



## 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.

## 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 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:



FRANKLIN LIONS FOUNDATION, INC. – SPECIAL USE  
RESOLUTION NO. 2017-\_\_\_\_\_

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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.

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.

FRANKLIN LIONS FOUNDATION, INC. – SPECIAL USE  
RESOLUTION NO. 2017-\_\_\_\_\_

Page 3

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 \_\_\_\_\_

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

A RESOLUTION CONDITIONALLY APPROVING A BUILDING MOVE  
(TO 10961 WEST ST. MARTINS ROAD)  
(FRANKLIN LIONS FOUNDATION, INC., APPLICANT)

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WHEREAS, Franklin Lions Foundation, Inc. having applied to move an approximately 24 foot by 24 foot storage garage from City of Franklin property located at approximately 9600 South 80th Street to the Franklin Lions Club property located at 10961 West St. Martins Road; and

WHEREAS, the Wisconsin Uniform Building Code, incorporated into the Municipal Code at §92-2., requires at Section 30.07(8), that a building move receive Plan Commission review and that no building move permit shall be issued unless it has been found as a fact by the Plan Commission, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate surrounding area or in the character of the applicable district established by the zoning ordinances of the municipality or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said area within said applicable district.

WHEREAS, the Plan Commission having made such review and examination, accordingly.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the building move application of Franklin Lions Foundation, Inc., City file-stamped \_\_\_\_\_, 2017, be and the same is hereby approved, the Plan Commission hereby finding that that the exterior architectural appeal and functional plans of the building to be moved is not at variance with either the exterior architectural appeal and functional plan of the buildings already constructed in the immediate surrounding area or in the character of the P-1 Parks District, and will not cause a substantial depreciation in the property values of said area within said District, subject to the following conditions:

1. The storage garage shall be moved and located pursuant to such plans City file-stamped \_\_\_\_\_, 2017, attached hereto and incorporated herein.

FRANKLIN LIONS FOUNDATION, INC. – BUILDING MOVE  
RESOLUTION NO. 2017-\_\_\_\_\_

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2. The applicants shall submit a bond to the City of Franklin in the amount of \$25,000.00, as is required by Section 30.07(8)(a) of the Wisconsin Uniform Building Code, prior to the issuance of the permit to be issued by the Inspection Department.
3. This approval is subject to an inspection of the storage garage by the City Building Inspector and issuance of a building move and building permit by the Inspection Department.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

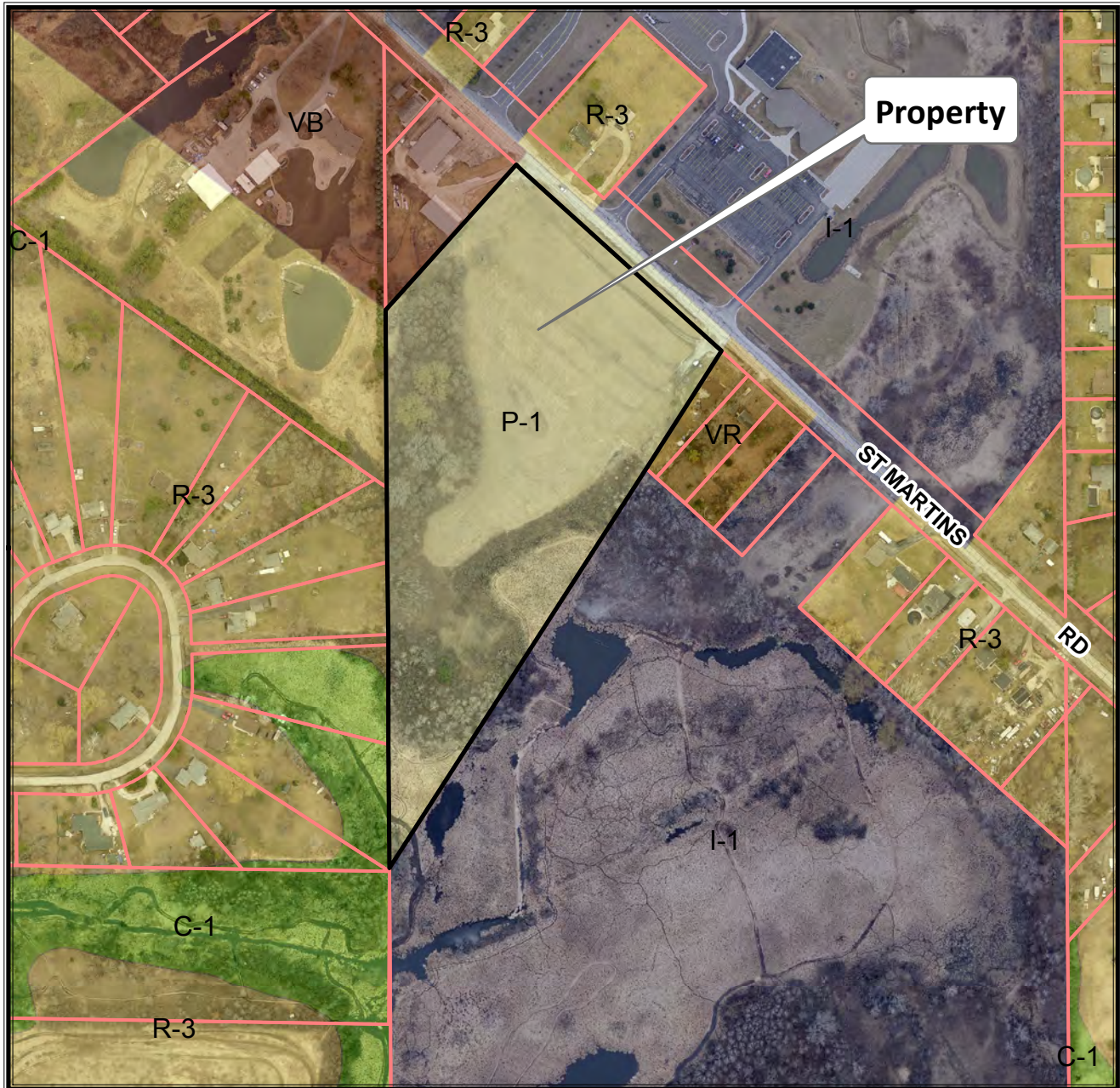
ATTEST:

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

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



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



**Planning Department**  
**(414) 425-4024**

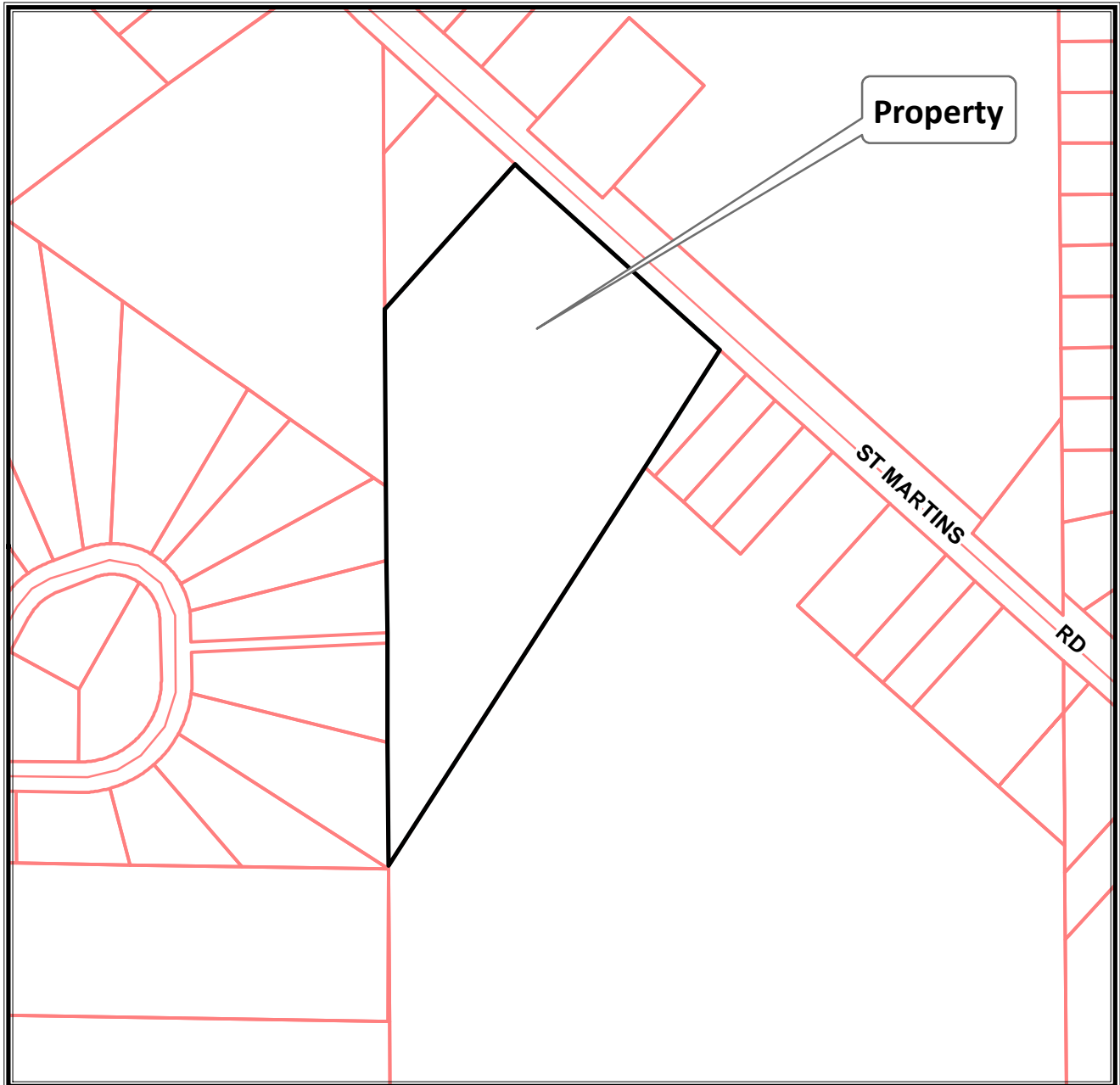
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*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or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





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



**Planning Department**  
**(414) 425-4024**

0 190 380 760 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.*





## 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





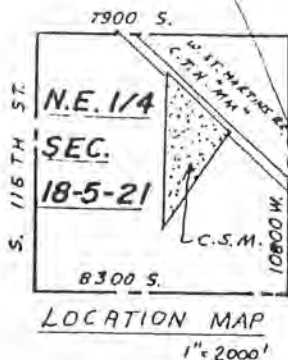
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Section 18-5-21  
N. 334.672.45  
E. 2,522,721.24 WIS. ST. PL.  
(S. ZONE)  
COORDS

CONF. MON.  
W/IRON PLUG

- - DENOTES 1" X 24" IRON PIPE,  
1.13 LBS. / LIN. FT. UNLESS  
SHOWN OTHERWISE.
- - DENOTES R.P. SPIN-SET  
IN PAVEMENT



ALL BEARINGS REFER TO GRID NORTH OF THE WISC. ST. PL. COORD. '76. SYST. (G. ZONE)



Franklin

JUN 30 2007

City Development



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

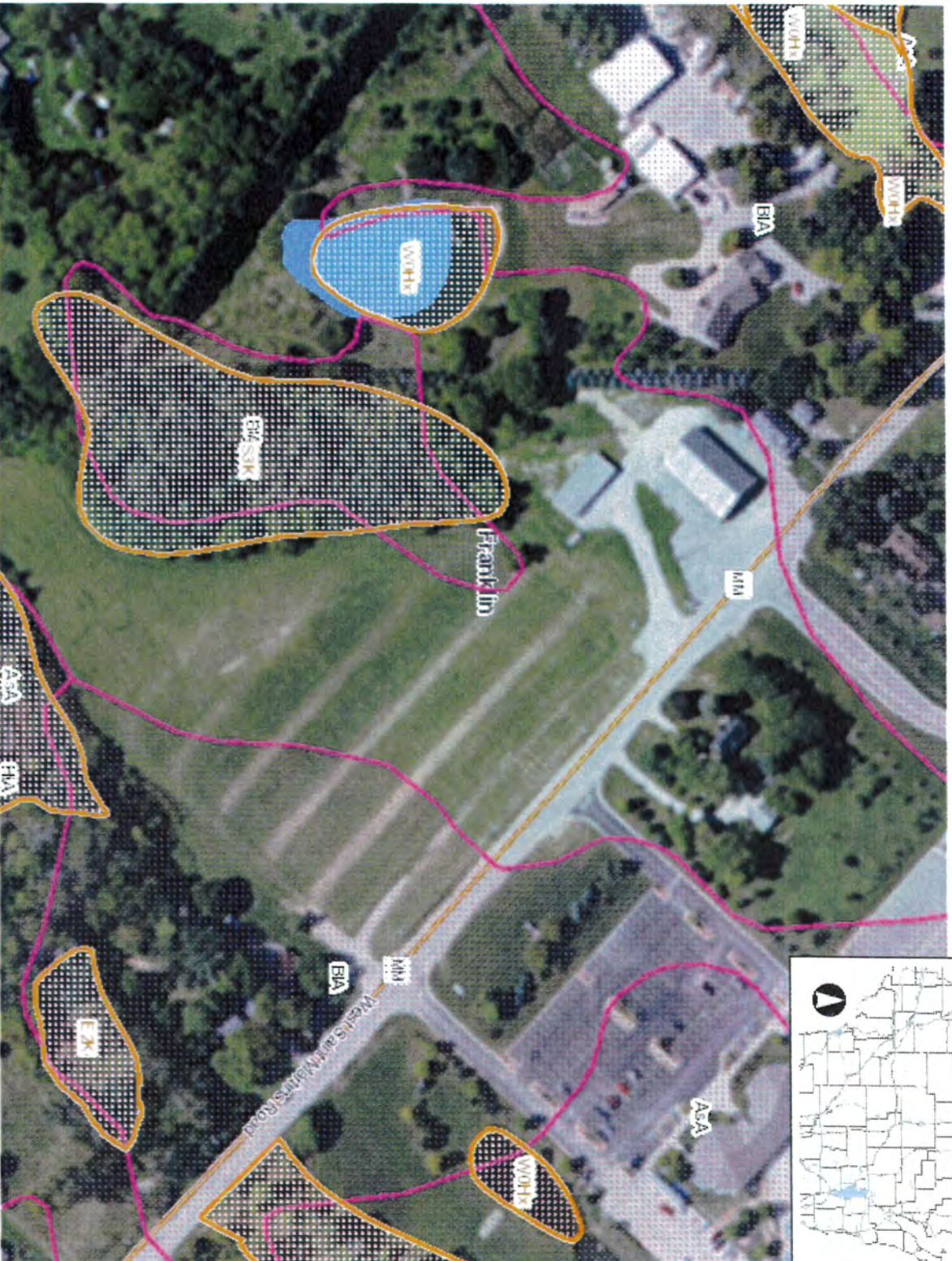
GRAPHIC SCALE







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



0.1 0 0.03 0.1 Miles  
NAD\_1983\_HARN\_Wisconsin\_TM  
1 : 1,980

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are 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/>



## Legend

- Wetland Class Points
  - Dammed pond
  - Excavated pond
  - Filled excavated pond
  - Filled/draind 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



**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 UNDUE 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 EXISTING 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 ~~DEVELOPMENT~~ DEVELOPMENT WILL NOT CAUSE TRAFFIC CONGESTION.*

**Franklin**

MAY 15 2017

JUN 30 2017

Page | 1

**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.



## 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.

## 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 May 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:

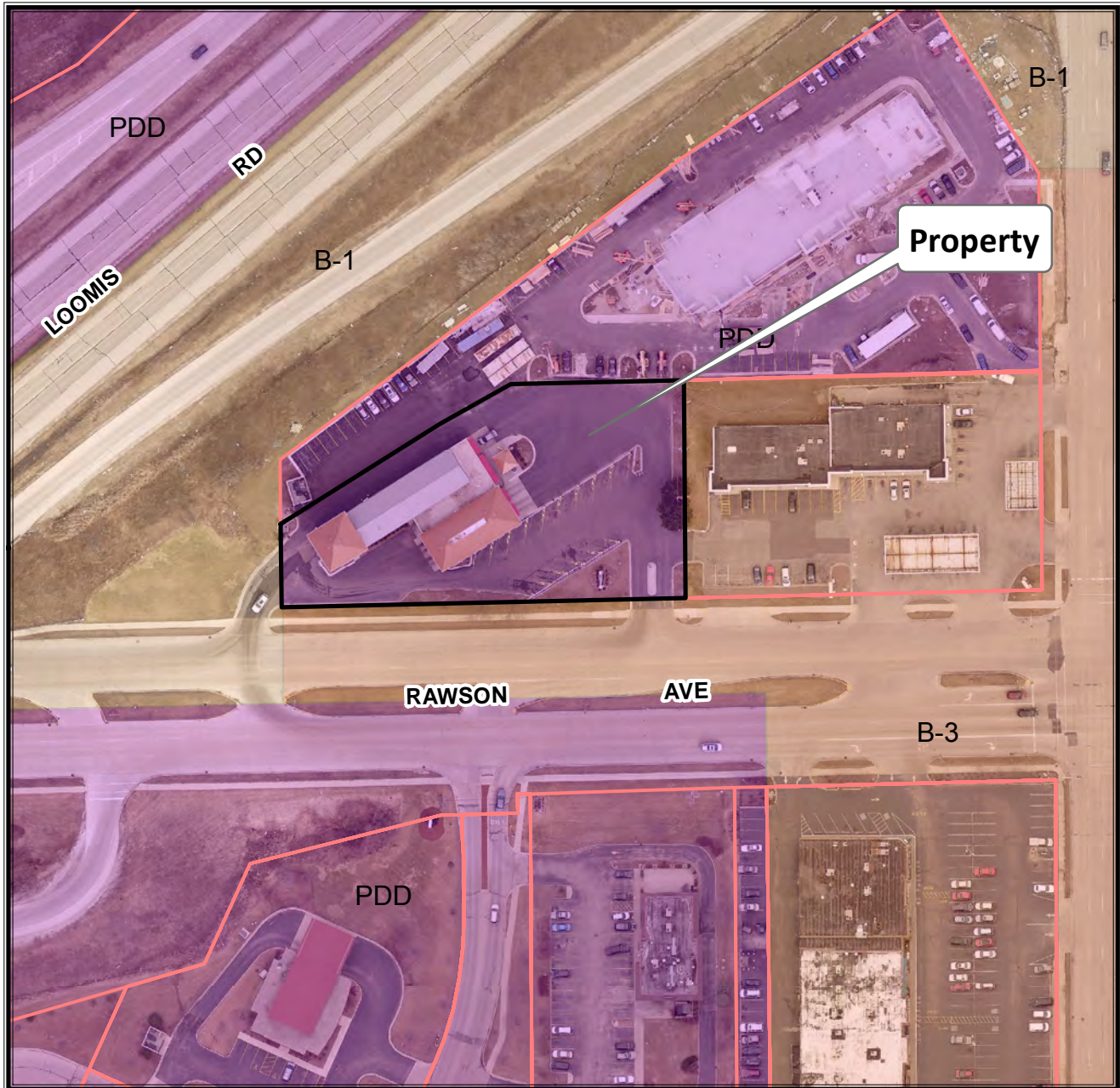
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

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

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

7700 W. Rawson Ave.  
TKN 744 1002 000



**Planning Department**  
**(414) 425-4024**

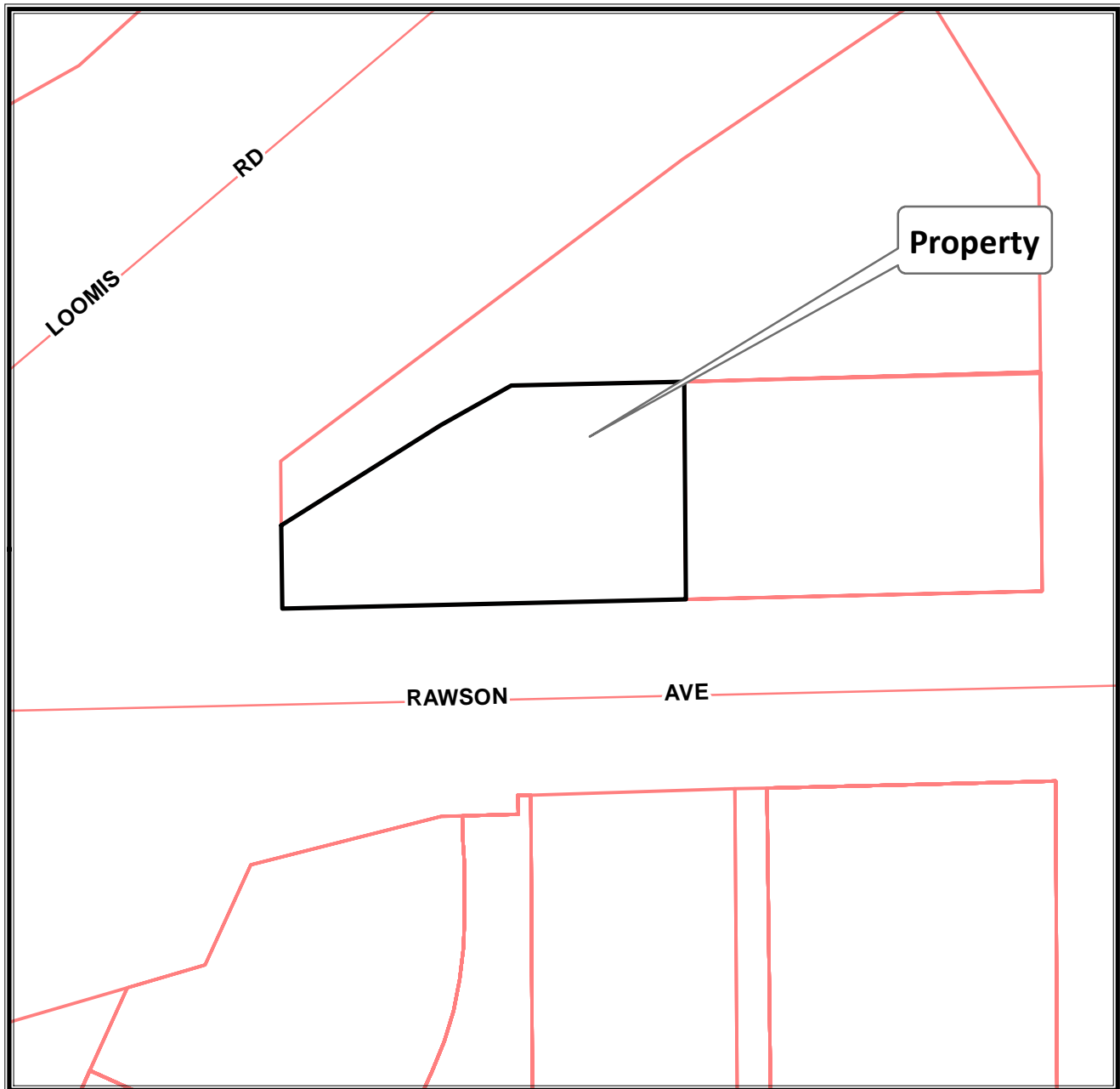
0 75 150 300 Feet

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

  
**NORTH**  
2017 Aerial Photo



7700 W. Rawson Ave.  
TKN 744 1002 000



**Planning Department**  
**(414) 425-4024**

0 75 150 300 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.*



June 21, 2017

## 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

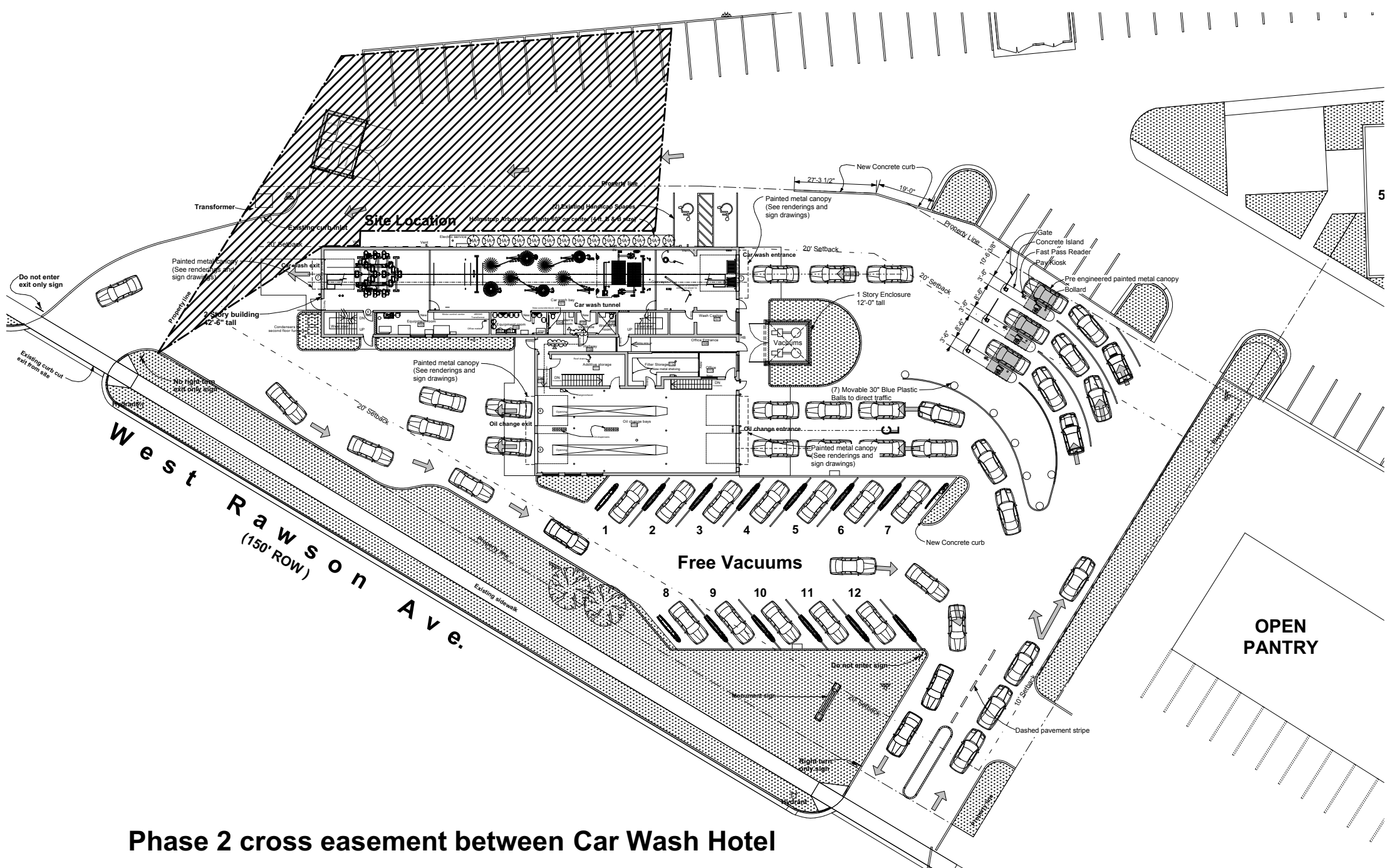
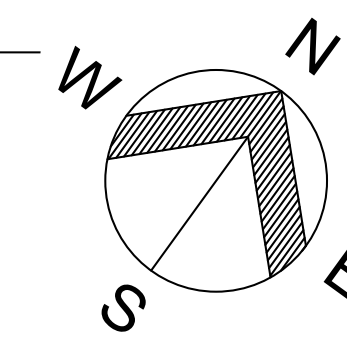




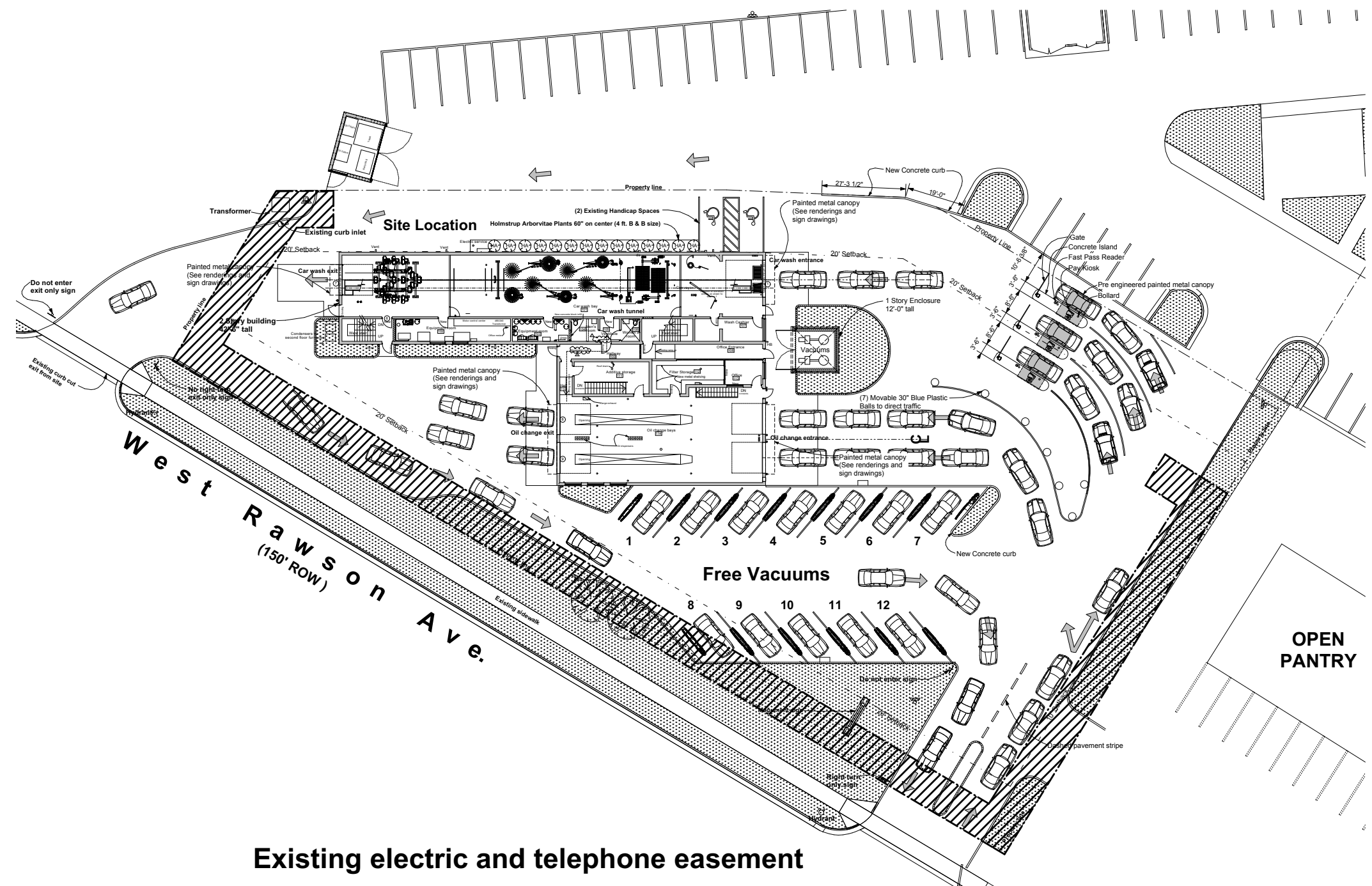
**Mister**  
**CAR WASH**  
Franklin WI

Renner Architects  
414.273.6637

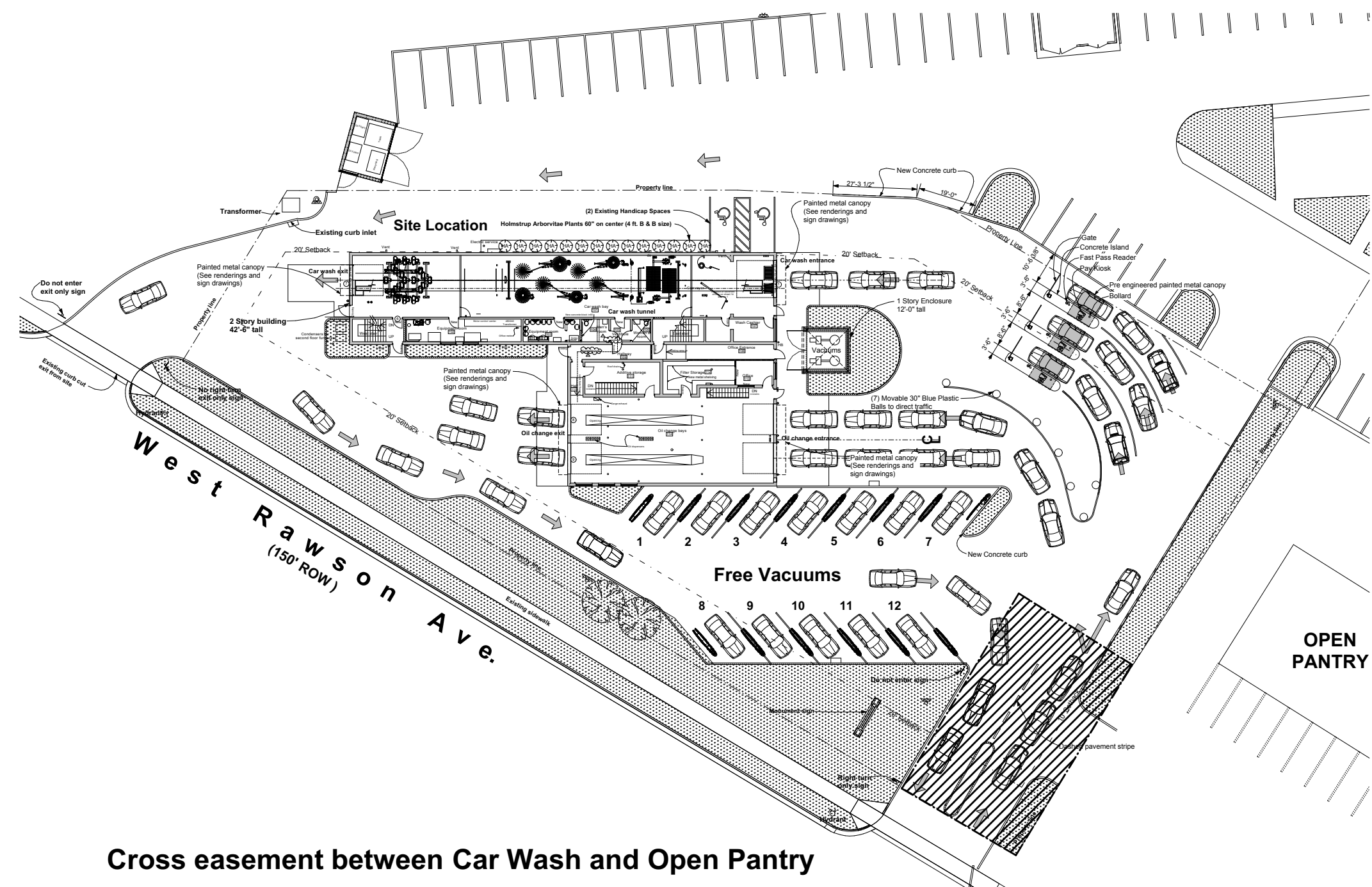




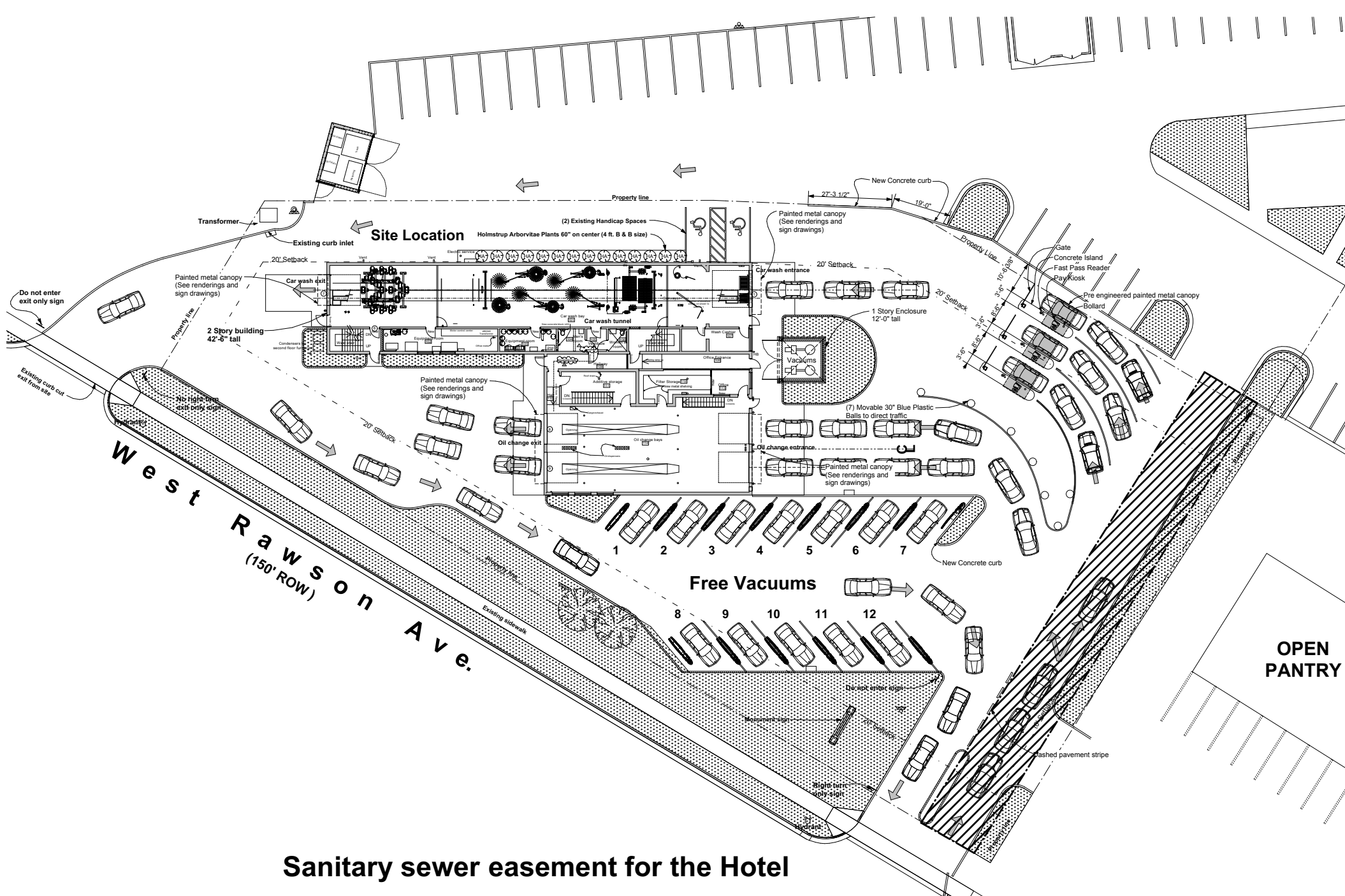
Phase 2 cross easement between Car Wash Hotel



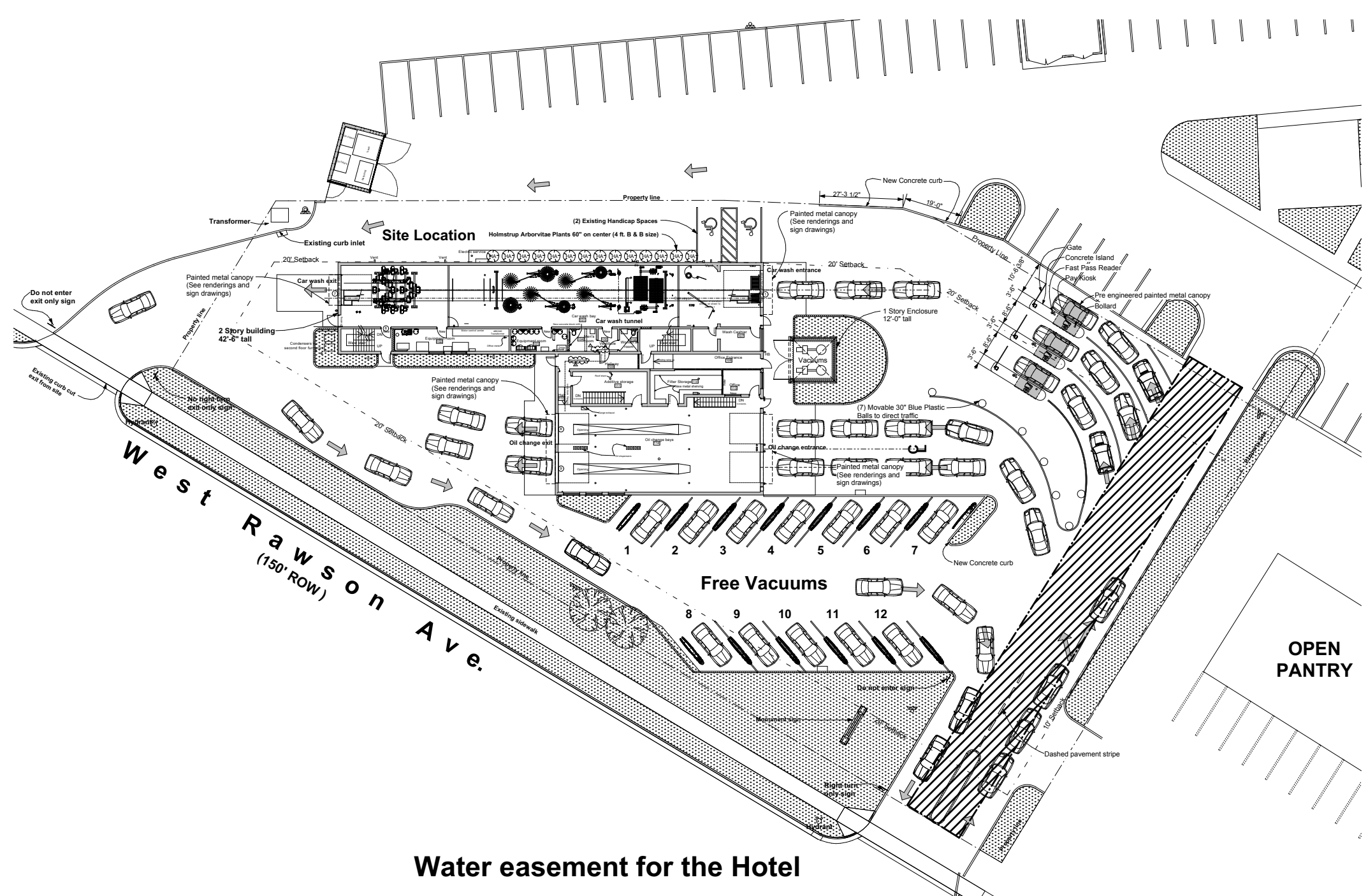
Existing electric and telephone easement



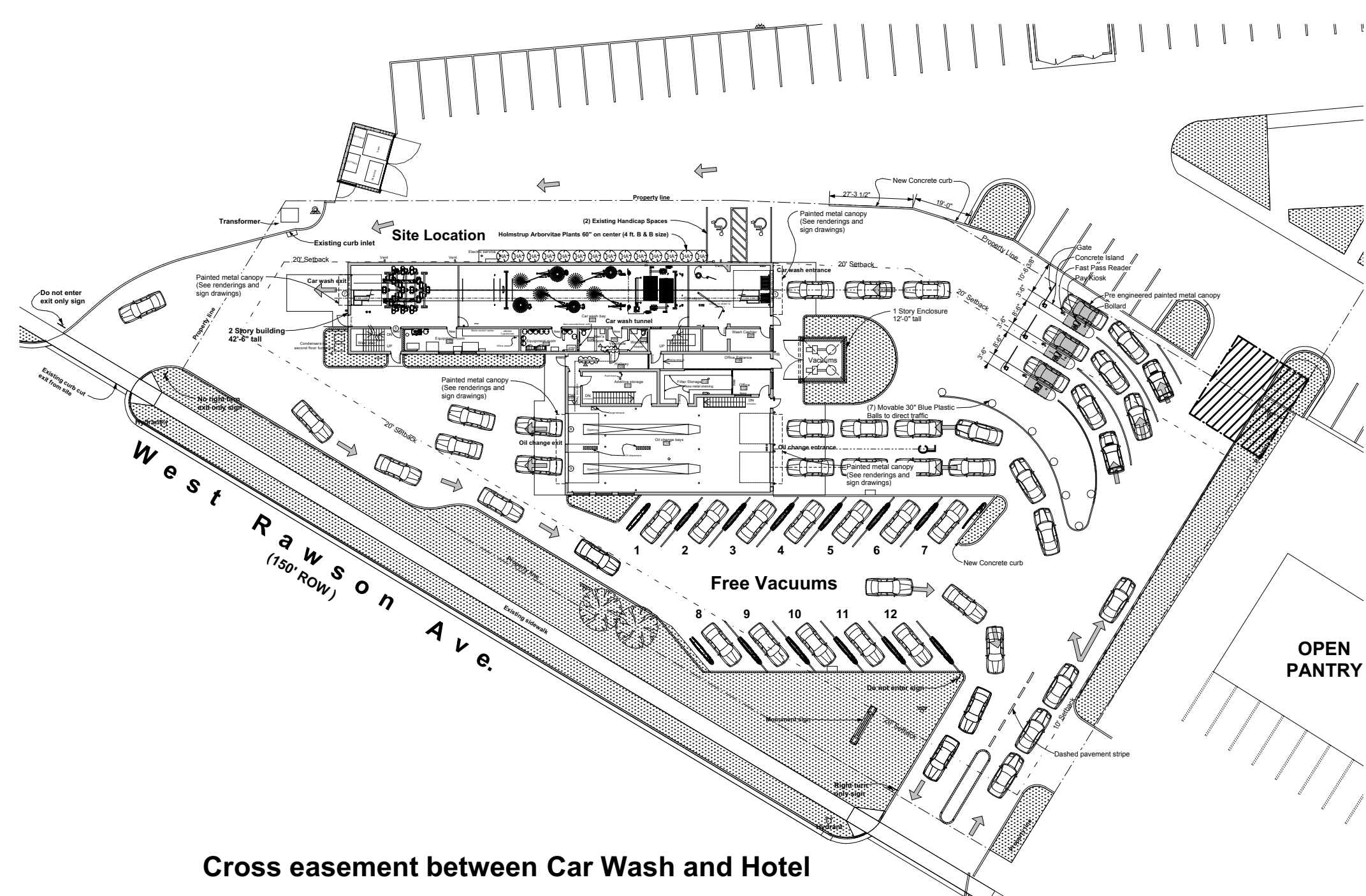
Cross easement between Car Wash and Open Pantry



Sanitary sewer easement for the Hotel



Water easement for the Hotel



Cross easement between Car Wash and Hotel

1"=40'-0"

# Site Easement Plan

BY REVISIONS

6-16-17									
6-21-17									
6-23-17									

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architects

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FAX 273.6638  
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**Mister CAR WASH**  
Rawson Ave. Franklin WI

Renner Architects - 414.273.6637 - kerry@rennerarchitects.com

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







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



REPORT TO THE PLAN COMMISSION

Meeting of July 6, 2017

**Condominium Plat Addendum and Planned Development District No. 26  
Amendment**

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**RECOMMENDATION:** Department of City Development staff recommends approval of the Second Addendum to Deerwood Estates Condominium Plat, and of the Planned Development District No. 26 Amendment, subject to the conditions in the respective draft resolution and draft ordinance.

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<b>Project Name:</b>	Second Addendum to Deerwood Estates Condominiums and Planned Development District No. 26 Amendment
<b>Project Address:</b>	<b>Building No. 3:</b> 8501 S. Deerwood Lane (Tax Key 841-0143-000) and 8503 S. Deerwood Lane (Tax Key 841-0142-000), <b>Building No. 10:</b> 8457 S. Deerwood Land (Tax Key 841-0157-000) and 8459 S. Deerwood Lane (Tax Key 841-0156-000)
<b>Applicant:</b>	Steve Bobowski
<b>Property Owner:</b>	SGB & Associates LLC
<b>Current Zoning:</b>	Planned Development District No. 26
<b>2025 Comprehensive Plan</b>	Residential – Multi-Family
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, multi-family residential to the south and east, and the Indian Community School to the west
<b>Applicant Action Requested:</b>	Approval of the Condominium Plat Addendum for Deerwood Estates and of the Planned Development District No. 26 Amendment

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Please note:

- Staff recommendations are underlined, in italics and are included in the draft resolution and ordinance.
- Staff suggestions are underlined and are not included in the draft resolution and ordinance.

**Introduction:**

On June 8, 2017, the applicant submitted an application for a Condominium Plat (Second Addendum) and Planned Development District No. 26 Amendment for construction of Building No. 3 and Building No. 10 of the Deerwood Estates Condominium development. These are the final two buildings that have not yet been constructed for the Deerwood Estates Condominiums development. The condominium plat was recorded by Milwaukee County on July 8, 2003.

Changing the building/unit styles results in site plan and architectural changes, therefore a Minor PDD Amendment Application is required. The change in building types/footprints also requires a Condominium Plat Application.

### **Project Description/Analysis:**

The applicant is proposing to change the building types and floor plans of Building No. 3 and Building No. 10. According to the applicant,

- Building No. 3:
  - Was originally approved as type C and D units.
  - Is proposed to be a type A walkout building.
- Building No. 10:
  - Was originally approved as two type E units.
  - Was amended in 2007 to be a type M building.
  - Is proposed to be a type A lookout building.

The applicant prepared elevations based upon existing A unit buildings and is proposing to substantially match the building materials and color scheme of the other A Buildings. Note that instead of a 3-car side loading garage, there would be a 2-car front loading garage for each unit.

Staff is recommending approval of the Condominium Plat, subject to the following conditions:

- The applicant shall obtain all necessary signatures and approvals from the Condominium Association prior to recording of the Condominium Plat addendum.
- The Condominium Plat addendum shall be recorded with the Milwaukee County Register of Deeds prior to the issuance of a Building Permit.

Staff is recommending approval of the amendment of Planned Development District No. 23, as a minor amendment, subject to the following conditions.

As a landscaping plan had been prepared, adopted, and implemented for Deerwood Estates, staff recommends that the applicant shall prepare a landscaping plan that is in substantial compliance with the currently approved landscaping plan, for review and approval by the Department of City Development prior to issuance of a Building Permit, which landscaping shall be installed prior to issuance of an Occupancy Permit, for each respective building.

As the City has experienced issues with condominium developments when condo owners want to modify or expand the size of their patios and decks, staff suggests that the applicant revise the condominium documents and the condominium plat to allow revisions of patios and decks with approval by the Condominium Association and without further amendment of the plat.

Pursuant to the standards and conditions set forth in Planned Development Ordinance No. 26, as well as the standards set forth within Part 8 of the Unified Development Ordinance, staff recommends that the applicant shall prepare Utility, Grading, and Erosion Control Plans that

are in substantial compliance with the currently approved Grading and Erosion Control Plans, for review and approval by the Engineering Department prior to issuance of a Building Permit.

As the Deerwood Estates and its associated stormwater management facilities are almost 15 years old, as the subject two buildings are the final two buildings to be constructed as part of Deerwood Estates, and as a final recertification of the stormwater ponds was never completed, staff suggests that the applicants work with the Condominium Association and the Engineering Department to ensure final certification of the stormwater management ponds.

### **Staff Recommendation**

Department of City Development staff recommends approval of the Second Addendum to Deerwood Estates Condominium Plat, and of the Planned Development District No. 26 Amendment, subject to the conditions in the respective draft resolution and draft ordinance.



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

AN ORDINANCE TO AMEND §15-3.0431 OF THE UNIFIED  
DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT  
DISTRICT NO. 26 (WOODLAKE CONDOMINIUMS & DEERWOOD  
ESTATES - JEFFREY KLEMENT) TO ALLOW FOR CONSTRUCTION OF  
REDESIGNED BUILDING NO. 3 AND BUILDING NO. 10 WITHIN THE DEERWOOD  
ESTATES CONDOMINIUM DEVELOPMENT  
(FRANKLIN ESTATES LLC, APPLICANT  
(SGB & ASSOCIATES #4, LLC, PROPERTY OWNER))  
(BUILDING NO. 3: 8501 SOUTH DEERWOOD LANE AND 8503 SOUTH  
DEERWOOD LANE AND BUILDING NO. 10: 8457 SOUTH DEERWOOD  
LANE AND 8459 SOUTH DEERWOOD LANE)

---

WHEREAS, §15-3.0431 of the Unified Development Ordinance provides for and regulates Planned Development District No. 26 (Woodlake Condominiums & Deerwood Estates – Jeffrey Klement), same having been created by Ordinance No. 1998-1504 and later amended by Ordinance Nos. 1999-1573, 2001-1679, 2003-1757, 2003-1766 and 2007-1931, with such District primarily being located at West St. Martins Road and South Deerwood Lane, and with this Amendment specifically pertaining to the sites of Building No. 3: 8501 South Deerwood Lane and 8503 South Deerwood Lane and Building No. 10: 8457 South Deerwood Lane and 8459 South Deerwood Lane, in the Deerwood Estates Condominium Development; and

WHEREAS, the property which is the subject of the application for construction of Building No. 3 and Building No. 10 in the Deerwood Estates Condominium development, within Planned Development District No. 26 (Woodlake Condominiums & Deerwood Estates – Jeffrey Klement) is more particularly described as follows:

Building No. 3 (Units 5 and 6) and Building No. 10 (Units 19 and 20) of Deerwood Estates Condominiums, being a redivision of Lots 3 and 4 of “Deerwood Preserve Addition No. 1. Also being a redivision of Lot 1 and Outlots 1, 2, 3 and 5 of “Deerwood Preserve”. Also being a redivision of Parcels 1 & 2 and Outlot 1 of Certified Survey Map No. 5228, all lands being part of the NE 1/4, SE 1/4, SW 1/4, and NW 1/4 of the SW 1/4 of Section 17 and a part of the NE 1/4 of the NW 1/4 of Section 20, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin; Tax Key Nos.: Building No. 3: 8501 South Deerwood Lane; 841-0143-000 and 8503 South Deerwood Lane; 841-0142-000 and Building No. 10: 8457 South Deerwood Lane; 841-0157-000 and 8459 South Deerwood Lane; 841-0156-000; and



WHEREAS, Franklin Estates LLC, applicant (SGB & Associates #4, LLC, property owner), having petitioned for a further amendment to Planned Development District No. 26 (Woodlake Condominiums & Deerwood Estates – Jeffrey Klement), to allow for construction of Building No. 3 and Building No. 10 in the Deerwood Estates Condominium development, with proposed change in building types and floor plans for these two units, Building No. 3 will be a Walkout type unit and Building No. 10 will be a Lookout unit, resulting in site plan and architectural changes, upon property located at 8501 and 8503 South Deerwood Lane (Building 3) and 8457 and 8459 South Deerwood Lane (Building 10) on the Condominium Plat submitted by Franklin Estates LLC, applicant (SGB & Associates #4, LLC, property owner) for Common Council Approval concurrent herewith; and

WHEREAS, the City of Franklin Plan Commission having considered the application on the 6th day of July, 2017, and the Plan Commission having determined that the proposed amendment was a minor amendment and having recommended to the Common Council that the proposed amendment to Planned Development District No. 26 (Woodlake Condominiums & Deerwood Estates – Jeffrey Klement) be approved; and

WHEREAS, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 26 (Woodlake Condominiums & Deerwood Estates – Jeffrey Klement) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and that it will 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:           §15-3.0431 Planned Development District No. 26 (Woodlake Condominiums & Deerwood Estates – Jeffrey Klement), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, Ordinance No. 1998-1504, as previously amended, is hereby amended to allow for construction of Building No. 3 and Building No. 10 in the Deerwood Estates Condominium development, with proposed change in building types and floor plans for these two units, with Building No. 3 being a Walkout type unit and Building No. 10 being a Lookout unit, resulting in site plan and architectural changes, which shall be constructed in substantial compliance with those plans City file-stamped \_\_\_\_\_, 2017, upon property located at: Building No. 3: 8501 South Deerwood Lane and 8503 South Deerwood Lane; Building No. 10: 8457 South Deerwood Lane and 8459 South Deerwood Lane, as described upon the Condominium Plat submitted by Franklin Estates LLC, applicant (SGB & Associates

#4, LLC, property owner) and which Plat is approved by the Common Council upon even-date herewith, subject to the following conditions:

1. The applicant shall prepare a landscaping plan that is in substantial compliance with the currently approved landscaping plan, for review and approval by the Department of City Development prior to issuance of a Building Permit, which landscaping shall be installed prior to issuance of an Occupancy Permit, for each respective building.
2. The applicant shall prepare Utility, Grading, and Erosion Control Plans that are in substantial compliance with the currently approved Grading and Erosion Control Plans, for review and approval by the Engineering Department prior to issuance of a Building Permit.
3. [other conditions, etc.]

SECTION 2: Franklin Estates LLC, applicant (SGB & Associates #4, LLC, property owner), 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 Building No. 3 and Building No. 10 construction 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 3: The approval granted hereunder is conditional upon Franklin Estates LLC, applicant (SGB & Associates #4, LLC, property owner) and the Building No. 3 and Building No. 10 construction project for the properties located at: Building No. 3: 8501 South Deerwood Lane and 8503 South Deerwood Lane and Building No. 10: 8457 South Deerwood Lane and 8459 South Deerwood Lane, in the Deerwood Estates Condominium Development: (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 4: All other applicable terms and provisions of §15-3.0431, shall apply to the subject Deerwood Estates Building No. 3 and Building No. 10 construction projects in Deerwood Estates Condominium Development

within Planned Development District No. 26 (Woodlake Condominiums & Deerwood Estates – Jeffrey Klement), and all terms and provisions of §15-3.0431 as existing immediately prior to the adoption of this Ordinance, except as amended hereunder, shall remain in full force and effect.

SECTION 5: 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 6: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 7: 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 \_\_\_\_\_

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

A RESOLUTION CONDITIONALLY APPROVING  
A CONDOMINIUM PLAT FOR THE SECOND ADDENDUM TO  
THE DEERWOOD ESTATES CONDOMINIUM DEVELOPMENT  
AT 8501 AND 8503 SOUTH DEERWOOD LANE (BUILDING 3) AND  
8457 AND 8459 SOUTH DEERWOOD LANE (BUILDING 10)  
(FRANKLIN ESTATES LLC, APPLICANT  
(SGB & ASSOCIATES #4, LLC, PROPERTY OWNER))

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a condominium plat for the Second Addendum to the Deerwood Estates Condominium development, such plat being Building No. 3 (Units 5 and 6) and Building No. 10 (Units 19 and 20) of Deerwood Estates Condominiums, being a redivision of Lots 3 and 4 of "Deerwood Preserve Addition No. 1. Also being a redivision of Lot 1 and Outlots 1, 2, 3 and 5 of "Deerwood Preserve". Also being a redivision of Parcels 1 & 2 and Outlot 1 of Certified Survey Map No. 5228, all lands being part of the NE 1/4, SE 1/4, SW 1/4, and NW 1/4 of the SW 1/4 of Section 17 and a part of the NE 1/4 of the NW 1/4 of Section 20, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, of the property located at 8501 and 8503 South Deerwood Lane (Building 3) and 8457 and 8459 South Deerwood Lane (Building 10), bearing Tax Key Nos.; Building 3: 8501, 841-0143-000 and 8503, 841-0142-000 and Building 10: 8457, 841-0157-000 and 8459, 841-0156-000, Franklin Estates LLC, applicant (SGB & Associates #4, LLC, property owner); said Condominium Plat having been reviewed by the City Plan Commission following the reviews and recommendations or reports of the Department of City Development and the City Engineering Department, and the Plan Commission having recommended approval thereof at its meeting on July 6, 2017, pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed condominium plat for the Second Addendum to the Deerwood Estates Condominium development is appropriate for approval pursuant to law upon certain conditions, and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Condominium Plat for the Second Addendum to the Deerwood Estates Condominium development, as submitted by Franklin Estates LLC, applicant (SGB & Associates #4, LLC, property owner), as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by



A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR  
THE SECOND ADDENDUM TO THE DEERWOOD ESTATES CONDOMINIUM  
DEVELOPMENT FOR FRANKLIN ESTATES LLC, APPLICANT (SGB & ASSOCIATES  
#4, LLC, PROPERTY OWNER)

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

Page 2

Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, and that all minor technical deficiencies within the Condominium Plat for the Second Addendum to the Deerwood Estates Condominium development be rectified, all prior to the recording of the Condominium Plat.

2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Franklin Estates LLC, applicant (SGB & Associates #4, LLC, property owner), 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 Second Addendum to the Deerwood Estates Condominium development 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.
4. The approval granted hereunder is conditional upon Franklin Estates LLC, applicant (SGB & Associates #4, LLC, owner), and the Second Addendum to the Deerwood Estates Condominium development project for the properties located at 8501 and 8503 South Deerwood Lane (Building 3) and 8457 and 8459 South Deerwood Lane (Building 10): (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.
5. The Second Addendum to the Deerwood Estates Condominium development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. The applicant shall obtain all necessary signatures and approvals from the Condominium Association prior to recording of the Condominium Plat addendum.
7. The Condominium Plat addendum shall be recorded with the Milwaukee County Register of Deeds prior to the issuance of a Building Permit.

A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR  
THE SECOND ADDENDUM TO THE DEERWOOD ESTATES CONDOMINIUM  
DEVELOPMENT FOR FRANKLIN ESTATES LLC, APPLICANT (SGB & ASSOCIATES  
#4, LLC, PROPERTY OWNER)

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

Page 3

BE IT FURTHER RESOLVED, that the Condominium Plat for the Second Addendum to the Deerwood Estates Condominium development be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a condominium plat for the Second Addendum to the Deerwood Estates Condominium development, the City Clerk is hereby directed to obtain the recording of the Condominium Plat for the Second Addendum to the Deerwood Estates Condominium development with the Office of the Register of Deeds for Milwaukee County.

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

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

APPROVED:

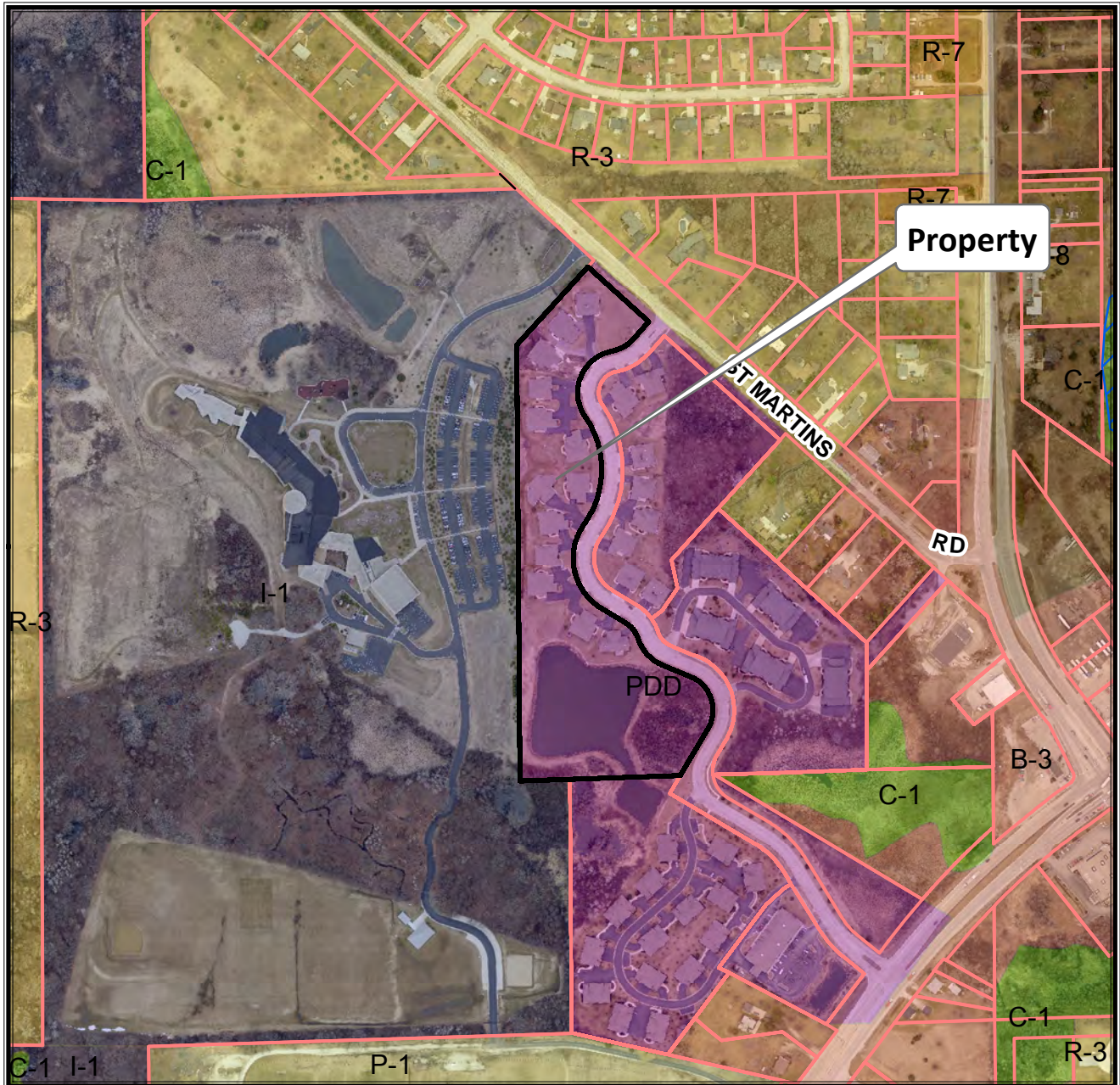
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

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

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

# Deerwood Estates TKN: Multiple



**Planning Department**  
**(414) 425-4024**

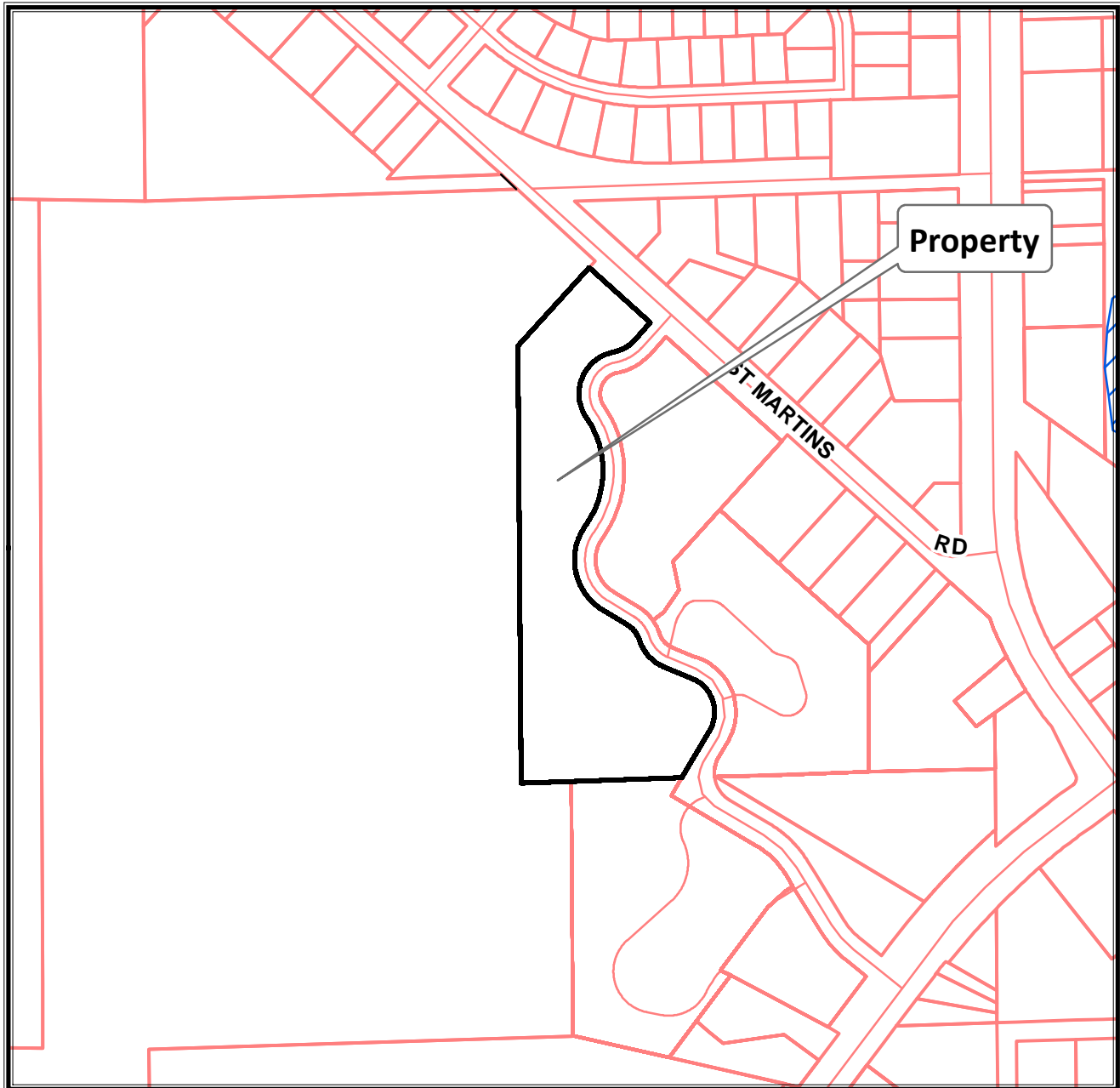
0 300 600 1,200 Feet

*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.*

  
**NORTH**  
2017 Aerial Photo



Deerwood Estates  
TKN: Multiple



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.*





PDD Minor amendment overview

Deerwood Estates Condominiums

1/23/2017

Deerwood Estates Condominiums is a fully improved 48 unit condominium project in Franklin. 42 of the units are built and sold. There is currently one building under construction, building #16 that will be completed in April of 2017. The 2 remaining pads are #3 and #10. The current owner wishes to change the building style to the A unit for all 4 remaining units. The floor plan has been a popular one. The current condo plat calls for building #3 to be a D/C unit and building #10 to be an E/E. The building #3 floor plan has never been built, and there may not even be drawings for that building. The building #10 floor plan was built only once, and again may not even have drawings. The architect that did the original drawings is no longer in business. There are currently 11 A buildings in the development. Adding these 2 would bring the number to 13. We propose to stay with the same color scheme that all the A buildings have. Building #3 would be a walk out, and building #10 would be a lookout.

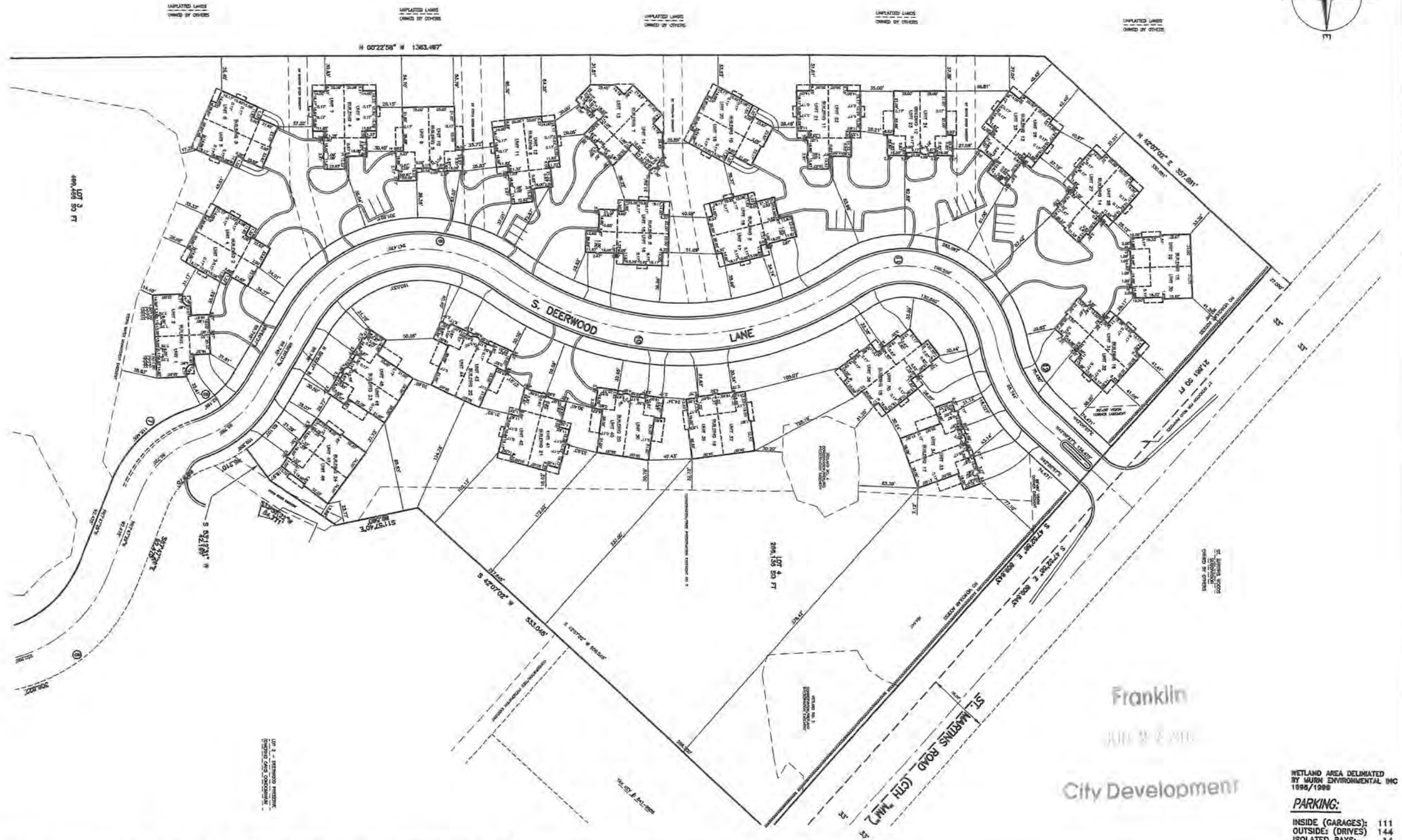
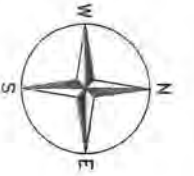
We believe that the impact of this change is minimal to the development, and will be conducive to finishing this condo project in a timely manner.

---

Franklin Estates, LLC

---

Date



WETLAND AREA DELINEATED  
BY MORN ENVIRONMENTAL INC  
1995/1998

**PARKING:**

INSIDE (GARAGES):	111
OUTSIDE (DRIVES)	144
ISOLATED BAYS:	14


NO.	REVISIONS	BY	DATE

DESIGNED BY:	K. K. KLIMECK
DRAWN BY:	K. K. KLIMECK
CHECKED BY:	K. K. KLIMECK

SCALE:  
1" = 50' HORIZ.

DATE:  
DECEMBER 3, 2016





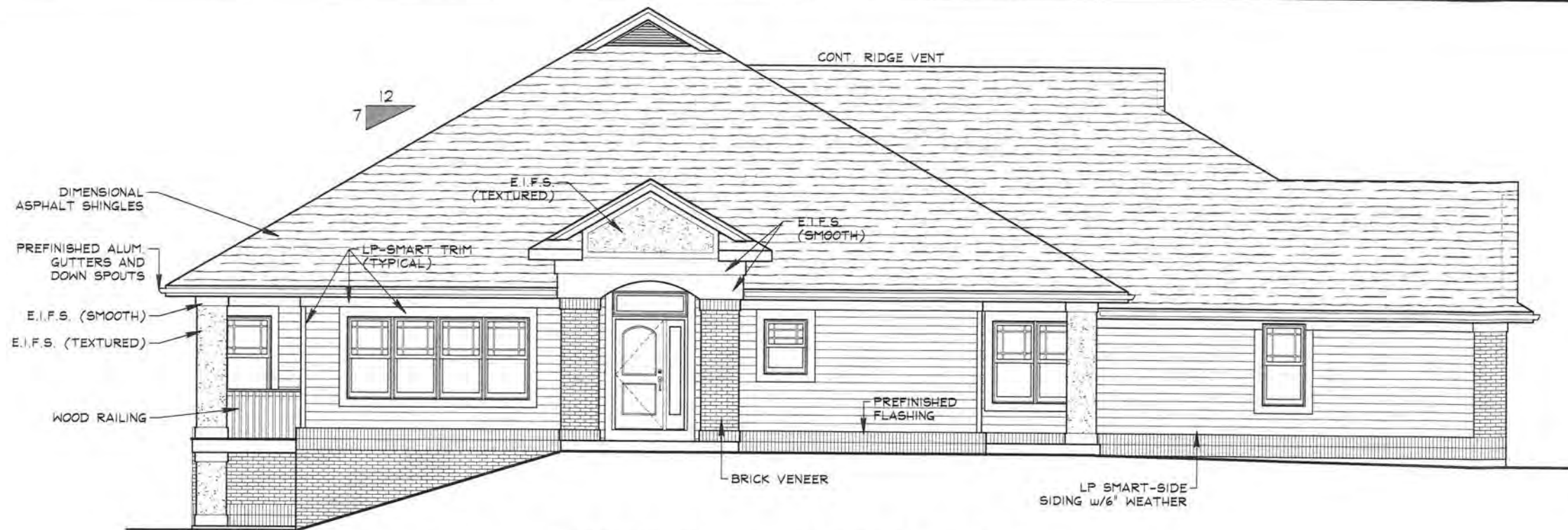
**PIONEER ENGINEERING  
AND SURVEYING, LLC**  
CONSULTANTS IN SUBDIVISIONS  
AND COMMERCIAL DEVELOPMENTS  
3902 C.T.H. "B"  
JOHNSON CREEK, WI. 53038  
CELL (414) 651-0490 E-MAIL: kklpioneereng@tds.net



DETAILED SITE PLAN FOR  
DEERWOOD ESTATES

MUNIC. PROJ. NO.	PIONEER PROJ. NO.
	01-04
MUNIC. SHT. NO.	PIONEER SHT. NO.
	PAGE 1 OF 1
MUNIC. FILE. NO.	PIONEER FILE NO.
	01-04

C:\0104\CON21



2 LEFT SIDE ELEVATION  
1/8" = 1'-0"



1 FRONT ELEVATION  
1/8" = 1'-0"

Franklin  
JUN 27 2017  
City Development

THE  
CUSTOM  
HOUSE LLC  
ARCHITECTURE UNLIMITED

RESIDENTIAL-COMMERCIAL  
1506 S. 58th STREET  
WEST ALLIS, WI 53214  
PHONE (414) 617-0352

Deerwood Estates  
Building 10  
St. Martins Lane & Deerwood Drive  
Franklin, WI

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Sheet Contents  
ELEVATIONS

Issued For: Date:  
Preim 06 Jan, 2017

Drawn By: DS  
Checked By: DS  
Date: 30 Dec, 2016  
Job Number: 16.056  
Sheet Number

A 1





2 RIGHT SIDE ELEVATION  
1/8" = 1'-0"



1 REAR ELEVATION  
1/8" = 1'-0"

Franklin

JUN 27 2017

City Development

# THE CUSTOM HOUSE LLC

ARCHITECTURE UNLIMITED

RESIDENTIAL-COMMERCIAL

1506 S. 58th STREET  
WEST ALLIS, WI 53214  
PHONE (414) 617-0352

Deerwood Estates  
Building 10  
St. Martins Lane & Deerwood Drive  
Franklin, WI

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Sheet Contents  
ELEVATIONS

Issued For: Prelim Date: 06 Jan, 2017

Drawn By: DG

Checked By: DG

Date: 30 Dec, 2016

Job Number: 16.056

Sheet Number

A 2





2 LEFT SIDE ELEVATION  
1/8" = 1'-0"



1 FRONT ELEVATION  
1/8" = 1'-0"

Franklin

JUN 27 2017

City Development

# THE CUSTOM HOUSE LLC

ARCHITECTURE UNLIMITED

RESIDENTIAL-COMMERCIAL

1506 S. 58th STREET

WEST ALLIS, WI 53214

PHONE (414) 617-0352

Deerwood Estates  
Building 3  
St. Martins Lane & Deerwood Drive  
Franklin, WI

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Sheet Contents  
ELEVATIONS

Issued For: Prelim Date: 06 Jan. 2017

Drawn By: DG

Checked By: DG

Date: 30 Dec. 2016

Job Number: 16-056

Sheet Number

A 1



2 RIGHT SIDE ELEVATION  
1/8" = 1'-0"



1 REAR ELEVATION  
1/8" = 1'-0"

Franklin

JUN 27 2017

City Development

THE  
CUSTOM  
HOUSE LLC

ARCHITECTURE UNLIMITED

RESIDENTIAL-COMMERCIAL

1506 S. 58th STREET

WEST ALLIS, WI 53214

PHONE (414) 617-0352

Deerwood Estates  
Building 3 + 10  
St. Martins Lane & Deerwood Drive  
Franklin, WI

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Sheet Contents  
ELEVATIONS

Issued For: Prelim Date: 06 Jan. 2017

Drawn By: DG

Checked By: DG

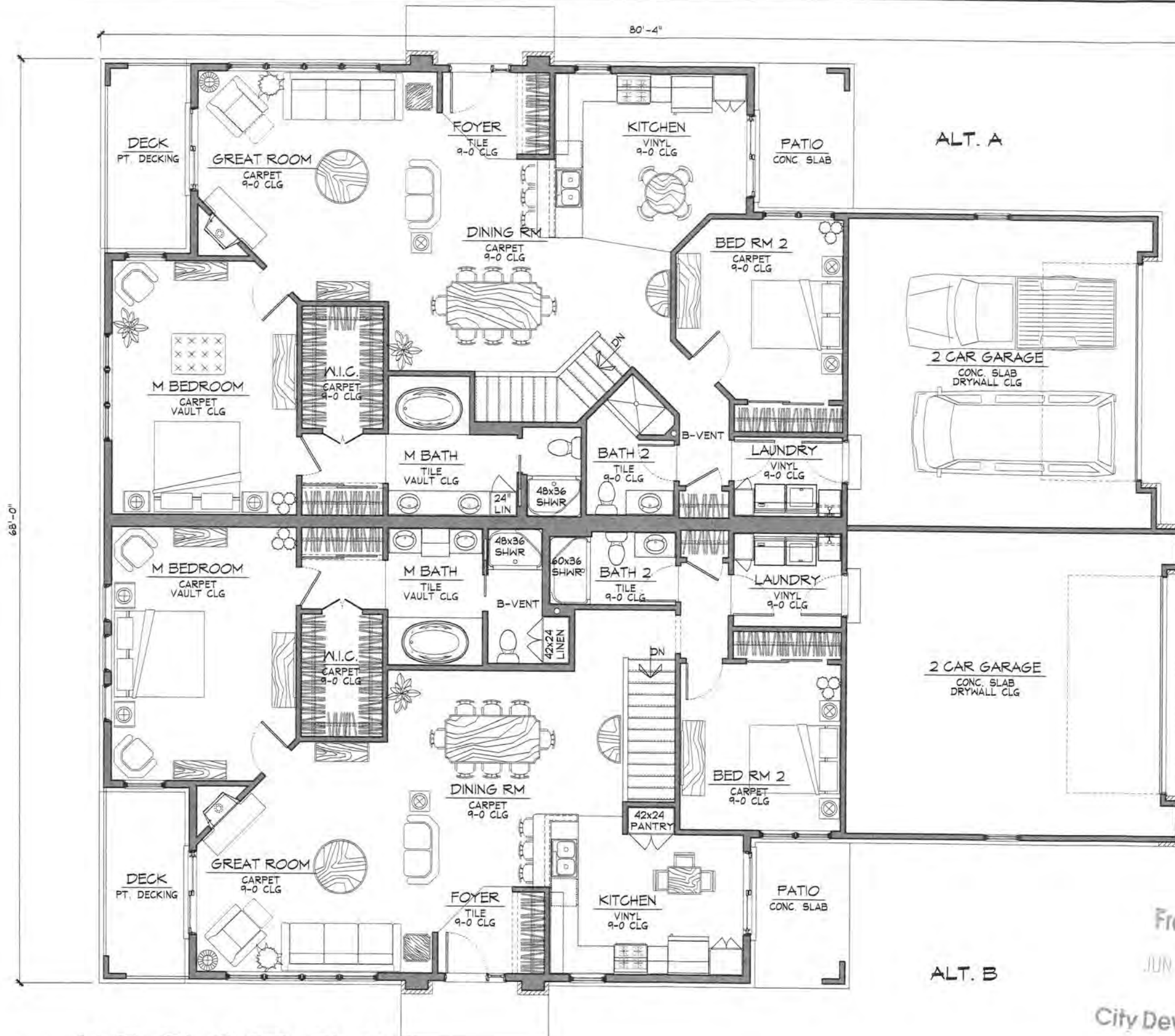
Date: 30 Dec. 2016

Job Number: 16-056

Sheet Number

A 2





1 ALT. FLOOR PLAN  
1/8" = 1'-0"

Franklin  
JUN 29 2017  
City Development  
1683 SF/SIDE

THE  
CUSTOM  
HOUSE LLC  
ARCHITECTURE UNLIMITED  
RESIDENTIAL-COMMERCIAL  
1506 S. 58th STREET  
WEST ALLIS, WI 53214  
PHONE (414) 617-0352

Deerwood Estates  
Building 3  
St. Martins Lane & Deerwood Drive  
Franklin, WI

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Sheet Contents  
PLAN

Issued For: Prelim Date: 06 Jan. 2017

Drawn By: DG  
Checked By: DG  
Date: 30 Dec. 2016  
Job Number: 16056  
Sheet Number

A 3a



UNPLATTED LANDS  
OWNED BY OTHERS

OWNER: FRANKLIN ESTATES, LLC.  
9012 S. CORDGRASS CIRCLE S, FRANKLIN, WISCONSIN 53132 (414) 324-9935  
This instrument prepared by KALVIN K. KLIMECK, P.E., R.L.S., of PIONEER ENGINEERING AND SURVEYING, LLC.  
3902 C.T.H. "B" Johnson Creek, WI 53038 (414) 651-0490 E-MAIL: kalpioneereng@tds.net

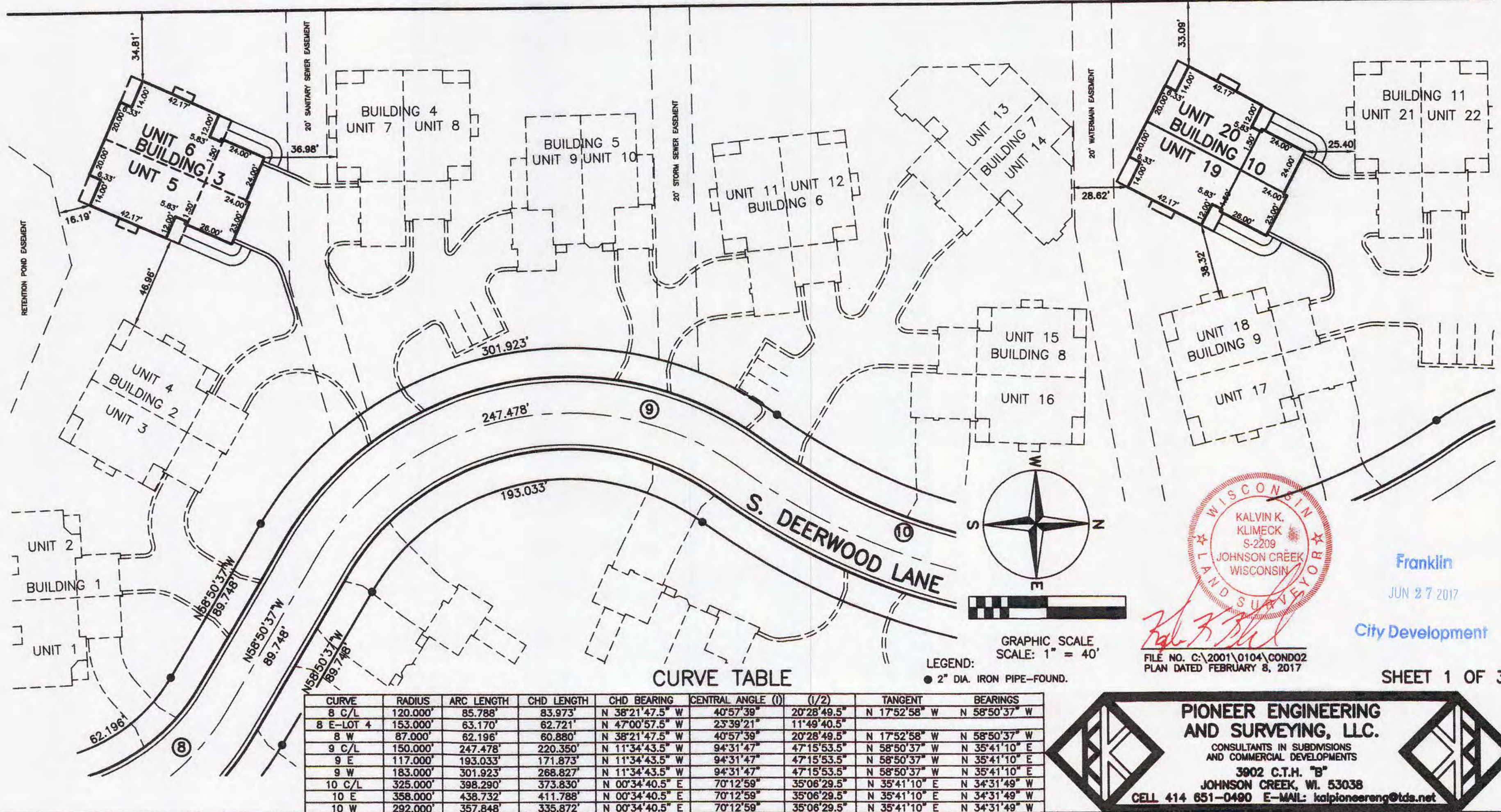
REFERENCE BEARINGS:  
THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 17, TOWN 5 NORTH, RANGE 21 EAST  
WAS USED AS A REFERENCE LINE AND HAS AN ASSUMED BEARING OF SOUTH 88°12'02" WEST  
(WISCONSIN STATE PLANE COORDINATE SYSTEM GRID-SOUTH ZONE, NAD-27).

## SECOND ADDENDUM TO DEERWOOD ESTATES CONDOMINIUMS

CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

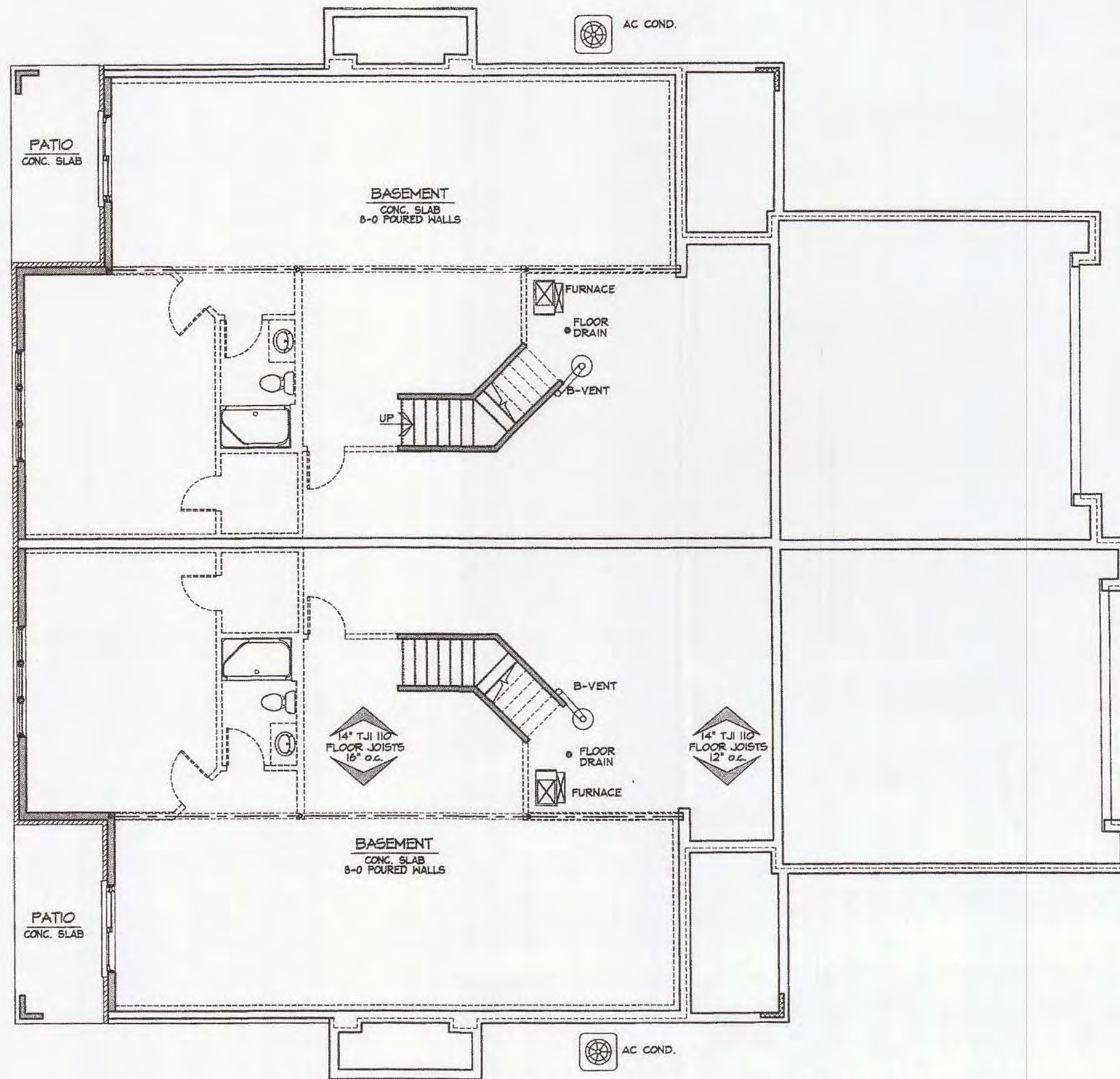
N 00°22'58" W 1363.497'

UNPLATTED LANDS  
OWNED BY OTHERS





SECOND ADDENDUM TO  
DEERWOOD ESTATES CONDOMINIUMS  
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



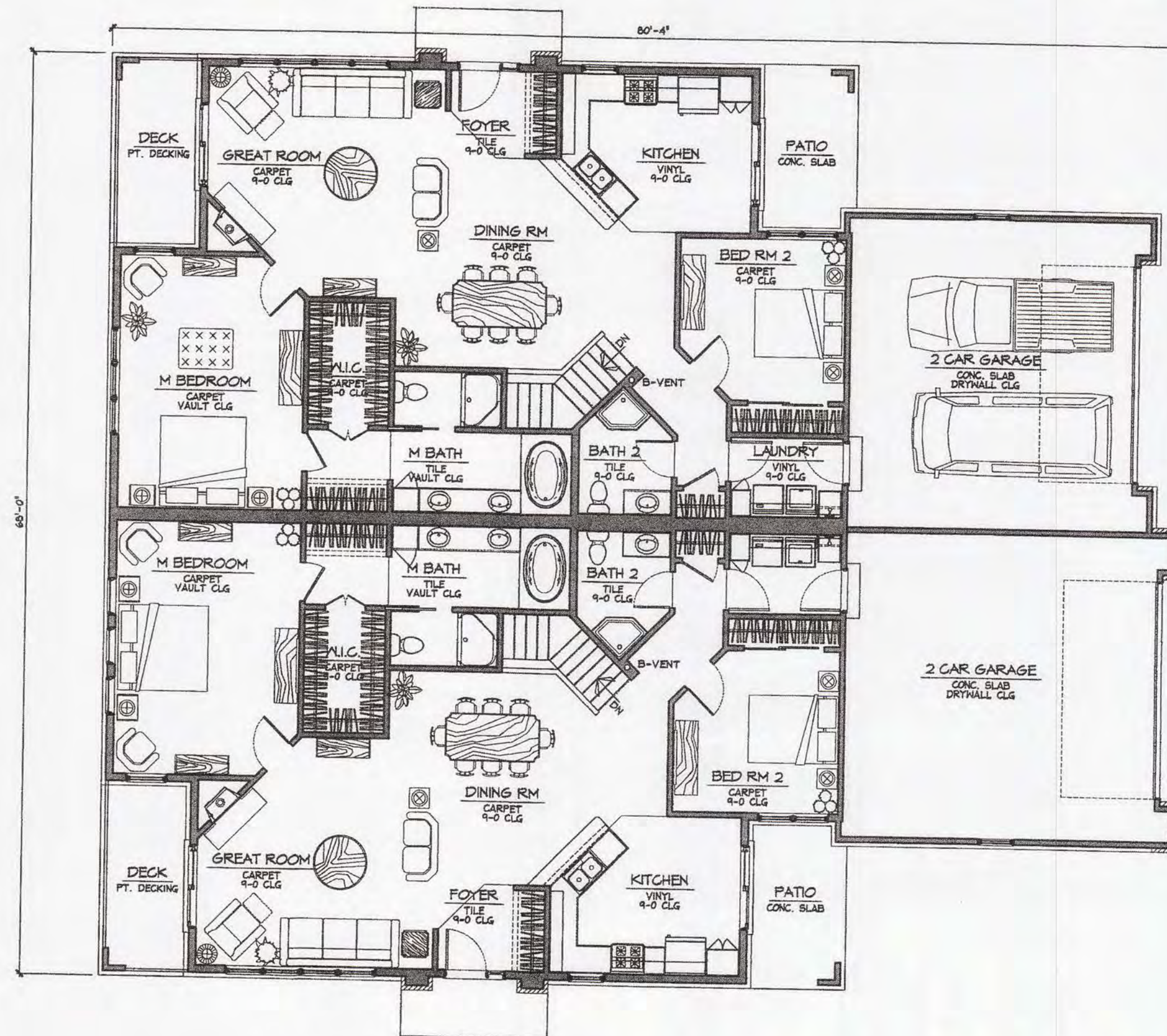
BASEMENT PLAN FOR BUILDINGS 3 AND 10

SHEET 2 OF 3

**PIONEER ENGINEERING  
AND SURVEYING, LLC.**  
CONSULTANTS IN SUBDIVISIONS  
AND COMMERCIAL DEVELOPMENTS  
3902 C.T.H. "B"  
JOHNSON CREEK, WI. 53038  
CELL 414 851-0480 E-MAIL: karpioneereng@tda.net



SECOND ADDENDUM TO  
DEERWOOD ESTATES CONDOMINIUMS  
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



FIRST FLOOR PLAN FOR BUILDINGS 3 AND 10

SHEET 3 OF 3

**PIONEER ENGINEERING  
AND SURVEYING, LLC.**  
CONSULTANTS IN SUBDIVISIONS  
AND COMMERCIAL DEVELOPMENTS  
3802 C.T.H. "B"  
JOHNSON CREEK, WI. 53038  
CELL 414 851-0480 E-MAIL: kelpioneereng@tds.net