

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>07/18/17</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A PRIVATE PARK USE UPON THE FRANKLIN LIONS CLUB PROPERTY LOCATED AT 10961 WEST ST. MARTINS ROAD (FRANKLIN LIONS FOUNDATION, INC., APPLICANT)</b>	<b>ITEM NUMBER</b> <i>6.5.</i>

At the July 6, 2017, meeting of the Plan Commission the following action was approved: move to recommend approval of a resolution imposing conditions and restrictions for the approval of a Special Use for a private park use upon the Franklin Lions Club property located at 10961 West St. Martins Road with the addition of a Whereas paragraph as read into the record by Mayor Olson.

Per the above motion, Staff added the following language to the resolution: Whereas the Franklin Lions Club having withdrawn its application for a Building Move Permit to relocate an existing storage shed/garage to the subject property, but the City of Franklin wishing to facilitate the eventual location/construction of an accessory structure for private park use, hereby asserts that the property owner shall be allowed to apply for one accessory structure up to 1,000 square feet in size subject to City review and approval of a Minor Site Plan Amendment and a Building Permit.

#### **COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2017-\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a special use for a private park use upon the Franklin Lions Club property located at 10961 West St. Martins Road (Franklin Lions Foundation, Inc., Applicant).

## RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE  
APPROVAL OF A SPECIAL USE FOR A PRIVATE PARK USE UPON THE FRANKLIN  
LIONS CLUB PROPERTY LOCATED AT 10961 WEST ST. MARTINS ROAD  
(FRANKLIN LIONS FOUNDATION, INC., APPLICANT)

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WHEREAS, Franklin Lions Foundation, Inc., having petitioned the City of Franklin for the approval of a Special Use within a P-1 Parks District to allow for a private park use, with the principal use of the park being temporary parking for the annual St. Martins Fair event as a fundraiser for the Lions Club, upon the Franklin Lions Club property located at 10961 West St. Martins Road, bearing Tax Key No. 799-9989-007, more particularly described as follows:

Parcel 1 and Outlot 1 of Certified Survey Map No. 5209, being a part of the Northeast 1/4 & Southeast 1/4 of the Northeast 1/4 of Section 18, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin;  
and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 22nd day of June, 2017, 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 Franklin Lions Club having withdrawn its application for a Building Move Permit to relocate an existing storage shed/garage to the subject property, but the City of Franklin wishing to facilitate the eventual location/construction of an accessory structure for private park use, hereby asserts that the property owner shall be allowed to apply for one accessory structure up to 1,000 square feet in size subject to City review and approval of a Minor Site Plan Amendment and a Building Permit.

FRANKLIN LIONS FOUNDATION, INC. – SPECIAL USE

RESOLUTION NO. 2017-\_\_\_\_\_

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WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Franklin Lions Foundation, Inc., 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 Franklin Lions Foundation, Inc., successors and assigns, as a private park use, which shall be developed in substantial compliance with, and operated and maintained by Franklin Lions Foundation, Inc., pursuant to those plans City file-stamped June 30, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. Franklin Lions Foundation, Inc., 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 Franklin Lions Foundation, Inc. private park, 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 Franklin Lions Foundation, Inc. and the private park use upon the Franklin Lions Club property located at 10961 West St. Martins Road: (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. Franklin Lions Foundation, Inc. shall obtain necessary approvals from the City Engineering Department, Wisconsin Department of Natural Resources, and Milwaukee Metropolitan Sewerage District for the added road material on the east side of their property.

BE IT FURTHER RESOLVED, that in the event Franklin Lions Foundation, Inc., 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.

FRANKLIN LIONS FOUNDATION, INC. – SPECIAL USE

RESOLUTION NO. 2017-\_\_\_\_\_

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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 \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

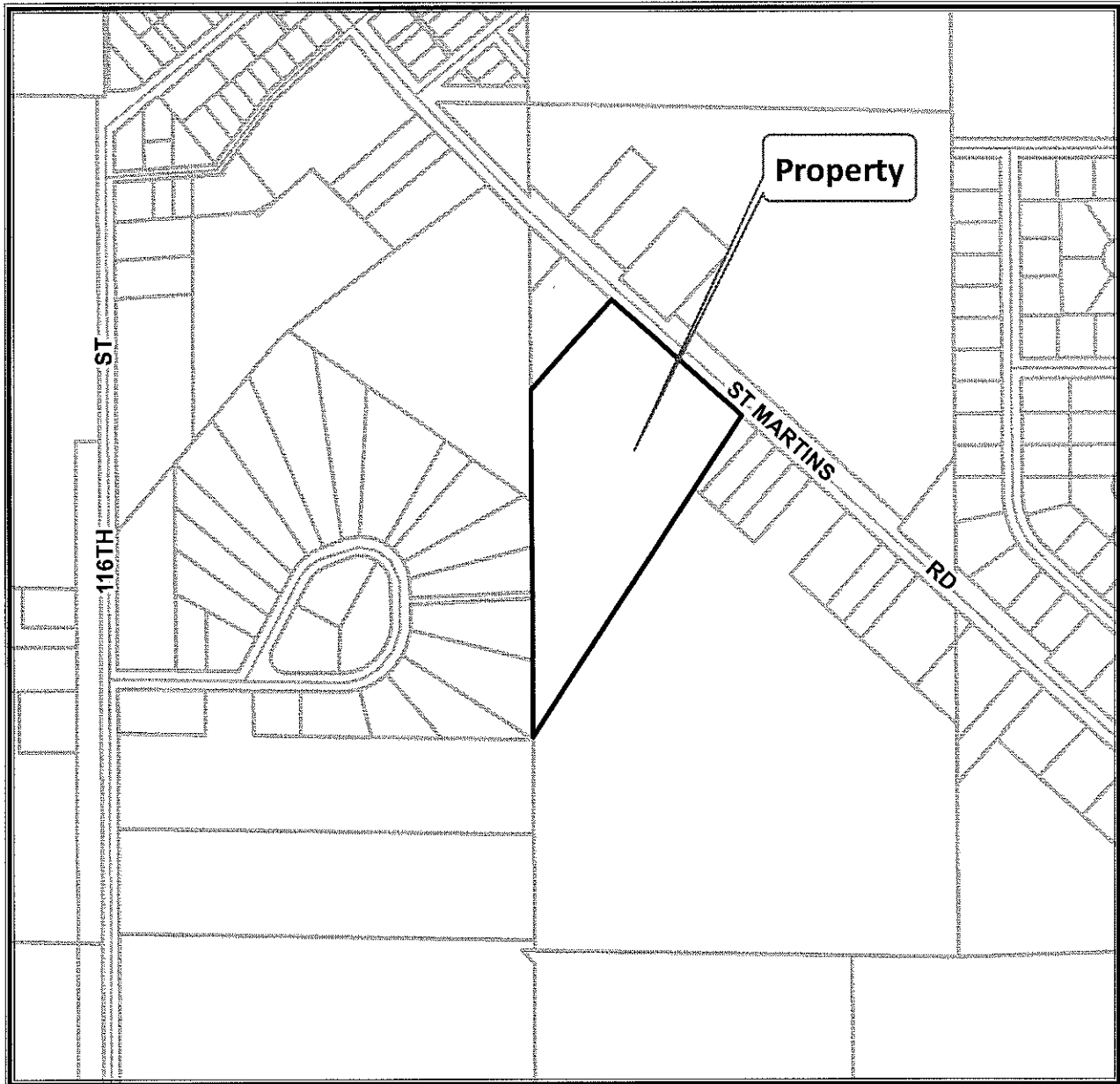
ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



10961 W. St. Martins Road  
TKN: 799 9989 007



Planning Department  
(414) 425-4024

0 300 600 1,200 Feet

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





## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of July 6, 2017

**Special Use & Building Move**


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**RECOMMENDATION:** City Development Staff recommends approval of the proposed special use for a private park use upon the Franklin Lions Club property located at 10961 West St. Martins Road, subject to the conditions of approval in the attached draft resolution.

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<b>Project Name:</b>	Franklin Lions Special Use & Building Move
<b>Project Address:</b>	10961 West St. Martins Road
<b>Applicant:</b>	Franklin Lions Foundation, Inc.
<b>Owners (property):</b>	Franklin Lions Foundation, Inc.
<b>Current Zoning:</b>	P-1 Park District
<b>2025 Comprehensive Master Plan</b>	Recreational and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Commercial (to the west), single-family residential and vacant land (to the east and south) and a church (to the north)
<b>Applicant Action Requested:</b>	Recommendation of approval for the proposed Special Use for Franklin Lions Foundation, Inc. to 10961 West St. Martins Road.

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**INTRODUCTION/BACKGROUND:**

On May 15, 2017, Mr. Jim Witt (on behalf of the Franklin Lions Foundation, Inc.) submitted a Special Use application requesting approval to allow a private park use, parking for the St. Martins Fair, and a storage garage, at 10961 W. St. Martins Road. A private park is allowed as a Special Use within the P-1 Park District.

On May 15, 2017, Mr. Witt (on behalf of the Franklin Lions Foundation, Inc.) also submitted a Building Move application requesting approval to move an existing storage garage from its current location at the Lions Baseball Field at 7979 W. Ryan Road (adjacent to the DPW Storage Yard) to the Franklin Lions Foundation property at 10961 W. St. Martins Road.

On June 19, 2017 Staff received an email from Lions Club President, Mike Petershack, requesting their items be tabled at the June 22<sup>nd</sup> Plan Commission meeting to allow the organization time to consider the matter further.

At the June 22, 2017 meeting of the Plan Commission, following a properly noticed public hearing, the following action was approved: move to postpone and continue the Public hearing to the July 6, 2017 Plan Commission meeting.

On June 28, 2017, Staff received an email from Lions Club President, Mike Petershack, withdrawing the Lions Club's Building Move Application. The email states the club will let the City have the garage and will remove all club items stored in the garage by September 5, 2017. However, the club wishes to move forward with their Special Use Application.

### **PROJECT DESCRIPTION AND ANALYSIS:**

Franklin Lions Foundation, Inc. owns approximately 10.5 acres of vacant land at 10961 West St. Martins Road. This property is zoned P-1 Park District. Historically, the property had a baseball diamond for a youth baseball league, a shed and provided temporary parking for the St. Martins Fair. Eventually, the club moved their ball diamond and shed to City owned land adjacent to the Department of Public Works building at 7979 West Ryan Road. The temporary parking use has continued on an annual basis. The Franklin Lions Club is requesting special use approval for a private park use, with the principal use of the park being temporary parking for the annual St. Martins Fair event as a fundraiser for the Lions Club.

The applicant has withdrawn their request to move a 24' x 24' (approximately 576 square foot) storage garage from 9600 S. 80<sup>th</sup> Street to the Franklin Lions Foundation Inc.'s property at 10961 West St. Martins Road. However, Staff has no objection to a future accessory structure up to approximately 600 square feet in area being added to the property, subject to review and approval of a Minor Site Plan Amendment Application by Staff.

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has provided a written response to these standards, which is included in your packet.

### **Parking:**

The property at 10961 W. St. Martins Road has access via an easement along the south property line. This easement appears on Certified Survey Map No. 5209. A gravel driveway has historically connected this access point to another driveway along the north property line (adjacent to the former Herda's Hardware building). In 2016, during the reconstruction of West St. Martins Road, Musson stockpiled gravel on the Franklin Lions Foundation's property. Upon completion of the road project, Musson spread the left over gravel across the east side of the property. This road material was deposited without the proper permits or approvals from the City of Franklin. Subsequently, the historic driveway on the property has been significantly expanded. Staff recommends Franklin Lions Foundation, Inc. obtain all necessary approvals from the City Engineering Department, Wisconsin Department of Natural Resources and Milwaukee Metropolitan Sewerage District for the added road material on the east side of their property. If the applicant cannot obtain the proper approvals for the added road material, then removal of those portions of the added road material, which have not obtained necessary approvals would be required and those portions of the site restored to their previous condition. However, in such an event, Staff would have no objection to retaining/re-establishing the drive to its historic condition.

Natural Resource Protection Plan:

The Franklin Lions Club has provided a map prepared by GRAEF depicting best available natural resource data for the property. In addition, they have submitted a map from the Wisconsin Department of Natural Resources Surface Water Data Viewer depicting 2005 Wisconsin Wetland Inventory data and soils with wetland indicators.

**STAFF RECOMMENDATION:**

City Development staff recommends approval of the proposed special use for a private park use upon the Franklin Lions Club property located at 10961 West St. Martins Road, subject to the conditions of approval in the attached draft resolution.



MAY 15 2017



## City Development

Date of Application: 5-10-17

## SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

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

## Applicant (Full Legal Name(s)):

Name: FRANKLIN LEONS FOUNDATION INC

Company:

Mailing Address: 2848 W. HILLTOP LNCity / State: FRANKLIN WI Zip: 53132Phone: 414-761-9196Email Address: dbert@ram.wi.net

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

Name: JIM WITT

Company:

Mailing Address: 6540 S. 51ST STCity / State: FRANKLIN WI Zip: 53132Phone: 414-349-0696Email Address: JIM.WITT@GAAEF.USA.COM

## Project Property Information:

Property Address: 10941 W. ST. MARTINS RDProperty Owner(s): FRANKLIN LEONS FOUNDATION INC.Mailing Address: 2848 W. HILLTOP LNCity / State: FRANKLIN WI Zip: 53132

Email Address:

Tax Key Nos: 799-9989-007Existing Zoning: P-1Existing Use: PARKING FOR ST. MARTINS FAIRProposed Use: STORAGE GARAGEFuture Land Use Identification: RECREATIONAL\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

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

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

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

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

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. 6943.13.

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

Douglas W. Bertram  
Signature - Property Owner  
DOUG BERTRAM - TREASURER  
Name & Title (PRINT)

Mike Petershach  
Signature - Property Owner  
MIKE PETERSHACH - PRESIDENT  
Name & Title (PRINT)

James Witt  
Signature - Applicant  
JIM WITT - CONTACT PERSON  
Name & Title (PRINT)

\_\_\_\_\_  
Signature - Applicant's Representative  
Name & Title (PRINT)

\_\_\_\_\_  
Date:

## Orrin Sumwalt

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**From:** Mike Petershack <mpshack@yahoo.com>  
**Sent:** Wednesday, June 28, 2017 10:24 AM  
**To:** Orrin Sumwalt  
**Cc:** Gary Stankowski; Mike Shawgo  
**Subject:** Re: Franklin Lions Foundation, Inc.

Orrin:

At our meeting last night the club has decided to move forward only with Special Use Application. We will not be moving forward with the building move application. We shall let the city have the garage to do with as they see appropriate. All Lions Club items currently stored in garage will be removed by September 5, 2017.

If you have any questions please me know.

Mike Petershack  
President-Franklin Lions Club

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**From:** Orrin Sumwalt [<mailto:OSumwalt@franklinwi.gov>]  
**Sent:** Wednesday, June 28, 2017 8:54 AM  
**To:** [gary.stankowski@att.net](mailto:gary.stankowski@att.net)  
**Cc:** Mike Shawgo  
**Subject:** Franklin Lions Foundation, Inc.

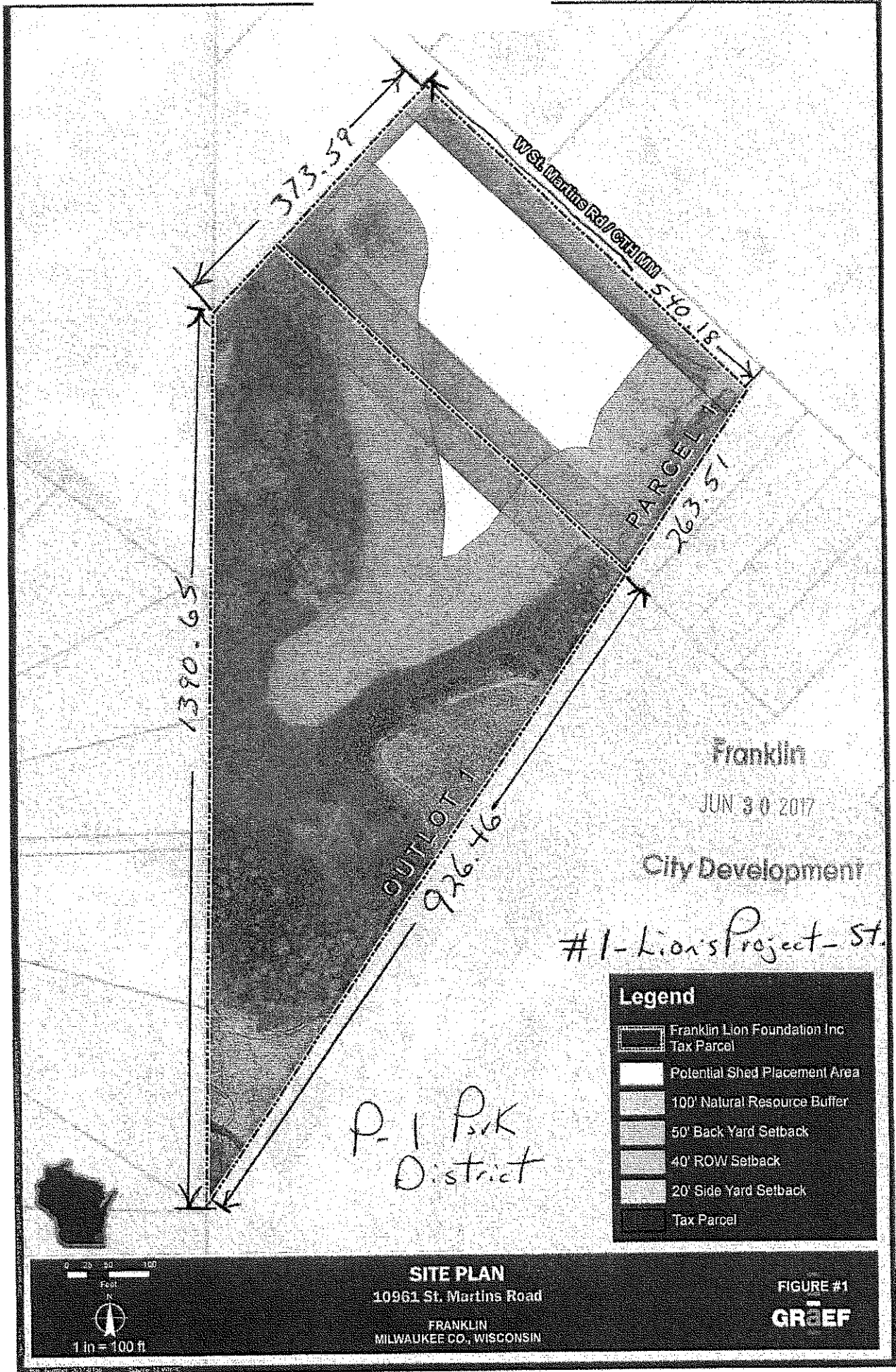
Gary,

I'm wondering what was decided at the Lions Club's meeting last night. Is the organization moving forward with the Special Use and Building Move Applications?

Thanks,

orrin sumwalt, aicp | associate planner | city of franklin | 414.425.4024

Exhibit A



CONC. MON.  
W/IRON PLU.

0 - DENOTES 1" X 24" IRON PIPE,  
1.13 LBS. / LIN. FT. UNLESS  
SHOWN OTHERWISE.

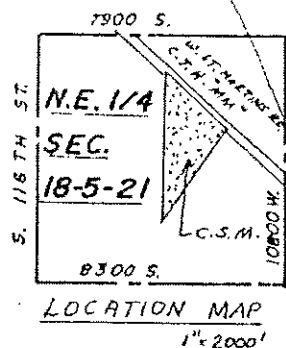
1 - DENOTES 6.3 SPIRIT SET  
IN PAVEMENT

N.E. Cor. of N.E. 1/4 of  
Section 18-5-21  
N. 334,672.45  
E. 2,522,721.24 WIS. ST. PL.  
COORD'S. (S. ZONE)

(CONT. 10,171 SQ. FT.)

CERTIFIED SURVEY MAP NO. 5 0.

BEING A PART OF THE N.E. 1/4 & S.E. 1/4 OF THE  
N.E. 1/4 OF SECTION 18, T.5N., R. 21E., IN THE  
CITY OF FRANKLIN, MILWAUKEE CO., WIS.



ALL BEARINGS REFER TO GRID NORTH OF THE WISC. ST. PL. COORD'TE SYST. (LIZON(E)

UNPLATTED  
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LOT 13  
W A N O R  
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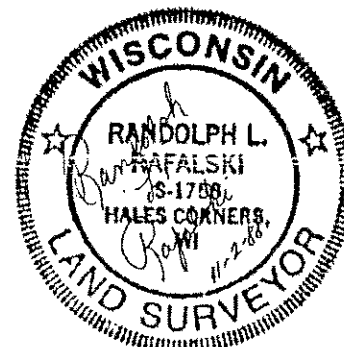
**OUTLOT 1**  
(308,165.SQ.FT.)  
7.07 AC.

1230.515 925.46 S. 32° 44' 23" W  
UNPLATTED

1000

JUN 30 2017

**Chester**



**INMAN SURVEY  
& ASSOCIATES, INC.**  
11221 W. FOREST HOME AVE.  
HALES CORNERS, WISCONSIN 53130  
PHONE 425-2060

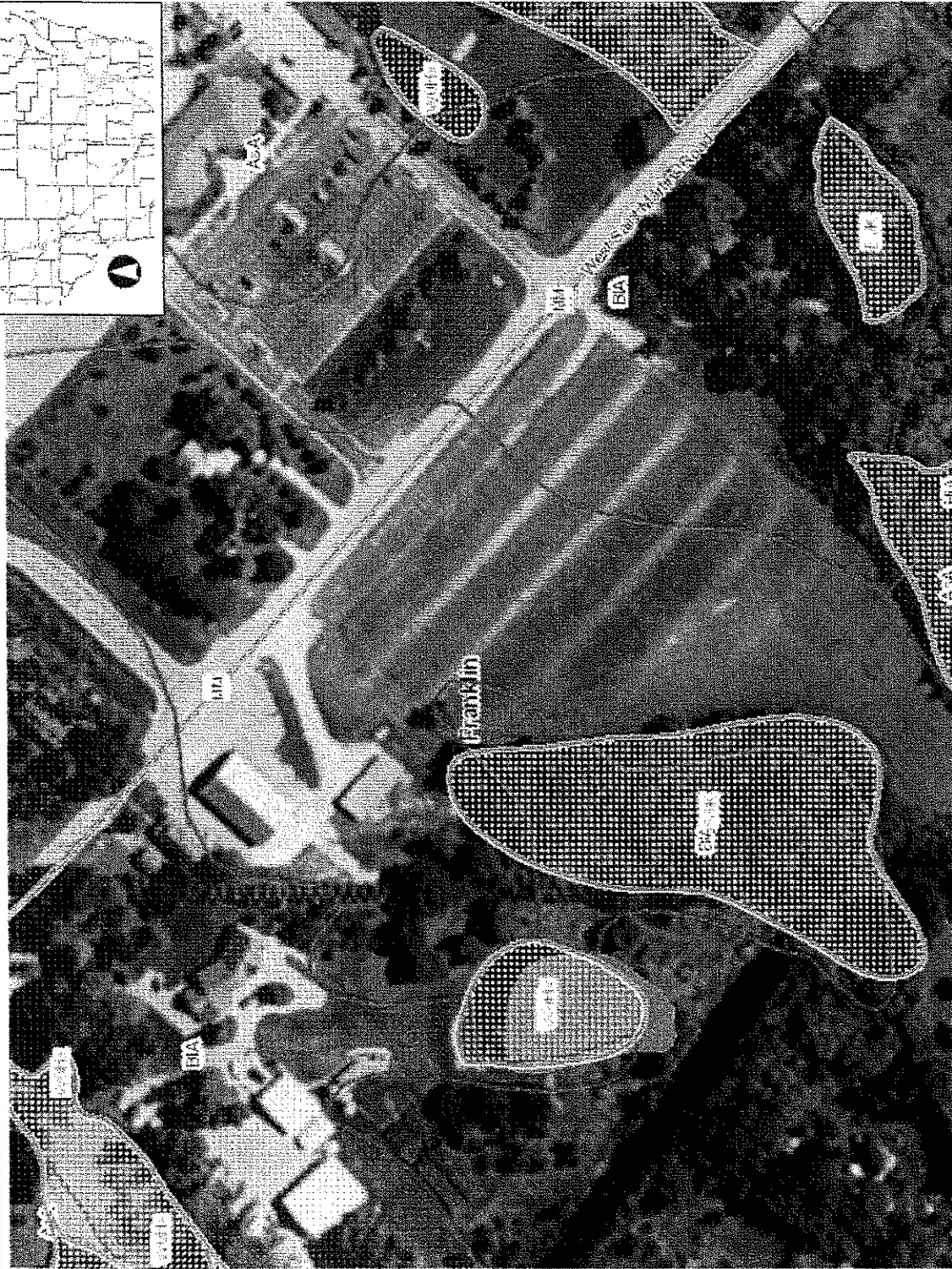
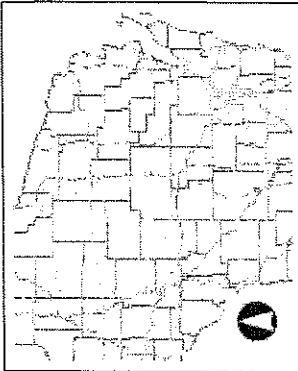


GRAPHIC SCALE





# Franklin Lions Foundation Inc. 10961 W. St. Martins Road



## Legend

- Wetland Class Points
  - Dammed pond
  - Excavated pond
  - Filled excavated pond
  - Filled/excavated wetland
  - Wetland too small to delineate
- Filled Points
- Wetland Class Areas
  - Wetland
  - Upland
- Filled Areas
- NRCS Wetspots
- Wetland Indicators
- Intermittent Streams
- 24K Hydrography Streams and Rivers
- 24K Hydrography Lakes and Open Water
- Municipality
- State Boundaries
- County Boundaries
- Major Roads
  - Interstate Highway
  - State Highway
  - US Highway
- County and Local Roads
  - County HWY
  - Local Road
- Railroads
- Tribal Lands
- Rivers and Streams
- Intermittent Streams
- Lakes and Open water

## Notes

Surface Water Data Viewer Map

DISCLAIMER: The information shown on these maps has been obtained from various sources, and is of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

0.1 Miles

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NAD\_1983\_HARN\_Wisconsin\_TM

1: 1,980

**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: YES. THE DEVELOPMENT WILL BE IN HARMONY WITH THE CITY ORDINANCE AND COMPREHENSIVE PLAN.*

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: NO - WILL NOT HAVE UNDUER ADVERSE IMPACT ON ADJACENT PROPERTY.*

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: NO - WILL NOT INTERFERE WITH SURROUNDING DEVELOPMENT.*

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 EXSISTING PUBLIC FACILITIES ARE ADEQUATE.*

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

*Response: THE PROPOSED ~~DE~~ DEVELOPMENT WILL NOT CAUSE TRAFFIC CONGESTION.*

**Franklin**

**Franklin**

MAY 15 2017

JUN 30 2017

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**CityDevelopment**

**CityDevelopment**

*Response:*

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.

*Proposed*  
*Response: NO PROPOSED DEVELOPMENT WILL ESTABLISH A PRECEDENT OF INCOMPATIBLE USES.*

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE  07/18/17
REPORTS & RECOMMENDATIONS	ORDINANCE TO AMEND §15-3.0439 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 34 (HAMPTON INN AND SUITES PLUS MIXED USE COMMERCIAL) TO ALLOW FOR THE INSTALLATION OF AUTOMATED PAYMENT KIOSKS, SIGNAGE AND QUEUING LANE STRIPING, REMOVAL OF TWO VACUUM STATIONS AND A LANDSCAPE ISLAND AND ADDITION OF CONCRETE CURBS TO DIRECT TRAFFIC AT MISTER CAR WASH #488 498 (7700 WEST RAWSON AVENUE) (DAVID HAIL, VICE PRESIDENT OF RESEARCH & DEVELOPMENT AT MISTER CAR WASH, APPLICANT)	ITEM NUMBER  <i>C.6.</i>

At their meeting on July 6, 2017, the Plan Commission recommended approval of an ordinance to amend Section 15-3.0439 of the Unified Development Ordinance Planned Development District No. 34 (Hampton Inn and Suites plus mixed use commercial) to allow for the installation of automated payment kiosks, signage and queuing lane striping, removal of two vacuum stations and a landscape island and addition of concrete curbs to direct traffic at Mister Car Wash #488 498 (7700 West Rawson Avenue) (David Hail, Vice President of Research & Development at Mister Car Wash, Applicant).

#### COUNCIL ACTION REQUESTED

A motion to approve Ordinance No. 2017-\_\_\_\_\_, an ordinance to amend Section 15-3.0439 of the Unified Development Ordinance Planned Development District No. 34 (Hampton Inn and Suites plus mixed use commercial) to allow for the installation of automated payment kiosks, signage and queuing lane striping, removal of two vacuum stations and a landscape island and addition of concrete curbs to direct traffic at Mister Car Wash #488 498 (7700 West Rawson Avenue) (David Hail, Vice President of Research & Development at Mister Car Wash, Applicant).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 15-3.0439 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 34 (HAMPTON INN AND SUITES PLUS MIXED USE COMMERCIAL) TO ALLOW FOR THE INSTALLATION OF AUTOMATED PAYMENT KIOSKS, SIGNAGE AND QUEUING LANE STRIPING, REMOVAL OF TWO VACUUM STATIONS AND A LANDSCAPE ISLAND AND ADDITION OF CONCRETE CURBS TO DIRECT TRAFFIC AT MISTER CAR WASH #488 498 (7700 WEST RAWSON AVENUE)  
(DAVID HAIL, VICE PRESIDENT OF RESEARCH & DEVELOPMENT AT MISTER CAR WASH, APPLICANT)

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WHEREAS, §15-3.0439 of the Unified Development Ordinance provides for and regulates Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial), same having been created by Ordinance No. 08-1951 and later amended by Ordinance No. 12-2081 and 2017-2257, with such District primarily being located at 7700 West Rawson Avenue, bearing Tax Key No. 744-1002-000; and

WHEREAS, Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) includes those lands legally described as follows:

Lot 2 of Certified Survey Map No. 8467, being a re-division of Parcels 1 and 3 of Certified Survey Map No. 6017 and a vacated portion of West Loomis Road (S.T.H. "36") in the Southeast 1/4 of the Southeast 1/4 of Section 4, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, David Hail, Vice President of Research & Development at Mister Car Wash having petitioned for an amendment to Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial), to allow for replacing the recently approved entrance canopy to the carwash lanes with three automated payment kiosks with associated canopies, signage and queuing lane striping, removal of two vacuum stations and a landscape island and addition of concrete curbs to direct traffic for Mister Car Wash #488 498, upon property located at 7700 West Rawson Avenue; and

WHEREAS, the City of Franklin Plan Commission determined that the amendment to Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) was not a substantial change to the Plan, thus not requiring a public hearing upon the aforesaid petition, and the Plan Commission thereafter having determined that the proposed amendment would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment would promote the health, safety and welfare of the Community.

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

SECTION 1:           §15-3.0439 Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to allow for replacing the recently approved entrance canopy to the carwash lanes with three automated payment kiosks with associated canopies, signage and queuing lane striping, removal of two vacuum stations and a landscape island and addition of concrete curbs to direct traffic for Mister Car Wash #488 498, upon property located at 7700 West Rawson Avenue, pursuant to those plans City file-stamped June 26, 2017 and subject to the following conditions:

1.       Fourteen (14) Holmstrup arborvitae (*Thuja occidentalis* 'Holmstrup') shall be installed within a new landscape planting bed along the north elevation of the car wash building, within 60 days of the date of adoption of this Ordinance.
2.       A Landscape Plan for the new parking island at the east end of the vacuum stations shall be submitted to the Department of City Development for review and approval by Staff, within 60 days of the date of adoption of this Ordinance.
3.       The proposed signage shall meet the requirements of Chapter 210 of the City of Franklin Municipal Code and be subject to the issuance of a Sign Permit from the City's Inspection Department.

SECTION 2:           The proposed Mister Car Wash #488 498 carwash lanes canopy replacement with three automated payment kiosks with associated canopies, signage and queuing lane striping, removal of two vacuum stations and a landscape island and addition of concrete curbs to direct traffic project shall be completed within one year from the date of adoption of this Ordinance, or this Ordinance and all rights and approvals resulting therefrom shall be null and void without any further action by the City of Franklin.

- SECTION 3: David Hail, Vice President of Research & Development at Mister Car Wash, successors and assigns, shall pay to the City of Franklin all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Mister Car Wash #488 498 carwash lanes canopy replacement with three automated payment kiosks with associated canopies, signage and queuing lane striping, removal of two vacuum stations and a landscape island and addition of concrete curbs to direct traffic project. 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.
- SECTION 4: The approval granted hereunder is conditional upon David Hail, Vice President of Research & Development at Mister Car Wash and the Mister Car Wash #488 498 carwash lanes canopy replacement with three automated payment kiosks with associated canopies, signage and queuing lane striping, removal of two vacuum stations and a landscape island and addition of concrete curbs to direct traffic project for the property located at 7700 West Rawson Avenue: (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.
- SECTION 5: All other applicable terms and provisions of §15-3.0439 Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Mister Car Wash #488 498 carwash lanes canopy replacement with three automated payment kiosks with associated canopies, signage and queuing lane striping, removal of two vacuum stations and a landscape island and addition of concrete curbs to direct traffic project, and all terms and provisions of §15-3.0439 of Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.
- SECTION 6: 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.

ORDINANCE NO. 2017-\_\_\_\_\_

Page 4

SECTION 7: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 8: 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 \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

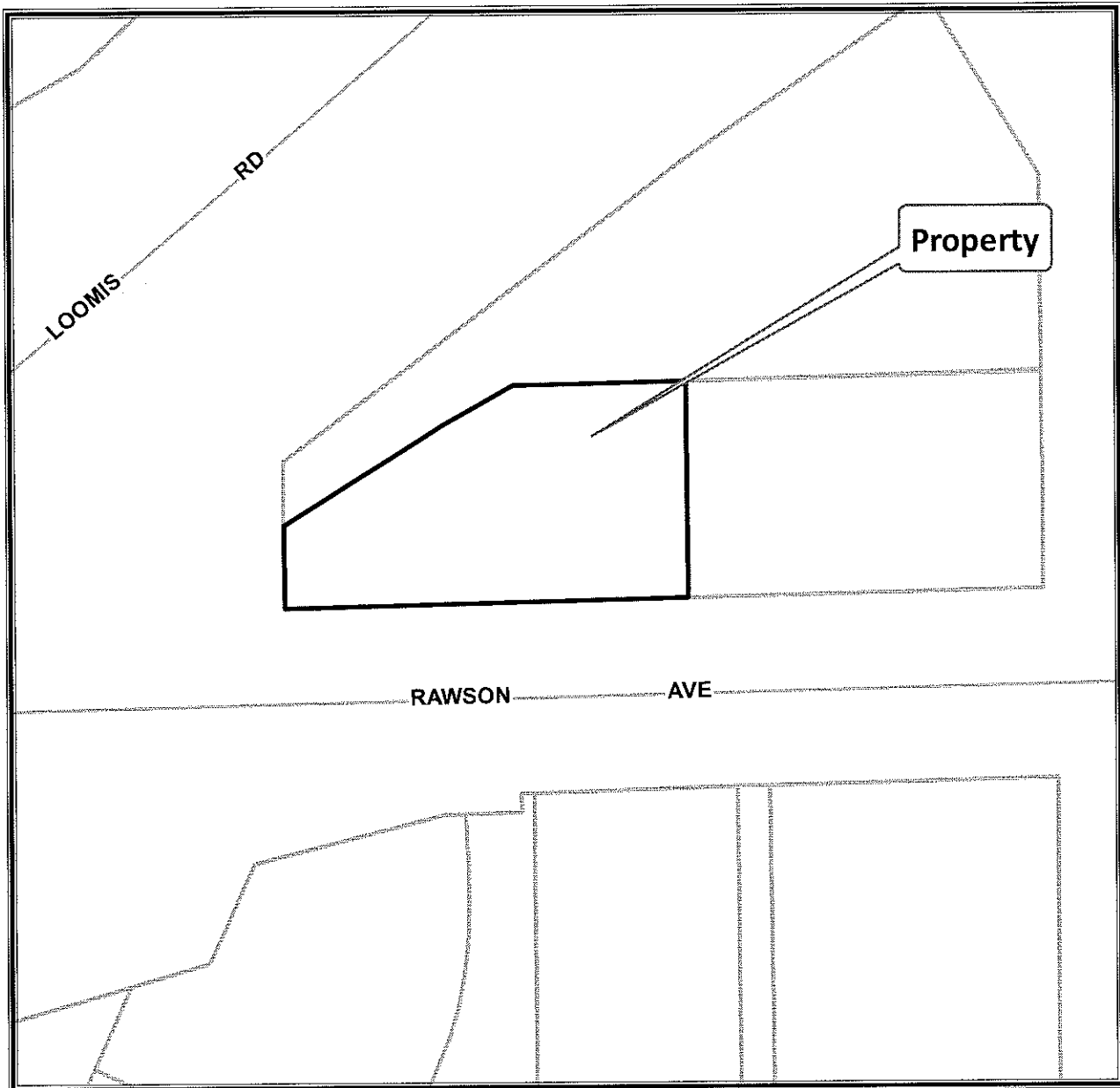
ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



7700 W. Rawson Ave.  
TKN 744 1002 000



Planning Department  
(414) 425-4024

0 75 150 300 Feet



2017 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 6, 2017

## Planned Development District Amendment

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**RECOMMENDATION:** City Development Staff recommends approval of the proposed Planned Development District Amendment as a Minor Amendment for proposed site modifications for Realty Income Properties 6 LLC, subject to the conditions of approval in attached draft ordinance.

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<b>Project Name:</b>	Mister Car Wash PDD Amendment
<b>Project Address:</b>	7700 West Rawson Avenue
<b>Applicant:</b>	David Hail, CWP West Corporation
<b>Property Owner:</b>	Realty Income Properties 6, LLC
<b>Current Zoning:</b>	Planned Development District (PDD) No. 34
<b>2025 Comprehensive Plan:</b>	Commercial
<b>Use of Surrounding Properties:</b>	Loomis Road (STH 36) to the north and west, gas station to the east and The Franklin Centre to the south
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the proposed Planned Development District Amendment.

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Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.

### **BACKGROUND & INTRODUCTION:**

On July 10, 2012, the Common Council adopted Ordinance No. 2012-2081 to amend Section 15-3.0439 of the Unified Development Ordinance Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) to authorize redevelopment of an existing commercial car care center at 7700 W. Rawson Avenue

On December 27, 2016, Mr. David Hail of CWP West Corporation submitted an application for a Planned Development District (PDD) Amendment. The amendment proposes building and site modifications to the former Sudz Wash & Lube upon property located at 7700 West Rawson Avenue.

On February 21, 2017, the Common Council adopted Ordinance No. 2017-2257 to amend Section 15-3.0439 of the Unified Development Ordinance Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) to allow for the installation of new signage, canopies, bollards and reconfiguration of queuing lanes at Mister Car Wash.

The applicant is requesting, with agreement from the Department of City Development staff, that the Plan Commission and Common Council determine the proposed amendment to be a Minor

Amendment. To expedite the process, the applicant has paid the Minor Amendment Application fee of \$500. (Major PDD Amendments require a public hearing and a \$3,500 fee as opposed to a \$500 fee). Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to uses and changes to street layouts.

## **PROJECT DESCRIPTION & ANALYSIS:**

### **Site Plan and Architecture:**

Mister Car Wash (a national chain of car washes) recently purchased the Sudz Wash & Lube southeast Wisconsin regional chain of car washes. In February, as part of Ordinance No. 2017-2257, Mr. Car Wash received approval to install entrance canopies above the car wash and lube bay queuing lanes. Mr. Car Wash has changed their minds and is now proposing to install three (3) automated payment lanes for the car wash. The payment kiosks include associated canopies and signage. Mr. Car Wash is also proposing to remove two (2) vacuum stations, add concrete curb and striping to direct traffic, and reconfigure queuing lanes.

The proposed payment kiosks will allow greater stacking capacity and faster payment processing. This should help reduce traffic backups during times of peak use. The proposed layout will still allow cross access between Mr. Car Wash and the adjacent Hampton Inn & Suites to the north and 7-Eleven to the east.

### **Landscaping:**

The 2012 Scrub Plus PDD Amendment approved by Ordinance No. 2012-2081, included a Phase 2 Site Plan, which contemplated the development of a hotel on the adjacent property within PDD No. 34. The Phase 2 Site Plan included a note along the north elevation of the carwash building stating, "Future planting area part of Phase 2". However, this planting area was not installed at the time of the Hampton Inn & Suites hotel development. Therefore, Staff recommends the applicant install fourteen (14) Holmstrup arborvitae (Thuja occidentalis 'Holmstrup'), within a new planting bed along the north elevation of the car wash building, within 60 days of the date of adoption of this Ordinance.

The applicant is proposing to remove two (2) vacuum stations and subsequently install a new parking island. The applicant's plans depict grass as the ground cover for the landscape island. However, Staff would rather the applicant landscape this island with shrubs and flowers with a mulch ground cover. Therefore, Staff recommends the applicant submit a landscape plan for the new parking island at the east end of the vacuum stations to the Department of City Development for review and approval by Staff, within 60 days of the date of adoption of this Ordinance.

### **Natural Resource Protection Plan:**

When Planned Development District No. 34 was first proposed, People's Choice Corporation submitted a letter dated August 6, 2007 from Natural Resources Consulting, Inc. stating that there were no natural resources located within the subject property boundary.



Signage:

The proposed payment kiosks have associated signage that would be in excess of what is allowed. Therefore, the applicant plans to reduce the size of the wall sign on the south wall of the lube bay to bring the total signage area into compliance.

While the Plan Commission may approve signage in PDD No. 34, a technical review of the proposed signage to ensure it meets the requirements of Chapter 210 Signs and Billboards of the Municipal Code has not yet taken place. Therefore, Staff recommends the proposed signage meet the requirements of Chapter 210 of the City of Franklin Municipal Code and be subject to the issuance of a Sign Permit from the City's Inspection Department.

**STAFF RECOMMENDATION:**

City Development Staff recommends approval of the Planned Development District Amendment subject to the conditions of approval in the attached draft ordinance.

Franklin

JUN 26 2017

June 21, 2017

City Development

## Mister Car Wash Franklin Project Description

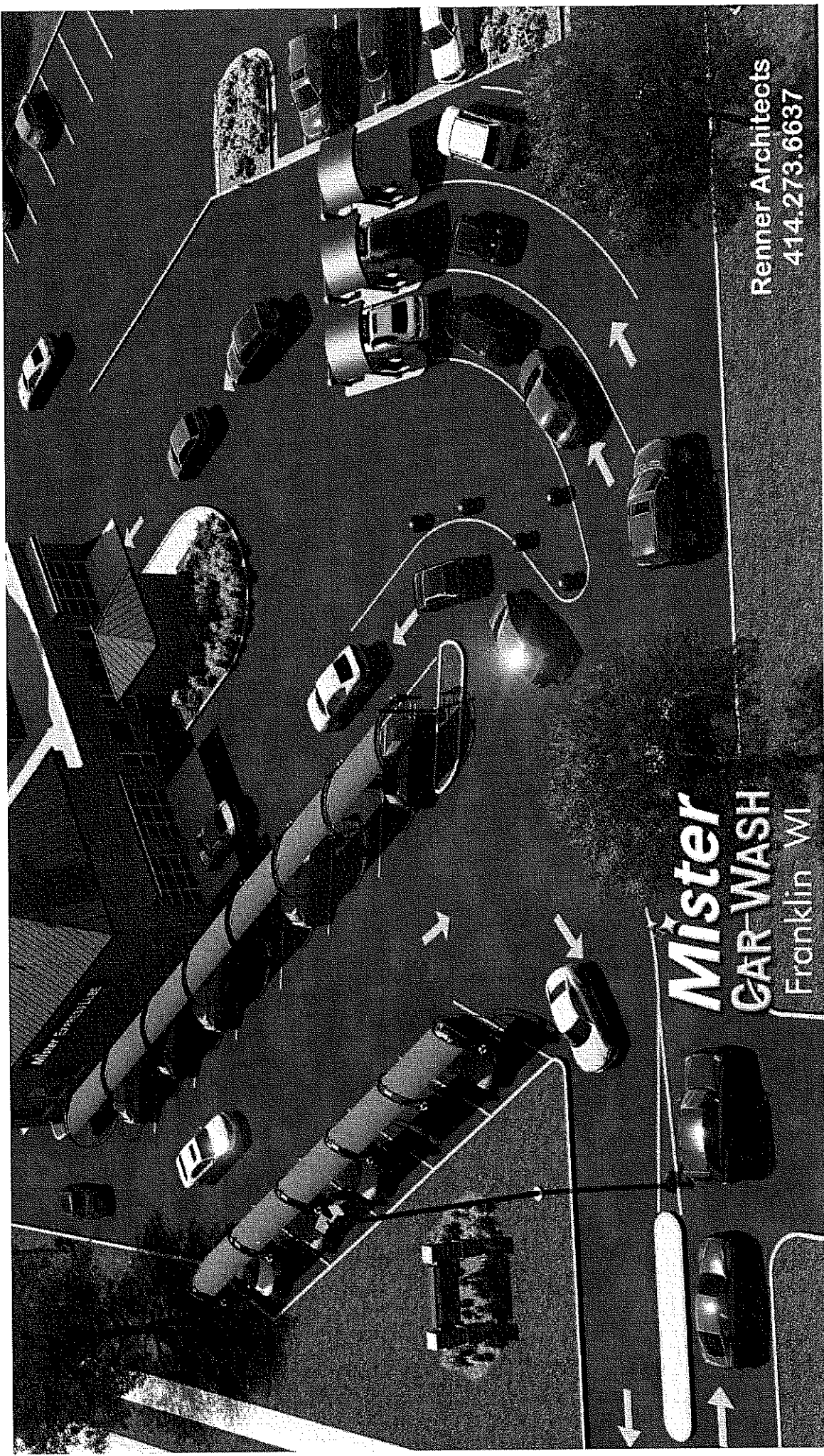
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Mister Car Wash is a national chain of car washes. They recently purchased the Sudz southeast Wisconsin regional chain of car washes. Mister Car Wash previously submitted and had approved a minor change to the PUD to install some entrance canopies to the car wash and lube bay entrance lanes. They have subsequently changed their minds and have now decided to install automated payment lanes for the car wash.

The physical changes being made will amount to adding 3 payment kiosks with signage and canopies. They will also be removing 2 of the vacuum stations making it easier to access the lube bays. Finally, concrete curbs will be added to direct traffic.

The automated payment system will enable users of the car wash to pay with credit card, Mister Car Wash Card or cash at 2 lanes. A third lane will be dedicated to monthly unlimited pass holders who can simply drive through once a pass is detected on the windshield. We are proposing 2 payment lanes, 1 members only lane that will help expedite customers that are part of our Unlimited Wash Club. Adding only one "retail" payment lane and one member's lane will create queuing issues. As far as the lube entrance, it will be the same as it currently is. We are only trying to more effectively utilize the dead space on the lot in the NE corner. The reality is that this is more efficient than the way we process now because we are creating multiple lanes for customers to transact. Members no longer will be stuck behind a non-member trying to make a decision or asking tons of questions, and we will ALWAYS be able to process three transactions at once. Now, we often take customers one at a time, or even two at a time but single file, and when this location gets busy, cars quickly queue up to the street. Our layout will increase stacking capacity and in turn allow us to wash more cars more efficiently.

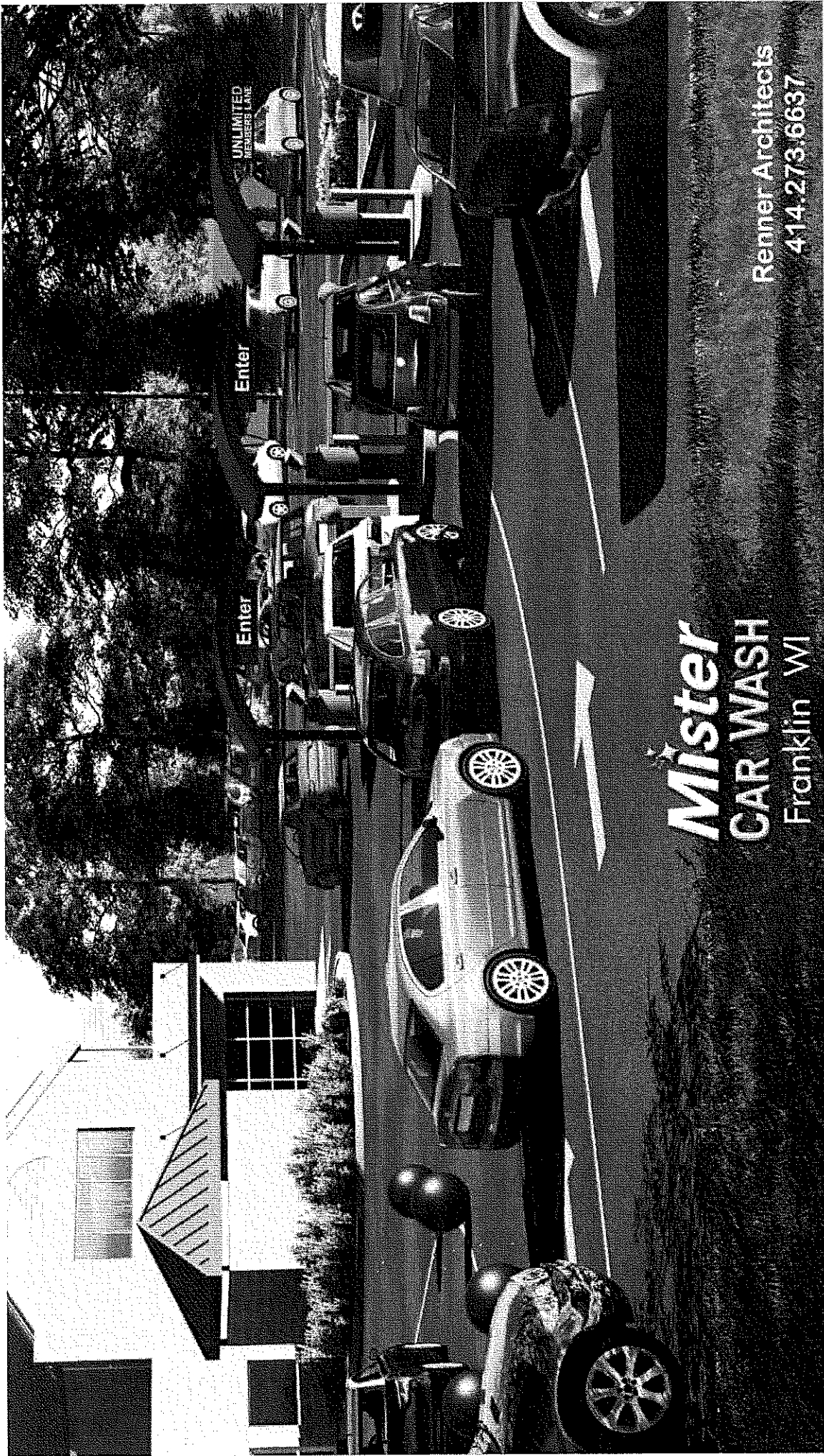
The signage proposed is in excess of what would be allowed. Therefore we will be reducing the size of the wall sign on the Lube Bay wall to bring the total signage area into compliance.



**Mister**  
**CAR-WASH**  
Franklin WI

Renner Architects  
414.273.6637





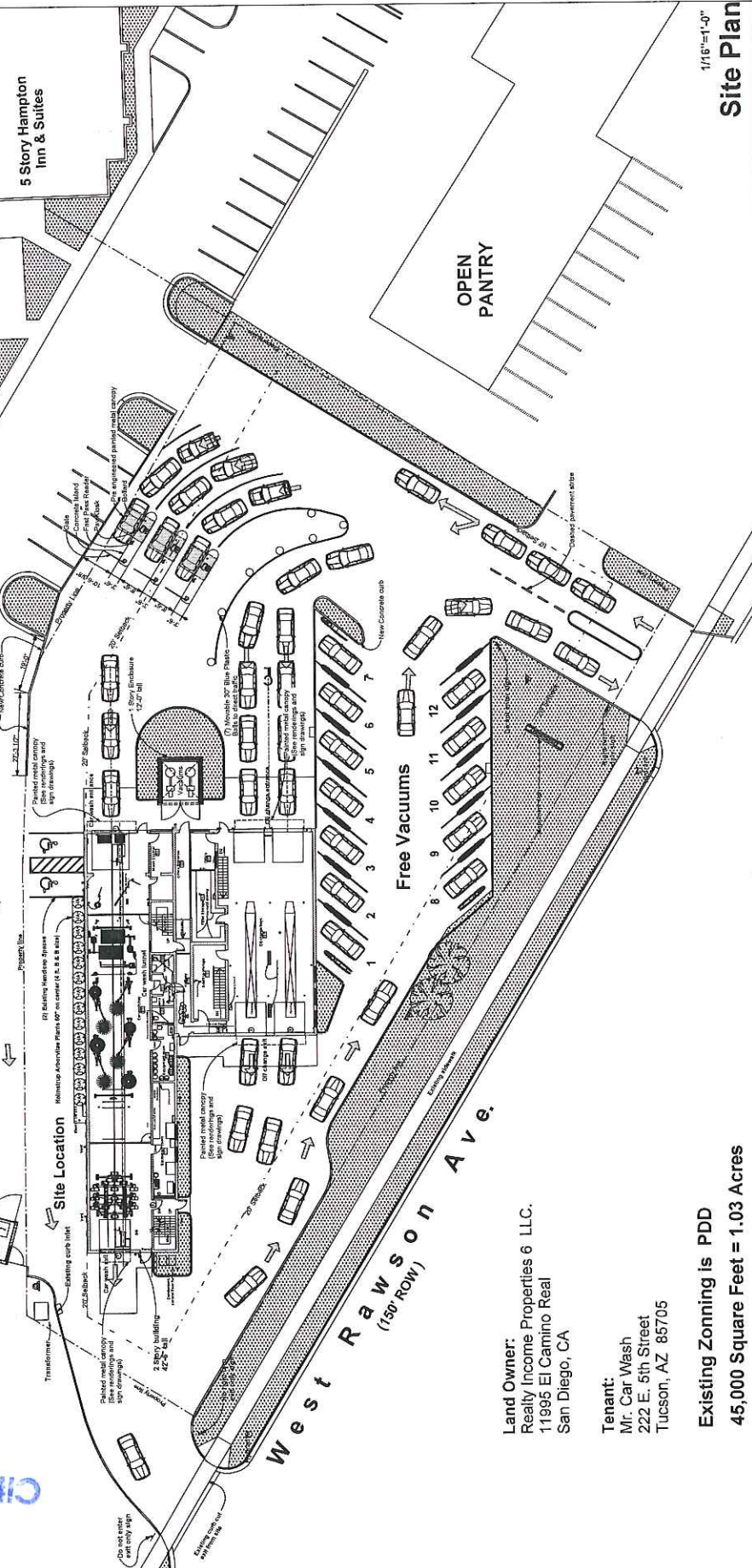
**Mister**  
**CAR WASH**  
Franklin WI

Renner Architects  
414.273.6637

Franklin  
JUN 26 2017  
City Development



West Loomis Road (HWY. 36)



Land Owner:  
Reality Income Properties 6 LLC.  
11995 El Camino Real  
San Diego, CA

Tenant:  
Mr. Car Wash  
222 E. 5th Street  
Tucson, AZ 85705

Existing Zoning is PDD  
45,000 Square Feet = 1.03 Acres

REVISIONS	DATE	BY	REASON
10-25-16			
12-20-16			
1-19-17			
5-2-17			
5-8-17			
5-19-17			
6-16-17			
6-21-17			

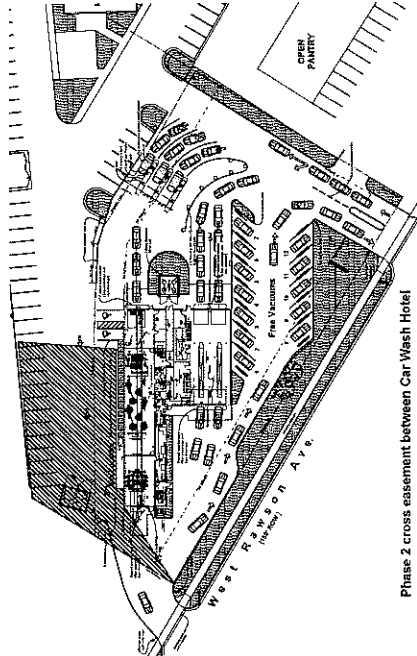
As Shown Except  
Remit Architects  
Copyright © 2017  
R E N N E R  
a r c h i t e c t s  
45,000 Square Feet = 1.03 Acres  
TAX 273 8837  
TAX 273 8837  
TAX 273 8837  
TAX 273 8837

Remit Architects - 414.273.8837 - kerry@remitarchitects.com

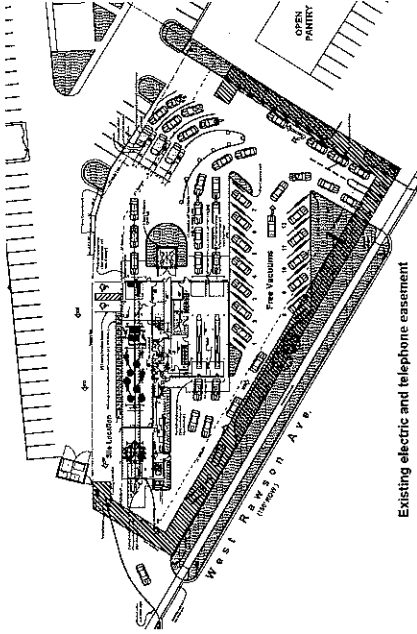
**Mister CAR WASH**  
Rawson Ave. Franklin WI

1/16"=1'-0"  
Site Plan

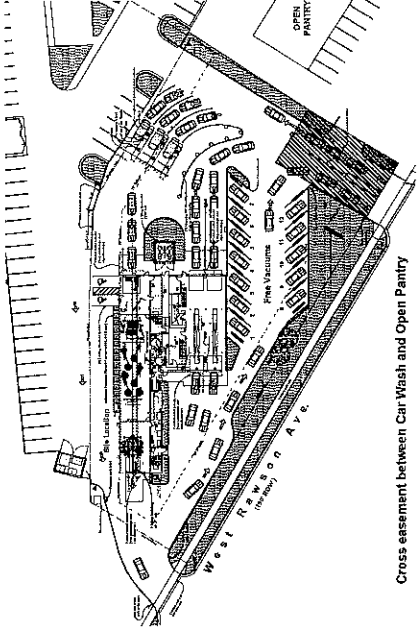
Date	5-23-17
Job #	7515
Scale	As noted on above drawings(s)
Drawn By	JN
Check By	CL



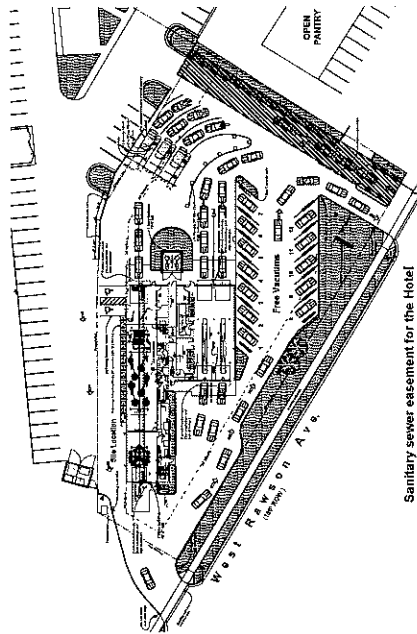
Phase 2 cross easement between Car Wash Hotel



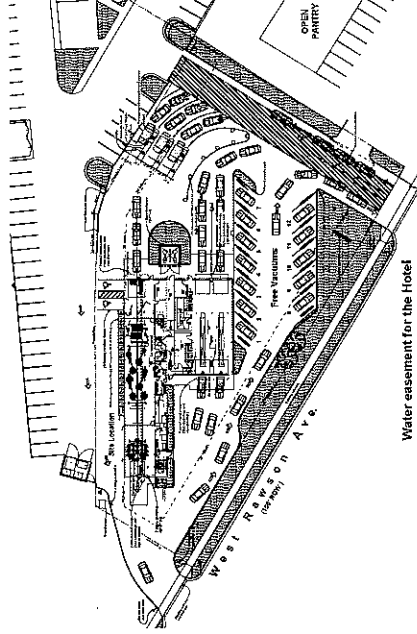
Existing electric and telephone easement



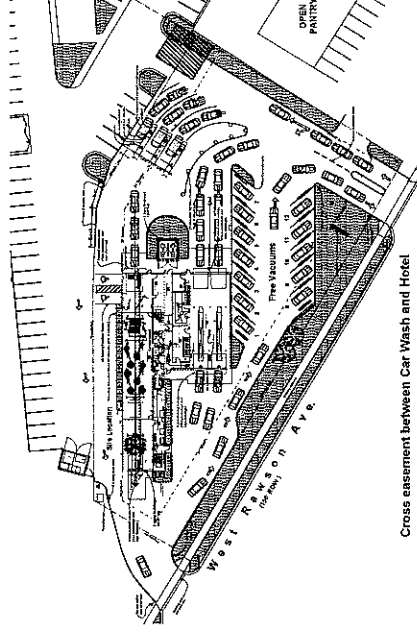
Cross easement between Car Wash and Open Pantry



Sanitary sewer easement for the Hotel



Water easement for the Hotel



Cross easement between Car Wash and Hotel

1"=40'-0"

## Site Easement Plan

Renner Architects - 414.273.8637 - kerry@rennerarchitects.com

REGISTERED ARCHITECT  
KERRY RENNER  
414.273.8637  
TAX 273.8638  
www.rennerarchitects.com

**RENNER**  
*architects*

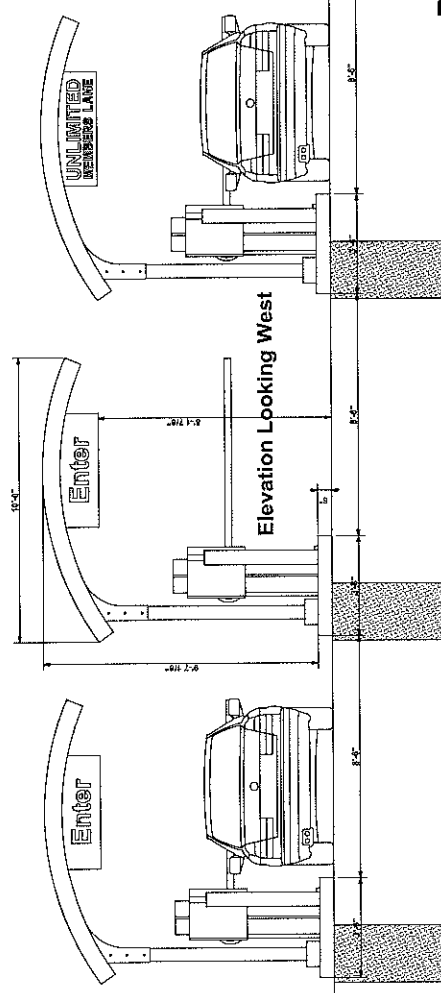
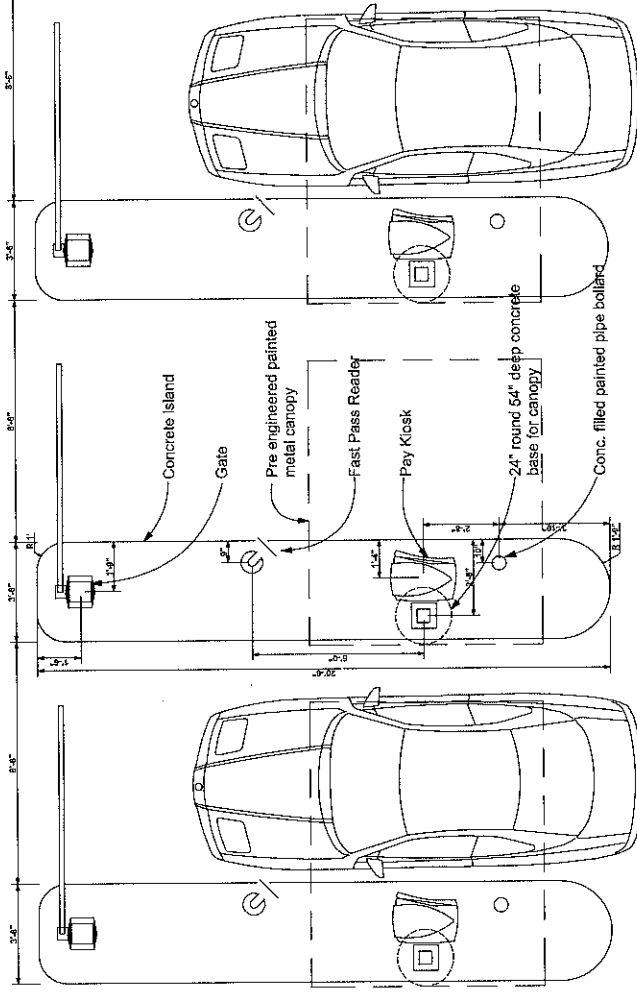
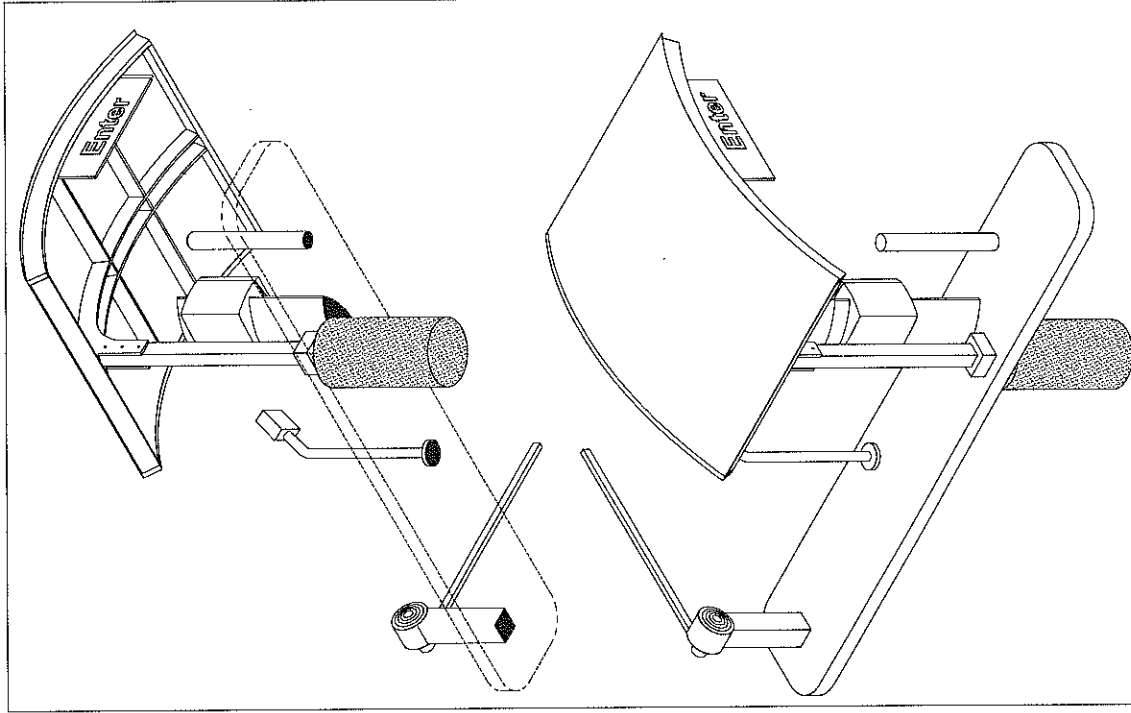
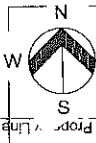
**Mister CAR WASH**  
Rawson Ave. Franklin WI

Date: 5-23-17	Job # 7515
Scale: As noted on above drawing(s)	Sheet
Checked By: JN	Drawn By: CL

6-16-17	6-21-17	6-23-17
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BY REVISIONS





Pay Islands

Draw: 5-23-17	Scale: As noted on above drawing(s)	Check: JN	Drawn By: CL
Job #: 7515			

Remer Architects • 414.273.6637 • kerry@remerarchitects.com

**Mister CAR WASH**  
Rawson Ave. Franklin WI

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Remer Architects  
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5-18-17	REVISIONS
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