establish a place of worship in the City of Franklin. After spending quite some time studying the demographics of Franklin and surrounding municipalities, we found the ideal location for our fellowship to be at the intersection of 76th and Rawson Ave. Our MissionInsite study, based on a 5 mile radius reach, found that the area of influence of Root River Church would be the entirety of the communities of Franklin, Greendale, Greenfield, and Hales Corners. It further found that portions of Oak Creek, New Berlin, and Muskego also fall into that 5 mile area of influence. The total estimated population from which Root River Church may reasonably expect to draw is 155,254. Church locations are destinations within a community. This means that people from the surrounding communities who are drawn to Root River Church's services are willing to pass multiple churches to attend the one that best fits their expression of worship. This will result in increased revenue for the City of Franklin by capturing money which would otherwise be spent in their local communities.

IMPACT

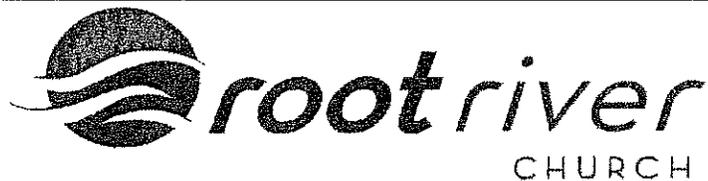
The positive impacts churches have on any given community are well documented.

- According to Ram Cnaan, Professor of Social Policy at Penn State, an average sized church congregation can bring between \$5,00-\$10,000 per adherent per year of additional business into a city. Root River Church expects to have an average weekly attendance of approximately 125 people by the end of 2016 and approximately 200 by the end of 2017. When adding up the revenues generated by the attendance of our adherents to several church sponsored weekly events to revenue generated by weddings, funerals, conferences, and other events the impact will be quite significant. Based on Cnaan's findings, gas stations, restaurants, drug stores and other service industries in the area may reasonably expect to see a minimum of \$625,000 of new revenue generated by the presence of Root River Church in 2017 and significantly more the following year.
- The average small church invests around \$115,009 a year into its community providing services such as elderly care, addiction recovery programs, after school mentoring and many other programs. In addition, most churches give at least 10% of their budgets back to missions and outreach efforts within their own community (Boddie, et al. 2001).
- Churches are statistically proven to decrease crime rates, particularly decreasing levels of assault, burglary, larceny (Bainbridge 1989), and drug use (Fagan 2006).

P.O. Box 321113
Franklin, WI 53132

Scott Harms, Lead Pastor
414.940.2917

scott@rootriverchurch.com
www.rootriverchurch.com



Operations Pastor Josh Blackson of Elevation Church in Charlotte, NC conducted a survey of local businesses that shared a shopping center location with the church to determine how the merchants were impacted by the church's presence. The survey found the following:

- 87% of respondents indicated that they had experienced an increase in customer traffic.
- 90% reported an increase in sales.
- 85% claimed they had seen an increase in repeat customers.
- None of the respondents indicated any negative impact on their business.

There is no reason to believe that the impact on the Orchard View Shopping Center and surrounding merchants would be any less favorable. Because of the surrounding infrastructure, neither the current shopping center tenants nor those travelling on Rawson Ave or 76th Street should expect that the presence of the church will pose any inconvenience. At any given time, in excess of 65% of the parking spaces of the Orchard View Shopping Center are vacant so parking should not be problematic.

Consistency with Comprehensive Master Plan

On page 1-6 of the introduction of the City of Franklin's Comprehensive Master Plan, it is wisely noted that "It is necessary to look beyond only the physical attributes of growth in order to obtain the successful implementation of the Comprehensive Master Plan. Healthy communities grow in all three areas [social, economic, and physical], and a balance should be achieved to provide a quality environment for residents." Unfortunately, in the more than 400 pages that comprise the City's Master Plan, the only references to churches are purely historical. Churches are a perfect fit for the fulfillment of the social aspect of the Master Plan. This is especially true of Root River Church. We are committed to serving the City of Franklin not only by providing spiritual instruction and growth, but practically through providing services to all age groups and by community involvement. In fact, Root River Church has been in attendance at meetings of the Civic Celebration Commission and plans to volunteer throughout the event. We plan to have a robust teen program run by a group of leaders with great experience and leadership qualities. We intend to have trained and qualified counselors, available by appointment, to offer counselling free of charge to those who are in need. Clearly, there is significant social value in adding churches in the City of Franklin.

In addressing the Land Use Design Policies, chapter 5 of the Comprehensive Master Plan under the section titled *Commercial Policy*, describes the Activities and Uses of Commercial Property on page 5-71 Paragraph D stating that the City of Franklin will "Encourage mixed uses. Mixed uses within individual buildings, within individual developments, and between adjacent developments shall be allowed." It goes on to declare that "While a mix of commercial uses is envisioned to be the most common example of mixed use within the City, a mix of compatible residential, commercial and/or business uses may often be appropriate as well." In order to maintain the integrity of the social aspect of the strategy and compliance with the Religious Land Use and Institutionalized Persons Act of 2000, the placement of Root River Church in the Orchard View Shopping Center seems to be remarkably consistent



with the City's Master Plan. This speaks loudly of the City's desire to "encourage mixed uses" and to "look beyond the physical attributes of growth" to communicate to the citizens of this community that the leadership is serious about its social development as well.

INTENT

Root River Church will conduct weekly services on Sundays commencing September 11, 2016 at 10:00 am. Services may be expected to last for approximately 70 minutes. As previously stated, we expect weekly attendance to average 125 people by the end of 2016. With a vigorous outreach plan and community service, we expect that number to increase to 200 people by the end of 2017. For this reason, we intend to negotiate a lease term of 2-3 years to occupy Unit 14 of the Orchard View Shopping Center at 7140 S. 76th St. with O'Malley Investments. It is our intent to divide the space allowing for 2 to 3 classrooms for the care of children from birth through 5th grade during church services. There will also be separate services for students from 6th through 12th grades on a separate night of the week. This will likely take place either Wednesday or Friday evenings. It should be expected that there will also be other group gatherings and activities, such as men's, women's, and seniors' groups taking place throughout the week. We expect to conduct some sort of group gathering at least 4 times per week. As other needs arise within the community additional efforts will be taken to accommodate those needs to the extent that it is consistent with the theology, vision, and mission of Root River Church to do so.

According to the City's Principle Planner, the proposed use is classified under SIC 8661 Religious Organizations. Table 15-3.063 of the Unified Development Ordinance lists the permitted uses under the B-3 Commercial column for SIC 86 Membership Organizations on page 3-94. Included in these permitted uses are: Business Associations, Professional Organizations, Labor Organizations, Civic and Social Associations, Political Organizations, and "Membership organizations not elsewhere classified." The only organization type listed as Not Permitted under this section of the table is Religious Organizations, SIC 8661.

Based on the information outlined in this project narrative and to the benefit of the City of Franklin, it is the intent of Root River Church through this Application for Text Amendment to the Unified Development Ordinance to respectfully ask that Standard Industrial Classification No. 8661: Religious Organizations be allowed as a Permitted Use under Table 15-3.0603 of the City of Franklin's Unified Development Ordinance.

Sincerely,

A handwritten signature in black ink that reads "Scott Harms". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Scott Harms

Table 15-3.0603 (continued)

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	CC	VB	I-1	P-1	M-1	M-2	BP	A-1	A-2	M-3	L-1	PDD
800	Hospitals																		
8062	General medical & surgical hospitals										P								
8063	Psychiatric hospitals										P								
8069	Specialty hospitals except psychiatric										P								
807	Medical and Dental Laboratories																		
8071	Medical laboratories		P	P									P	P	P				
8072	Dental laboratories		P						S				P	P	P				
808	Home Health Care Services																		
8082	Home health care services		P	P	P	P													P
809	Health and Allied Services, not elsewhere classified																		
8092	Kidney dialysis centers		S				P			P				P					P
8093	Specialty outpatient clinics, not elsewhere classified		S				P			P				P					P
8099	Health and allied services, not elsewhere classified		S				P			P				P					P
81	LEGAL SERVICES																		
811	Legal Services																		
8111	Legal Services		P	P	P	P		P	P	P					P				P
82	EDUCATIONAL SERVICES																		
821	Elementary and Secondary Schools																		
8211	Elementary and secondary schools										P								
822	Colleges and Universities																		
8221	Colleges and universities										P								
8222	Junior colleges										P								
823	Libraries																		
8231	Libraries										P								
824	Vocational Schools																		
8243	Data processing schools		P																P
8244	Business and secretarial schools		P								P		S		S				
8249	Vocational schools, not elsewhere classified		P								P		S	S					
829	Schools & Educational Services, not elsewhere classified																		
8299	Schools & educational services, not elsewhere classified										S		S	S					
83	SOCIAL SERVICES																		
832	Individual and Family Services																		
8322	Individual and family services		P	P			S								S				S
833	Job Training and Related Services																		
8331	Job training and related services		P				P					P	P						P
835	Child Day Care Services																		
8351	Child day care services		S	S			S							S	S				S
836	Residential Care																		
8361	Residential care				P														S
839	Social Services, not elsewhere classified																		
8399	Social services, not elsewhere classified		P	P															S
84	MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS																		
841	Museums and Art Galleries																		
8412	Museums and art galleries		P	P					S	P					P				
842	Botanical and Zoological Gardens																		
8422	Botanical and zoological gardens										P								
86	MEMBERSHIP ORGANIZATIONS																		
861	Business Associations																		
8611	Business associations		P	P			P								P				P
862	Professional Organizations																		
8621	Professional organizations		P	P			P								P				P
863	Labor Organizations																		
8631	Labor organizations		P	P			P								P				
864	Civic and Social Associations																		
8641	Civic and social associations		P	P			P								P				
865	Political Organizations																		
8651	Political organizations		P	P			P								P				
868	Religious Organizations																		
8681	Religious organizations						P			P									
869	Membership Organizations, not elsewhere classified																		
8699	Membership organizations, not elsewhere classified		P	P			S								S				P
87	ENGINEERING & MANAGEMENT SERVICES																		
871	Engineering & Architectural Services																		
8711	Engineering services		P				P	S	P										P
8712	Architectural services		P				P	S	P										P
8713	Surveying services		P				P	S	P										P
872	Accounting, Auditing, & Bookkeeping																		
8721	Accounting, auditing, & bookkeeping		P				P	P	P						P				
873	Research and Testing Services																		
8731	Commercial physical research				S			S											S
8732	Commercial nonphysical research				S			S											S
8739	Noncommercial research organizations				S			S											S
8734	Testing laboratories												P	P					
874	Management and Public Relations																		
8741	Management services		P				P	S	S						P				
8742	Management consulting services		P				P	S							P				

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

Approval <i>Slw</i>	Council Action Sheet	MEETING DATE 8/2/16
REPORTS & RECOMMENDATIONS	Economic Development Update Presentation	ITEM NUMBER <i>6.7.</i>

Aaron Hertzberg was hired as the Director of Economic Development for the City of Franklin in November 2015. Since his hiring, Mr. Hertzberg has worked to understand the Southeastern Wisconsin market and opportunities within Franklin by meeting with staff, elected officials, and citizens; building relationships with local businesses and the commercial real estate community; attending conferences and educational sessions; and reading reports, studies, and analytics. Mr. Hertzberg will offer a presentation providing insight into his findings and an overview of activities by the Economic Development Commission. Additionally, he will seek input from the Council regarding economic development priorities.

COUNCIL ACTION REQUESTED

Motion to receive and file the economic development update presentation.

Economic Development: AMH

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